

residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.

(6) The surfacing and lighting of off street parking facilities.

(b) **Considerations relating to outdoor advertising.** The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.

(c) **Considerations relating to landscaping.**

(1) The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.

(2) The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in subsection (c)(7) of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.

(3) A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required in Chapter 108-2.

(4) The number and type of mature and planted size of all landscape plantings.

(5) **Watering.** All landscaped areas containing living plant material shall be provided with an automatic watering system except as authorized by the land use authority. An automatic watering system shall provide unique watering stations, each with their own valve, whereon vegetation with similar watering needs are grouped. Low emitting watering devices shall not be located on the same station as sprinkler heads.

(6) The location, type, and size of any existing trees over four-inch caliper that are to be removed.

(7) **Landscape standards.** Plant sizes at the time of installations shall be as follows:

a. Deciduous trees shall have a minimum trunk size of two inches caliper.

b. Evergreen trees shall have a minimum height of six feet as measured from top of root ball.

c. All woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.

d. Vines shall be five-gallon minimum size.

e. Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one growing season.

f. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.

g. Areas where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30 percent shall be planted with deep-rooting water-conserving plants for erosion control and soil conservation.

- h. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
- i. Water conserving landscaping methods and materials are recommended and encouraged.

(8) Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.

(9) The owner of the premises shall be responsible for the maintenance, repair, and replacement, within 30 days of removal, of all landscaping materials on the site. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.

**(d) Considerations relating to buildings and site layout.**

(1) Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.

(2) Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements or structures on the parcel.

**(e) Considerations relating to utility easements, drainage, and other engineering questions.** Provision within the development shall be made to provide for adequate storm water and surface water drainage, retention facilities, and for utilities to and through the property.

**(f) Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.**

(1) Does any proposed phase or phasing sequence of an approved concept or preliminary development plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?

(2) Is this plan or phase thereof a more detailed refinement of the approved concept plan?

(3) Are any modifications of a significant nature that first need to follow the procedure for amending the approved concept plan?

(Ord. of 1956, § 36-4; Ord. No. 19-94; Ord. No. 2002-5; Ord. No. 2003-13; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

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

**Sec 108-1-5 Conditions**

Design approval may include such other conditions consistent with the considerations of this, and/or any other chapter of the Weber County Land Use Code, as the commission or planning director deem reasonable and necessary under the circumstances to carry out the intent of the Land Use Code.

(Ord. of 1956, § 36-5; Ord. No. 2002-5; Ord. No. 2014-6, § 1, 4-1-2014)

### **Sec 108-1-6 Planning Commission Approval**

The planning commission, or the planning director, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the planning director may be appealed to the planning commission, and denial by the planning commission may be appealed to the county commission.

(Ord. of 1956, § 36-6; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

### **Sec 108-1-7 Agreement For Improvements**

Upon the grant of design approval, the developer shall enter into an agreement with the county detailing the public and private improvements to be constructed on and off site and acknowledging his responsibility for such installation within the time allowed. Financial guarantees for completing improvements shall be deposited into an escrow account with the Weber County Engineering Division when and where so required. Financial guarantees of \$25,000.00 or less may be approved by the county engineer. Occupancy shall not occur until all improvements have either been installed or guaranteed.

(Ord. of 1956, § 36-7; Ord. No. 2014-6, § 1, 4-1-2014)

### **Sec 108-1-8 Time Limitations On Approval**

If construction of any development for which design approval has been granted has not been commenced within 18 months from date of design review approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the planning commission.

(Ord. of 1956, § 36-8; Ord. No. 2014-6, § 1, 4-1-2014)

### **Sec 108-1-9 Transfer Of Approval Upon Change In Use**

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the planning commission. The planning director may authorize the transfer of design approval provided that all requirements of the Weber County Land Use Code are met for the new use. If a conflict arises concerning the interpretation of the Land Use Code, the planning director shall refer the change in use to the planning commission for review and approval.

(Ord. of 1956, § 36-9; Ord. No. 2014-6, § 1, 4-1-2014)

### **Sec 108-1-10 Conformance To Approval**

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

(Ord. of 1956, § 36-10; Ord. No. 2014-6, § 1, 4-1-2014)

### **Sec 108-1-11 Modification**

Upon request of the applicant, modifications in the approved plan may be made by the planning commission or the planning director.

De minimis revisions. The planning director may approve revisions to an approved design review plan that he/she determines are de minimis. Proposed revisions shall be considered de minimis if the planning director determines the changes to be slight, inconsequential, and not in violation of any substantive provision of this Code. The planning director's written approval of a de minimis revision(s) shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

The planning commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

(Ord. of 1956, § 36-11; Ord. No. 2014-6, § 1, 4-1-2014)

## **Chapter 108-2 Architectural, Landscape, And Screening Design Standards**

### **Sec 108-2-1 Purpose And Intent**

### **Sec 108-2-2 Definitions**

### **Sec 108-2-3 Applicability**

### **Sec 108-2-4 Minimum Standards; Architectural**

### **Sec 108-2-5 Minimum Standards And Guidelines; General Landscaping**

### **Sec 108-2-6 Minimum Standards--Off-Street Parking**

### **Sec 108-2-7 Screening And Buffering**

### **Sec 108-2-8 Clear Sight Distance For Landscaping And Screening**

### **Sec 108-2-9 Site Plan Supplemental Requirements**

**Editor's note**—Ord. No. 2019-5, adopted March 12, 2019, amended the title of Ch. 2 to read as herein set out. The former Ch. 2 title pertained to Ogden Valley architectural landscape and screening design standards.

## **Sec 108-2-1 Purpose And Intent**

The purpose and intent of the architectural, landscape and screening design standards is to preserve the rural, natural landscape that exists in the unincorporated areas of Weber County, and also accommodate new growth in commercial and industrial uses. The design standards include the following specific purposes:

- (a) Provide for commercial, industrial development that is aesthetically pleasing and compatible with the rural nature and natural setting of the area.
- (b) Provide a variety of colors, textures and forms in the environment that blend together in a harmonious manner.
- (c) Protect and preserve the appearance, character and public health, safety and welfare of the area.
- (d) Minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare and other objectionable activities or impacts conducted or created by an adjoining or nearby uses.
- (e) Help control erosion, absorb solar radiation, divert and control winds, provide shade, frame views and reduce heating and cooling costs.
- (f) Provide visual cues for circulation, screen unsightly or undesired views, and help minimize the adverse effects of large expanses of paving.
- (g) Promote the efficient use of water and conservation of natural resources.

(Ord. of 1956, § 18C-1; Ord. No. 2019-5, Exh. A, 3-12-2019)

**Sec 108-2-2 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Hedge* means a single or multi-row arrangement of continuous shrubs, designed to act as a screen or buffer. Hedges may be formal, requiring a uniform species, regular spacing, and uniform maintenance, or informal, variety of species, irregular spacing, maintenance specific to the shrubs used.

*Landscaping* means improvements made to enhance the appearance of the land by planting, grading, and outdoor constructions. Planting materials shall include, but not be limited to, grass, perennials, herbs, ground covers, shrubs, vines, hedges, and trees. Other landscaping materials may include rocks, pebbles, sand, organic and inorganic mulches, top soil, gravel, timbers and mowstrips. Paving for sidewalks, parking and roads is not included.

*Mowstrip* means divider material used to separate turf grass from other landscape types, often made of wood, concrete, brick, plastic or metal.

*Mulch* means organic or inorganic matter used as a landscape covering over bare earth. Organic matter often used is chipped or shredded bark. Inorganic materials include gravel, rock or other rock products. Erosion matting, weed barriers or geotextile fabrics are not considered mulches.

*Parkstrip* means, if curb and gutter is present, the area within the street right-of-way which lies between the back of curb and the sidewalk or, if the sidewalk is adjacent to the curb and gutter, it is the area between the sidewalk and the property line. In areas where no curb and gutter is present, it is the area between the edge of pavement and the property line.

*Shrubs* means self-supporting, woody plant species without a trunk.

*Turf grass* means a contiguous area of grass and the surface layer of earth held together by the grass roots.

*Trees* means self-supporting woody plants having a trunk and canopy.

*Vines* means woody and herbaceous plants that generally grow by rambling over the ground or climbing on some structure for support.

(Ord. of 1956, § 18C-2; Ord. No. 2006-20; Ord. No. 2013-31, § 3, 12-10-2013; Ord. No. 2019-5, Exh. A, 3-12-2019)

**Sec 108-2-3 Applicability**

(a) *Applicability*. The architectural, landscape and screening design standards, as set forth in this chapter, shall only apply to the following:

- (1) All commercial, and public or quasi-public uses, except public park facilities;
- (2) Multi-family dwellings of three or more units, including townhouses, condominiums, apartments and bed and breakfast inns;
- (3) Industrial and manufacturing uses, except those uses located in an M-1, M-2, or M-3 zone; and
- (4) Yurts, except the standards of Section 108-2-4(b) if this chapter shall not apply.

(b) *Specific considerations in the DRR-1 zone*. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, where a master plan has been

approved by the planning commission, the land use authority may modify the applicability of any provision of this chapter by approving a landscape, buffering, and screening plan created by the developer if the land use authority determines that the plan is consistent with the approved master plan. For the purposes of this section, the term "developer" refers to the signatory, successors, or assigns of a development agreement, or as otherwise defined in an applicable development agreement.

(Ord. of 1956, § 18C-3; Ord. No. 2003-6; Ord. No. 2006-20; Ord. No. 2012-19, pt. 8(§ 18C-3), 12-18-2012; Ord. No. 2013-31, § 4, 12-10-2013; Ord. No. 2016-4, Exh. D2, 5-24-2016; Ord. No. 2017-33, Exh. A, 11-28-2017; Ord. No. 2019-5, Exh. A, 3-12-2019)

#### **Sec 108-2-4 Minimum Standards; Architectural**

The following architectural design standards shall apply to exteriors of new and remodeled structures:

- (a) *Color*. External surfaces shall be predominantly natural, muted earth tones. White may only be used as an accent color. The roof of an addition to an existing structure, when matching existing colors, shall be exempt.
- (b) *Exposed fronts and street sides of buildings*. Exposed fronts and street sides of buildings shall be constructed of non-reflective materials and shall be textured concrete, brick, stone and/or natural wood/wood-like materials. Concrete masonry units or block CMUs shall not be considered acceptable materials unless it is specially colored and textured to give an appearance of natural rough stone. Vinyl and/or aluminum siding shall not be acceptable.
- (c) *Glass*. Use of glass for displays and to allow visual access to interior spaces shall be allowed. Mirrored glazing is prohibited on any building. Tinted or solar absorption glazing may be used.
- (d) *Exposed metal*. Exposed metal shall be painted, stained, or anodized in permitted colors and shall be non-reflective. Copper, brass and wrought iron may remain untreated and allowed to develop a natural patina.
- (e) *Metal windows*. Metal as a window framing support or mounting material shall be painted, stained, anodized or vinyl-clad in approved colors.
- (f) *Architectural detail*. Architectural detail shall be provided at focal points on all building facades, such as doorways, balconies, roof overhangs and dormers, such that monotonous horizontal lines greater than 50 feet do not occur.

(Ord. of 1956, § 18C-4; Ord. No. 2019-5, Exh. A, 3-12-2019)

#### **Sec 108-2-5 Minimum Standards And Guidelines; General Landscaping**

- (a) *Minimum landscaped area*. Sites shall have a minimum of 20 percent of the total lot area landscaped and a minimum of 80 percent of the landscaping shall be living plant materials. In Western Weber County, the land use authority may reduce the living plant material to 40 percent if all landscaped area is xeriscaped with drought tolerant plants and, if necessary for the plants to survive, is sufficiently watered with a drip system.
- (b) *Maximum turf grass area*. A maximum of 50 percent of the total landscaped area shall be planted in turf grass.
- (c) *Front and side property lines adjacent to a street*. Sites shall provide a planting area, excluding sidewalk, of at least 20 feet in width along front and side property lines adjacent to a street right-of-way. If a lesser building setback is allowed by the applicable zone, then the width of the planting area shall be the distance from the street right-of-way to the building provided the

street frontage meets the complete street requirements of Section 104-21-4(c), incorporated herein by reference.

