



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: ZTA2024-05 - A public hearing and possible action on a request to amend the residential zones to create an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments.

Applicant: Jeff Meads and Kameron Spencer.

Agenda Date: Tuesday, November 05, 2024

File Number: ZTA 2024-05

Staff Information

Report Presenter: Charlie Ewert
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Report Reviewer: RG

Applicable Ordinances

§101-2: Definitions	§106-2-1: Street Configuration
§104-1-1: Establishment of Zones	§106-2-2: Street Standards
§104-12: Single-Family Residential Zones	§106-2-4: Lot Standards

Legislative Decisions

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

Summary and Background

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

On May 16, 2023, the county amended various land use ordinances to help implement these new housing development policies in the unincorporated Western Weber area (Ord No. 2023-10). A new zone was created among these amendments, the R1-15 zone, and density incentives were implemented for quality street and pathway connectivity as recommended in the plan.

The county has had a little over a year to negotiate quality development patterns with various developers based on these new ordinances and the general plan. Along the way, one emerging sentiment from County Commissioners is that good street and pathway connectivity should not need to be incentivized. It should be required. Another emerging theme from the Planning Commission is the desire to encourage a variety of lot sizes and development patterns in a manner that creates diverse age-in-place communities rather than only implementing one lot size for each new neighborhood.

In addition, the county has received an application to amend the residential zones to enable additional flexible lot development standards in a manner that will modernize the county's residential (R1, R2, and R3) zones and help create communities that are based on new urbanism zoning reform principles.

On September 17, 2024, the Western Weber Planning Commission forwarded a unanimous positive recommendation for the proposed changes (attached Exhibit A). A copy of the Planning Commission Staff Report is also attached (Exhibit B). It contains a comprehensive staff analysis of the proposed changes.

Policy Analysis

Please see attached Exhibit B.

Planning Commission Recommendation

On September 17, 2024, the Western Weber Planning Commission forwarded a unanimous positive recommendation for the proposed changes (attached Exhibit A).

Model Motion

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

Motion for approval as-is:

I move we approve the attached ordinance to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments as provided in Exhibit A. I do so with the following findings:

Example findings:

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

Motion to table:

I move we **table** action on the attached ordinance to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments as provided in Exhibit A, to _____ [state a date certain] _____, so that:

Examples of reasons to table:

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

Motion to recommend denial:

I move we deny the attached ordinance to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments as provided in Exhibit A. **I do so with the** following findings:

Examples findings for denial:

- *The proposal is not adequately supported by the General Plan.*
- *The proposal is not adequately supported by the general public.*

- *It is not the right time for these amendments to be implemented.*
- *The proposal runs contrary to the health, safety, and welfare of the general public.*
- *The area is not yet ready for the proposed changes to be implemented.*
- _____ *[add any other desired findings here]*_____.

Exhibits

- A. Proposed Ordinance
- B. Planning Commission Staff Report.

WEBER COUNTY
ORDINANCE NUMBER 2024-_____

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO UPDATE THE STANDARD RESIDENTIAL ZONES AND RELATED PROVISIONS AND STANDARDS, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, AND RELATED CLERICAL AMENDMENTS.

WHEREAS, The Board of Weber County Commissioners has heretofore adopted land use regulations that govern the uses and development of land in unincorporated Weber County; and

WHEREAS, The Western Weber General Plan recommends development patterns and outcomes that the County's current land use regulations are not likely to optimally provide; and

WHEREAS, The Board of Weber County Commissioners desire to implement land use and development regulations and guidance that will help achieve the goals and objectives of the new Western Weber General Plan; and

WHEREAS, on September 17, 2024, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code and offered a positive recommendation to the Board of Weber County Commissioners for the proposed amendments; and

WHEREAS, on November 5, 2024, the Board of Weber County Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

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

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

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

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

2 **Part II Land Use Code**

3 ...

4 **TITLE 101 General Provisions**

5 ...

6 **Chapter 101-2 Definitions**

7 ...

8 **Sec 101-2-5 D Definitions**

9 ...

10 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance with
11 the county's adopted building codes and designed as a place for human habitation. This does not include
12 a hotel or hotel room, condominium rental apartment (condo-tel), boardinghouse, lodging house, tourist
13 court or apartment court.

14 **Dwelling, four-family.** The term "four-family dwelling," also referred to as a "quadplex," means a building
15 arranged or designed to contain only four dwelling units with approximately the same floor area, and
16 occupying one lot or parcel.

17 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

18 **Dwelling, multiple-family (multi-family).** The term "multiple-family dwelling," also referred to as a "multi-
19 family dwelling," means a building or portion thereof arranged or designed to contain more than four
20 dwelling units, including an apartment building and condominium building.

21 **Dwelling, primary.** The term "primary dwelling" means a single-family dwelling comprising a single
22 building, not attached to other buildings, and is the building designed to be the main dwelling on the lot.
23 Typically, the main dwelling is in the building that is most visually prominent when viewed from the front lot
24 line.

25 **Dwelling, single-family.** The term "single-family dwelling," also referred to as "single-family detached
26 dwelling," means a building or portion thereof arranged or designed to exclusively contain only one dwelling
27 unit, unless specified otherwise by this Land Use Code, and occupying one lot or parcel.

28 **Dwelling, single-family attached.** The term "single-family attached dwelling" means a building containing
29 two or more dwelling units attached by a common wall or walls, where each dwelling unit is located on a
30 separate lot. This is traditionally known as a townhome or townhouse.

31 **Dwelling, single-family detached.** See "single-family dwelling."

32 **Dwelling, three-family.** The term "three-family dwelling," also referred to as a "triplex," means a building
33 arranged or designed to contain only three dwelling units with approximately the same floor area, and
34 occupying one lot or parcel.

35 **Dwelling, two-family.** The term "two-family dwelling" also referred to as a "duplex," means a building
36 arranged or designed to contain only two dwelling units with approximately the same floor area, and
37 occupying one lot or parcel.

38 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living facilities,
39 including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

40 **Dwelling unit, accessory.** The term "accessory dwelling unit," also referred to as an "ADU," means a
41 dwelling unit, as defined by this chapter, that is incidental and accessory to a main use of a lot or parcel, as
42 may be allowed in this Land Use Code.

43 **Dwelling unit, condominium.** See "condominium dwelling unit."

44 **Dwelling unit, detached accessory.** The phrase "detached accessory dwelling unit" means an accessory
45 dwelling unit that is located in an accessory building.

46 **Dwelling unit, internal accessory.** The phrase "internal accessory dwelling unit" means an accessory
47 dwelling unit that is created within the footprint of a primary dwelling unit for the purpose of offering a long-
48 term rental.

49 **Dwelling unit, owner occupied.** The phrase "owner occupied dwelling unit" means a dwelling unit that is
50 occupied by the owner of record for a minimum of seven months of the calendar year, except that temporary
51 leave for religious, military, or other legitimate purposes does not disqualify owner occupancy. A primary
52 dwelling, as designated by the County Assessor, qualifies as an owner occupied dwelling unit, unless clear
53 evidence exists to the contrary.

54 **Dwelling unit, townhome.** See "single-family attached dwelling."

55 ...

56 **TITLE 104 ZONES**

57 **Chapter 104-1 In General**

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

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

ZONE DISTRICT	ZONE CATEGORY	ZONE NAME	
Gravel Zone	Gravel	G	
Agricultural Zones	Agricultural	A	A-1
			A-2
			A-3
	Agricultural Valley	AV	AV-3
Forest Zones	Forest	F	F-5
			F-10
			F-40
	Forest Valley	FV	FV-3
Shoreline Zone	Shoreline	S	S-1
Residential Zones	Residential Estates	RE	RE-15
			RE-20
	Single-Family	R1	R1-15
			R1-12
			R1-10

Commercial Zones			R1-5
	Two-Family	R2	R2
	Multi-Family	R3	R3-A
			R3-S
	Forest Single-Family	FR	FR-1
	Forest Multi-Family		FR-3
	Mobile/Manufactured Home Park	RMH	RMHP
	Manufactured Home		RMH-1-6
	Neighborhood Commercial	C	C-1
	Community Commercial		C-2
	Regional Commercial		C-3
	Neighborhood Commercial Valley	CV	CV-1
	Community Commercial Valley		CV-2
Manufacturing Zones	Manufacturing and Technology	M	M-T
	Light Manufacturing		M-1
	Medium Manufacturing		M-2
	Heavy Manufacturing		M-3
	Valley Manufacturing	MV	MV-1
Form-Based Zone	Form-Based	FB	
Open Space Zone	Open Space	O-1	
Master Planned Development Overlay Zone	Master Planned Development	MPDOZ	
Ogden Valley Sensitive Lands Overlay Zone	Sensitive Lands	SLOZ	
Recreation Resort Zones	Commercial Valley Resort Recreation	CVR-1	

	Ogden Valley Destination and Recreation Resort	DRR-1
Large Solar Energy System Overlay Zone	Solar Energy	SOZ

...

Chapter 104-12 Residential Zones R1, R2, and R3

Sec 104-12-1 Purpose And Intent

- (a) The purpose of the R1 zone is to provide regulated areas for Single-Family Dwelling uses at ~~three-four~~ different low-~~to-medium~~-density levels. The R1 zone includes the R1-15, R1-12, ~~and R1-10, and R1-5~~ zones. Any R-1-12 and R-1-10 zones shown on the zoning map or elsewhere in the Land Use Code are ~~synonymous with~~ [references to](#) the R1-12 and R1-10 zones, respectively.
- (b) The purpose of the R2 Zone classification is to accommodate a need for moderate density residential districts incorporating both Single-Family Dwellings and Two-Family Dwellings. Any R-2 zone shown on the zoning map or elsewhere in the Land Use Code is ~~synonymous with~~ [a reference to](#) the R2 zone.
- (c) The purpose of the R3 Zone classification is to provide residential areas that will accommodate the development of [a wide variety of](#) dwelling types, [ranging](#) from Single-Family Dwellings through Multiple-Family Dwellings with their associated necessary public services and activities. [The R3 zone includes the R3-A and R3-S zones. The "A" in R3-A stands for attached and generally allows all types of residential dwellings except stacked residences. The "S" in R3-S stands for stacked and generally allows all types of residential dwellings, including stacked, but excluding single-family detached. #The R3 zone](#) is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses. Any R-3 zone shown on the zoning map or elsewhere in the Land Use Code is ~~synonymous with~~ [a reference to](#) the R3 zone.

Sec 104-12-2 (Reserved)

83 **Sec 104-12-3 Land Use Table**

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

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

	R1				R2	R3		SPECIAL REGULATIONS
ACCESSORY USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Accessory building , when accessory and incidental to the use of a main building and when not otherwise specified in this table.	P	P	P	P	P	P	P	See Title 108, Chapter 19. This use is only allowed when accessory to one Single-Family Dwelling per Lot.
Accessory Dwelling Unit.	P	P	P	P	P	P	N	
Accessory use , when accessory and incidental to a permitted or conditional use and when not otherwise specified in this table.	P	P	P	P	P	P	P	
Accessory uses for a cemetery , including but not limited to a mortuary, crematory, staff housing, service shop and chapel.	N	N	N	N	P	P	P	
Home occupation , when accessory to a residential use.	P	P	P	P	P	P	P	See Title 108, Chapter 13.
Household pets , when accessory to a residential use.	P	P	P	P	P	P	P	

Main building , which is accessory to, and designed or used to accommodate, a main use.	P	P	P	P	P	P	P	
Parking lot , when accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	
Temporary building or use , accessory and incidental to onsite construction work typical for the area.	P	P	P	P	P	P	P	The building or use shall be removed upon completion or abandonment of the construction work.

