



WEBER COUNTY PLANNING COMMISSION MEETING

MEETING AGENDA

April 7, 2026



Pre-meeting 4:30 p.m./Regular meeting 5:00 p.m.

- Pledge of Allegiance:
- Roll Call:

1. Minutes: March 3, 2026
2. Administrative Items:

2.1 CUP 2026-05: Request for approval of a conditional use permit for seven condominium rental apartments located in the CVR-1 Zone at approximately 6874 E 6675 N, Eden, UT, 84310.

Applicant: Michael Barnett; Staff Presenter: Tammy Aydelotte

2.2 LV03172026: Request for preliminary subdivision approval of Creekside at JDC Ranch Phase 7, consisting of 43 detached single-family lots in the R-10 Zone located at approximately 4000 N Galloway Lane, Ogden, UT, 84401.

Applicant: Lacy Richards; Staff Presenter: Tammy Aydelotte

3. Legislative Items:

3.1 ZTA2026-01: A public hearing to consider a proposed text amendment to the Weber County Land Use Ordinance, changing certain portions of Title 106 regarding development infrastructure provisions, specifically regarding the acceptance of water infrastructure and forms of infrastructure assurance.

Staff Presenter: Tammy Aydelotte

3.2 ZMA2026-02: A request for a positive recommendation to the County Commission to rezone approximately 14 acres of vacant land from the A-1 zone to the R1-15 zone. The property is located at approximately 3300 West 2550 South.

Applicant: Scott Wyn; Staff Presenter: Charlie Ewert

4. Public Comment for Items not on the Agenda:
5. Remarks from Planning Commissioners:
6. Planning Director Report:
7. Remarks from Legal Counsel

Adjourn to Work session

WS1: Review of proposed changes to the Weber County Land Use Code; removing or adjusting provisions made irrelevant as a result of the newly incorporated Ogden Valley, and making other amendments that better tailor the code to the needs of the growing unincorporated area(s).

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8371 before the meeting if you have questions or comments regarding an item.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8371

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Public comment may NOT be heard during Administrative items, the Planning Division Project Manager may be reached at 801-399-8371 before the meeting if you have questions or comments regarding an item.

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

Minutes of the Meeting of the Weber County Planning Commission for March 3, 2026, Weber County Commission Chambers, 2380 Washington Boulevard 1st Floor, the time of the meeting commencing at 4:30 p.m.

Western Weber Planning Commissioners Present: Andrew Favero (Chair), Casey Neville (Vice Chair), Cami Clontz, Kyle "KC" Lindsey, Jed McCormick, and Sara Wichern

Excused: Commissioner Wayne Andreotti

Staff Present: Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Liam Keogh, Legal Counsel; Tiffany Snider, Office Specialist.

4pm-5pm – Joint Meeting between Weber County Commission and Weber County Planning Commission

County Commissioner Gage Froerer led a discussion with the Weber County Planning Commission regarding Western Weber County development and the North Legacy Highway alignment. He outlined that the County has received numerous development applications that will impact infrastructure, particularly North Legacy Highway, and requested the Planning Commission conduct a "refresh" of the General Plan to address new information available since its 2022 adoption. Commissioner Froerer explained that UDOT Region 1 has indicated they prefer an eastern alignment for North Legacy Highway rather than the western alignment currently shown in County plans, citing environmental concerns and traffic projections. He emphasized the County's need to work collaboratively with UDOT to preserve the planned corridor and avoid future property acquisitions.

Chair Andrew Favero and other Planning Commissioners expressed support for updating the General Plan based on new infrastructure information, economic factors, and development patterns. They emphasized the need to plan appropriately for density transitions near industrial areas and major transportation corridors. County Commissioners Bolos and Harvey also expressed their viewpoints about the importance of providing clear future planning documents in order to influence the alignment of the Legacy Highway and appropriate development of the area.

Commissioner Froerer then also discussed a potential interlocal agreement with Cache County regarding Powder Mountain development, where Weber County would assume land use approval authority for Cache County portions of the development area. This arrangement would streamline the approval process while ensuring consistent standards. Planning Commissioners expressed concern about their ability to receive and understand public input from residents of the Ogden Valley or even Cache County and how that input could potentially influence decisions that impact land in Weber County. The group explored the logistics of dealing with land use applications that could impact Cache County, ultimately concluding it would be appropriate to have an interlocal agreement that would spell out the responsibilities of Weber County planning staff, the Planning Commission, the County Commission, and Cache County.

Action Items coming from the joint meeting discussion:

- Planning staff to analyze existing approvals and pending applications in Western Weber County
- Staff to evaluate potential general plan modifications for appropriate density transitions
- Commissioner Harvey to meet with UDOT regarding North Legacy Highway alignment decisions
- Legal staff to continue developing interlocal agreement framework with Cache County

The joint meeting adjourned at 5:00 p.m. and the Planning Commission convened in their regular meeting.

Roll Call: Chair Favero conducted roll call and indicated Commissioner Andreotti has been excused from the meeting; all other Commissioners were present.

1. Minutes: February 3 and 10, 2026

Chair Favero noted corrections to the minutes: Commissioner Lindsey was excused from the February 3 meeting, and Commissioner Clontz's attendance was not recorded for the February 10 meeting. Additional minor corrections were noted regarding attribution of comments to the correct speakers.

Vice Chair Neville moved to approve the minutes as amended. Commissioner McCormick seconded the motion; all voted in favor. Commissioner Andreotti was not present when this vote was taken.

2. Consent items:

2.1 CUP 2026-03: Request for approval of a conditional use permit to construct a 1.5-million-gallon water tank to supply water for additional development and fire infrastructure, located at approximately 9202 E. Shelter Hill Rd, Eden, UT, 84310.

The Planning Commission reviewed a conditional use permit request for a 1.5-million-gallon water tank at 9202 E Shelter Hill Road in Eden.

Commissioner Wichern moved to approve application CUP2026-03, conditional use permit to construct a 1.5-million-gallon water tank to supply water and additional development and fire infrastructure, located at approximately 9202 E Shelter Hill Rd, Eden, UT 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Lindsey seconded the motion. Commissioners Clontz, Lindsey, McCormick, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 6-0).

2.2 CUP 2026-04: Request for approval of a conditional use permit for a sewer lift station (a public utility substation) to service Shelter Hill Subdivision, located at approximately 9202 E Shelter Hill Rd, Eden, UT, 84310.

The Planning Commission reviewed a conditional use permit for a sewer lift station to service Shelter Hill Subdivision at 9202 E Shelter Hill Road in Eden.

Commissioner Wichern moved to approve application CUP2026-04, conditional use permit for a sewer lift station (a public utility substation) to service Shelter Hill Subdivision, located at approximately 9202 E Shelter Hill Rd, Eden, UT 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Lindsey seconded the motion. Commissioners Clontz, Lindsey, McCormick, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 6-0).

3. Legislative Items:

3.1 ZMA2026-02: an application to rezone approximately 14 acres of land located at approximately 3300 West 2550 South, from the A-1 zone to the R1-15 zone. Staff Presenter: Felix Lleverino

Scott Wynn of Windruff Construction Company presented an application to rezone approximately 14 acres at 3300 West 2550 South from A-1 (Agricultural) to R1-15 (Residential) zoning. The proposal would allow development of 39 single-family patio homes on lots ranging from 8,500 to 10,000 square feet.

Planner Lleverino then presented details on the development of approximately 14 acres at 3300 West 2550 South. He summarized staff's recommendations regarding the application, which included approving the proposal with some modifications to conform to the County's Land Use Code (LUC) requirements related to block length and pathway connectivity. Staff has emphasized the importance of ensuring that pathway alignments facilitate pedestrian access and serve as an effective connection within the community, encouraging walkability and reducing traffic congestion.

During discussion among staff and the Commission, Mr. Lleverino noted that while the proposed density aligns with the General Plan's medium to large lot residential designation, certain adjustments would help better integrate the development into the existing community infrastructure. These would include not only a logical layout of streets and pathways but also proper sewer and water connections. He highlighted that these changes are necessary to ensure compliance with modern planning and environmental standards, ultimately promoting a cohesive neighborhood design. Furthermore, the importance of maintaining the rural character while accommodating new developments was discussed, with Mr. Lleverino reaffirming that though the area is undergoing growth and development, the vision is to balance progress with the preservation of the existing community's values and quality of life. This intent is reflected in the proposal's alignment with the 2022 General Plan, which envisages organized and thoughtful growth in Western Weber County, particularly around areas transitioning from agricultural to residential use.

Chair Favero then opened the public hearing.

Craig Frederickson (2003 South 3500 West) voiced concerns about the proposed design of the sewer line and its potential effects on the future development potential of his mother's land. He also highlighted the historical issue of the land's wet conditions, pointing out that the property has long been characterized by significant moisture and water presence. This concern stems from the property's position as a collection point for runoff, which could complicate both current use and future development plans.

Matt McCullough (3477 West 2550 South) expressed his worries about the exacerbation of traffic congestion that could result from the new development. He noted that during peak traffic periods, there are already significant backups, with queues often reaching 40 cars or more. This existing congestion raises concerns for him about the current infrastructure's capacity to handle more traffic efficiently. Additionally, he is apprehensive about the possibility of being required to cede additional property to accommodate necessary road improvements that could follow from increased residential density.

James Tribble stated he owns and farms land to the east of the proposed development and shared his concerns about potentially losing access to water from the nearby irrigation slough, which is critical for sustaining his cattle farming operations. Moreover, he emphasized the traffic issues posed by more development, suggesting it would aggravate current challenges. He also expressed skepticism about the findings of the wetland determinations, given the area's features and agricultural practices that rely heavily on the water flow from this slough.

Sheila Richey stated she owns a 5-acre parcel also to the east of the proposed development. Her concerns centered on the sustainable access to water for her property, notably if such access is compromised, it could affect her neighbor who operates a horse boarding business reliant on the same water source. This dependency underscores the potential impact on local businesses and properties should water access issues arise from the development.

Jill McCullough (3477 West 2550 South) raised the question of whether the proposed development aligns with the rural character of the Taylor area. She pointed out that many residents, including herself, had moved to the area to enjoy larger lot sizes and the accompanying space that Taylor offers. The influx of higher-density housing threatens that lifestyle, and she remains concerned about the relatively small area chosen for the developer's notification process, which she feels may not adequately represent the views of the widespread local community.

Linda Rose (2468 South 3500 West) voiced her opposition to the planned development density due to ongoing water problems and the risks linked with construction on land historically recognized for its wetness. Given her decades-long experience in the area, she challenged the adequacy of the proposal's sewer connection plans and whether they meet access requirements, emphasizing that these issues could lead to unforeseen repercussions for existing residents.

Shirley Atkinson (2448 South 3500 West) stated she is amenable to grant an easement for sewer access as a courtesy to the community, demonstrating her goodwill. However, she is apprehensive that provision of this easement might open the door for conversion into a public thoroughfare in the future, making her household susceptible to increased traffic and accessibility issues.

Kari Frederickson (2380 South 3500 West) expressed concern over the prospect of a secondary roadway cutting through private property. Her worry centers around potential rights-of-way or access roads that might require using privately owned land without ensuring proper consultation and compensation, thereby disturbing the existing use and value of her property.

Chair Favero closed the public hearing.

Vice Chair Neville addressed the concerns raised during the public hearing, offering clarification on several key points raised by the speakers:

- **Water Rights:** Vice Chair Neville assured attendees that water rights would not be denied to anyone holding them. He explained that if the developer needs water for the new development, they would have to purchase existing water shares, thus not creating new water but utilizing what's already available.
- **Sewer Easement:** He clarified that if the property owner agrees to provide an easement for sewer access, it does not automatically extend to providing a road. Any decision to extend the easement or allow further access remains with the landowner.
- **Traffic and Congestion:** Addressing Mr. McCullough's concern about increased congestion, Vice Chair Neville acknowledged these concerns and noted that infrastructure discussions—and potential improvements—were active topics of consideration in recent planning sessions.

- **Walkways and Connectivity:** Vice Chair Neville explained that proposed walkways through properties were part of broader planning efforts to ensure connectivity for future developments. These plans would not affect property owners unless they choose to develop their land.
- **Access Requirements:** Highlighting the zoning rule, he mentioned that the development could proceed with up to 30 lots with one access point. For more than 30 lots to be constructed, a secondary access would be required. This ensures adherence to current zoning laws regarding emergency and everyday access points.

This commentary was aimed at showing awareness and addressing concerns while reinforcing the existing regulatory and planning framework governing new developments.

The Commission then engaged in a detailed discussion about the conceptual nature of the current proposal, emphasizing specific concerns regarding secondary access requirements. They debated the potential variations in lot count, centered on the availability of emergency egress, which could influence the number of units from 30 up to 40. The discussion highlighted the importance of understanding the infrastructure and safety implications tied to the development's design. Commissioner Wichern voiced a particular preference for more comprehensive planning at the rezone stage. This detailed planning would ensure future builders have clearer guidelines and expectations, thereby facilitating smoother project execution.

Developer Scott Wynn took the opportunity to address existing community concerns about wetlands on the property. He provided insights from environmental studies, which identified a minimal presence of actual wetlands—specifically, just 0.08 acres. Much of the perceived wetland issue on the site was attributed to seasonal water accumulation because the property serves as the lowest point in the surrounding area, naturally collecting runoff. Despite these concerns, the developer maintained that with proper elevation adjustments and drainage considerations, these issues could be managed.

Furthermore, the discussion touched on the design adjustments needed for the proposed development to integrate effectively into the existing community infrastructure in Western Weber County. Planning staff noted that pathway alignments and street layouts are crucial components that could enhance the community's walkability and connectivity. Commissioners also discussed the importance of balancing the development's design with the rural character of the area, ensuring that the new project would not detract from the community's established values and quality of life.

Commissioner Wichern moved to table application ZMA2026-02, an application to rezone approximately 14 acres of land located at approximately 3300 West 2550 South from the A-1 zone to the R1-15 zone until the concept plan is agreeable to staff and appropriate access for the rezoned lot count is planned for.

Chair Favero opened the floor for discussion following the motion to table ZMA2026-02. He shared that he generally dislikes tabling matters, as it often doesn't add value, but in this case, he felt compelled to dig deeper into the development proposal due to specific concerns. Favero expressed that while there appeared to be good intentions from all parties involved, the current proposal did not address key issues. These included considerations for secondary access for more than 30 lots, potential configuration changes for the development depending on access, and a more refined look at the layout before moving forward. He emphasized the importance of having clearer visibility on the plan, particularly considering the implications of developing either 30 or 40 lots, to align with zoning and infrastructure requirements.

Commissioner Clontz seconded the motion. Commissioners Clontz, Lindsey, Wichern, Vice Chair Neville, and Chair Favero voted aye. Commissioner McCormich voted nay. (Motion carried on a vote of 5-1).

Chair Favero then explained that when a project is tabled, it means that additional information or revisions must be submitted before it can be revisited by the Commission. The additional information pertains specifically to the questions or concerns raised during the meeting. Once the developer addresses these items, the application is brought back to the Planning Commission for further review. A decision will be made at that time based on the updated submission without an additional public hearing. During this intervening period, members of the public who have concerns or require clarifications are encouraged to reach out to the planning staff for assistance.

4. Public Comment for items not on the agenda:

There were no public comments.

5. Remarks from Planning Commissioners:

There were no remarks from Planning Commissioners.

6. Planning Director Report:

In Director Grover's absence, Principal Planner Ewert provided an update on potential building renovations, noting positive progress toward facility improvements including audio system upgrades, though no timeline was confirmed.

5. Remarks from Legal Counsel:

There were no remarks from Legal Counsel.

The meeting adjourned to work session at 6:32 p.m.

WS1: Willow Village discussion. Applicant: Selvoy Fillerup

Applicant Selvoy Fillerup presented updated concept plans for the Willow Village development, incorporating previous Planning Commission feedback. The proposal includes single-family homes, townhomes, and mixed-use buildings along 900 South, designed to comply with form-based code requirements. Key design changes included wider spacing between building units (40 feet), increased street width to 30 feet with 26 feet of asphalt per fire department requirements, and relocated pathways for better connectivity. Dr. Horton provided architectural elevations showing agrarian-style homes ranging from 1,400 square feet to larger mixed-use units.

Commissioners raised significant concerns about parking adequacy, noting the proposed garages at 20x22 feet are insufficient for two cars and the development lacks driveways. They calculated only 72 parking spaces for 190 total units. Commissioner Wichern emphasized the need for at least one additional parking space per unit beyond garage spaces.

Chair Favero expressed strong concerns that the mixed-use buildings along 900 South do not meet general plan requirements for post-and-beam commercial construction, noting the proposed residential townhome design cannot be easily converted to commercial use as intended.

Additional concerns included building massing with six connected units separated by only 15 feet, and the need for more architectural variation to avoid monotonous appearance.

Action Items:

- Applicant to redesign parking to provide adequate spaces per unit
- Applicant to address mixed-use building design to meet post-and-beam construction requirements for commercial convertibility
- Staff to continue refining form-based code standards for better development guidance
- Applicant to return with revised plans addressing commission concerns

The work session adjourned at 7:41 p.m.

Respectfully Submitted,

Weber County Planning Commission



Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and/or action on a conditional use permit for a seven-unit development of condominium rental apartments, including lockout rooms. This proposal is located in the CVR-1 Zone at 6874 E 6675 N, Eden, UT, 84310.
Agenda Date:	Tuesday, April 07, 2026
Applicant:	Michael Barnett, Authorized Representative
File Number:	CUP 2026-05

Property Information

Approximate Address:	6874 E 6675 N, Eden, UT, 84310
Project Area:	0.52 acres
Zoning:	Commercial Valley Resort Recreation Zone (CVR-1)
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	22-211-0003
Township, Range, Section:	T7N, R1E, Section 01 NE

Adjacent Land Use

North:	Vacant/Cache County Line	South:	6675 North (Private Rd)
East:	Powder Mountain Parking Lot/Cache County Line	West:	Vacant Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794

Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 11 (CVR-1 Zone)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 8 (Parking and loading Space)

Summary and Background

The applicant is requesting approval of a conditional use permit for a seven-unit development of condominium rental apartments, including lockout rooms, located in the CVR-1 Zone at 6874 E 6675 N, Eden, U, 84310. The CVR-1 Zone allows condominium rental apartments as a conditional use. The property is well situated for visitors interested in the many outdoor activities the Ogden Valley has to offer. This property has access through from 6675 North Street, where it meets Powder Mountain Road, per the recorded dedication plat for Powder Mountain Village Subdivision, recorded 2/6/2004.

Visitors to this proposed development will have access to the adjacent Powder Mountain ski resort.

A conditional use permit was previously issued on January 10/2007 (see file no. CUP9-2006). The approval is void as the sue has been abandoned for more than twelve months (LUC

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC § 108-4-9 "When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application shall be filed for review and consideration by the land use authority.") §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging new commercial development in and near commercial areas and resorts (pg. 29 of the Ogden Valley General Plan). As a conditional use, this development is allowed in the CVR-1 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Commercial Recreation Resort (CVR-1) Zone. The purpose of the CVR-1 Zone can be further described in LUC §104-11-1 as follows:

"The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained."

Density is calculated by the following:

7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.

Applicant has 25,264.8 square feet of total area. Applicant needs 17,500 square feet of overall net developable for the number of units proposed. This is considered one structure, with a single foundation.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Prior to commencing work, the applicant will need to receive approval from the applicable agencies for the proposal. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

Design Review: To ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood, this proposal has been reviewed for compliance with LUC §108-1. Applicant is proposing a structure that has parking to be located underneath the dwelling units and that can meet setbacks for the CVR-1 Zone (front – 30', side/rear – 20'). Exterior materials are in line with surrounding uses and structures (adjacent Powder Mountain West Subdivision).

Considerations relating to traffic safety and traffic congestion. LUC §104-14-3 (b) outlines parking regulations for dwelling units. The site plan indicates that the parking spaces will be located under the structure. For single-family dwellings, a minimum of two parking spaces is required (14 for the development), however for multi-family dwellings, 1.75 parking spaces is the minimum (12 for the development). The Planning Commission may determine a different standard that may be appropriate.

Considerations relating to landscaping. Applicant is proposing natural landscaping.

Considerations relating to buildings and site layout. The proposed building meets the site development standards of the CVR-1 Zone.

Considerations relating to utility easements, drainage, and other engineering questions. The existing structure will not encroach into easements or drainages.

Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Staff Recommendation

Staff recommends approval of this conditional use application, as the applicant has shown compliance to the above standards and requirements. This recommendation for approval is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

- A business license may be required for short-term rental use.
- A detailed parking plan, meeting requirements of Weber County Land Use Ordinance, and/or any recommendations from the Planning Commission, shall be submitted prior to issuance of the CUP.

The following findings are the basis for the Planning Division recommendation:

- ## Exhibits

- ## Area Map

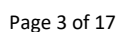


Exhibit A - Application & Narrative

D'Alessandro-Gregory-Conditional Use Permits

[+ Add Follower](#)[✎ Change Status](#)[✎ Change Review Due Date](#)[✎ Edit Project](#)

Address: 6874 E Powder Mountain Road, Eden, UT, 84310
Maps: [Google Maps](#)
Project Type: Conditional Use Permits
Sub Type: Conditional Use Permits
Created By: [Michael Barnett](#)
Created On: 3/12/2026

Project Status: Accepted
Status Date: 3/18/2026
File Number: CUP 2026-05
Project Manager: [Tammy Aydelotte](#)

[Application](#)[Documents](#) 5[Comments](#) 1[Reviews](#) 0[Followers](#) 14[History](#)[Reminder](#) 0[Payments](#) 1[Internal](#) 0

Application

[Show Contact Details](#)[+ Add Building](#)[+ Add Parcel](#)[✎ Edit Application](#)[+ Add a Contractor](#)[Print](#)[Building Permit](#)

Project Description

Development of a seven-unit residential condominium building on Lot 3 within Powder Mountain Village. The project will complete the residential building previously approved for this parcel and utilize the existing concrete podium parking structure constructed on the site. The development includes seven residential units, parking within the existing podium structure, and associated site improvements consistent with the previously approved project.

Property Address

6874 E Powder Mountain Road
Eden, UT, 84310

Property Owner

Gregory D'Alessandro
908 334 - 1892
greggdalessandro@gmail.com

Representative

Michael Barnett
805-490 - 4774
michael@altamargrp.com

Accessory Dwelling Unit

False

Current Zoning

CV-1

Subdivision Name

Powder Mountain Village

Number of new lots being created

0

Lot Number

Lot 3

Lot Size

.52 acres

Frontage

Culinary Water Authority

Powder Mountain Water and Sewer District

Secondary Water Provider

Sanitary Sewer Authority

Powder Mountain Water and Sewer Improvement District

Nearest Hydrant Address

Powder Mountain Road / Aspen Drive

Signed By

Representative, Michael Barnett

Parcel Number

[✕ Remove](#) 222110003



CONDITIONAL USE PERMIT NARRATIVE

Powder Mountain Village – Lot 3 Development

Project Name:

Powder Mountain Village Lot 3 Development

Applicant:

Altamar Group - Under PSA

Property Owner:

FTBB LLC

Project Location:

6874 E Powder Mountain Road
Eden, Utah 84310

Parcel Number:

222110003

Zoning District:

Commercial Valley Resort Recreation (CVR-1)

Project Description

The proposed project consists of the development of a **seven-unit residential condominium building** on Lot 3 within Powder Mountain Village in Ogden Valley, Weber County, Utah.

The site currently contains an **existing concrete podium and parking structure** that was constructed as part of the development originally planned for this parcel. The proposed development utilizes that existing structure and associated infrastructure to complete the residential building for the property.

The project includes:

- Seven residential condominium units
- Parking within the existing podium parking structure
- Pedestrian access from Aspen Drive

Salt Lake City, UT - www.altamargrp.com - Altamar Group, LLC



- Private and communal deck areas located within the allowable setback projection area
- Mechanical, storage, and circulation areas located within the podium structure

Architectural drawings, elevations, and site plans for the proposed development are included in the **Powder Mountain Lot 3 SD Package** submitted with this application.

Powder Mountain Lot 3 SD PACKAG...

Project History

The development of residential condominium units on Lot 3 within Powder Mountain Village was previously reviewed and approved by the Weber County Planning Commission.

Planning Commission records indicate that **Conditional Use Permit CUP #05-05** authorized the development of condominium units on Lot 3 within the CVR-1 zoning district.

Following that approval, construction activities associated with the project commenced and the **existing concrete podium structure and associated site improvements were constructed.**

The proposed development is consistent with the residential development program previously approved for the property and utilizes the existing structure that was constructed as part of that development.

Consistency with the CVR-1 Zoning District

The Commercial Valley Resort Recreation (CVR-1) zone is intended to provide locations within Ogden Valley and major recreation resort areas where services and accommodations supporting recreational activities may be provided.

Powder Mountain Village functions as a resort village supporting the Powder Mountain ski resort and surrounding recreational amenities.

The proposed residential units provide lodging accommodations that support the surrounding recreation and resort activities and are therefore consistent with the intent and purpose of the CVR-1 zoning district.



Site Plan and Development Compliance

The proposed development has been designed to comply with the applicable development standards of the Weber County Land Use Code.

The submitted site plans demonstrate:

- Property boundaries and parcel configuration
- Existing podium structure and building footprint
- County setback requirements
- Easements affecting the property including the ski trail and sewer easements
- Access from Aspen Drive
- Pedestrian circulation
- Parking located within the existing podium structure
- Unit configuration and building layout

These elements are illustrated within the **Powder Mountain Lot 3 SD Package** submitted with this application.

Powder Mountain Lot 3 SD PACKAG...

Existing Conditions

The property currently contains a partially constructed **concrete podium parking structure** that was designed to support the residential building previously approved for the site.

A structural review of the podium structure indicates that the structure remains suitable for continued development of the residential building with appropriate engineering updates where required.

The proposed project utilizes this existing infrastructure and completes the development planned for the property while minimizing additional site disturbance.

Utilities

Water and sewer service for the proposed development will be provided by the **Powder Mountain Water and Sewer District (PMWSD)** consistent with the infrastructure serving Powder Mountain Village.

The property currently maintains **seven assigned water and sewer service connections** associated with the previously approved development of Lot 3. Documentation from PMWSD

Salt Lake City, UT - www.altamargrp.com - Altamar Group, LLC



reflecting the most recent billing statement for the property, including standby service charges for **seven water and seven sewer connections**, is included with this application. (Appendix)

The proposed development will utilize these existing service allocations and connect to the Powder Mountain Water and Sewer District infrastructure serving the site in accordance with PMWSD requirements.

Conclusion

The proposed development completes the residential condominium building planned for Lot 3 within Powder Mountain Village.

The project utilizes the existing podium structure constructed for the site and remains consistent with the development framework and intent of the CVR-1 zoning district.

Approval of the Conditional Use Permit will allow the completion of the residential development within Powder Mountain Village while utilizing the existing infrastructure already constructed on the property.

Prepared by:

Michael Barnett
Altamar Group
michael@altamargrp.com



Appendix

Outstop signature verification <https://tiny.cc/mwyl>

PMWSID
PO Box 6156
Clearfield, UT 84089
8019832727
czenger@pmwsid.gov

39906R

BILL TO
Gregory D'Alessandro
FTBB, LLC
2 N. Finley Ave.
Basking Ridge, NJ 07920

DATE 10/31/2025 **PLEASE PAY** \$1,666.91 **DUE DATE** 11/30/2025

ACCOUNT NUMBER
410

DATE	ACCOUNT SUMMARY	AMOUNT
09/30/2025	Balance Forward	1,666.91
	Other payments and credits after 09/30/2025 through 10/30/2025	0.00
10/31/2025	Other invoices from this date	0.00
10/31/2025	Other payments from this date	-1,666.91
	New charges (details below)	1,666.91
	Total Amount Due	1,666.91

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Stand By Fees Sewer	7	65.74	460.18
	Stand By Fees Sewer			
	Water Stand By Fees	7	172.39	1,206.73
	Water Stand By Fees			
	TOTAL OF NEW CHARGES			1,666.91
	TOTAL DUE			\$1,666.91

THANK YOU.

Nov 01/2025

FTBB LLC 05-07
2 N FINLEY AVENUE
BASKING RIDGE, NJ 07000-1130

11/12/2025 325

Powder Mountain Water & Sewer \$3333.82

Three Mossland Three Hunted Turkey Three and 12/1/25

BANK of UTAH

Nov 01/2025

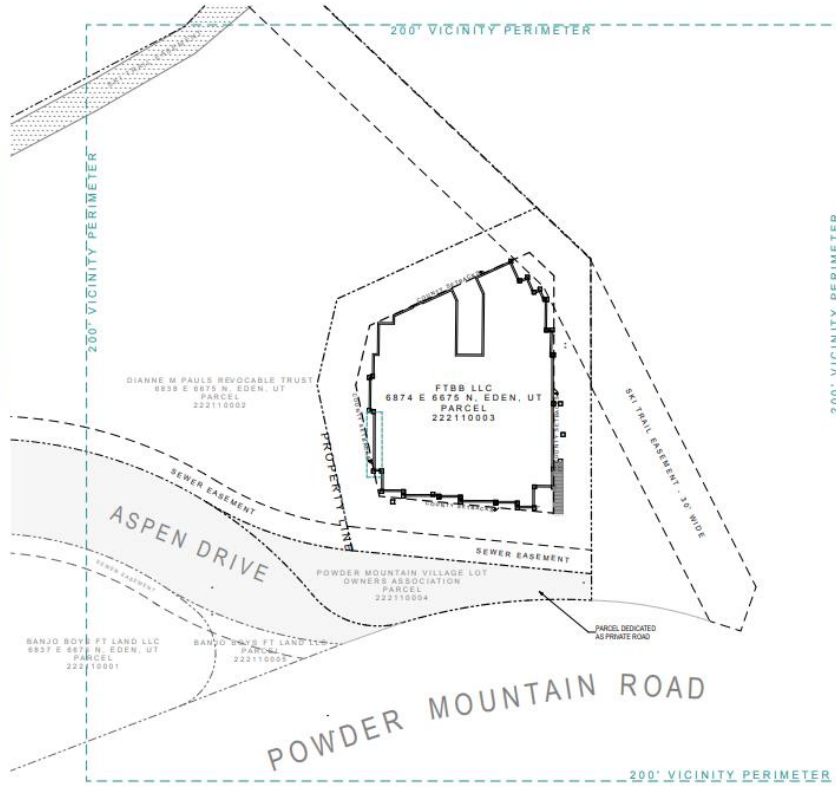
1243001070 0111 02170 0325

will be communicated officially
provide bank account info

Exhibit B - Pictures & Site Plan



1 VICINITY PLAN



2 DETAILED VICINITY PLAN
SCALE: 1" = 20'



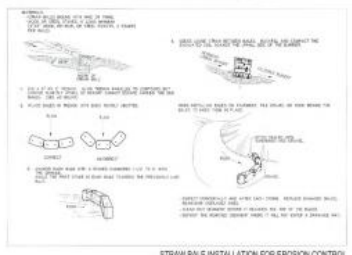
7-Unit Development for:
POWDER MOUNTAIN LOT 3

6674 Powder Mountain Rd, Eden, UT 84311

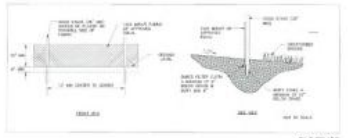
DATE: 3/12/25

MOUNTAIN WEST
ARCHITECTURE

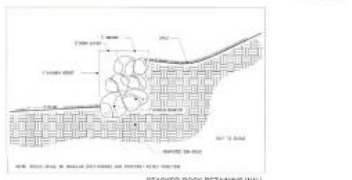
01



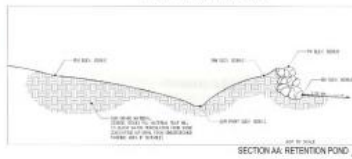
STRAW BALE INSTALLATION FOR EROSION CONTROL



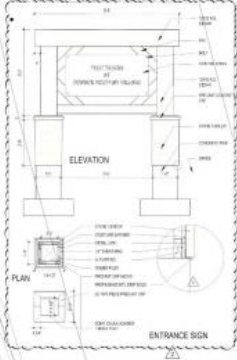
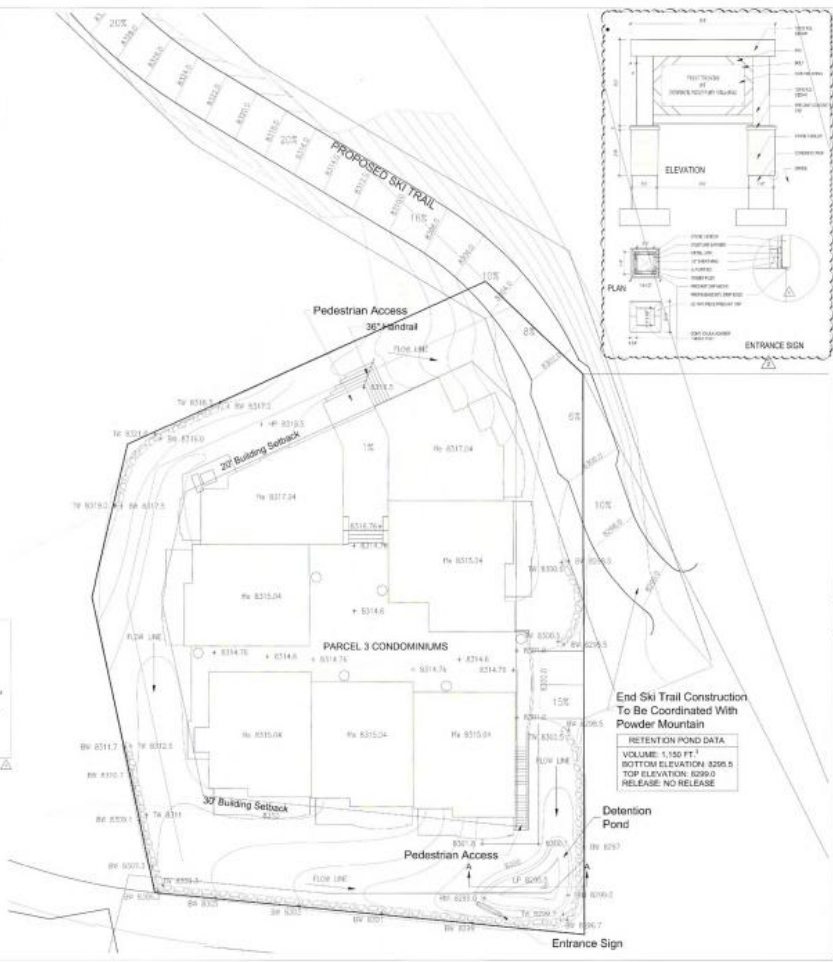
SILT FENCE



STACKED ROCK RETAINING WALL



SECTION AA RETENTION POND



ENTRANCE SIGN

End Ski Trail Construction
To Be Coordinated With
Powder Mountain

RETENTION POND DATA
VOLUME: 1,150 FT³
BOTTOM ELEVATION: 8295.0
TOP ELEVATION: 8299.0
RELEASE: NO RELEASE

Retention Pond

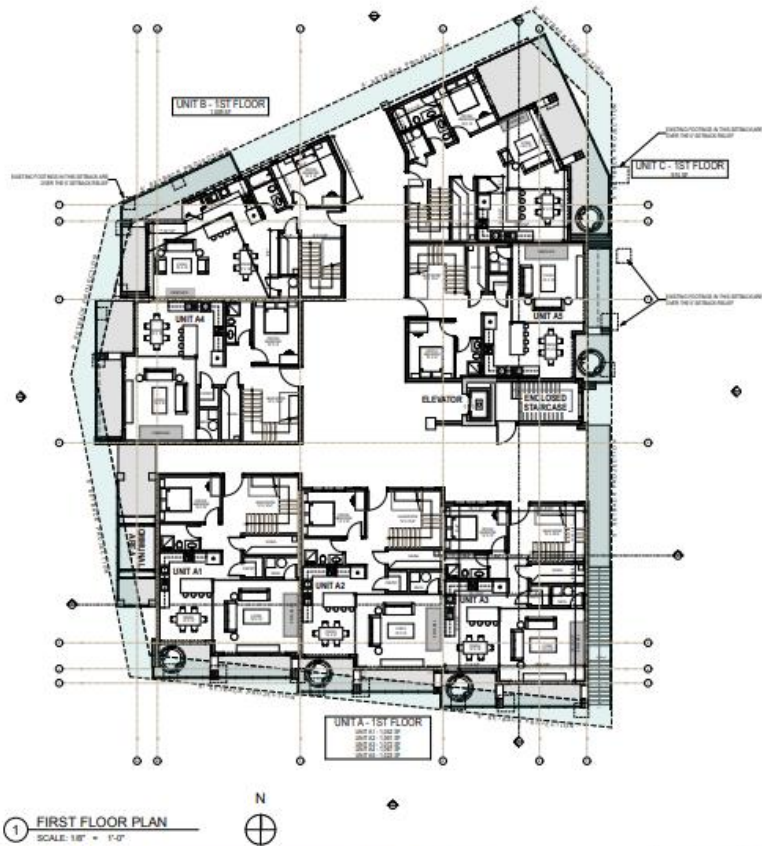
PHASE II CONSTRUCTION DOCUMENTS

JACK JOHNSON COMPANY
Engineering, Surveying, and Construction
1000 N. 1000 E., Suite 100, Salt Lake City, UT 84143
Phone: (801) 466-1000
Fax: (801) 466-1001
Email: info@jackjohnson.com

FIRST TRACKS CONDOMINIUMS
final

Powder Mountain Resort, UT

Grading Plan | **C3**

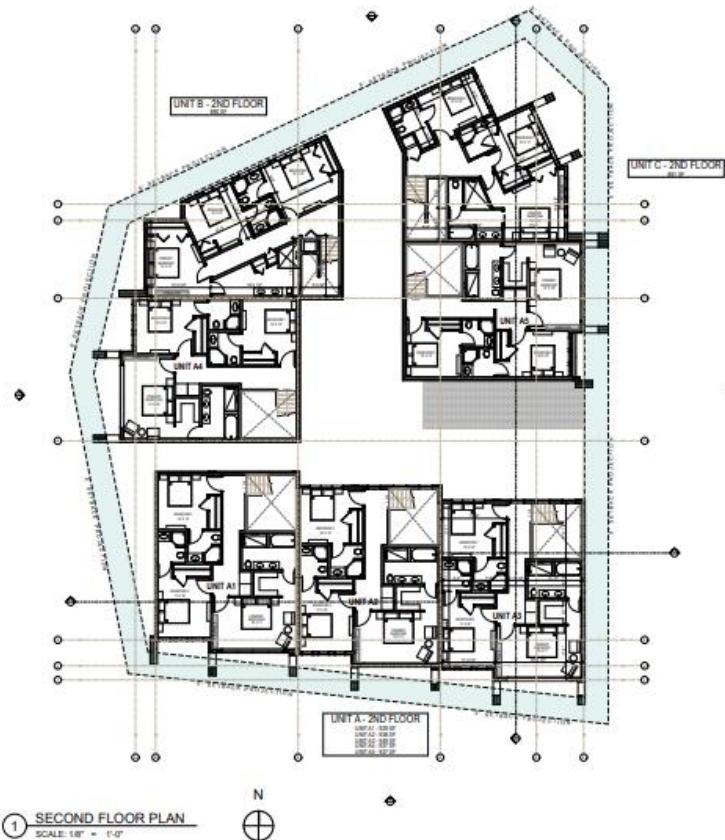


7-Unit Development for:
POWDER MOUNTAIN LOT 3

W-3 Powder Mountain, Inc. 2/20/2010

DATE: 3/12/08

MOUNTAIN WEST
ARCHITECTS

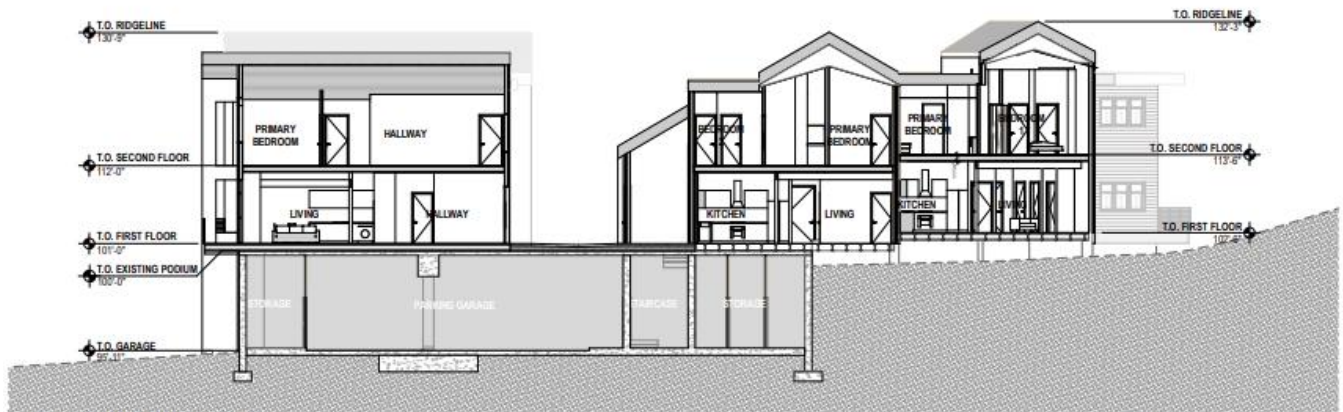


7-Unit Development for:
POWDER MOUNTAIN LOT 3

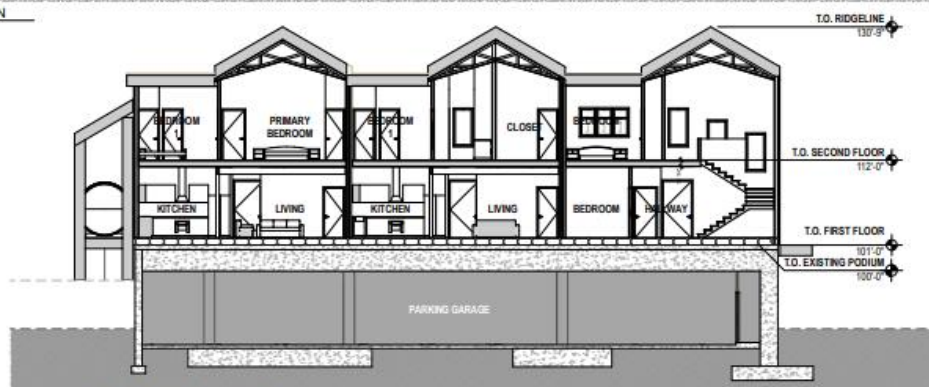
W-3 Powder Mountain, Inc. 2/20/2010

DATE: 3/12/08

MOUNTAIN WEST
ARCHITECTS



1 LONGITUDINAL BUILDING SECTION
SCALE: 3/16" = 1'-0"



2 CROSS BUILDING SECTION
SCALE: 3/16" = 1'-0"

7-Unit Development for:
POWDER MOUNTAIN LOT 3

1079 Powder Mountain Rd, Eden, UT 84319

DATE: 3/12/26

MOUNTAIN WEST
ARCHITECTS P.C.



1 South Elevation
SCALE: 3/16" = 1'-0"



2 East Elevation
SCALE: 3/16" = 1'-0"

7-Unit Development for:
POWDER MOUNTAIN LOT 3

1079 Powder Mountain Rd, Eden, UT 84319

DATE: 3/12/26

MOUNTAIN WEST
ARCHITECTS P.C.



7-Unit Development for:
POWDER MOUNTAIN LOT 3

8019 Powder Mountain Rd, Eden, UT 84071

DATE: 3/12/26

MOUNTAIN WEST
ARCHITECTS

17



Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item: LVC03172026. Consideration and action on a request for preliminary subdivision approval of Creekside at JDC Ranch Subdivision Phase 7 consisting of 43 units. This project is in the R1-10 Zone in the JDC Ranch Development.