- (d) **Side and rear property lines.** Side and rear property lines not adjacent to a street right-of-way shall have a planting area of not less than eight feet in width, except if a lesser building setback is allowed by the applicable zone, then the width of the planting area shall be the distance from the street right-of-way to the building.
- (e) **Side and rear of building.** Minimum planting areas of at least five feet in width shall be provided along the sides and rear of the building except where service areas, docks and entrance points are located. If a lesser building setback is allowed by the applicable zone, then the width of the planting area shall be the distance from the street right-of-way to the building.
- (f) **Parkstrips.** All parkstrips shall be landscaped with a native grass mixture that is low growing. Automatic watering of parkstrip landscaping shall also be required. Parkstrip landscaping shall not be included in the total area and turf grass percentage requirements listed in subsections (a) and (c) of this section.
- (g) **Other areas.** All areas within the site which are not occupied by the primary and accessory uses, structures or parking areas, shall also be landscaped. This includes future expansion areas for either building or parking, except that the living plant material requirement of part (a) of this section shall be waived if replaced with mulch underlaid with industrial-grade weed barrier.
- (h) **Compliance; financial guarantee.** All elements of the landscape plan, including planting, watering, screening, and paving shall be installed as approved. If landscaping improvements are not to be completed until after the occupancy of the primary building, a financial guarantee, not to exceed one year, shall be posted and approved by the county attorney and the county commissioners.
- (i) **Plant material.** Plant material shall be as follows:
  - (1) **Quality.** Initial plantings used in conformance with the provisions of this chapter shall be in good health and capable of flourishing.
  - (2) **Size.** Plant sizes at the time of installation shall be as follows:
    - a. **Deciduous trees.** All deciduous trees shall have a minimum trunk size of two inches caliper.
    - b. **Evergreen trees.** All evergreen trees shall have a minimum height of six feet.
    - c. **Shrubs.** Woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit. As a point of reference, plants in five-gallon containers will usually comply with this standard.
    - d. **Vines.** Vines shall be five-gallon size minimum.
    - e. **Groundcover.** Groundcover may be used in place of turf grass provided it is planted densely enough that it will grow into reasonably full and even coverage within two growing seasons after planting.
    - f. **Turf grass.** Turf grass species shall be hardy to the site and be of the type normally specified for the area. A drought tolerant fescue seed blend is strongly encouraged. Turf may be planted by sodding, plugging, sprigging or seeding. Application rates for plugs, sprigs and seed shall be high enough to provide even and uniform coverage of turf within one growing season after planting.
    - g. **Erosion control.** Areas where erosion is expected to occur under normal conditions, such as drainage swales and/or slopes greater than 30 percent, shall be planted with deep-rooting water-conserving plants in close enough proximity to provide for erosion control and soil conservation.

- (3) **Selection.** Plants used in conformance with the provisions of this chapter shall be hardy and capable of withstanding the extremes of the climate of the site. The use of drought tolerant and native plants is strongly encouraged where site conditions can support them.
- (4) **Installation.** All plant materials shall be installed in accordance with the current professional planting procedures.
- (5) **Watering.** All landscaped areas containing living plant material shall be provided with an automatic watering system except as authorized by the land use authority. An automatic watering system shall provide unique watering stations, each with their own valve, whereon vegetation with similar watering needs are grouped. Low emitting watering devices shall not be located on the same station as sprinkler heads.

(j) **Maintenance.** Plant maintenance shall be as follows:

- (1) **Responsibility.** The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the site. Each owner is also responsible for maintenance of the parkstrip in front or to the side of the property.
- (2) **Materials.** All plant materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant material, refuse and/or debris.
- (3) **Replacement.** All dead or removed plants shall be replaced with the same type and size of plant material as originally specified on the approved landscape plan. No substitutions shall be allowed without prior approval of the land use authority. Replacement shall be made within 30 days of the plant's demise or removal. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.
- (4) **Fences, walls and hedges.** Fences, walls and hedges shall be maintained in good repair.
- (5) **Watering systems.** Watering systems shall be maintained in good operating condition to promote water conservation.

(k) **Design guidelines.** Landscaping design shall be as follows:

- (1) **Scale.** The scale and nature of landscaping materials shall be appropriate to the size of the structures to be landscaped. Large buildings should generally be complemented by larger plants and planting beds.
- (2) **Selection.** Plants shall be selected for form, texture, color, habit and adaptability to local conditions.
- (3) **Evergreens.** In the Ogden Valley, evergreen plant materials shall be incorporated into the landscape to provide some year round structure and enhance screening and buffering.
- (4) **Softening.** Plants shall be placed intermittently against building walls, fences and other barriers longer than 50 feet to create a softening effect and add variety.
- (5) **Mulch.** Planting beds may be mulched with bark chips, decorative stone or similar materials. Mulch shall not be used as a substitute for plant material unless specifically allowed in this chapter. Mulched areas shall be underlaid with an industrial-grade weed barrier.
- (6) **Water conservation.** All watering systems shall be designed for efficient use of water. Turf grass areas and other planting areas shall be on separate watering valve systems



and adjusted to generally support the minimum watering needs of the plant types being watered.

- (7) **Energy conservation.** Placement of plant materials shall be designed to reduce the energy requirements for heating and cooling of the development. Summer shade and blocking of winter winds should be considered.
- (8) **Berming.** Earth berms and existing topographic features shall be incorporated into the proposed landscape, where appropriate, to enhance screening and provide variety in the ground plane.
- (9) **Pedestrian access and area connectivity.** Landscape and site design shall provide for the most efficient and direct pedestrian accessibility and connectivity practicable given typical pedestrian traffic patterns.
  - a. **Connection to main entrance.** Except for a building with a zero setback from the street right-of-way, at least one five-foot-wide pedestrian connection shall be provided from the street right-of-way to the most prominent public entrance onsite. Additional five-foot-wide pedestrian connections shall be provided for other public entrances if they are located greater than 200 feet from another entrance with a designated pedestrian connection. The connections shall:
    1. Offer the most efficient and direct path practicable; and
    2. Be buffered on at least one side with landscaping to protect from automobile cross-traffic, except that a pedestrian crossing no greater than 24 feet in width may be provided where a pedestrian connection crosses vehicle accessways. This width may be increased to up to 40 feet if the pedestrian crossing is raised at least six inches above the grade of the vehicle accessway. A pedestrian crossing shall be either painted on the parking lot surface or be colored concrete.
  - b. **Connection to adjacent land.** Pedestrian connections shall be made to pedestrian facilities stubbed to the property from an adjacent site. Pedestrian connections to adjacent undeveloped land shall be provided when the land use authority has a reasonable anticipation of impending development on the adjacent site. These connections shall align along the most efficient and direct path practicable given reasonably anticipated alignment of adjacent facilities and site conditions.
  - c. **Pathway dedication.** When roughly proportionate and essentially linked to the development of the site, public street right-of-way dedication or a public easement shall be provided across the front of a lot or development project adjacent to a street. The dedication or easement shall be of a width sufficient to support a 10-foot-wide multi-use pathway, including area necessary to operate and maintain the pathway. A six-foot-wide sidewalk may be substituted based on site conditions and public facility needs at the discretion of the land use authority after consultation with the county engineer. The pathway or sidewalk shall be installed as a condition of site plan approval if any of the following circumstances apply:
    1. A pedestrian pathway or sidewalk exists along the street right-of-way on the same side of the street within 500 feet of the site's street frontage;
    2. An informal pedestrian trail exists on the street's shoulder as a result of the lack of sidewalk or pathway along the street right-of-way; or
    3. The nature or scale of the development merits it.

- d. **Pathways and pedestrian access maintenance.** It shall be the responsibility of the owner of the land to ensure a pathway or pedestrian access running over the land or running in a public easement or public right-of-way generally parallel and adjacent to the land is continuously maintained. It shall be kept clear for safe pedestrian use, including, but not limited to, the removal of debris, refuse, ice, snow, weeds or other unwanted vegetation, and carts, vehicles, or any other object that may disrupt safe pedestrian access.
- (10) **Noise, dust, and transportation mitigation.** In addition to the general landscape requirements and where a proposed use creates noise or dust emissions greater than surrounding uses, a landscaped buffer shall be required along the affected area accommodating such uses.
- a. **Berming and trees.** A landscaping buffer shall consist of a four-foot or taller earthen berm incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a minimum of three evergreen and three deciduous trees per 50 lineal feet and shall be sized at a minimum of six feet in height for evergreen trees and three-inch caliper for deciduous trees.
- b. **Berming and shrubs.** A mixture of shrubs shall also be planted on the berm with a minimum of 15 shrubs per 100 lineal feet of berm and have a minimum height of 36 inches at the time of installation.

(Ord. of 1956, § 18C-5; Ord. No. 2007-32; Ord. No. 2011-5, § 2, 3-15-2011; Ord. No. 2019-5, Exh. A, 3-12-2019)

HISTORY

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

**Sec 108-2-6 Minimum Standards--Off-Street Parking**

- (a) **Landscaping between parking and street.** A continuous landscape area shall be provided between the edge of an off-street parking area or other vehicular use area and an adjacent street right-of-way. The minimum landscaping shall consist of the following:
- (1) **Trees.** Trees shall be planted and spaced at the equivalent of one tree per 40 lineal feet or fraction thereof along the length of the landscape area, unless a greater distance is allowed by the land use authority based on the species ability to offer a wide canopy.
  - (2) **Shrubs and groundcover.** In addition to trees, the landscape area shall be planted with low shrubs, groundcovers, or turf grass, provided the turf grass does not exceed the requirement of Section 108-2-5(c). The total combined height of earthen berms and plant materials, excluding trees, shall not be less than 18 inches and not more than 48 inches. Planting schemes which minimize turf use, and promote xeriscape or water-conserving principles are strongly encouraged.
  - (3) **Screening.** A fence, permanent screen, or wall may also be installed within the landscaping area; however, the non-living screening device shall not exceed four feet in height, and shall not replace the plant material requirement. The minimum plantings specified shall be installed on the street side of the screen. Additional plant materials may be planted on the parking area side of the screen.
  - (4) **Berms.** For off-street parking or other vehicular use areas that are greater than 20 feet from a street right-of-way, an earthen berm shall be constructed along the landscape area to provide screening. Berm height may vary between 18 inches and 36 inches, provided

that at least 75 percent of the entire length of the landscape area shall maintain a berm height of 36 inches.

- (b) *Landscaping between parking and side or rear lot line.* Parking areas within 12 feet of a side or rear lot line shall have a continuous landscape area consisting of an evergreen and deciduous shrub border or hedge planted along the entire length of the landscaped area. The minimum width of this landscape area shall be eight feet as specified in this chapter. Shrubs used shall not be less than three feet in height at maturity. Combinations of shrubs and permanent fences or screens may also be considered by the land use authority.
- (c) *Access ways.* Necessary access ways from the public right-of-way through the continuous landscape area to the parking or other vehicular use areas shall be permitted. The width of said access ways, measured from back of curb to back of curb, or edge of pavement to edge of pavement if no curb is present, may be subtracted from the overall linear dimension used to determine the number of required trees.
- (d) *Landscape exceptions.* The following are exceptions to landscaping requirements:
  - (1) Existing hedges may be used to satisfy this landscaping requirement, provided they meet the specified requirements of this chapter.
  - (2) Areas where the clear sight distance regulations of this title apply, pursuant to Section 108-7-7.
- (e) *Internal parking lot landscape standards.* Parking areas having more than 15 spaces shall be required to provide interior landscaping within the boundaries of the parking lot or area that meets the following criteria:
  - (1) *Minimum parking lot landscape area.* A minimum of five percent of the interior area shall be landscaped. Landscaped areas located along the perimeter of the parking area beyond the curb or edge of pavement shall not be included as interior landscaping.
  - (2) *Calculating parking lot area.* Interior parking area shall be calculated by adding the total area of all parking stalls and adjacent driveway aisles. Excluded are access entrances/driveways and drop-off or service zones and their accompanying driveway aisles.
  - (3) *Parking lot landscape islands.* Each separate interior landscape island shall contain a minimum of 120 square feet and shall have a minimum dimension of five feet as measured from back of curb to back of curb, or from edge of pavement to edge of pavement. Landscape islands shall be dispersed throughout the parking area to effectively break up the expanse of paving.
  - (4) *Parking lot trees and shrubs.* Landscape treatment shall consist of one tree per each 120 square feet of the minimum required interior landscape area. In the Western Weber County Planning Area, man-made shade canopies may replace up to 50 percent of the trees required by this part provided the color is a muted natural earth tone commonly found in the area. A minimum of 50 percent of the minimum required interior landscape area shall be planted with shrubs or groundcovers at the appropriate density to achieve complete coverage within two years. Mature shrub or groundcover height shall not exceed four feet as measured from the parking surface.
  - (5) *Parking lot landscape island protection barriers.* Interior landscaped areas shall be protected by some type of permanent barriers.