88

89 (b) **Agricultural uses, non-animal**

	R1				R2	R3		SPECIAL REGULATIONS
AGRICULTURAL USES, NON-ANIMAL	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Agriculture, limited.	P	P	P	P	P	P	P	Limited to noncommercial crop production in private or community gardens no greater than one acre.

90

91 (c) **(Reserved)**92 (d) **Commercial uses.** The following are uses that typically generate customer-oriented traffic to the Lot or Parcel.

	R1				R2	R3		SPECIAL REGULATIONS
COMMERCIAL USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Child day care.	C	C	C	C	C	C	C	

93 (e) **Institutional or governmental uses.**

	R1				R2	R3		SPECIAL REGULATIONS
INSTITUTIONAL OR GOVERNMENTAL USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Cemetery.	P	P	P	P	P	P	P	At least half an acre devoted to the cemetery shall be provided.
Church, synagogue, or similar building used for regular religious worship.	P	P	P	P	P	P	P	
Convalescent or rest home.	N	N	N	N	P	P	P	
Private park, playground or recreation area. Fees collected, if any, shall be devoted to operations and maintenance of the park. No commercial venture allowed.	C	C	C	C	C	C	C	A private park and related infrastructure approved as part of a subdivision or development agreement shall be a permitted use provided compliance with the standards of Title 108, Chapter 4.
Public building. A building used by a governmental agency, or a nonprofit entity that provides typical governmental or government-sponsored functions.	P	P	P	P	P	P	P	
Public park, recreation grounds and associated buildings.	P	P	P	P	P	P	P	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	

94 (f) **Residential uses.**

	R1				R2	R3		SPECIAL REGULATIONS
RESIDENTIAL USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Dwelling, Group. A group dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	See Section 108-7-11. No more than 24 Dwelling units allowed per Lot.
Dwelling, Single-Family. A Single-Family Dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	P	P	N	
Dwelling, Single-Family Attached. A Single-Family Attached Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	In the R2 zone, no more than two dwelling units allowed per Lot.
Dwelling, Two-Family. A Two-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	See Section 104-12-4
Dwelling, Three-Family. A Three-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
Dwelling, Four-Family. A Four-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
Dwelling, Multi-Family. A Multi-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
Residential facility for elderly persons.	P	P	P	P	P	P	P	See Section 108-7-15.
Residential facility for handicapped persons.	P	P	P	P	P	P	P	See Section 108-7-13.
Residential facility for troubled youth.	P	P	P	P	P	P	P	See Section 108-7-14.
Short-term rental. A short-term rental.	N	N	N	N	N	N	N	See Section 108-7-11.

95

96 (g) **Utility uses.**

	R1				R2	R3		SPECIAL REGULATIONS
UTILITY USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Public utility substations.	C	C	C	C	C	C	C	See Section 108-10-2.
Water storage reservoir, when developed by a utility service provider.	C	C	C	C	C	C	C	See Title 108, Chapter 10.

97

98 **Sec 104-12-4 (Reserved) Special Regulations**

99 [The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-12-3. Due to the nature of the use, each shall be further](#)
 100 [regulated as follows:](#)

101 [\(a\) **Dwelling unit design standards.** All Dwellings except for a Single Family Detached Dwelling shall be designed in accordance with the following minimum](#)
 102 [design standards:](#)

103 [\(1\) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.](#)

104 [\(2\) **Building massing.** The wall massing of building facades shall be broken at least every 30 feet with no less than a six inch shift in the plane of](#)
 105 [adjacent walls.](#)

106 [\(3\) **Building material.** Each building facade that faces the street shall consist of brick, stone, or wood, or a faux material, such as fiber cement, that is](#)
 107 [hard for the Land Use Authority to distinguish from real brick, stone, or wood. Metal may be used for accent material covering less than 25 percent](#)
 108 [of any facade, excluding area for window and door openings. At least one of the building materials used on the building facade shall also be used on](#)
 109 [all other sides of the building.](#)

110 [\(4\) **Colors.** At least two muted earth-tone colors generally visible from the site are required.](#)

111 [\(5\) **Repetitious building facades.** When multiple Dwelling Units with substantially similar floor plans will be located on the same Street Block, whether](#)
 112 [mirrored or not, no less than seven unique Dwelling Unit facade patterns that use unique architectural design features and materials shall be used](#)
 113 [and distributed in a manner that avoids the obvious repetition of the same pattern, whether mirrored or not, within visual proximity of another. This](#)
 114 [provision shall not apply to a stacked Multi-Family Dwelling or to any Dwelling Unit within a building that has one common street-facing front entrance](#)
 115 [and a street-facing facade that gives the visual appearance of a Single-Family Dwelling.](#)

116 [\(b\) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of the construction work.](#)

117

118 **Sec 104-12-5 Site Development Standards**

119 The following site development standards apply to the Residential Zones R1, R2, and R3, unless specified otherwise in this Land Use Code

120 (a) Allowed density:

	<u>R1</u>				<u>R2</u>	<u>R3</u>		<u>SPECIAL REGULATIONS</u>
<u>ALLOWED DWELLING UNIT DENSITY</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
<u>Total allowed units.</u> The total number of dwelling units allowed in any given area shall be no more than the gross area divided by:	<u>15,000</u> <u>square</u> <u>feet</u>	<u>12,000</u> <u>square</u> <u>feet</u>	<u>10,000</u> <u>square</u> <u>feet</u>	<u>5,000</u> <u>square</u> <u>feet</u>	<u>4,000</u> <u>square</u> <u>feet</u>	<u>3,000</u> <u>square</u> <u>feet</u>	<u>1,800</u> <u>square</u> <u>feet</u>	
<u>Maximum allowed units per acre.</u> Maximum allowed dwelling units per acre:	<u>2.90</u>	<u>3.63</u>	<u>4.36</u>	<u>8.71</u>	<u>10.9</u>	<u>14.5</u>	<u>24.2</u>	<u>Accessory dwelling units in compliance with Title 108 Chapter 19 shall not be included in the maximum allowed units per acre.</u>

121

22 (a)(b) Lot area:

	R1				R2	R3		SPECIAL REGULATIONS
LOT AREA	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Minimum Lot area, Single-Family Dwelling. The minimum Lot area for a Single-Family Dwelling shall be:	15,000 square feet	12,000 square feet	10,000 square feet		6,000 square feet	3,000 square feet		See alternative Lot area allowances elsewhere in this Land Use Code for cluster subdivisions, lot-averaged subdivisions, and connectivity-incentivized subdivisions
Minimum Lot area, non-Single-Family Dwelling. The minimum Lot area for all Dwellings other than a Single-Family Dwelling:	NA	NA	NA		9,000 square feet	8,000 square feet		A development with multiple Dwellings per Lot shall provide the minimum Lot area per building. An additional 2,000 square feet of Lot area is required for each Dwelling Unit in excess of two per building.
Dwelling: The minimum Lot Area for a Dwelling:	6,000 square feet	5,000 square feet	4,000 square feet	2,500 square feet	2,500 square feet	No minimum		See Note 1. If a flag lot, see Section 106-4-4.010 for alternative development standards.
Public utility substation:								See Section 108-10-2 for public utility substation site development standards.
Other main building or use. The minimum Lot Area for a main building or use other than a Dwelling:	15,000 square feet	12,000 square feet	10,000 square feet	9,000 square feet	9,000 square feet	8,000 square feet		

23 ¹ This minimum lot area notwithstanding, at no time shall any subdivision or other development project have a Dwelling Unit density greater than specified in
24 Subsection (a) of this Section. After a subdivision or development project has received final approval under these standards, all excess Dwelling Unit density
25 not included in the approval shall be forfeited unless the density in the entire original project area is reconsidered for compliance with density regulations
26 specified in Subsection (a) and all owners within the area consent to the reconsideration. Accessory dwelling units in compliance with Title 108 Chapter 19
27 shall not be included in the maximum allowed units per acre.

128

129 ~~(b)~~(c) Lot ~~w~~Width and Lot Frontage:

		R1				R2	R3		SPECIAL REGULATIONS
<u>MINIMUM LOT WIDTH AND LOT FRONTAGE</u>		R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
Minimum Lot width:		80	70	60		50	50	Unless located at least 30 feet behind the front-most part of the Dwelling, one or more front-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of the Lot.	
<u>Dwelling:</u>	<u>Lot Width:</u> The minimum Lot Width for a Dwelling:	<u>60 feet</u>	<u>50 feet</u>	<u>40 feet</u>	<u>40 feet</u>	<u>30 feet</u>	<u>No minimum</u>		<u>If a flag lot, see Section 106-4-4.010 for alternative development standards.</u>
	<u>Lot Frontage:</u> The minimum Lot Frontage for a Dwelling:	<u>The minimum Lot Frontage shall be the same as the minimum Lot Width, except if the Lot Frontage is on the outside curve of a street right-of-way the minimum Lot Frontage shall be reduced by one-third.</u>							
<u>Other main building or use.</u> The minimum Lot Width and Street Frontage for a main building or use other than a Dwelling:		<u>100 feet</u>	<u>90 feet</u>	<u>80 feet</u>	<u>70 feet</u>	<u>60 feet</u>	<u>50 feet</u>		
<u>Public utility substation:</u>									<u>See Section 108-10-2 for public utility substation site development standards.</u>

130

131 ~~(c)~~(d) Yard setbacks:

132 (1) Front ~~y~~Yard ~~s~~Setback:

R1	R2	R3	SPECIAL REGULATIONS
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FRONT YARD SETBACK		R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Minimum for Single-, Two-, Three-, and Four-Family Dwelling:		20 feet, except 15 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley ¹ .						No parking area, pad, or driveway within the front setback shall be less than 20 feet deep when measured from the Front Lot Line.	
Dwelling: The minimum Front Yard Setback for a Dwelling:		15 feet	15 feet	15 feet	15 feet	12 feet	10 feet	In the R3-S zone, the required parking, if surface parking, shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street shall be used.	
Garage door facing a public street: The minimum Front Yard Setback for a public street-facing garage door or doors with a cumulative width that is:	30 percent of the Lot Width or greater; less than 30 percent of the Lot Width:	30 feet				25 feet	20 feet	At no time shall the cumulative width of a public street-facing garage door or doors be greater than 50 percent of the width of the dwelling's façade when viewed from the public street.	
Minimum for Multi-Family Dwelling:		N/A					15	Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.	
Other main building: The minimum Front Yard Setback for other main building:		30 feet							
Accessory building: The minimum Front Yard Setback for an accessory building:		30 feet							

Public utility substation:

See Section 108-10-2 for public utility substation site development standards.