Agenda Date: Tuesday, April 7, 2026

Application Type: Subdivision, administrative

Applicant: Lacy Richards

File Number: LVC03172026

Property Information

Approximate Address: 3100 Galloway Lane, Ogden, UT, 84404

Project Area: 8.725 acres

Zoning: R1_10

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 19-019-0039

Adjacent Land Use

North: Plain City, The Grove Ph 1, Ag **South:** Open Space, Phases 4-6

East: Vacant **West:** Creekside Phases

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
801-399-8794

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 12, Residential Zones
- Title 106 (Subdivisions)

Background and Summary

Creekside at JDC Ranch Phase 7 includes 43 detached single-family lots with 0.389 acres of publicly-dedicated open space along the east side of the development, consisting primarily of an irrigation pipeline easement and a 10' wide meandering pathway.

So far, the Master Developer received approval for 416 out of the recently approved 1000 units allowed under the development agreement. With the addition of these 43 units, the developer will have approvals for 459 out of the 1000 units entitled through the recorded master development agreement (see entry no. 3359009, recorded 2/25/2025), leaving 541 residential units left to plat in other phases of development.

The proposal follows the development agreement that has been recorded to the property. The following is an analysis of the project and how it complies with the land use code and development agreement.

Analysis

General Plan: The Western Weber General Plan anticipates a mixed-use commercial and mixed-use residential village in this location. The proposal is for the mixed-use residential portion of this planned village.

Zoning: The subject property is located in the R1-10 zone. The following is the purpose and intent of the R-1 (R1-10) Zone:

"The purpose of the R1 zone is to provide regulated areas for Single-Family Dwelling uses at four different low-to-medium density levels. The R1 zone includes the R1-15, R1-12, R1-10, and R1-5 zones."

Lot area, frontage/width and yard regulations: Creekside at JDC Phase 7 is located in the R1-10 Zone. R1-10 allows single-family lots that have a minimum lot area of 4,000 square feet and 40' of minimum lot width.

Master Plan and Development Agreement: Creekside Phase 7 is located in the Northeast Village of the JDC Ranch Master Plan, as shown in the development agreement.

Common and Open Space: The preliminary plan includes 0.389 acres of open space, some of which will be maintained by the HOA, and the remainder (stormwater detention area) will be maintained by Weber County. The proposed open space with this project is part of the public open space that is required to be dedicated to the public with a proposed class 1 trail (10' wide asphalt – see page 91 of the recorded MDA). The proposed landscape to surrounding this trail is xeriscape or natural landscaping as a buffer for the neighborhoods to the east. There is also a 10' private storm drain easement that is located along the rear of the northern lots in this proposed subdivision.

Culinary water and sanitary sewage disposal: Availability letters have been provided by Bona Vista Water Improvement District for culinary water, acknowledgement from Pineview Water for secondary purposes, and a capacity assessment letter from Central Weber Sewer for sanitary sewer service. Final letters of approval will need to be submitted by each of these providers prior to recording the final plat.

Public street infrastructure: The proposal includes 60 ft wide public streets connecting to the north, south, and west. TO the east, a proposed alley that will be 20' wide.

Street cross sections will be verified for compliance with the development agreement once final improvement drawings are submitted for each phase. There is one public trail planned through this project, other than sidewalks or within the public streets.

Review Agencies: This preliminary plan is under review with Engineering and the Weber Fire District. The final subdivision plat and improvement drawings will be reviewed in more detail by the County Surveyor and Engineering division.

Planning Division Recommendation

The Planning Division recommends preliminary approval of Creekside at JDC Ranch Phase 7, located at 2850 W 2600 N, consisting of 43 single-family lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Improvement plans, approved by Weber County Engineering, shall be submitted under this preliminary subdivision application, prior to applying for final approval.
2. Street cross-sections shall be verified against the approved recorded development agreement and subsequent amendment, prior to accepting an application for final approval.
3. Open spaces will need to be properly labeled, with appropriate language dedication, on the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision complies with applicable County ordinances and development agreement.

Exhibits

- A. Preliminary plan
- B. Capacity Assessment Letters

Location map

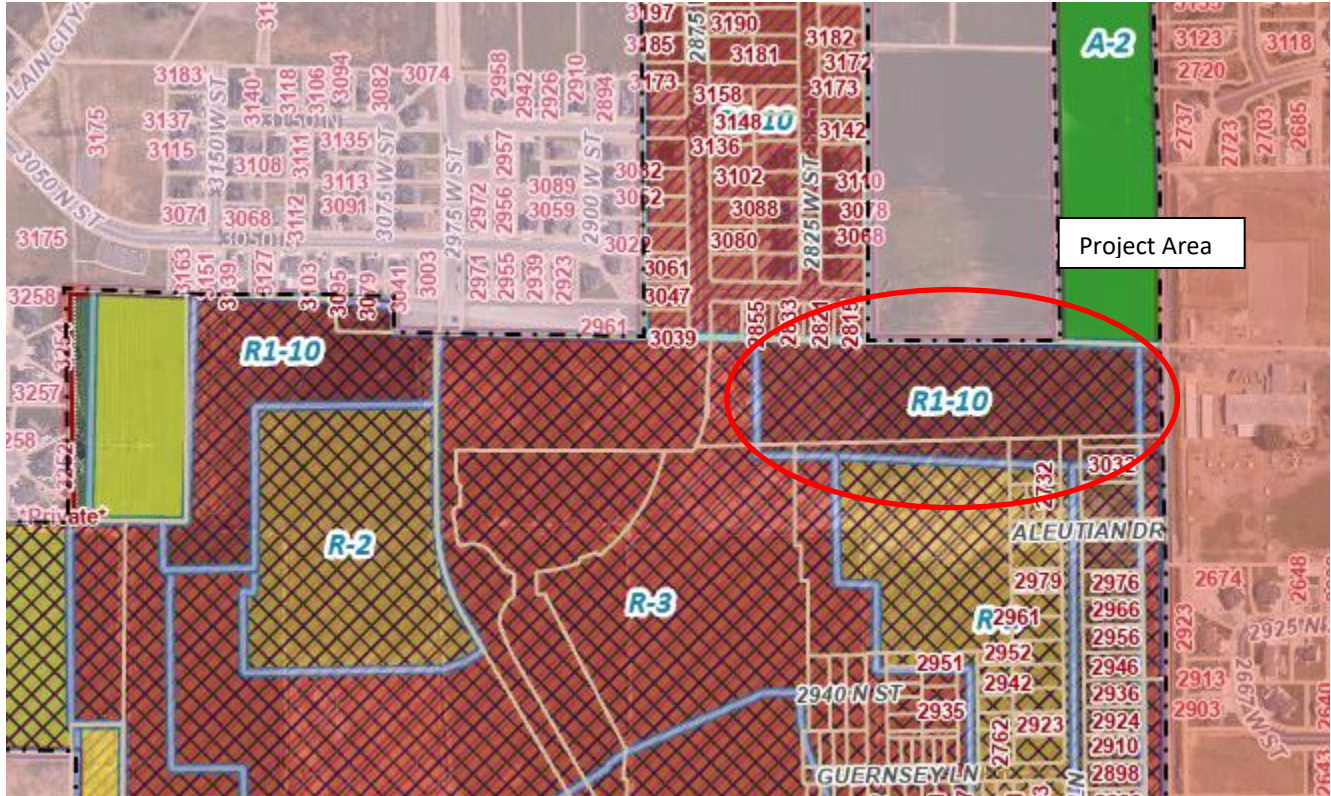
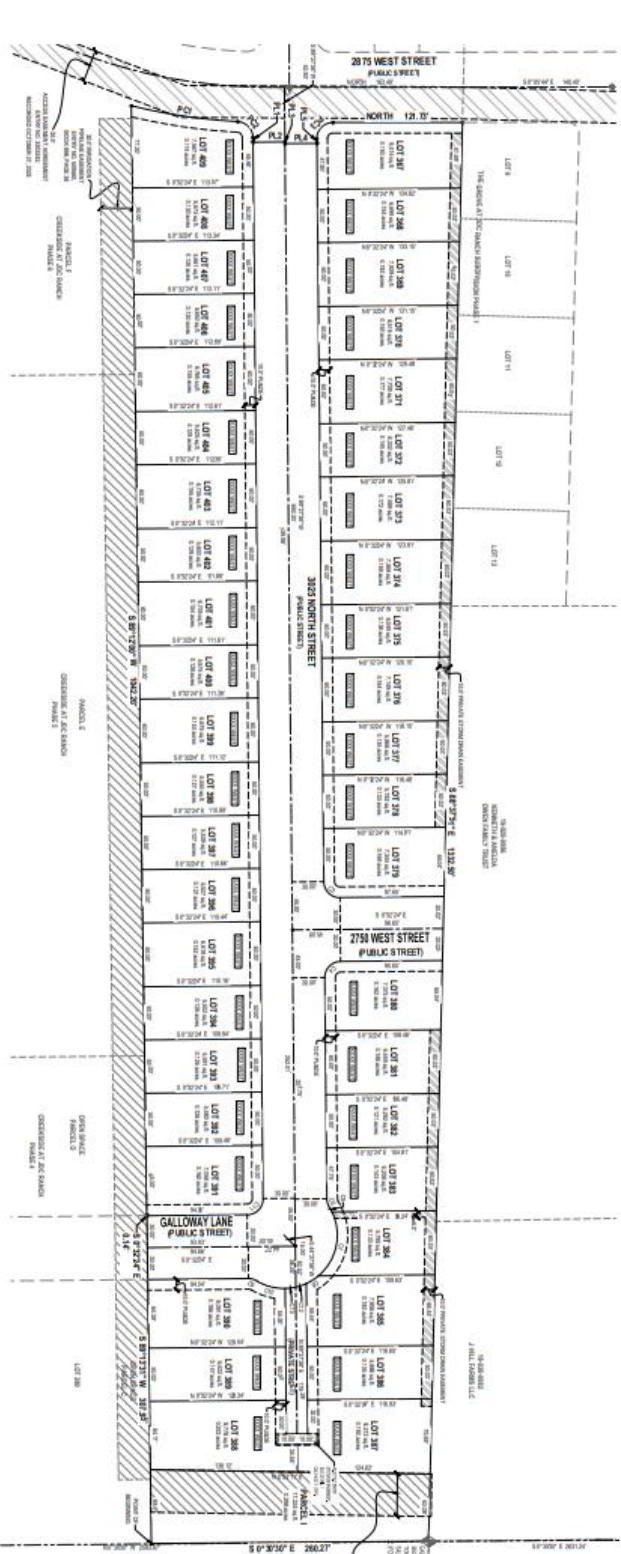


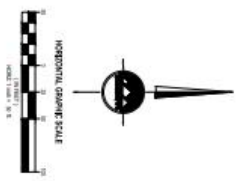
Exhibit A – Preliminary Plan



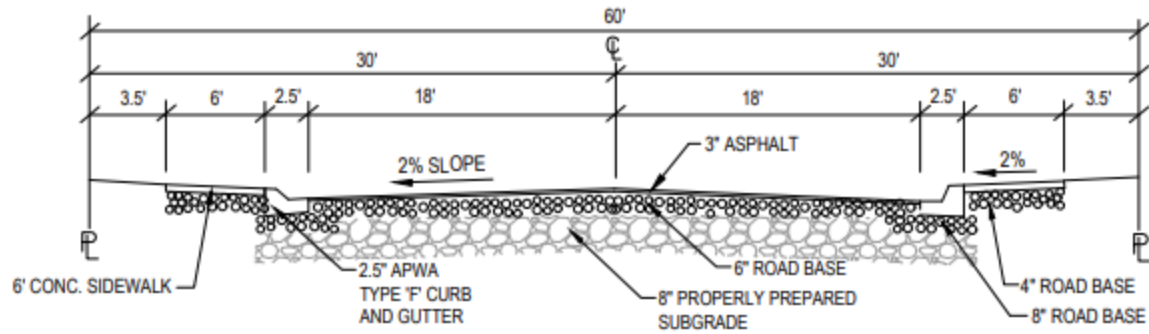
CREEKSIDE AT JDC RANCH PHASE 7
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27
 TOWNSHIP 7 NORTH, RANGE 2 WEST
 SHERMAN COUNTY, ILLINOIS
 BRANCH 2258



CRANE TABLE			
CRANE	WINDSPEED	WIND DIRECTION	WIND SPEED
1	10-15	10-15	10-15
2	16-20	16-20	16-20
3	21-25	21-25	21-25
4	26-30	26-30	26-30
5	31-35	31-35	31-35
6	36-40	36-40	36-40
7	41-45	41-45	41-45
8	46-50	46-50	46-50
9	51-55	51-55	51-55
10	56-60	56-60	56-60
11	61-65	61-65	61-65
12	66-70	66-70	66-70
13	71-75	71-75	71-75
14	76-80	76-80	76-80
15	81-85	81-85	81-85
16	86-90	86-90	86-90
17	91-95	91-95	91-95
18	96-100	96-100	96-100
19	101-105	101-105	101-105
20	106-110	106-110	106-110
21	111-115	111-115	111-115
22	116-120	116-120	116-120
23	121-125	121-125	121-125
24	126-130	126-130	126-130
25	131-135	131-135	131-135
26	136-140	136-140	136-140
27	141-145	141-145	141-145
28	146-150	146-150	146-150
29	151-155	151-155	151-155
30	156-160	156-160	156-160
31	161-165	161-165	161-165
32	166-170	166-170	166-170
33	171-175	171-175	171-175
34	176-180	176-180	176-180
35	181-185	181-185	181-185
36	186-190	186-190	186-190
37	191-195	191-195	191-195
38	196-200	196-200	196-200
39	201-205	201-205	201-205
40	206-210	206-210	206-210
41	211-215	211-215	211-215
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43	221-225	221-225	221-225
44	226-230	226-230	226-230
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46	236-240	236-240	236-240
47	241-245	241-245	241-245
48	246-250	246-250	246-250
49	251-255	251-255	251-255
50	256-260	256-260	256-260
51	261-265	261-265	261-265
52	266-270	266-270	266-270
53	271-275	271-275	271-275
54	276-280	276-280	276-280
55	281-285	281-285	281-285
56	286-290	286-290	286-290
57	291-295	291-295	291-295
58	296-300	296-300	296-300
59	301-305	301-305	301-305
60	306-310	306-310	306-310
61	311-315	311-315	311-315
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63	321-325	321-325	321-325
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65	331-335	331-335	331-335
66	336-340	336-340	336-340
67	341-345	341-345	341-345
68	346-350	346-350	346-350
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70	356-360	356-360	356-360
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73	371-375	371-375	371-375
74	376-380	376-380	376-380
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96	486-490	486-490	486-490
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100	506-510	506-510	506-510

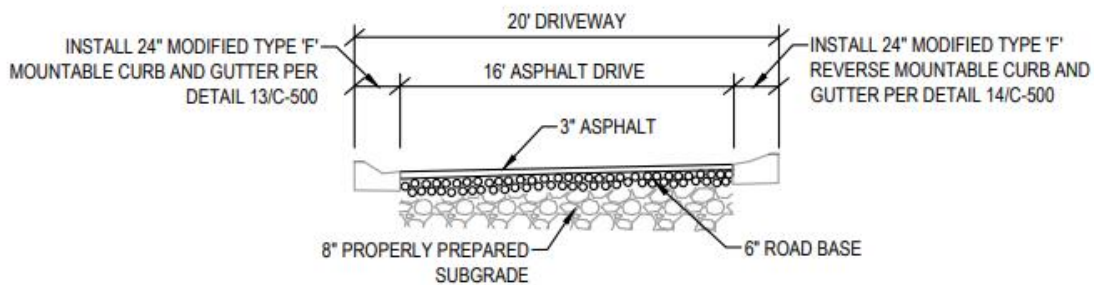


- LEGEND**
- LOT 1
 - LOT 2
 - LOT 3
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 - LOT 5
 - LOT 6
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 - LOT 100



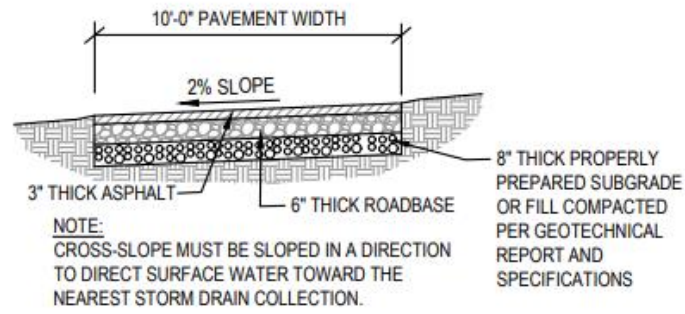
8 TYPICAL 60' STREET CROSS SECTION

SCALE: NONE



9 20.0' ALLEY SECTION

SCALE: NONE



10

CLASS 1 TRAIL SECTION

SCALE: NONE



Bona Vista Water Improvement District

2020 West 1300 North, Farr West, Utah 84404

Phone (801) 621-0474 Fax (801) 621-0475

4/30/2025

Weber County Planning Commission
2380 Washington Blvd. #240
Ogden UT. 84401

RE: **AVAILABILITY LETTER** –Creekside at JDC Ph. 7

The development is located at 2700 W 3025 N approximately and consists of 43 lots.

This letter is **ONLY** to state that the above-named project is in the boundaries of the Bona Vista Water Improvement District but water will **ONLY** be available under the following conditions:

- The property is annexed into the District, if necessary.
- Review fees are paid to the District.
- The subdivision utility plan be reviewed and approved by the District.
- Proof of Secondary Water is provided to the District.

The non- refundable fee for this review of Residential is \$450 plus \$75 per lot. Commercial review fee is \$1,000 plus \$300 per acre. We consider this fee to be minimal and is only to cover the cost of review by the District administration and inspectors and the District Engineer. Only the phase in consideration is guaranteed service, and the Plan Review is good only for a period of one year from the date of the Will Serve letter, if not constructed.

Furthermore, the District's responsibility is to provide flow and pressure to the development. The Developer and his Engineer are then responsible to provide proper flow and pressure throughout the development. This may require some over-sizing within the Development, as determined by the District.

This letter is the first of two letters that will be issued for this development. Following the acceptance of the above conditions the District will issue the "Will Serve" letter.

This subdivision must have a secondary water system for all outside irrigation usage. Prior to the District accepting fees for individual connections, the owner or developer must furnish proof of secondary water.

Sincerely,

Kenny Heffelfinger
Assistant Manager

Board of Directors

Ronald Stratford – Chairman – Univ. Weber County
David Bolos – Vice Chairman – Farr West

Les Syme – Marriott/Slaterville
Phil Meyer – Plain City
Roger Shuman – Harrisville

Management

Matt Fox, Manager
Kenny Heffelfinger, Assistant Manager
Shauna Gilchrist, Administrative Manager



Brooke Harris <BHarris@pineviewwater.com>



To:  Joseph Herring

Cc: Daniel Johnson <djohnson@pineviewwater.com>



You replied on Thu 2/5/2026 1:36 PM

Hi Joseph,

We will need you to pay the review fee and submit your final plans if you would like to proceed to get a will serve.

Thank you,

Brooke Harris
Pineview Water Systems
Assessment Clerk



Central Weber Sewer Improvement District

February 5, 2026

Tamara Aydelotte
Weber County Planning Commission
2380 Washington Blvd #240, Ogden, UT 84401

SUBJECT: Creekside at JDC Ranch Phase 7
Sanitary Sewer Service
Will Serve Letter

Tamara:

We have reviewed the request of Joseph Herring to provide sanitary sewer treatment services to the subdivision called Creekside at JDC Ranch Phase 7 of 43 residential units located at approximate address 2600 N. 2800 W. We offer the following comments regarding Central Weber Sewer Improvement District ("the District") providing sanitary sewer service.

1. At this time, the District has the capacity to treat the sanitary sewer flow from this subdivision. Inasmuch as the system demand continuously changes with growth, this assessment is valid for three (3) years from the date issued on this letter.
2. If any connection is made directly into the District's facilities the connection must be constructed in accordance with District standards and must be inspected by the District while the work is being done. A minimum of 48-hour notice for inspection shall be given to the District prior to any work associated with the connection.
3. Central Weber Sewer Improvement District is a wholesale wastewater treatment provider to Weber County. The connection to the sewer system must be through a retail provider, which we understand to be Weber County. The District will not take responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. The District's Wastewater Control Rules and Regulations state:



Central Weber Sewer Improvement District

Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.

5. The entire parcel of property to be served must be annexed into the Central Weber Sewer Improvement District prior to any sewer service connection or connection to the District's facilities. This annexation must be complete before the sale of any lots in the subdivision. Annexation into the District is permitted by the District's Board of Trustees. This will serve letter is a statement of available capacity and does not guarantee board approval of annexation.
6. Impact fees must be paid no later than the issuance of any building permits.

If you have any further questions or need additional information, please let us know.

Sincerely,


Clayton Marriott
Project Manager

Clay Marriott

Project Manager

CC: Chad Meyerhoffer, Weber County
Kevin Hall, Central Weber Sewer
Paige Spencer
Joseph Herring



Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: Tammy Aydelotte, Planning
Date: April 7, 2026
Subject: Proposed Zoning Code Text Amendment – Infrastructure

Planning Commissioners,

Attached to this memo is an update to the County's Land Use Code adjusting/correcting certain section reference numbers, adjusting water system approval timelines, and amending/removing text of the Code, as follows:

Sec 106-4-3 (Guarantee of Improvements)

Removed the minimum cost estimate (\$1,000,000) requirement for use a letter of credit as a financial guarantee.

Please refer to the attached modified ordinance for exact language changes.

Please feel free to contact me with any questions.

Regards,

Tammy Aydelotte, Planner III
Weber County Planning Division

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CERTAIN DEVELOPMENT INFRASTRUCTURE
PROVISIONS OF THE WEBER COUNTY CODE**

WHEREAS, Weber County's code of ordinances currently requires applicants for development approval to submit written proof of approval and acceptance of new culinary and secondary water infrastructure from the culinary and secondary water providers before *final* acceptance of the subdivision's improvements by the County; and

WHEREAS, the Board of County Commissioners has determined that it would be better to require applicants to submit written proof of approval from culinary and secondary water providers before *conditional* acceptance by the County; and

WHEREAS, state law requires counties to establish at least two acceptable forms of infrastructure completion assurance; and

WHEREAS, Weber County's code of ordinances currently contains two acceptable forms of infrastructure completion assurance, but one of the forms is only allowed when the infrastructure completion assurance amount exceeds one million dollars; and

WHEREAS, the Board of County Commissioners has determined that it would be best to allow both forms of infrastructure completion assurance, regardless of the dollar amount of the infrastructure completion assurance; and

WHEREAS, there are section references in the code sections being amended that need to be updated to reflect other code section numbering changes;

NOW THEREFORE, the Board of County Commissioners of Weber County ordains as follows:

1. Sections 106-4-2.010 and 106-4-3 of the Code of Ordinances of Weber County, Utah, are amended as shown in Exhibit A.
2. Effective date and publication
 - a. This ordinance shall take effect 15 days after its passage.
 - b. The Clerk/Auditor's office is directed to publish a short summary of this ordinance in the *Standard Examiner* newspaper before 15 days after the date of its passage.

PASSED and ADOPTED this _____ day of _____ 2026.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
Gage Froerer, Chair

Commissioner Bolos voted _____
Commissioner Froerer voted _____
Commissioner Harvey voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

SUMMARY OF WEBER COUNTY ORDINANCE NO. _____

**SUMMARY OF AN ORDINANCE OF WEBER COUNTY AMENDING CERTAIN
DEVELOPMENT INFRASTRUCTURE PROVISIONS OF THE WEBER COUNTY CODE**

On _____, the Board of County Commissioners of Weber County adopted Ordinance No. _____, which changes water system approval timelines, expands available development infrastructure completion assurance options, and updates code references.

Commissioners _____ voted in favor of this ordinance.

(If applicable) Commissioner _____ voted against this ordinance.

The complete text of the ordinance is available at the Weber County Clerk/Auditor=s Office at 2380 Washington Blvd., Ogden, Utah.

EXHIBIT A
Weber County Code amendments

Sec. 106-4-2.010 Water Supply

(a) ***Culinary and secondary water supply and delivery system required.***

...
(1) ***Water service provider connection.***

...
b. ***Connection to new water supply and delivery system.***

1. ***Creation of and connection to new system.*** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section ~~106-4-2.010~~~~106-4-2.1~~, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section ~~106-4-2.010~~~~106-4-2.1~~, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.

...
(2) ***Private well connection.*** Unless required otherwise by Subsection (a)(1)a. of this Section ~~106-4-2.010~~~~106-4-2.1~~, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section ~~106-4-2.010~~~~106-4-2.1~~. The applicant shall simultaneously submit all wells proposed in the subdivision, including all phases if applicable, for well approval to the Utah Division of Water Rights.

(b) ***Required water quantity.***

...
(2) ***Secondary water quantity. . . .***

- a. ***Secondary water by service provider.*** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section ~~106-4-2.010~~~~106-4-2.1~~.

...
b. ***Secondary water by private well. . . .***

3. A note is placed on the final recorded plat as required in Section ~~106-1-8.020~~~~106-1-8.20~~; and

...
c. ***Secondary water exemption. . . .***

...

2. A note shall be placed on the final recorded plat as required in Section ~~106-1-8.020~~106-1-8.20.

...
(d) ***Water supply and delivery system improvements required.***

- (1) ***Improvements required for water service provider.*** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.

...
f. ***Conflicting requirements.*** The County Engineer has discretion to waive or modify any of the foregoing requirements in Subsection (d)(1) of this Section ~~106-4-2.010~~106-4-2.1 if in conflict with the service provider's requirements.

g. ***Prior to County's ~~final~~ conditional acceptance.*** The applicant shall submit to the county written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to ~~final~~ conditional acceptance of the subdivision's improvements by the County.

- ...
(f) ***Irrigation water exemption in small subdivisions.*** In the Ogden Valley, a small subdivision, as defined in Section 101-2-20, may use existing irrigation water to meet the secondary water requirements of this Section if irrigation water has been consistently used on the land prior to the subdivision, and is being proposed to be used to irrigate the same general area. Each resulting lot shall be given sufficient water rights, shares, or stock to irrigate the area specified in Subsection (b)(2) of this Section ~~106-4-2.010~~106-4-2.1.

...

Sec 106-4-3 Guarantee Of Improvements

- (a) ***Financial guarantee for the completion of improvements.***

...

- (3) ***Allowed financial guarantees.***

...

- b. ***Letter of credit.*** An applicant may only use a letter of credit if the following conditions are met:

~~1. The engineer's cost estimate for installation of the improvements exceeds \$1,000,000.00;~~

21. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members or shareholders has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance, in completing developments in the State of

Utah. The Planning Director or County Engineer may require the applicant to provide a performance history from other jurisdictions;

- 32. The applicant's financial institution has a history of positive performance in fulfilling its financial obligations, as determined by the county treasurer and based on typical conventions of the financial industry;
- 43. The applicant's financial institution provides the letter of credit on a standard letter of credit form supplied by Weber County or in a form that provides equal or greater financial protection to the county, as determined by the County Attorney;
- 54. The County Attorney, County Treasurer, and County Engineer approve the letter of credit, which they shall do if all of the conditions above are met unless they have reasonable, objective indications of a substantial risk that either the applicant or the applicant's financial institution will not fulfill its obligations related to the completion of improvements or the financial guarantee; and
- 65. A cash escrow is deposited with the county treasurer at the time the letter of credit is executed equal to the full cost to revegetate any removed vegetation in the event the applicant, his successors or heirs, or his financial institution fails to perform.

...

(d) ***Warranty guarantee, and conditional acceptance of improvements.***

- (1) Upon satisfactory completion of all improvements, as determined by the County Engineer, the improvements shall enter a conditional acceptance period. At this time, remaining financial guarantee funds may be released except those necessary for the warranty guarantee, as specified in Subsection (ed)(2) of this section. If street trees or other required landscaping, or driveway aprons, for lots with a Lot Width greater than 60 feet, are not installed by the time the rest of all the other required improvements meet satisfactory completion, then, at the discretion of the County Engineer, all other improvements may enter the conditional acceptance period.
- (2) Ten percent of the estimated cost of all improvements, using current market costs as approved by the County Engineer, shall be remitted or retained by the county for a warranty guarantee, for a period as defined by U.C.A. 1953, § 17-27a-103. If any improvement fails within the warranty guarantee period, the failure shall be remediated by the developer, and the warranty guarantee period shall restart. At the discretion of the County Engineer, the warranty guarantee period, and conditional acceptance, may be restarted for individual improvements needing replacement or repairs, rather than restarting the entire warranty guarantee period.

...

MEMO

Date: April 7, 2026

To: Weber County Planning Commission

From: Felix Lleverino

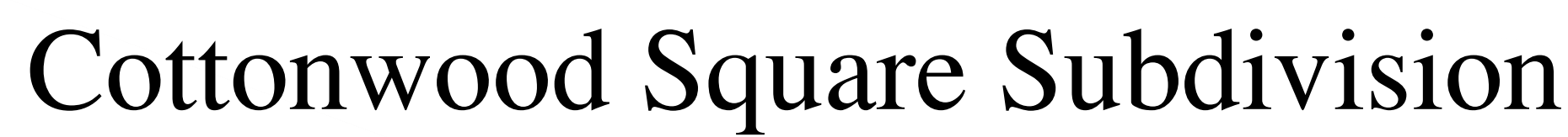
Re: A public meeting to discuss the current version of the concept plan for a proposal to rezone 14 acres from the Agricultural A-1 zone to the Residential R1-15 zone that would allow the developer to implement the concept plan for a 40-lot residential subdivision at 3300 West 2550 South that is designed for patio homes. This public meeting will focus on the topics of ROW alignments, pathway alignments, and the emergency egress plan. This meeting is a continuation of a discussion that took place in a public hearing setting on March 3, 2026, where the Planning Commission decided to table the motion until the concept plan is revised to conform to the minimum connectivity standards and the emergency secondary egress is planned for or provided.

The concept plan is updated to reflect the suggestions from the Planning Staff and the Planning Commission. The updated plan would provide for an east-west connection to adjacent properties, an east-west pedestrian pathway, and ROW dedication to the best of their ability due to the existence of small wetlands on the south edge of the property adjacent to the 2550 South Street. Because of the constraints, the plan would dedicate 50 feet from the center of the ROW. At the time of platting, some modifications may become necessary to avoid disruption of the designated wetlands, see Figure 10 in the staff report. Since the West Haven City Future Land Use Map shows a pathway along the Hooper Irrigation canal on the east edge of the property, the planning division has asked for a 30' pathway easement. The attached plan show and labels the 20 foot all weather emergency access and utility easement for sewer and secondary water connections.



Exhibit A Updated Concept Plan, next page





■ Reeve & Associates, Inc. - Solutions You Can Build On



-
- 80 0 80 160 240
- Scale: 1" = 80'

#	BEARING	DISTANCE
L1	S89°09'33"E	121.75'
L2	S89°09'33"E	121.75'
L3	N00°50'27"E	72.25'
L4	S89°09'33"E	121.75'
L5	S89°09'33"E	121.75'
L6	S89°09'33"E	121.75'
L7	S89°09'33"E	121.75'
L8	N00°50'27"E	73.00'
L9	N00°50'27"E	73.00'
L10	N00°50'27"E	73.00'
L11	N00°50'27"E	73.00'
L12	N00°50'27"E	94.19'

PART OF THE SOUTHWEST QUARTER OF SECTION 27 TOWNSHIP 6
NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF 2550 SOUTH STREET, SAID POINT BEING 660.51 FEET SOUTH 89°09'42" EAST ALONG THE SECTION LINE; THENCE NORTH 00°53'48" EAST 1010.36 FEET; THENCE SOUTH 89°10'30" EAST 653.21 FEET; THENCE SOUTH 00°40'11" WEST 779.51 FEET; THENCE NORTH 89°09'42" WEST 220.00 FEET; THENCE SOUTH 00°40'11" WEST 231.00 FEET TO THE CENTERLINE OF 2550 SOUTH STREET; THENCE NORTH 89°09'42" WEST 437.21 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

CONTAINING 611,228 SQUARE FEET OR 14.032 ACRES.

Total Area.....14.03 ac.
Density: 611,228 s.f./15,000 s.f. = 40.7 Lots
39 Lots Proposed

Front Setback: 20'
Side Setback: 5' & 10' Interior/15' Corner Lots
Rear Setback: 30'

REVISED: 3-27-26

[illegible]

Cottonwood Square Subdivision

PART OF THE SW 1/4 OF SECTION 27 T.6N., R.2W., S.L.B & M., U.S. SURVEY
WEBER COUNTY, UTAH

Concept Plan

Project Info.
 Engineer: N. Reeve
 Planner: C. Cave
 Designer: E. Roche
 Date: 3-19-26
 Name: COTTONWOOD SQUARE
SUBDIVISION
 Number: 2280-18

Sheet	1
1	Sheets

Exhibit B Planning Staff Report, next page





Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: File #ZMA2026-02, an application to rezone approximately 14 acres of land located at approximately 3300 West 2550 South, from the A-1 zone to the R1-15 zone.
Agenda Date: March 3, 2026
Applicant: Scott Wynn, Windruff Construction Company
File Number: ZMA2026-02
Frontier Project Link: <https://frontier.co.weber.ut.us/p/Project/Index/24513>

Property Information

Approximate Address: 3300 West 2550 South, Unincorporated West Weber
Current Zone(s): A-1 Zone
Proposed Zone(s): R1-15 Zone

Adjacent Land Use

North:	Vacant Land	South:	Agricultural/Residential
East:	Vacant Land	West:	Agricultural/Residential

Staff Information

Report Presenter: Felix Lleverino
fleverino@webercountyutah.gov
801-399-8767
Report Reviewer: RG

Applicable Ordinances

§Title 102, Chapter 5 Rezone Procedures.
§Title 104, Chapter 2 Agricultural Zones.
§Title 104, Chapter 12 Residential Zones.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, the criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary and Background

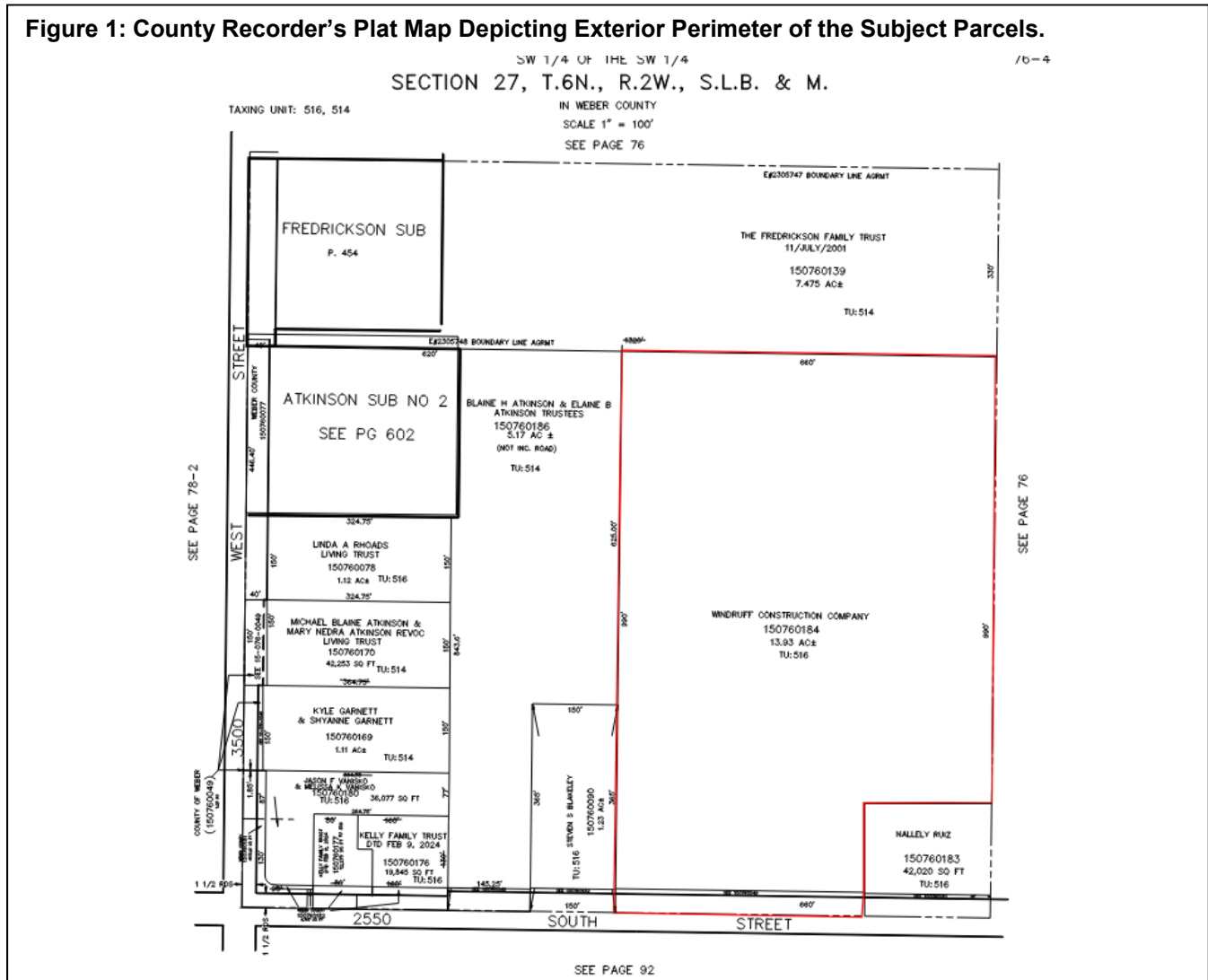
This is an application for a rezone from the A-1 Zone to the R1-15 Zone. The planning commission informally reviewed this request and the associated concept development plan in a work session at the beginning of the February 2026 planning commission meeting. At the time, the planning commission and staff offered the applicant feedback and recommended adjustments for the proposal. A complete staff review of the proposal was conducted a few days later in which staff offered the applicant formal written comments and recommendations that might help garner a favorable recommendation from the planning commission for the rezone.

The applicant has been attentive in resolving concerns expressed by the planning commission and staff regarding the proposal. The attached revised concept plan substantially addresses review comments and recommendations. With a few minor adjustments and reconsiderations, the staff feels the concept plan is ready for a final decision.

This property is located in close proximity to the planned multi-family and mixed commercial area, as depicted on the future land use map of Weber County. Staff has provided findings that could be useful to support the Planning Commission's motion to rezone this property to single-family residential.

This property is within the West Haven City Annexation plan that would remain large lot agricultural zoning with the surrounding four corners of the intersection to be zoned commercial. The West Haven plan also shows a pathway on the west edge of the property directly to the east. The Weber County planning staff sent out a personal notice of this project to the West Haven City Economic Development Department on February 12, 2026. The county planning staff confirmed, by phone, that the city planning received the notice, and does not see any red flags with this proposal. The city staff is aware that they are welcome to attend the March 3, 2026 planning commission public hearing.

Policy Analysis



The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning Analysis

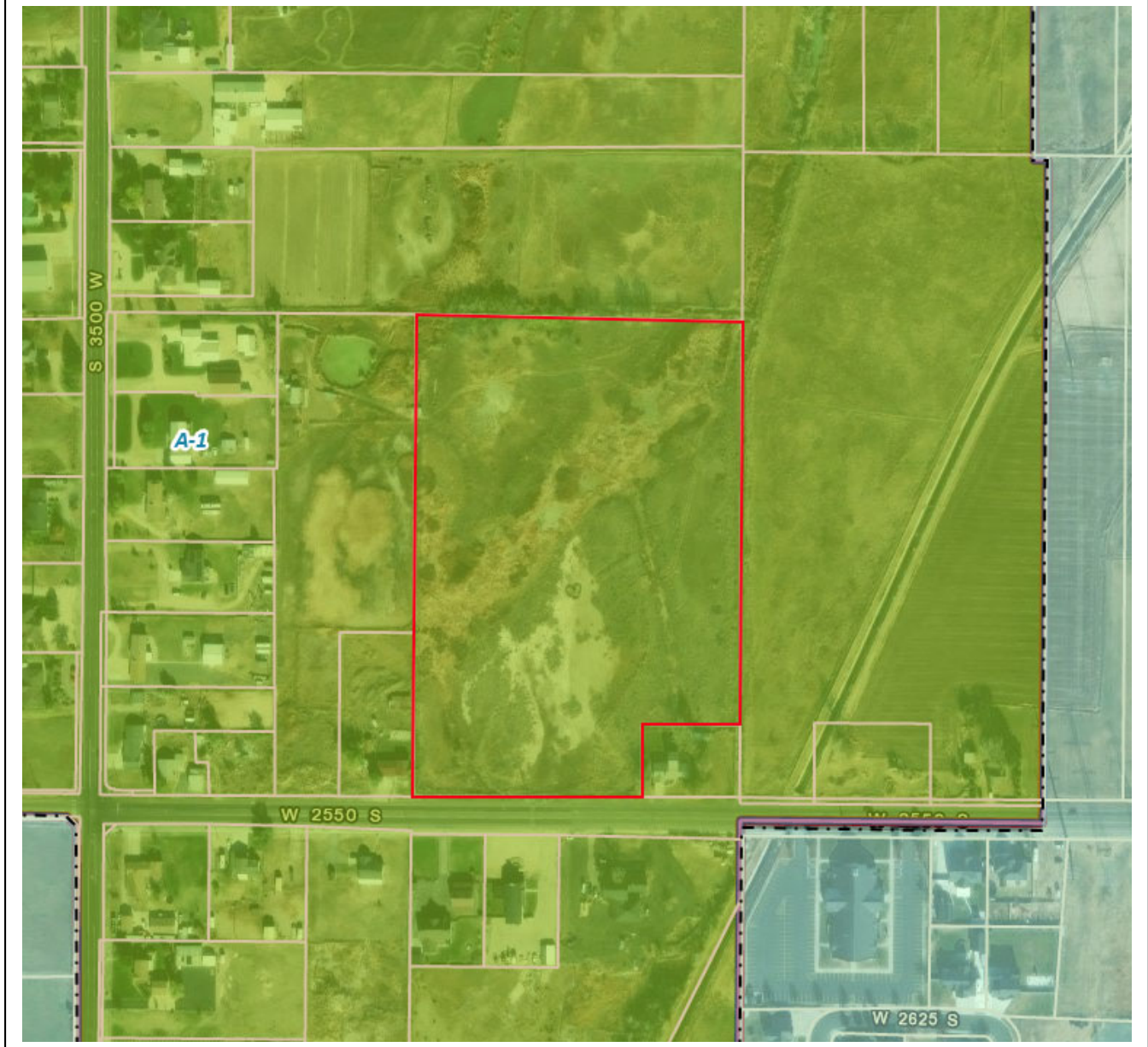
The current zone of the subject property is A-1. **Figure 2¹** displays the current zoning for the area of the subject property. It also shows the configuration of the property within the larger context of the West Weber area. The purpose and intent of the A-1 zone is:

1. The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:

¹ See also Exhibit B.

1. Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
2. Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
3. Direct orderly low-density residential development in a continuing rural environment.

Figure 2: Current Zoning Map and the Subject Parcel(s).