## **Sec 108-2-7 Screening And Buffering**

- (a) *Screening device materials.* Screening device materials shall be as follows:
- (1) A non-plant material screening device may be constructed of textured, non-reflective metal, concrete, vinyl, wood, brick or stone. If painted or stained, the screening devices shall be of a neutral, muted earth tone color and have a nonreflective finish. This color shall be approved along with other colors during the site plan review or conditional use permit. A chainlink fence shall not be used as a screening device in the Ogden Valley Planning Area. In the Western Weber Planning Area, a chainlink fence used for screening shall be powder or vinyl coated, shall have interlocking slats, and shall be of a muted earth-toned color observable in the general area.
  - (2) A combination of earth berming or mounds and plant materials may be used as a screening device, and is recommended, unless otherwise required herein, where practicable.
- (b) *Screening parking area.* Parking areas shall be obscured from view along any property line, which is contiguous to a residential use or zoning district, or along those separated by an alley, as specified in this chapter.
- (c) *Screening height.* The side and rear screens or buffers of parking areas, whether plant material or non-living device shall be a minimum of size six feet in height as measured from the parking surface. The first 25 feet of the side lot line screen or buffer, as measured from the street right-of-way, shall not exceed four feet in height.
- (d) *Screening of staging areas.* Loading, delivery and service docks or bays shall be located in the rear or side yards of the property and shall be screened from view from the street right-of-way by a screening device at least six feet in height.
- (e) *Screening mechanical equipment.* Mechanical equipment, whether roof or ground mounted shall be screened from street and residential district view by a screening device.
- (f) *Screening trash dumpsters.* Trash dumpsters shall be located in an area shown on the approved site plan, and shall comply with the following:
- (1) All trash dumpsters shall be completely screened from street or public view by a six foot screening device on three sides. The fourth side shall be a gate constructed of opaque materials.
  - (2) The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six inches in thickness. The concrete pad shall match the adjacent grade and paving and provide for positive drainage.
  - (3) All dumpster enclosures or screens shall be illustrated and submitted with the site plan for review and approval.

(Ord. of 1956, § 18C-7; Ord. No. 2019-5, Exh. A, 3-12-2019)

## **Sec 108-2-8 Clear Sight Distance For Landscaping And Screening**

The requirements of Section 108-7-7 apply for all landscaping and screening.

(Ord. of 1956, § 18C-8; Ord. No. 2019-5, Exh. A, 3-12-2019)

## **Sec 108-2-9 Site Plan Supplemental Requirements**

- (a) *Color copies required.* In addition to site plan requirements specified elsewhere in this Land Use Code, colored architectural elevations, colored signage plans, and landscape plans shall be included with all site plan submittals.
- (b) *Landscape plan requirements.* A landscape plan shall be required whenever landscaping or alteration of landscaping is required by this chapter. Such landscape plans shall be drawn in conformance with the requirements specified in this chapter. Landscape plans shall be approved by the land use authority prior to the issuance of a building permit. All landscape plans submitted for approval shall contain the following information, unless specifically waived by the planning director:
- (1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and playground equipment, all recreational facilities, and other freestanding structural features deemed necessary to accurately portray existing and proposed site characteristics.
  - (2) The location, quantity, size and name (both botanical and common names) of all proposed plant material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent of mature size.
  - (3) The location, size and common names of all existing plant material (including trees and other plants in the parkstrip) and whether they are to be retained or removed.
  - (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the site. Where adjacent trees are growing in native or natural clumps or groves such that showing individual tree locations is impractical, canopy outlines are acceptable.
  - (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals. Show any walls or retaining structures proposed, along with their respective elevations. Proposed earth beaming shall be indicated using one-foot contour intervals.
  - (6) Water-efficient landscape watering system (separate plan required). This system shall indicate the locations and types of all equipment, including sprinkler heads, control valves, quick-coupling valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.
  - (7) Summary data table indicating the area of the site in the following classifications:
    - a. Total area of the site.
    - b. Total area and percentage of the site in landscape area.
    - c. Total area and percentage of the site in turf grass.

(Ord. of 1956, § 18C-9; Ord. No. 2019-5, Exh. A, 3-12-2019)

**Editor's note**—Ord. No. 2019-5, Exh. A, adopted March 12, 2019, amended the title of § 108-2-9 to read as herein set out. The former § 108-2-9 title pertained to landscape plan.

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

### **Chapter 108-3 Cluster Subdivisions**

#### **[Sec 108-3-1 Purpose And Intent](#)**

#### **[Sec 108-3-2 Allowed Zones](#)**

#### **[Sec 108-3-3 Supplemental Subdivision Procedural Requirements](#)**

[Sec 108-3-4 Residential Cluster Subdivision Design And Layout Standards, Generally](#)[Sec 108-3-5 Open Space Preservation Plan](#)[Sec 108-3-6 \(Reserved\)](#)[Sec 108-3-7 Lot Development Standards](#)[Sec 108-3-8 Bonus Density](#)[Sec 108-3-9 Homeowners Association](#)[Sec 108-3-10 Guarantee Of Improvements](#)

**Editor's note**—Ord. No. 2018-6, Exh. A, adopted May 8, 2018, amended Titl. 108, Ch. 3 in its entirety to read as herein set out. Former Titl. 108, Ch. 3, §§ 108-3-1—108-3-9, pertained to similar subject matter, and derived from Ord. of 1956, § 22B-1—22B-9; Ord. No. 10-65; Ord. No. 8-72; Ord. No. 2000-18; Ord. No. 2001-34; Ord. No. 8-2006; Ord. No. 2009-15; Ord. No. 2014-20, pt. 1, adopted Dec. 23, 2014; Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015.

### **Sec 108-3-1 Purpose And Intent**

The purpose of this chapter is to provide flexible development standards to landowners that are committed to developing safe, attractive, conservation oriented neighborhoods that:

- (a) Are designed and arranged in a manner that considers, gives deference to, and ultimately protects natural topography, environmentally sensitive areas, wildlife habitat, and agriculturally productive lands;
- (b) Offer predictable support and encouragement in agricultural areas for a wide variety of long-term agricultural operations on open space parcels;
- (c) Benefit those that create cluster subdivisions by offering an inherent gain in the form of reduced infrastructure costs and the possibility for an increase in residential density in the Western Weber Planning Area;
- (d) Benefit the residents of Weber County by promoting public welfare through the reduction of long-term infrastructure maintenance costs; and
- (e) Permanently preserve the county's functional open spaces, picturesque landscapes, and rural character.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

### **Sec 108-3-2 Allowed Zones**

Subject to the requirements of this chapter, cluster subdivisions are permitted in all zones except for the commercial, manufacturing, gravel, residential mobile home, open space, and shoreline zones.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

### **Sec 108-3-3 Supplemental Subdivision Procedural Requirements**

- (a) ***Subdivision procedures and requirements apply.*** All procedures and requirements of title 106 shall apply to a cluster subdivision unless there is a conflict or supplement in this chapter, in which case the provisions of this chapter shall prevail.
- (b) ***Conceptual sketch plan.*** In addition to the subdivision approval procedure in Title 106, the cluster subdivision approval procedure requires a conceptual sketch plan endorsement from the planning commission prior to the submission of a formal subdivision application. An application for a conceptual sketch plan endorsement must demonstrate compliance with applicable

standards contained within the Weber County Code. The completed application must be submitted at least 21 calendar days prior to the planning commission meeting at which the applicant wishes to be heard. Endorsement from the planning commission is only a means to assist in the creation of a complete subdivision application and shall not create any vested right except the right to apply for preliminary subdivision review. The application is complete upon submission of the following:

- (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of Ordinances, and submission of a complete sketch plan endorsement application on a form provided by the county planning department.
- (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject property, surrounding streets, and relevant landmarks.
- (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates in a suitable manner compliance with all applicable codes. The plan shall include, but not necessarily be limited to, a north arrow and scale, subdivision boundary according to county records, approximate locations of proposed streets, lots with approximate area calculations, common areas and open space parcels with approximate area calculations, easements, waterways, suspected wetlands, floodplains, existing structures, and contour lines. Information related to topography and contour lines may be submitted on a separate map. Contour information may be omitted if the planning director or his designee determines that the subject property lacks topographic characteristics that warrant representation.
- (4) An electronic copy of all forms, documents, materials, and information submitted as part of the application.

(c) ***Preliminary and final cluster subdivision application.***

- (1) ***Submission for preliminary cluster subdivision approval.*** A submission for preliminary cluster subdivision approval shall:
  - a. Conform to the endorsed sketch plan;
  - b. Comply with all applicable preliminary plan requirements of Title 106;
  - c. Contain an open space preservation plan, as required in Section 108-3-5.
- (2) ***Submission for final cluster subdivision approval.*** A submission for final cluster subdivision approval shall conform to the approval of the preliminary cluster subdivision approval and comply with all applicable final plat requirements of Title 106. If applicable, submission shall also include final conditions, covenants, and restrictions or a homeowner's association declaration that clearly explain the maintenance method for each common area parcel, as required by this chapter or any condition of preliminary cluster subdivision approval. Submission shall also include drafts of any other relevant instrument required for the execution of applicable provisions of this Land Use Code.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

**Sec 108-3-4 Residential Cluster Subdivision Design And Layout Standards, Generally**

- (a) ***Overall configuration.*** A cluster subdivision's general design shall concentrate residential building lots, with their adjoining street rights-of-way and any approved alternative access, if applicable, together in accordance with the following:

- (1) ***In all zones.*** In all zones, a cluster of residential lots, as defined in [Section 101-2](#), shall be designed to avoid, to the extent possible, lands that have characteristics generally valuable for preservation or conservation, including but not limited to viewsheds, ridgelines, canyons, waterways, stands or groupings of mature vegetation, wildlife habitat, and other sensitive ecology identified as being of importance by the applicable general plan or some other land preservation or conservation plan adopted by the county, state, or federal government and that is applicable within the county. Preservation or conservation shall be tailored to execute the goals, objectives, or policies of the relevant plan. The application shall provide sufficient detailed information to clearly verify compliance.
  - (2) ***In agricultural zones.*** In an agricultural zone, only one cluster of residential lots is allowed unless more are necessary to avoid development on prime agricultural land, as defined in [Section 1012](#), or sensitive lands as provided in [Section 108-3-5\(b\)\(4\)](#). The cluster or clusters of residential lots shall be organized in a manner that supports viability of crop production on the open space lands including optimizing ease of access and maneuverability, to and on the open space lands, of large equipment commonly used to support crop production. A cluster of residential lots shall be configured to support the required open space design and layout standards of this chapter. Subdivision phasing that avoids this requirement shall not be allowed.
- (b) ***Street configuration.*** Streets shall have logical and efficient connections, with block lengths or intersection distances no less than provided in [Section 106-2-3](#).
- (1) ***Western Weber Planning Area streets.*** In the Western Weber Planning Area, streets shall generally follow existing street grid design.
    - a. Section line streets are mandatory and shall not be waived except where the County Engineer and Planning Director can mutually determine that no street is reasonably practical on the particular section line due to topographic, environmental, or other unique characteristics of the area; and when not in conflict with a planned street as shown in a general plan, small area plan, master streets plan, or similar adopted planning document .
    - b. When practicable, quarter section lines shall denote the general location of other through streets.
      1. The planning commission may waive this requirement for the following:
        - i. Environmental constraints exist that render a through-street, or a stubbed-street that will become a through-street, unreasonable and unnecessary; or
        - ii. Agricultural open space that is or would otherwise be permanently preserved as provided in this Land Use Code would be interrupted by the street in a manner that creates a hardship for crop production.
      2. In allowing a waiver under this subsection the planning commission may require the street to be placed in another location to offer optimal compensation for the lack of the connection required herein.
    - c. If the configuration of the subject parcel or parcels, or other parcels in the area, do not make a section line or quarter section line street possible, a through-street, or stubbed-street that will become a through-street in the future, shall be located as closely parallel to the section line as otherwise reasonably possible.



- (2) **Ogden Valley Planning Area streets.** In the Ogden Valley Planning Area, a street shall generally follow the proposed street width and alignment displayed on the Streets and Roads map of the 2016 Ogden Valley General Plan, or other newer adopted transportation plan, if applicable. Otherwise connectivity shall comply with [Section 106-2-3](#).
- (3) **Street infrastructure.** Any infrastructure or vegetation placed, or altered, in the street right-of-way shall be in accordance with adopted right-of-way standards or shall be to the satisfaction of the county engineer. Operation and maintenance of street lighting and any right-of-way vegetation shall be the responsibility of the homeowners, unless the county has adopted a policy otherwise.
- (c) **Pathways.** In lieu of a five-foot concrete sidewalk on both sides of the street, with a four-foot wide concrete sidewalk on the other, a ten foot wide asphalt pathway shall be allowed on one side of the street. If only developing a half width street, where otherwise allowed by this Land Use Code, the pathway shall be located on that side; otherwise, preference shall be given to the side that could best support pathway connectivity based on other factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized modes of transportation.
- (1) The cluster subdivision's pathway or sidewalk infrastructure layout shall provide a route or combination of routes that offer ingress and egress from any given point along a street within the subdivision within the subdivision to the subdivision boundary in at least three generally opposing directions. Regardless of the actual pathway or sidewalk layout, "three generally opposing directions" shall be determined with a straight line beginning from any given point along a street and ending where the route exits the subdivision boundary. Each pathway or sidewalk shall offer the most direct walking route practicable.
  - (2) Within a cluster of residential lots, the maximum pathway or sidewalk walking-distance between pathway or sidewalk intersections shall be 500 feet. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another pathway, sidewalk, or street. Pathways shall connect using shortest distance reasonably possible.
  - (3) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in the general area, and for future planned pathways, as shown on an adopted pathway plan. A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent developed property. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a stub to the subdivision boundary. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating convenient and efficient access to future adjoining developments.
  - (4) In an agricultural zone, pathways in open space areas greater than five acres shall be located as close to the outer boundaries of the open space area as reasonably possible so as not to disrupt the contiguity of the open space area.
  - (5) The planning commission may waive any of the above pathway requirements for a pathway or sidewalk pathway or sidewalk that is not intended to be a parallel part of the general street transportation system.
    - a. The waiver may be granted for the following reasons:
      1. Environmental constraints exist that render the connection unreasonable and unnecessary; or
      2. Agricultural open space that is, or would otherwise be, permanently preserved as provided in this Land Use Code would be interrupted by the

pathway or sidewalk in a manner that creates a hardship for crop production.