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

(2) Side ~~y~~Yard ~~s~~Setback:

	R1				R2	R3		SPECIAL REGULATIONS
SIDE YARD SETBACK	R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
Minimum for Dwellings other than multi-family Dwellings:	5 feet on one side, 10 feet on the other.				5 feet			Both sides may be 5 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley¹. No parking area, pad, or driveway shall be provided within the 15-foot front setback.
<u>Dwelling: The minimum Side Yard Setback for a Dwelling:</u>	<u>5 feet for single story; 7 feet for more than one story¹; 10 feet for an attached garage.</u>				<u>5 feet</u>	<u>No minimum</u>		<u>In the R3 zones, the minimum distance between buildings, both onsite and off, shall be 10 feet.</u>
Minimum for Multi-Family Dwelling:	N/A				NA	8 feet²		Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.
Minimum for o <u>ther main building:</u> <u>The minimum Side Yard Setback for other main building:</u>	20 feet							

Minimum for side fronting street on Corner Lot:	15 feet	
Corner Lot: The minimum Side Yard Setback for a side fronting on a street:	Front Yard Setback regulations apply.	
Accessory building: The minimum Side Yard Setback for an accessory building:	Same as main building, except 1 foot if located at least 6 feet in rear of main building. ²	No minimum
Public utility substation:		If an accessory building greater than 1000 square feet, see Section 108-7-16 for Side Yard Setback requirements. See Section 108-10-2 for public utility substation site development standards.

¹ [More than one story is when any part of a second story exists behind the façade wall that faces the Side Yard, excluding area within a basement. For example, if a second story is under a gabled roof, and the gable faces the subject Side Yard, then that side of the building is more than one story, but if the gable faces the Rear Yard or Front Yard, and all of the second story on the façade that faces the subject Side Yard is above the roof's eave, then that side of the building is one story.](#)

² [No minimum Side Yard Setback is required for a detached garage that shares a common wall with a similarly proportioned and appearing garage on the adjacent lot, as long as both garages are built at the same time.](#)

~~To qualify for the reduced setback, the Alley shall first comply with Section 106-2-2-100.~~

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

(3) Rear [Y](#)ard [S](#)etback:

	R1				R2	R3		SPECIAL REGULATIONS
REAR YARD SETBACK	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Minimum rear yard setback for main building:	30 feet					20 feet		

<u>Dwelling</u> : The minimum Rear Yard Setback for a Dwelling:	20 feet				
<u>Garage door facing Alley or Shared Private Lane</u> : The minimum Rear Yard Setback for a garage door that faces an Alley or Shared Private Lane:	5 feet				
<u>Other main building</u> : The minimum Rear Yard Setback for other main building:	30 feet				
Minimum rear yard setback for accessory building:	4 foot, except 10 feet when on a corner Lot and adjacent to the adjoining Lot's front yard.				The entrance of an Alley facing garage, carport, or similar shall be setback from the Alley right-of-way no less than 15 feet.
<u>Accessory building</u> : The minimum Rear Yard Setback for an accessory building:	1 foot, except 10 feet when on a corner Lot and adjacent to the adjoining Lot's front yard.				
<u>Public utility substation</u> :					See Section 108-10-2 for public utility substation site development standards.

147

148 ~~(d)~~(e) Building Height:

	R1				R2	R3		SPECIAL REGULATIONS
BUILDING HEIGHT	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Minimum building height: <u>The minimum building height</u> for a main building:	1 story							

Maximum building height for main building	35 feet				
<u>Maximum building height: The maximum building height for a main building:</u>	<u>35 feet</u>	<u>40 feet</u>	<u>45 feet</u>	<u>50 feet</u>	<u>See also Section 108-7-5.</u>
Maximum building height for accessory building:	25 feet				See <u>Section 108-7-16</u> for an accessory buildings over 1,000 sq. ft.

149

150 ~~(e)(f)~~ Lot coverage Building Width:

	R1				R2	R3		SPECIAL REGULATIONS
LOT COVERAGE <u>BUILDING WIDTH</u>	R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
Maximum percent of Lot coverage by buildings:	Not applicable				40- percent			
<u>Maximum dwelling width: The maximum width of any dwelling shall be the lesser of:</u>	<u>No maximum</u>					<u>8 attached units or 240 feet</u>		<u>The minimum distance between buildings on the same lot shall be ten feet.</u>
<u>Maximum width of other main building: The maximum width of a main building other than a dwelling shall be:</u>	<u>240 feet</u>							

151

152 ~~(f)(g)~~ Floor to Area Ratio:

	R1				R2	R3		SPECIAL REGULATIONS
FLOOR AREA RATIO	R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	

Maximum ratio of total floor-area of buildings to Lot area:	N/A	1:1		
<u>Maximum floor area ratio:</u> The maximum floor to area ratio, found by dividing the entire floor area of all buildings by the site area:	<u>Not applicable</u>	<u>1.5</u>	<u>2.0</u>	

154 ...

155 **TITLE 106 SUBDIVISIONS**

156 ...

157 **Chapter 106-2 Subdivision Standards**

158 **Sec 106-2-1 Street Configuration and Circulation**

159 **Sec 106-2-1.010 Street Configuration Generally**

160 A subdivision shall be designed to follow the street configuration requirements herein and elsewhere in this
161 Land Use Code. Where this code allows an applicant flexibility on street location or configuration, that
162 flexibility shall not be construed to relieve the applicant from requirements of this section.

163 (a) **General street configuration and alignment.** The configuration of streets in a new subdivision shall:
164

- 165 (1) Ensure the continuation of existing streets that can logically and reasonably be connected along
166 the same street alignment;
- 167 (2) Provide for the continuation of new streets into adjoining undeveloped land;
- 168 (3) Be designed to consider the block length specified in Section 106-2-3, as it relates to both the
169 subject property and adjoining property;
- 170 (4) Not avoid the requirements of this section by shifting the responsibility of providing a street onto
171 landowners of adjacent undeveloped or underdeveloped parcels; and
- 172 (5) Not create an unnecessary hardship to providing street connections on or to other parcels in the
173 general area, as deemed appropriate by the Land Use Authority.

174 (b) **Master planned street.** A street shown in an applicable general plan, small area plan, master streets
175 plan, development agreement, or similar adopted planning document, shall be installed by the applicant
176 in the general location depicted in the planning document.

177 (c) **Section line and quarter section line street.** A street shall be installed by the applicant along the
178 general alignment of a section line and quarter section line, in compliance with the following:

- 179 (1) **Minor deviations from section lines.** The alignment of a section line or quarter section line street
180 may be adjusted up to 400 feet so the applicant may gain lots on both sides of the street, provided
181 that the radii of the curves are appropriate for the type of street, as determined by the County
182 Engineer. The street shall realign at some point downstreet with the same section line or quarter
183 section line, or a previously created street or dedicated street right-of-way intended to be or become
184 the same section line or quarter section line street.
- 185 (2) **Alternative street alignment.** The Land Use Authority may, but is not required to, allow a street's
186 alignment to be rerouted or, if it does not violate the terminal street requirements of Section 106-2-
187 2.4, terminated if strict compliance with this subsection is inappropriate for the following reasons:
 - 188 a. It will result in unreasonable public costs for operations or maintenance of the street;
 - 189 b. It will conflict with a railway, waterway, wetland, critical wildlife habitat, or other environmental
190 concern that cannot be mitigated with reasonable effort;
 - 191 c. It will result in a conflict with another section of this Land Use Code; or
 - 192 d. It will advance a goal of a general plan, small area plan, or similar planning document applicable
193 to the land.

194 (d) **Angle of intersecting streets.** Any street approaching an arterial or collector street shall approach at
195 an angle of not less than 80 degrees.

196 (e) **Half-street.** A half-street shall be governed as follows:

- 197 (1) **Within a subdivision.** A half-street is not allowed within a subdivision except as more specifically
198 provided in this Land Use Code.

- (2) **On a subdivision boundary.** Where a subdivision's boundary shares a common line with undeveloped land, an approximate half-width street right-of-way is allowed as long as:
- The required street improvements include half of what is otherwise typically required for the type of street plus at least a 20-foot wide vehicle travel surface, designed to specifications of the County Engineer; and
 - The street right-of-way within the bounds of the subdivision is wide enough to accommodate these street improvements.

Sec 106-2-1.020 Street Connectivity and Circulation

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

(b) Mandatory and Voluntary compliance.

(1) **Mandatory compliance.** The provisions of this section are mandatory in the R1, R2, and R3 zones.

~~(b)(2)~~ **Voluntary compliance: connectivity-incentivized subdivision.** In allowed zones, as listed in Subsection (b)(2)b of this section, the provisions of this section offer a voluntary alternative to traditional and typical Lot development standards otherwise set forth in the applicable zone. An applicant shall not be allowed to use this section unless the applicant volunteers to comply with all provisions herein. Applying for a connectivity-incentivized subdivision constitutes the applicant's agreement to be governed by this section, and constitutes the applicant's acknowledgement that the discretionary authority this section offers to the Land Use Authority may result in a decision contrary to the applicant's initial intent. The applicant accepts all risk, including lost time and money, for voluntarily applying for subdivision review under these provisions. Otherwise, the applicant shall use other development types authorized by this Land Use Code to subdivide their land.

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

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

~~(1)~~ **1.** Unless excepted in Subsection ~~(d)(2)b.2.~~ of this ~~section~~ Subsection (b)(2), at no time shall the Lot Area and Lot Width of any residential Lot be less than provided in this table:

	S-1	F-5	AV-3	FV-3	A-3	A-2	A-1	RE-20	RE-15	FR-3	R1	R2	R3	CVR-1
Reduced minimum Lot area:	50-percent of the zone's minimum.							80-percent of the zone's minimum.			6000+ square feet	80-percent of the zone's minimum.		No minimum.
Reduced minimum Lot width:											60 feet			

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

~~(4)~~2. The following are exceptions to the Lot Area and Lot Width provisions of Subsection ~~(db)(1)~~ b.1. of this Subsection (b)(2):

~~a.i.~~ A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.

~~b.ii.~~ A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.

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

(1) **Street-Block.** A Street-Block, as defined in Section 101-2-20 shall have a length of no greater than ~~660-800~~ feet. The Land Use Authority may, but is not obligated to, approve an exception to this rule if a Street-Block cannot be formed as a result of one or more of the following. However, in each case the applicant shall provide a Street-Block or a connection that will help form a future Street-Block as near as is otherwise reasonably practicable:

- a. The adjacent area to which a street could otherwise be extended is built-out such that no reasonable street connection can be made thereto;
- b. The adjacent area to which a street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to, sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades;
- c. The adjacent area to which a street could otherwise be extended has culturally or locally important lands that can, are, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority;
- d. Adherence to the maximum Street-Block length will interrupt a regionally significant pedestrian pathway delineated in the area's general plan or similar planning document; or
- e. Strict adherence to the maximum Street-Block length will result in a Street-Block that is less than ~~200-300~~ feet in length.

~~(2) **Street efficiency.** A street or street segment shall provide the shortest connection reasonably possible without compromising the buildability of adjoining lots given compliance with other requirements of this Land Use Code.~~

~~(3)~~(2) **Intersections.** Street intersections shall be four-way intersections wherever possible.

~~(4)~~(3) **Directional continuity.** A Major Neighborhood Street, Collector Street, and Arterial Streets shall provide directional continuity. Regardless of how a street may wind through a subdivision, whenever possible it shall exit the subdivision in the same general direction it entered so that it provides users a consistent direction of travel along the same street.