The proposed zone for the subject property is the R1-15 Zone. The purpose of the R1-15 Zone is:

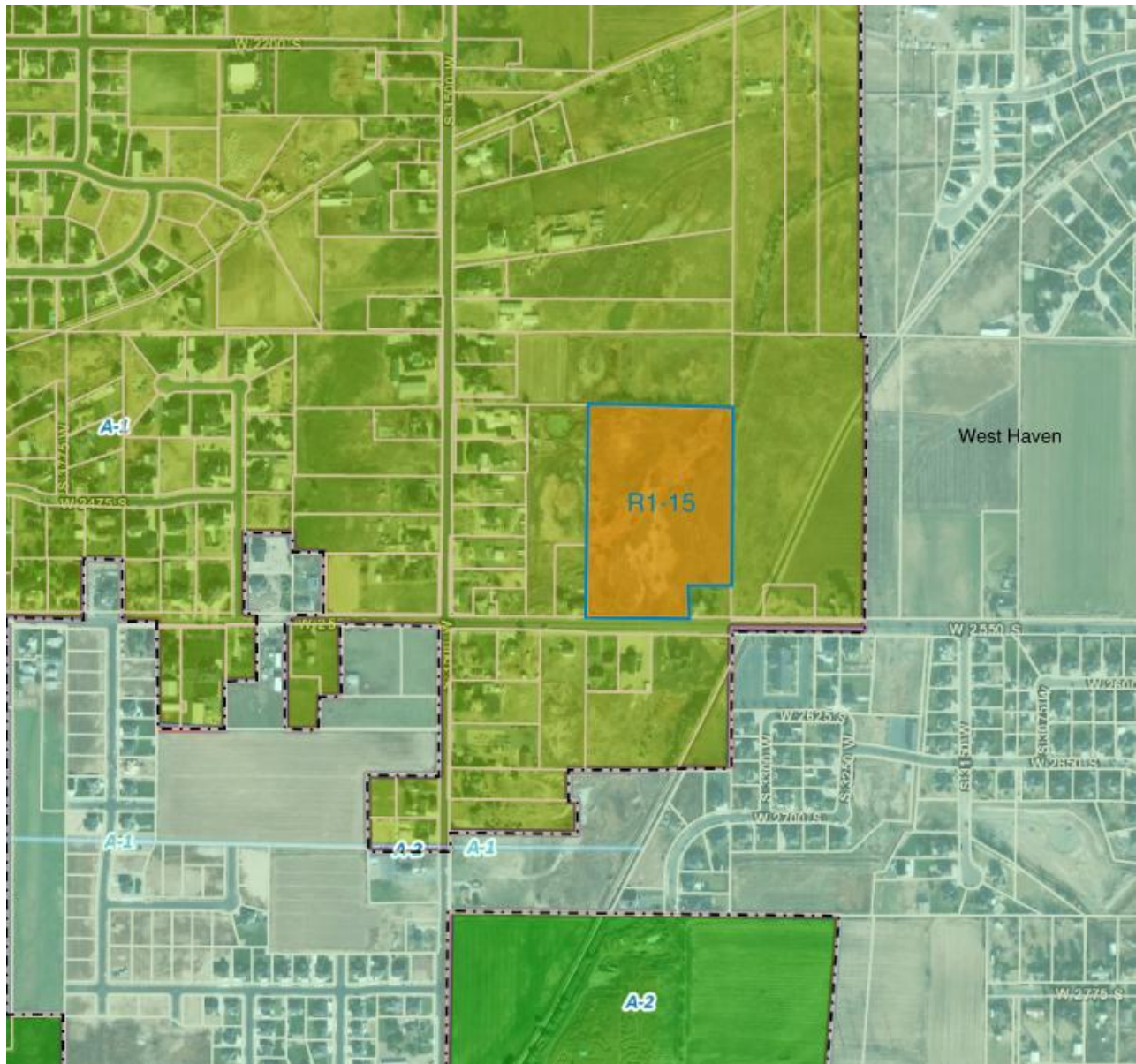
“... to provide regulated areas for Single-Family Dwelling uses at three different low-density levels. The R1 zone includes the R1-15, R1-12, and R1-10 zones. [...]”²

The proposed rezone can be observed in **Figure 3**³, with the yellow polygon depicting the proposed R1-15 zone.

² Weber County Code Section 104-12-1.

³ See also Exhibit C.

Figure 3: Proposed Zoning Map and the Subject Parcel(s).



The R1-15 Zone is intended to support single-family lots that are an average of 15,000 square feet in area. The R1-15 zone was specifically designed to support the residential directives of the Weber County General Plan in addition to the creation of useful public infrastructure for improved community interactions. Typically, compliance with street connectivity incentives is voluntary. When applied to the project through a rezone development agreement, the county can obligate the developer to comply, and from there on the standards are compulsory.

Connectivity incentivized development allows the developer to maintain a consistent number of lots based on the total of 14 acres, which would entitle the applicant to 40 dwelling units, while still placing streets, pathways, and open spaces where they can be most optimal, given the specific site and surrounding area characteristics. The developer would be

Through a development agreement, the county can also apply other regulations to the project that may help soften the strict requirements of code if those requirements do not make sense for the specifics of the project, or strengthen sections of code that may not adequately govern the specifics of the project.

Working with the applicant, planning staff have a high degree of confidence that the proposal can meet the R1-15 zone requirements, as well as street and pathway connectivity standards. The site plan may need a few minor

changes or reconfigurations here or there, as requested by staff, but the planning commission should be able to find that these changes can occur through the process of drafting a development agreement prior to final county commission consideration.

Exhibit D illustrates the proposed concept plan for the property. **Figure 4** illustrates additional staff-suggested details and/or amendments to the proposed concept plan that are anticipated to bring it into full compliance with connectivity standards. Alternatively, the applicant is encouraged to find and propose other satisfactory solutions.

Figure 4: Applicant's Concept Plan, With Staff Comments/Edits



106-2-1.020 Street Connectivity and Circulation
(c) (1) A street block shall have a length no greater than 800 feet

(d) (1) (a) maximum distance between pathway intersections is 400 feet.

The plan calls for a Future Major Collector (100") with a ten-foot pathway here.

Weber County Code has six general decision criteria for determining whether a rezone is merited. They are as follows:

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- b. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.*
- c. *The extent to which the proposed amendment may adversely affect adjacent property.*
- d. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- e. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- f. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

The following is an analysis of the proposal in the context of these criteria.

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

As a legislative decision, a rezone should advance the goals of the general plan, or at the very least, not be detrimental to them without good cause. The general plan is only a guiding document and not mandatory to follow, however, because it sets the desired future community outcome, deviation from it should be done with caution.

The development plan should be compared to the community character vision. This is the vision to which all other visions and goals within the plan are oriented, reads as follows:

"While the pressure to grow and develop will persist, there is a clear desire for growth to be carefully and deliberately designed in a manner that preserves, complements, and honors the agrarian roots of the community. To do this, Weber County will promote and encourage the community's character through public space and street design standards, open space preservation, and diversity of lot sizes and property uses that address the need for places for living, working, and playing in a growing community."⁴

The plan prioritizes the implementation of smart growth principles as development occurs. It encourages the county to utilize the rezone process as an opportunity to help developers and land owners gain the benefits of the rezone while implementing for the public the benefits of these principles. Because the general plan is *general* in nature, no one principle is absolutely mandatory except when adopted into the development code. Similarly, allowing a property to be rezoned is also not mandatory. Both the developer and the County have the ability to substantially gain if a rezone is negotiated.

General Plan Smart Growth Principles

The general plan lists both basic and exemplary smart growth principles. The seven basic smart growth standards are:

1. Street connectivity.
2. Pathway and trail connectivity.
3. Open space and recreation facilities.
4. Dark sky considerations.
5. Culinary and secondary water conservation planning.
6. Emission and air quality.

The proposal's compliance with each of these standards is further provided in this report.

⁴ Western Weber General Plan (p. 21)

The following nine bullet points list the general plan's exemplary smart growth principles (in italics). A staff analysis regarding how they may relate to this potential project follows each bullet point. Some of these principles are similar to the basic smart growth principles aforementioned, but are designed to provide optimal community benefits.

- *Provision for a wide variety of housing options.*
 - While this proposal is anticipated to be exclusively single-family residential, with a focus on patio home models. The flexible lot standards of the R1-15 zone and connectivity incentivized subdivision will help the developer add to the variety of lot sizes within the county as a whole. Smaller lots will be more affordable than the larger lots, which in turn will allow the developer to market to prospective single-family homeowners who are at different stages of life.
- *Use of lot-averaging to create smaller lots/housing that responds to the needed moderate-income housing.*
 - The applicant has not proposed any moderate-income housing for the development. It should be noted that the variety of lot sizes will result in smaller lots, as small as 8,100 square feet. This will help provide the market with a larger supply of smaller lots, which in turn will help curb the inflationary housing costs the area has been experiencing. If the planning commission desires the developer to specifically provide deed-restricted moderate-income housing within the development, the requirement can be inserted into the proposed development agreement.
- *Strong trail network with excellent trail connectivity that prioritizes bicycling and pedestrians over vehicles.*
 - The concept plan has strong pathway and sidewalk connectivity throughout, especially if staff's additional suggestions are provided. In a number of instances, pathways will run between lots instead of adjacent to streets, giving users a greater sense of safety away from vehicle traffic.
- *Strong street connectivity and neighborhood connections that avoid the use of cul-de-sacs or dead ends.*
 - As can be reviewed on the concept plan, the applicant has done well to not use cul-de-sacs and permanent dead-end streets.
- *Large and meaningful open space areas with improved parks, recreation, etc.*
 - Public streets and pathways are integral for vibrant communities that have multiple transportation options to access commercial, recreational, residential, and employment areas. That pathway and street segments that align with the general plan will eventually interlink, and growth in the surrounding area will meet up with this proposal.
 - In addition to the public thoroughfares, the developer will contribute to the Taylor West Weber Park District. The park district has expressed their support for this proposal. As a rule of thumb, the general plan suggests that the county follow the best practice standard of providing approximately 10 acres of open public parkland for every 1,000 residents.
 - The West Haven City map includes a future pathway alignment along the west edge of the neighboring property to the east. This alignment was selected as a canal pathway. The planning commission may consider this connector satisfied by the Scott Wynn development plan that includes a ten-foot street-adjacent pathway on the east side of the through street.
- *Homes that have higher efficiency ratings than required by local building codes.*
 - Buildings are required to be constructed to an efficiency standard based on the climate of the area. Usually, buildings located in higher (colder) elevations need to meet greater efficiency standards. However, given the wide degree of temperature swings in the Western Weber area over a one-year period, requiring buildings to be constructed to better efficiency ratings will help alleviate the area's future demand on power and gas. This will also help provide better air-quality related to building emissions. Staff suggests buildings be built to an efficiency rating that is compliant with one climate zone greater than currently prescribed for the area.
- *Provisions that create attractive communities for the long term and that create a distinctive sense of place.*
 - The planning commission may determine that the street and pathway connectivity and the Weber River Parkway and linear park dedication accomplish this principle.
 - One additional item for the planning commission to consider on this point: When a limited-access collector or arterial street serves a single-family residential area, these types of streets are likely to be lined with rear and/or side yards. As a result, they can trend toward a less attractive aesthetic.

The general plan suggests landscaping, fencing, and street art be located along limited-access collector and arterial streets to enhance a greater sense of community character and aesthetic. The county does not currently have the organizational or financial structure to operate and maintain such street improvements, so if the planning commission desires to require these improvements in this development, then it would be advisable to require a professionally managed homeowners association to care for the operations and maintenance. This is not included in staff's recommendation herein, but can easily be added by the planning commission if so desired.

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

It would be challenging to argue that the proposal matches the character of existing development in the area. However, "compatibility" and matching are not necessarily the same thing. There are currently a number of large lot residential properties in the surrounding area and along 3500 West and 2550 South Street. Residential uses are traditionally compatible with other residential uses.

The general plan identifies that heavy agricultural uses may not be very compatible with residential development/neighborhoods. It is worth evaluating how surrounding agricultural uses may affect this project, and vice versa.

The general plan suggests and acknowledges that some incompatibilities will occur as the area develops over time. If the plan is followed, in time, the surrounding area is likely to be more similar to the character of this development than it is the character of the existing area.

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

When considering how this rezone might adversely affect adjacent property, there is a wide array of factors at play. These include impacts on private property rights and nuisances, as well as other factors such as impacts on a landowner's desires for their neighborhood and the intrinsic values they've imbued into that neighborhood.

First and foremost, the Planning Commission should prioritize fact-based adverse impacts. Then consider the perception-based impacts.

If rezoned, the development is likely to significantly change the immediate area. Existing streets will need to be upgraded, and new streets will be constructed. Small, medium, and medium-large-lot residential uses should be expected. The smaller and relatively denser development will change the visual nature of the area, traffic volumes and patterns, and noise potential. The proposed uses are not expected to be greater than those found in a typical residential neighborhood. When developing, the applicant will be responsible for correcting any material degradation in services that the development might create for the area. Thus, other than potential increases to noise, most of the fact-based effects will be required to be mitigated by the applicant.

From an intrinsic perspective, current neighbors who have grown accustomed to the quiet rural nature of the immediate area may find the increase in development intensity unpleasant and contrary to the current reasons they reside in the area. Even though residents in the area do not own a property right that ensures their neighbor's property will not change, they may find dismay in the perception that changes beyond their control could upend their desired future for the area. This could lead to their eventual self-determined displacement from the neighborhood.

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

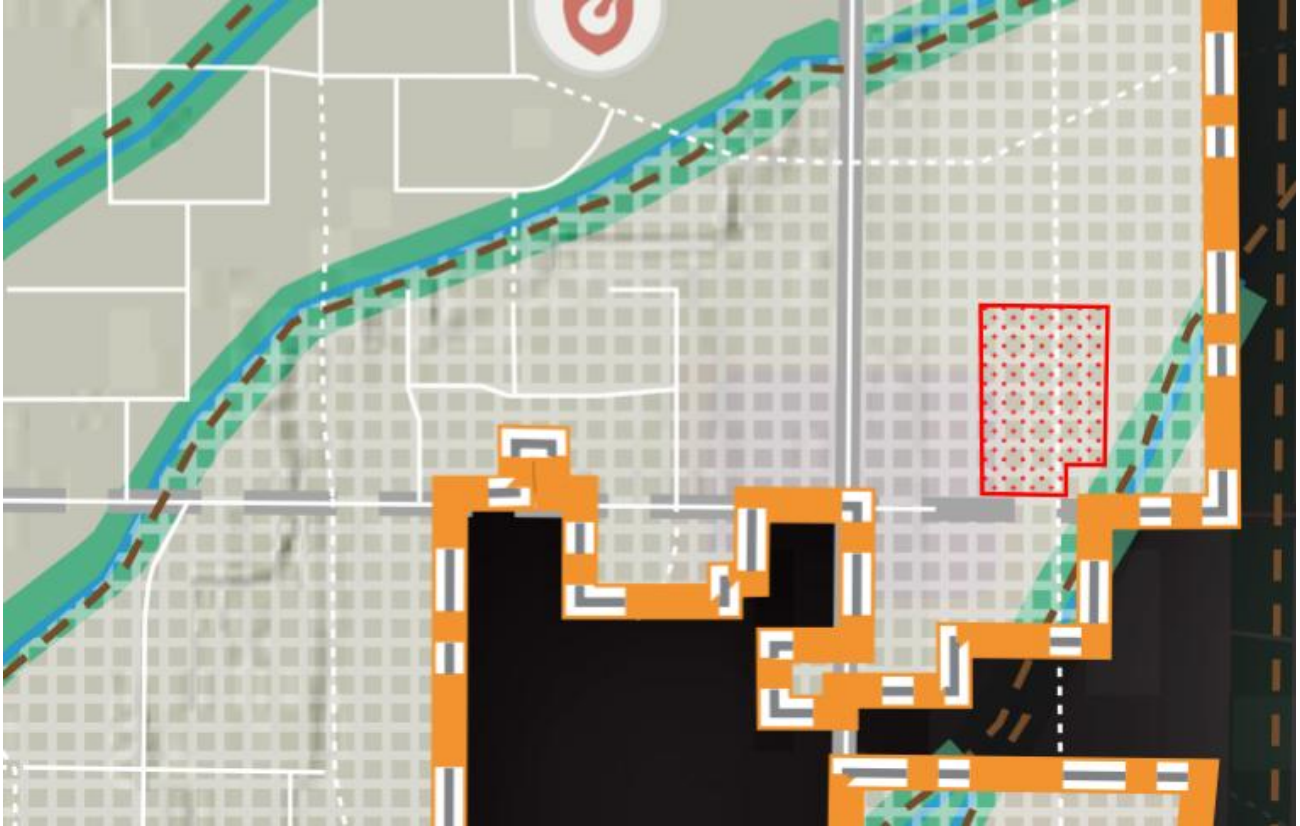
The County's currently adopted development regulations are designed to specifically require the developer to address their impact on local levels of service. As aforementioned, the applicant will be responsible for mitigating any material degradation of levels of service.

Roadways/Traffic.

Figure 5 shows the planned streets for the area, pursuant to the general plan. As it relates to the subject property and the surrounding area, the plan recommends securing 2550 as a future minor collector street. Other streets planned for the area, represented by thin dashed white lines, are intended to, in part, represent important smaller

section line and quarter section line streets to serve residential neighborhoods. The specific configuration of these dashed lines within the subject property's boundary is generally inconsequential. They follow the street alignment previously proposed (and now expired) by a past development approval on the property. As long as residential street connections are being made in a manner that meets expected connectivity standards, the applicant should be given the latitude to arrange the streets as may be desirable for their development.

Figure 5: Planned Streets – Western Weber General Plan

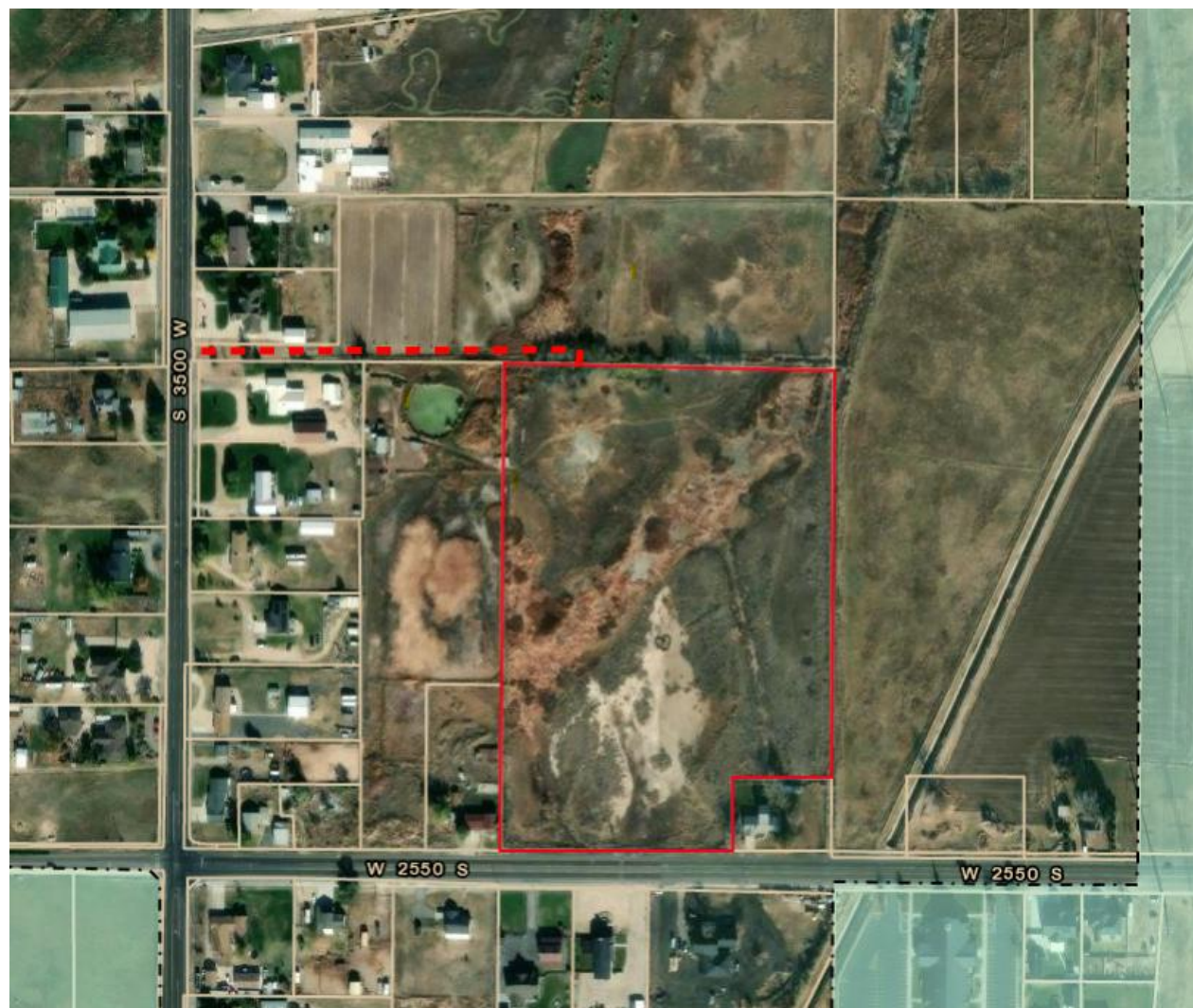


One important consideration observed by staff is that the property is within the West Haven City Annexation area. The West Haven Plan shows A-2 zoning for this property while the neighboring land is planned for commercial, shown in **Figure 6**.

Figure 6: Concept Plan Alternative (West Haven City Plan 2023)

This development plan is made with one access point. The developer will need to create a second egress at the time when no more than 30 lots are seeking preliminary approval at the subdivision stage. The applicant is proposing to design and construct a utility and emergency egress route if the Fredericksens, the land owner to the north, is open for negotiation. County staff agrees that a connection to 3500 West Street at that location is the first preference due to sewer access and the block length, shown in **Figure 7**.

Figure 7 Utility and Emergency Egress



The code requires an emergency egress to be constructed of a 20-foot-wide all-weather surface capable of supporting a 75,000 lb. fire apparatus. It also requires this egress to be located within a minimum 24-foot easement specifically for the egress.

This challenge notwithstanding, using the applicant's proposed resolution and some carefully considered conditions, it's possible for the development agreement to be crafted in a manner that gives the county adequate egress assurances, and still provides a path forward for the developer's entire project.

To start, the staff recommends that only up to 30 lots are allowed to be platted until the following have occurred:

1. The proposed emergency egress is fully constructed to the minimum 20-foot surface width;
2. A 10-percent warranty guarantee bond is provided to the county to assure performance for at least one year;
3. The egress is fully operational and accessible for emergency egress use by any member of the public; and
4. No lawsuits are filed prior to platting more than 30 lots.

Police and Fire Protection

It is not anticipated that this development will generate a greater per capita demand for police and fire protection than typical single-family residential development.

Stormwater Drainage Systems

This is not usually a requirement of rezoning, and is better handled at the time specific construction drawings are submitted. This occurs during subdivision application review.

Water Supply

The property is within the Taylor West Weber Water Improvement District boundaries. The applicant has provided a letter from the district that acknowledges the rezone application and the potential for them to serve. The letter, attached within Exhibit A, provides a general list of infrastructure improvements that will be needed and conditions and requirements that will be expected of the developer in order to gain access to this service. One important expectation of the district is for the property to be served with secondary water by Hooper Irrigation Company or another similarly qualified irrigation company.

Wastewater

The project is proposed to be served by sewer that will be collected by Central Weber Sewer Improvement District. The project is located near the gravity line in the 3500 West Street right-of-way, as illustrated in the county's sewer master plan, as illustrated in **Figure 8**.

Figure 8: West Weber Sewer Master Plan

- Existing Gravity Service Lines
- Existing Gravity Trunk Lines
- Existing Pressure Service Lines
- Existing West Haven Lines



Refuse Collection

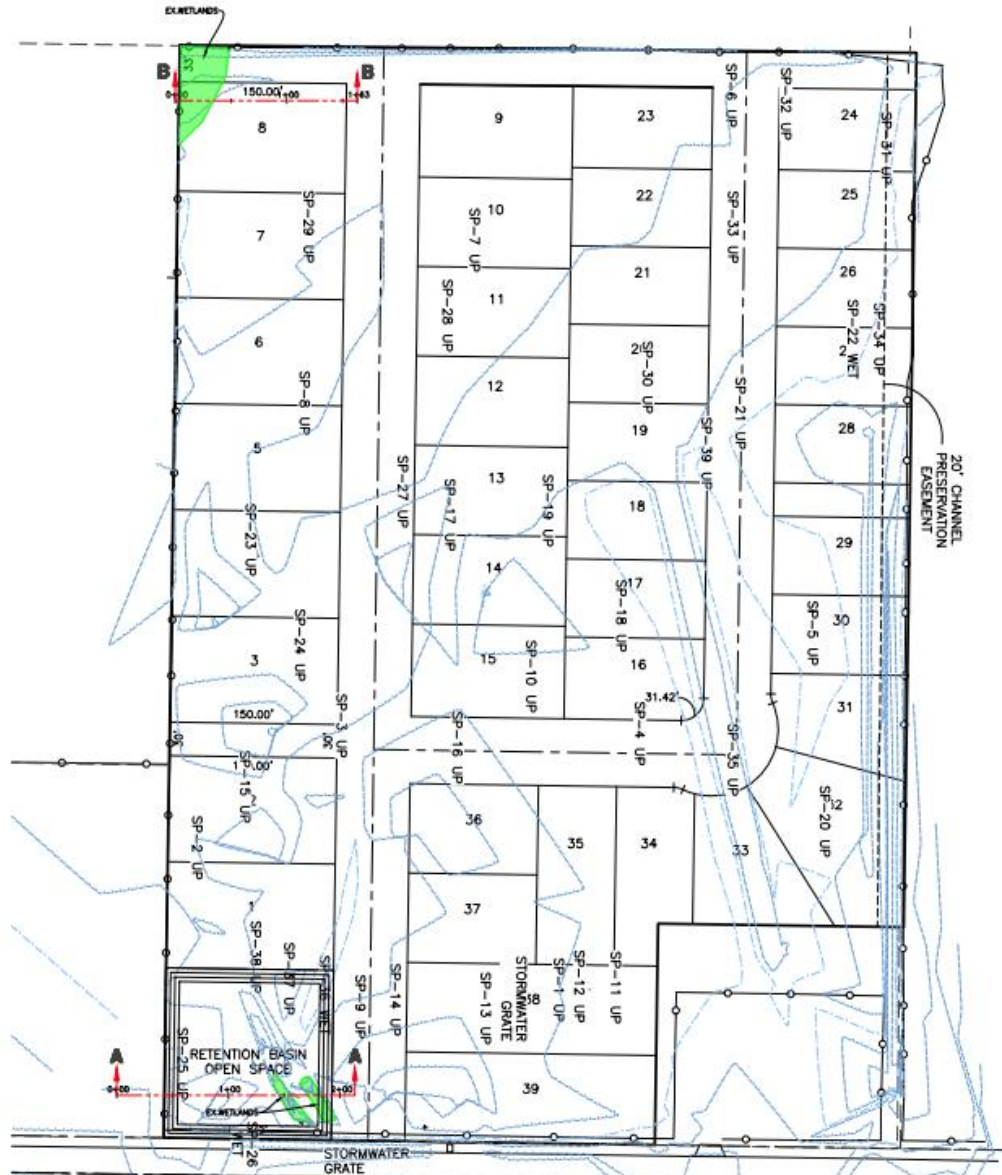
It is expected that this development will be served by the county's typical contracted garbage collection service. If different, this can be better fleshed out during subdivision review.

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

This property is in the flood zone x and determined to be within a moderate to low risk for flood damage.

The US Fish and Wildlife Service provides an inventory of wetlands across the nation. **Figure 10** illustrates the wetlands and how they relate to the subject property. The Army Corp of Engineers approves of the Wetlands Delineation of two wetland pockets within the property. The applicant's development proposal avoids these areas.

Figure 10: Wetlands Delineation (Ex. Wetlands in Green)



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

Based on the details already provided regarding street accessibility and street connectivity, the planning commission should be able to make a finding that the applicant is proposing sufficient compensation for their impact on both existing and proposed transportation corridors. **Exhibit 11** illustrates the proposed and potential street collector and arterial street corridors serving the property.

Figure 11: Arterial and Collector Streets



It should be noted that this proposed rezone and development fronts a future minor collector street that is planned to be an 80 ROW with all of the associated right of way improvements like an 11 foot car travel lane, a sixfoot bike lane, a type g gutter, a seven foot planting strip for street trees, a five foot sidewalk and a 6' corridor fence. The typical cross is included with the development agreement under Exhibit E. The developer will be responsible for making those improvements on the north side of 2550 South Street.

Staff Recommendation

After reviewing the proposal within the intended context of the Western Weber General Plan, it is staff's opinion that this rezone will help advance the vision and goals of the plan. Staff is recommending approval of the rezone. This recommendation is offered with the following considerations, which are intended to be incorporated into a zoning development agreement:

1. Concept plan update:
 - a. Provide concept plan amendments for compliance with connectivity standards.
 - b. Provide a street adjacent pathway on the north side of 2550 South Street.
 - c. To give the property owner the entire benefit of the rezone, instead of listing the proposed number of lots in the development, the concept plan and development agreement should rely on the county's adopted maximum density calculations to govern density. If the developer may choose to plat less than the maximum at its option.

Staff's recommendation is offered with the following findings:

1. After the considerations listed in this recommendation are applied through a development agreement, the proposal generally supports and is anticipated by the vision, goals, and objectives of the Western Weber General Plan.
2. This proposal is located adjacent to a planned commercial area reflected by the Weber County General Plan and the 2021 West Haven City General Plan Map.
3. Residential development at this location generally adheres to the Future Land Use Map.
4. The area between the west edge of this property and the edge of 3500 West Street is ten acres that could feasibly be redeveloped for commercial use.
5. The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Western Weber General Plan.
6. A negotiated development agreement is the most reliable way for both the county and the applicant to realize mutual benefit.

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 #ZMA2026-02, an application to rezone approximately 14 acres of land located at approximately 3300 West ,2550 South, from the A-1 zone to the R1-15 zone, as illustrated in Exhibit C.

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 #ZMA2026-02, an application to rezone approximately 14 acres of land located at approximately 3300 West ,2550 South, from the A-1 zone to the R1-15 zone, as illustrated in Exhibit C., **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: Add a requirement for roadside beautification, water wise vegetation, and street art/décor to the development agreement for the two collector streets in the development. Include decorative night sky*

friendly street lighting at reasonable intervals. Require the creation of a homeowner's association to operate and maintain.

2. *Example: Amend staff's consideration item # []. It should instead read: [desired edits here].*
3. *Etc.*

I do so with the following findings:

Example findings:

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

Motion to recommend denial:

I move we forward a recommendation for denial to the County Commission for File #ZMA2026-02, an application to rezone approximately 14 acres of land located at approximately 3300 West ,2550 South, from the A-1 zone to the R1-15 zone, as illustrated in Exhibit C., I do so with the following findings:

Examples findings for denial:

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

Exhibits

Exhibit A: Application.

Exhibit B: Development Agreement

Project Name: Scott Wynn-Windruff Construction Company-Zoning
Map Amendments
Address: 3300 West 2550 South
Project Type: Zoning Map Amendments
Project Sub Type: Zoning Map Amendments
Created By: chris cave
Created On: 10/16/2025
Project Status: Submitted
Status Date: 10/16/2025
File Number: ZMA2026-02
Project Manager: Felix Lleverino

Application

Project Description:

Rezone request for Parcel No. 15-076-0184 from A-1 to R-1-15

Property Address:

3300 West 2550 South

Property Owner:

Windruff Construction Company

Representative:

Accessory Dwelling Unit:

False

Current Zoning:

A-1

Subdivision Name:

Number of Lots:

39

Lot Number:

Lot Size:

Frontage:

Culinary Water Authority:

Taylor-West Weber Water District

Secondary Water Provider:

Hooper Irrigation Company

Sanitary Sewer Authority:

Central Weber Sewer

Nearest Hydrant Address:

Signed By:

Scott Wynn

Parcel Number(s):

150760184

Building Descriptions:

Description:

Building Square Feet:

Valuation:

Contractors:

Type:

Name:

Contact:

Address:

DEVELOPMENT AGREEMENT

Between

WEBER COUNTY, UTAH

and

Scott Wynn, Windruff Construction Company

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DEVELOPMENT AGREEMENT

Cottonwood Square Subdivision

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between Weber County, Utah ("County") and Scott Wynn ("Master Developer"), known together herein as the "Parties."

RECITALS

WHEREAS, The Master Developer desires and intends to develop a residential subdivision (the "Project") in the unincorporated area of Weber County known as West-Central Weber;

WHEREAS, The Master Developer's objective is to develop in a manner that complements the character of the community and is financially successful;

WHEREAS, The County's objective is to only approve development that supports and advances the health, safety, and welfare of the community, as generally described in the general plan and as otherwise determined appropriate by the Board of County Commissioners;

WHEREAS, Development of the Property pursuant to this Agreement will result in benefits to the County by providing orderly growth, sustainable development practices, street and pathway connectivity, provisions for open space, dark sky lighting, and assurances to the County that the Property will be developed in accordance with this Agreement;

WHEREAS, Entering into this Agreement will result in significant benefits to the Master Developer by providing assurances to Master Developer that it will have the ability to develop the Property in accordance with this Agreement;

WHEREAS, Master Developer and the County have cooperated in the preparation of this Agreement;

WHEREAS, Prior to the execution of this Agreement, the Property's zone is/was Agricultural A-1 and Master Developer desires to rezone the Property to the Residential R1-15 zone consistent with the terms and provisions contained herein;

WHEREAS, The parties desire to enter into this Agreement as a legislative means to specify the rights and responsibilities of the Master Developer to develop the Property as part of the Project as expressed in this Agreement and the rights and responsibilities of the County to allow and regulate such development pursuant to the requirements of the Agreement; and

WHEREAS, The Project will be located on land referred to herein as the "Property". The Property is as more specifically described in **Exhibit A – Property Legal Description** and illustrated in **Exhibit B – Property Graphic Depiction**. A Concept Plan showing the general location and layout of the Project is contained in **Exhibit C – Concept Plan**.

NOW, THEREFORE, in consideration of the recitals (which are incorporated into the Agreement by this reference), the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

AGREEMENT TERMS

1. Incorporation of Recitals and Exhibits.

The foregoing Recitals and **Exhibits A-H** are hereby incorporated into this Agreement.

2. Effective Date, Expiration, Termination.

2.1. Effective Date. The Effective Date of this Agreement is the latter of:

- 2.1.1.** The last date upon which it is signed by any of the Parties hereto;
- 2.1.2.** The recordation of this Agreement; or
- 2.1.3.** The recordation of the rezone ordinance to which this Agreement is associated and inextricably linked.

2.2. Expiration and Zone Reversion.

2.2.1. Expiration of Agreement Related To Development of the Property. The expiration of this Agreement as it relates to the development of the Property or the establishment of new uses on the Property shall be as provided in **Section 2.2.3** of this Agreement, unless earlier terminated or modified by written amendment as set forth herein, or unless the use is abandoned as governed by the Code. In the case of abandonment, this Agreement shall terminate on the date abandonment has been determined. Upon expiration or termination of this Agreement, the portion of the Property that has not been developed as set forth in this Agreement, including any parcel or portion of parcel that could be further developed, shall thereafter be governed as follows:

- 2.2.1.1.** the rights and responsibilities set forth herein related to establishing new development on the Property or establishing new uses on the Property shall terminate; at which time the rights and responsibilities of the Prior Zone shall govern remaining development or the establishment of new uses on the Property; and
- 2.2.1.2.** the portion of the Property that has not been developed as set forth in this Agreement shall automatically revert to the Prior Zone without further Notice, unless the legislative body decides to keep the existing zone or rezone the Property in any other manner. The Parties agree that should zone reversion occur, the process due and provided for the adoption of this Agreement and related rezone accomplishes the process due for the zone map to be reverted to the Prior Zone, and any future owners of any portion of the Property are hereby on notice accordingly. Existing development and uses lawfully established under this Agreement prior to expiration or termination shall be deemed nonconforming rights, as governed by the Code and the Act.
- 2.2.1.3.** After the expiration or termination of this agreement, the legislative body may make changes to the zoning provisions established in **Section 2.2.1.1** and **Section 2.2.1.2** pursuant to their typical legislative authority.

2.2.2. Expiration of Agreement Related to Ongoing Performance Responsibilities. Notwithstanding the expiration or termination of this Agreement, all ongoing operations, performance, and maintenance responsibilities such as, but not limited to, compliance with requirements pertaining to outdoor lighting, landscaping, noise, berming, buffering, screening, parks, pathways, or building or architectural designs shall remain in effect as legislatively adopted land use provisions that govern any development that has occurred on the Property pursuant to this Agreement. After the expiration or termination of this Agreement, typical legislative action shall be required to make changes thereto. This provision shall not be interpreted to be a restriction on the County's legislative

power to act otherwise if deemed appropriate at that time by the legislative body.

2.2.3. Term. This agreement expires ten years after the Effective Date.

2.2.3.1. Reserved.

2.2.3.2. Reserved.

2.3. Termination. This Agreement may be terminated by mutual written agreement of the Parties to this Agreement. This Agreement automatically terminates, without notice, in the following circumstances:

2.3.1. The term of this Agreement expires and is not extended as provided above;

2.3.2. The Project is abandoned or the use is discontinued, as provided for by Weber County Code **Chapter 108-12**.

2.3.3. The Master Developer defaults on any provision of this Agreement and the default is not resolved as specified in **Section 13** of this Agreement; or

2.3.4. The provisions of **Section 5.4** of this agreement take effect.

3. Definitions and Interpretation.

For purposes of this Agreement, the following terms, phrases, words, and their derivations shall have the meaning given herein where capitalized; words not defined herein shall have the same meaning as provided by the Code, if applicable. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the use of any gender shall apply to all genders whenever the context requires. The words "shall" and "will" are mandatory and the word "may" is permissive. References to governmental officials or entities refer to those officials or entities and their Successors. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision.

3.1. Act means the County Land Use, Development, and Management Act, Utah Code Ann. §§17-27a-101, et seq.

3.2. Approval Date. "Approval Date" means the date the Board of County Commissioners approved this Agreement.

3.3. Agreement means this Development Agreement between the County and Master Developer, approved by the Board of County Commissioners, and executed by the undersigned, including all of this Agreement's exhibits.

3.4. Applicant means a person or entity submitting a Development Application, a Modification Application or a request for an Administrative Decision.

3.5. Assignee means a person or entity that assumes the rights and responsibilities of Master Developer pursuant to a valid assignment, as provided in **Section 11.4** of this Agreement.

3.6. Board of County Commissioners means the elected County Commission of Weber County.

3.7. Building Permit means the County's building permit or building permit review process, as specified in the Code of Ordinances of Weber County.

3.8. Buildout means the completion of all of the development on all of the Property for all of the Project.

3.9. Code means the County's Code containing its land use regulations adopted pursuant to the Act.

- 3.10. **Concept Plan** means **Exhibit C – Concept Plan**, a conceptual plan for the Project which is hereby approved by the County as part of this Agreement. The Concept Plan sets forth general guidelines for the proposed future development of the Property.
- 3.11. **County** means Weber County, a political subdivision of the State of Utah.
- 3.12. **County Consultants** means those outside consultants employed by the County in various specialized disciplines such as traffic, hydrology, legal, or drainage for reviewing certain aspects of the development of the Project.
- 3.13. **Default** means a material breach of this Agreement.
- 3.14. **Design Review** means the County's design review process, as specified in the Code.
- 3.15. **Development Application** means an application to the County for development of a portion of the Project including a Subdivision, a Design Review, a Building Permit, or any other permit, certificate, or other authorization from the County required for development of the Project.
- 3.16. **Development Standards** means a set of standards approved by the County as a part of the approval of the Concept Plan and this Agreement controlling certain aspects of the design and construction of the development of the Property including setbacks, building sizes, height limitations, parking and signage; and, the design and construction standards for buildings, roadways, and other Improvements.
- 3.17. **Effective Date.** "Effective Date" has the meaning set forth in **Section 2** of this Agreement.
- 3.18. **Force Majeure Event** means any event beyond the reasonable control of the affected Party that directly prevents or delays the performance by such Party of any obligation arising under this Agreement, including an event that is within one or more of the following categories: condemnation; expropriation; invasion; plague; drought; landslide; tornado; hurricane; tsunami; flood; lightning; earthquake; fire; explosion; epidemic; pandemic; quarantine; war (declared or undeclared), terrorism or other armed conflict; material physical damage to the Project caused by third parties; riot or similar civil disturbance or commotion; material or supply delay; other acts of God; acts of the public enemy; blockade; insurrection, riot or revolution; sabotage or vandalism; embargoes; and, actions of governmental or judicial authority.
- 3.19. **Impact Fees** means those fees, assessments, or payments of money imposed by the County as a condition on development activity as specified in Utah Code Ann., §§ 11-36a-101, et seq.
- 3.20. **Improvements** means those improvements of public or private infrastructure which are specified in this Agreement, by the Code, or as a condition of the approval of a Development Application because they are necessary for development of the Property, such as local roads or utilities.
- 3.21. **Master Developer** means Scott Wynn or its Assignees as provided in **Section 11.4** of this Agreement.
- 3.22. **Modification Application** means an application to amend this Agreement.
- 3.23. **Non-County Agency** means a governmental entity, quasi-governmental entity, or water or sanitary sewer authority, other than those of the County, which has jurisdiction over the approval of any aspect of the Project.
- 3.24. **Notice** means any notice to or from any Party to this Agreement that is either required or permitted to be given to another Party.
- 3.25. **Outsourc[e][ing]** means the process of the County contracting with County Consultants to provide technical support in the review and approval of the various aspects of a Development

Application as is more fully set out in this Agreement.

- 3.26. **Owner** means Scott Wynn.
- 3.27. **Parcel** means any parcel of land within the Property created by any means other than a Subdivision plat, upon which development is not approved.
- 3.28. **Parties** means the Master Developer and the County, including their Successors.
- 3.29. **Pathway** means a 10-foot wide multi-use paved pathway that complies with **Exhibit E – Street Cross Sections** or **Exhibit F – Non-Street-Adjacent Pathway Cross Section** of this Agreement and any other requirements of the County Engineer.
- 3.30. **Phase or Phasing** means the development of a portion of the Project at a point in a logical sequence as determined by Master Developer but in compliance with the Code and this Agreement.
- 3.31. **Planning Commission** means the Planning Commission for the area in which the Property is located.
- 3.32. **Prior Zone** means the zone in effect prior to the rezone to which this Agreement is linked.
- 3.33. **Project** means the development to be constructed on the Property pursuant to this Agreement with the associated public and private facilities and all of the other aspects approved as part of this Agreement including its exhibits.
- 3.34. **Property** means the land area on which the Project will be sited, as more specifically described in **Exhibit A – Property Legal Description** and **Exhibit B – Property Graphic Depiction**.
- 3.35. **Proposed Taxing Entity or Proposed Tax** means the proposed inclusion of the Property within a taxing entity's area, or within the area of a specific tax, when the Property was not subject to the taxing entity or tax at the time this Agreement was executed, and when the taxing entity or tax is proposed to compensate for the provision of at least one public service or Improvement resulting from the growth and development of the Property or the general area. A Proposed Taxing Entity or Proposed Tax includes but is not limited to the proposed inclusion of the Property into a municipality, special service district, special district, assessment area, or any similar entity or tax.
- 3.36. **Public Landscaping** means landscaping Improvements within street rights-of-way, in required Public Park Open Space, and on other properties owned by a public entity or required to be open to the public.
- 3.37. **Public Park Open Space** means the area intended to meet the minimum 10 acres per 1,000 residents of public open space, whether improved or unimproved as may be specified in this Agreement.
- 3.38. **Routine and Uncontested** means simple and germane to the Project or Property, having very little chance of affecting the general character of the area, and not anticipated to generate meaningful concern from the public.
- 3.39. **Smart Watering Controller** is an automatic landscape watering controller that can connect to the internet to automatically adjust watering schedules or amounts based on local weather and environmental conditions, such as an Orbit B-Hyve smart controller or a Rainbird ESP smart controller.
- 3.40. **Subdeveloper** means an entity not "related" (as determined by Internal Revenue Service regulations) to Master Developer which purchases a Parcel for Subdivision platting prior to development thereon.

- 3.41. **Subdivision** means the division of any portion of the Project into a subdivision pursuant to the Act and/or the Code.
- 3.42. **Subdivision Application** means the application to create a Subdivision.
- 3.43. **Successor** means a person or entity that succeeds to a Party's rights and responsibilities under this Agreement by any means, whether in whole or in part, and whether directly or indirectly. It does not include a purchaser or other transferee to whom Master Developer or its Successor conveys a lot within an approved subdivision.

4. Conflicting Provisions

The Code shall apply to each Development Application except as the County's Vested Laws are expressly modified by this Agreement (including any written provision in exhibits thereto). For any conflict between the exhibits and this Agreement, this Agreement shall prevail. For any conflict between exhibits and each other, the most restrictive for Master Developer shall apply. The Parties agree that the graphic depiction of the Project provided in **Exhibit C – Concept Plan** is conceptual in nature and designed to illustrate the general layout and configuration of the Project's streets, clusters of lots, trails, open spaces, and other amenities to which Master Developer shall be entitled. By nature of being conceptual, these exhibits may not show all specifics necessary for the Project to comply with all County's Vested Laws, which shall not be interpreted to be an exception to County's Vested Laws.