- b. In allowing a waiver under this subsection the planning commission may require the pathway or sidewalk to be placed in another location to offer optimal compensation for the lack of the connection required herein.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

**Sec 108-3-5 Open Space Preservation Plan**

(a) ***Open space preservation plan procedure.***

- (1) ***Initial open space preservation plan approval.*** An open space preservation plan shall accompany an application for preliminary subdivision approval or an application for an open space preservation plan amendment. Preliminary subdivision approval constitutes approval of the open space plan. A final plat shall comply with the approved open space plan.
- (2) ***Open space preservation plan amendment.*** After submittal of a new application and application fee an open space preservation plan may be amended, from time to time in accordance with the standards of this chapter. If an amendment of an open space preservation plan affects any part of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an approved open space preservation plan, then the two shall be amended together and final approval of the amended subdivision plat shall constitute final approval of the amended open space preservation plan. Otherwise, each may be amended independently. Submission for an independently amended open space preservation plan shall be in compliance with the open space plan submittal requirements of this chapter and shall require the approval of the planning commission.

(b) ***Open space preservation plan submittal requirements.*** The open space preservation plan submittal shall include the following:

- (1) An overall cluster subdivision map identifying all open space areas and open space area amenities.
- (2) An open space site plan that:
  - a. Identifies the open space parcel ownership types specified in subsection (c)(9) of this section;
  - b. Identifies each proposed ownership type with a unique color;
  - c. Shows the locations of existing and proposed future structures and other open space amenities; structures housing a subdivision utility or serving as a subdivision amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code; and
  - d. Includes all park improvements and is accompanied by a letter of approval from the local park district for open space that will be gifted as a park parcel to a local park district.

- (3) A narrative describing all proposed open space parcels, their proposed method of ownership, their proposed method of maintenance, their proposed uses, and any proposed building envelopes.
- (4) The phasing of open space parcels and their relationship to the overall subdivision phasing plan, if any.

(c) **Open space development standards and ownership regulations.** All open space area proposed to count toward the minimum open space area required by this chapter shall be clearly identified on the open space site plan. The following standards apply to their creation. Open space area in excess of the minimum required by this chapter is exempt from these standards.

- (1) **Minimum required open space area.** A cluster subdivision requires a minimum percentage of its net developable acreage, as defined in [Section 101-2](#), to be preserved as open space, as follows:

Zone	Required Open Space
F-40 zone:	90 percent
F-5 and F-10 zones:	80 percent
AV-3, FV-3, and DRR-1 zones:	60 percent
Zones not listed:	30 percent

- (2) **Non-agricultural preservation open spaces.** In all nonagricultural zones, and except as provided otherwise in parts (4) or (5) of this subsection (c), open space parcels shall preserve, to the extent possible, lands that have characteristics generally valuable for preservation or conservation, including but not limited to viewsheds, ridgelines, waterways, stands or groupings of mature vegetation, wildlife habitat, and other sensitive ecology. Open space parcels shall be organized into one contiguous open space area, except contiguity may be interrupted if preservation or conservation of those characteristics is best accomplished by allowing the interruption. The applicant bears the burden of proving the social or environmental value of the preservation or conservation based on specific objectives found in the general plan or based on objectives of some other land preservation or conservation plan, or other preservation or conservation policy as adopted by the county, state, or federal government, and applicable within the county.
- (3) **Agricultural open spaces to be contiguous and useful.** In all agricultural zones, open space parcels shall be arranged to create future long-term agricultural opportunities in the following ways:
  - a. By creating parcels of a sufficient size and configuration to support large-scale crop-producing operations. The area or areas of the subdivision that contains prime agricultural land, as defined by [Section 101-2](#), shall first and foremost be used to satisfy the open space requirements of this chapter. Only then may any portion of the prime agricultural land be used for other development purposes.
  - b. Open space parcels shall be organized into one contiguous open space area. Contiguity may only be interrupted if preservation of long-term agricultural opportunities is best accomplished by allowing the interruption. The applicant bears the burden of proving this based on soil sampling, irrigation capabilities, parcel boundary configuration, and industry best practices.
  - c. The exterior boundary of a contiguous open space area that is intended to satisfy the open space requirements of this chapter shall be configured so a 50-foot-wide farm implement can reach all parts of the area with three or more passes or turns.

Generally, this requires the area to be at least 450 feet wide in any direction at any given point to be considered contiguous. This three turn standard may be reduced by the planning commission for portions of the parcel affected by the following:

1. The configuration of the existing exterior boundary of the proposed subdivision makes it impossible;
2. A street required by [Section 108-3-4](#) constrains the width of the parcel or bisects what would otherwise be one contiguous open space area if the street did not exist;
3. Natural features, or permanent man-made improvements onsite that cannot be moved or realigned, cause an interruption to crop producing capabilities; or
4. Due to existing or reasonably anticipated future conditions, not offering the reduction will inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved agricultural parcels.

d. Open space area necessary to meet the requirements of part (4) or (5) of this subsection, or open space areas never previously used for crop-production that currently contain areas valuable for preservation or conservation as specified in part (2) of this subsection may be exempt from this part provided they comply with those applicable parts.

(4) ***Small open space parcels within a cluster of residential lots.*** In order to maximize the contiguous open space acreage as required in part (2) and (3) of this subsection, an open space parcel or portion thereof that is located within a cluster of residential lots, as defined in [Section 101-2](#), or that interrupts contiguity of a cluster of residential lots and is not intended to satisfy part (2), (3), or (5) of this subsection (c), shall be constrained in area and width to provide the minimum acreage and width reasonably necessary for the functionality, operation, and maintenance of the intended open space use. The open space preservation plan shall offer sufficient information regarding the use and any proposed structures to allow the planning commission to verify compliance. See also part (6) and part (8) of this subsection (c) for additional applicable area and coverage regulations.

(5) ***Sensitive lands requirements.*** Cluster subdivisions in or on sensitive lands shall be governed as follows:

- a. Lands that can be mitigated such as floodplain and wetlands are considered developable for the purpose of calculating net developable acreage, as defined in [Section 101-2](#).
- b. Acreage consumed by a lake, floodway within a river corridor, or a naturally occurring pond area is acreage unsuitable for development, as otherwise defined in [Section 101-2](#). When any of these is offered as a community amenity on an open space parcel with public access and a blanket public access easement, the subdivision shall receive 25 percent of the acreage credited to the net developable acreage for the purpose of calculating base density.
- c. Regardless of developability, the following areas shall be located within a cluster subdivision's open space area:
  1. Areas designated as floodplain, as defined by the Federal Emergency Management Agency or other qualified professional determined appropriate by the county engineer; and

2. Rivers and streams, with and including their designated river or stream corridor setbacks, as defined by the Weber County Land Use Code.

(6) **Open space parcel area.** The minimum area for an open space parcel located within a cluster subdivision is as follows:

- a. **Common area.** An open space parcel designated as common area is not subject to minimum area requirements.
- b. **Park area.** An open space parcel conveyed to a local park district shall be of a sufficient size to adequately accommodate park infrastructure, amenities, and parking.
- c. **Public utility area.** An open space parcel conveyed to a culinary or secondary water service provider or a sewer service provider is not subject to minimum area requirements in a cluster subdivision.
- d. **Individually owned open space parcel area.** An open space parcel designated as an individually owned preservation parcel shall contain an area of not less than five acres and shall be part of a contiguous area of open space consisting of not less than ten acres in total; and shall be in compliance with the following:
  1. The ten acre minimum contiguous area does not need to be platted in the same subdivision.
  2. Each individually owned open space parcel shall be provided clear and perpetual legal access from a public or private street right-of-way.
  3. Drainage detention or retention facilities intended to accommodate subdivision improvements may be located on an individually owned preservation parcel and counted toward the subdivision's overall open space area, but the acreage of the facility shall not be included as part of the parcel's agricultural use, and the acreage of the facility shall be in addition to, not a part of, the minimum parcel area requirement.
- e. **Estate lot area.** Up to 80 percent of an estate lot, as defined in [Section 101-2](#), may count towards the open space acreage requirement provided the following standards are applied:
  1. The area of the lot designated as open space shall contain an area of not less than five acres and shall be part of a contiguous area of open space consisting of not less than ten acres in total.
  2. The estate lot shall contain a survey-locatable building envelope on the recorded plat that shares a common boundary with a neighboring residential lot, or in the case of a neighboring estate lot, shares a common boundary with the neighboring estate lot's building envelope.
  3. Drainage detention or retention facilities intended to accommodate subdivision improvements may be located on an estate lot and counted toward the subdivision's overall open space area, but the acreage of the facility shall not be included as part of the lot's agricultural use, and the acreage of the facility shall be in addition to, not a part of, the minimum parcel area requirement.

(7) **Parcel width, frontage, and access.** Open space parcels located within a cluster subdivision are not subject to frontage requirements and do not have a minimum width

standard. [Section 106-2-4\(c\)](#) notwithstanding, all open space parcels without street frontage shall be provided an access easement, recordable at the time of plat recordation, across other parcels and connecting to a public or private street.

(8) ***Parcel coverage.***

- a. Coverage of common area or open space parcels under five acres by any roofed structures or any structures or facilities that require a building permit shall not exceed ten percent of the total parcel area.
- b. Coverage of individually owned preservation parcels by roofed structures or any structures or facilities that require a building permit shall not exceed two and a half percent of the total parcel area.
- c. Coverage of the open space area of an estate lot of five and one-quarter acres or greater by roofed structures or any structures or facilities that require a building permit shall not exceed two and a half percent of the lot's platted open space preservation easement area.

(9) ***Open space lot or parcel ownership.***

- a. ***Common area parcel.*** An open space parcel that is common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8a-101 et seq., the Community Association Act.
- b. ***Park parcel.*** An open space parcel may be owned by a local park district.
- c. ***Individually owned open space parcel.*** An open space parcel may be owned as an individually owned preservation parcel by any person, regardless of whether the person owns a residential lot within the subdivision. In order to keep an individually owned preservation parcel from becoming uncondusive to multiple-acreage preservation uses, an individually owned preservation parcel shall not be sectioned into sub-areas less than five acres by fencing or other physical barriers unless the sectioning is intended for the rotation of grazing animals provided consistent rotation occurs for the purpose of vegetation regrowth. The planning commission may modify this requirement for uses that support the longevity of the preservation, maintenance, and large-acreage use of the parcel.
- d. ***Estate lot.*** An estate lot, as defined in [Section 101-2](#), may be owned by any person. In order to keep an estate parcel from becoming uncondusive to multiple-acreage preservation uses, the preserved open space area shall not be sectioned into sub-areas less than five acres by fencing or other physical barriers unless the sectioning is intended for the rotation of grazing animals provided consistent rotation occurs for the purpose of vegetation regrowth. The planning commission may modify this requirement for uses that support the longevity of the preservation, maintenance, and large-acreage use of the parcel.

(d) ***Open space phasing.*** If development phasing is proposed and approved during preliminary cluster subdivision approval, the percent of open space of the overall platted acreage shall at no time be less than the percent of proposed open space approved in the open space plan.

(e) ***Maintenance.*** The open space parcel owner, whether an individual or an association, shall use, manage, and maintain the owner's parcel in a manner that is consistent with an approved open space preservation plan or the agriculture, forest, or other type of preservation easement executed under subsection (f).