~~(5)~~(4) **Permanently terminal streets.** Cul-de-sac and dead end streets shall be avoided. A cul-de-sac or dead end street may be allowed in rare circumstances if the same or similar characteristics as specified in the exceptions of Subsection (e)(1) of this section are present.

~~(6)~~(5) **Alignment and connection to other streets.** Whenever possible, streets shall connect or be aligned to provide a future connection to other existing streets in the general area, with special deference for connecting to existing stubbed streets.

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

(1) **Pathways and sidewalks, generally.**

- a. Each development shall be configured so that the maximum pathway or sidewalk walking-distance between a pathway or sidewalk intersection is 400 feet.
 1. This distance may be increased for a segment of a pathway that travels through a permanently preserved open space area or an area very unlikely to ever develop, as determined by the Land Use Authority.
 2. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another pathway, sidewalk, or street that has pedestrian facilities, or an alley or shared private lane, provided each are perpetually open for use by the general public for non-automobile purposes.
- b. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized modes of transportation.
- c. Pathways shall connect to each other using shortest distance reasonably possible.
- d. 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, general plan, master trails plan, or other applicable adopted planning document.
- e. A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or sidewalk within the subdivision.
- f. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a stub to the subdivision boundary.
- g. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating convenient and efficient access to nearby Lots or Parcels that are likely to eventually be developed.

(2) **Street-adjacent pathway.** Along each Arterial Street, Collector Street, and Major Neighborhood Street, as provided in an adopted general plan, master streets plan, or similar adopted document, or along a section line street as provided in Section 106-2-1, a 10-foot wide hard-surfaced pathway shall be installed.

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

e. Example of street-adjacent pathway:



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e.

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



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~~(d)~~(e) **Final plat note.** Except for subdivisions in the R1, R2, or R3 zones, Pursuant to Section 106-1-8.020, a subtitle and plat note regarding connectivity-incentivized subdivision shall be placed on the final plat.

Sec 106-2-2 Street Standards

Sec 106-2-2.010 Public Street Requirement

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

- (a) **Public Street dedication.** Each street in a subdivision shall be dedicated to the county as a Public Street, except when a Private Street is allowed or required as provided in this section.
- (b) **Standard street cross-sections.** All proposed Public Streets shall conform to the county street cross-section standards, unless explicitly specified otherwise.

Sec 106-2-2.020 Private Street Option

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

- (a) **Private Street open for general public use.** A private street that is perpetually open to the public for use and through-passage is allowed only under the following circumstances:
 - (1) The Private Street shall never be closed to the public and no signage shall be erected to indicate or insinuate that the street is not open for public use and passage, except to allow for occasional and routine maintenance necessary to ensure the longevity of the street.
 - (2) The Private Street shall be owned, operated, and maintained in perpetuity by a homeowner's association that has at least 40 Dwelling Units as evidenced by an approved preliminary subdivision

plat and recorded homeowner's declaration. If final plat recordation is phased, the homeowner's association declaration shall be recorded to the entire legal description of the preliminary subdivision plat at the time the first plat is recorded. The declaration shall include the approved preliminary plat. Special provisions or deviations from this requirement may be approved in a development agreement.

(3) At no time shall a Private Street conflict with, or create non-routine operations and maintenance demand on, any Public Street.

(4) A Private Street that complies with this Subsection (a) shall be allowed to count as a Public Street for the purposes of creating a Street Block pursuant to Section 106-2-3 or other Street Block regulations in this Land Use Code.

(b) Private Street not open for general public use.

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

(2) **Prohibition.** A Private Street shall not be allowed if:

- a. It creates a hardship for other landowners in the area to provide access to develop their land in accordance with the provisions of this Land Use Code, or
- b. A Public Street is needed in the location of the proposed Private Street, as determined by the Land Use Authority.
- c. It is in the Western Weber Planning Area and is not a permanently terminal street, as provided in Subsection (g) of this section.

~~(b)~~(3) **Responsibility for construction.** The applicant shall pay for and construct the Private Street.

~~(c)~~(4) **Ownership.** The final plat shall dedicate the land under the Private Street to the County for the purpose of future conversion to a Public Street at a time the governing body determines a Public Street is necessary, if ever.

~~(4)~~a. **Street-Parcel dedication waiver.** The Land Use Authority may waive this requirement if development or further development on adjacent Lots or Parcels to which the street could be extended is extremely unlikely, or to which future public access offers very little public benefit, or future development benefit, as determined by the Land Use Authority.

a.1. **No Street-Block waiver.** A street needed to satisfy the Street-Block requirements of Section 106-2-3 is not eligible for this waiver unless there is no way in which that street can be configured in the subdivision to support the creation of the Street-Block.

b.2. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and installation of a 12-foot wide public easement and pathway or trail connection. The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a maximum average grade of 18 percent.

~~c.~~3. **Waiver requires joint ownership.** If a waiver is granted, the street-Parcel shall be held in joint ownership of the owners of all Lots that gain access from it.

~~(2)~~b. **Street-Parcel configuration.** The Parcel being dedicated to the county shall be the length of the Private Street and extend to adjacent developable land or another street regardless of whether the Private Street infrastructure does. The Parcel shall be the same width required for a Public Street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.

~~(3)~~c. **Transfer of street-Parcel.** If adjacent Parcels to which the Private Street could connect reach full build-out or otherwise change in a manner that renders a future Public Street connection extremely unlikely, or if future public access to those Parcels offers very little public

benefit, the county, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all Lots that gain access from it.

~~(d)~~(5) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed Private Street improvements shall be the sole responsibility of the owners of each Lot gaining access from the Private Street or a homeowner's association. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-Parcel.

~~(e)~~(6) **Building setback standards.** The minimum building setbacks shall be measured from the boundary of the county-owned street-Parcel.

~~(f)~~(7) **Private Street required.** Unless the County Engineer or the Land Use Authority authorizes otherwise based on the public benefit outweighing the long term operations and maintenance expense, a Public Street is not allowed in the following circumstances:

~~(1)~~a. **Permanent terminal street.** A non-temporary terminal street;

~~(2)~~b. **Geologic hazards.** A street that traverses a geologic hazards study area shall be a Private Street, unless the hazards study, as required by Title 108, Chapter 22, provides compelling evidence that demonstrates the hazard risk to a Public Street is low.

~~(g)~~(8) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a Private Street shall be constructed to Public Street standards.

~~(h)~~(9) **Plat notes.** On the final plat, the county-owned street-Parcel, where applicable, shall be labeled and noted as required by Section 106-1-8.020.

~~(i)~~(10) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:

~~(1)~~a. The owners of all Lots that gain access from the Private Street are solely and equally responsible for operations and maintenance of the street.

~~(2)~~b. If applicable, that by purchasing a Lot that gains access from a Private Street, the owner acknowledges that the street-Parcel is owned in fee by the governing body for possible future Public Street purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.

~~(3)~~c. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.

~~(4)~~d. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational Public Street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the Private Street to operational Public Street standards.

Sec 106-2-2.030 Shared Private Lane

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

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

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

- (2) Configured and constructed so that any curve will safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.
- (3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no less than 14 and a half feet. In a development with an average density that is greater than one unit per acre, the lane shall be hard-surfaced.
- (4) Be on a Parcel that is held in common ownership by a homeowner's association that governs the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that gain access therefrom.
- (5) If terminal, the shared private lane shall be no longer than
- 200 feet in the Western Weber Planning Area, and provide access to no more than seven Dwelling Units.
 - 600 feet in the Ogden Valley Planning Area, and provide access to no more than 15 Dwelling Units. However, if longer than 200 feet in length it shall be designed with a fire apparatus turn-around approved by the local fire authority at the end.
- (b) **Shared private lane temporarily in lieu of street.** As long as development on other properties in the general area to which a street could extend is not imminent, a private lane may be installed in place of a required public or Private Street, and in the Ogden Valley it may be longer than 600 feet in length, under the following circumstances:
- No interruption of street connectivity.** Doing so shall not disrupt the orderly build-out or inhibit the future street connectivity of the area.
 - Compliance with general plan.** It shall not be contrary to the General Plan's recommendations that are specifically applicable to the area.
 - Easement required.** With the final plat, an easement shall be given over the shared private lane to Weber County for the purpose of reserving an area that can become a future Public Street right-of-way at a time the governing body determines that a Public Street is necessary, if ever.
 - The easement being dedicated to the county shall be the length of the Private Street and extend to adjacent developable land or another street regardless of whether the Private Street infrastructure does.
 - The easement shall be the same width required for a Public Street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
 - Operation, maintenance, and use.** The operations and maintenance of the shared private lane shall be the sole responsibility of the owners of each Lot gaining access from it.
 - Building setback standards.** The minimum front building setback shall be 33 feet greater than otherwise required, and shall be measured from the centerline of the shared private lane.
 - Plat note.** On the final plat, the area of the county-owned easement shall be labeled and noted as required by Section 106-1-8.020.
 - Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides for the following:
 - The owners of all Lots that gain access from the shared private lane are solely and equally responsible for operations and maintenance of the lane.
 - If applicable, that by purchasing a Lot that gains access from a Shared Private Street, the owner acknowledges that the lane easement is owned by the governing body for possible future Public Street purposes, but that the governing body assumes no responsibility or liability for the lane or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
 - The owner is responsible for disclosing the nature of the lane to prospective purchasers, renters, or lessees.

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

523 ...

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

525 [Alternative minimum Lot standards for a connectivity-incentivized subdivision can be found in Section](#)
526 [106-2-1.020.](#)

527 ...



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: ZTA2024-05 - A public hearing and possible action on a request to amend the residential zones to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments.

Applicant: Jeff Meads and Kameron Spencer.

Agenda Date: Tuesday, September 17, 2024

File Number: ZTA 2024-05

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-2: Definitions	§106-2-1: Street Configuration
§104-1-1: Establishment of Zones	§106-2-2: Street Standards
§104-12: Single-Family Residential Zones	§106-2-4: Lot Standards

Legislative Decisions

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

Summary and Background

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

On May 16, 2023, the county amended various land use ordinances to help implement these new housing development policies in the unincorporated Western Weber area (Ord No. 2023-10). Among these amendments there was a new zone created, the R1-15 zone, and density incentives were implemented for quality street and pathway connectivity.

The county has had a little over a year to negotiate quality development patterns with various developers based on these new ordinances and the general plan. Along the way, one emerging theme seems to be that good street and pathway connectivity should not need to be incentivized. It should be required. Another emerging theme is the desire to encourage a variety of lot sizes and development patterns in a manner that creates diverse age-in-place communities rather than only implementing one lot size for each new neighborhood.

In addition, the county has received an application to amend the residential zones to enable more flexible lot development standards in a manner that will modernize the county's residential (R1, R2, and R3) zones and help create communities that are based on new urbanism zoning reform principles.

On September 3, 2024, the planning commission reviewed the proposed changes in work session and requested

a few clarifications/modifications. The attached Exhibit A contains the amendments created through this effort, and the requested changes/modifications are highlighted in yellow.

Policy Analysis

Policy Considerations:

Ordinance Amendments (See Exhibit A):

General Revisions:

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

With the adoption of Ord No. 2023-10, the county reunited these three successive residential zoning tools into one zoning chapter. That amendment consolidated two single family residential zones under one parent R1 zone, but still provided for the separate R1 zone types as subzones R1-15, R1-12, and R1-10. This proposal adds an R1-5 zone to the mix to allow for even greater residential densities where deemed appropriate by the general plan. It also will stratify the R3 zone into two R3-A and R3-S subzones. The A stands for attached residential (or horizontal residential development), and the S stands for stacked (or vertical residential development).