5. Vested Rights and Reserved Legislative Powers.

- 5.1. **Vested Rights.** Master Developer shall have the Vested Right to develop and construct the Project on the Property in accordance with the R1-15 zone and in accordance with **Section 8** of this Agreement (the Vested Rights), subject to compliance with the terms and conditions of this Agreement and other applicable Code provisions in effect as of the Approval Date. The Parties intend that the rights granted to the Master Developer under this Agreement are contractual and also those rights that exist under statute, common law, and at equity.
- 5.2. **Existing Laws.** Except as otherwise specified in this Agreement, the Parties hereby mutually volunteer to the application of the Code, except **Title 102**, in effect at the time of the Approval Date herein, to the Project until this Agreement is terminated or expires. The Code is incorporated into this Agreement by reference.
- 5.3. **Exceptions to Vested Rights.** The Parties understand and agree that the Project may be required to comply with future changes to the Code that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the County that would be applicable to the Project:
 - 5.3.1. **County Discretion to Apply Future Laws.** County has full discretion to either apply or not apply any future law or adopted standard provided it does not explicitly conflict with any specific provision of this Agreement, except as may be allowed by **Section 5.5** of this agreement.
 - 5.3.2. **Written Agreement.** The Parties may mutually agree, in writing, to the application of future laws to the Project.
 - 5.3.3. **Compliance with State and Federal Laws.** Future laws which are generally applicable to all properties in the County and which are required to comply with State and Federal laws and regulations affecting the Project.

- 5.3.4. Safety Code Updates.** Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code (IBC), International Residential Code (IRC), the American Public Works Association (APWA) Specifications, American Association of State Highway and Transportation Officials (AASHTO) Standards, the Manual of Uniform Traffic Control Devices (MUTCD), the National Association of City Transportation Officials (NACTO) or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety, or welfare;
- 5.3.5. Taxes.** Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the County to all properties, applications, persons and entities similarly situated;
- 5.3.6. Fees.** Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the County, or a portion of the County as specified in the lawfully adopted fee schedule, and which are adopted pursuant to State law; and
- 5.3.7. Impact Fees.** Impact Fees or modifications thereto which are lawfully adopted, imposed, and collected.
- 5.4. Future Laws.** The Parties agree that this Agreement and the associated rezone offers mutual benefits based on existing laws. As such, a future law or binding judicial decision that limits or interferes with any of Master Developer's material responsibilities herein could prevent the County from realizing such expected benefits in a manner that, had the future law or binding judicial decision existed at the time of consideration, might have dissuaded the County from executing this Agreement or granting the associated rezone. Therefore, the Parties agree that if a future law is implemented or a binding judicial decision is issued that gives Master Developer the right or ability to avoid, limit, or interfere with any responsibility specified in this Agreement, Master Developer hereby waives the new right or ability in favor of maintaining the applicability and integrity of this Agreement. In the event the new right or ability is such that Master Developer's waiver still limits or interferes with the responsibility or the applicability thereof, then this Agreement automatically terminates as provided in **Section 2**. However, the termination shall be void and both Parties shall proceed as if no termination occurred if the County stipulates, in writing, to such.
- 5.5. Reserved Legislative Powers.** Master Developer acknowledges that the County is restricted in its authority to limit its police powers by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the County all of its police power that cannot be so limited. Notwithstanding the retained power of the County to enact such legislation under its police powers, any such legislation shall only be applied to modify the Vested Rights of Master Developer based upon policies, facts, and circumstances meeting the compelling, countervailing public interest exception to the Vested Rights doctrine in the State of Utah as codified in Utah Code §17-27a-508, and case law interpreting the same. Any such proposed change affecting the Vested Rights of the Project shall be of general application to all development activity in similarly situated unincorporated areas of the County; and unless in good faith the County declares an emergency, Master Developer shall be entitled to prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the Vested Rights doctrine.

6. Project Description.

A residential subdivision within the R1-15 zone that complies with the connectivity requirements of Code **Section 106-2-1.020**.

7. Project Location and Illustration.

The Project is located on the Property as described in **Exhibit A – Property Legal Description**, and illustrated in **Exhibit B – Property Graphic Depiction**.

8. Development Standards.

8.1. Project Density. In exchange for the benefits offered by the Master Developer in this Agreement, County agrees to allow no more than the following amount of dwelling units in the Project.

8.1.1. 40 total single-family dwelling units.

8.1.2. Reserved

8.2. Phasing. The County acknowledges that Master Developer, Assignees of Master Developer, and/or Subdevelopers who have purchased Parcels of the Property may submit multiple applications from time-to-time to develop and/or construct portions of the Concept Plan for the Project in Phases. Allowance for Phasing is subject to the following and any other Phasing provision in this Agreement:

8.2.1. Construction Drawings Required. Phasing is only allowed if each Phase is based on an approved final plat that succeeds an approved preliminary plat/plan. A final plat for a Phase shall not be submitted or accepted until after a complete set of construction drawings for the entire preliminary plat has been approved by the County Engineer. The construction drawings shall include all required Improvements of this Agreement and the Code.

8.2.2. Streets and Pathways. Each Phase shall provide for the logical extension of Improvements of the public road and pathways system as conceptually represented in the Concept Plan;

8.2.3. Project Improvements. Each Phase shall provide logical extension of Improvements through and throughout the Project as approved by the County in compliance with the terms of this Agreement and other applicable provisions of the Code.

8.2.4. Public Park Open Space. Each Phase shall include its proportionate share of Public Park Open Space area and Improvements including, if applicable, pathways and trailheads. Each Phase shall provide for the platting and installing of a proportionate share of Public Park Open Space area and Improvements, even if such area or Improvements are not within or immediately adjacent to the subject Phase. Developer may propose which Public Park Open Space area and Improvements are provided for each Phase; however, the County has full discretion to require other Public Park Open Space area and Improvements if the County determines it is in the best interest of the community.

8.3. Street Connectivity. Master Developer hereby volunteers and agrees to follow the minimum street and pathway connectivity standards as provided in **Section 106-2-1.020** of the Code. The County also agrees that the conceptual street layout illustrated in **Exhibit C – Concept Plan**

satisfactorily complies with that code section.

- 8.4. **Street Right-of-Way Dedication.** Master Developer agrees to dedicate or, if allowed by the County, otherwise reserve the Project's street rights-of-way, as illustrated and labeled in **Exhibit C – Concept Plan**, as public thoroughfares at no cost to the County.
 - 8.4.1. **Minimum Requirements.** Each street right-of-way shall meet the minimum applicable width specifications illustrated in **Exhibit E – Street Cross Sections**.
 - 8.4.2. **Reserved**
 - 8.4.2.1. **Reserved.**
 - 8.4.2.2. **Reserved.**
- 8.5. **Street Improvements.** Streets in or immediately adjacent to the Project shall be designed and installed by the Master Developer in accordance with their corresponding street cross sections depicted in **Exhibit E – Street Cross Sections** and as more specifically provided as follows.
 - 8.5.1. **Reserved.**
 - 8.5.2. **Project-Specific Street Improvements.** Project-specific street Improvements include Improvements required to street rights-of-way that are adjacent to the Project, and to offsite streets as follows.
 - 8.5.2.1. **Reserved.**
 - 8.5.2.2. **Reserved.**
 - 8.5.3. **Sidewalks.** Master Developer agrees that all public sidewalks in the project or along adjacent public rights-of-way shall be no less than five-feet wide.
 - 8.5.4. **Driveway Accesses along Collector or Arterial Streets.** Master Developer agrees that no lot will be platted to provide driveway access to any collector or arterial street. County agrees to allow these lots to front these streets if they are provided access by means other than these streets.
 - 8.5.5. **Corridor Fencing along Collector or Arterial Streets.** Master Developer agrees to install a fence or wall ("Corridor Fence") that is at least six-feet high where the rear or side of a lot abuts or is otherwise adjacent to and visible from a collector or arterial street. The height of the Corridor Fence shall be reduced where necessary to not inhibit the clear-view triangle of an intersection.
 - 8.5.5.1. **Corridor Fence Design.** Corridor Fences of these streets shall be designed to provide visual breaks in the horizontal and vertical fence planes at least every 20 feet, such as a column or similar, and the Corridor Fence shall have a base and a cap distinctly different from the body. Examples of Corridor Fences is provided in **Exhibit G – Corridor Fence Design Examples**.
 - 8.5.5.2. **Corridor Fence to Match Others in Area.** If in compliance with this part or unless allowed otherwise by the Planning Director, the Corridor Fence material, color, and general design shall match other Corridor Fences installed or previously approved along the same street corridor.
 - 8.5.5.3. **Corridor Fence Alternative Design.** Alternative fencing along these streets may be approved by the Planning Director if it provides similar or better visual qualities and materials.

- 8.5.5.4. **Prohibited Corridor Fence Material.** A Corridor Fence shall not be made of vinyl.
- 8.5.5.5. **Corridor Fence Maintenance.** Unless delegated to a community association, the immediately adjoining landowner is responsible for the maintenance and repair of their lot or parcel's portion of the Corridor Fence.
- 8.5.5.6. **Project-Specific Fence or Wall Requirements.**
 - 8.5.5.6.1. A six foot fence installed on the north side of 2550 South Street.
 - 8.5.5.6.2. **Reserved.**
- 8.5.6. **Street Trees.** All streets shall be lined with shade trees in the parkstrip. Trees lining an adjacent and parallel sidewalk or pathway shall suffice for the street's trees.
 - 8.5.6.1. **Tree Canopy.** Except as otherwise provided herein, the trees shall be planted in intervals and of a species such that the expected tree crown will converge with the expected tree crown of the trees adjacent. The expected tree crown shall be the average crown of the tree species at maturity. County shall allow for reasonable gaps between expected tree crowns to accommodate driveways, streets, intersection clear-view triangles, and other right-of-way accommodations as determined appropriate by County. A reasonable gap is the width or expected width of the accommodation(s).
 - 8.5.6.2. **Tree Selection.** At least two different tree varieties selected from County's adopted tree list shall be used and dispersed in a manner that avoids transmission of pests/disease, or as may otherwise be specified by an arborist certified by the International Society of Arborists, such that the trees have optimal chance of long-term survival.
 - 8.5.6.3. **Tree Size.** No tree with a caliper less than two inches, as measured at the top of the root collar, shall be planted.
 - 8.5.6.4. **Certificate of Occupancy.** No final certificate of occupancy for a dwelling unit shall be granted or effective until after the installation of all proposed trees, which shall clearly be in good health, in the parkstrip to which the lot is abutting.
- 8.5.7. **Street Tree Installation and Maintenance Alternatives.** Developer has the following two installation and maintenance alternatives options for street trees, or some combination if mutually agreeable by the Developer and Planning Director:
 - 8.5.7.1. **Master Developer Controlled:**
 - 8.5.7.1.1. **Planting.** Tree planting shall be in accordance with best practices. Care shall be taken when planting a tree or when placing anything at the base of the tree so that the root's soils are not compacted.
 - 8.5.7.1.2. **Tree Watering.** Master Developer agrees to provide each street tree with a watering mechanism tied either to a homeowner's association master meter, or tied directly to the meter providing secondary water to the lot fronting the street Improvements. County may allow alternative tree watering methods if Master Developer:

8.5.7.1.2.1. can provide a watering plan that the County determines sufficient and appropriate for the health of the tree; and

8.5.7.1.2.2. volunteers to be responsible for tree care, pursuant to **Section 8.5.7.1.3**, for an additional two years after the end of the warranty period.

8.5.7.1.3. Tree Care. Master Developer agrees to be responsible for tree health throughout the duration of the warranty period, after which the owner of the lot fronting the Improvements is responsible for the tree's health.

8.5.7.2. County Controlled:

8.5.7.2.1. At Master Developer's expense, County shall contract with an arborist certified by the International Society of Arborists to install the trees. Master Developer shall provide a cash escrow for the full estimated cost of the installation as is typically required, including reasonable contingency costs and reasonable costs for tree replacements based on the average rate of establishment failure within the first year. If requested by the County, Master Developer agrees to periodically increase the escrow or reimburse the County to cover reasonable costs resulting from increases in labor and materials and/or inflation. Master Developer further agrees that County has full authority to draw from this escrow at any time to pay for the installation of street trees. For this alternative, County agrees to waive the required warranty period for the trees.

8.5.7.2.2. Master Developer agrees on behalf of itself and future lot owners that no final certificate of occupancy shall be issued for any building until after the required trees and appropriate and operating irrigation mechanisms for the trees are installed. County shall have full authority, based on recommendations from its tree professional, to determine what an appropriate and operating irrigation mechanism is.

8.5.7.2.3. If no appropriate and operating irrigation mechanism is provided, Master Developer agrees to compensate County for reasonable costs to routinely irrigate installed trees by whatever reasonable means necessary. County may recoup this cost from the adjoining lot owner if unable to recoup from Master Developer.

8.5.7.2.4. Master Developer shall provide each lot owner notice upon each lot sale of the tree installation program, including the owner's responsibility for long-term irrigation and tree maintenance pursuant to the Code.

8.5.8. Public Landscaping. The following are required for required landscaping within public rights-of-way and along public pathways:

- 8.5.8.1. **Other Landscaping.** Plantings in addition to street and pathway trees may be placed within parkstrips and along pathways by the Master Developer or homeowners, to be operated and maintained either by the adjoining owner or a homeowners association.
- 8.5.8.2. **Construction Drawings to Include Landscaping.** Each Development Application submitted shall provide a detailed Public Landscape plan that, at a minimum, shows landscaping materials proposed to be used, the proposed location, species, including the measurements of each tree's mature crown, and the method of vegetation irrigation.
- 8.5.8.3. **Quality Control.** For best practices quality control, planting shall be conducted based on the recommendations from, and under the supervision of, an arborist certified by the International Society of Arborists. Written confirmation that best practices and provisions of this Agreement pertaining to Public Landscaping were followed for each planting or installation shall be provided to the County from the arborist, along with the certification number of the arborist, prior to the release of any financial guarantee for the Public Landscaping.
- 8.5.9. **Offsite or Project-Specific Street Improvements.** Master Developer agrees to construct, or cause to be constructed, the following.
 - 8.5.9.1. **Reserved.**
 - 8.5.9.2. **Reserved.**
 - 8.5.9.3. **Reserved.**
 - 8.5.9.4. **Reserved.**
- 8.5.10. **Secondary Egress.**
 - 8.5.10.1. Master Developer agrees that as the project is platted and constructed, street Improvements shall be installed such that at no time shall there be more than 30 lots or dwelling units on a single access street or route of streets before a second egress is installed. The second egress shall not loop back on any part of the single access street or route of streets.
 - 8.5.10.2. **Project-Specific Egress Requirements.**
 - 8.5.10.2.1. **Reserved.**
 - 8.5.10.2.2. **Reserved.**
- 8.6. **Non-Public Landscaping to be Water-Wise.** Except within a publicly accessible park, if applicable, all lots within the development will implement water-wise landscaping measures as follows.
 - 8.6.1. **Water-wise landscaping.** All lots within the development will implement water wise landscaping measures as follows:
 - 8.6.1.1. **Landscaping Pursuant to a Yard Landscape Plan.** A yard landscape plan shall be submitted with each building permit application for a primary structure and be in compliance with **Exhibit H – Waterwise Yard Landscape Plan Requirements**.
 - 8.6.1.2. **Reserved.**
 - 8.6.2. **Smart Watering Controller.** A smart watering controller shall be installed and prewired

for at least six irrigation zones. Pre-wiring includes the installation of a smart watering controller mounted near a 120 volt power outlet, and sufficient control wiring to reach the intended location of the valve box(es). The controller shall be installed on the lot prior to issuance of a certificate of occupancy.

8.6.3. Project-Specific Water-Wise Requirements.

8.6.3.1. The requirements of this Section 8.6 shall not apply to a lot or area that is xeriscaped and no sprinkler or flood watering is used.

8.6.3.2. Lawns. No more than 20 percent of any lot shall be covered in turf grass. Turf grass should be watered by sprinkler heads that provide head-to-head coverage and matching precipitation rates. Spray, rotor, or rotary heads must be separated by watering valves operated by separate clock stations at the watering controller.

8.6.3.1. Mulched Areas. Mulched areas shall be mulched to a depth of at least four inches. Mulch may include organic materials such as wood chips, bark, and compost. It may also include inorganic materials such as decorative rock, cobble, or crushed gravel. Recycled materials such as rubber mulch may also be used.

8.6.3.2. Shrub Bed Watering. Shrub beds shall be watered with drip watering systems using in-line drip emitters, such as Netafirm, on a grid system or point-source emitters that provide water directly to the base of each plant.

8.7. Utilities.

8.7.1. Burying Utilities. Master Developer agrees to underground all utilities, both existing and proposed, within the Property and within any right-of-way adjacent to the Property in a manner that complies with adopted standards. This shall include but is not limited to canals, ditches, stormwater infrastructure, and existing overhead utilities. Long distance high voltage power transmission lines are exempt from this requirement.

8.7.2. Sanitary Sewer. Prior to issuance of the first Building Permit for the Project, Master Developer shall have the right and the obligation to construct or cause to be constructed a sewer collection and conveyance system.

8.7.2.1. Sewer Treatment. Master Developer recognizes that County is not a provider for sewer treatment services. Master Developer shall arrange sewer treatment services for the Project with a provider prior to submittal of a Development Application. If within an existing sewer district's adopted future annexation area, Master Developer agrees to annex the Property into the sewer district boundaries, if the sewer district allows it, prior to submittal of a Development Application. If the sewer district does not allow the annexation, County agrees that Master Developer may pursue other sewer treatment options that do not involve the County.

8.7.2.1. Gravity Sewer Collection Lines. Master Developer agrees to install, or cause to be installed, a gravity sanitary sewer collection system to, throughout, and across the Property. The system shall stub to all lots or parcels within the Project that needs or will in the future need a sewer connection, and to adjacent properties in locations approved by the County Engineer, including, if applicable, offsite parcels to which **Section 36-1-1** of the Code applies. It shall be of sufficient size and at sufficient depth necessary to convey the anticipated future volume of sewage of the area,

or lift station if applicable, at buildout, from the Project area to the lift station, as generally shown on the County's sewer master plan or as otherwise required by the County Engineer. The system shall be constructed to the specifications of the County.

8.7.3. Culinary and Secondary Water. Master Developer recognizes that the County does not provide culinary or secondary water to the area and has no obligation to help Master Developer gain access to water services. Prior to issuance of the first Building Permit for the Project, Master Developer shall have the right and the obligation to construct or cause to be constructed culinary water and pressurized secondary water Improvements to and across the Property. Master Developer agrees to secure both culinary and secondary water from an existing culinary and secondary water provider in the area.

8.7.4. Stormwater. Master Developer shall have the right and obligation to install a storm water drainage and detention system sufficient to support the storm water and drainage needs of the Project and adjacent public streets. The system shall be sized to support the anticipated storm water and drainage needs of the Project at full build-out such that multiple new drainage or detention facilities are avoided if possible in the future. The County Engineer has discretion to require the storm water facilities to be sized to accommodate the general area's anticipated storm water and drainage needs at the area's buildout or as otherwise recommended by the stormwater master plan. Unless otherwise allowed by the County Engineer, the storm water from the Project shall be sufficiently treated, as approved by County Engineer, before discharging into the Weber River or other water body.

8.7.4.1. Stormwater Storage Ownership and Maintenance. The County reserves the right to require the maintenance of a stormwater storage facility to be the responsibility of a homeowner's or landowner's association in the event the County Engineer determines that the proposed facility presents an inordinate demand for services.

8.8. Parks and Open Space. Master Developer agrees to help the County reach its goal of providing at least ten acres of Public Park Open Space per 1,000 persons. Master Developer understands that the creation and/or preservation of parks and open space is a critical part of the County's consideration for this Agreement, the associated rezone, and the additional density given. Further, the Parties agree that the per-dwelling unit cost to build parks to this standard in 2024 dollars equals approximately \$7,500.00. Given this, Master Developer agrees to provide, at no cost to the County, for the following parks, open space, and trails amenities:

8.8.1. Parks Financial Donation. Master Developer agrees to donate \$7,500, adjusted by the annual rate of inflation, per residential lot to the County or, if required by the County, the Taylor West Weber Parks District. The inflation-adjusted amount will be calculated using the "Consumer Price Index for All Urban Consumers: All Items," using \$7,500.00 in 2024 dollars as the baseline. Master Developer agrees that this is a donation offered of the Master Developer's own free will as part of the consideration for this Agreement and associated rezone, which is a voluntary development choice made by Master Developer in lieu of developing using the Prior Zone. As such, this donation is not a fee or exaction imposed by the County or Park District. Master Developer agrees to remit these funds prior to recordation of a subdivision plat. No building division or planning division application will be accepted or approved, and any that are approved shall be void, until the County receives this donation or a written confirmation of receipt of it from the Park District, if applicable.

8.9. Pathways and Trailheads. Master Developer agrees to help the County's reach its goal of

providing a walkable community wherein neighborhoods are interlinked to each other and to community destinations. Master Developer understands that the creation and interconnection of trails/pathways is a critical part of the County's consideration for this Agreement, the associated rezone, and the additional density given. As such, Master Developer agrees to install or cause to be installed the pathways as generally configured on the attached Concept Plan (**Exhibit C – Concept Plan**) and as otherwise specified as follows.

8.9.1. Pathway and Trailhead Dedication. Master Developer agrees to dedicate the minimum area required for proposed pathways and, if applicable, trailheads. The minimum required pathway right-of-way shall comply with the configuration in the attached **Concept Plan (Exhibit C – Concept Plan)**, and **Pathway Cross Section (Exhibit F – Non-Street-Adjacent Pathway Cross Section)**, or if adjacent to a street, **Exhibit E – Street Cross Sections**).

8.9.2. Pathway Improvements. Unless specified in this Agreement otherwise, Master Developer agrees that each proposed pathway right-of-way, pursuant to **Exhibit C – Concept Plan**, or required pathway right-of-way shall be developed as an improved pathway.

8.9.2.1. Required Pathways. Regardless of what is displayed in **Exhibit C – Concept Plan**, a street-adjacent pathway shall be installed along each major residential, collector, and arterial street within or immediately adjacent to the Property.

8.9.2.2. Pathway Trees. Each pathway and sidewalk within the Project or along adjoining pathway rights-of-way shall be lined with shade trees. Pathway trees shall follow the same standards as set forth in **Section 8.5.6**. However, County agrees that if the Park District desires to have ownership, operation, or maintenance responsibility for a pathway right-of-way in or adjacent to the Project, Master Developer's responsibility for tree health ends after County has been notified, in writing, by the Park District that the Park District will assume said ownership, operation, or maintenance responsibility.

8.9.2.3. Non-Street Adjacent Pathway Landscaping. For a pathway that is not adjacent to a street, Master Developer shall place three-inch plus rock, six-inches deep, on the shoulders of each pathway, with a permeable weed barrier beneath. Alternatively, County agrees that Master Developer may install alternative planting and landscaping as long as it is operated and maintained by a homeowner's association. Refer to **Exhibit F – Non-Street-Adjacent Pathway Cross Section** for a depiction of these pathways.

8.9.2.4. Construction Drawings to Include Landscaping. Each subdivision's improvement plans shall provide a detailed Public Landscape plan that, at a minimum, shows landscaping materials proposed to be used, the proposed location, species, including the measurements of each tree's mature crown, and the method of vegetation irrigation.

8.9.2.5. Pathway Crossing of Residential Street. Wherever a pathway intersects with a residential street, Master Developer agrees to install or cause to be installed the following in accordance with NACTO and other applicable best practice standards:

8.9.2.5.1. Raised Crosswalk. A raised crossing with a zebra-style

crosswalk. The raised crossing shall be constructed of concrete and be designed as a six-inch high ramped speed table with six-foot ramps or greater if required by the County Engineer. The top (horizontal) of the speed table shall be at least ten-feet wide. Notification signage shall be posted in advance of the speed table.

8.9.2.5.2. Curb Extensions. Curb extensions (bulb-outs) shall be installed for pathway street crossings on both sides of the applicable street. A curb extension (bulb-out) shall be constructed to constrict a residential street width to no greater than 24 feet, or 36 feet if the street has or is planned to have an on-street bike lane. The County Engineer has discretion to modify this width if the street's design is different than the County's standard. Each curb extension shall be marked with a traffic delineator as prescribed by the County Engineer or County Roads Supervisor. If Master Developer is not responsible for other street Improvements on the opposite side of a street, the following minimum curb extension requirements shall be installed on that side.

8.9.2.5.2.1. Each end of the curb extension shall at least provide a temporary means of directing drainage to the intended or expected drainage collection system or swale;

8.9.2.5.2.2. The curb extension shall provide pedestrians a convenient and safe transition from the crossing to whatever historic pedestrian facility exists there. If no formal NACTO-standard pedestrian facility exists on that side, Master Developer shall post a "Crossing Temporarily Closed" sign at the entrance of the crosswalk, or as otherwise required by the County Engineer or Roads Supervisor.

8.9.2.5.2.3. The County Engineer or Roads Supervisor may require other Improvements that minimize potential safety risks of the curb-extension, such as but not limited to, additional curbing, guardrail, signage, drainage and street shoulder Improvements. If required, Master Developer hereby agrees to install such Improvements.

8.9.2.6. Pathway Crossing of Collector or Arterial Street. On a collector or minor arterial street, the raised crosswalk (speed table) and curb extensions pursuant to **Section 8.9.2.5** shall be installed in a manner as approved by the County or UDOT unless required otherwise by the County Engineer, UDOT, or the local fire authority. Regardless of whether a speed table or curb extension (bulb-out) is required, zebra style crosswalk is required, as is a double-sided battery powered user-activated rapid flashing beacon on both sides of the crossing in

accordance with installation best practices, and crosswalk notification signage in advance of the crosswalk on both sides of the street. The rapid flashing beacons shall be hardwired to each other through underground conduit.

8.9.2.7. Reserved

8.9.2.7.1. Reserved.

8.9.2.7.2. Reserved.

8.9.3. Reserved

8.10. Environmental and Air Quality Standards. The Parties agree to implement the community's overall goal of minimizing development impacts on the environment to a reasonable degree practicable. As such, Master Developer agrees, on behalf of itself and all successive owners of the Project or of lots within the Project, to exceed minimum requirements of applicable building and construction codes and conventions by ensuring each dwelling unit is equipped with the following prior to receiving a final certificate of occupancy.

8.10.1. Energy Efficiency. All buildings will be designed to an energy efficiency rating that is one climate zone colder than the area's designated climate zone. Gas-heated furnaces and water heaters shall have an efficiency rating of 95 percent or greater.

8.10.2. Reserved.

8.11. Outdoor Lighting. Master Developer agrees that all outdoor lighting within the Project will be dark-sky friendly and as such will be governed by the County's Outdoor Lighting Ordinance, Chapter 108-16 of the Code.

8.12. Reserved

8.12.1. Reserved.

9. Amendments, Modifications, and Revisions.

This Agreement may be amended by mutual agreement of the Parties only if the amendment is in writing and approved and signed by Master Developer and County (an "Amendment"). The following sections specify what Project changes can be undertaken without the need for amendment of the Development Agreement, and what changes require Amendment to this Agreement.

9.1. Who may Submit Modification Applications. Only the County and Master Developer or an Assignee that succeeds to all of the rights and obligations of Master Developer under this Agreement (and not including a Subdeveloper) may submit a Modification Application.

9.2. Modification Application Contents and Process.

9.2.1. Contents. Modification Applications shall:

9.2.1.1. Identification of Property. Identify the property or properties affected by the Modification Application.

9.2.1.2. Description of Effect. Describe the effect of the Modification Application on the affected portions of the Project.

9.2.1.3. Identification of Non-County Agencies. Identify any Non-County agencies potentially having jurisdiction over the Modification Application.

9.2.1.4. Map. Provide a map of any affected property and all property within one thousand feet (1000') showing the present or intended uses and density of all such properties.

- 9.2.1.5. **Fee.** Modification Applications shall be accompanied by a fee in an amount reasonably estimated by the County to cover the costs of processing the Modification Application.
 - 9.2.2. **County Cooperation in Processing Modification Applications.** The County shall cooperate reasonably in promptly and fairly processing Modification Applications.
 - 9.2.3. **Planning Commission Review of Modification Applications.**
 - 9.2.3.1. **Review.** All aspects of a Modification Application required by law to be reviewed by the Planning Commission shall be considered by the Planning Commission as soon as reasonably possible in light of the nature and/or complexity of the Modification Application.
 - 9.2.3.2. **Recommendation.** The Planning Commission's vote on the Modification Application shall be only a recommendation and shall not have any binding effect on the consideration of the Modification Application by the Board of County Commissioners.
 - 9.2.4. **Board of County Commissioners' Review of Modification Application.** After the Planning Commission, if required by law, has made or been deemed to have made its recommendation of the Modification Application the Board of County Commissioners shall consider the Modification Application.
 - 9.3. **Project Facility Repair, Maintenance, and Replacement.** Master Developer shall be permitted to repair, maintain and replace the Project and its components consistent with the terms of this Agreement without amending the Agreement.
 - 9.4. **Authorized Changes, Enlargements, or Alterations.** As set forth below, County staff may review and approve certain minor changes, enlargements or adjustments ("Changes") to the Project in their respective administrative capacities. The following types of Changes are considered minor, provided that no such Changes shall directly or indirectly result in significantly greater impacts than those contemplated in the approval of this Agreement.
 - 9.4.1. **Changes Necessary to Comply with Other Laws.** Any resulting changes as a consequence of obtaining or complying with a federal, state, or local permit or approval; provided that the changes are Routine and Uncontested and the application thereof does not materially affect the County's original intent, findings, or conditions on the Project in a manner that would have likely resulted in a different decision on this Agreement, as determined by the Planning Division Director.
 - 9.4.2. **Landscaping Changes.** Any changes to this Agreement's landscaping designs, guidelines, standards, plantings, materials and installation of the same anywhere in the project.
 - 9.4.3. **De Minimis Changes.** Other de Minimis changes requested by the Master Developer, which are reasonably consistent with the intent of this agreement and the R1-15 Zone, and are Routine and Uncontested.

10. Miscellaneous Provisions.

- 10.1. **Certificate of Occupancy Requirements.** The following are required prior to issuance of a certificate of occupancy.
 - 10.1.1. Installation of street trees, as specified in **Section 8.5.6** of this agreement.
 - 10.1.2. Installation of a smart watering controller, as specified in **Section 8.6.2** of this

agreement.

10.1.3. Installation of a furnace that is at least 95% efficient, and installation of a smart thermostat, as specified in **Section 8.10.1** of this agreement.

10.1.4. Installation of dark-sky friendly outdoor lighting, as specified in **Section 8.11** of this agreement.

10.2. Financial Guarantee Requirements. Master Developer agrees to be governed by the financial guarantee provisions in **Section 106-4-3** of the Code in effect at the time of the Approval Date. In addition to required Improvements listed in the Code, Master Developer further agrees that the financial guarantee shall include all required Improvements specified in this Agreement. Prior to the release or partial release of certain financial guarantee funds, the following are required.

10.2.1. Written confirmation of implementation of landscape best practices from a qualified professional, as specified in **Section** Error! Reference source not found..

10.2.2. Written confirmation of implementation of landscape best practices from a qualified professional, as specified in **Section 8.5.8.3**.

10.2.3. Written letter of acceptance for Public Park Open Space Improvements, as specified in **Section** Error! Reference source not found..

10.3. Financial Guarantee for Public Landscaping, Public Park Open Space, and Trailheads. Master Developer agrees to provide a financial guarantee to the County for required landscaping on public property, for required Public Park Open Space Improvements, and for required trailhead improvements. The financial guarantee shall follow the same standards and processes as provided in **Section 10.1.1** of this Agreement.

10.4. Reserved

10.4.1. Reserved.

10.5. Reserved.

10.6. Future Taxes, Services, and Districts.

10.6.1. District(s). Master Developer agrees to annex the Property into any local taxing district if the purpose of that district is to provide any service necessary for the development of the property pursuant to this Agreement and the Code. Annexation shall occur prior to final plat recordation. If the project will be Phased, the entire preliminary plat/plan shall be annexed into said district(s) prior to recordation of the first plat.

10.6.2. Municipal Services Tax. Master Developer agrees that the County may impose additional tax to the Property to better accommodate for the municipal services demand of the Project, provided that the tax is reasonably necessary to provide the service(s).

10.6.3. Restriction on Right to Protest Future Tax or Taxing Entity. If the Property is ever within the boundaries of a Proposed Taxing Entity or Proposed Tax, and the process for applying the Proposed Taxing Entity or Proposed Tax to the Property includes the right for affected landowners to file a protest in a manner that could hinder the application of the Proposed Taxing Entity or Proposed Tax to the Property, Master Developer hereby waives the right to file the protest, and agrees that any protest filed is void. Master Developer does so on behalf of itself and all future owners who may obtain any interest in the Property. Future owners are hereby on notice that the right is waived. This provision applies unless the County Commission agrees, in writing, with and to the protest.

- 10.7. Expert Review for Development Applications.** If the County subjects the Development Application to a review by County Consultants then payment of the reasonable and actual costs of the County Consultants' review shall be the responsibility of Applicant.
- 10.8. Parcel Sales.** Master Developer may obtain approval of a Subdivision that does not create any individually developable lots in the Parcel without being subject to any requirement in the Code to complete or provide security for the Improvements at the time of the Subdivision except that the County may require as a part of the Subdivision of the Parcel the construction of perimeter Improvements such as curb and gutter, sidewalks and fire hydrants if reasonably necessary given the location of the Parcel Sale in relation to other development and the respective timing of the completion of such developments. The responsibility for completing and providing security for completion of any Improvements in the Parcel shall be that of the Master Developer or a Subdeveloper upon a further Subdivision of the Parcel that creates individually developable lots. The provisions of the foregoing notwithstanding, no division shall be made that disproportionately splits the public spaces or public Improvements anticipated by this Agreement or the Code without first providing adequate security in a manner satisfactory to County to ensure those public improvements or spaces are provided.
- 10.9. Provision of Services.** The County agrees to provide all County services to the Project that it provides from time-to-time to other residents and properties within the County including, but not limited to, police and other emergency services. Such services shall be provided to the Project at the same levels of services, on the same terms and at the same rates as provided to other residents and properties in the County.

11. General Provisions.

- 11.1. Entire Agreement.** This Agreement, and all exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.
- 11.2. Headings.** The captions used in this Agreement are for convenience only and are not intended to be substantive provisions or evidences of intent.
- 11.3. No Third Party Rights/No Joint Venture.** This Agreement does not create a joint venture relationship, partnership or agency relationship between the County and Master Developer. Further, the parties do not intend this Agreement to create any third-party beneficiary rights. The parties acknowledge that this Agreement refers to a private development and that the County has no interest in, responsibility for or duty to any third parties concerning any Improvements to the Property unless the County has accepted the dedication of such Improvements at which time all rights and responsibilities for the dedicated public improvement shall be the County's.
- 11.4. Assignability.** The rights and responsibilities of Master Developer under this Agreement may be assigned as provided below by Master Developer with the consent of the County as provided herein.
- 11.4.1. Partial Assignment.** Assignment is only allowed if in whole. No partial assignment of the Project or Property is allowed.
- 11.4.2. Sales not an Assignment.** Master Developer's selling or conveying a lot in any approved Subdivision or Parcels or any other real estate interest within the Project, to builders, users, or Subdevelopers, shall not be deemed to be an "assignment" subject to the above-referenced approval by the County. Despite the selling or conveyance, Master Developer still maintains all rights, responsibilities, and obligations of this Agreement relative to development on the sold or conveyed property.

- 11.4.3. Related Party Transfer.** Master Developer's transfer of all or any part of the Property to any entity "related" to Master Developer (as defined by regulations of the Internal Revenue Service), Master Developer's entry into a joint venture for the development of the Project or Master Developer's pledging of part or all of the Project as security for financing shall also not be deemed to be an "assignment" subject to the above-referenced approval by the County unless specifically designated as such an assignment by the Master Developer. Master Developer shall give the County Notice of any event specified in this subsection within ten (10) days after the event has occurred. Such Notice shall include providing the County with all necessary contact information for the newly responsible Party.
- 11.4.4. Notice.** Master Developer shall give Notice to the County of any proposed assignment and provide such information regarding the proposed Assignee that the County may reasonably request in making the evaluation permitted under this Section. Such Notice shall include the following.
- 11.4.4.1.** All necessary contact information for the proposed Assignee.
 - 11.4.4.2.** The entry number of this Agreement on file in the Office of the Weber County Recorder, and entry number to any successive amendments thereto or other agreements that may affect this Agreement or amendments thereto.
 - 11.4.4.3.** A verbatim transcription of this **Section 11.4.** "Assignability," or future amendment thereof, if applicable.
- 11.4.5. Grounds for Denying Assignment.** The County may only withhold its consent for the reasons listed herein.
- 11.4.5.1.** If the County is not reasonably satisfied of the proposed Assignee's ability to perform the obligations of Master Developer proposed to be assigned;
 - 11.4.5.2.** If the County has reasonable concern that the assignment will separate the Project in a manner that creates unreasonable additional demand for any type of governmental service, including additional demand for coordination amongst Assignees or other administrative review services not otherwise anticipated at the time of the execution of this Agreement; or
 - 11.4.5.3.** If the County has reasonable concern that the assignment will separate the Project in a manner that negates the purpose of master planning the Project area as one complete development.
- 11.4.6. Assignee Bound by this Agreement.** An Assignee shall be bound by the assigned terms and conditions of this Agreement.
- 11.5. Binding Effect.** Except as otherwise specified in this Agreement, this Agreement shall be binding upon the Parties and their respective Successors, as well as all other persons or entities acquiring all or any portion of the Project, any lot, parcel or any portion thereof within the Property, or any interest therein, whether by sale, operation of law, devise, or in any manner whatsoever.
- 11.6. No Waiver.** Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future date any such right or any other right it may have unless the Party has waived the right in writing.
- 11.7. Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed

amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

- 11.8. Appointment of Representatives.** To further the commitment of the parties to cooperate in the implementation of this Agreement, the County and Master Developer each shall designate and appoint a representative to act as a liaison between the County and its various departments and the Master Developer. The initial representative for the County shall be the Planning Division Director and the initial representative for Master Developer shall be the presiding member of Wyndruff Construction Company. The parties may change their designated representatives by Notice.
- 11.9. Mutual Drafting.** Each Party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either Party based on which Party drafted any particular portion of this Agreement.
- 11.10. Utah Law.** This Agreement is entered into under the laws of the State of Utah, and the Parties hereto intend that Utah law shall apply to the interpretation hereof.
- 11.11. Authority.** Each Party represents and warrants that it has the respective power and authority, and is duly authorized, to enter into this Agreement on the terms and conditions herein stated, and to execute, deliver and perform its obligations under this Agreement.
- 11.12. Duty to Act Reasonably and in Good Faith.** Unless otherwise expressly provided, each Party shall act reasonably in giving consent, approval, or taking any other action under this Agreement. The Parties agree that each of them shall at all times act in good faith in order to carry out the terms of this Agreement and each of them covenants that it will not at any time voluntarily engage in any actions which frustrate the purpose and intent of the Parties to develop the Project in conformity with the terms and conditions specified in this Agreement.
- 11.13. Communication and Coordination.** The Parties understand and agree that the process described in this Agreement depends upon timely and open communication and cooperation between the Parties. The Parties agree to use best efforts to communicate regarding issues, changes, or problems that arise in the performance of the rights, duties and obligations hereunder as early as possible in the process, and not wait for explicit due dates or deadlines. Each Party agrees to work cooperatively and in good faith toward resolution of any such issues.
- 11.14. Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the Party obligated to perform hereunder shall excuse performance of the obligation by that Party for a period equal to the duration of that prevention, delay or stoppage.
- 11.15. Incorporation of Recitals and Introductory Paragraph.** The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.
- 11.16. Subjection and Subordination.** Each person or entity that holds any beneficial, equitable, or other interest or encumbrances in all or any portion of Project at any time hereby automatically, and without the need for any further documentation or consent, subjects and subordinates such interests and encumbrances to this Agreement and all amendments hereof. Each such person or entity agrees to provide written evidence of that subjection and subordination within 15 days following a written request for the same from, and in a form reasonably satisfactory to Master Developer or the County

- 11.17. Severability.** If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.
- 11.18. Other Necessary Acts.** Each of the Parties shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.
- 11.19. Agreement Recordation Deadline.** This agreement and its associated rezone shall be considered abandoned and become null and void if not presented to the County for recordation within one year of the Approval Date.

12. Notices.

- 12.1. Written Notice.** Any notice, demand, or other communication ("Notice") given under this Agreement shall be in writing and given personally or by registered or certified mail (return receipt requested). A courtesy copy of the Notice may be sent by facsimile transmission or email.
- 12.2. Addresses.** Notices shall be given to the Parties at their addresses set forth as follows in this Section.

If to the County:

Weber County Commission
2380 Washington Blvd, Ste #360
Ogden, UT 84401

With copies to:

Weber County Attorney
2380 Washington BLVD, Ste. #230
Ogden, UT 84401

Weber County Planning Director
2380 Washington BLVD, Ste. #240
Ogden, UT 84401

If to Master Developer:

Wyndruff Construction Company
Place Address Here

-
- 12.3. Effectiveness Of Notice.** Except as otherwise provided in this Agreement, each Notice shall be effective and shall be deemed delivered on the earlier of:
- 12.3.1. Physical Delivery.** Its actual receipt, if delivered personally, by courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending Party has confirmation of transmission receipt of the Notice).
- 12.3.2. Electronic Delivery.** Its actual receipt if delivered electronically by email provided that

a copy of the email is printed out in physical form and mailed or personally delivered as set forth herein on the same day and the sending Party has an electronic receipt of the delivery of the Notice

12.3.3. Mail Delivery. On the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any Party may change its address for Notice under this Agreement by giving written Notice to the other Party in accordance with the provisions of this Section.

13. Default and Remedies.

13.1. Notice of Default. If Master Developer or a Subdeveloper or the County fails to perform their respective obligations hereunder or to comply with the terms hereof, the Party believing that a Default has occurred shall provide Notice to the other Party.

13.1.1. Contents of the Notice of Default. The Notice of Default shall:

13.1.1.1. Claim of Default. Specify the claimed event of Default, including the approximate date of when the event is determined to have begun;

13.1.1.2. Identification of Provisions. Identify with particularity the provisions of any applicable law, rule, regulation or provision of this Agreement that is claimed to be in Default;

13.1.1.3. Specify Materiality. Identify why the Default is claimed to be material; and

13.1.1.4. Optional Proposed Cure. If the County chooses, in its discretion, propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

13.2. Dispute Resolution Process.

13.2.1. Conference. In the event of any dispute relating to this Agreement, the Parties, upon the request of either Party, shall meet within fourteen (14) calendar days to confer and seek to resolve the dispute ("Conference"). The Conference shall be attended by the following parties: (a) the County shall send department director(s) and County employees and contractors with information relating to the dispute, and (b) Master Developer shall send Master Developer's representative and any consultant(s) with technical information or expertise related to the dispute. The Parties shall, in good faith, endeavor to resolve their disputes through the Conference.

13.2.2. Mediation. If this Conference process does not resolve the dispute within the 7-day Conference period, the Parties shall in good faith submit the matter to mediation. The Parties shall send the same types of representatives to mediation as specified for the "Conference" process. The mediation shall take place within forty-five (45) days of the Parties submitting the dispute to mediation. If the dispute is not able to be resolved through the mediation process in the 45-day period, the Parties may pursue their legal remedies in accordance with Utah and local law.

13.3. Remedies. If the parties are not able to resolve the Default by "Meet and Confer" then the parties may have the following remedies:

13.3.1. Code Enforcement. The Master Developer's failure to comply with this agreement constitutes a violation of the Land Use Code of Weber County, and is subject to the enforcement provisions and remedies thereof.

13.3.2. Legal Remedies. The rights and remedies available at law and in equity, including

injunctive relief and specific performance, but not damages.

13.3.3. Enforcement of Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

13.3.4. Withholding Further Development Approvals. The right to withhold all further reviews, approvals, licenses, Building Permits and/or other permits for development of the Project in the case of a Default by Master Developer until the Default has been cured.