(f) ***Preservation.***

- (1) Open space parcels shall be permanently preserved in a manner that is consistent with the approved open space preservation plan.
- (2) Language shall be included in the dedication of the subdivision plat that substantially reads as follows; final language is subject to approval from the county surveyor and county attorney:  
... and additionally dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan; ...
- (3) An agreement, in a form acceptable to the county attorney, shall be recorded with the final plat to the title of all open space preservation parcels, including estate lots, that details the open space preservation plan and any related conditions of approval necessary to execute the open space preservation plan. The approved site plan shall be included in the agreement. If the plat recordation is also the means of conveyance of any open space parcel, the agreement shall also specify the name and tax notification mailing address if the new owner.
- (4) If a cluster subdivision contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- (5) If a cluster subdivision contains an individually owned preservation parcel or estate lot with an open space area, the applicant shall:
  - a. Identify all open space preservation areas on the final plat with a unique hatch or shading;
  - b. Further identify each individually owned preservation parcel with a unique identifying letter;
  - c. For an estate lot, delineate on the plat with survey locatable bearings and calls the area of the lot being preserved as open space.
- (6) The planning commission may impose any additional conditions and restrictions it deems necessary to reasonably ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.
- (7) A violation of the open space plan or any associated conditions or restrictions shall constitute a violation of this Land Use Code.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Amended by Ord. [2022-04](#) on 1/18/2022

**Sec 108-3-6 (Reserved)**

**Sec 108-3-7 Lot Development Standards**

Unless otherwise provided for in this section, residential building lots shall be developed in a manner that meets all applicable standards, including but not limited to those found in the Weber County Land Use Code and the requirements and standards of the Weber-Morgan Health Department, if applicable. The following specific site development standards apply to lots in cluster subdivisions:

- (a) *Lot area.* Unless otherwise regulated by the Weber-Morgan Health Department, a lot located within a cluster subdivision shall contain an area of not less than 9,000 square feet, unless otherwise provided in section 108-3-8.
- (b) *Lot width.* Unless otherwise regulated by the Weber-Morgan Health Department, the minimum lot width in a cluster subdivision is as follows:

<b>Zone</b>	<b>Lot Width</b>
F-40 and F-10 zones:	100 feet
FR-1, F-5, and AV-3 zones:	80 feet
RE-15, RE-20 zones:	60 feet
A-1, A-2, and A-3 zones:	60 feet
FR-3 zone:	50 feet
DRR-1 zone:	50 feet

- (c) *Yard setbacks.* The minimum yard setbacks in a cluster subdivision are as follows:

- (1) Front yard setbacks:

<b>Front:</b>	<b>Setback</b>
	20 feet

- (2) Side yard setbacks:

<b>Side:</b>	<b>Setback</b>
Dwelling or other main building:	8 feet
Accessory building:	8 feet; except one foot if located at least six feet in rear of dwelling
Accessory building over 1,000 square feet:	See section 108-7-16
Corner lot side facing street:	20 feet

- (3) Rear yard setbacks:

<b>Rear:</b>	<b>Setback</b>
Dwelling or other main building:	20 feet
Accessory building:	1 foot; except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.



(d) *Building height.* The maximum height for a building in a cluster subdivision is as follows:

<b>Building</b>	<b>Height</b>
Dwelling:	40 feet
Accessory building:	30 feet

(Ord. No. 2018-6, Exh. A, 5-8-2018)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Amended by Ord. [2022-09](#) on 3/29/2022

**Sec 108-3-8 Bonus Density**

(a) *Western Weber Planning Area bonus density.* In the Western Weber Planning Area, bonus density shall be awarded as a percentage increase over base density for subdivisions that meet the conditions in this subsection (a). No bonus shall be awarded for a subdivision with a gross acreage of less than ten acres. For subdivisions with a gross acreage of ten acres or more, the bonus density percentage shall equal the gross acreage of the subdivision, up to a maximum of 50 percent. To qualify for bonus density, a subdivision shall:

- (1) Provide a minimum 50 percent open space of the net developable acreage, as defined in section 101-1-7.
- (2) Provide one street tree of at least two-inch caliper, from a species list as determined by county policy, every 50 feet on both sides of each street within the subdivision boundaries. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to the 50-foot spacing as otherwise reasonably possible, provided compliance with the clear view triangle as defined in section 108-7-7.
- (3) Comply with all provisions of title 108, chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is incorporated by reference herein as applicable to a cluster subdivision in the Western Weber Planning Area that receives bonus density. A note shall be placed on the final subdivision plat indicating this requirement.

(b) *Ogden Valley Planning Area bonus density.* A cluster subdivision shall create no new density entitlements in the Ogden Valley.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

**Sec 108-3-9 Homeowners Association**

In order to provide for proper management and maintenance of commonly owned areas and private improvements, all cluster subdivisions with such areas or improvements are required to have a homeowners association. The applicant, prior to recording a final plat of the cluster subdivision, shall:

- (a) Establish a homeowners association and submit for the county's review the necessary articles of incorporation, bylaws, and declaration of covenants, conditions, and restrictions that provide for:
  - (1) Compliance with Utah State Code;
  - (2) The reason and purpose for the association's existence;
  - (3) Mandatory membership for each lot or home owner and their successors in interest;

- (4) The perpetual nature of the easements related to all dedicated open space parcels;
- (5) Responsibilities related to liability, taxes, and the maintenance of recreational and other infrastructure and facilities;
- (6) Financial obligations and responsibilities, including the ability to adjust the obligations and responsibilities due to change in needs;
- (7) Association enforcement remedies; and
- (8) A notification of the county's ability to enforce the terms of the owner's dedication on the subdivision dedication plat.

(b) Register the homeowners association with the state of Utah, Department of Commerce.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

### **Sec 108-3-10 Guarantee Of Improvements**

- (a) *Guarantee of improvements.* The county shall require an applicant to deposit a guarantee of improvements, as provided in section 106-4-3, for all improvements required by this chapter or as otherwise volunteered by the applicant that are incomplete at the time of subdivision plat recording. This includes improvements on open space parcels unless otherwise specified in subsection (b) of this section.
- (b) *Improvements requiring certificate of occupancy.* The county shall not require an applicant to deposit a financial guarantee for open space improvements that require a certificate of occupancy and that remain incomplete at the time of final approval of the proposed cluster subdivision by the board of county commissioners. The applicant or developer shall complete the improvements according to the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.

(Ord. No. 2018-6, Exh. A, 5-8-2018)

### **Chapter 108-4 Conditional Uses**

[Sec 108-4-1 Purpose And Intent](#)

[Sec 108-4-2 Conditional Use Permit](#)

[Sec 108-4-3 Application And Review Procedure](#)

[Sec 108-4-4 Decision Requirements](#)

[Sec 108-4-5 Conditional Use Standards](#)

[Sec 108-4-6 Appeal](#)

[Sec 108-4-7 Permit And Improvement Guarantee](#)

[Sec 108-4-8 Revocation And Expiration](#)

[Sec 108-4-9 Abandoned Use](#)

**Editor's note**—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended ch. 4 in its entirety to read as herein set out, including the addition of a new § 108-4-5 and renumbering of the former §§ 108-4-5—108-4-8 as §§ 108-4-6—108-4-9 as set out herein. Former ch. 4, §§ 108-4-1—108-4-8, pertained to similar subject matter. Prior legislative history has been retained as applicable in the history notes following sections.

### **Sec 108-4-1 Purpose And Intent**

(a) The purposes of this chapter are to:

- (1) Provide for the purpose and intent of the respective zones, and to provide for the vision, goals, and objectives of the respective general plans, by specifying general standards that may be applied by the land use authority to a use listed as a conditional use in this Land Use Code; and
- (2) Provide a reasonable process for the application for, and timely review of, a conditional use permit.

(b) The intent of providing conditional use regulations is to provide allowance for additional uses in each zone and give the land use authority flexibility in applying reasonable conditions to effectively manage unique characteristics or detrimental effects of those uses, on a case-by-case basis. Conditions shall be related to the standards of this chapter, or other applicable requirements of this Land Use Code.

(Ord. of 1956, § 22C-1; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

#### **Sec 108-4-2 Conditional Use Permit**

- (a) A conditional use permit shall be required for all uses listed as a conditional use in this Land Use Code.
- (b) In the event a change is anticipated from the originally approved proposal or conditions of the original approval, an amendment to the original conditional use permit shall be required as provided herein.
- (c) A conditional use permit shall run with the property unless the permit has expired or has been revoked or the use has been abandoned.

(Ord. of 1956, § 22C-2; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

#### **Sec 108-4-3 Application And Review Procedure**

Applications for a conditional use permit shall be submitted to the planning division.

- (a) ***Application requirements.*** The application shall include the information in the following list; for those applications where no changes are proposed to an existing site or structure, or where the application requirements are unnecessary to demonstrate compliance with applicable ordinances and standards, the application requirements may be modified or consolidated by the planning director or designee:
  - (1) A completed application form signed by the property owner or certified agent;
  - (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application;
  - (3) A written narrative explaining the proposal. The narrative shall include, at a minimum, the following information:
    - a. The name of the project;
    - b. The name, home address, and, if applicable, business address of the applicant;
    - c. As applicable, the name and business address of the project designer or engineer; and

- d. A written explanation of how the proposal complies with the applicable standards of section 108-4-5, and those applicable standards of title 108, chapter 1, and title 108, chapter 2;

(4) A detailed vicinity map. The map shall include, at a minimum, the following information:

- a. The name of the project;
- b. A north arrow;
- c. All significant natural and manmade features and existing structures within 200 feet of any portion of the proposed project area;
- d. The property boundaries of the proposal; and
- e. The names and site addresses of adjacent property owners;

(5) A site plan of the proposal. The site plan shall be designed to provide, at a minimum, the following information:

- a. The name of the project;
- b. The name, home, and, if applicable, business address of the applicant;
- c. If applicable, the name and business address of the project designer or engineer;
- d. A scale, which shall be sized appropriately to make the site plan easily and clearly legible;
- e. A north arrow pointing to the left or top of the sheet;
- f. The boundary of the site, including any building pad, public and private easements, and other areas affected by the proposal;
- g. The existing uses and ownership information for adjacent parcels;
- h. Existing zoning;
- i. Total acreage of the entire affected property and, if the property is split by zoning, the total acreage of property in each zone;
- j. The location and width of existing and proposed roads, driveways, and parking areas, as may be applicable;
- k. The location of any existing and proposed manmade features, including, but not limited to, bridges, railroad tracks, trails and pathways, structures, and fences;
- l. The existing and, if applicable, proposed culinary water, secondary water, irrigation water, and sanitary sewer or septic infrastructure;
- m. The existing and proposed topographic contours, including, if applicable, any details necessary to explain proposed grade changes, fills or excavations, or any other earth work, together with any applicable drainage plans, stormwater pollution prevention plans, and revegetation plans;
- n. The location and type of existing landscaping and vegetation, and proposed changes thereto, if any. If applicable, location and type of new landscaping and vegetation;
- o. The location of flood plain boundaries, if applicable; and
- p. Any other proposed site improvements showing details and other applicable design and architectural requirements specified in title 108, chapter 1, and title

- (6) Culinary water and sanitary sewer or septic verification, as may be applicable for the specific use. Culinary water and sanitary sewer or septic verification shall include feasibility letters from the applicable water and sanitary sewer or septic entity or agency;
- (7) Applicable impact studies or other technical studies that may be necessary to provide evidence of anticipated detrimental effects of the proposal or evidence of compliance with the applicable standards, as may be required by the planning director or county engineer; and
- (8) Any additional pertinent information needed to adequately describe the proposal, or provide evidence of compliance with the applicable standards, as determined by the planning director.

**(b) Application submittal and review.**

- (1) Review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.
- (2) The application review procedure is as follows:
  - a. **Pre-application meeting.** Prior to submission of a complete application, a pre-application meeting is required to be held with planning division staff, in which the applicant will provide preliminary plans for planning division staff to review and discuss with the applicant. This meeting is intended to provide the applicant with a better understanding of the conditional use process and requirements in order to assist with the submission of a complete application.
  - b. **Complete application submission.** Upon assembling a complete application, the applicant shall submit it for substantive review. Incomplete applications shall not be accepted. Staff will review the application for completeness. In the event the application is incomplete, staff will return it to the applicant with a list of deficiencies.
  - c. **Referral of the application to reviewers.** Upon acceptance of an application, planning staff shall transmit it to applicable reviewers as may be determined necessary to verify compliance with the standards of this chapter, or any other relevant requirements of this Land Use Code.
  - d. **Reviewer's recommendations.** Within a reasonable time frame, applicable reviewers shall forward to planning division staff reasonable recommendations for conditions necessary to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
  - e. **Planning staff review and recommendation.** Planning staff shall review the application, together with any reasonable recommendations from applicable reviewers, to determine compliance with this Land Use Code. Planning staff shall assemble a staff recommendation, with conditions and findings, for the application, then forward the recommendation with the application to the land use authority for a final decision.
  - f. **Land use authority review and decision.** Upon receipt of the application and staff recommendation, the land use authority shall make final decision on whether the application complies with this Land Use Code, in accordance with the requirements of section 108-4-4. Final decisions shall be accompanied by any applicable conditions and relevant findings.

g. **Land use authority.** The planning commission is the land use authority for conditional use permits. De minimis revisions to a previously approved conditional use permit may be approved by the planning director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of this Code. The planning director's written approval of a de minimis revision shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

(Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

**Editor's note**—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended the catchline of § 108-4-3 from "Review procedure" to read as herein set out.

HISTORY

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

**Sec 108-4-4 Decision Requirements**

- (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(Ord. of 1956, § 22C-4; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

**Editor's note**—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended the catchline of § 108-4-4 from "Criteria for issuance of conditional use permit" to read as herein set out.