For the revised R1, zones, the proposal steers away from the typical minimum lot sizes of 15,000, 12,000, 10,000, and 5,000 square feet in favor of a maximum density allowance. The maximum density allowance of an areas will still be based on these 15,000, 12,000, 10,000, and 5,000 square feet standards, but rather than using them as lot minimums, they are instead used to inform the max density allowed while allowing much more flexible minimum lot standards.

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

§101-2: Definitions:

The proposal refines the definition of “single-family residential” to make it clear that unless the code explicitly states otherwise, as would be the case for “attached single-family residential,” whenever it uses the term single family-residential it is referring to “detached single-family residential.”

§104-1-1: Establishment of Zones

These edits are clerical in nature. Simply attempting to provide better organization while adding in the new proposed subzones.

§104-12: Residential Zones R1, R2, and R3

§104-12-1: Purpose and Intent

These amendments add in the R1-5 zone and separate the R3 zone into the R3-A and R3-S zones, and explain the purpose and intent of each.

§104-12-3: Land Use Table

These changes add in the new R1-5 and R3-A and R3-S zones to the residential zone’s land use tables, and sets land use permissions in each based on the purpose of the zone.

§104-12-4: Special Regulations

This section of code is a new proposal that the planning commission has not previously reviewed. It is intended primarily to spell out the minimum development standards for all non-single-family-detached dwelling units. For consistency’s sake across other zones it also includes a provision for “temporary buildings or uses.”

§104-12-5: Site Development Standards

This section is where the substantial amendments reside. It adds a new “allowed density” development standard, a significantly reduces minimum lot sizes, widths, and setbacks without enabling more density than that in the “allowed density” standard. If some lots are platted at the minimum size allowed, then by the nature of the max density standard other lots in the development will have to be bigger, or more area will need to be set aside for open spaces or community areas.

A big focus of these new development standards is a greater emphasis on streets and lot frontages being used for community/social spaces and a de-emphasis on their use as automobile storage. The new proposed front-facing garage door standards are intended to help motivate a developer to tuck automobile storage behind the residence or give access to it from an alley, but not be so strict that there are no circumstances in which front-facing garage doors cannot occur.

The proposed standards create a new “building width” standard for buildings, with a primary focus on breaking up long attached single-family dwellings and multi-family buildings.

§106-2-2: Subdivision Standards

§106-2-1: Street Configuration and Circulation

These proposed amendments split what is currently §106-2-1: Street Configuration into two subsections, with §106-2-1.010 being for “street configuration generally” and §106-2-1.020 being for “street connectivity and circulation.”

The content of the new proposed §106-2-1.010 is not changing from the current §106-2-1. However, §106-2-1.020 moves the connectivity incentivized subdivision standards from the section it currently resides, and makes it mandatory in all R1, R2, and R3 zones. It is still voluntary in other allowed zones.

§106-2-2: Street Standards

The applicant would like to be allowed to create private streets. Staff is okay with this request as long as those private streets are perpetually open for public use and only allowed in developments large enough to ensure an HOA will operate and maintain the appropriately. Allowing private streets that are perpetually open to the public with HOA maintenance will enable a variety of street types that will not need to be maintained by the county.

Conformance to the General Plan

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

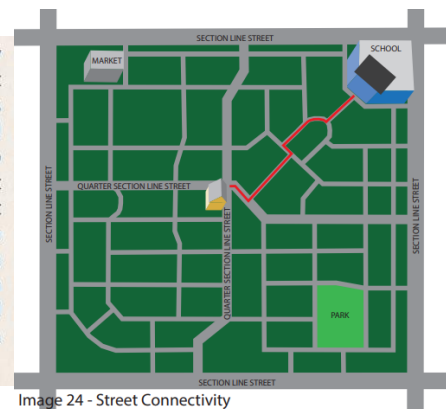
The proposed amendments helps implement and enhance numerous goals and objectives of the General Plan including the following:

Smart Growth Planning

1. STREET CONNECTIVITY

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

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



2. PATHWAY & TRAIL CONNECTIVITY

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

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

3. OPEN SPACE & RECREATION FACILITIES

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

1

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

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

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

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

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

2

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

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

1

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

TRANSPORTATION PRINCIPLE 1.2: Provide efficient regional street access.

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

4

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

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

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

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

- Support connectivity incentivized good connections, as provided in

Staff Recommendation

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

Model Motion

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

Motion for positive recommendation as-is:

I move we forward a positive recommendation to the County Commission for File #ZTA2024-05, an application to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments as provided in Exhibit A. I do so with the following findings:

Example findings:

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

Motion for positive recommendation with changes:

I move we forward a positive recommendation to the County Commission for File #ZTA2024-05, an application to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones, to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. Example: On line number _____, it should read: _____ [state desired edits here] _____.
2. Etc.

I do so with the following findings:

Example findings:

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

Motion to table:

I move we **table** action on File #ZTA2024-05, an application to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments as provided in Exhibit A, to _____ [state a date certain] _____, so that:

Examples of reasons to table:

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

Motion to recommend denial:

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2024-05, an application to add an R1-5 single family zone and to amend the R3 zone to create R3-A and R3-S zones to provide for a multifamily attached zone and a multifamily stacked zone, and to amend the site development standards for all R1, R2, and R3 zones, and related clerical and administrative amendments as provided in Exhibit A. **I do so with the** following findings:

Examples findings for denial:

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

Exhibits

A. Proposed Amendments (Redlined Copy).

EXHIBIT A

WEBER COUNTY
ORDINANCE NUMBER 2024-_____

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO UPDATE THE STANDARD RESIDENTIAL ZONES AND RELATED PROVISIONS AND STANDARDS, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, AND RELATED CLERICAL AMENDMENTS.

WHEREAS, The Board of Weber County Commissioners has heretofore adopted land use regulations that govern the uses and development of land in unincorporated Weber County; and

WHEREAS, The Western Weber General Plan recommends development patterns and outcomes that the County's current land use regulations are not likely to optimally provide; and

WHEREAS, The Board of Weber County Commissioners desire to implement land use and development regulations and guidance that will help achieve the goals and objectives of the new Western Weber General Plan; and

WHEREAS, on [REDACTED], the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code and offered a positive recommendation to the Board of Weber County Commissioners for the proposed amendments; and

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

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

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

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

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

Part II Land Use Code

...

TITLE 101 General Provisions

...

Chapter 101-2 Definitions

...

Sec 101-2-5 D Definitions

...

Dwelling. The term "dwelling" means a building or portion thereof, which is constructed in compliance with the county's adopted building codes and designed as a place for human habitation. This does not include a hotel or hotel room, condominium rental apartment (condo-tel), boardinghouse, lodging house, tourist court or apartment court.

Dwelling, four-family. The term "four-family dwelling," also referred to as a "quadplex," means a building arranged or designed to contain only four dwelling units with approximately the same floor area, and occupying one lot or parcel.

Dwelling, group. The term "group dwelling" means two or more dwellings arranged around a court.

Dwelling, multiple-family (multi-family). The term "multiple-family dwelling," also referred to as a "multi-family dwelling," means a building or portion thereof arranged or designed to contain more than four dwelling units, including an apartment building and condominium building.

Dwelling, primary. The term "primary dwelling" means a single-family dwelling comprising a single building, not attached to other buildings, and is the building designed to be the main dwelling on the lot. Typically, the main dwelling is in the building that is most visually prominent when viewed from the front lot line.

Dwelling, single-family. The term "single-family dwelling," [also referred to as "single-family detached dwelling,"](#) means a building or portion thereof arranged or designed to exclusively contain only one dwelling unit, unless specified otherwise by this Land Use Code, and occupying one lot or parcel.

Dwelling, single-family attached. The term "single-family attached dwelling" means a building containing two or more dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate lot. This is traditionally known as a townhome or townhouse.

[Dwelling, single-family detached.](#) See "[single-family dwelling.](#)"

Dwelling, three-family. The term "three-family dwelling," also referred to as a "triplex," means a building arranged or designed to contain only three dwelling units with approximately the same floor area, and occupying one lot or parcel.

Dwelling, two-family. The term "two-family dwelling" also referred to as a "duplex," means a building arranged or designed to contain only two dwelling units with approximately the same floor area, and occupying one lot or parcel.

Dwelling unit. The term "dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

Dwelling unit, accessory. The term "accessory dwelling unit," also referred to as an "ADU," means a dwelling unit, as defined by this chapter, that is incidental and accessory to a main use of a lot or parcel, as may be allowed in this Land Use Code.

Dwelling unit, condominium. See "condominium dwelling unit."

Dwelling unit, detached accessory. The phrase "detached accessory dwelling unit" means an accessory dwelling unit that is located in an accessory building.

46 **Dwelling unit, internal accessory.** The phrase "internal accessory dwelling unit" means an accessory
47 dwelling unit that is created within the footprint of a primary dwelling unit for the purpose of offering a long-
48 term rental.

49 **Dwelling unit, owner occupied.** The phrase "owner occupied dwelling unit" means a dwelling unit that is
50 occupied by the owner of record for a minimum of seven months of the calendar year, except that temporary
51 leave for religious, military, or other legitimate purposes does not disqualify owner occupancy. A primary
52 dwelling, as designated by the County Assessor, qualifies as an owner occupied dwelling unit, unless clear
53 evidence exists to the contrary.

54 **Dwelling unit, townhome.** See "single-family attached dwelling."

55 ...

56 **TITLE 104 ZONES**

57 **Chapter 104-1 In General**

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

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

ZONE DISTRICT	ZONE CATEGORY	ZONE NAME	
Gravel Zone	Gravel	G	
Agricultural Zones	Agricultural	A	A-1
			A-2
			A-3
	Agricultural Valley	AV	AV-3
Forest Zones	Forest	F	F-5
			F-10
			F-40
	Forest Valley	FV	FV-3
Shoreline Zone	Shoreline	S	S-1
Residential Zones	Residential Estates	RE	RE-15
			RE-20
	Single-Family	R1	R1-15
			R1-12
			R1-10

Commercial Zones			R1-5
	Two-Family	R2	R2
	Multi-Family	R3	R3-A
			R3-S
	Forest Single-Family	FR	FR-1
	Forest Multi-Family		FR-3
	Mobile/Manufactured Home Park	RMH	RMHP
	Manufactured Home		RMH-1-6
	Neighborhood Commercial	C	C-1
	Community Commercial		C-2
	Regional Commercial		C-3
	Neighborhood Commercial Valley	CV	CV-1
	Community Commercial Valley		CV-2
Manufacturing Zones	Manufacturing and Technology	M	M-T
	Light Manufacturing		M-1
	Medium Manufacturing		M-2
	Heavy Manufacturing		M-3
	Valley Manufacturing	MV	MV-1
Form-Based Zone	Form-Based	FB	
Open Space Zone	Open Space	O-1	
Master Planned Development Overlay Zone	Master Planned Development	MPDOZ	
Ogden Valley Sensitive Lands Overlay Zone	Sensitive Lands	SLOZ	
Recreation Resort Zones	Commercial Valley Resort Recreation	CVR-1	

	Ogden Valley Destination and Recreation Resort	DRR-1
Large Solar Energy System Overlay Zone	Solar Energy	SOZ

...