13.3.5. Extended Cure Period. If any Default cannot be reasonably cured within sixty days, then such cure period shall be extended so long as the defaulting Party can provide evidence that it is pursuing a cure with reasonable diligence.

13.3.6. Cumulative Rights. The rights and remedies set forth herein shall be cumulative.

13.4. Venue. Any action to enforce this Agreement shall be brought only in the Second Judicial District Court for the State of Utah, Weber County.

14. Entire Agreement.

This Agreement, together with all exhibits hereto, constitutes the entire Agreement between the Parties with respect to the subject matter of this Agreement. This Agreement is specifically intended by the Parties to supersede all prior agreements between them or recorded to the property, whether written or oral.

15. Covenants Running with the Land

The provisions of this Agreement shall constitute real covenants, contract and property rights, and equitable servitudes, which shall run with all of the land subject to this Agreement. Notwithstanding anything in this Agreement to the contrary, the owners of individual units or lots, as opposed to Subdivided plats or Parcels, in the Project shall (1) only be subject to the burdens of this Agreement to the extent applicable to their particular unit or lot; and (2) have no right to bring any action under this Agreement as a third-party beneficiary or otherwise.

16. Counterparts.

This Agreement may be executed in several counterparts and all so executed shall constitute one agreement binding on all the Parties, notwithstanding that each of the Parties are not signatory to the original or the same counterpart. Further, executed copies of this Agreement delivered by facsimile or by e-mail shall be deemed originally signed copies of this Agreement.

IN WITNESS HEREOF, the Parties hereto, having been duly authorized, have executed this Agreement.

(Signatures on following pages)

SIGNATURES

“County”

Weber County, a body corporate and politic of the State of Utah

Signed by: _____ on: _____
Commission Chair *Signature Date*

Commission Approval Date: _____
Approval Date
(as defined in this Agreement)

ATTEST: _____

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

Print Name: _____

DATE: _____

State of Utah)
)ss.
County of Davis)

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Exhibit A – Property Legal Description

BOUNDARY DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 27 TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF 2550 SOUTH STREET, SAID POINT BEING 660.51 FEET SOUTH 89°09'42" EAST ALONG THE SECTION LINE; THENCE NORTH 00°53'48" EAST 1010.36 FEET; THENCE SOUTH 89°10'30" EAST 653.21 FEET; THENCE SOUTH 00°40'11" WEST 779.51 FEET; THENCE NORTH 89°09'42" WEST 220.00 FEET; THENCE SOUTH 00°40'11" WEST 231.00 FEET TO THE CENTERLINE OF 2550 SOUTH STREET; THENCE NORTH 89°09'42" WEST 437.21 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

CONTAINING 611,228 SQUARE FEET OR 14.032 ACRES.

Exhibit C – Concept Plan



Exhibit D – Associated Rezone Area

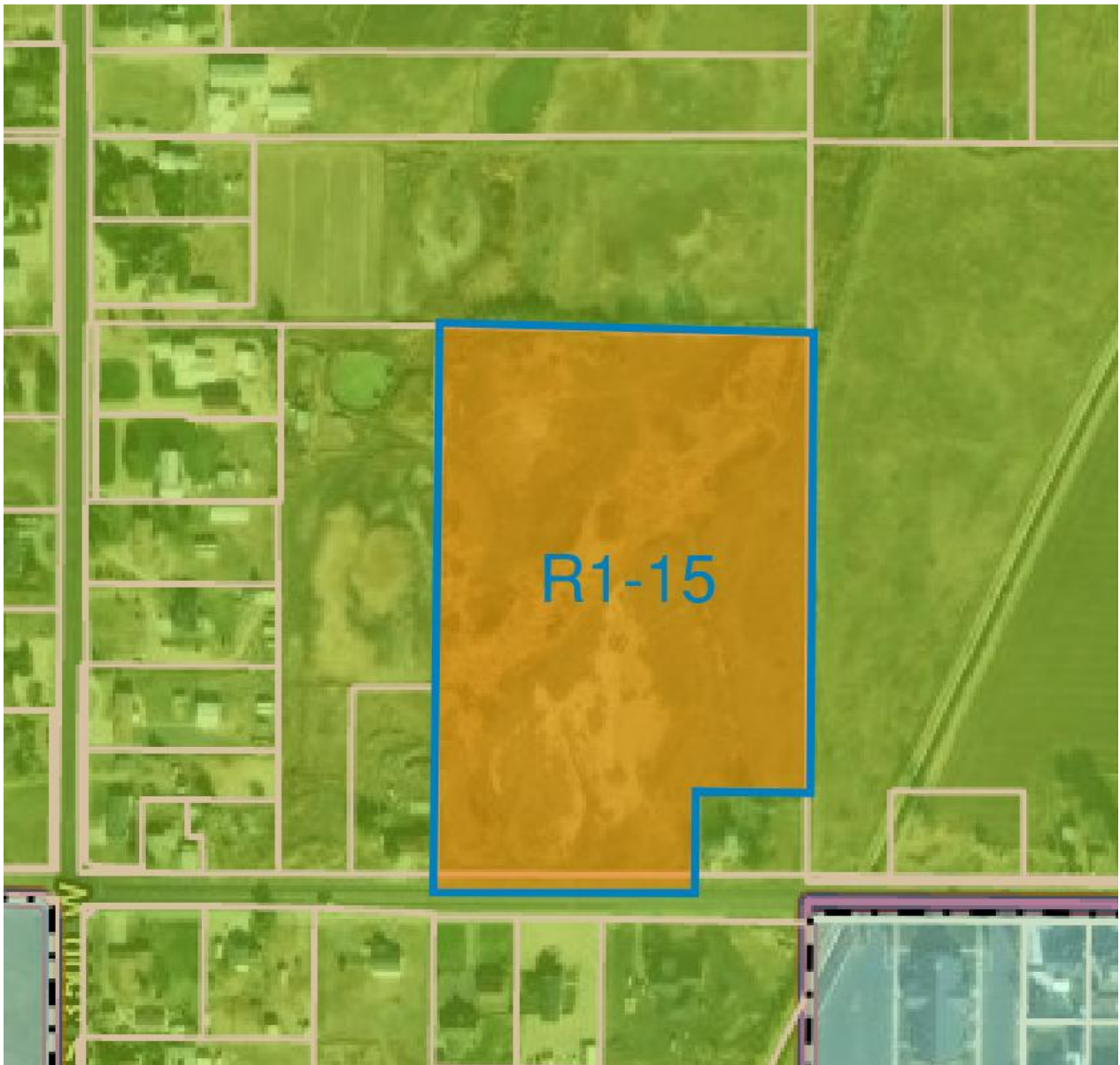


Exhibit E – Street Cross Sections

Minor Residential Streets shall be labeled with an “A” on the Master Plan.

MINOR RESIDENTIAL

VEHICLE LANES: 2 (UNMARKED)

INTENDED SPEED: 25 MPH

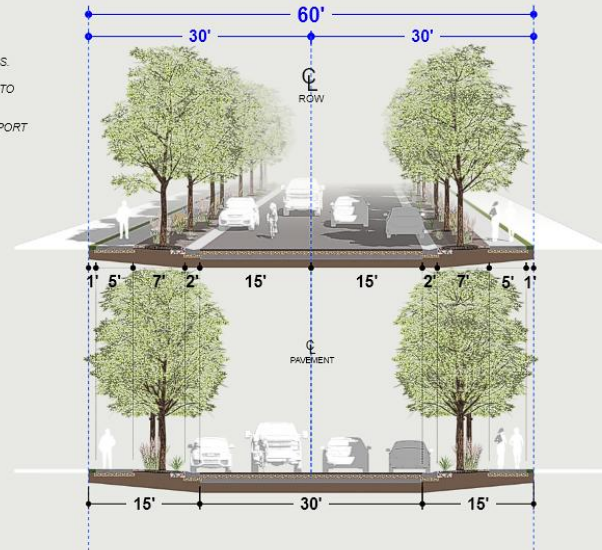
SHOULDER: ON-STREET PARKING

BICYCLE FACILITIES: ON-STREET (UNMARKED)

CONTEXT: RESIDENTIAL STREETS WITH LIMITED LENGTH

- LOWEST EXPECTED SPEED AND VOLUME.
- ON-STREET PARKING TO SUPPORT EXISTING AND PLANNED ADJACENT LAND USES.
- PRIVATE ACCESS EXPECTED.
- DOES NOT PROVIDE SIGNIFICANT CONNECTIONS THROUGH NEIGHBORHOOD OR TO COLLECTOR OR ARTERIAL STREETS.

NOTE: ROW AND PARKSTRIP WIDTHS SHALL BE INCREASED WHEN NECESSARY TO SUPPORT THE SELECTED TREE SPECIES.



Major Residential Streets shall be labeled with a “B” on the Master Plan.

MAJOR RESIDENTIAL

VEHICLE LANES: 2

INTENDED SPEED: 25 MPH

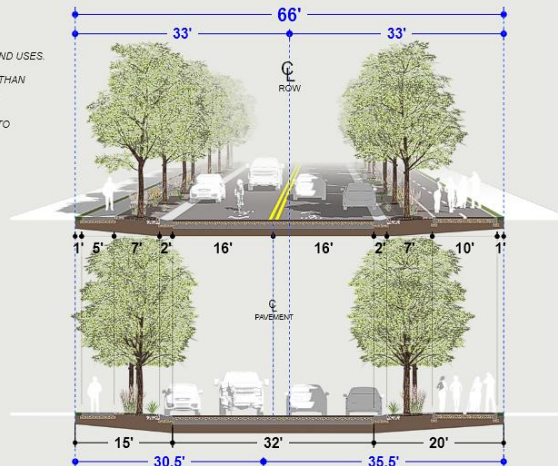
SHOULDER: ON-STREET PARKING

BICYCLE FACILITIES: ON-STREET LANE SHARROW

CONTEXT: RESIDENTIAL STREETS THAT CONNECT NEIGHBORHOODS

- LOWEST EXPECTED SPEED AND VOLUME.
- ON-STREET PARKING TO SUPPORT EXISTING AND PLANNED ADJACENT LAND USES.
- PRIVATE ACCESS EXPECTED.
- GENERALLY PROVIDES CONTINUOUS ROUTE, THAT IS USUALLY GREATER THAN 1,300 FEET, THROUGH NEIGHBORHOOD, OR CONNECTS A COLLECTOR OR ARTERIAL STREET TO OTHER RESIDENTIAL STREETS.

NOTE: ROW AND PARKSTRIP WIDTHS SHALL BE INCREASED WHEN NECESSARY TO SUPPORT THE SELECTED TREE SPECIES.



Major Collector Streets shall be labeled with a “C” on the Master Plan.

MAJOR COLLECTOR - 3

VEHICLE LANES: 3
 INTENDED SPEED: 30-40 MPH
 SHOULDER: BIKE LANE, NO PARKING
 BICYCLE FACILITIES: BIKE LANE

CONTEXT: BETWEEN EXISTING OR PLANNED POPULATION CENTERS.

- LOW/MODERATE EXPECTED SPEED, MODERATE VOLUME
- CURRENT AND EXPECTED FUTURE DEMAND FOR ON-STREET PARKING IS LOW (I.E. ACCESS TO EXISTING AND PLANNED ADJUTING LOTS IS RESTRICTED, SUFFICIENT OFF-STREET PARKING EXISTS, ETC).
- PRIVATE ACCESS GENERALLY LIMITED TO INTERSECTIONS.

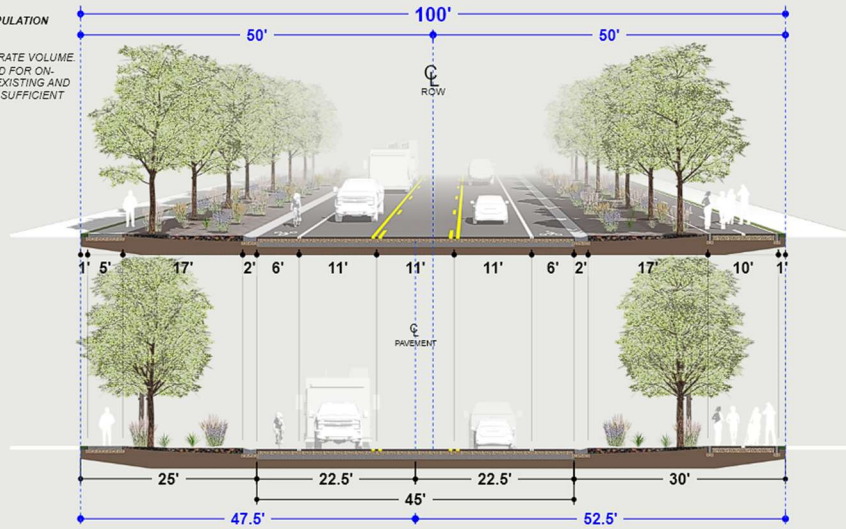


Exhibit F – Non-Street-Adjacent Pathway Cross Section

Notes:

County Engineer may require concrete instead of asphalt. If concrete, pathway joints shall be saw-cut. If asphalt, both edges of the pathway shall be bounded by a concrete ribbon that is at least six inches wide and 12 inches deep.

See County Code **Section 106-2-1.020** for alternative right of way width standards.



Exhibit G – Corridor Fence Design Examples



Exhibit H – Waterwise Yard Landscape Plan Requirements

The yard landscape plan shall be created by a landscape architect licensed in the State of Utah. The architect shall certify that the plan is designed, using a combination of planting and watering methods, to use 50 percent less outdoor water than expected for a typical residential lot in Weber County.

Weber Basin Water Conservancy District estimates the typical quarter-acre (10,890 square-foot) residential lot has an expected outdoor water use of 0.38 acre feet (119,385 gallons) annually. This equates to approximately 11.37 gallons per square foot of the total lot area (both landscaped area and non-landscaped area). 50 percent less is 5.68 gallons per square-foot annually.

Thus, the yard landscape plan's landscaping and watering methods shall be certified by the landscape architect to allow no more than 5.68 gallons of water per square-foot of total lot area for each lot up to 10,890 square feet (up to 59,693 gallons). For lots greater than 10,890 square feet, the applicant's architect shall certify that the plan allows for no more than 59,693 total gallons of water per year. Care shall be taken to reduce use of sprinklers where possible.

MEMO

TO: Weber County Planning Commission
FROM: Charlie Ewert
DATE: April 1, 2026
RE: *Summary of proposed changes to the Weber County Land Use Code; removing or adjusting provisions made irrelevant as a result of the newly incorporated Ogden Valley, and making other amendments that better tailor the code to the needs of the growing unincorporated area(s).*

In the planning commission's April 7, 2026, meeting the planning commission review and discuss proposed changes to the county's land use code. The entire proposed changes are attached to this memo.

The following is a guide that explains code changes that are not otherwise already addressed in a comment bubble in the proposed code's right margins. Staff is also in process of reviewing the definitions chapter for irrelevant or missing definitions, so the final version may be a little different than what's attached.

Note: The top and bottom margin of each page show color coded subjects: "O.V. incorporation related" and "policy shift." The color coding is intended to help the planning commission explore the changes most relevant. The other (non-highlighted) changes are only intended to be ministerial in nature.

TITLE 101: GENERAL PROVISIONS

Chapter 101-2: Definitions

- *Most changes shown are intended to either eliminate unused definitions or clarify used ones.*
- *There are a handful of definitions being added to support and clarify existing ordinances or proposed changes.*
- *There is likely to be a lot more changes to this section as staff continues to find definitions that are not actually used elsewhere in the land use code.*

TITLE 102: GENERAL ADMINISTRATION

- *Proposed changes are clerical in nature.*

TITLE 104: ZONES

Chapter 104-1: In General

Section 104-1-2

- *Adding map interpretation guardrails for the planning director to employ.*

Chapter 104-2: Agricultural Zones

- *Removing the AV-3 zone.*

Chapter 104-3: Residential Estates Zones

- *It looks like there is a lot of changes here, but there aren't. This chapter was never previously reformatted into the newer code conventions as other zones have. These changes do that.*

Chapter 104-8 Forest Residential Zones

- *Eliminating the Forest Residential Zones. The existing FR-3 zone is proposed to be merged into the R-3A zone, and the FR-1 zone is proposed to become the F-1 zone and placed into the Forest Zones chapter.*

Chapter 104-9 Forest Zones

- *Moving FR-1 zone to here and renaming it F-1 zone, and moving the FV-3 zone to here and renaming F-3.*

Section 104-9-3 and 104-9-4

- *Adding a few uses into the use table and special regulations that come from the FR-1 and FV-3 zones.*

Chapter 104-10 Shoreline Zone

- *Retrofits the S-1 zone to better address the needs of the Great Salt Lake shorelines.*

Chapter 104-9 Commercial Valley Recreation Resort Zone

- *Deleting this chapter in favor of renaming the zone to the CR-1 zone and inserting it into the commercial zone.*

Chapter 104-12 Residential Zones

- *The primary adjustment in this chapter is the incorporation of the FR-3 zone into the R-3A zone.*
- *Other adjustments mostly pertain to ensuring consistency across zones.*

Section 104-12-5.040

- *Adding a note that makes it clear that if it's a subdivision that is governed by a DA adopted before last year's big R-zone changes, that subdivision can be developed under the old provisions. This mostly pertains to front-facing garages. Many of the concept plans' lot layouts did not anticipate the garage restrictions and might have been configured differently had the developer know at the time.*

Section 104-12-5.040

- *Adjusting the maximum width of a single building in the R zones to ensure building massings are effectively broken and not imposing.*

Chapter 104-14 Forest Valley

- *Deleting the chapter. The FV-3 zone's name is changing to F-3, and the zone is being incorporated into the Forest zone's chapter.*

Chapter 104-18 and 104-19 Manufactured Home Zones

- *Deleting both chapters. These are unused zones.*

Chapter 104-20 Commercial Zones

- *The adjustments to this chapter pertain mostly to merging the CR-1 zone (name changing from CVR-1 zone) and the deletion of the CV-1 and CV-2 zones.*

Section 104-20-5.040

- *Incorporating the CR-1 zone involves porting over several uses of the CVR-1 zone that are not already in the other C zones. For some ported uses seem appropriate for use in all other commercial zones, and some uses in the commercial zones seem appropriate for use in the CR-1 zone. Staff made a few judgment calls that are highlighted in cyan.*

Chapter 104-21 Manufacturing Zones

- *The adjustments to this chapter pertain mostly to deleting the MV-1 zone.*

Section 104-21-3.010

- *Adding an accessory use table to the zone – which was missing for some reason.*

Chapter 104-22 Form-Based Zone

- *There are a number of changes to this chapter. The chapter was initially designed for the specifics of Ogden Valley's resort-oriented development market then later retrofitted to apply to western Weber. In the absence of the politics of the Ogden Valley, we can now make broad amendments to better customize it to the needs of western Weber. Most of these proposed changes pertain to building design and architecture.*

Section 104-22-5.010

- *Adding a maximum density threshold for each street type (similar to those recently adopted for the residential zones).*

Section 104-22-5.020 and 104-22-5.030

- *Creating flexible lot standards similar to those recently adopted for the residential zones.*

Section 104-22-5.070

- *Using floor area ratio instead of lot coverage similar to that recently adopted for the residential zones. It helps better govern the massing of buildings based on lot area.*

Section 104-22-6.020

- *This is a proposed new section being proposed that creates width limitations for buildings that house residences. This is similar to limits recently adopted for the residential zones.*

Sec 104-22-6.050

- *Beefing up and clarifying the meaning and application of 'glazing.' Replacing terms like 'fenestration' with 'glazing.'*

Sec 104-22-6.060

- *This section amends the architectural styling types allowed in western weber. It adds types to the already allowed list, and explains how to help varying styles meld together into a cohesive community.*

Sec 104-22-6.070 through 104-22-6.120

- *The changes proposed in these sections will help boost the architectural styling element of the FB zone to ensure the built environment is well designed and executed.*

- *Each section has been reformatted in a similar manner, and additional design details have been added.*
- *It is assembled to provide minimum standards that are not challenging for reviewers to review, but that will also create unique and desirable places.*
- *Staff is also suggesting an amended street regulating plan for the West Weber village area.*

Sec 104-22-8 Street Regulating Plan

- *Proposing an amended street regulating plan map that better considers recently approved and/or forthcoming developments in the area.*

Chapter 104-28 Ogden Valley Sensitive Lands Overlay Zone

- *Deleting this overlay zone. Most of it is now irrelevant with the creation of the OV city. There are some provisions that could still be applied in some of the unincorporated area (such as ridgeline protection and wildlife habitat. Some of the requirements have proven challenging to administer, have little teeth, and do not provide the intended level of protection necessary to justify their keeping.*

Chapter 104-29 Ogden Valley Destination and Recreation Resort Zone

- *The majority of the amendments to this chapter are to change the transferable development right requirements that exist, and replace them with less cumbersome transfer provisions that can benefit the entirety of the unincorporated county area. The change is to favor ease of administration. Unless a new resort locates here, it is unlikely that these TDR provisions will be used again; this is because both Powder Mountain and Snowbasin have all the development rights they currently feel they need for the full buildout of their resort development(s).*

TITLE 106: SUBDIVISIONS

Chapter 1: General Provisions

Sec 106-1-4.010 Preliminary Subdivision Application Requirements

- *Paragraph (8) places the requirement for subdivision improvement plans to be submitted during the preliminary subdivision application review. Current code is not entirely clear exactly at what point in the process improvement plans are required. Recent changes in state code allows only preliminary plat to be reviewed by the planning commission –*

with final being the responsibility of staff. Placing the submittal of improvements plans clearly at the point of application submittal will ensure all reviewers – including the planning commission – have all the information necessary to make an informed decision.

Sec 106-1-4.030 Preliminary Subdivision Application Agency Reviews And Determination Of Completeness

- *Changes in paragraph (b) pertain to recent amendments to state code.*

Sec 106-1-5.010 Final Subdivision Application Requirements

- *The addition of this section is to better clarify process pursuant to recent amendments to state code.*

Sec 106-1-5.020 Final Subdivision Application Plat Requirements

- *Most of the changes to this section will help ensure accurate information is submitted upfront rather than reviewers having to ask for them later in the process.*
- *Paragraph (b)(4) pertains to a required plat note for any subdivision that has flexible lot standards. It relates to the “resubdivision” restriction that is in the recently adopted residential zones, and the restriction being proposed in the FB zones. It will help give proper notice that future resubdivision might not be as simple as a subdivision if it involves a lot in a flexible-lot size development.*

Sec 106-1-6 Simple Boundary, and Full Boundary Adjustments

- *These amendments pertain to recent state code changes in which “lot line adjustment,” “boundary line adjustment,” and “parcel boundary adjustments” were consolidated into a single “boundary adjustment.” There are two types of “boundary adjustments”; “simple” and “full.” A “simple boundary adjustment” is simply when a lot or parcel line is moved but no other subdivision changes are made. A “full boundary adjustment” pertains to any other adjustment, such as changes to internal lot restrictions, easements or rights-of-way, etc. A full boundary adjustment requires a plat amendment, but a simple boundary adjustment can be done by deed.*

Chapter 2: Subdivision Standards

Sec 106-2-2.020 Private Street Option

- *The proposed addition of paragraph (5) is intended to capture a challenge that might be posed by a recent state code change in which jurisdictions are limited in their ability to pass operations and maintenance costs of public infrastructure on to HOAs. With this clarification, the option for a public street is only if a developer volunteers to the*

perpetual operations and maintenance of HOA streets – even if they are required by the county to be open for use of the public.

Sec 106-2-2.110 Protection Strips

- *The way this paragraph is written, staff is not sure that it can lawfully do what it says it can do. The problem is inherent in the nature of a public right-of-way and the rights of public passage that it creates. Instead – staff suggest relying on pioneering agreements when appropriate.*

TITLE 108: STANDARDS

Chapter 1: Design Review

- *A few years back, when the planning commission was considering changes to Section 108-2 (architecture and landscaping, etc) staff suggested that it would be appropriate to eliminate redundancies in this Design Review chapter at some point in the future. This seems to be the appropriate time. The proposed changes convert this chapter into a procedural/review chapter, and consolidate all design standards into Section 108-2. No substantial policy changes are intended.*

Chapter 3: Cluster Subdivisions

- *Deleting (pursuant to direction in the general plan)*

Chapter 7: Supplemental and Qualifying Regulations

Sec 108-7-10 Measuring Setbacks

- *These proposed changes are intended to assist the building division accurately verify building setback requirements on a construction site.*

Sec 108-7-23 River And Stream Corridor Setbacks

- *Adjusting this section to apply unincorporated county-wide.*
- *With the deletion of the Ogden Valley Sensitive Lands Overlay Zone, these proposed changes will apply consistent river corridor requirements across the unincorporated area, except for in the Ogden Canyon where development along the river already exists.*

As always, the corridor width can be adjusted on a case by case basis through development agreement.

- *The changes add an allowance for some buildings and structures in the corridor as long as the building or structure supports a park or recreation use.*

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

- *The proposed changes are necessary to enable rear-loaded lots in the residential and form-based zones, or when access to the lot is for some other reason not across the front lot line.*

Chapter 108-15 Standards For Single-Family Dwellings

Sec 108-15-2 Other Standards And Requirements

- *Clarifying applicability of certain standards*
- *Deleting the restrictions on more than one kitchen in a dwelling, along with the unnecessary administrative requirement for a “second kitchen covenant.”*

Chapter 108-16 Outdoor Lighting

- *No significant changes proposed other than deleting irrelevant provisions related to the Ogden Valley incorporated area.*

Chapter 108-18 Drinking Water Source Protection

- *The drinking water source protection provisions are intended to protect public drinking water sources from contamination. In general, they limit certain land uses and improvements near the ground surface, including most septic systems and some sewer infrastructure, within specified distances of a wellhead.*
- *This chapter was originally drafted by the state several decades ago as a model ordinance and was adopted by Weber County without substantive changes. At the time, it reflected a broader state effort to shift some oversight responsibilities to local governments and to address the state’s limited land use authority over activities that may introduce surface contaminants.*
- *The current county and state regulations present significant logistical and legal problems. The primary legal issue stems from Utah Code 19-4-113, which requires counties to adopt a zoning ordinance establishing at least two drinking water source protection zones around drinking water sources and regulating the storage, handling, use, and production of hazardous or toxic substances within those zones. The statute does not account for the local land use procedures required to create and apply a zoning designation to private property. Under local land use law, only the county legislative body may establish and apply a land use zone, and it may do so only*

after notice to affected property owners, a public hearing, and a recommendation from the planning commission.

- *The current state and county framework does not follow that process. Instead, a water provider studies geologic conditions and groundwater travel time around a well, maps the protection area, submits that delineation to the Division of Drinking Water, and the division then transmits the updated delineation to the county, where it becomes the official source protection map. This process likely raises due process concerns because affected property owners may receive no notice, no hearing, and no planning commission review before restrictions are applied to their property.*
- *In practice, this means new source protection areas may be applied to private property in a manner that restricts septic systems, drainfields, and some sewer infrastructure without the procedural safeguards normally required for land use regulation. This issue has already affected several properties in the Ogden Valley and could affect others in the future.*
- *This due process concern appears to apply only in first- and second-class counties. In other counties, drinking water entities are generally required to obtain easements from affected property owners. That approach is more direct, equitable, and legally defensible because it secures the necessary property rights from the owners themselves.*
- *To address these issues, staff proposes a comprehensive revision of the chapter that remains consistent with state law while better respecting property owners' due process rights. The proposed revisions would:*
 - *reduce the number of protection areas from four to the two required by state law, and refer to them as "areas" rather than "zones";*
 - *continue regulating specified surface contamination risks within those two areas;*
 - *correct circular references that have caused confusion and misinterpretation;*
 - *remove unnecessary provisions not essential to administration or enforcement; and*
 - *at the county's option, shift enforcement away from the county by relying on court enforcement by a water entity, health department, the state, or another affected person, as expressly authorized by Utah Code 19-4-113.*
- *This approach would help protect drinking water sources while reducing the county's exposure to enforcing restrictions that may have been applied without the full procedural protections normally required under local land use law.*

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

1 **Part II Land Use Code**

2
3
4 **TITLE 101 GENERAL PROVISIONS**

5 **CHAPTER 101-1 CREATION, IMPLEMENTATION, AMENDMENT, AND EFFECT**

6
7 **Sec 101-1-1 Short Title**

8 This title shall be known as the "Uniform Land Use Code of Weber County, Utah" and may be referred to
9 as the "Land Use Code," "this Code," or the "LUC."

10 **Sec 101-1-2 Purpose**

11 This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience,
12 order, prosperity and welfare of the present and future inhabitants of Weber County, State of Utah, including
13 amongst other things, the lessening of congestion in the streets, or roads, securing from fire and other dan-
14 gers, providing adequate light and air, classification of land uses and distribution of land development and
15 utilization, protection of the tax base, securing economy in governmental expenditures, fostering the coun-
16 ty's agricultural and other industries, and the protection of both urban and non-urban development.

17 **Sec 101-1-3 Interpretation**

18 In interpreting and applying the provisions of this title, the requirements contained herein are declared to
19 be the minimum requirements for the purpose set forth. Specific uses listed as permitted or conditional uses
20 in a zone are allowed; uses not listed are not allowed in that zone.

21 **Sec 101-1-4 Conflict**

22 This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinance or laws,
23 but shall prevail notwithstanding such provisions which are less restrictive. Where a conflict exists between
24 various provisions of this ordinance, the board of adjustment shall rule on which provision applies

25 **Sec 101-1-5 Effect On Previous Ordinances And Maps**

26 The existing ordinances of the county covering the zoning of areas and districts in the county, in their
27 entirety and including the maps heretofore adopted and made a part of said ordinances are hereby super-
28 seded and amended to read as set forth herein; provided, however, that this Land Use Code, including the
29 attached maps, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as
30 the substance of revisions of previous ordinances is included in this Land Use Code, whether in the same

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or different language; and this Land Use Code shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use, buildings and structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

Sec 101-1-6 Rules Of Construction

(a) *Generally.* The words used in this Code shall be construed to effect the intended purposes. Definitions of various words and phrases used throughout the Code are provided in this title. Other definitions may be found in specific sections of the Code and apply only to that section or portion of the Code. All words or phrases not specifically defined shall be given their common and usual meanings as determined by general usage and standard dictionary references (Webster's Merriam Collegiate Dictionary, 11th edition, 2003).

(b) *Usage; general rules of construction.* The following general rules of interpretation shall apply:

(1) The present tense includes the future, and, where appropriate, the past.

(2) The singular number includes the plural, and vice versa. The male gender includes the female, and vice versa.

(3) The word "shall" is mandatory; the word "may" is permissive.

(4) Reference in one section of this Code to another section of this Code or the Weber County Code of Ordinances by section number shall include all subsections within that section.

(5) Where appropriate to the context, words and terms defined in Utah Code § 17-79-102 shall apply here.

(6) Where appropriate to the context, words not included herein but defined in Title 1 ("General Provisions") of the Weber County Code of Ordinances shall be construed as defined in Title 101 ("General Provisions") of this Land Use Code.

(7) Words not included herein but defined in the building code or other county codes shall be construed as defined therein.

(8) Some sections of this Code contain separate definitions sections intended primarily for use in connection with the relevant section or portion of the Code.

(9) Determinations as to the meaning of a word or term shall be the responsibility of the Planning Division Director, whose decision may be appealed as provided herein.

Sec 101-1-7 (Reserved)

Sec 101-1-8 Amendments To Code; Effect Of New Ordinances; Amendatory Language

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein.

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When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portion may be excluded from this Code by omission from reprinted pages.

(b) Amendments to any of the provisions of this Code shall be made by amending the provisions by specific reference to the section of this Code in substantially the following language: "Section ____ of the Land Use Code of Weber County, Utah, is hereby amended to read as follows: ... (Set out new provisions in full)."

(c) When the commission desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the commission desires to incorporate into the Code, a section in substantially the following language shall be made a part of the ordinance:

"Section ____ . It is the intention of the County Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Land Use Code of Weber County, Utah, and the sections of the Code and this ordinance may be renumbered to accomplish that intention."

(d) All sections, articles, chapters or provisions of this Code desired to be repealed shall be specifically repealed by section or chapter number, as the case may be.

(e) Where necessary to avoid a conflict with existing provisions of this Code, amending ordinances may be renumbered by the official codifier for the county to carry out the intent of the commission, provided that no such numbering change shall be made without prior approval of the county.

Sec 101-1-9 Supplementation Of Code

(a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the commission. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the commission during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code, and, where necessary to accommodate new material, change existing section or other subdivision numbers;

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(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted in the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec 101-1-10 Catchlines Of Sections

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Sec 101-1-11 Altering Code

It shall be unlawful for any person in the county to change or amend by additions or deletions, any part or portion of this Code, or to insert, or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby.

Sec 101-1-12 Severability Of Parts Of Code

It is hereby declared to be the intention of the County Commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the County Commission without incorporation in this Land Use Code of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

Sec 101-1-13 (Reserved)

Sec 101-1-14 Certain Ordinances Not Repealed Or Affected By Adoption Of Code

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness;

(3) Any contract or obligation assumed by the county;

(4) Any ordinance or resolution fixing the salary of any county officer or employee, unless superseded;

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-
- 139 (5) Any ordinance or resolution establishing and/or prescribing employment, benefits, and/or person-
140 nel policies and procedures;
- 141 (6) Any right of franchise granted by the county to any person, firm, or corporation;
- 142 (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, open-
143 ing, widening, paving, widening, vacating, etc., any street or public way in the county;
- 144 (8) Any ordinance or resolution establishing and prescribing the street grades of any street in the
145 county;
- 146 (9) Any appropriation ordinance;
- 147 (10) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;
- 148 (11) Any ordinance or resolution providing for local improvements and assessing taxes therefor;
- 149 (12) Any zoning ordinance or amendments thereto, and any ordinance establishing an Appeal Au-
150 thority or Planning Commission, including joint commissions;
- 151 (13) Any ordinance or resolution dedicating or accepting any subdivision plat or providing for sub-
152 division regulations;
- 153 (14) Any ordinance or resolution describing or altering the boundaries of the county or annexing
154 property to the county;
- 155 (15) The administrative ordinances or resolutions of the county not in conflict or inconsistent with
156 the provisions of this Code;
- 157 (16) Any ordinance levying or imposing taxes not included in this Code;
- 158 (17) Any ordinance or regulation prescribing traffic regulations for specific locations concerning
159 through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of
160 vehicles or loading zones, not in conflict or inconsistent with this Code;
- 161 (18) Any ordinance or resolution of agreement with another political subdivision;
- 162 (19) Any provision regarding the title of an ordinance adopted by the County Commission; and
- 163 (20) Any other ordinance or resolution, or part thereof, which is not of a general and permanent
164 nature; or which is referred to elsewhere in this Code as continuing in effect.
- 165 (b) Nor shall the repeal of any such ordinance or resolution be construed to revive any ordinance, resolution
166 or part thereof that has been repealed or superseded by a subsequent ordinance or resolution which is
167 repealed or superseded by this title. All such ordinances are hereby recognized as continuing in full
168 force and effect to the same extent as if set out at length in this Code.
- 169

170 CHAPTER 101-2 DEFINITIONS

171

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172 **Sec 101-2-1 Applicability**

173 When used in this Code, the following words and phrases have the meaning ascribed to them in this section,
174 unless the context indicates a different meaning.

175 **Sec 101-2-2 A Definitions**

176 **Sec 101-2-2 Ab-Definitions**

177 ***Abandonment.*** The term "abandonment" means to cease or discontinue a use or activity for a period of one
178 year, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling,
179 maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or sea-
180 sonal closure.

181 ***Abutting.*** The term "abutting" means having a common border with, or being separated from such a com-
182 mon border by a right-of-way.

183 **Sec 101-2-2 Ac-Definitions**

184 ***Accessory dwelling unit.*** See "dwelling unit, accessory."

185 ***Accessory dwelling unit, internal.*** See "dwelling unit, internal accessory."

186 ***Accessory dwelling unit, detached.*** See "dwelling unit, detached accessory."

187 ***Acreage, gross.*** The term "gross acreage" means a total of all acreage that lies within a project boundary.

188 ***Acreage, net developable.*** The phrase "net developable acreage" means the total acreage within a project
189 boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise pro-
190 vided in this Land Use Code. When calculating net developable acreage, the area encumbered or proposed
191 to be encumbered by a street right-of-way or other required right-of-way providing primary access to a lot
192 is considered area unsuitable for development. The term "net developable area" shall have the same mean-
193 ing, unless the context clearly indicates otherwise.

194 ***Acreage unsuitable for development.*** The phrase "acreage unsuitable for development," means the area
195 within a project that has extraordinary circumstances that under existing county, state, or federal laws render
196 development on it very unlikely. The applicant bears the burden to prove an area does not meet this defini-
197 tion.

198 **Sec 101-2-2 Ag-Definitions**

199 ***Agricultural arts center.*** The term "agricultural arts center" means a facility designed for the purpose of
200 offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of
201 concepts related to art, art history, and art theory. In a conducive agricultural setting, it acts as a venue for
202 the community to experience, appreciate, and consume art in a variety of forms, including, but not limited
203 to, visual or media art, literature, music, theatre, film, or dance.

204 ***Agricultural land, prime.*** The term "prime agricultural land" means the area of a lot or parcel best suited
205 for large-scale crop production. This area has soil types that have, or are capable of having, highest nutrient
206 content and best irrigation capabilities over other soil types on the property, and are of a sufficient size and
207 configuration to offer marketable opportunities for crop-production. Unless otherwise specified by this

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- 208 Land Use Code, actual crop production need not exist onsite for a property to be considered to contain
209 prime agricultural land.
- 210 **Agricultural building.** The term "agricultural building" means a structure used solely in conjunction with
211 an onsite agricultural use.
- 212 **Agricultural parcel.** The term "agricultural parcel" means a single parcel of land, at least five acres in area
213 if vacant, or five and one-quarter acres with a residential dwelling unit.
- 214 **Agricultural Produce Sales, Onsite.** The phrase "Onsite Agricultural Produce Sales" means farm-produce
215 sales that are part of an onsite agricultural operation. Offerings for sale must include agricultural products
216 and goods derived from the agricultural operation on which the store is located, and may only include other
217 farm-produce derived from other agricultural operations in Weber County. An Onsite Agricultural Produce
218 Sales operation does not consist of multiple vendors.
- 219 **Agriculture.** The term "agriculture" means use of land for primarily farming and related purposes such as
220 pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keep-
221 ing or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur
222 farms, animal Veterinary Facility or similar uses.
- 223 **Agritourism.** The term "agritourism" means a use, accessory to an agricultural use, which can provide a
224 means of diversifying agricultural income through broadening an agricultural operation's offerings with an
225 agriculture-oriented tourism attraction. An agritourism use provides product, activities, and other uses that
226 are clearly related and incidental to the agricultural operation to which it is accessory. **Agritourism Events**
227 **Facility.** The term "agritourism events facility" means an agritourism use that provides the opportunity for
228 agritourists to rent an area that can act as a venue for events, including, but not limited to, birthdays, wed-
229 dings, family reunions, small scale fundraisers, or corporate picnics or outings that do not constitute a spe-
230 cial event as defined by Title 38.
- 231 **Agritourism Farm Tour.** The term "agritourism farm tour" means an agritourism use that offers opportu-
232 nities for the public to learn how a farm functions and where and how food, fiber, fuel, and other agricultural
233 products are produced. Farm tours frequently highlight the history of the subject farm and, in general, edu-
234 cate the public about agricultural practices and technology.
- 235 **Agritourism Fee Fishing.** The term "agritourism fee fishing" means an agritourism use, approved by the
236 appropriate local, state and federal agency, which provides the opportunity for anglers to pay a fee for the
237 right to fish on a farm.
- 238 **Agritourism Health Farm.** The term "agritourism health farm" means a farm building designed for the
239 purpose of providing proactive health and wellness education or physical exercise and diet regimens that
240 can improve one's quality of life in a rural or spa-like environment. Health and wellness opportunities may
241 consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes and
242 consultations, organic cooking classes or workshops, yoga, meditation, and massage therapy.
- 243 **Agritourism Hunting Preserve.** The term "agritourism hunting preserve" means an agritourism use, ap-
244 proved by the appropriate local, state and federal agency, which provides the opportunity for an individual
245 or group to pay a fee for the right to hunt on a farm.
-

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Agritourism You-Pick Operation. The term "agritourism you-pick operation" means an agritourism use/ or activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from the plant grown on a farm location.

Agroecology Research and Education Center. The term "agroecology research and education center" means a facility designed for the purpose of providing academic training in the techniques of agroecology and sustainable agricultural systems. An Agroecology Research and Education Center conducts theoretical and applied research and community outreach while offering academic education, practical experience, training, and public service and instructional opportunities for audiences ranging from school children to international agencies.

Sec 101-2-2 Al-Definitions

Alley. The term "Alley" means a public thoroughfare of less width than the typical public street right-of-way, and which provides access to the inside of a Street-Block where no street is otherwise planned or required.

Sec 101-2-2 Am Definitions

Amusement park. The term "amusement park," also referred herein as a "carnival operations," means a facility, primarily located outdoors, that may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows, entertainment, restaurants, and souvenir or gift sales.

Sec 101-2-2 An-Definitions

Animal feeding operation. The term "animal feeding operation" means a lot or facility where the following conditions are met:

1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
2. The area of confinement devoted to the feeding of the animals does not sustain grazing vegetation during the normal growing season for the purpose of feeding the confined animals.

Animal feeding operation, large concentrated. The term "large concentrated animal feeding operation" means the same as provided in the Large Concentrated Animal Feeding Operations Act of State Code.

Animal grazing. The term "animal grazing" means the pasturing or ranging of animals for the purpose of grazing at an animal density that does not exceed the land's ability to perpetually sustain vegetation for grazing during the normal growing season.

Veterinary facility. The term "veterinary facility" means any building or structure used for medical or surgical care, treatment of animals, including incidental boarding of domesticated animals. The term "veterinary facility" does not include an animal rescue facility, nor an animal sanctuary.

Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.

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283 **Sec 101-2-2 Ap-Definitions**

284 ***Appeal authority.*** The term "appeal authority" means a person, board, commission, agency, or other body
285 designated to decide an appeal of a decision of a land use application or variance.

286 **Sec 101-2-2 Au-Definitions**

287 ***Automobile recycling.*** The term "automobile recycling" a process carried out within a completely enclosed
288 building, of systematically disassembling or dismantling automobile vehicles for their component parts
289 which are cleaned, refurbished, catalogued, and shelf stored as inventory for the purpose of resale. It in-
290 cludes the storage, both inside and outside the building, of not more than 40 disused or damaged vehicles
291 awaiting movement to within the building for disassembly. The process also includes the immediate re-
292 moval from the site of the vehicle body hulk and other waste material.

293 ***Automobile repair/auto body shop (nonmechanical).*** The term "automobile repair/auto body shop (non-
294 mechanical)" means any building, structure or premises used for the external/non-mechanical repair of au-
295 tomotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with
296 the operation of external body repairs and/or painting of automotive vehicles within an enclosed structure.

297 ***Automobile repair shop (mechanical).*** The term "automobile repair shop (mechanical)" means any build-
298 ing, structure or premises used for the mechanical repair of automotive vehicles, including the facilities for
299 the incidental storage of damaged vehicles in connection with the operation of mechanical repairs of auto-
300 motive vehicles within an enclosed structure.

301 ***Automobile service station.*** The term "automobile service station" means any building or premises used
302 primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servic-
303 ing, of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles,
304 sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for
305 which all work takes place within an enclosed building or structure, but excluding body and fender work,
306 engine overhauling, painting, welding, storage of autos not in operating condition, or other work involving
307 the creation of a nuisance to adjacent property.

308 **Sec 101-2-2 Av-Definitions**

309 ***Average percent of slope.*** The term "average percent of slope" means the average percent of the slope of
310 terrain of a given area. It shall be calculated as follows: $(0.00229 \times I \times L) / A = S$, where "S" is the average
311 percent of slope, "I" is the contour interval in feet, "L" is the combined length of all contours within the
312 given area in feet, and "A" is the acreage of the given area. As may be approved by the County Engineer,
313 alternative methods of calculating the average percent of slope are permissible provided the calculations
314 render similar results and address the entire given area.