**Sec 108-4-5 Conditional Use Standards**

- (a) The land use authority may apply conditions of approval related to any of the standards of this section, provided that credible evidence exists that:
  - (1) The application of the standard is relevant to the use; and
  - (2) The conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.
- (b) The land use authority shall consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.
- (c) Conditional use standards are as follows:
  - (1) *Standards relating to safety for persons and property.*

- a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on applicable fire fighting agencies.
- b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emergency medical service agencies.
- c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keeping activities, or other disproportionate demand for services on the county sheriff's office.
- d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard, if credible evidence of such a detrimental effect is present.
- e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traffic hazards caused by:
  1. The location, massing, size, or height of buildings, structures, and other facilities, including signage, fencing, and landscaping;
  2. The frequency of heavy truck traffic to and from the site (i.e. import and export of materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian traffic.
- f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area.

(2) *Standards relating to infrastructure, amenities, and services.*

- a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.
- b. Mitigate internal vehicle or pedestrian circulation inefficiencies onsite, and provide for adequate onsite parking given the unique specificities of the proposed use or the proposed site plan.
- c. Mitigate material degradation of the level of service of any street.
- d. Mitigate material degradation of the level of service of any storm water drainage facility or infrastructure, and adequately provide for storm water drainage from the site.
- e. Mitigate material degradation of the level of service of any culinary, secondary, or irrigation water facility or infrastructure, and, if applicable, provide adequate culinary, secondary, or irrigation water service to the site. To help determine adequacy of culinary water provisions, the land use authority may require, but are not limited to, the following as a condition of approval of the conditional use permit:
  1. Written verification that the culinary water source of any new public water system can meet the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department; or
  2. A capacity assessment letter from the Utah Division of Drinking Water for additional connections to any existing public water system; or
  3. Written verification that the source of any non-public well providing culinary water for the use meets the requirements of the Weber Morgan Health Department. This verification shall be based on a test of a new or existing well.

- f. Mitigate material degradation of the level of service of any sanitary sewer service, and, if applicable, provide adequate sanitary sewer service to, or septic system on, the site.
- g. Mitigate material degradation of the level of service of any other utility, and, if applicable, adequately provide such utility services to the site.
- h. Mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area, and, if applicable, adequately provide additional open spaces, public features, or recreational amenities.
- i. Mitigate any disproportionate demand for government services, generally.

(3) *Standards relating to the environment.*

- a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, reservoirs, wetlands, drainage ways, groundwater protection, and slopes.
- b. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, wildlife, air quality, water quality (including erosion control), local natural resources, natural vegetation (including protection against noxious or invasive species), and wildland areas.

(4) *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.*

- a. Provide buffering, screening, or fencing of the use or site, or provide other landscape features, sufficient to mitigate the proximity of incompatible uses, objectionable site features, and disharmony with existing and future land uses in the area.
- b. Provide hours of operation appropriate for the general nature and character of existing land uses in the area to mitigate conflict or incompatibility with surrounding uses.
- c. Provide reclamation, restoration, cleanup, or beautification of the site as the use evolves, or as the use is terminated, in order to mitigate aesthetic and nuisance effects.
- d. Mitigate nuisance factors, including, but not limited to, light and glare, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radiation, if credible evidence of such a nuisance is present.
- e. Mitigate detrimental effects of the use considering the combined effect of it and other main uses on the property.
- f. To the extent supported by law, mitigate other general detrimental effects in a manner that sustains the objectives and intentions of the county's general plan, future land use map (or proposed land use map), and this Land Use Code.

(5) *Standards relating to performance.*

- a. Mitigate potential noncompliance or poor performance by providing appropriate performance measures, including, but not limited to, completion or performance bonds, completion agreements, and development agreements.



- b. Mitigate potential noncompliance or poor performance by requiring regular review or monitoring of certain specified detrimental effects by an appropriately qualified professional.

(6) *Standards generally.*

- a. Mitigate unsustainable effects on the economy of the surrounding area or county, generally, if credible evidence of such negative effects is present.
- b. Provide appropriate mitigation of detrimental effects as required in standards found elsewhere in this Land Use Code in a manner that complies with this Land Use Code, and any other federal, state, or local regulation, as may be applicable.

- (7) *Voluntary contributions providing satisfactory compliance with applicable standards.* When considering a conditional use, the land use authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise specified here. The land use authority may require a development agreement to execute the voluntary alternative.

(Ord. No. 2015-13, Exh. A, 8-25-2015)

HISTORY

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

**Sec 108-4-6 Appeal**

- (a) The decision of the land use authority may be appealed to the Appeal Authority, in accordance with title 102, chapter 3 of this Land Use Code.
- (b) The board of adjustment is the appeal authority for conditional use permits.

(Ord. of 1956, § 22C-5; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

**Editor's note**—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended the catchline of § 108-4-6 from "Appeal and revocation" to read as herein set out.

**Sec 108-4-7 Permit And Improvement Guarantee**

- (a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required letters and/or permits from the appropriate review agencies.
- (b) Prior to the issuance of a certificate of occupancy permit, a business license or any other permit required by the county, the developer shall deposit funds into an escrow account with the county engineering division for all off-site improvements and on-site landscaping, as may be allowed by law, as per the approved site plan, and for the completion of any incomplete improvements or conditions of approval.

(Ord. of 1956, § 22C-6; Ord. No. 4-71; Ord. No. 21-83; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

**Sec 108-4-8 Revocation And Expiration**

- (a) A conditional use permit may be revoked by the land use authority upon failure to comply with the applicant's approved proposal, or any applied standard, or applicable requirement, provision, restriction, or condition of approval. Violation of any condition of approval of a conditional use permit shall constitute a violation of this Land Use Code. Rules for revocation are provided in section 102-4-3.
- (b) Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the land use authority, the conditional use permit shall expire. The land use authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the land use authority, the approval for the conditional use permit shall expire and become null and void.

(Ord. of 1956, § 22C-7; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

**Editor's note**—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended the catchline of § 108-4-8 from "Expiration" to read as herein set out.

### **Sec 108-4-9 Abandoned Use**

When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application shall be filed for review and consideration by the land use authority.

(Ord. of 1956, § 22C-8; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

**Editor's note**—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended the catchline of § 108-4-9 from "Discontinued use" to read as herein set out.

### **Chapter 108-5 (Reserved)**

HISTORY  
Adopted by Ord. [2021-6](#) on 3/23/2021

### **Chapter 108-6 Time Share**

[Sec 108-6-1 Definitions](#)

[Sec 108-6-2 Use Regulations](#)

[Sec 108-6-3 Establishing Time Share](#)

### **Sec 108-6-1 Definitions**

When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

*Time share* means a form of residential real estate ownership in which separate housing unit ownership is represented as shares in a corporation, a partnership interest or any other individually owned transferable property right or interest and which grants housing unit ownership, use and occupancy rights to each owner for an annually recurring part or parts of a calendar year only as specified in a condominium declaration or other ownership document.

*Time share building* means a residential building which is wholly devoted to "time share" housing units. Because of the unique operational characteristics, individual transient usage resembling a resort hotel operation and impact on a normal residential environment, a time share building is classified as a separate use category.

### **Sec 108-6-2 Use Regulations**

No ownership interest in a dwelling unit, dwelling apartment or condominium project shall be conveyed or transferred by deed or contract for a specified annually recurring period or periods of time unless such unit, dwelling or project is located in a zone which allows time share buildings as a permitted or conditional use.

(Ord. of 1956, § 22F-2; Ord. No. 9-81)

### **Sec 108-6-3 Establishing Time Share**

No unit in a dwelling, apartment or condominium building shall be established as or converted to time share unless all of the units in the building are likewise established or converted at the same time.

(Ord. of 1956, § 22F-3; Ord. No. 9-81)

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

[Sec 108-7-1 Purpose And Intent](#)

[Sec 108-7-2 Projections](#)

[Sec 108-7-3 Fencing Requirements](#)

[Sec 108-7-4 Area Of Accessory Building](#)

[Sec 108-7-5 Building Or Structure Height Requirements](#)

[Sec 108-7-6 Garbage, Junk, And Weeds Unlawful](#)

[Sec 108-7-7 Clear View Of Intersecting Streets](#)

[Sec 108-7-8 Setbacks For Animals And Fowl](#)

[Sec 108-7-9 Water And Sewage Requirements](#)

[Sec 108-7-10 Required Building Setback From Designated Collector Or Arterial Streets](#)

[Sec 108-7-11 Group Dwellings](#)

[Sec 108-7-12 \(Reserved\)](#)

[Sec 108-7-13 Residential Facility For Persons With A Disability Facility Requirements](#)

[Sec 108-7-14 Residential Facility For Troubled Youth; Facility Requirements](#)

[Sec 108-7-15 Residential Facility For Elderly Persons; Facility Requirements](#)

[Sec 108-7-16 Large Accessory Buildings \(1,000 Square Feet Or Larger\)](#)

[Sec 108-7-17 New Construction In Residential And Commercial Developments](#)

[Sec 108-7-18 Swimming Pools](#)

[Sec 108-7-19 Building On Dedicated Substandard Streets Or Public By Right Of Use Roads](#)

[Sec 108-7-20 Occupying Recreational Vehicles](#)

[Sec 108-7-21 No Obstruction Of Irrigation Ditches, Drains And/Or Canals](#)

[Sec 108-7-22 Temporary Real Estate Sales Office](#)

[Sec 108-7-23 River And Stream Corridor Setbacks \(Western Weber County\)](#)

[Sec 108-7-24 Wind Energy Conversion Systems \(Small Wind Energy Systems\)](#)

[Sec 108-7-25 Nightly Rentals](#)

[Sec 108-7-26 Land Use Applications Involving Lots/parcels With Existing Violations](#)

[Sec 108-7-27 Solar Energy Systems](#)

[Sec 108-7-28 Garage Sales/Yard Sales](#)

[Sec 108-7-29 Flag Lot Access Strip, Private Right-Of-Way, And Access Easement Standards](#)

[Sec 108-7-30 Flag Lots](#)

[Sec 108-7-31 Access To A Lot/Parcel Using A Private Right-Of-Way Or Access Easement](#)

[Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line](#)

[Sec 108-7-33 Building Parcel Designation](#)

[Sec 108-7-34 Cannabis Production Establishment](#)

[Sec 108-7-35 Agricultural Building Exemption](#)

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

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

(Ord. of 1956, § 23-1; Ord. No. 2009-14; Ord. No. 2017-18, Exh. A, 5-9-2017)

**Sec 108-7-2 Projections**

- (a) *Projections permitted into a required yard setback.* Every part of a required yard setback shall be open to the sky, unobstructed except for accessory buildings meeting the required setbacks of the zone in which the building is located. Setbacks for all buildings are measured from the property line to the outermost surface of a building's foundation wall. However, the following projections into the required yard setbacks are permitted for single-family dwellings (including attached garages) only:
- (1) Belt courses, sills, and lintels may project 18 inches into required front, rear and side yard setbacks.
  - (2) Cornices, eaves and gutters may project three feet into a required front yard setback, five feet into a required rear yard setback, and two feet into a required side yard setback.
  - (3) Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight feet measured along the wall of a building, may project not more than five feet into a required front yard setback, ten feet into a required rear yard setback, and three feet into a required side yard setback.
  - (4) Unwalled porches including roof-covered patios, terraces, and balconies may project five feet into a required front yard setback. Where the required rear yard setback is 30 feet or greater, a projection of ten feet into the rear yard setback is allowed. Where the required rear yard setback is less than 30 feet, a five-foot projection into the rear yard setback is allowed.
  - (5) Cantilevers may project no more than two feet into the required front and rear yard setback. Cantilevers are not allowed in the required side yard setback.
- (b) *Projections permitted into a private street right-of-way.* When a two-family dwelling, three-family dwelling, four-family dwelling, multi-family dwelling, condominium, or commercial structure is proposed to be built, and where the County's development standards allow a zero front yard setback, projections into private street rights-of-way may be permitted when the following limitations, requirements and standards are met:
- (1) Projections shall be defined as and limited to architraves, awnings, balconies, bay windows, belt courses, canopies, columns, cornices, eaves, footings, gutters, lintels, marquees, pedestrian walkways, pediments, pilasters, railings, signs, sills, steps, and terraces.
  - (2) As determined by Weber County review agencies, the appropriate codes shall be applied and all projections shall be demonstrated as compliant with those codes.
  - (3) The Weber County building official shall apply International Building Code standards related to encroachments into public rights-of-way.
  - (4) Where a public utility easement does not strictly prohibit the location of a structure immediately adjacent to or within a private road right-of-way, a letter approving the projection(s), whether above grade or below, shall be provided by all utility service providers that have located utilities on the related side of the right-of-way or have plans, within two years, to locate utilities on the related side of the right-of-way.

- (5) A letter approving the projection(s), whether above grade or below, shall be provided by the owner of the right-of-way.
- (6) In addition to all required street improvements, high-back curb or other barrier, determined appropriate by the Weber County engineer, shall be installed to separate and sufficiently protect pedestrian areas or sidewalks from dangers associated with street travel lanes.
- (7) Pedestrian areas or sidewalks shall not be less than four and one-half feet in width.