Chapter 104-12 Residential Zones R1, R2, and R3

Sec 104-12-1 Purpose And Intent

- (a) The purpose of the R1 zone is to provide regulated areas for Single-Family Dwelling uses at ~~three-four~~ different low-~~to-medium~~-density levels. The R1 zone includes the R1-15, R1-12, ~~and R1-10, and R1-5~~ zones. Any R-1-12 and R-1-10 zones shown on the zoning map or elsewhere in the Land Use Code are ~~synonymous with~~ [references to](#) the R1-12 and R1-10 zones, respectively.
- (b) The purpose of the R2 Zone classification is to accommodate a need for moderate density residential districts incorporating both Single-Family Dwellings and Two-Family Dwellings. Any R-2 zone shown on the zoning map or elsewhere in the Land Use Code is ~~synonymous with~~ [with a reference to](#) the R2 zone.
- (c) The purpose of the R3 Zone classification is to provide residential areas that will accommodate the development of [a wide variety of](#) dwelling types, [ranging](#) from Single-Family Dwellings through Multiple-Family Dwellings with their associated necessary public services and activities. [The R3 zone includes the R3-A and R3-S zones. The "A" in R3-A stands for attached and generally allows all types of residential dwellings except stacked residences. The "S" in R3-S stands for stacked and generally allows all types of residential dwellings, including stacked, but excluding single-family detached. ~~It~~ The R3 zone](#) is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses. Any R-3 zone shown on the zoning map or elsewhere in the Land Use Code is synonymous with the R3 zone.

Sec 104-12-2 (Reserved)

84 **Sec 104-12-3 Land Use Table**

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

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

	R1				R2	R3		SPECIAL REGULATIONS
ACCESSORY USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Accessory building , when accessory and incidental to the use of a main building and when not otherwise specified in this table.	P	P	P	P	P	P	P	See Title 108, Chapter 19. This use is only allowed when accessory to one Single-Family Dwelling per Lot.
Accessory Dwelling Unit.	P	P	P	P	P	P	N	
Accessory use , when accessory and incidental to a permitted or conditional use and when not otherwise specified in this table.	P	P	P	P	P	P	P	
Accessory uses for a cemetery , including but not limited to a mortuary, crematory, staff housing, service shop and chapel.	N	N	N	N	P	P	P	
Home occupation , when accessory to a residential use.	P	P	P	P	P	P	P	See Title 108, Chapter 13.
Household pets , when accessory to a residential use.	P	P	P	P	P	P	P	

Main building , which is accessory to, and designed or used to accommodate, a main use.	P	P	P	P	P	P	P	
Parking lot , when accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	
Temporary building or use , accessory and incidental to onsite construction work typical for the area.	P	P	P	P	P	P	P	The building or use shall be removed upon completion or abandonment of the construction work.

89

90 (b) **Agricultural uses, non-animal**

	R1				R2	R3		SPECIAL REGULATIONS
AGRICULTURAL USES, NON-ANIMAL	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Agriculture, limited.	P	P	P	P	P	P	P	Limited to noncommercial crop production in private or community gardens no greater than one acre.

91

92 (c) **(Reserved)**

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

	R1				R2	R3		SPECIAL REGULATIONS
COMMERCIAL USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Child day care.	C	C	C	C	C	C	C	

94 (e) **Institutional or governmental uses.**

	R1				R2	R3		SPECIAL REGULATIONS
INSTITUTIONAL OR GOVERNMENTAL USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Cemetery.	P	P	P	P	P	P	P	At least half an acre devoted to the cemetery shall be provided.
Church, synagogue, or similar building used for regular religious worship.	P	P	P	P	P	P	P	
Convalescent or rest home.	N	N	N	N	P	P	P	
Private park, playground or recreation area. Fees collected, if any, shall be devoted to operations and maintenance of the park. No commercial venture allowed.	C	C	C	C	C	C	C	A private park and related infrastructure approved as part of a subdivision or development agreement shall be a permitted use provided compliance with the standards of Title 108, Chapter 4.
Public building. A building used by a governmental agency, or a nonprofit entity that provides typical governmental or government-sponsored functions.	P	P	P	P	P	P	P	
Public park, recreation grounds and associated buildings.	P	P	P	P	P	P	P	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	

95 (f) **Residential uses.**

	R1				R2	R3		SPECIAL REGULATIONS
RESIDENTIAL USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Dwelling, Group. A group dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	See Section 108-7-11. No more than 24 Dwelling units allowed per Lot.
Dwelling, Single-Family. A Single-Family Dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	P	P	N	
Dwelling, Single-Family Attached. A Single-Family Attached Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	In the R2 zone, no more than two dwelling units allowed per Lot.
Dwelling, Two-Family. A Two-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	See Section 104-12-4
Dwelling, Three-Family. A Three-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
Dwelling, Four-Family. A Four-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
Dwelling, Multi-Family. A Multi-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
Residential facility for elderly persons.	P	P	P	P	P	P	P	See Section 108-7-15.
Residential facility for handicapped persons.	P	P	P	P	P	P	P	See Section 108-7-13.
Residential facility for troubled youth.	P	P	P	P	P	P	P	See Section 108-7-14.
Short-term rental. A short-term rental.	N	N	N	N	N	N	N	See Section 108-7-11.

96

97 (g) **Utility uses.**

	R1				R2	R3		SPECIAL REGULATIONS
UTILITY USES	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Public utility substations.	C	C	C	C	C	C	C	See Section 108-10-2.
Water storage reservoir, when developed by a utility service provider.	C	C	C	C	C	C	C	See Title 108, Chapter 10.

98

99 **Sec 104-12-4 (Reserved) Special Regulations**

100 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-12-3. Due to the nature of the use, each shall be further
 101 regulated as follows:

102 (a) **Dwelling unit design standards.** All Dwellings except for a Single Family Detached Dwelling shall be designed in accordance with the following minimum
 103 design standards:

104 (1) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.

105 (2) **Building massing.** The wall massing of building facades shall be broken at least every 30 feet with no less than a six inch shift in the plane of
 106 adjacent walls.

107 (3) **Building material.** Each building facade that faces the street shall consist of brick, stone, or wood, or a faux material, such as fiber cement, that is
 108 hard for the Land Use Authority to distinguish from real brick, stone, or wood. Metal may be used for accent material covering less than 25 percent
 109 of any facade, excluding area for window and door openings. At least one of the building materials used on the building facade shall also be used on
 110 all other sides of the building.

111 (4) **Colors.** At least two muted earth-tone colors generally visible from the site are required.

112 (5) **Repetitious building facades.** When multiple Dwelling Units with substantially similar floor plans will be located on the same Street Block, whether
 113 mirrored or not, no less than seven unique Dwelling Unit facade patterns that use unique architectural design features and materials shall be used
 114 and distributed in a manner that avoids the obvious repetition of the same pattern, whether mirrored or not, within visual proximity of another. This
 115 provision shall not apply to a stacked Multi-Family Dwelling or to any Dwelling Unit within a building that has one common street-facing front entrance
 116 and a street-facing facade that gives the visual appearance of a Single-Family Dwelling.

117 (b) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of the construction work.

118

119 **Sec 104-12-5 Site Development Standards**

120 The following site development standards apply to the Residential Zones R1, R2, and R3, unless specified otherwise in this Land Use Code

121 **(c) Allowed density:**

	<u>R1</u>				<u>R2</u>	<u>R3</u>		<u>SPECIAL REGULATIONS</u>
<u>ALLOWED DWELLING UNIT DENSITY</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
<u>Total allowed units.</u> The total number of dwelling units allowed in any given area shall be no more than the gross area divided by:	<u>15,000 square feet</u>	<u>12,000 square feet</u>	<u>10,000 square feet</u>	<u>5,000 square feet</u>	<u>4,000 square feet</u>	<u>3,000 square feet</u>	<u>1,800 square feet</u>	
<u>Maximum allowed units per acre.</u> Maximum allowed dwelling units per acre:	<u>2.90</u>	<u>3.63</u>	<u>4.36</u>	<u>8.71</u>	<u>10.9</u>	<u>14.5</u>	<u>24.2</u>	

122

123 (a)(d) Lot area:

	R1				R2	R3		SPECIAL REGULATIONS
LOT AREA	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Minimum Lot area, Single-Family Dwelling. The minimum Lot area for a Single-Family Dwelling shall be:	15,000 square feet	12,000 square feet	10,000 square feet		6,000 square feet	3,000 square feet		See alternative Lot area allowances elsewhere in this Land Use Code for cluster subdivisions, lot-averaged subdivisions, and connectivity-incentivized subdivisions
Minimum Lot area, non-Single-Family Dwelling. The minimum Lot area for all Dwellings other than a Single-Family Dwelling:	NA	NA	NA		9,000 square feet	8,000 square feet		A development with multiple Dwellings per Lot shall provide the minimum Lot area per building. An additional 2,000 square feet of Lot area is required for each Dwelling Unit in excess of two per building.
<u>Dwelling:</u> The minimum Lot Area for a Dwelling:	<u>6,000 square feet</u>	<u>5,000 square feet</u>	<u>4,000 square feet</u>	<u>2,500 square feet</u>	<u>2,500 square feet</u>	No minimum		<u>See Note 1.</u> <u>If a flag lot, see Section 106-4-4.010 for alternative development standards.</u>
<u>Public utility substation:</u>								<u>See Section 108-10-2 for public utility substation site development standards.</u>
Other main building or use. The minimum Lot Area for a main building <u>or use</u> other than a Dwelling:	15,000 square feet	12,000 square feet	10,000 square feet	<u>9,000 square feet</u>	9,000 square feet	8,000 square feet		

124 ¹ This minimum lot area notwithstanding, at no time shall any subdivision or other development project have a Dwelling Unit density greater than specified in
125 Subsection (a) of this Section. After a subdivision or development project has received final approval under these standards, all excess Dwelling Unit density
126 not included in the approval shall be forfeit unless the density in the entire original project area is reconsidered for compliance with density regulations and
127 all owners within that area consent to the reconsideration. Accessory dwelling units are exempt from this part.