315

316 **Sec 101-2-3 B Definitions**

317

318 **Sec 101-2-3 Ba Definitions**

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319 **Barn.** The term "barn" means an agricultural structure used for the storage of produce, animals, and/or
320 agricultural vehicles and equipment.

321 **Base density.** The term "base density" means the number of residential development rights allowed within
322 a described area. The base density shall be calculated as the net developable acreage, as defined herein, for
323 development types that permit more dwelling units than otherwise allowed by the lot development standards
324 of the zone, divided by the minimum lot area of the zone, except when a greater area would otherwise be
325 required by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, when
326 the greater area shall be used. This calculation can be observed by this formula: ((net developable acreage)
327 / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the nearest whole
328 dwelling unit.

329 **Basement/cellar.** The term "basement/cellar" means a story having more than one-half of its height below
330 natural grade. The portion below the natural grade shall not be counted as part of the building height.

331 **Sec 101-2-3 Be Definitions**

332 **Bed and breakfast dwelling.** The term "bed and breakfast dwelling" means an owner-occupied dwelling in
333 which not more than two rooms are rented out by the day, offering overnight lodgings to travelers, and
334 where one or more meals are provided by the host family, the price of which may be included in the room
335 rate.

336 **Bed and breakfast hotel.** The term "bed and breakfast hotel" means an owner or host-occupied building in
337 which at least six but not more than 20 guest rooms are rented out by the day offering overnight lodging
338 accommodations and service to travelers with one or more meals provided, the price of which is included
339 in the daily room rate.

340 **Bed and breakfast inn.** The term "bed and breakfast inn" means an owner or host family occupied dwelling
341 in which not more than seven sleeping rooms are rented out by the day, offering overnight lodging to trav-
342 elers with one or more meals provided by the host family, the price of which is included in the room rate.

343 **Sec 101-2-3 BI Definitions**

344 **Block.** See "street block."

345 **Sec 101-2-3 Bo Definitions**

346 **Boardinghouse.** See *Lodginghouse*.

347 **Bona fide division or partition of agricultural land for agricultural purposes.** The phrase "bona fide di-
348 vision or partition of agricultural land for agricultural purposes" means the division of agricultural land into
349 lots or parcels of five acres or more in area whose principal use is the raising and grazing of animals or
350 agriculture as that use is defined in the Land Use Code and provided that no dedication of any streets shall
351 be required to serve any such lots or parcels of agricultural land; the agricultural parcels shall not be further
352 divided into parcels of less than five acres without being subdivided in accordance with the subdivision
353 regulations of the county; no dwellings shall be permitted unless all subdivision, zoning and health require-
354 ments are met.

355 **Sec 101-2-3 Br Definitions**

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356 **Breezeway.** The term "breezeway" means a structure with a roof and open sides that connects two buildings.

357 **Brewery, small.** The term "small brewery" means a brewer who manufactures less than 60,000 barrels of
358 beer, heavy beer, and flavored malt beverages per year.

359 **Brewpub.** A restaurant that prepares handcrafted natural beer, ale, distilled spirits, etc. as an accessory use
360 intended for consumption on the premises. Production capacity shall be limited to less than 5,000 barrels
361 (one barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed 30
362 percent of the total floor area of the restaurant's space. Wholesaling shall be permitted, but is limited to 30
363 percent of the total sales of the restaurant.

364 **Sec 101-2-3 Bu Definitions**

365 **Buffer area.** The term "buffer area" means perimeter areas within a resort that are formally landscaped
366 and/or left natural. These areas are intended to act as an undeveloped transition area in between resort
367 buildings/parking lots and adjacent lands that are not a part of the resort.

368 **Buildable area.** The term "buildable area" means a portion of a lot, parcel or tract of land which is to be
369 utilized as the building site and which complies with the following:

370 (a) The average percent of slope within the buildable area as defined by this section shall be less than
371 25 percent;

372 (b) The gross land area of the buildable area shall contain at least 3,000 square feet and be configured
373 such that it can contain one 40-foot by 40-foot square;

374 (c) It shall not contain any geologic or other environmental hazards, as determined by the County
375 Engineer;

376 (d) It shall not contain any easements or Setbacks; and

377 (e) It shall be denoted on a subdivision plat as the only area in which building may take place on a lot
378 or parcel.

379 **Building, accessory.** The term "accessory building" means a detached subordinate building located on a lot
380 or parcel with a main building the use of which is incidental to the use of the main building.

381 **Building area.** See "Buildable area."

382 **Building envelope.** The term "building envelope" means a portion of a lot, parcel, or tract of land which is
383 to be utilized as the building site as volunteered on a subdivision plat. "Building envelope" shall not be
384 construed to mean "buildable area" as provided in this section.

385 **Building, height of.** The phrase "height of building," or any of its variations, normally means the vertical
386 distance between the highest point of the building or structure and the average elevation of the land at the
387 exterior footprint of the building or structure using the finished grade. See Section 108-7-5 for supplemental
388 height provisions.

389 **Building, main.** The term "main building" means the principal building or one of the principal buildings
390 located on a lot or parcel designed or used to accommodate the primary use to which the premises are

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devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this title shall be deemed a main building.

Building parcel designation. The term "building parcel designation" means two or more lots within an approved subdivision are recognized as one lot for building purposes.

Building, public. The term "building, public" means a building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.

Sec 101-2-4 C Definitions

Cabaret/nightclub. The term "cabaret/nightclub" means a business establishment open to public patronage where food and drink is prepared, served or offered for sale or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts, and where the patrons may or may not dance.

Campground. The term "campground" means a private, public or semi-public open area with sanitary facilities for overnight camping and may include the parking of camping trailers, tent trailers or other vehicle types intended for camping purposes.

Cemetery. The term "cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

Church. The term "church" means a permanently located building or structure, together with its accessory buildings commonly used for religious worship. A church is not a "public building."

Clinic, medical/dental. The term "clinic, medical/dental" means a building wherein a staff of one or more doctors and/or medical staff conducts the examination and treatment of out-patients, excluding the performance of surgical procedures which require overnight stays.

Club or fraternal lodge/organization, private. The term "club or fraternal lodge/organization, private" means a non-profit association of persons who are bona fide members which owns or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Code. The term "Code" means the Land Use Code of Weber County, Utah.

Commercial use. The term "commercial use" means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commercial space, ground-floor street-facing. The phrase "ground-floor street-facing commercial space" means the portion of a building required to be devoted to a commercial use that is located on the same story as its required primary entrance from a public street, and whose façade is oriented toward that public street. Such space shall extend across the full width of street frontage and occupy the full height of the story in which the commercial use is located. *See also "ground-floor."*

Common area open space. See "Open space, common area."

Common area open space easement. See "Open space easement, common area."

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- 428 **Community center.** The term "community center" means a place, structure, area, or other facility used for
429 and providing religious, fraternal, social, and/or recreational programs generally open to the public and
430 designed to accommodate and serve significant segments of the community.
- 431 **Compatible.** The term "compatible" means capable of orderly efficient integration and operation with ad-
432 jacent developments. A development is compatible with an existing on or off-site development or property
433 if its architectural features, building height and materials, approved uses, intensity of such use and other
434 features are complementary and do not have a significant adverse economic and aesthetic impact on the
435 existing development or property.
- 436 **Complete street.** The term "complete street" means a transportation facility that is planned, designed, oper-
437 ated, and maintained to provide safe, convenient, and inviting mobility for all users of the facility, including
438 pedestrians, bicyclists, transit vehicles, and motorists.
- 439 **Conditional use.** See Use, Conditional.
- 440 **Condominium.** See Dwelling Unit, Condominium.
- 441 **Condominium dwelling unit.** The term "condominium dwelling unit" means an individual living/dwelling
442 unit located within a residential condominium project.
- 443 **Condominium project.** The term "condominium project" means a real estate condominium project, a plan
444 or project whereby two or more units, whether contained existing or proposed apartment, commercial or
445 industrial buildings or structures or otherwise, are separately offered or proposed to be offered, for sale.
446 The term "condominium project" shall also mean the property where the context so requires.
- 447 **Condominium rental apartment (condo-tel).** The term "condominium rental apartment (condo-tel)" means
448 a condominium residential project in which the units, when not occupied by the owner, may be placed in a
449 management rental pool for rent as transient living quarters similar to a motel operation. Because of the
450 transient rental characteristics, a condominium rental apartment is classified as a use category separate and
451 distinct from a condominium dwelling unit.
- 452 **Condominium unit** means a separate physical part of the property intended for any type of independent
453 use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a
454 building or a time period unit, as the context may require. A convertible space shall be treated as a unit in
455 accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).
- 456 **Conference/education center.** The term "conference/education center" means a facility designed for the
457 purpose of conducting meetings for consultation, exchange of information and/or discussion which results
458 in enhanced personal, business and/or professional development. A conference/education center may pro-
459 vide office facilities and schedule a range of business related and/or leisure activities (e.g., training work-
460 shops, seminars, retreats and similar type meetings). Such a facility may serve meals and offer day use
461 and/or overnight lodging facilities.
- 462 **Conservation easement.** The term "conservation easement" means: An easement granting a right or interest
463 in real property that is appropriate to retaining land or water areas predominately in their natural, scenic,
464 open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining
465 existing land uses.
-

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- 466 **Convalescent home.** The term "convalescent home" means a facility for the care of children, the aged,
467 infirm, or convalescent of any age. See also Nursing home.
- 468 **Convenience store.** The term "convenience store" means any retail establishment offering for sale prepack-
469 aged food products, household items, and other goods which are commonly associated, may be in conjunc-
470 tion with gasoline sales, and having a gross floor area of less than 5,000 square feet.
- 471 **Corral.** The term "corral" means a fenced enclosure used for the close confinement of large animals with
472 hay or grain feeding in contrast to pasture feeding.
- 473 **Cost benefit analysis (CBA).** The term "cost benefit analysis" (CBA) means a formal discipline used to
474 help appraise, assess, or evaluate the desirability of a project or proposal. The CBA shall itemize, quantify,
475 consider and weigh the total expected (tangible and intangible) costs against the total expected (tangible
476 and intangible) benefits of one or more actions in order to demonstrate the viability, efficiency and com-
477 patibility of a particular proposal.
- 478 **County building official.** The term "county building official" means the person designated by the Weber
479 County Commission to be the building official of Weber County.
- 480 **County engineer.** The term "county engineer" means the person designated by the Weber County Com-
481 mission to be the engineering official of Weber County.
- 482 **County health officer.** The term "county health officer" means the administrative and executive officer of
483 the Local Health Department and local registrar of vital statistics or his duly authorized representatives.
- 484 **Cross-access.** The term "cross-access" means a logical, convenient, and safe two-way vehicle and pedes-
485 trian ingress and egress between a lot or parcel and an adjoining lot or parcel.
- 486 **Cross-access easement.** The term "cross-access easement" means an easement for the purpose of cross-
487 access on a lot or parcel that contains or will contain a cross-access.
- 488 **Cul-de-sac** The term "cul-de-sac" means a minor terminal street provided with a turnaround.
- 489 **Custom exempt meat cutting.** The term "custom exempt meat cutting" means the cutting, wrapping, and
490 preparation of meat for human consumption; provided, however, that the source of meat shall be limited to
491 animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.
- 492
- 493 **Sec 101-2-5 D Definitions**
- 494 **Dairy.** The term "dairy" means a commercial establishment for the manufacture or processing of dairy
495 products.
- 496 **Dark sky.** The term "dark sky" means a nighttime sky that is substantially free of interference from artificial
497 light.
- 498 **Day care.** The term "day care" means the supervision of children, unaccompanied by parent or guardian,
499 or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term
500 "day care" is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar
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- 501 facilities specializing in the education and/or care of children prior to their entrance into the first grade,
502 other than facilities owned and/or operated by the public school system.
- 503 **Day care (adult) facility.** The term "day care (adult) facility" means any building or structure used for the
504 purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or
505 emotionally disabled adults for periods of less than eight hours per day.
- 506 **Day care (child) center.** The term "day care (child) center" means a building or structure, other than an
507 occupied residence, where care, protection and supervision are provided.
- 508 **Day care (child) home.** The term "day care (child) home" means an occupied residence where care, pro-
509 tection, and supervision are provided to no more than eight children at one time, including the caregiver's
510 children under six years of age.
- 511 **Density, base.** See Base Density.
- 512 **Detached lockout.** See Lockout, Detached.
- 513 **Development.** The term "development" means all structures and other modifications of the natural land-
514 scape above and below ground or water, on a particular site; the division of land into one or more parcels,
515 the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any struc-
516 ture; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
- 517 **Development master plan.** The term "development master plan" means a plan of a development which
518 encompasses an entire site under one or more ownerships which is designed to accommodate one or more
519 land uses, the development of which may be phased.
- 520 **Development right.** The term "development right" means the right to develop property.
- 521 **Development right, residential.** The term "residential development right" means the right to develop one
522 residential dwelling unit in accordance with the lot development standards of the zone, development type,
523 or definition of "base density" as provided herein.
- 524 **Distillery.** The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,
525 process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to others.
- 526 **Dude ranch.** The term "dude ranch" means a commercial vacation ranch operation that provides activities
527 related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and which may
528 also offer a lodging house for guests engaged in these activities.
- 529 **Duplex.** See Dwelling, Two Family.
- 530 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
531 with the county's adopted building codes and designed as a place for human habitation. This does not in-
532 clude a hotel or hotel room, condominium rental apartment (condo-tel), boardinghouse, lodging house,
533 tourist court or apartment court.
- 534 **Dwelling, four-family.** The term "four-family dwelling," also referred to as a "quadplex," means a building
535 arranged or designed to contain only four dwelling units with approximately the same floor area, and occu-
536 pying one lot or parcel.
-

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- 537 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.
- 538 **Dwelling, multiple-family (multi-family).** The term "multiple-family dwelling," also referred to as a "multi-
- 539 family dwelling," means a building or portion thereof arranged or designed to contain more than four dwell-
- 540 ing units, including an apartment building and condominium building.
- 541 **Dwelling, primary.** The term "primary dwelling" means a single-family dwelling comprising a single build-
- 542 ing, not attached to other buildings, and is the building designed to be the main dwelling on the lot. Typi-
- 543 cally, the main dwelling is in the building that is most visually prominent when viewed from the front lot
- 544 line.
- 545 **Dwelling, single-family.** The term "single-family dwelling," also referred to as "single-family detached
- 546 dwelling," means a building or portion thereof arranged or designed to exclusively contain only one dwell-
- 547 ing unit, unless specified otherwise by this Land Use Code, and occupying one lot or parcel.
- 548 **Dwelling, single-family attached.** The term "single-family attached dwelling," means a building containing
- 549 two or more dwelling units attached by a common wall or walls, where each dwelling unit is located on a
- 550 separate lot. This is traditionally known as a townhome or townhouse.
- 551 **Dwelling, single-family detached.** See Dwelling, Single-Family.
- 552 **Dwelling, three-family.** The term "three-family dwelling," also referred to as a "triplex," means a building
- 553 arranged or designed to contain only three dwelling units with approximately the same floor area, and oc-
- 554 cupying one lot or parcel.
- 555 **Dwelling, two-family.** The term "two-family dwelling" also referred to as a "duplex," means a building
- 556 arranged or designed to contain only two dwelling units with approximately the same floor area, and occu-
- 557 pying one lot or parcel.
- 558 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living facilities,
- 559 including provisions for sleeping, eating, cooking and sanitation, for not more than one family.
- 560 **Dwelling unit, accessory.** The term "accessory dwelling unit," also referred to as an "ADU," means a dwell-
- 561 ing unit, as defined by this chapter, that is incidental and accessory to a main use of a lot or parcel, as may
- 562 be allowed in this Land Use Code.
- 563 **Dwelling unit, condominium.** The term "condominium dwelling unit" means an estate in real property
- 564 consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property,
- 565 together with a separate interest in space in a residential building, such as an apartment. A condominium
- 566 may include, in addition, a separate interest in other portions of such real property.
- 567 **Dwelling unit, detached accessory.** The phrase "detached accessory dwelling unit" means an accessory
- 568 dwelling unit that is located in an accessory building.
- 569 **Dwelling unit, internal accessory.** The phrase "internal accessory dwelling unit" means an accessory dwell-
- 570 ing unit that is created within the footprint of a primary dwelling unit for the purpose of offering a long-
- 571 term rental.
- 572 **Dwelling unit, owner occupied.** The phrase "owner occupied dwelling unit" means a dwelling unit that is
- 573 occupied by the owner of record for a minimum of seven months of the calendar year, except that temporary

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574 leave for religious, military, or other legitimate purposes does not disqualify owner occupancy. A primary
575 dwelling, as designated by the County Assessor, qualifies as an owner occupied dwelling unit, unless clear
576 evidence exists to the contrary.

577 ***Dwelling unit, townhome.*** See Dwelling, Single-Family Attached.

578

579 **Sec 101-2-6 E Definitions**

580 ***Earth-toned.*** The term "earth-toned" means any local naturally occurring color originating from the earth
581 and generally visible in the area, usually containing brown hues or tinted with gray.

582 ***Easement.*** The term "easement" means that portion of a lot or lots reserved for present or future use by a
583 person or agency other than the legal owner or owners of said property or properties. The easement may be
584 for use under, on, or above said lot or lots.

585 ***Educational institution.*** The term "educational institution" means a place where people of all ages gain an
586 education, including preschools; elementary, middle, and high schools; and institutions of higher education.

587 ***Emergency services plan.*** The term "emergency services plan" means a document that describes, in general,
588 the emergency facilities and level of staffing that are part of (or will provide services to) a proposed **land**
589 **use.** The **plan** consists of but is not limited to the following sections: an executive summary, list of facilities
590 (e.g., fire/sheriff) and phasing schedule describing emergency personnel staffing and anticipated time and
591 general location of facility construction if applicable.

592 ***Entertainment facility, indoor.*** The term "indoor entertainment facility" means an indoor facility providing
593 entertainment for a fee, including such activities as dance halls, theatrical productions, bands, orchestras,
594 and other musical entertainment; bowling alleys and billiard and pool establishments; rinks, and racetracks;
595 mini-golf course; coin or bill operated devices, membership sports and health clubs, swimming pools, riding
596 academies, expositions, and game parlors.

597 ***Entertainment facility, outdoor.*** The term "outdoor entertainment facility" means an outdoor facility
598 providing entertainment for a fee, including the same or similar activities as an indoor entertainment facility,
599 and also including commercial facilities such as an arena; horse rides; tubing hill, or court or field sport
600 oriented complex.

601 ***Estate lot.*** The term "estate lot" means a lot within a subdivision, intended for the use of a dwelling unit,
602 that contains at least three acres.

603

604 **Sec 101-2-7 F Definitions**

605 ***Family.*** The term "family" one or more persons related by blood, marriage, or adoption, plus domestic
606 employees serving on the premises, or a group of not more than four persons who need not be so related,
607 living together as a single nonprofit housekeeping unit.

608 ***Family food production.*** The term "family food production" means the keeping of animals or fowl for the
609 purpose of producing food for the family living on the property.

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Fence. The term "fence" means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, which is used as a boundary or means of protection or confinement. Materials generally include chainlink, vinyl, wood, masonry, concrete, wire, ornamental iron, steel, pipe, rail or composite.

Fence, non-climbable. The term "fence, non-climbable" means a fence meeting the "non-climbable" barrier requirements of the current International Building Code.

Financial guarantee. The term "financial guarantee" means in lieu of actual installations of the improvements required by the Weber County Land Use Code, the applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County engineer's escrow in an amount equal to the future cost (plus ten percent contingency) of the installation of the improvements, as determined by the County Engineer or Planning Division Director, and approved by the County Attorney's Office, to assure the installation of such improvements within a period of time.

Flag. The term "flag" means any fabric or other flexible material attached on one edge to or designed to be flown from a flagpole or similar device.

Flea market. The term "flea market" means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer new, used, handmade, homegrown, hand-crafted, obsolete or antique items for sale to the general public, not to include private garage sales.

Full-time equivalent employee (FTEE). The term "full-time equivalent employee (FTEE)" means the minimum number of employees required to provide a particular service based on the type and intensity of the service. Where employee generation values or FTEEs are not provided by ordinance and a workforce consists of a combination of full- and part-time employees, the FTEE shall be calculated by adding up the total number of employee hours worked during a weekly pay period and then dividing that number by 32 hours to get the full-time equivalent employee number.

Sec 101-2-8 G Definitions

Ga-Ge Definitions

Garbage. The term "garbage" means household waste, food waste, and any other manner of refuse, rubbish, or trash.

Garage, private. The term "private garage" means a garage shall be considered part of a dwelling if the garage and dwelling have a roof and/or wall in common. Areas such as garages are not considered livable space. The term "private garage" means an accessory building designed or used for the storage of:

- (a) Single-family: Not more than four automobiles owned and used by the occupants of the building to which it is accessory and in which no business, commercial service or industry is carried on;
- (b) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private garage may be designed and used for the storage of 1½ times as many automobiles as there are dwelling units in the multiple-family dwelling.

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647 **Geologic And Geotechnical Definitions**

648 ***Geologic and geotechnical terms.***

649 ***Active fault.*** The term "active fault" means a seismic (earthquake) fault displaying evidence of greater than
650 four inches of surface displacement along one or more of its traces during the Holocene time (approximately
651 10,000 years ago to the present).

652 ***Active landslide.*** The term "active landslide" means a landslide which is known to have moved or deformed
653 and which has not been proven to be stable by a geotechnical investigation.

654 ***Aquifer.*** The term "aquifer" means a geological unit in which porous and permeable conditions exist or a
655 geologic unit of stratified drift, and thus are capable of yielding usable amounts of water.

656 ***Aquifer recharge.*** The term "aquifer recharge" area means an area that has soils and geological features
657 that are conducive to allowing significant amounts of surface water to percolate into groundwater.

658 ***Area of deformation.*** See "zone of deformation."

659 ***Critical acceleration.*** The term "critical acceleration" means the minimum amount of ground acceleration
660 during seismically induced ground movement required to induce liquefaction or other forms of ground
661 disruption.

662 ***Critical facilities.*** The term "critical facilities" means:

663 (a) Lifelines such as major communication, utility and transportation facilities and their connection to
664 emergency facilities;

665 (b) Essential facilities, such as:

666 (1) Hospitals and other medical facilities having surgery and emergency treatment areas;

667 (2) Fire and police stations;

668 (3) Tanks or other structures containing, housing, or supporting water or other fire suppression mate-
669 rials or equipment required for the protection of essential or hazardous facilities, or special occu-
670 pancy structures;

671 (4) Emergency vehicle shelters and garages;

672 (5) Structures and equipment in emergency-preparedness centers;

673 (6) Standby power generating equipment for essential facilities;

674 (7) Structures and equipment in government communication centers and other facilities required for
675 emergency response;

676 (c) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of toxic
677 or explosive substances to be dangerous to the safety of the general public if released; or

678 (d) Special occupancy structures, such as:

679 (1) Covered structures whose primary occupancy is public assembly (capacity greater than 300 per-
680 sons);

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- 681 (2) Buildings for schools through secondary or day care centers (capacity greater than 50 students);
- 682 (3) Buildings for colleges or adult education schools (capacity greater than 50 students);
- 683 (4) Medical facilities with 50 or more resident incapacitated patients, but not included above;
- 684 (5) Jails and detention facilities;
- 685 (6) All structures with occupancy greater than 5,000 persons;
- 686 (7) Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation;
- 687
- 688 (8) Unique or large structures whose failure might be catastrophic, such as dams holding over ten acre-
- 689 feet of water.
- 690 **Debris flow.** The term "debris flow" means a mass of rock fragments, soil, and mud which, when wet,
- 691 moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present
- 692 on an alluvial/debris fan surface.
- 693 **Engineering geologist.** The term "engineering geologist" means a geologist who, through education, train-
- 694 ing and experience, is able to assure that geologic factors affecting engineering works are recognized, ade-
- 695 quately interpreted and presented for use in engineering practice and for the protection of the public. This
- 696 person shall have:
- 697 (a) At least a four-year degree in geology, engineering geology, or a related field from an accredited uni-
- 698 versity;
- 699 (b) At least three full years of experience in a responsible position in the field of engineering geology; and
- 700 (c) A Utah State Professional Geologist's license.
- 701 **Engineering geology.** The term "engineering geology" means the application of geological data and prin-
- 702 ciples to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring
- 703 that geological factors are recognized and adequately interpreted in engineering practice.
- 704 **Fault.** The term "fault" means a fracture in the earth's crust forming a boundary between rock or soil masses
- 705 that have moved relative to each other (also see "active fault").
- 706 **Fault scarp.** The term "fault scarp" means a steep slope or cliff formed directly by movement along a fault.
- 707 **Fault trace.** The term "fault trace" means the intersection of the fault plane with the ground surface.
- 708 **Fault zone.** The term "fault zone" means a corridor of variable width along one or more fault traces.
- 709 **Geotechnical report.** The term "geotechnical report" means a technical report or study prepared by a ge-
- 710 otechnical professional who is qualified in the field of expertise examined and analyzed in such a report. A
- 711 person shall be considered "qualified" upon presentation of credentials providing recognition in the profes-
- 712 sional field, an academic degree from an accredited college or university in geology, geotechnics and/or
- 713 geotechnical engineering.
- 714 **Landslide.** The term "landslide" means a general term for the down slope movement of a mass of soil,
- 715 surficial deposits or bedrock.
-

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716 **Liquefaction.** The term "liquefaction" means a process by which certain water saturated soils lose bearing
717 strength because of ground shaking and increase of groundwater pore pressure. Liquefaction potential cat-
718 egories depend on the probability of having an earthquake within a 100-year period that will be strong
719 enough to cause liquefaction in those zones. High liquefaction potential means that there is a 50 percent
720 probability of having an earthquake within a 100-year period that will be strong enough to cause liquefac-
721 tion. Moderate means that the probability is between ten percent and 50 percent, low means that the prob-
722 ability is between five percent and ten percent, and very low means less than five percent.

723 **Natural hazard.** The term "natural hazard" means any hazard listed in Section 108-22-2, including, but not
724 limited to, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic subsidence, landslide
725 and other hazards.

726 **Natural hazard map.** The term "natural hazard map" means any map that has been published by a qualified
727 professional or applicable governmental agency, which contains the best available information, as deter-
728 mined by the County Engineer, and which delineates a potential natural hazard.

729 **Natural hazard study area.** The term "natural hazard study area" means any area identified on any natural
730 hazard map or within any natural hazard studies or reports as having potential for being a natural hazard.
731 In addition, the County Engineer has discretion to identify a natural hazard study area as a new hazard or
732 potential hazard becomes known.

733 **Rock fall.** The term "rock fall" means the gravity-induced drop of a newly detached segment of bedrock or
734 perched rock of any size from a cliff or steep slope.

735 **Structure designed for human occupancy.** The term "structure designed for human occupancy" means any
736 residential dwelling or any other structure used or intended for supporting or sheltering any use or occu-
737 pancy which is expected to have occupancy rate of more than 2,000 person-hours per year.

738 **Zone of deformation.** The term "zone of deformation" means the zone along a fault in which natural soil
739 and rock materials are disturbed as a result of movement along the fault.

740 **Gf-Gz Definitions**

741 **Glamorous Camping.** The term "glamorous camping" means an agritourism use that provides the oppor-
742 tunity for agritourists to rent, on a nightly basis, fully furnished tents or rustic cabin sites that are character-
743 ized by furnishings, amenities, and comforts offered by that of a luxury hotel room. Furnishings, amenities,
744 and comforts may include but are not limited to luxurious decor, beds, linens, baths, veranda, spa services,
745 concierge, dining, and chef.

746 **Glare.** The term "glare" means light, originating from a direct artificial light source, or any light reflected
747 off a reflective surface, that causes visual discomfort or reduced visibility.

748 **Glazing.** The term "glazing" means the transparent glass or similar material that allows light to pass through
749 that is used for window and door openings on the façade of a building.

750 **Grade, finished.** The term "finished grade," or any of its variations, means the final slope of the ground
751 after being altered from natural grade.

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752 **Grade, natural.** The term "natural grade," or any of its variations, means the slope of the ground as it existed
753 immediately prior to any grading or recontouring done as part of or in anticipation of approval of a land use
754 permit.

755 **Gross acreage.** See "acreage, gross."

756 **Ground-floor.** The term "ground-floor" means the story containing the building's Main Street-Entrance,
757 regardless of the building's designated floor numbering. For the purposes of this definition, each story
758 having a Main Street-Entrance is a ground-floor.

759 **Ground-floor street-facing commercial space.** See definition of "Commercial Space, Ground-Floor Street-
760 Facing."

761 **Guest house.** The term "guest house" means a separate dwelling structure located on a lot with one or more
762 main dwelling structures and used for housing of guests or servants and not rented, leased, or sold separate
763 from the rental, lease or sale of the main dwelling.

764

765 **Sec 101-2-9 H Definitions**

766 **Handicapped person (persons with a disability).** The term "handicapped person (persons with a disability)"
767 means a person who has a severe, chronic disability attributable to a mental or physical impairment or to a
768 combination of mental and physical impairments, which is likely to continue indefinitely, and which results
769 in a substantial functional limitation in three or more of the following areas of major life activity: self-care,
770 receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or
771 economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or ge-
772 neric care, treatment, or other services that are individually planned and coordinated to allow the person to
773 function in, and contribute to, a residential neighborhood.

774 **Hazardous waste.** The term "hazardous waste" means a solid waste or combination of solid wastes which,
775 because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or sig-
776 nificantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating re-
777 versible illness or may pose a substantial present or potential hazard to human health or the environment
778 when improperly treated, stored, transferred, disposed of, or otherwise managed.

779 **Heliport.** The term "heliport" means an area designed to be used for the landing or takeoff of helicopters,
780 which may include terminal facilities and facilities for maintenance, loading and unloading, refueling, and
781 storage.

782 **Historic site.** The term "historic site" means a structure and/or a site in or on which historic events occurred
783 or having special public value because of notable architectural or other features relating to the cultural or
784 artistic heritage of the community, of such significance as to warrant conservation and preservation.

785 **Home occupation.** See Title 108, Chapter 13.

786 **Homeowner's association.** The term "homeowner's association" means a formally constituted private, non-
787 profit corporation made up of the property owners and/or residents of a fixed area for the purpose of owning,
788 operating, and maintaining various common properties and/or facilities.

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789 *Horse*. The term "horse" means:

790 (a) Horse, miniature, means defined by size as being less than 38 inches in height as measured from the
791 withers, with three miniatures being equivalent to one standard horse.

792 (a) Horse, pony, means defined by size as being less than 48 inches in height as measured from the withers,
793 with two ponies being equivalent to one standard horse.

794 (b) Horse, standard, means defined by size as being over 48 inches in height as measured from the withers.

795 *Hospital or out-patient facility*. The term "hospital or out-patient facility" means any building or portion
796 thereof used for the accommodation and medical care, including surgical care, of the sick, injured or infirm
797 persons and including sanitariums, alcohol or drug rehabilitation facilities, or institutions for the treatment
798 of emotional illnesses.

799 *Hotel*. The term "hotel" means a building consisting of 16 or more sleeping units designed for temporary
800 lodging for compensation, in which no provision is made for cooking in any individual room or suite, and
801 may or may not provide meals.

802 *Household pets*. The term "household pets" means animals or fowl ordinarily permitted in the house, and
803 kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs
804 to constitute a kennel as defined in this title, and excluding exotic animals.

805

806 **Sec 101-2-10 I Definitions**

807 *Impact fees*. The term "impact fees" means a payment of money imposed upon new development activity
808 as a condition of development approval in order to offset the financial burden for off-site impacts such as
809 schools, provision of services, or infrastructure. (The term "impact fee" does not mean a tax, a special
810 assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit
811 or application fee.)

812 *Important wildlife habitat*. The term "important wildlife habitat" means the land and water base necessary
813 to ensure the long-term survival of wildlife populations.

814 *Independent living facility*. The term "independent living facility" means specially planned, designed and
815 managed multi-unit housing with self-contained living units. A retirement community for senior citizens,
816 age 55 or older, designed to provide supportive environments, but also to accommodate an independent
817 lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation and
818 social/recreational activities, may be provided; however, no medical services are provided.

819 *Inoperable or abandoned vehicle*. The term "inoperable or abandoned vehicle" means any motor vehicle or
820 trailer not currently registered and licensed in this state or another state; or any motor vehicle or trailer that
821 cannot be operated in its existing condition because the parts necessary for safe and lawful operation, such
822 as tires, windshield, engine, drive train, driver's seat, steering wheel or column, or gas or brake pedals are
823 removed, destroyed, damaged, deteriorated, or nonconforming.

824

825 **Sec 101-2-11 J Definitions**

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Junk. The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood, building materials, plastics, or fiberglass which may have value secondhand but not in their present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof; waste paper products; unused or discarded building materials, machinery, machinery parts, or lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles or vehicle parts; or any other waste materials.

Junkyard. The term "junkyard" means the use of any lot, portion of lot, or tract of land for the storage of salvage materials, keeping or abandonment of junk, including but not limited to, scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

Sec 101-2-12 K Definitions

Kennel. The term "kennel" means the land or buildings used in the keeping of four or more dogs, at least four months old.

Sec 101-2-13 L Definitions

Sec 101-2-13 La Definitions

Land use authority. The term "land use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Landscape plan. The term "landscape plan" means:

- (a) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (b) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (c) Number, type, maturity, and planted size of all landscape plantings; method of watering, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (d) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

Sec 101-2-13 Li Definitions

Light, direct artificial. The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on

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or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also Section 108-16-9 for a graphic depiction.

Light pollution. The term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the nighttime sky; interferes with astronomical observations; interferes with the natural functioning of native wildlife, or disrupts the community character as defined in the applicable general plan for the area.

Light source, artificial. The term "artificial light source" means the part of a lighting device that produces light. See also Section 108-16-9 for a graphic depiction.

Light trespass. The term "light trespass" means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also Section 108-16-11 for a graphic depiction.

Lighting, outdoor. The term "outdoor lighting" means the illumination of an outdoor area or object by any outdoor artificial light source.

Lighting, recreation facility. The term "recreation facility lighting" means outdoor lighting used to illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool, theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-16-15 for a graphic depiction.

Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

Sec 101-2-13 Loc - Lod Definitions

Local health department. The term "local health department" means the Weber-Morgan Health Department.

Located behind the dwelling. The term "located behind the dwelling" means the Setbacks are measured from the farthest rear location of the dwelling and is parallel to the front lot line.

Lockout, detached. The term "detached lockout" means a detached lockout sleeping room on the same lot with single-, two-, three-, four-, and multi-family dwellings, condominiums, condominium rental apartments (condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities, but no cooking facilities except for the allowance of a hotplate and/or a microwave, which may be rented independently of the main unit for short-term rental. A detached lockout is accessory to the main use and shall not be sold independently from the main unit.

Lockout sleeping room. The term "lockout sleeping room" means a sleeping room attached to a dwelling unit which has separate or common access and toilet facilities, but no cooking facilities except for the

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allowance of a hotplate and/or a microwave, and which may be rented independently from the main dwelling unit for short-term rental purposes. Unless specifically addressed otherwise in a development agreement, a lockout sleeping room shall be considered one-fourth of a dwelling unit when calculating density on a parcel of land.

Lodging House. The term "Lodging House," also referred herein as "Boardinghouse," means a building designed for temporary lodging for compensation, in which no provision is made for cooking in any individual guest room or suite. Unless otherwise more specifically provided in this Land Use Code, a Lodging House has between one and 15 guest rooms.

Long-term rental. See "rental, long term."

Sec 101-2-13 Lot Definitions

Lot. The term "lot" means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Except when allowed otherwise in this Land Use Code, not more than one dwelling structure shall occupy any one lot.

Lot area. The term "lot area" means the area contained within the boundary of a lot.

Lot, corner. The term "corner lot" means a Lot abutting on two or more streets at their intersection or on two parts of the same street, forming an interior angle of less than 135 degrees.

Lot coverage. The term "lot coverage" means the percentage of the lot area which is occupied by all building, and other covered structures and impervious surfaces.

Lot, double frontage. The term "double frontage lot" means any building lot which has both the Front Lot Line and the Rear Lot Line abutting a street.

Lot, flag. The term "Flag Lot" means an "L" shaped Lot comprised of a narrow access strip connected to a street (the flag's staff) which opens into the Lot area (the flag).

Lot frontage. The term "lot frontage," also referred to herein as "street frontage" or "street frontage of a lot," means a Lot Line is abutting a street right-of-way.

Lot, interior. The term "lot, interior" means any building lot other than a Corner Lot.

Lot, irregular shaped. The term "irregular shaped lot" means any building lot whose boundaries are:

- (a) Comprised of three or more than four lot lines;
- (b) A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
- (c) In which the rear lot line is not parallel to the front lot line.
- (d) Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same Lot Line. If the angle is less than 135 degrees, the Lot Line designation shall be determined to be different.

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- 935 **Lot line.** The term "lot line" means the boundary of a Lot traditionally prescribed with a Front Lot Line, a
936 Rear Lot Line, and two Side Lot Lines. Where two lot lines converge and the Lot Line's bearing changes,
937 the interior angle of which will determine, if it is greater than 135 degrees, whether the Lot Line may
938 continue with the same Lot Line designation. When the interior angle is 135 degrees or less, then the Lot
939 Line designation shall be different.
- 940 **Lot line, front.** The term "front lot line" means the boundary line of the Lot which abuts a Public Street,
941 Private Street, Shared Private Lane, access strip of a Flag Lot, or other legal access from which the Front
942 Setback is measured
- 943 **Lot line, rear.** The term "rear lot line" means the boundary of a Lot which is most distant from, and is most
944 parallel to the Front Lot Line; except that in the case of an irregular shaped Lot, the Rear Lot Line is the
945 line within the Lot parallel to and at a maximum distance from the Front Lot Line, having a length of not
946 less than ten feet.
- 947 **Lot line, side.** The phrase "side lot line" and any variant thereof, means any Lot Line other than the Front
948 Lot Line or the Rear Lot Line.
- 949 **Lot, nonconforming.** The term "nonconforming lot" means a lot or parcel that complied with lot standards
950 in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does
951 not conform to the current lot standards. Applicable standards include lot standards of the zone in which
952 the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.
- 953 **Lot, restricted.** The term "restricted lot" means a lot or parcel of land which has an average slope of 25
954 percent or more and does not contain a buildable area as defined in this section.
- 955 **Lot of record.** The phrase "lot of record" means any of the following:
- 956 (a) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been
957 approved by Weber County and is on file in the Weber County Planning Office; or
- 958 (b) A parcel of real property identified as a building lot on a subdivision plat that has been approved by
959 Weber County and recorded in the office of the Weber County Recorder; or
- 960 (c) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber
961 County Recorder before January 1, 1966; or
- 962 (d) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber
963 County Recorder on or before December 31, 1992, which complied with the zoning requirements in
964 effect on the same date; or
- 965 (e) A parcel or lot that was created in its current size and configuration and contained a lawfully permitted
966 single-family dwelling prior to December 31, 1992; or
- 967 (f) A parcel of real property that contains at least 100 acres; or
- 968 (g) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a
969 variance from the Weber County Board of Adjustment which has otherwise deemed a particular par-
970 cel/lot as a lot of record; or
-

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(h) A reconfigured parcel or lot that met any one of (a) through (g) of this definition prior to its reconfiguration, as long as:

(1) The reconfiguration did not make the parcel or lot more nonconforming;

(2) No new lot or parcel was created; and

(3) If within a platted subdivision, the lot complies with the provisions of Section 106-1-6.

Lot width. The term "lot width" means the width of a lot as measured along a line that runs parallel to the front lot line and is at the minimum building Setback applicable to the lot's zone.

Sec 101-2-14 M Definitions

Main street-entrance. See *Street-Entrance, Main*.

Master street plan. The term "master street plan" means the transportation, street, or road plan, with all associated maps, presented in the transportation section of the general plan.

Model home. The term "model home" means a residential dwelling built within a particular subdivision for the purpose of showing an example of possible dwellings to be built on individual lots within that subdivision. A model home, meeting the requirements of title 108, chapter 7 of this Code may be furnished and utilized as a temporary real estate sales office.

Sec 101-2-15 N Definitions

Natural waterways. The term "natural waterways" means those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the County Engineer and in which areas no buildings shall be constructed.

Net developable acreage. See "acreage, net developable."

Non-buildable area. The term "non-buildable area" means that area of a lot or parcel of land which has been determined unsuitable for construction of residential buildings and other structures for human occupancy because of extreme slope or identified potential geologic or other environmentally hazardous conditions.

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

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

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

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1006 *Nonconforming sign.* See "Sign, nonconforming."

1007 *Nonconforming use.* The term "nonconforming use" means a use of land that legally existed before its
1008 current land use designation, has been maintained continuously since the time the land use ordinance regu-
1009 lation governing the land changed, and because of one or more subsequent land use ordinance changes,
1010 does not conform to the regulations that now govern the use of the land.

1011 *Non-developable area.* The term "non-developable area" means an area where, due to topographic, or haz-
1012 ardous conditions (e.g., earthquake, landslide), as defined by Weber County Ordinances, the land is not
1013 considered to be suitable for construction of residential, commercial or manufacturing buildings or struc-
1014 tures.

1015 *Nursery.* The term "nursery" means buildings, structures and/or facilities for the growth and sale of plants,
1016 landscaping equipment and wholesale and/or retail or commercial gardening supplies.

1017 *Nursing home.* The term "nursing home" means a building structure and/or facility for the care of children,
1018 the aged, infirm, or convalescent of any age. See also Convalescent home.

1019 **Sec 101-2-16 O Definitions**

1020 ***Open space.*** The term "open space" means an area which offers amenities such as, but not limited to, un-
1021 developed land, trails, parks, and associated facilities, open space may be owned publically and/or privately.

1022 ***Open space, common area.*** The term "common area open space" means open space within or related to a
1023 development which is owned in common by the owner's association and is designed, maintained, and in-
1024 tended for the common use or enjoyment of the residents of the development.

1025 ***Open space, conservation.*** The phrase "conservation open space" means an undisturbed, public or private
1026 use, area that is undeveloped and permanently preserved in order to maintain scenic qualities and habitat
1027 values. Conservation open space is intended to preserve natural resources and/or to buffer natural areas
1028 including open or wooded lands, wetlands, lakes and watercourses. Typical conservation open space uses
1029 and/or designations include: vacant land, scenic viewsheds, agriculture, watershed protection zones,
1030 groundwater recharge areas, wildlife habitat and non-motorized trails/pathways including associated
1031 maintenance and signage.

1032 ***Open space easement, common area.*** The phrase "common area open space easement" means a required
1033 right of use easement granted to the county on and over land designated as common area open space in a
1034 master planned development, planned residential unit development, or similar type of planned development,
1035 which guarantees to the county that the designated common area open space is permanently reserved for
1036 access, parking, recreation, and open green space purposes, in accordance with the plans and specifications
1037 approved by the approval authority at the time of the development's approval, or as such plans are amended
1038 from time to time.

1039 ***Ordinary high water mark.*** The term "ordinary high water mark" means the line on the bank to which the
1040 high water ordinarily rises annually in season as indicated by changes in the characteristics of the surround-
1041 ing areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be sub-
1042 stituted.

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1043 **Outdoor Storage.** The term "outdoor storage" means items for sale, storage, or display outside a completely
1044 enclosed building for a period greater than 24 hours, which are for or associated with a commercial or
1045 manufacturing use, or are stored at a commercial or manufacturing facility.

1046 **Overlay zone.** The term "overlay zone" means a zone that overlays and encompasses one or more underly-
1047 ing zones, and withappliesadditional requirements or special regulations beyond those applicable in the
1048 underlying zone or zones. These additional requirements or special regulations shall take precedence over
1049 the provisions of the underlying zone.

1050

1051 **Sec 101-2-17 P Definitions**

1052 **Parcel.** The term "parcel" or "parcel of land" means a contiguous quantity of land in the possession of, or
1053 owned by, or recorded as the property of the same claimant or person.

1054 **Planning commission.** See "Weber County Planning Commission."

1055 **Primary dwelling unit.** See "dwelling unit, primary."

1056 **Private access right-of-way.** See "shared private lane."