(Ord. of 1956, § 23-2; Ord. No. 1-2008; Ord. No. 2009-14; Ord. No. 2017-18, Exh. A, 5-9-2017)

### **Sec 108-7-3 Fencing Requirements**

- (a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height may be located anywhere on an interior lot except within the area comprising the required front yard setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a corner lot except within the areas comprising the required front yard setback and the required side yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the requirements of section 108-7-7.
- (b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project. In addition, a permanent means of landscaping and maintaining the parking strip between the fence and the street curb shall be provided.
- (c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, provided that in any event a protective fence or wall not more than four feet in height may be erected at the top of the retaining wall. These provisions shall comply with the requirements of section 108-7-7.
- (d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence meets all of the required setbacks for an accessory building in the zone in which it is located and a land use and building permit are obtained.
- (e) The provisions of this section shall not apply to fences required by state law to surround and enclose public utility subdivisions and public schools.
- (f) In the Ogden Canyon, a fence that is greater than four feet in height shall not be located within 50 feet of the centerline of Highway 39.

(Ord. of 1956, § 23-3; Ord. No. 18-90; Ord. No. 2009-14)

#### HISTORY

Amended by Ord. [2020-23](#) on 12/15/2020

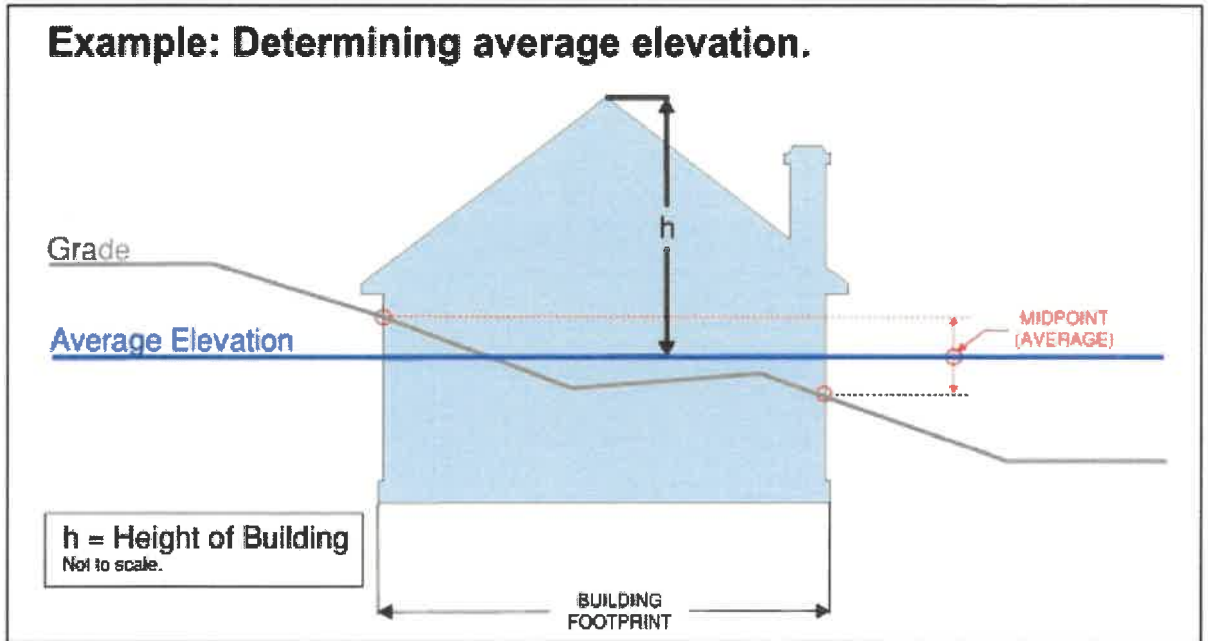
### **Sec 108-7-4 Area Of Accessory Building**

No accessory building or group of accessory buildings in any residential estates zone, cluster subdivision, or PRUD shall cover more than 25 percent of the rear yard.

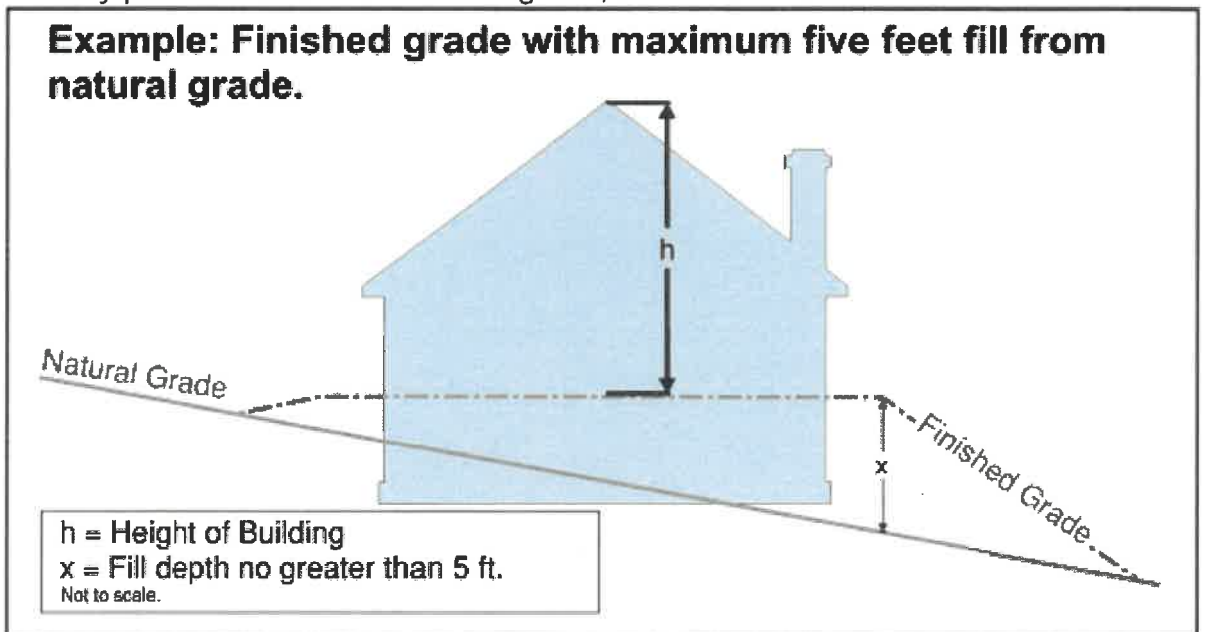
**Sec 108-7-5 Building Or Structure Height Requirements**

(a) *Measuring height.* For the purpose of determining "height of building," as defined in section 101-1-7, the following shall apply:

- (1) *Average elevation.* Average elevation shall be determined by averaging the highest elevation and the lowest elevation at the exterior footprint of the building or structure, including any support posts that require a footing. An alternative means of calculating average elevation may be approved by the planning director for an individual building if it follows industry best practices and is proposed by a licensed surveyor, engineer, or architect.



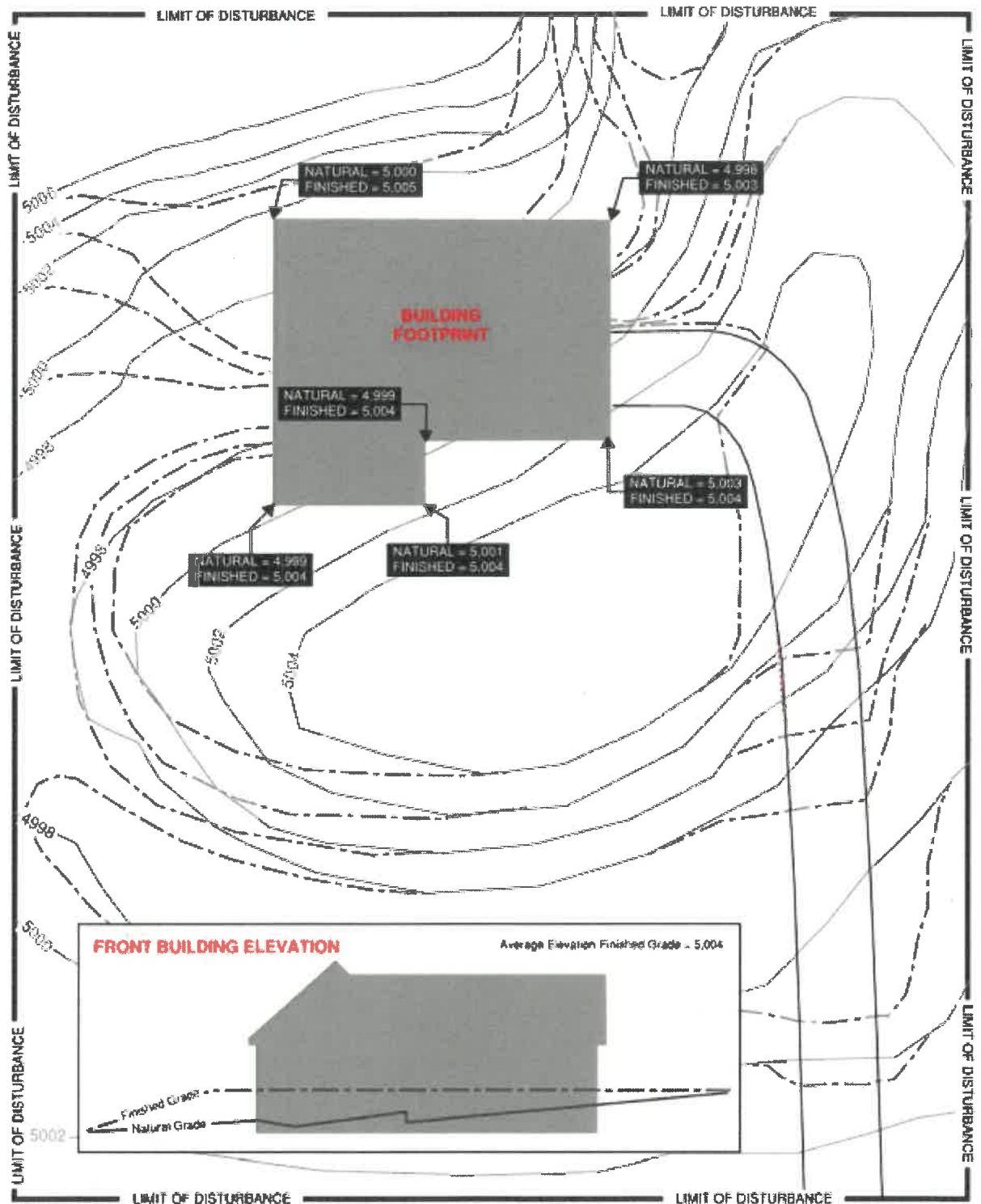
- (2) *Fill affecting building height.* Except as provided in this subsection, when grading a site to obtain the finished grade, as defined in section 101-1-7, no fill may exceed five vertical feet at any point from the site's natural grade, as also defined in section 101-1-7.



- a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no

- higher than the minimum of the other regulation or standard; or
- b. In the Western Weber County Planning Area, if the building or structure is within 75 feet of a public or private street upon which its lot or parcel has frontage, fill is allowed that will provide an average elevation of finished grade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.
- (3) *Driveway slope.* The slope of a driveway shall not exceed 15 percent. The planning director may modify the applicability of this if it can be demonstrated that there is no other reasonable configuration of a driveway to avoid slopes over 15 percent.
  - (4) *Site plan submittal requirements.* A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the planning director or county engineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across lot or parcel lines shall require the consent of all affected owners. Building elevation drawings shall display natural grade and finished grade, and shall present the finished grade's elevation at each corner of the building. This requirement may be waived by the planning director or county engineer for sites that are relatively flat, or if evidence is presented that clearly show the proposed structures will not exceed the maximum height of the zone.

**Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.**



(b) *Roof structure height exception.* Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and at no time shall the height be greater than 15 feet higher than the maximum height of the zone. All exceptions to height shall be subject to applicable design review requirements and all



mechanical equipment shall be screened by materials consistent with those used on the exterior of the main building.

- (c) *Air traffic height conflicts.* If in proximity to an airport, no building or structure or other appurtenance is permitted above the maximum height allowed by the Federal Aviation Administration, or other applicable airport or airspace regulation.
- (d) *Minimum height of a dwelling.* Unless on a lot or parcel five acres or greater, no dwelling shall be erected to a height less than one story above natural grade.

(Ord. of 1956, § 23-5; Ord. No. 2009-14; Ord. No. 2018-5, Exh. A, 5-1-2018)

**Editor's note**—Ord. No. 2018-5, Exh. A, adopted May 1, 2018, retitled § 108-7-5 from "Exceptions to height limitations" to read as herein set out.