128

129 (b)(e) Lot ~~w~~Width and Lot Frontage:

		R1				R2	R3		SPECIAL REGULATIONS
<u>MINIMUM LOT WIDTH AND LOT FRONTAGE</u>		R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
Minimum Lot width:		80	70	60		50	50		Unless located at least 30 feet behind the front-most part of the Dwelling, one or more front-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of the Lot.
<u>Dwelling:</u>	<u>Lot Width:</u> The minimum Lot Width for a Dwelling:	<u>60 feet</u>	<u>50 feet</u>	<u>40 feet</u>	<u>40 feet</u>	<u>30 feet</u>	<u>No minimum</u>		<u>If a flag lot, see Section 106-4-4.010 for alternative development standards.</u>
	<u>Lot Frontage:</u> The minimum Lot Frontage for a Dwelling:	<u>The minimum Lot Frontage shall be the same as the minimum Lot Width, except if the Lot Frontage is on the outside curve of a street right-of-way the minimum Lot Frontage shall be reduced by one-third.</u>							
<u>Other main building or use.</u> The minimum Lot Width and Street Frontage for a main building or use other than a Dwelling:		<u>100 feet</u>	<u>90 feet</u>	<u>80 feet</u>	<u>70 feet</u>	<u>60 feet</u>	<u>50 feet</u>		
<u>Public utility substation:</u>									<u>See Section 108-10-2 for public utility substation site development standards.</u>

130

131 (e)(f) Yard setbacks:

132 (1) Front ~~y~~Yard ~~s~~Setback:

R1					R2	R3		SPECIAL REGULATIONS
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FRONT YARD SETBACK		R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Minimum for Single-, Two-, Three-, and Four-Family Dwelling:		20 feet, except 15 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley ¹ .						No parking area, pad, or driveway within the front setback shall be less than 20 feet deep when measured from the Front Lot Line.	
Dwelling: The minimum Front Yard Setback for a Dwelling:		15 feet	15 feet	15 feet	15 feet	12 feet	10 feet	In the R3-S zone, the required parking, if surface parking, shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street shall be used.	
Garage door facing a public street: The minimum Front Yard Setback for a public street-facing garage door or doors with a cumulative width that is:	30 percent of the Lot Width or greater; less than 30 percent of the Lot Width:	30 feet				25 feet	20 feet	At no time shall the cumulative width of a public street-facing garage door or doors be greater than 50 percent of the width of the dwelling's façade when viewed from the public street.	
Minimum for Multi-Family Dwelling:		N/A					15	Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.	
Other main building: The minimum Front Yard Setback for other main building:		30 feet							
Accessory building: The minimum Front Yard Setback for an accessory building:		30 feet							

Public utility substation:

See Section 108-10-2 for public utility substation site development standards.

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

(2) Side yYard sSetback:

	R1				R2	R3		SPECIAL REGULATIONS
SIDE YARD SETBACK	R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
Minimum for Dwellings other than multi-family Dwellings:	5 feet on one side, 10 feet on the other.				5 feet			Both sides may be 5 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley¹. No parking area, pad, or driveway shall be provided within the 15-foot front setback.
<u>Dwelling: The minimum Side Yard Setback for a Dwelling:</u>	<u>5 feet for single story; 7 feet for more than one story²; 10 feet for an attached garage.</u>				<u>5 feet</u>	<u>No minimum</u>		<u>In the R3 zones, the minimum distance between buildings, both onsite and off, shall be 10 feet.</u>
Minimum for Multi-Family Dwelling:	N/A				NA	8 feet ²		Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.
Minimum for oOther main building: <u>The minimum Side Yard Setback for other main building:</u>	20 feet							

Minimum for side fronting street on Corner Lot:	15 feet	
<u>Corner Lot: The minimum Side Yard Setback for a side fronting on a street:</u>	<u>Front Yard Setback regulations apply.</u>	
Accessory building: The minimum Side Yard Setback for an accessory building.	Same as main building, except 1 foot if located at least 6 feet in rear of main building.	<u>No minimum</u>
<u>Public utility substation:</u>		If an accessory building greater than 1000 square feet, see <u>Section 108-7-16</u> for <u>sSide Yard sSetback</u> requirements. <u>See Section 108-10-2 for public utility substation site development standards.</u>

¹ No minimum Side Yard Setback is required for a detached garage that shares a common wall with a similarly proportioned and appearing garage on the adjacent lot, as long as both garages are built at the same time.

² More than one story is when any part of a second story exists behind the façade wall that faces the Side Yard, excluding area within a basement. For example, if a second story is under a gabled roof, and the gable faces the subject Side Yard, then that side of the building is more than one story, but if the gable faces the Rear Yard or Front Yard, and all of the second story on the façade that faces the subject Side Yard is above the roof's eave, then that side of the building is one story.

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

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

(3) Rear yYard sSetback:

	R1				R2	R3		SPECIAL REGULATIONS
REAR YARD SETBACK	R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
Minimum rear yard setback for main building:	30 feet					20 feet		

<u>Dwelling</u> : The minimum Rear Yard Setback for a Dwelling:	20 feet				
<u>Garage door facing Alley or Shared Private Lane</u> : The minimum Rear Yard Setback for a garage door that faces an Alley or Shared Private Lane:	5 feet				
<u>Other main building</u> : The minimum Rear Yard Setback for other main building:	30 feet				
Minimum rear yard setback for accessory building:	4 foot, except 10 feet when on a corner Lot and adjacent to the adjoining Lot's front yard.				The entrance of an Alley facing garage, carport, or similar shall be setback from the Alley right-of-way no less than 15 feet.
<u>Accessory building</u> : The minimum Rear Yard Setback for an accessory building:	1 foot, except 10 feet when on a corner Lot and adjacent to the adjoining Lot's front yard.				
<u>Public utility substation</u> :					See Section 108-10-2 for public utility substation site development standards.

147

148 ~~(d)(g)~~ Building Height:

	R1				R2	R3		SPECIAL REGULATIONS
BUILDING HEIGHT	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
<u>Minimum building height</u> : The minimum building height for a main building:	1 story							

Maximum building height for main building	35 feet				
Maximum building height: The maximum building height for a main building:	35 feet	40 feet	45 feet	50 feet	See also Section 108-7-5.
Maximum building height for accessory building:	25 feet				See Section 108-7-16 for an accessory buildings over 1,000 sq. ft.

(e)(h) Lot coverageBuilding Width:

	R1				R2	R3		SPECIAL REGULATIONS
LOT COVERAGE <u>BUILDING WIDTH</u>	R1-15	R1-12	R1-10	<u>R1-5</u>		<u>R3-A</u>	<u>R3-S</u>	
Maximum percent of Lot coverage by buildings:	Not applicable				40- percent			
<u>Maximum dwelling width: The maximum width of any dwelling shall be the lesser of:</u>	<u>No minimum</u>				<u>8 attached units or 240 feet</u>		<u>The minimum distance between buildings on the same lot shall be ten feet.</u>	
<u>Maximum width of other main building: The maximum width of a main building other than a dwelling shall be the lesser of:</u>	<u>240 feet</u>							

(f)(i) Floor to Area Ratio:

	R1				R2	R3		SPECIAL REGULATIONS
FLOOR AREA RATIO	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	

Maximum ratio of total floor-area of buildings to Lot area:	N/A	1:1		
<u>Maximum floor area ratio:</u> The maximum floor to area ratio, found by dividing the entire floor area of all buildings by the site area:	<u>Not applicable</u>	<u>1.5</u>	<u>2.0</u>	

154 ...

155 **TITLE 106 SUBDIVISIONS**

156 ...

157 **Chapter 106-2 Subdivision Standards**

158 **Sec 106-2-1 Street Configuration and Circulation**

159 **Sec 106-2-1.010 Street Configuration Generally**

160 A subdivision shall be designed to follow the street configuration requirements herein and elsewhere in this
161 Land Use Code. Where this code allows an applicant flexibility on street location or configuration, that
162 flexibility shall not be construed to relieve the applicant from requirements of this section.

163 (a) **General street configuration and alignment.** The configuration of streets in a new subdivision shall:
164

- 165 (1) Ensure the continuation of existing streets that can logically and reasonably be connected along
166 the same street alignment;
- 167 (2) Provide for the continuation of new streets into adjoining undeveloped land;
- 168 (3) Be designed to consider the block length specified in Section 106-2-3, as it relates to both the
169 subject property and adjoining property;
- 170 (4) Not avoid the requirements of this section by shifting the responsibility of providing a street onto
171 landowners of adjacent undeveloped or underdeveloped parcels; and
- 172 (5) Not create an unnecessary hardship to providing street connections on or to other parcels in the
173 general area, as deemed appropriate by the Land Use Authority.

174 (b) **Master planned street.** A street shown in an applicable general plan, small area plan, master streets
175 plan, development agreement, or similar adopted planning document, shall be installed by the applicant
176 in the general location depicted in the planning document.

177 (c) **Section line and quarter section line street.** A street shall be installed by the applicant along the
178 general alignment of a section line and quarter section line, in compliance with the following:

- 179 (1) **Minor deviations from section lines.** The alignment of a section line or quarter section line street
180 may be adjusted up to 400 feet so the applicant may gain lots on both sides of the street, provided
181 that the radii of the curves are appropriate for the type of street, as determined by the County
182 Engineer. The street shall realign at some point downstreet with the same section line or quarter
183 section line, or a previously created street or dedicated street right-of-way intended to be or become
184 the same section line or quarter section line street.
- 185 (2) **Alternative street alignment.** The Land Use Authority may, but is not required to, allow a street's
186 alignment to be rerouted or, if it does not violate the terminal street requirements of Section 106-2-
187 2.4, terminated if strict compliance with this subsection is inappropriate for the following reasons:
- 188 a. It will result in unreasonable public costs for operations or maintenance of the street;
- 189 b. It will conflict with a railway, waterway, wetland, critical wildlife habitat, or other environmental
190 concern that cannot be mitigated with reasonable effort;
- 191 c. It will result in a conflict with another section of this Land Use Code; or
- 192 d. It will advance a goal of a general plan, small area plan, or similar planning document applicable
193 to the land.

194 (d) **Angle of intersecting streets.** Any street approaching an arterial or collector street shall approach at
195 an angle of not less than 80 degrees.

196 (e) **Half-street.** A half-street shall be governed as follows:

- 197 (1) **Within a subdivision.** A half-street is not allowed within a subdivision except as more specifically
198 provided in this Land Use Code.

- (2) **On a subdivision boundary.** Where a subdivision's boundary shares a common line with undeveloped land, an approximate half-width street right-of-way is allowed as long as:
- The required street improvements include half of what is otherwise typically required for the type of street plus at least a 20-foot wide vehicle travel surface, designed to specifications of the County Engineer; and
 - The street right-of-way within the bounds of the subdivision is wide enough to accommodate these street improvements.

Sec 106-2-1.020 Street Connectivity and Circulation

- (a) **Intent.** The intent of this section is to provide efficient, convenient, logical, and frequent street and pathway connections to, within, through, and out of a proposed subdivision in a manner that other provisions of this Land Use Code do not. In all zones except the R1, R2, and R3 zones, in exchange for providing the additional infrastructure, the applicant may use the acreage otherwise occupied by streets and pathways as credit toward creating Lots.

(b) Mandatory and Voluntary compliance.

(1) **Mandatory compliance.** The provisions of this section are mandatory in the R1, R2, and R3 zones.

~~(b)(2)~~ **Voluntary compliance: connectivity-incentivized subdivision.** In other allowed zones, the provisions of this section offer a voluntary alternative to traditional and typical Lot development standards otherwise set forth in the applicable zone. An applicant shall not be allowed to use this section unless the applicant volunteers to comply with all provisions herein. Applying for a connectivity-incentivized subdivision constitutes the applicant's agreement to be governed by this section, and constitutes the applicant's acknowledgement that the discretionary authority this section offers to the Land Use Authority may result in a decision contrary to the applicant's initial intent. The applicant accepts all risk, including lost time and money, for voluntarily applying for subdivision review under these provisions. Otherwise, the applicant shall use other development types authorized by this Land Use Code to subdivide their land.