1057 **Private residence club.** The term "private residence club" means a club (equity or non-equity) made up of
1058 members that typically pay a one-time upfront membership fee and annual dues in order to receive benefits
1059 and privileges such as gaining access to a variety of luxury homes around the world. These homes can be
1060 booked based on availability and reservation priorities.

1061 **Product, Agricultural.** The term "Agricultural Product" means any raw product which is derived from ag-
1062 riculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock, aq-
1063 uaculture, water plants, horticulture, and other similar products that can be broadly classified as a food,
1064 fiber, fuel, or a raw material group. Specific foods may include cereals, fruits, vegetables, and meat. Fibers
1065 may include cotton, wool, hemp, silk and flax. Raw materials may include lumber and other plant products.

1066 **Protection strip.** The term "protection strip" means a line that acts as an encumbrance by which certain
1067 land, lying adjacent to a dedicated road right-of-way or other transportation facility, has restricted access.
1068 The protection strip, having no specific width, shall be shown on a subdivision plat as a unique line-type
1069 on the edge of a dedicated right-of-way and has the general purpose of controlling access across it until
1070 such time that the original financier and adjacent landowner can effectively negotiate terms of equitable
1071 reimbursement. The protection strip shall expire after ten years in accordance with a separately written and
1072 recorded agreement.

1073 **Public.** The term "public" means buildings or uses owned or operated by a branch of the government or
1074 governmental entity and open to the public, such as libraries, schools, parks, other than private facilities.

1075 **Public utility substation.** The term "public utility substation" has the same definition as the term "utility."

1076

1077 **Sec 101-2-18 Q Definitions**

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1078 *Qualified professional.* The term "qualified professional" means a professionally trained person with the
1079 requisite academic degree, experience and professional certification or license in the field or fields relating
1080 to the subject matter being studied or analyzed.

1081 *Quasi-public.* The term "quasi-public" means the use of premises by a utility, the utility being available to
1082 the general public, such as utility substations and transmission lines (see also "utility"); also a permanently
1083 located building or structure, together with its accessory buildings and uses, commonly used for religious
1084 worship, such as churches and monasteries.

1085

1086 **Sec 101-2-19 R Definitions**

1087 ***Recreation facilities plan.*** The term "recreation facilities plan" means a document that describes, in general,
1088 the recreational facilities that are part of a development proposal. The plan consists of, but is not limited to,
1089 the following sections: an executive summary, list of facilities and their scale, identification of whether a
1090 facility will be private or open to the public, phasing schedule and proposed recreational programs.

1091 ***Recreation lodge.*** The term "recreation lodge" means a lodge constructed in a mountainous or forested
1092 location, which may include up to 16 guest sleeping rooms for short-term rental lodging, and facilities for
1093 guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails,
1094 ice skating and/or similar activities, and, if open year-round, offers summer recreation amenities such as
1095 equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting
1096 green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included.
1097 The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based
1098 upon acreage and site plan review, and recommended by the Planning Commission.

1099 ***Recreational resort.*** The term "recreational resort" means a planned development which may consist of a
1100 combination of short-term rental lodging facilities and/or rental units and/or owner occupied dwelling units,
1101 and may include such support facilities as restaurants, gift shops, and personal service facilities (e.g., beauty
1102 shop, barbershop, boutique, massage salon), the overall operation and maintenance of which is a single
1103 person or entity, and the development of which is designed around a recreational theme and shall offer a
1104 variety of outdoor and/or indoor recreation facilities and activities on-site which are designed to attract
1105 vacationers as a site destination because of the recreational attractions, both on- and off-site, as well as
1106 offering an attractive, vacation-type atmosphere.

1107 ***Recreational vehicle or travel trailer.*** The term "recreational vehicle," also known herein as "travel trailer,"
1108 means a vehicular unit, other than a mobile home, designed as a temporary dwelling for travel, recreational,
1109 and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle including,
1110 but not limited to: travel trailer, camp trailer, folding tent trailer, truck camper, or motor home, but not
1111 including mobile or manufactured homes.

1112 ***Rental, long-term.*** The term "long-term rental" means the rental of a dwelling unit for a time period no less
1113 than 30 days.

1114 ***Rental, short-term.*** The term "short-term rental" also referred herein as an "STR," means the rental of a
1115 dwelling or portion thereof for a time period of less than 30 days.

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- 1116 ***Residential facility for disabled persons.*** The term "residential facility for disabled persons" means a sin-
1117 gle-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is
1118 occupied on a 24-hour-per-day basis by eight or fewer persons with a disability in a family type arrangement
1119 under the supervision of a house family or manager, and that:
- 1120 (a) Conforms to all applicable standards and requirements of the department of human services, and is
1121 operated by or operated under contract with that department; and
- 1122 (b) Is licensed or certified by the department of human services under Utah Code § Title 26B, Chapter 2,
1123 Licensure of Programs and Facilities; or
- 1124 (c) Is licensed or certified by the department of health under Utah Code Title 26B, Chapter 2, Part 2, Health
1125 Care Facility Licensing and Inspection Act.
- 1126 ***Residential facility for elderly persons.*** The term "residential facility for elderly persons" means a single-
1127 family or multifamily dwelling unit that meets the requirements of section 108-7-15 of the Land Use Code
1128 and Utah Code § 17-79-607, but does not include a health care facility as defined by Utah Code § 26B-2-
1129 201.
- 1130 ***Residential facility for troubled youth.*** The term "residential facility for troubled youth" means a residential
1131 facility that is occupied on a 24-hour basis by no more than eight qualified youth in a family type arrange-
1132 ment that conforms with applicable standards of, and is inspected and licensed by the state department of
1133 human services, and is consistent with Section 108-7-14 of the Land Use Code.
- 1134 ***Resort (destination and recreation).*** The term "resort (destination and recreation)" means a destination and
1135 recreation resort is a destination place that attracts visitors throughout the year and provides areas and fa-
1136 cilities used for relaxation and/or recreation. The resort is entirely contiguous; it consists of at least 1,000
1137 gross acres and is generally self-contained; therefore, capable of providing goods and services that meet
1138 most needs of the visitor while remaining on or within the resort. These goods and services may include,
1139 but not be limited to resort administration/operations, food, drink, lodging, sports, entertainment, shopping,
1140 personal and healthcare/emergency facilities (e.g., market, open-air market, restaurant, package liquor
1141 store, owner-occupied dwellings, nightly rentals, indoor/outdoor sports, cultural events, performing arts,
1142 miscellaneous retail, athletic/wellness center and clinic).
- 1143 ***Ridge line area.*** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
1144 located within 100 feet on both sides of the top, ridge, or crest.
- 1145 ***Right, development.*** See "Development Right."
- 1146 ***Right, residential development.*** See "Residential Development Right."
- 1147
- 1148 **Sec 101-2-20 S Definitions**
- 1149
- 1150 **Sec 101-2-20 Sc Definitions**
- 1151 ***School.*** The term "school" means a public elementary or secondary school, charter, seminary, parochial
1152 school, or private educational institution having a curriculum similar to that ordinarily given in grades one
-

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1153 through 12 in the public school system. The term "education institution" for the purpose of this title does
1154 not include post high school educational facilities.

1155 **Screen.** The term "screen" means a wall, partition, fence or hedge for separation of one land use from
1156 another.

1157 **Screening.** The term "screening" means the method by which a view of one site from another adjacent site
1158 is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms, or other fea-
1159 tures. The term "screening" shall not include unusual features such as cars, machine parts, junk or other
1160 items not generally suited for landscaping or fencing materials.

1161 **Sec 101-2-20 Se Definitions**

1162 **Seasonal work force housing plan.** The term "seasonal work force housing plan" means a document that
1163 describes, in general, the seasonal workforce housing needs, facilities, housing development schedule and
1164 management strategy for a development proposal. The plan is supplemental to an overall master plan and
1165 consists of, but is not limited to the following sections: an executive summary, number of full-time equiv-
1166 alent employees, number of required housing units, number of on-site housing units, number of off-site
1167 housing units, unit types (e.g., single-family dwelling, multifamily dwelling, group dwelling, etc.) and a
1168 section describing the management plan that will guarantee that the units will be used for affordable work-
1169 force housing only and remain affordable in perpetuity.

1170 **Setback.** The term "setback," means the required distance between the building and any Lot Line or existing
1171 or planned future street right-of-way, unless the context of the term's use clearly provides otherwise.

1172 **Setback, front.** The term "front setback" means the required distance between the building and the Front
1173 Lot Line or existing or planned future street right-of-way

1174 **Setback, side.** The term "side setback" means the required distance between the building and the Side Lot
1175 Line or existing or planned future street right-of-way

1176 **Setback, rear.** The term "rear setback" means the required distance between the building and the Rear Lot
1177 Line or existing or planned future street right-of-way

1178 **Sec 101-2-20 Sh Definitions**

1179 **Shared private lane.** The term "shared private lane," which may also be referred to herein as a "private
1180 access right-of-way," means a lane or driveway, within a recorded private right-of-way easement, to be
1181 used as a private access to a Lot or Lots.

1182 **Shopping center.** The term "shopping center" means a group of three or more separate commercial estab-
1183 lishments which share the same site, with common facilities, including parking, ingress/egress, landscaping
1184 and pedestrian malls which function as a unit. Distinguishing characteristics of a shopping center may, but
1185 need not, include common ownership of the property upon which the center is located, common wall con-
1186 struction, and multiple occupant commercial use of a single structure.

1187 **Shoreline.** The term "shoreline" means the land and water interface of large water bodies.

1188 **Short-term rental.** See "rental, short-term."

1189

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1190 **Sec 101-2-20 Si Definitions**

1191 **Sign.** The term "sign" means any object, device, display, or structure, or part thereof that is used to advertise,
1192 identify, display, direct or attract attention to an object, person, institution, organization, business, product,
1193 service, event, or location by any means, including, but not limited to words, letters, figures, designs, sym-
1194 bols, fixtures, colors, illumination, or projected images.

1195 **Sign, advertising.** The term "advertising sign" means an off-premises sign 20 square feet or less in area.

1196 **Sign, animated.** The term "animated sign" means a sign employing actual motion, the illusion of motion or
1197 light and/or color changes achieved through mechanical, electrical or electronic means.

1198 **Sign area.** The term "sign area" means the area of a sign that is used for display purposes, including the
1199 minimum frame and supports. In computing sign area, only one side of back to back signs covering the
1200 same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of
1201 not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area
1202 shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

1203 **Sign, athletic field scoreboard.** The term "athletic field scoreboard sign" means a sign which is erected at
1204 a public or private park or public or private school for the purpose of providing game scores or other infor-
1205 mation about the game in progress. Advertising by the sign donor shall be limited to 50 percent of the total
1206 sign area.

1207 **Sign, banner.** The term "banner sign" means any sign intended to be hung either with or without frames,
1208 possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind.

1209 **Sign, billboard.** The term "billboard sign" means a sign that identifies or communicates a commercial or
1210 non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a
1211 location other than where the sign is located. The term "billboard sign" means an off-premises sign larger
1212 than 20 square feet in area. Two or more separate advertising spaces structurally connected will be consid-
1213 ered one sign.

1214 **Sign, business/commercial.** The term "business/commercial sign" means any sign with wording, a logo or
1215 other representation that directly or indirectly names, advertises or calls attention to a business, product,
1216 service, profession, commodity, commercial event, or other commercial activity, or otherwise contains
1217 commercial speech.

1218 **Sign, campaign.** The term "campaign sign" means a temporary sign soliciting support for a person running
1219 for public office or a sign supporting, defending or objecting to an issue or proposal being placed before
1220 the public.

1221 **Sign, canopy.** The term "canopy sign" means a sign which is part of or attached to an awning, canopy or
1222 other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.
1223 A marquee is not a canopy. See definition for Marquee.

1224 **Sign, changeable copy.** The term "changeable copy sign" means a sign that is designed so that characters,
1225 letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

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- 1226 **Sign, conservation property.** The term "conservation property sign" means a sign that is placed on a parcel
1227 with a minimum area of ten acres that is encumbered by a conservation easement held by an organization
1228 or government entity as authorized by Utah Code § 57-18-3.
- 1229 **Sign, construction.** The term "construction sign" means construction signs announcing the construction of
1230 a building or project naming owners, contractors, subcontractors and architects.
- 1231 **Sign, development.** The term "development sign" means a temporary business sign identifying a construc-
1232 tion project or subdivision development. The sign may contain the name of the project, name and an address
1233 of the construction firms, architect and developer.
- 1234 **Sign, directional.** The term "directional sign" means any sign located on private property at or near the
1235 public right-of-way, directing or guiding vehicular or pedestrian traffic onto the property and/or toward
1236 parking or other identified locations on the property.
- 1237 **Sign face.** The term "sign face" means the area of a sign that is designed to present or convey a message or
1238 attract attention, exclusive of structural support members.
- 1239 **Sign, flat.** The term "flat sign" means a sign erected parallel to and attached to or painted on the outside
1240 wall or window of a building and projecting not more than six inches from such wall or window.
- 1241 **Sign, floodlighted.** The term "floodlighted sign" means a sign illuminated in the absence of daylight and
1242 by devices which reflect or project light upon it.
- 1243 **Sign, freestanding (pole sign).** The term "freestanding sign" or "pole sign" means any sign supported by
1244 one or more poles or a support that is placed on or anchored in the ground and that is independent, unat-
1245 tached, or not braced from any building or other structure.
- 1246 **Sign, ground/monument.** The term "ground/monument sign" means a free-standing ground sign mounted
1247 on a base but not attached to any building or wall.
- 1248 **Sign, identification and information.** The term "identification and information sign" means an on-premises
1249 sign displayed to indicate the name or nature of a building or use, including all professional and business
1250 buildings, home occupations, apartment complexes, and public and semipublic buildings. Temporary and
1251 development signs are classified in this category only.
- 1252 **Sign, illuminated.** The term "illuminated sign" means a sign which has characters, letters, figures, designs,
1253 or outline illuminated by electric lights or luminous tubes as a part of the sign.
- 1254 **Sign, marquee.** The term "marquee sign" means any sign attached to and made part of a marquee.
- 1255 **Sign, master entrance ground.** The term "master entrance ground sign" means the primary sign used and
1256 approved, with a master sign plan, at the entrance of a multi-occupant commercial complex.
- 1257 **Sign, name plate.** The term "name plate sign" means a sign indicating the name and/or occupation of a
1258 person or persons residing on the premises or legally occupying the premises or indicated a home occupa-
1259 tion legally existing on the premises.
- 1260 **Sign, nonconforming.** The term "nonconforming sign" means a sign that legally existed at the time that it
1261 was installed under the regulations in effect at that time but does not conform to the current applicable
-

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- 1262 regulations of the area in which it is located and has been maintained continuously since the time the appli-
1263 cable regulations changed to render it nonconforming.
- 1264 **Sign, occasion.** The term "occasion sign" means a sign that is intended to support a business activity that
1265 is temporary in nature, e.g., construction, real estate, or temporary real estate sales office.
- 1266 **Sign, off-premises.** The term "off-premises sign" means a sign, which directs attention to a use, project,
1267 commodity or service not related to the premises on which it is located.
- 1268 **Sign, pole.** See Sign, freestanding.
- 1269 **Sign, political.** The term "political sign" means a temporary sign making a statement either supporting,
1270 defending or objecting to an issue or proposal that is not being placed before the public.
- 1271 **Sign, projecting.** The term "projecting sign" means any sign other than a wall sign affixed to any building
1272 or wall whose leading edge extends beyond such building or wall.
- 1273 **Sign, property.** The term "property sign" means a sign related to the property on which it is located and
1274 offering such property for sale or lease, or advertising contemplated improvements or announcing the name
1275 of the builder, owner, designer or developer of the project, or warning against trespassing.
- 1276 **Sign, public event.** The term "public event sign" means a sign that is intended to support public events, e.g.,
1277 religious, charitable, civic (youth soccer signup), or festive occurrences, or in celebration of some event of
1278 religious, national, state, or civic significance or in honor of a visit from a person or persons of note, i.e.,
1279 public event banners, public event signs, and public event directional signs.
- 1280 **Sign, public necessity.** The term "public necessity sign" means a sign installed by a governmental agency
1281 informing the public of any danger or hazard existing on or adjacent to the premises.
- 1282 **Sign, roof.** The term "roof sign" means a sign erected partly or wholly on or over the roof of a building, but
1283 not including, ground signs that rest on or overlap a roof 12 inches or less.
- 1284 **Sign, rustic.** The term "rustic sign" means a commercial freestanding or ground sign which is predomi-
1285 nantly constructed of natural and/or natural appearing materials, such as brick, textured concrete, glass,
1286 natural or chiseled stone, rough hewn, antiqued, sandblasted or carved wood, or metal which is rust re-
1287 sistant, and anodized, stained, painted (natural earth tones) or otherwise treated to prevent reflective glares
1288 and includes appropriate landscaping in the overall design.
- 1289 **Sign, seasonal.** The term "seasonal sign" means a sign that is intended to advertise a business activity for
1290 a designated amount of time, e.g., a farmer's market, Christmas tree lot, or fruit and vegetable stand.
- 1291 **Sign, service.** The term "service sign" means a sign which is incidental to a use lawfully occupying the
1292 property upon which the sign is located and which sign is necessary to provide information to the public,
1293 such as direction to parking lots, location of restrooms, sale of agricultural products produced upon the
1294 premises or other such pertinent facts.
- 1295 **Sign, special event.** The term "special event sign" means a sign that is intended to support special events,
1296 i.e., special event banners, special event signs, and special event directional signs.
- 1297 **Sign, street banner.** The term "street banner sign" means any banner sign which is stretched across and
1298 hung over a public right-of-way.
-

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1299 **Sign, temporary.** The term "temporary sign" means any exterior sign, banner, pennant, valance or adver-
1300 tising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials,
1301 with or without light frames, intended to be displayed for a short period of time. Examples of temporary
1302 signs include a grand opening banner; public event banner; political sign, real estate sign; special event
1303 sign.

1304 **Sign, wall.** The term "wall sign" means a sign which is affixed to an exterior wall of a building or structure
1305 and which projects not more than 18 inches from the building or structure wall and which does not extend
1306 more than four feet above the parapet, eaves or building facade of the building on which it is located.

1307 **Sign, vehicle.** The term "vehicle sign" means any sign permanently or temporarily attached to or placed on
1308 a vehicle or trailer.

1309 **Site plan.** The term "site plan" means a plan/document or group of documents, prepared to scale, showing
1310 accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, struc-
1311 tures, uses and primary site development features proposed for a specific parcel of land, including, but not
1312 limited to text, photographs, sketches, drawings, maps and other materials intended to present certain ele-
1313 ments of the proposed development, including, but not limited to physical design, siting of buildings and
1314 structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship
1315 of these elements.

1316

1317 **Sec 101-2-20 SI Definitions**

1318 **Slope.** The term "slope" means the rate of rise or fall away from a horizontal plane, expressed as a percent-
1319 age of the ratio of the vertical rise over the horizontal run. Unless specified otherwise in this Land Use
1320 Code, the term "Slope" is referring to the Slope of terrain.

1321

1322 **Sec 101-2-20 Sm Definitions**

1323 **Small subdivision.** See "Subdivision, small."

1324 **Small wind energy system.** The term "small wind energy system" means a wind energy conversion system
1325 consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used
1326 primarily to reduce on-site consumption of utility power for an individual parcel.

1327

1328 **Sec 101-2-20 So Definitions**

1329 **Solar energy system, large.** The term "large solar energy system" means a facility that converts sunlight
1330 into electricity for the primary purpose of wholesale or retail sales of generated electricity to be used offsite.

1331 **Solar energy system, small.** The term "small solar energy system" means a facility that converts sunlight
1332 into electricity, clearly being an incidental and accessory use to the main use or structure on the lot or parcel
1333 and which only supplies power to other uses or structures on the same lot or parcel. Multiple adjacent lots
1334 or parcels developed together under common ownership or management shall be deemed the same parcel
1335 for the purposes of this definition.

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1336 **Solid waste.** The term “solid waste” means unwanted or discarded material including waste material in-
1337 cluding insufficient liquid content to be free flowing.

1338 **Solid waste disposal facility.** The term “solid waste disposal facility” means a facility for the ultimate dis-
1339 position of solid waste that will not be salvaged or recycled.

1340 **Solid waste transfer station.** The term "solid waste transfer station" means a facility or site used for the
1341 temporary deposition and storage of solid waste until such waste is transported to a facility for treatment or
1342 disposal.

1343

1344 **Sec 101-2-20 St Definitions**

1345 **Stable.** The term "stable" means an accessory or main building for the keeping of horses, cattle and other
1346 farm animals.

1347 **Stable, private horse.** The term "private horse stable" means a horse stable which is accessory to a residen-
1348 tial dwelling unit or other main building, for the use of the owner/occupant, his friends and guests, not for
1349 the purpose of remuneration, hire or sale or any other commercial use nor use by an ad hoc informal asso-
1350 ciation or group.

1351 **Stable, public horse.** The term "public horse stable" means a stable where the general public may rent,
1352 lease, purchase, sale or board horses.

1353 **Stockyard.** The term "stockyard" means a commercial operation consisting of yards and enclosures where
1354 livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes,
1355 loading and unloading pens.

1356 **Story.** The term "story" means that portion of a building included between the upper surface of a floor and
1357 the upper surface of the floor or roof next above.

1358 **Stream.** The term "stream" means those areas where surface waters flow sufficiently to produce a defined
1359 channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of
1360 vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not con-
1361 tain water year-round. This definition is not meant to include stormwater runoff devices or entirely artificial
1362 watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to
1363 construction of such devices. Stream watercourses where the definition may apply are those that appear on
1364 the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation
1365 canal following a natural or jurisdictional watercourse would not be exempt, but others would be exempt.

1366 **Stream corridor.** The term "stream corridor" means the water's passageway defined by the stream's ordinary
1367 high water mark.

1368 **Street-Entrance, Main.** The phrase “main street-entrance” means a building’s or businesses primary en-
1369 trance from the street.

1370 **Street-Block.** The term "Street-Block," also referred to as "Block," means a series of streets that bound, or
1371 in the future will bound, land on all sides and that are open for use by the general public, or land which is

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- 1372 designated as a Block or Street-Block on any recorded subdivision plat. A temporarily incomplete Street-
1373 Block is still a Street-Block for the purposes of this definition.
- 1374 **Street, Arterial (Major).** The term "Arterial Street," which may also be referred to as "Major Street," or
1375 "Major Road," means a street, existing or proposed, which serves or is intended to serve as an Arterial
1376 traffic way connecting Collector Streets to the greater regional area. An Arterial Street is usually a con-
1377 trolled-access highway or freeway and is designated on the general plan, master street plan, or similar plan-
1378 ning document as an Arterial Street, Major Street, parkway or other equivalent term to identify those streets
1379 comprising the backbone structure of the street plan.
- 1380 **Street, Collector.** The term "Collector Street" means a street existing or proposed of considerable continuity
1381 which is the main means of collecting traffic from Major Neighborhood Streets, Minor Neighborhood
1382 Streets, and other local streets, and providing eventual access to an Arterial Street.
- 1383 **Street, Major Neighborhood.** The term "Major Neighborhood Street," means a street, existing or proposed,
1384 which is of limited community-wide continuity and which serves or is intended to serve the local needs of
1385 connecting neighborhoods to each other and to Collector Streets.
- 1386 **Street, Minor Neighborhood.** The term "Minor Neighborhood Street," means a street, existing or proposed,
1387 which is of limited neighborhood continuity and which serves or is intended to serve the local needs of
1388 connecting neighborhoods to Major Neighborhood Streets.
- 1389 **Street or street-route, temporarily terminal.** The terms "temporarily terminal street" or "temporarily termi-
1390 nal street-route" means a street, portion of a street, series of streets, or a street-route that has a single point
1391 of entry from the greater Public Street network, and is only intended to be terminal temporarily until it
1392 connects back into the greater Public Street system through future extension, as shown in an applicable
1393 general plan, small area plan, master streets plan, development agreement, or similar legislatively adopted
1394 planning document.
- 1395 **Street, Private.** The term "Private Street" means a thoroughfare within a subdivision, to be used exclusively
1396 by the Lot owners as private access, and complying with the adopted street cross section standards of the
1397 county, and maintained by the developer, adjoining Lot owners, or other private agency.
- 1398 **Street, Public.** The term "Public Street" means a thoroughfare which has been dedicated or abandoned to
1399 the public, or a thoroughfare which has been made public by right of use.
- 1400 **Structural alterations.** The term "structural alterations" means any change in supporting members of a
1401 building or structure, such as bearing walls, columns, beams or girders.
- 1402 **Structure.** The term "structure" means anything constructed or erected which requires location on the
1403 ground or attached to something having a location on the ground.
- 1404 **Structure, height of.** The phrase "height of structure," or any of its variations, shall have the same meaning
1405 as "height of building" as defined in this section.
- 1406
- 1407 **Sec 101-2-20 Su Definitions**
- 1408 **Subdivision.** The term "subdivision" means the same as defined in Utah Code Section 17-79-102.
-

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

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1409 **Subdivision, small.** The term "small subdivision" means a subdivision or subdivision amendment that in-
1410 cludes nine or fewer lots.

1411 **Supermarket.** The term "supermarket" means a store for the retail sale of food and household goods with
1412 additional services within the building, such as banking, dry cleaners, real estate sales office and insurance
1413 sales.

1414

1415 **Sec 101-2-21 T Definitions**

1416 **Tavern.** The term "tavern" means any business establishment operating under the Class "C" beer license
1417 regulations of the county, where the main purpose is for the sale of beer and mix for drinks to public patrons
1418 and the revenue from the sale of beer and mix for drinks exceeds the revenue from the sale of food. The
1419 term "tavern" is inclusive of beer parlors and lounges. Such establishments shall be limited to two per lineal
1420 one-eighth of a mile distance.

1421 **Temporary real estate sales office.** The term "temporary real estate sales office" means an office established
1422 within a model home or the garage area of a model home on a temporary basis.

1423 **Temporary use.** The term "temporary use" means a prospective use, not to exceed six months, and not
1424 continuing a nonconforming use or building.

1425 **Tower.** The term "tower" means a structure that is intended to support antennas for transmitting or receiving
1426 wireless signals including but not limited to television, cellular, radio, or telephone communication signals.
1427 A tower is also a "public utility substation" as defined in this section.

1428 **Traffic impact analysis (TIA).** The term "traffic impact analysis (TIA)" means a traffic impact analysis
1429 specifically identifies the generation, distribution, and assignment of traffic to and from a proposed devel-
1430 opment. The purpose is to identify the traffic impacts that a proposed development will have on the existing
1431 road system network. It determines and makes recommendations of all improvements and/or mitigation
1432 measures necessary to:

1433 (a) Maintain, what the TIA considers to be, an adequate level of service (LOS) at study area intersections;
1434 and

1435 (b) Ensure safe pedestrian and vehicular ingress to and egress from the transportation system.

1436 **Transfer company.** The term "transfer company" means a company established to provide expert shipping
1437 services that include the shipping, receiving, inspection and temporary warehousing of commercial or
1438 household goods.

1439 **Transfer of development right.** The phrase "Transfer of Development Right" means the removal of a De-
1440 velopment Right from one lot or parcel which is then transferred to a different lot or parcel.

1441 **Transferable development right.** The phrase "Transferable Development Right," also known herein as
1442 "TDR," means the right to transfer a Development Right from one Lot or Parcel to another.

1443 **Transfer station.** See definition of "Solid Waste Transfer Station."

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1444 **Transportation plan.** The term "transportation plan" means a document that describes, in general, the trans-
1445 portation elements that will be involved as part of a development proposal. The plan is supplemental to an
1446 overall master plan and consists of but is not limited to the following sections: an executive summary,
1447 traffic impact analysis, list of facilities and modes of transportation, transportation orientation (i.e., pub-
1448 lic/workforce), phasing schedule and projected ridership.

1449 **Troubled youth.** The term "troubled youth" means any individual, male or female, between the ages of ten
1450 and 18 years of age who by virtue of their arrest, detention or supervision by the state department of human
1451 services for offenses other than aggravated assaults, arson, or sex offenses generally and who do not suffer
1452 from psychiatric problems which would render them a danger to themselves or others, qualify for placement
1453 in homes for troubled youth as determined by the state department of human services.

1454

1455 **Sec 101-2-22 U Definitions**

1456 **Unit, accessory dwelling.** For Accessory Dwelling Unit, see "dwelling unit, accessory."

1457 **Unit, internal accessory dwelling.** For Internal Accessory Dwelling Unit, see "dwelling unit, internal ac-
1458 cessory."

1459 **Unit, detached accessory dwelling.** For detached accessory dwelling unit, see "dwelling unit, detached
1460 accessory."

1461 **Use/activity, agriculturally related.** The term "agriculturally related use/activity" means a use or activity
1462 that is part of a specific agri-tourism operation's total offerings and is primarily tied to that farm operation's
1463 agricultural products, buildings and/or equipment. Such agriculturally related uses/activities may include,
1464 but are not limited to, petting farm/zoos, corn mazes, pumpkin patches, barn dances, sleigh/hay rides, and
1465 educational activities, such as farm tours, food preparation or ecological classes.

1466 **Use/activity, non-agriculturally related.** The term "non-agriculturally related use/activity" means a use or
1467 activity that is part of a specific agri-tourism operation's total offerings but is not tied to farming or that
1468 farm operation's agricultural products, buildings and/or equipment.

1469 **Use.** The term "use" means an activity conducted on a parcel.

1470 **Use, accessory.** The term "accessory use" means a use of land or structure, or portion thereof, customarily
1471 incidental and subordinate to the main use of the land or structure and located on the same lot or parcel with
1472 the principal use.

1473 **Use, conditional.** The term "conditional use" means a land use that, because of its unique characteristics or
1474 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in
1475 some areas or may be compatible only if certain conditions are required that mitigate or eliminate the det-
1476 rimental impacts.

1477 **Use, main.** The term "main use" means the principal purpose for which a lot, parcel or structure is designed,
1478 arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this Land
1479 Use Code. Dwellings on parcels meeting the definition of an "agricultural parcel" shall be the main use.

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1480 **Use, permitted.** The term "permitted use" means any use lawfully occupying land or buildings as authorized
1481 in the zone regulations and for which no conditional use permit is required.

1482 **Utility.** The term "utility" means utility facilities, lines, and rights of way related to the provision, distribu-
1483 tion, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water,
1484 irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication,
1485 television or telephone cable, electromagnetic waves, and electricity. See also "quasi-public."

1486 ...

1487 **Sec 101-2-24 W Definitions**

1488 **Water, irrigation.** The term "irrigation water" means water usually delivered by a non-pressurized pipe or
1489 ditch system that is typically used for crop irrigation, but which may also be used for irrigation of other
1490 vegetation.

1491 **Water, secondary.** The term "secondary water" means water delivered by a pressurized water delivery sys-
1492 tem that is used for crop or landscape irrigation and not treated for culinary drinking water purposes.

1493 **Water service provider.** The term "water service provider" means a person or entity who owns or operates
1494 a public water system, as defined by Utah Code 19-4-102, or a person or entity that supplies secondary
1495 water to more than one lot.

1496 **Weber County Commission.** The term "weber county commission" means the elected legislative body of
1497 Weber County otherwise known as the Board of Weber County Commissioners.

1498 **Weber County Planning Commission.** The term "weber county planning commission" means the planning
1499 commission of Weber County comprised of individuals officially appointed by the Weber County Com-
1500 mission.

1501 **Weeds.** The term "weed" means any undesirable plant that the Utah Commissioner of Agriculture desig-
1502 nates as noxious, and also including all green debris, such as, but not limited to, poison ivy, thistles, sticker
1503 plants, dyers woad, medusa-head rye, leafy spurge, purple loosestrife and other vegetation commonly con-
1504 sidered weeds. It also includes ungroomed grasses, but does not include crops grown as a source of food,
1505 income, or feed for livestock.

1506 **Workforce housing.** The term "workforce housing" means moderate income housing, as defined by Utah
1507 Code § 17-79-102. It shall also mean housing that is:

1508 (a) Occupied or reserved for occupancy by a household in which at least one member is a governmental
1509 agency's full time employee;

1510 (b) For a household that earns less than 100 percent of the median gross income for households of the same
1511 size in **unincorporated Weber County**; and

1512 (c) Located within two miles of the primary place of work for the governmental agency's full time em-
1513 ployee.

1514

1515 **Sec 101-2-25 X Definitions**

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COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

1516 (Reserved)

1517

1518 **Sec 101-2-26 Y Definitions**

1519 ***Yard.*** The term "yard" means the open space on a Lot that is between the main building and a Lot Line.

1520 ***Yurt.*** The term "yurt" means a circular structure which consists of a fabric cover, tension band, and wood
1521 frame that includes a lattice wall, radial rafters, and a framed door. Yurts are accessory to parks, single-
1522 family dwellings, agri-tourism, and ski resorts.

1523

1524 **Sec 101-2-27 Z Definitions**

1525 (Reserved)

1526

1527

1528

COLOR KEY: O.V. incorporation-related. Policy shift.

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1529 **TITLE 102 ADMINISTRATION**

1530

1531 **CHAPTER 102-1 GENERAL PROVISIONS**

1532

1533 **Sec 102-1-1 Purpose And Intent**

1534 The purpose of this section is to establish regulations and procedures for the processing and consideration
1535 of applications allowed by this Land Use Code.

1536 **Sec 102-1-2 Planning Division Director Authority**

1537 (a) The Planning Division Director, or his designee, is authorized to deny, approve, or approve with con-
1538 ditions an application for an administrative approval. Administrative approval can be given for the
1539 following applications:

1540 (1) Site plan approval, when required by this Land Use Code, for which the land use authority is not
1541 otherwise specified by this Land Use Code;

1542 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one
1543 acre, as provided in Section 108-1-2;

1544 (3) Home occupation, as provided in Section 108-13-2;

1545 (4) Building Parcel designation, as provided in Section 108-7-33;

1546 (5) Small subdivisions, as provided in Section 106-1-8.030 of this Land Use Code; and

1547 (6) Access to a land locked Lot or Parcel, as provided in Section 108-7-32.

1548 (b) The Planning Division Director may deny an application for an administrative approval if the use fails
1549 to comply with specific standards set forth in this Land Use Code or if any of the required findings are
1550 not supported by evidence in the record as determined by the Planning Division Director. At the dis-
1551 cretion of the Planning Division Director, the Planning Commission can hear the request for an admin-
1552 istrative approval.

1553 (c) The Planning Division Director approval process includes public notice and comment from adjacent
1554 property owners, when required by this Land Use Code or state code.

1555 **Sec 102-1-3 Fees For Processing Applications**

1556 (a) Fees for processing applications shall be established by ordinance.

1557 (b) Applications except subdivisions that have been deemed complete and have not been acted on by the
1558 appropriate board shall expire after six months. The applicant will have to submit a new application
1559 and fees to restart the process.

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1560 **Sec 102-1-4 Notice Of Decision**

1561 After reviewing the evidence and considering the application, the land use authority, as designated by this
1562 Land Use Code, shall make its findings and decision. It shall then send a notice of decision to the applicant
1563 at the address or e-mail address given in the application. A notice of decision can be a written notice of
1564 decision, a copy of the written administrative approval signed by the Planning Division Director or de-
1565 signee, or a copy of the approved minutes. A decision by the land use authority is final at the time the notice
1566 of decision is sent. If a notice of decision is not sent, and the decision was made in a meeting where minutes
1567 are kept, the decision shall be final on the date the minutes from the meeting are approved by the land use
1568 authority. The planning division shall also mail notice of any decisions to any person or agency who, in
1569 writing, requested such notification before the decision was rendered. Unless the land use authority's final
1570 decision specifies otherwise, the land use authority's decision is subject to requirements and conditions
1571 stated in the

1572 **Sec 102-1-5 Reserved**

1573 **Sec 102-1-6 Permits And Licensing**

1574 All departments, officials, and public employees of the county, which are vested with the duty or authority
1575 to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or
1576 license for uses, buildings, or purposes where the same would be in conflict with the provisions of this
1577 chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

1578 **Sec 102-1-7 Appeals**

1579 Appeals from administrative decisions shall be submitted to the planning division not more than 15 calendar
1580 days after the date of the written notice of decision in accordance with Section 102-3-5. Appeals from
1581 administrative decisions shall be heard by the board of adjustment.

1582 **Sec 102-1-8 Temporary Exceptions**

1583 The County Commission has the authority to grant, by motion, temporary exceptions from any term or
1584 condition of this Land Use Code for a period not to exceed three months in duration. Time may be extended
1585 for an additional three months by the County Commission, for a total duration for any one tract of land not
1586 to exceed six months. The granting of a temporary exception may be made by the County Commission with
1587 or without a recommendation from the Planning Commission. Such temporary exceptions may be granted
1588 upon the County Commission determining that such a temporary exception is justified because of some
1589 extraordinary, or emergency situation, or act of God situation, and that the health, safety, convenience,
1590 order, and welfare of the inhabitants of the county will not be substantially affected, if such temporary
1591 exception is granted.

1592 **Sec 102-1-9 (Reserved)**

1593

1594

1595

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CHAPTER 102-2 PLANNING COMMISSION

Sec 102-2-1 Purpose And Intent

This chapter defines the jurisdiction of the Weber County Planning Commission. It also outlines the organization, membership, and powers and duties of the Planning Commission.

Sec 102-2-2 Planning Commission Jurisdiction

Pursuant to state law, Weber County has established a single Weber County Planning Commission that has jurisdiction over all of the unincorporated area in Weber County.

Sec 102-2-3 Planning Commission Membership And Organization

(a) The Planning Commission shall consist of seven members.

(1) Each member of the Planning Commission shall be a registered voter residing within the unincorporated area of Weber County.

(2) Members shall be nominated by the County Commission, from a list of applicants. Appointments shall be approved during a public meeting by a majority vote of the County Commission.

(3) Planning commission members shall serve for a term of four years, with terms expiring on June 30. Expiration of terms shall be staggered so that an overlapping of terms occurs. Initial appointments, at the time of the creation of the Planning Commission, may be longer or shorter than four years, but no longer than five years, to account for the need to stagger terms and have them expire on June 30.

(4) Any mid-term vacancy on the Planning Commission shall be filled by the County Commission by appointing a new member to fill the remainder of the unexpired term.

(5) The members of the Planning Commission shall regularly attend Planning Commission meetings.

a. Missing three or more Planning Commission meetings during a six-month period shall be considered grounds for removal from service. If a member misses three meetings within a six-month period, the planning division staff shall notify the County Commission, who shall then determine, at their sole discretion, by majority vote during a public meeting, whether or not to remove the member from the Planning Commission.

b. Regular in-person attendance is also expected, when Planning Commission meetings are held in person. A member may attend such meetings via video conference or telephone or other electronic means, with the permission of the Planning Division Director, up to two times per calendar year. If a member requests permission to attend such a meeting electronically more than twice in one year, the Planning Division Director shall communicate the request to the County Commission, who shall decide whether or not to grant the request.

(b) The Planning Commission shall annually elect a chairperson and a vice-chairperson from its membership.

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1631 (c) Members of the Planning Commission shall be subject to all applicable state and county laws, including
1632 laws regarding conflicts of interest and ethics. A violation of such provisions shall be grounds for re-
1633 moval from the Planning Commission. The Planning Commission will also be governed by the Plan-
1634 ning Commission rules of order adopted by the County Commission. If conflicts exist, state law and
1635 county ordinances will prevail over the Planning Commission rules of order.

1636 (d) Planning commissioners serve at the will and pleasure of the County Commission.

1637 (1) The County Commission may remove or replace any commission member, by a majority vote of
1638 the County Commission during a public meeting, for any reason or no reason.

1639 (2) References in this section, or in other parts of the Weber County Code, to circumstances that create
1640 grounds for removal of a Planning Commission Member are not intended to limit the County Com-
1641 mission's authority to remove a Planning Commission Member for any reason or no reason.

1642 (3) Nothing in the Weber County Code is intended to confer upon Planning Commission Members any
1643 due process rights, or any expectation or entitlement to continued service on the Planning Commis-
1644 sion.

1645 **Sec 102-2-4 Powers And Duties Of The Planning Commission**

1646 The Planning Commission shall have such powers and duties as are or may be prescribed by the Utah Code
1647 and as provided in the Ordinances of Weber County.

1648 (a) The Planning Commission shall review the general plan(s) and make recommendations to the County
1649 Commission, as deemed necessary, to keep the general plan(s) current with changing conditions, trends,
1650 and planning needs of the county. Before doing so, the Planning Commission shall obtain the consent
1651 of the County Commission, to ensure that resources are available and are prioritized appropriately.

1652 (b) The Planning Commission shall be an advisory board to the County Commission, and shall make rec-
1653 ommendations regarding:

1654 (1) Amendments to the zoning map.

1655 (2) Amendments to any land use regulation.

1656 (c) The Planning Commission shall fulfill its administrative responsibilities as prescribed in this Land Use
1657 Code.

1658 (d) The Planning Commission may recommend to the legislative body:

1659 (1) To support or oppose a proposed incorporation of an area located within Weber County; or

1660 (2) To file a protest to a proposed annexation of an area located within Weber County.

1661 (e) The Planning Commission, in exercise of its power, shall seek to cooperate with other governmental
1662 entities and shall seek to develop compatible plans for the future development of the county.

1663 (f) The Planning Commission shall make other recommendations as requested by the County Commission
1664 or designated by the Utah Code.

1665 **Sec 102-2-5 Decisions Of The Planning Commission**

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1666 (a) The decisions of the Planning Commission shall take effect on the date of the meeting or hearing where
1667 the decision is made, except that Section 102-1-4 of the Weber County Code governs the finality of
1668 decisions made when the Planning Commission is acting as a land use authority. The notice of decision
1669 shall reflect the decision date.

1670 (b) Pursuant to Utah Code Section 17-79-502, the County Commission may, at its discretion, consider the
1671 Planning Commission's failure to make a timely recommendation on a proposed land use regulation or
1672 land use regulation amendment as a negative recommendation. For purposes of this subsection, the
1673 Planning Commission fails to make a timely recommendation if it has not made a recommendation
1674 within two months after holding a public hearing on the proposal, or within three months after the
1675 County Commission makes a written request for the Planning Commission to make a recommendation
1676 on the proposal, whichever occurs first.

1677 **Sec 102-2-6 Meetings**

1678 A quorum of four planning commissioners is needed to conduct the business of the Planning Commission.
1679 Each meeting of the Planning Commission shall be held in the following manner:

1680 (a) The Planning Commission shall meet in the County Commission chambers or in some other specified
1681 location and at such intervals as may be necessary to orderly and properly transact the business of the
1682 Planning Commission. The adopted rules of order shall govern the times and locations of these meet-
1683 ings.

1684 (b) Meetings shall be held in accordance with the open meetings law and be properly noticed consistent
1685 with state code.

1686 (c) The minutes of all meetings of the Planning Commission shall be prepared and filed in the office of the
1687 planning division. All public records shall be available for public review and access in accordance with
1688 the Government Records and Access Management Act, Utah Code Title 63G, Chapter 2.

1689 **Sec 102-2-7 (Reserved)**

1690 **Sec 102-2-8 Appointment Of Planning Commission Members**

1691 Appointment preference shall be given to encourage diverse background skills, work experience, and life
1692 experience among the members of the Planning Commission.

1693 **Sec 102-2-9 (Reserved)**

1694 **Sec 102-2-10 Policies And Procedures**

1695 (a) Pursuant to state law, the County Commission shall enact an ordinance that defines the Planning Com-
1696 mission rules of order, including the organization and procedures of the Planning Commission.

1697 (b) The County Commission shall also adopt such policies and procedures as it deems necessary to provide
1698 for:

1699 (1) The planning division support staff;

1700 (2) The funding of necessary and reasonable expenses of the Planning Commission; and

1701 (3) Any other purposes considered necessary to the functioning of the Planning Commission.

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CHAPTER 102-3 BOARD OF ADJUSTMENT

Sec 102-3-1 Purpose And Intent

The purpose and intent of this chapter is to establish rules and procedures, consistent with state code, which govern the board of adjustment in considering appeals from decisions applying and interpreting this Land Use Code and Zoning Maps, and variances from the requirements of this Land Use Code. The board of adjustment serves as the county's final arbiter of issues involving the interpretation or application of this Land Use Code.