### **Sec 108-7-6 Garbage, Junk, And Weeds Unlawful**

- (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain on or about the premises whenever it is unsightly and in public view, or whenever it is dangerous to the health, safety, and welfare of the people of the county. Every owner or occupant of land is hereby required to remove, or provide for the removal of, such garbage, inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous, or a nuisance.
- (b) *Weeds and unkempt yards.* Landowners are responsible for clearing all weeds from their property, including their property's perimeter and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portions of public rights-of-way. A yard, and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portion of public rights-of-way that are visible from a public right-of-way shall be maintained so that the property's appearance does not detract from the appearance of the neighborhood. Weeds, except noxious or invasive weeds which shall be removed promptly, and turf grasses shall be maintained at a height of not more than eight inches at any time, and the cuttings shall be promptly disposed of in an organized manner or mulched in place. Native vegetation, including grasses, and wildflowers, and shrubs, maintained in a natural state are exempt from the eight-inch regulation. Where a street has curbing, or where a deferral agreement for curbing was required, it is the responsibility of the property owner, not the County, to maintain, cut, or remove any vegetation that is between the edge of the travel surface within the public right-of-way and the edge of the public right-of-way adjoining the owner's property.
- (c) *Exemptions.* This section shall not apply to items which are clearly accessory and incidental to any agricultural use permitted in the zone, or to items completely and lawfully enclosed within a building or enclosure where it is not visible from a public or private way or other public or private property and which does not constitute a nuisance, endanger or adversely affect the health or welfare of the community, or the keeping of which does not violate any other law or ordinance.
- (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation of this section shall make proper arrangements for the correction of the violation.
- (e) *Public streets and other public property.*
  - (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way, or other public property in unincorporated areas of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare of the people of the county.
  - (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

- (3) In addition to the requirements of section 32-8-2, owners or occupants of a platted building lot, or a lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure continual removal of snow from the pathway.

(Ord. No. 2019-14, Exh. A, 7-30-2019)

HISTORY

Amended by Ord. [2020-23](#) on 12/15/2020

**Sec 108-7-7 Clear View Of Intersecting Streets**

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

- (a) The area of property on either side of an access way formed by the intersection of each side of the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length measured from the point of intersection and the third side (hypotenuse) being a line connecting the ends of these two sides.
- (b) The area of property located at a corner formed by the intersection of two or more public rights-of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length of 40 feet back from their intersection and the third side being a line connecting the ends of these two sides.

(Ord. of 1956, § 23-7; Ord. No. 2009-14; Ord. No. 2019-5, Exh. A, 3-12-2019)

**Sec 108-7-8 Setbacks For Animals And Fowl**

No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling and not closer than 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the housing or keeping of animals or fowl shall be kept, constructed, or maintained not less than 100 feet from a property line adjacent to a street and not less than 25 feet from any lot line.

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

**Sec 108-7-9 Water And Sewage Requirements**

- (a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public sewer is not available, and in all cases where a proposed supply of piped culinary water is not available, the sewage disposal and the domestic culinary water supply shall comply with requirements of the county board of health and/or state board of health and the application for a building and land use permit shall be accompanied by a certificate of approval from the board of health.
- (b) Building permits shall not be issued by the building inspector or county official unless private water supply and private sewage disposal is approved in accordance with the requirements of subsection (a) of this section.

(Ord. of 1956, § 23-9; Ord. No. 4-83; Ord. No. 2009-14)

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

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

(Ord. of 1956, § 23-10; Ord. No. 15-72; Ord. No. 2-89; Ord. No. 2009-14)

### **Sec 108-7-11 Group Dwellings**

- (a) *Yard regulations.* Group dwellings shall be considered as one building for the purpose of front, side, and rear yard requirements, the entire group as a unit requiring one front, one rear, and two side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet for single-story buildings, 15 feet for two-story buildings and 20 feet for three- or more story buildings.
- (b) *Group dwelling PRUD.* A group dwelling complex shall be developed as a PRUD if the area of the complex is equal to or exceeds the minimum number of units or area required for a PRUD for the zone in which the complex is located. (See section 108-5-5(a))

(Ord. of 1956, § 23-11; Ord. No. 7-78; Ord. No. 2009-14)

### **Sec 108-7-12 (Reserved)**

**Editor's note**—Ord. No. 2018-5, Exh. A, adopted May 1, 2018, repealed § 108-7-12, which pertained to towers and derived from Ord. of 1956, § 23-12; Ord. No. 2008-8; Ord. No. 2009-14.

### **Sec 108-7-13 Residential Facility For Persons With A Disability Facility Requirements**

- (a) The facility shall meet all county building, safety, and health codes applicable to similar dwellings.
- (b) The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.
- (c) Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).
- (d) A minimum of two off-street parking spaces plus one off-street parking space for each staff member other than the resident manager or house parents shall be provided.
- (e) The facility shall be capable of use as a residential facility for persons with a disability without structural or landscaping alterations that would change the structure's residential character.
- (f) The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (U.C.A. 1953, § 57-21-1 et seq.) or its successor statutes.
- (g) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for persons with a disability.
- (h) No person who is violent shall be placed in a residential facility for persons with a disability.

- (i) Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- (j) The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for persons or, if the structure fails to comply with the county's building, safety, and health codes or the requirements of this section.
- (k) These facilities must be licensed by the county's business licensing department with the original license and any renewals thereof subject to the inspection and prior approval of the county health and building departments.
- (l) No residential facility for persons with a disability shall be made available to any individual whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

(Ord. of 1956, § 23-13; Ord. No. 17-87; Ord. No. 99-26; Ord. No. 2009-14)

State Law reference— Residences for persons with a disability, U.C.A. 1953, § 17-27a-519.

### **Sec 108-7-14 Residential Facility For Troubled Youth; Facility Requirements**

- (a) A residential facility for troubled youth shall:
  - (1) Be owned or leased by the residents or an immediate family member of the residents, or by a charitable, or beneficial organization, or by the state or a licensee thereof;
  - (2) Be consistent with existing zoning of the desired location;
  - (3) Be occupied on a 24-hour basis by no more than eight qualified youth in a family-type arrangement;
  - (4) Conform with applicable standards of the state department of human services and be inspected and licensed by that department.
- (b) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings.
- (c) The facility shall be capable of use as a residential facility for troubled youth without structural or landscaping alterations that would change the structure's residential character and the structure shall not be used as a lock-down facility for the incarceration of the youth that it houses.
- (d) No residential facility for troubled youth shall be established within five miles of another residential facility for troubled youth as defined in this chapter.
- (e) Troubled youth who qualify for placement in the facility shall:
  - (1) All be of the same gender within any one facility;
  - (2) Be no less than ten years of age and no more than 18 years of age;
  - (3) Not be convicted of or charged with any sexual offence, arson or aggravated assault;
  - (4) Not be individuals with such severe psychiatric problems that they present a danger to themselves or others;
  - (5) Attend school classes and matriculate in local area schools.
- (f) No home for troubled youth shall house children whose respective ages span more than four years. For instance, if the home houses children ten years of age, the oldest child in the home

can be no more than 14 years of age.

- (g) The land use permit and any other license granted in accordance with the provisions of this chapter, is not transferable and terminates if the structure is devoted to a use other than a residential facility for troubled youth or if the structure fails to comply with the county's building, safety and health codes or the requirements of this chapter.
- (h) No residential facility for troubled youth shall occupy a lot in a recorded subdivision of four or more lots, including all subdivision phases.
- (i) The facility shall be permanently occupied by a married couple who will serve as house parents to the youth who reside therein. Their duties will be as follows:
  - (1) To offer counseling and guidance to the youth under their care;
  - (2) To supervise the orderly functioning of the household;
  - (3) To provide meals to the youth who occupy the home;
  - (4) To assign the duties, chores and other tasks to each of the youth who occupy the home;
  - (5) Supervise the preparation of homework and studies each of the youth is required to complete for their education in local schools;
  - (6) To immediately report to the appropriate state agency any difficulties, problems, breaches of the peace or violations of law engaged in by any of the youth under their care;
  - (7) To also report the same conduct to the organization who employs them directly.
- (j) The house parents living within the home must meet the standards of the department of human services and obtain all licenses, permits or certificates required by the state before undertaking their duties as house parents.
- (k) In the event that the house parents terminate their employment without first training suitable replacements, the facility must replace them with trained house parents within 30 days, or the home for troubled youth must cease operating.

(Ord. of 1956, § 23-14; Ord. No. 6-92; Ord. No. 2-93; Ord. No. 2009-14)

### **Sec 108-7-15 Residential Facility For Elderly Persons; Facility Requirements**

- (a) A residential facility for elderly persons may not operate as a business.
- (b) A residential facility for elderly persons shall:
  - (1) Be owned by one of the residents or by an immediate family member of one of the residents, or by a charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident;
  - (2) Be consistent with existing zoning of the desired location;
  - (3) Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement; and
  - (4) Conform with applicable standards of the state department of human services and be licensed and inspected by that department.
- (c) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

- (d) The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than 15 percent of that fee.
- (e) A person charging a fee shall:
- (1) Keep a record of all expenses and costs related to the fee; and
  - (2) Make that record available for inspection by any resident of the facility, the state department of human services, and county building or zoning officials.
- (f) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings:
- (1) A minimum of one off-street parking space for each adult resident person or married couple shall be provided;
  - (2) The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
  - (3) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons;
  - (4) Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
  - (5) The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the county's building, safety and health codes or the requirements of this chapter; and
  - (6) The decision by the county regarding an application for a conditional use permit for a residential facility for elderly persons shall be based upon legitimate land use criteria and shall not be based upon a general discrimination against the grouping of elderly persons in such a facility or because of age and its attendant characteristics. Upon application for a conditional use permit in any area where residential dwellings are allowed, the county shall determine only whether or not the facility conforms to this Land Use Code. If the county determines that the facility complies with the ordinances, it shall grant the requested permit.

(Ord. of 1956, § 23-15; Ord. No. 12-91; Ord. No. 99-26; Ord. No. 2009-14)

**State Law reference**—Residential facilities for elderly persons, U.C.A. 1953, § 17-27a-515; county ordinances governing elderly residential facilities, U.C.A. 1953, § 17-27a-516; county approval of elderly residential facilities, U.C.A. 1953, § 17-27a-517; elderly residential facilities in areas zoned exclusively for single-family dwellings, U.C.A. 1953, § 17-27a-518.

**Sec 108-7-16 Large Accessory Buildings (1,000 Square Feet Or Larger)**

- (a) Accessory buildings 1,000 square feet or larger in area that accommodate uses meeting zoning requirements shall:
- (1) Be located at least six feet from the rear of a dwelling in the residential estates zones and at least ten feet from the rear of a dwelling in the agricultural and forest zones.
  - (2) Have a side yard setback of at least ten feet on an interior lot and 40 feet on a corner lot where the side property line is adjacent to a street.

- (3) Have a maximum height of 25 feet.

Exceptions. The side yard may be reduced to three feet (except in a forest zone) and the height increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.

- (b) One accessory building which is subordinate to the dwelling in area and height may be located in front or to the side of the dwelling provided:
- (1) It is located not less than 40 feet from any property line adjacent to a street.
  - (2) The large accessory building conforms to the dwelling in architectural style and materials on all sides of the building and the roof. Large accessory buildings on agricultural parcels containing at least 5.25 acres and a single-family dwelling shall be exempt from this requirement provided that the accessory building is located at least 100 feet from a property line adjacent to a street.
  - (3) It meets the side yard requirement for a main building in the zone in which the building is located, and it is located at least 40 feet from a dwelling on an adjacent parcel.
  - (4) In no case shall the front yard setback be less than the required front yard setback for a main building in the zone in which the building is located.
- (c) Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review.
- (d) Accessory buildings used for the keeping of animals and fowl shall also meet the requirements of section 108-7-8. Accessory buildings shall also meet the requirements of section 108-7-4.

(Ord. of 1956, § 23-16; Ord. No. 14-91; Ord. No. 99-26; Ord. No. 2004-19; Ord. No. 1-2008; Ord. No. 2009-14)

### **Sec 108-7-17 New Construction In Residential And Commercial Developments**

In approved residential and commercial developments, where developers may have up to two years to complete utility, road and other improvements, land use permits and building permits shall not be issued until all utility improvements requisite for residential occupancy are installed, except for the asphalt, curb, gutter, and sidewalk on the road.

(Ord. of 1956, § 23-17; Ord. No. 14-91; Ord. No. 99-26; Ord. No. 2002-9; Ord. No. 2009-14)

### **Sec 108-7-18 Swimming Pools**

An outdoor, permanent, in ground swimming pool shall be permitted to the side or rear of a dwelling or private/public facility as an accessory use provided the requirements listed below are met. This section does not apply to outdoor, temporary, above ground pools.

- (a) The location of the outdoor, permanent, in ground swimming pool or accessory machinery shall not be less than ten feet from any property line; however, if a zone requires a larger setback, the more restrictive requirement shall apply. Structures that enclose pool accessory machinery are permitted with the same setbacks required for other accessory buildings in the zone in which they are located.
- (b) An outdoor, permanent, in ground swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height, or by a power safety cover meeting the requirements of the International Building Codes. The term "substantial fence" shall mean any fence that will not allow normal passage by any person except through an otherwise locked gate.