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

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

~~(1)~~ Unless excepted in Subsection ~~(d)(2)b.2.~~ of this ~~section~~ Subsection (b)(2), at no time shall the Lot Area and Lot Width of any residential Lot be less than provided in this table:

	S-1	F-5	AV-3	FV-3	A-3	A-2	A-1	RE-20	RE-15	FR-3	R1	R2	R3	CVR-1
Reduced minimum Lot area:	50-percent of the zone's minimum.							80-percent of the zone's minimum.			6000+ square feet	80-percent of the zone's minimum.		No minimum.
Reduced minimum Lot width:											60 feet			

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

(4)2. The following are exceptions to the Lot Area and Lot Width provisions of Subsection (db)(1)b.1. of this Subsection (b)(2):

a. A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.

b. A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.

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

(1) **Street-Block.** A Street-Block, as defined in Section 101-2-20 shall have a length of no greater than ~~660-800~~ feet. The Land Use Authority may, but is not obligated to, approve an exception to this rule if a Street-Block cannot be formed as a result of one or more of the following. However, in each case the applicant shall provide a Street-Block or a connection that will help form a future Street-Block as near as is otherwise reasonably practicable:

- a. The adjacent area to which a street could otherwise be extended is built-out such that no reasonable street connection can be made thereto;
- b. The adjacent area to which a street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to, sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades;
- c. The adjacent area to which a street could otherwise be extended has culturally or locally important lands that can, are, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority;
- d. Adherence to the maximum Street-Block length will interrupt a regionally significant pedestrian pathway delineated in the area's general plan or similar planning document; or
- e. Strict adherence to the maximum Street-Block length will result in a Street-Block that is less than ~~200-300~~ feet in length.

~~(2) **Street efficiency.** A street or street segment shall provide the shortest connection reasonably possible without compromising the buildability of adjoining lots given compliance with other requirements of this Land Use Code.~~

(3)(2) **Intersections.** Street intersections shall be four-way intersections wherever possible.

(4)(3) **Directional continuity.** A Major Neighborhood Street, Collector Street, and Arterial Streets shall provide directional continuity. Regardless of how a street may wind through a subdivision, whenever possible it shall exit the subdivision in the same general direction it entered so that it provides users a consistent direction of travel along the same street.

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

~~(6)~~(5) **Alignment and connection to other streets.** Whenever possible, streets shall connect or be aligned to provide a future connection to other existing streets in the general area, with special deference for connecting to existing stubbed streets.

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

(1) **Pathways and sidewalks, generally.**

- a. Each development shall be configured so that the maximum pathway or sidewalk walking-distance between a pathway or sidewalk intersection is 400 feet.
 1. This distance may be increased for a segment of a pathway that travels through a permanently preserved open space area or an area very unlikely to ever develop, as determined by the Land Use Authority.
 2. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another pathway, sidewalk, or street that has pedestrian facilities, or an alley or shared private lane, provided each are perpetually open for use by the general public for non-automobile purposes.
- b. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized modes of transportation.
- c. Pathways shall connect to each other using shortest distance reasonably possible.
- d. 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, general plan, master trails plan, or other applicable adopted planning document.
- e. A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or sidewalk within the subdivision.
- f. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a stub to the subdivision boundary.
- g. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating convenient and efficient access to nearby Lots or Parcels that are likely to eventually be developed.

(2) **Street-adjacent pathway.** Along each Arterial Street, Collector Street, and Major Neighborhood Street, as provided in an adopted general plan, master streets plan, or similar adopted document, or along a section line street as provided in Section 106-2-1, a 10-foot wide hard-surfaced pathway shall be installed.

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

e. Example of street-adjacent pathway:



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



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1.

~~(d)~~(e) **Final plat note.** Except for subdivisions in the R1, R2, or R3 zones, Pursuant to Section 106-1-8.020, a subtitle and plat note regarding connectivity-incentivized subdivision shall be placed on the final plat.

Sec 106-2-2 Street Standards

Sec 106-2-2.010 Public Street Requirement

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

- (a) **Public Street dedication.** Each street in a subdivision shall be dedicated to the county as a Public Street, except when a Private Street is allowed or required as provided in this section.
- (b) **Standard street cross-sections.** All proposed Public Streets shall conform to the county street cross-section standards, unless explicitly specified otherwise.

Sec 106-2-2.020 Private Street Option

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

- (a) **Private Street open for general public use.** A private street that is perpetually open to the public for use and through-passage is allowed only under the following circumstances:
 - (1) The Private Street shall never be closed to the public and no signage shall be erected to indicate or insinuate that the street is not open for public use and passage, except to allow for occasional and routine maintenance necessary to ensure the longevity of the street.
 - (2) The Private Street shall be owned, operated, and maintained in perpetuity by a homeowner's association that has at least 40 Dwelling Units as evidenced by an approved preliminary subdivision

plat and recorded homeowner's declaration. If final plat recordation is phased, the homeowner's association declaration shall be recorded to the entire legal description of the preliminary subdivision plat at the time the first plat is recorded. The declaration shall include the approved preliminary plat. Special provisions or deviations from this requirement may be approved in a development agreement.

(3) At no time shall a Private Street conflict with, or create non-routine operations and maintenance demand on, any Public Street.

(4) A Private Street that complies with this Subsection (a) shall be allowed to count as a Public Street for the purposes of creating a Street Block pursuant to Section 106-2-3 or other Street Block regulations in this Land Use Code.

(b) Private Street not open for general public use.

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

(2) **Prohibition.** A Private Street shall not be allowed if:

- a. It creates a hardship for other landowners in the area to provide access to develop their land in accordance with the provisions of this Land Use Code, or
- b. A Public Street is needed in the location of the proposed Private Street, as determined by the Land Use Authority.
- c. It is in the Western Weber Planning Area and is not a permanently terminal street, as provided in Subsection (g) of this section.

~~(b)~~(3) **Responsibility for construction.** The applicant shall pay for and construct the Private Street.

~~(c)~~(4) **Ownership.** The final plat shall dedicate the land under the Private Street to the County for the purpose of future conversion to a Public Street at a time the governing body determines a Public Street is necessary, if ever.

~~(4)~~a. **Street-Parcel dedication waiver.** The Land Use Authority may waive this requirement if development or further development on adjacent Lots or Parcels to which the street could be extended is extremely unlikely, or to which future public access offers very little public benefit, or future development benefit, as determined by the Land Use Authority.

a.1. **No Street-Block waiver.** A street needed to satisfy the Street-Block requirements of Section 106-2-3 is not eligible for this waiver unless there is no way in which that street can be configured in the subdivision to support the creation of the Street-Block.

b.2. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and installation of a 12-foot wide public easement and pathway or trail connection. The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a maximum average grade of 18 percent.

~~c.~~3. **Waiver requires joint ownership.** If a waiver is granted, the street-Parcel shall be held in joint ownership of the owners of all Lots that gain access from it.

~~(2)~~b. **Street-Parcel configuration.** The Parcel being dedicated to the county shall be the length of the Private Street and extend to adjacent developable land or another street regardless of whether the Private Street infrastructure does. The Parcel shall be the same width required for a Public Street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.

~~(3)~~c. **Transfer of street-Parcel.** If adjacent Parcels to which the Private Street could connect reach full build-out or otherwise change in a manner that renders a future Public Street connection extremely unlikely, or if future public access to those Parcels offers very little public

benefit, the county, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all Lots that gain access from it.

~~(d)~~(5) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed Private Street improvements shall be the sole responsibility of the owners of each Lot gaining access from the Private Street or a homeowner's association. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-Parcel.

~~(e)~~(6) **Building setback standards.** The minimum building setbacks shall be measured from the boundary of the county-owned street-Parcel.

~~(f)~~(7) **Private Street required.** Unless the County Engineer or the Land Use Authority authorizes otherwise based on the public benefit outweighing the long term operations and maintenance expense, a Public Street is not allowed in the following circumstances:

~~(1)~~a. **Permanent terminal street.** A non-temporary terminal street;

~~(2)~~b. **Geologic hazards.** A street that traverses a geologic hazards study area shall be a Private Street, unless the hazards study, as required by Title 108, Chapter 22, provides compelling evidence that demonstrates the hazard risk to a Public Street is low.

~~(g)~~(8) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a Private Street shall be constructed to Public Street standards.

~~(h)~~(9) **Plat notes.** On the final plat, the county-owned street-Parcel, where applicable, shall be labeled and noted as required by Section 106-1-8.020.

~~(i)~~(10) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:

~~(1)~~a. The owners of all Lots that gain access from the Private Street are solely and equally responsible for operations and maintenance of the street.

~~(2)~~b. If applicable, that by purchasing a Lot that gains access from a Private Street, the owner acknowledges that the street-Parcel is owned in fee by the governing body for possible future Public Street purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.

~~(3)~~c. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.

~~(4)~~d. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational Public Street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the Private Street to operational Public Street standards.

Sec 106-2-2.030 Shared Private Lane

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

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

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

- (2) Configured and constructed so that any curve will safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.
- (3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no less than 14 and a half feet. In a development with an average density that is greater than one unit per acre, the lane shall be hard-surfaced.
- (4) Be on a Parcel that is held in common ownership by a homeowner's association that governs the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that gain access therefrom.
- (5) If terminal, the shared private lane shall be no longer than
- 200 feet in the Western Weber Planning Area, and provide access to no more than seven Dwelling Units.
 - 600 feet in the Ogden Valley Planning Area, and provide access to no more than 15 Dwelling Units. However, if longer than 200 feet in length it shall be designed with a fire apparatus turn-around approved by the local fire authority at the end.
- (b) **Shared private lane temporarily in lieu of street.** As long as development on other properties in the general area to which a street could extend is not imminent, a private lane may be installed in place of a required public or Private Street, and in the Ogden Valley it may be longer than 600 feet in length, under the following circumstances:
- No interruption of street connectivity.** Doing so shall not disrupt the orderly build-out or inhibit the future street connectivity of the area.
 - Compliance with general plan.** It shall not be contrary to the General Plan's recommendations that are specifically applicable to the area.
 - Easement required.** With the final plat, an easement shall be given over the shared private lane to Weber County for the purpose of reserving an area that can become a future Public Street right-of-way at a time the governing body determines that a Public Street is necessary, if ever.
 - The easement being dedicated to the county shall be the length of the Private Street and extend to adjacent developable land or another street regardless of whether the Private Street infrastructure does.
 - The easement shall be the same width required for a Public Street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
 - Operation, maintenance, and use.** The operations and maintenance of the shared private lane shall be the sole responsibility of the owners of each Lot gaining access from it.
 - Building setback standards.** The minimum front building setback shall be 33 feet greater than otherwise required, and shall be measured from the centerline of the shared private lane.
 - Plat note.** On the final plat, the area of the county-owned easement shall be labeled and noted as required by Section 106-1-8.020.
 - Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides for the following:
 - The owners of all Lots that gain access from the shared private lane are solely and equally responsible for operations and maintenance of the lane.
 - If applicable, that by purchasing a Lot that gains access from a Shared Private Street, the owner acknowledges that the lane easement is owned by the governing body for possible future Public Street purposes, but that the governing body assumes no responsibility or liability for the lane or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
 - The owner is responsible for disclosing the nature of the lane to prospective purchasers, renters, or lessees.

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

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

525 [Alternative minimum Lot standards for a connectivity-incentivized subdivision can be found in](#)
526 [Section 106-2-1.020.](#)

527 ...