Sec 102-3-2 Board Membership And Organization

(a) The board of adjustment shall consist of five members and two alternate members from the unincorporated area of the county.

(1) Board members shall be appointed by a simple majority vote of the County Commission.

(2) Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.

(3) Any vacancy occurring on the board shall be filled via appointment by a simple majority vote of the County Commission. Any vacancy occurring because of resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.

(b) The board of adjustment shall annually elect a chairperson and vice-chairperson from its membership. Each officer shall hold office for a one-year period and not longer than two years consecutively.

(c) Members of the board of adjustment shall be subject to all applicable county ordinances regarding conflicts of interest and ethics. A violation of these provisions shall be grounds for removal from the board of adjustment. The County Commission may remove or replace any board member for cause. Removal or replacement of a board member requires a majority vote of the full County Commission in a public meeting.

Sec 102-3-3 Duties And Powers Of The Board

The board of adjustment shall have the following duties and powers:

(a) To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.

(b) To hear and decide variances from the requirements of the Land Use Code.

Sec 102-3-4 Decision Criteria And Standards

(a) Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.

(1) The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.

(2) The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

-
- 1737 (3) The appellant has the burden of proof that the land use authority erred.
- 1738 (4) All appeals to the board of adjustment shall be filed with the planning division not more than 15
- 1739 calendar days after the date of the written decision of the land use authority.
- 1740 (5) Appeals to the board of adjustment shall consist of a review of the record. In cases where there is
- 1741 no record to review, the appeal shall be heard de novo.
- 1742 (b) Variances from the requirements of the Land Use Code.
- 1743 (1) Any person or entity desiring a waiver or modification of the requirements of the Land Use Code
- 1744 as applied to a parcel of property that they own, lease, or in which they hold some other beneficial
- 1745 interest may apply to the board of adjustment for a variance from the terms of the Land Use Code.
- 1746 (2) The board of adjustment may grant a variance only if the following five criteria are met:
- 1747 a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant
- 1748 that is not necessary to carry out the general purpose of the Land Use Code.
- 1749 1. In determining whether or not enforcement of the land use ordinance would cause unrea-
- 1750 sonable hardship, the appeal authority may not find an unreasonable hardship unless the
- 1751 alleged hardship is located on or associated with the property for which the variance is
- 1752 sought, and comes from circumstances peculiar to the property, not from conditions that
- 1753 are general to the neighborhood.
- 1754 2. In determining whether or not enforcement of the land use ordinance would cause unrea-
- 1755 sonable hardship, the appeal authority may not find an unreasonable hardship if the hard-
- 1756 ship is self-imposed or economic.
- 1757 b. There are special circumstances attached to the property that do not generally apply to other
- 1758 properties in the same zone.
- 1759 1. In determining whether or not there are special circumstances attached to the property, the
- 1760 appeal authority may find that special circumstances exist only if the special circumstances
- 1761 relate to the hardship complained of, and deprive the property of privileges granted to other
- 1762 properties in the same zone.
- 1763 c. Granting the variance is essential to the enjoyment of a substantial property right possessed by
- 1764 other property in the same zone.
- 1765 d. The variance will not substantially affect the general plan and will not be contrary to the public
- 1766 interest.
- 1767 e. The spirit of the land use ordinance is observed and substantial justice done.
- 1768 (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have
- 1769 been met.
- 1770 (4) Variances run with the land.
- 1771 (5) The appeal authority may not grant a use variance.
-

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1772 (6) In granting a variance, the appeal authority may impose additional requirements on the applicant
1773 that will:

1774 a. Mitigate any harmful effects of the variance; or

1775 b. Serve the purpose of the standard or requirement that is waived or modified.

1776 **Sec 102-3-5 Procedure**

1777 The board of adjustment shall adopt rules and regulations, consistent with Utah state code and Weber
1778 County ordinances, for conducting its business and may amend such rules from time to time. Such rules
1779 may include policies and procedures for the conduct of its meetings, the processing of applications, the
1780 handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

1781 (a) *Application and notice.*

1782 (1) Any person or entity wishing to petition the board of adjustment for an appeal or interpretation of
1783 the Land Use Code or Zoning Maps, or for a variance from the requirements of the Land Use Code
1784 may commence such action by completing the proper application and submitting it to the county
1785 planning division office. Applications must be submitted at least 30 days prior to the date of the
1786 meeting at which the application will be considered. The application must clearly explain the ap-
1787 peal, interpretation, or variance being requested, and must be accompanied by the required fee and
1788 applicable supporting information.

1789 (2) After a complete application has been submitted and accepted, the planning division shall prepare
1790 a staff report to the board of adjustment, schedule a meeting of the board, and send notice to prop-
1791 erty owners within 500 feet of the parcel on which the request has been made. Notice may be sent
1792 to other interested persons or organizations upon written request.

1793 (b) *Meeting.* The board of adjustment shall hold a public meeting to decide upon the appropriate action to
1794 be taken on an appeal, variance, or interpretation request. The concurring vote of at least three of the
1795 five board members is required to decide in favor of the request.

1796 (c) *Decision and minutes.*

1797 (1) After the board of adjustment has made a decision, a notice of decision shall be prepared by the
1798 planning division, signed by the board of adjustment chair or the chair's designee, and sent to the
1799 appellant in accordance with section 102-1-4. This notice acts as the board's written decision for an
1800 appeal, variance, or interpretation request. Decisions of the board of adjustment shall be final at the
1801 time a notice of decision is issued.

1802 (2) The minutes of all meetings of the board of adjustment shall be prepared and filed in the county
1803 planning division office. The minutes shall be available for public review and access in accordance
1804 with the Government Records and Access Management Act.

1805 (d) *Expiration.*

1806 (1) If the board has decided in favor of a variance request, the approval is valid for a period of 18
1807 months. If an approved variance request has not been acted upon within this time frame, the ap-
1808 proval shall expire and become void.

COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

- 1809 (2) If the board has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation
1810 is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the
1811 conditions upon which the interpretation or decision was made.
- 1812 (e) *Appeal of decision.* Appeals from decisions of the board of adjustment are made directly to the district
1813 court as designated in the state code.
- 1814

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CHAPTER 102-4 PERMITS REQUIRED AND ENFORCEMENT

Sec 102-4-1 Purpose And Intent

The purpose of this chapter is to establish the requirements for land use permits from the planning division and building permits from the building division. This chapter identifies the responsibilities for enforcing the requirements of this Land Use Code and the penalties for violating this Land Use Code.

Sec 102-4-2 Land Use Permit Required

- (a) In order to verify compliance with applicable regulations, all land uses that require a land use permit or conditional use permit by this Land Use Code are prohibited until a land use permit or conditional use permit has received final written approval from the appropriate land use authority.
- (b) No structure, including agricultural structures, shall be constructed, changed in use, or altered, as regulated by this Land Use Code, until and unless a land use permit or, if applicable, a conditional use permit, has received final written approval from the appropriate land use authority.
- (c) No application for permits or approvals governed by this Land Use Code shall be approved for any lot or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as part of the application, are resolved, unless approval of the application will resolve all of the existing violations.

Sec 102-4-3 Land Use Permit Revocation

As used in this section, the term "permit" shall mean a land use permit, conditional use permit, license, or any other final written approval that is authorized by this Land Use Code. A permit may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:

- (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- (b) The land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
- (c) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
- (d) Revocation of a permit is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to Title 102, Chapter 3.
- (e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.

Sec 102-4-4 Code Enforcement

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1851 (a) *General penalty; continuing violations.*

1852 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use
1853 Code" means:

1854 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a misdemeanor by
1855 the Land Use Code or by rule or regulation authorized by the Land Use Code;

1856 b. Failure to perform an act that is required to be performed by the Land Use Code or by rule or
1857 regulation authorized by the Land Use Code; or

1858 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or unlawful by
1859 the Land Use Code or by rule or regulation authorized by the Land Use Code.

1860 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use
1861 Code" does not include the failure of a county government officer or county government employee
1862 to perform an official duty unless this Land Use Code specifically provides that failure to perform
1863 the duty is to be punishable as provided in this section.

1864 (3) Unless more specifically provided for in this Land Use Code, the violation of any provision of this
1865 Land Use Code may be punished as a class C misdemeanor or by imposition of a civil penalty, or
1866 both.

1867 (4) If prosecuted as a misdemeanor, each day any violation of this Land Use Code continues shall
1868 constitute a separate offense. Any violation of this Land Use Code that constitutes an immediate
1869 danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the
1870 county for such purposes, or addressed through any other lawful action.

1871 (5) The imposition of a criminal or civil penalty under the provisions of this Land Use Code shall not
1872 prevent the revocation or suspension of any license, franchise, or permit issued or granted under
1873 the provisions of this Land Use Code.

1874 (6) The provisions of this Land Use Code may also be enforced and violations punished by any of the
1875 following methods:

1876 a. To remedy a violation of this Land Use Code, the county may order discontinuance of the use
1877 of any land, body of water, or building; the removal of any building, addition, or other structure;
1878 the discontinuance of any work being done; or any lawful act.

1879 b. Specific provisions of this Code may provide for additional remedies.

1880 (b) *Authorization of code enforcement official, powers and duties.* The county's Planning Division Director
1881 or designee is designated as the code enforcement official and is, empowered, and directed to enforce
1882 this Land Use Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided
1883 by law. The county's code enforcement official is hereby authorized empowered, and directed to make
1884 inspection of properties within the unincorporated area of the county to determine whether there is any
1885 violation of this Land Use Code. This authorization extends to all methods of inspection allowed under
1886 the state and federal constitutions.

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- 1887 (c) *Notice of violation, time to comply.* When a violation is found, before taking any other enforcement
1888 action the code enforcement official shall serve notice of the violation in writing to the owner or occu-
1889 pant of the land. The notice shall:
- 1890 (1) Be delivered personally or by certified mail to the owner or occupant at the last known post office
1891 address as disclosed by the records of the county recorder or assessor;
- 1892 (2) State the specific code or codes being violated and explain the nature and extent of the violation;
1893 and
- 1894 (3) State that the owner or occupant, as the case may be, shall correct or remove the violation no later
1895 than 14 days after notice of the violation has been delivered personally or mailed.
- 1896 (d) *Alternative time to comply.* Within the 14 days as specified in section 102-4-4(c), the owner or occupant
1897 may arrange an alternative remedial schedule with the code enforcement official. The alternative reme-
1898 dial schedule shall be no greater than is reasonable and necessary given the extent of the violation and
1899 the owner or occupant's ability to cure.
- 1900 (e) *Single notice sufficient.* One notice shall be deemed sufficient on any lot or parcel of property and the
1901 subsequent lapse of the notice period shall empower the county to take other and further action as may
1902 be lawful.
- 1903 (f) *Administrative citation and fines.* After issuance of a notice of violation, as specified in Section 102-4-
1904 4(c), and at the discretion of the code enforcement official, an administrative citation and fine may be
1905 issued for any violation of this code.
- 1906 (1) The fine schedule is as follows:
- 1907 a. First administrative citation: \$100.00 per violation per day.
- 1908 b. Second administrative citation: \$200.00 per violation per day.
- 1909 c. Third or subsequent administrative citation: \$400.00 per violation per day.
- 1910 (2) An additional administrative citation specified by this section 102-4-4(f) occurs in circumstances
1911 when an earlier administrative citation has:
- 1912 a. Not been resolved to the satisfaction of the code enforcement official for a period of 60 days
1913 from the date of the previous administrative citation; or
- 1914 b. Been resolved to the satisfaction of the code enforcement official but the same violation reoc-
1915 curs within 12 months of the first administrative citation.
- 1916 (3) If a property owner or occupant fails to pay a fine issued under this section, the county may take
1917 reasonable steps to collect the fine. If the fine remains unpaid, the county may petition the applica-
1918 ble court for a judgment against the owner or occupant in the amount of the unpaid fine. If the
1919 county also files a petition under section 102-4-4(g), the two petitions may be combined into one
1920 action.
- 1921 (g) *Abatement.* If a property owner or occupant fails to correct or remove the violation from the property
1922 after receiving an administrative citation, the county may petition the applicable court for a judicial
-

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- 1923 order enabling the county to remove some or all violations from the property and ordering the property
1924 owner or occupant to pay all costs associated with correcting the violation. If any violation of this Land
1925 Use Code constitutes a nuisance under the provisions of State Law, the county may take any action as
1926 authorized by law in addition to any other penalty imposed pursuant to this section.
- 1927 (h) *Judgment lien*. Once a judicial order has been obtained under this section, ordering a property owner
1928 or occupant to pay fines or abatement costs, the code enforcement official shall record a judgment lien
1929 against any real property owned by the responsible party, to the extent allowed by law.
- 1930 (i) *Removal of judgement lien*. Once payment is received for all outstanding fines, costs, and penalties,
1931 including the county's cost for abatement if applicable, and the terms of the judicial order are deemed
1932 satisfied, the code enforcement official shall record a notice of satisfaction of judicial order and shall
1933 release the lien as required by law.
- 1934 (j) *Appeals*. A violation determination under this section shall only be appealable to district court.
- 1935 **Sec 102-4-5 Building Permit Required**
- 1936 Building permits, as specified by the county, are required for any construction, alteration, repair, removal,
1937 or occupancy of any structure. Construction shall not be commenced, except after the issuance of a written
1938 permit by the County Building Official.
- 1939 **Sec 102-4-6 Permits To Comply With Ordinance**
- 1940 The County Building Official shall not grant a permit for the construction or alteration of any building or
1941 structure if such construction or alteration is in violation of any provision of this Land Use Code; nor shall
1942 any county official grant any permit or license for the use of any building or land if such use would be in
1943 violation of this Land Use Code.
- 1944 **Sec 102-4-7 Powers And Duties Of Building Official**
- 1945 It shall be the duty of the County Building Official to inspect or cause to be inspected all Setbacks of
1946 buildings in the course of construction or repair. The County Building Official shall assist in the enforce-
1947 ment of all provisions of this chapter. The County Building Official shall not issue any permit unless the
1948 plans of, and for, the proposed erection, construction, reconstruction, alteration and use fully conform to
1949 this Land Use Code.

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1950 **CHAPTER 102-5 REZONING PROCEDURES**

1951

1952 **Sec 102-5-1 Purpose And Intent**

1953 Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning
1954 efforts of the 1950s and 1960s. The purpose of this chapter is to establish a legislative means by which
1955 applications to the county are processed to change zoning. Rezoning is intended to implement the adopted
1956 general plan.

1957 **Sec 102-5-2 Development To Be In Conformance To The General Plan**

1958 Rezoning of property should further the purpose of the zoning regulations listed in Section 101-1-2 of the
1959 county's Land Use Code by complying with the county's general plan.

1960 **Sec 102-5-3 Reserved**

1961

1962 **Sec 102-5-4 Application Requirements**

1963 (a) ***Application initiation.*** A rezoning application may be initiated by an owner of any property or any
1964 person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.

1965 (b) ***Application preparation and submittal requirements.*** An application for a rezoning shall be prepared
1966 and submitted on forms provided by the planning division. The application shall be accompanied with
1967 the following information:

1968 (1) The application shall be signed by the landowner or their duly authorized representative and shall
1969 be accompanied by the necessary fee as shown within the applicable fee schedule.

1970 (2) A conceptual street, pathway, trail, and accessway or Alley connectivity plan showing how the
1971 project or a future project can connect to existing, proposed, and potential future streets, pathways,
1972 trails, and accessways or Alleys.

1973 (3) A proposed parks and open space plan, including land, infrastructure, or monetary donations in-
1974 tended to be given to the park district, county, or other entity for the purpose of providing parks or
1975 open spaces.

1976 (4) A narrative explaining the planned or potential future access to culinary and secondary water facil-
1977 ities, and wastewater disposal facilities.

1978 (5) A proposed rezone may be required to be accompanied by a concept development plan in accord-
1979 ance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development
1980 plan, may be required.

1981 (6) The applicant shall provide a narrative explaining:

1982 a. The vision for the proposed zone change and, if known, the proposed development.

1983 b. How the change is in compliance with the general plan, or if not, the public interest the change
1984 is intended to address.

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- 1985 c. Why the present zoning should be changed to allow the rezone.
- 1986 d. How the change is in the best interest of the public.
- 1987 e. The conditions and circumstances in the general area that have changed to warrant the rezone.
- 1988 f. The reasons or ways the rezone will promote the health, safety and general welfare of the in-
- 1989 habitants of the county.
- 1990 (c) **Supplemental application requirements.**
- 1991 (1) For a rezone application of a large master planned area or for a rezone to the Destination and Rec-
- 1992 reation Resort Zone, the additional information in Subsection (c)(3) of this section shall be submit-
- 1993 ted with the initial rezone application.
- 1994 (2) For a rezone other than those specified in Subsection (c)(1) of this section, after submittal of the
- 1995 initial rezone application, the additional information in Subsection (c)(3) of this section shall be
- 1996 submitted if requested by the Planning Division Director, Planning Commission, or County Com-
- 1997 mission at any point during the rezone procedure.
- 1998 (3) Supplemental application information.
- 1999 a. A concept development plan, which shall include the project's conceptual layout and shall in-
- 2000 clude a mapped depiction of potential geologic hazards as identified in Title 108, Chapter 22.
- 2001 b. If the land is located within an existing or future service area of a local water or sewer service
- 2002 provider, a letter of acknowledgment and conditions of future service.
- 2003 c. A narrative from the project engineer discussing the feasibility for the mitigation of stormwater
- 2004 runoff.
- 2005 d. Traffic impact analysis.
- 2006 e. Cost benefit analysis.
- 2007 f. Recreation facilities plan.
- 2008 g. Workforce housing plan.
- 2009 h. Emergency services plan including a letter of feasibility from the Weber fire district and Weber
- 2010 County sheriff's office.
- 2011 i. Letter of feasibility from the electrical power provider.
- 2012 j. Density calculation table showing proposed density calculations.
- 2013 k. Thematic renderings demonstrating the general vision and character of the proposed develop-
- 2014 ment.
- 2015 (d) **File format.** All documents submitted as part of the application shall be in a PDF formatted file.
- 2016 **Sec 102-5-5 Concept Development Plan**
- 2017 (a) A concept development plan may be required to be submitted with a rezoning application to any zone,
- 2018 as provided in Section 102-5-6. The concept development plan shall supply sufficient information about
-

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-
- 2019 the development to assist the Planning Commission and County Commission in making a decision on
2020 the rezoning application. Information supplied shall include text and illustration identifying or showing:
- 2021 (1) Inventory of general land use types located within the project and the surrounding area.
2022 (2) Approximate locations and arrangements of buildings, structures, facilities and open space.
2023 (3) Architectural rendering of proposed buildings, structures, facilities and open space within
2024 the project.
2025 (4) Access and traffic circulation patterns and approximate location of parking.
2026 (5) A written description explaining how the project is compatible with surrounding land uses.
2027 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
2028 (7) Existing and proposed infrastructure.
2029 (8) Project density and mass/scale in comparison to the existing developed area adjacent to the
2030 proposed rezone.
2031 (9) Legal description of the property being proposed for rezone.
- 2032 (b) The applicant/owner, and any assignee or successor in interest, is required to develop only in accord-
2033 ance with the proposals outlined in the plan. Any materially different concept, use, building arrange-
2034 ment, etc., will not be approved nor will building permits be issued by the county until such plan is
2035 amended by the County Commission after recommendation of the Planning Commission. Minor
2036 changes may be approved by the Planning Division Director. If the county denies such changes or
2037 amendments and/or the concept plan is abandoned, the county may institute steps to revert the zoning
2038 to its former or other appropriate zone. The information shown on the concept plan may vary in detail
2039 depending on the size of projects.
- 2040 **Sec 102-5-6 Rezone Procedure**
- 2041 (a) ***Preapplication meeting; concept plan requirement.*** Prior to submittal of a rezone application, the ap-
2042 plicant shall attend a pre-application meeting in which the proposal is discussed with County planning
2043 staff. After the pre-application meeting, the Planning Division Director or designee may require a con-
2044 cept development plan to be submitted with the application. After application submittal, if no concept
2045 plan was previously required, the Planning Division Director or designee, the Planning Commission,
2046 or the County Commission may require a concept development plan or any other information to address
2047 emerging impacts.
- 2048 (b) ***Application process.*** A rezone application is not entitled to be reviewed until it meets the requirements
2049 outlined in Section 102-5-4 of this chapter, and after the application is deemed complete by the Planning
2050 Division Director or designee. Once complete, the application is entitled to be processed in the follow-
2051 ing manner:
- 2052 (1) ***Planning Commission review and recommendation.*** Upon receiving a recommendation from staff
2053 regarding a rezone application, and after holding a public hearing pursuant to State Code, the Plan-
2054 ning Commission shall review the application and prepare its recommendation. The Planning Com-
-

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- 2055 mission may recommend approval, approval with modifications, or denial of the proposed amend-
2056 ment. The Planning Commission's recommendation shall then be submitted to the County Com-
2057 mission for review and decision.
- 2058 (2) **County Commission review and decision.** Upon receiving a recommendation from the Planning
2059 Commission regarding a rezone application, the County Commission shall schedule and hold a
2060 public hearing to review and make a decision on the application. Following the public hearing the
2061 County Commission may approve, approve with modifications, or deny the proposed amendment.
2062 Prior to making a decision that goes contrary to the Planning Commission's recommendation, the
2063 County Commission may, but is not obligated to, remand the application to the Planning Commis-
2064 sion with a request for another recommendation with additional or specific considerations.
- 2065 (3) **Decision criteria.** A decision to amend the zoning map is a matter committed to the legislative
2066 discretion of the County Commission and is not controlled by any one standard. However, in mak-
2067 ing an amendment, the County Commission and Planning Commission are encouraged to consider
2068 the following factors, among other factors they deem relevant:
- 2069 a. Whether the proposed amendment is consistent with goals, objectives, and policies of the
2070 County's general plan.
- 2071 b. Whether the proposed amendment is compatible with the overall character of existing devel-
2072 opment in the vicinity of the subject property, and if not, consideration of the specific incom-
2073 patibilities within the context of the general plan.
- 2074 c. The extent to which the proposed amendment may adversely affect adjacent property.
- 2075 d. The adequacy of facilities and services intended to serve the subject property, including, but
2076 not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater
2077 drainage systems, water supplies, wastewater, and refuse collection.
- 2078 e. Whether the proposed rezone can be developed in a manner that will not substantially degrade
2079 natural/ecological resources or sensitive lands.
- 2080 f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminish-
2081 ing below an acceptable level of service.
- 2082 (4) **Supplementary approval considerations for a destination and recreation resort zone.** The Plan-
2083 ning Commission and County Commission are also encouraged to consider the following factors,
2084 among other factors they deem relevant, when making an amendment to the DRR-1 zone:
- 2085 a. Whether a professional and empirical study has provided substantial evidence determining that
2086 the proposed resort is viable and contributes to the surrounding community's economic well-
2087 being.
- 2088 b. Whether the natural and developed recreational amenities, provided by the resort, will consti-
2089 tute a primary attraction and provide an exceptional recreational experience by enhancing pub-
2090 lic recreational opportunities.
- 2091 c. Whether the proposed resort's seasonal workforce housing plan will provide a socially, eco-
2092 nomically, and environmentally responsible development.
-

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2093 (5) **One-year period before reapplication if denied.** Where a rezoning application has been denied, the
2094 County shall not accept a substantially similar zoning amendment application within one (1) year
2095 of a denial unless there is a substantial change of conditions since the earlier application. A new
2096 application, with the applicable fee, shall be required and processed in accordance with the proce-
2097 dure outlined in this section.

2098 (c) **Application expiration.** Rezoning applications shall expire 18 months after submittal, if not acted upon.
2099 The Planning Division Director may extend the expiration date for six months for just cause.

2100 (d) **Notice.** The first public hearing regarding the rezone shall be noticed as required by State Code, and
2101 mailed to the owner of record of each parcel within 500 feet of the boundary of the area proposed to be
2102 rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public hear-
2103 ing.

2104
2105 **Sec 102-5-7 Approved Development Proposals**

2106 After rezoning is granted, applications for development within the rezoned area shall be reviewed as re-
2107 quired by the Land Use Code. An application for development shall be consistent with the approved concept
2108 development plan and development agreement, if applicable.

2109 **Sec 102-5-8 Development Agreement**

2110 The County Commission may require an applicant, at the time of zoning approval, to enter into a zoning
2111 development agreement as outlined in Title 102, Chapter 6. Any rezone that is conditioned on a concept
2112 development plan requires a development agreement in order for the concept development plan to govern
2113 the development.

2114 **Sec 102-5-9 Rezone Expiration And Reversion**

2115 (a) Unless authorized otherwise in an adopted development agreement, a rezone that is approved based on
2116 a concept development plan, as provided in Section 102-5-5, shall by default expire after three years of
2117 no substantial construction action toward installing the improvements depicted in the development plan.
2118 For the purpose of this section, "substantial construction action" shall mean the actual installation, in-
2119 spection, and acceptance by the County Engineer of a subdivision or development improvement, as
2120 provided in Title 106, Chapter 4.

2121 (b) A request for an extension, if applicable, shall be submitted to the Planning Division in writing with a
2122 new rezone fee. After receiving recommendation from the Planning Commission, the County Commis-
2123 sion may extend the rezone expiration timeframe if the County Commission determines that nothing
2124 has substantially changed since the original approval that would alter the outcome of a resubmittal of
2125 the same rezone application and concept development plan.

2126 (c) Unless authorized otherwise in an adopted development agreement, upon expiration, the zone shall
2127 immediately and automatically revert back to the zone or zones that existed prior to the rezone approval.

2128 (d) Nothing in this part shall be construed to limit the County Commission's legislative authority to rezone
2129 the property in the future.

2130

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2131 **Sec 102-5-10 Rezone Of Property Disconnecting From Incorporated Cities**

2132 Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county
2133 planning division. Prior to any disconnection, the subject property needs to comply with its current city
2134 zoning and approved site plan.

2135

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2137 **CHAPTER 102-6 DEVELOPMENT AGREEMENTS**

2138

2139 **Sec 102-6-1 Purpose And Intent**

2140 The purpose of this chapter is to provide procedures and minimum standards for the review, consideration,
2141 and possible approval of development agreements by the County Commission. A development agreement
2142 may only be approved, if in the opinion of the County Commission, such development agreement is found:

2143 (a) To recognize the intended character of the subject property by tailoring development standards and
2144 requirements that provide more desirable land use planning and regulatory standards than would be
2145 possible under the county's existing land use ordinances; or

2146 (b) To advance the policies of the county.

2147

2148 **Sec 102-6-2 Applicability**

2149 (a) Unless expressly required elsewhere in this Land Use Code, a development agreement is an optional
2150 land use regulatory tool that may be used, at the discretion of the County Commission.

2151 (b) All persons entering into a development agreement with the county must have a legal or equitable
2152 interest in the property that is the subject of the development agreement.

2153 (c) The County Commission may require additional provisions and requirements depending on the nature
2154 and scope of the parcel(s) affected and the particular purposes and intent(s) of the development agree-
2155 ment.

2156

2157 **Sec 102-6-3 Minimum Requirements**

2158 All development agreements entered into by the county shall, at a minimum, comply with the following
2159 standards:

2160 (a) Be in writing.

2161 (b) Provide an accurate legal description of the subject property and the names of all legal and equitable
2162 owners.

2163 (c) Provide a concept plan including, but not limited to, the location and arrangement of all allowed uses,
2164 traffic circulation patterns, buildings, and all required dedications and improvements

2165 (d) Provide the terms of the agreement, including any extension requirement(s).

2166 (e) Identify all allowed uses for the subject property and the procedures required for the approval of each
2167 use.

2168 (f) Identify development standards that will be implemented, including the timing and obligations associ-
2169 ated with the provision of necessary infrastructure and services.

2170 (g) Provide for the provision and installation of required public infrastructure and services.

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-
- 2171 (h) Provide a listing of all features and facilities being voluntarily provided to the county, or other public
2172 or private agency.
- 2173 (i) Provide a description of any reservation or dedication of lands for public purposes.
- 2174 (j) Identify enforcement mechanisms determined necessary to ensure compliance.
- 2175 (k) Provide for the recording of the approved development agreement in the office of the Weber County
2176 recorder.
- 2177 (l) Include any requirements and conditions identified by the County Commission determined necessary
2178 to advance the interests of the county or to protect the public health, safety, and welfare, of the county
2179 and its residents.
- 2180 (m) Include a clause that states that in the event a development agreement is terminated as a result of non-
2181 compliance by the subject property owner, the subject property shall revert to the zoning district desig-
2182 nation that existed prior to the enactment of the development agreement.

2183

2184 **Sec 102-6-4 Development Agreement Procedures**

- 2185 (a) The County Commission, as the legislative body, shall consider a development agreement at a regular
2186 commission meeting. If a development agreement contains any provision proposing to amend the
2187 county general plan or land use ordinance, including zoning designation of the subject property, the
2188 procedures of the county required for a general plan or land use ordinance amendment shall be followed,
2189 including complying with all noticing and public hearing requirements.
- 2190 (b) After consideration of materials, the Commission may approve or deny the proposed development
2191 agreement, with or without requirements and conditions and with necessary findings. If approved, the
2192 County Commission Chair, on behalf of the county, and the applicant shall sign and execute the devel-
2193 opment agreement, as approved.
- 2194 (c) Within fourteen (14) business days of signature by the County Commission Chair and the applicant,
2195 the development agreement shall be recorded in the Office of the County Recorder. The recorded agree-
2196 ment constitutes the official document of the county.
- 2197 (d) The County Commission, in considering a development agreement, may request a recommendation of
2198 the Planning Commission on planning concerns, allowed uses, or other development matters that may
2199 be associated with the proposed development agreement.
- 2200 (e) In reviewing a proposed development agreement, the County Commission may consider, but shall not
2201 be limited to considering, the following:
- 2202 (1) Public impacts and benefits.
- 2203 (2) Adequacy in the provision of all necessary public infrastructure and services.
- 2204 (3) Appropriateness and adequacy of environmental protection measures.
- 2205 (4) Protection and enhancements of the public health, welfare, and safety, beyond what is provided by
2206 the existing land use ordinances.

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2207

2208 **Sec 102-6-5 Effect Of Approval**

2209 (c) An approved and recorded development agreement shall be controlling for the subject property, and
2210 shall modify the county's land use ordinances to the extent specifically identified by the development
2211 agreement.

2212 (d) Only those county land use ordinance provisions specifically identified by the development agreement
2213 shall be modified. All other land use ordinance requirements shall remain in full force and effect.

2214 (e) A development agreement shall not prevent the county from applying any new provisions or regulations
2215 to the subject property that do not conflict with those contained within the development agreement.

2216

2217 **Sec 102-6-6 Binding Nature Of Development Agreements**

2218 All development agreements shall be binding on the county, the applicant, and on all successors and assigns
2219 for the term of the agreement.

2220

2221 **Sec 102-6-7 Expenses**

2222 The county may require the applicant to reimburse the county for all reasonable expenses incurred by the
2223 county related to the preparation and adoption of a development agreement.

2224

2225 **Sec 102-6-8 Enforcement**

2226 Violation of a development agreement by an applicant or developer shall constitute a violation of this Land
2227 Use Code. The county may utilize all legally available enforcement mechanisms necessary to achieve com-
2228 pliance with this chapter and a development agreement including, but not limited to, the withholding of
2229 necessary land use approvals or permits.

2230

2231 **Sec 102-6-9 Modification Or Suspension To Comply With State Or Federal Laws**

2232 In the event that federal or state laws or regulations prevent or preclude compliance with one or more
2233 provisions of the agreement, such provisions of the agreement shall be suspended, as may be necessary to
2234 comply with the specific laws or regulations preventing or precluding compliance with the agreement.
2235

2236 **Sec 102-6-10 Noncompliance**

2237 In the event a development agreement is terminated as a result of noncompliance by the subject property
2238 owner, the subject property shall revert to the zoning designation that existed prior to the enactment of the
2239 development agreement.

2240

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2241 Title 103 (Reserved)

2242 **TITLE 104 ZONES**

2243 **CHAPTER 104-1 IN GENERAL**

2244

2245 **Sec 104-1-1 Establishment Of Zones**

2246 For the purpose of this title, the Territory of Weber County to which this title applies is divided into classes
2247 of zones as follows:

ZONE DISTRICT	ZONE CATEGORY		ZONE NAME	PRIOR ZONE NAME REFERENCE ¹
Gravel Zone	Gravel	G	G	
Agricultural Zones	Agricultural	A	A-1	
			A-2	
			A-3	
Forest Zones	Forest Residential	FV	F-3	FV-3
	Forest Residential	FR	F-1	FR-1
	Forest	F	F-5	
			F-10	
			F-40	
Shoreline Zone	Shoreline	S	S-1	

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Residential Zones	Residential Estates	RE	RE-15	
			RE-20	
	Single-Family	R1	R1-5	
			R1-10	R-1-10
			R1-12	R-1-12
			R1-15	
	Two-Family	R2	R2	
	Multi-Family	R3	R3-A	R3 and FR-3
			R3-S	
Commercial Zones	Commercial Recreation Zone		CR-1	CVR-1
	Neighborhood Commercial	C	C-1	
	Community Commercial		C-2	
	Regional Commercial		C-3	
Manufacturing Zones	Manufacturing and Technology	M	M-T	

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	Light Manufacturing		M-1	
	Medium Manufacturing		M-2	
	Heavy Manufacturing		M-3	
Form-Based Zone	Form-Based	FB	FB	
	Traditional Neighborhood	TN	TN-Bennet	
Open Space Zone	Open Space	O	O-1	
Overlay Zone	Master Planned Development	MPDOZ	MPDOZ	
	Large Solar Energy System	SOZ	SOZ	
Recreation Resort				
	Destination and Recreation Resort Zone	DRR	DRR-1	

¹ Prior zone name references pertain to names of previously established zones that have since been consolidated into other zones in this Land Use Code. Any occurrence of a prior zone name in this Land Use Code or any other adopted governing document, or on the zoning map, shall be a reference to the currently established zone.

Sec 104-1-2 Interpreting the Zoning Map

(a) **Zones mapped.** Each zone and their boundaries are hereby established as described herein or as shown on the Weber County Zoning Map, which map is hosted on the official website of Weber County and is made by this reference as much a part of this title as if fully described and detailed herein.

(b) **Boundary uncertainty.** Where uncertainty exists as to the boundary of any zone, the following rules shall apply. When such cases become known, the Planning Division Director may, but is not required

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- 2258 to, authorize the correction of the zoning map following these rules in a manner that provides better
2259 geographic certainty, and such correction shall not be deemed a zoning map amendment.
- 2260 (1) Wherever a zone's boundary is indicated as being approximately upon the centerline of a street,
2261 alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the
2262 centerline of such street, alley or block or such property line, shall be construed to be the boundary
2263 of such zone.
- 2264 (2) Whenever a zone's boundary is indicated as being approximately at the line of any river, irrigation
2265 canal or other waterway or railroad right-of-way, or public park or other public land or any section
2266 line, then in such cases the center of such stream, canal or waterway, or of such railroad right-of-
2267 way or the boundary line of such public land or such section line shall be deemed to be the boundary
2268 of the zone.
- 2269 (3) Whenever a zone's boundary appears on historic maps to following the configuration of historic
2270 property lines established at the time, said historic property lines shall be deemed to be the boundary
2271 of the zone.
- 2272 (4) Whenever a zone's boundary has been described by legal description in an adopting ordinance, and
2273 such legal description is later found by a licensed surveyor to be invalid or incorrect, the corrected
2274 legal description shall be used as long as the Planning Division Director, after consultation with the
2275 county surveyor, can find that the corrected legal description fits the zone's initially intended area.
- 2276 (5) Where such zone boundary lines cannot be determined by the above rules, their location may be
2277 found by the use of the scale appearing upon the map.
- 2278 (6) Where the application of the above rules does not clarify the zone boundary location, the board of
2279 adjustment shall interpret the map.
- 2280 (c) **Mapped zones not established herein.** In some cases, a zone label on a map may reference a zone that
2281 no longer exists in this Land Use Code or has a name that has been changed. In those cases, each are
2282 provided for by reference in an existing zone herein.
- 2283 **Sec 104-1-3 Rules Of Interpretation For Land Use Tables Or Lists Of Uses**
- 2284 The Land Use Table or list of permitted uses and conditional uses of each zone are plenary. As such, the
2285 following rules of interpretation apply:
- 2286 (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an
2287 allowed use in that zone.
- 2288 (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional uses
2289 shall not be construed in any manner as an allowed use in the zone.
- 2290 (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or conditional
2291 uses that is not specifically listed in another zone's Land Use Table or list of permitted or conditional
2292 uses is not permitted in the other zone.
- 2293 **Sec 104-1-4 Area Requirements For Parcels Split By Zone Boundaries**
- 2294 The more restrictive zone is the zone which has the larger area requirement.
-

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- 2295 (a) Where a parcel that is split by a zone boundary contains at least two-thirds of the area required for a lot
2296 in the more restrictive zone, the area from the less restrictive zone can be used to meet the total area
2297 requirement for the more restrictive zone.
- 2298 (b) Where a parcel that is split by a zone boundary contains less than two-thirds of the area required for a
2299 lot in the more restrictive zone, the home must be built in the less restrictive zone. The parcel area in
2300 the more restrictive zone can be used to meet area requirements in the less restrictive zone.
2301

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CHAPTER 104-2 AGRICULTURAL ZONES A-1, A-2, AND A-3

Sec 104-2-1 Purpose And Intent

(a) The A-1 Zone is an agricultural zone and a low-density rural residential zone. The purpose of the A-1 Zone is to:

- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
- (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) Direct orderly low-density residential development in a continuing rural environment.

(b) The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

(c) The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

Sec 104-2-2 Preferred Use

Agriculture is the preferred use in all agricultural zones. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

Sec 104-2-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in these agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed in another zone but not listed in a zone herein is also prohibited. A use listed is a main use, unless listed in the "accessory uses" table.

Sec 104-2-3.010 Accessory Uses

Unless otherwise specified in the Land Use Code, an accessory use is prohibited unless located on the same lot or parcel as its main use.

		A-1	A-2	A-3	Special Provisions
Accessory building , accessory and incidental to the use of a main building.		P	P	P	
Accessory dwelling unit.		P	P	P	See <u>Chapter 108-19</u> .

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Accessory use , accessory and incidental to the main use.		P	P	P	
Agricultural Produce Sales, Onsite. The sales of agricultural products produced on-site, accessory to an agricultural operation.		P	P	P	See <u>Section 104-2-4</u> . 5-acre use.
Custom exempt meat cutting , accessory to a residential use.		N	N	N	See <u>Section 104-2-4</u> . 5-acre use.
Family food production , accessory to a residential use.		P	P	P	See <u>Section 104-2-4</u> .
Home occupation , accessory to a residential use.		P	P	P	See <u>Chapter 108-13</u> .
Household pets , accessory to a residential use.		P	P	P	
Main building , designed or used to accommodate the main use.		P	P	P	
Parking lot , accessory to a main use allowed in the zone.		P	P	P	
Parking of large vehicle , accessory to residential use.		C	C	C	See <u>Section 104-2-4</u> . 5-acre use.
Parking of construction vehicle.		C	C	C	See <u>Section 104-2-4</u> . 5-acre use.
Sugar beet loading or collection station.		N	P	P	
Sugar beet dump site.		N	P	P	
Temporary building or use , accessory and incidental to onsite construction work.		P	P	P	

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2328

2329 **Sec 104-2-3.020 Agricultural Uses, Non-Animal**

2330

		A-1	A-2	A-3	Special Provisions
Agriculture.		P	P	P	
Agriculture, community-oriented. A crop production operation for use by the broader public, such as a community garden, rental row operation, or you-pick operation.		P	P	P	
Agricultural experiment station.		P	P	P	
Aquaculture.		P	P	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.		P	N	N	5-acre use.
Grain storage elevator.		N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants produced on the premises.		P	P	P	
Laboratory facility, for agricultural products and soils testing.		C	C	C	
Manure spreading, drying and sales.		N	N	C	

2331

2332 **Sec 104-2-3.030 Animal-Related Noncommercial Uses**

2333 The following are animal-related uses that do not and shall not typically generate customer-oriented traffic
2334 to the lot or parcel.

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		A-1	A-2	A-3	Special Provisions
Animal grazing. Animal grazing, as defined in Section 101-2.		P	P	P	See Section 104-2-4. 5-acre use.
Animal feeding operation. An animal feeding operation, as defined in Section 101-2.		N	N	C	See Section 104-2-4. 5-acre use.
Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.		N	N	C	See Section 104-2-4. 5-acre use.
Apiary.		P	P	P	
Aquaculture, animal related.		P	P	P	
Aviary.		P	P	P	
Chinchilla raising.		P	P	P	
Corral, stable or building for keeping animals or fowl.		P	P	P	See <u>Section 104-2-4.</u>
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.		P	P	P	5-acre use.
Dairy or creamery.		N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.		C	C	N	See <u>Section 104-2-4.</u> 2-acre use.
Stable for horses, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be		P	P	P	

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kept for each one-half acre of land used for the horses.					
Slaughterhouse.		N	N	C	
Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.		C	C	C	5-acre use.
Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.		C	C	C	

2335

2336 **Sec 104-2-3.040 Commercial Uses**

2337 The following are uses that typically generate customer-oriented traffic to the lot or parcel.

		A-1	A-2	A-3	Special Provisions
Agri-tourism.		C	C	C	See <u>Chapter 108-21</u> .
Airport.		N	C	C	
Veterinary Facility.		C	C	N	
Campground and picnic area.		N	C	C	See <u>Chapter 108-20</u> .
Cannabis production establishment, as defined by state code.		N	P	C	See <u>Section 108-7-34</u> .
Child day care.		C	C	C	
Circus or transient amusement.		C	C	C	

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Equestrian training and stable facilities. No more than ten horses per acre of land used for horses.		C	C	P	5-acre use.
Golf course, except miniature golf course.		P	P	P	
Golf driving range.		N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care, and the growing and sale of sod.		C	C	P	
Gun club.		N	C	C	5-acre use.
Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.		N	C	C	
Outdoor recreation club activities, for horse riding, bow and arrow shooting, snowmobiling, etc.		N	C	C	
Stables.		N	N	P	5-acre use.
Skeet shooting range.		N	C	C	5-acre use.
Turf horse jumping course.		N	N	C	

2338

2339 Sec 104-2-3.050 Institutional Uses

2340

		A-1	A-2	A-3	Special Provisions
Campground and picnic area.		N	C	C	See <u>Chapter 108-20</u> .

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Cemetery.		P	P	P	
Convalescent or rest home.		P	P	P	
Correctional institution.		N	C	C	
Church, synagogue or similar building used for regular religious worship.		P	P	P	
Dog pound.		N	N	P	5-acre use.
Equestrian training and stable facilities, noncommercial. No more than five horses per acre.		C	N	N	5-acre use.
Hospital.		N	N	P	5-acre use.
Private park, playground or recreation area. No privately owned commercial amusement business.		P	P	P	
Public building.		P	P	P	
Public park, recreation grounds and associated buildings.		P	P	P	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.		P	P	P	
Public storage facilities developed by a public agency.		C	C	C	See <u>Chapter 108-10</u> .
Sanitarium.		N	C	P	

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School bus-parking, provided the vehicle is parked at least 30 feet from a public street.		C	C	C	

2341
2342
2343

Sec 104-2-3.060 Residential Uses

		A-1	A-2	A-3	Special Provisions
Residential facility for elderly persons.		P	P	P	See <u>Section 108-7-15</u> .
Residential facility for handicapped persons.		P	P	P	See <u>Section 108-7-13</u> .
Residential facility for troubled youth.		C	C	C	See <u>Section 108-7-14</u> .
Single-family dwelling.		P	P	P	
Two-family dwelling.		P	N	N	2-acre use.

2344
2345

2346
2347
2348

Sec 104-2-3.070 Utility Uses

	A-1	A-2	A-3	Special Provisions

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Public utility substations.		C	C	C	
Radio or television station or tower.		C	C	C	
Wastewater treatment or disposal facilities.		C	C	C	
Small wind energy system.		C	C	C	

2349

2350 Sec 104-2-3.080 Other Uses

2351

		A-1	A-2	A-3	Special Regulations
Mines, quarries, gravel pits, when in compliance with the Weber County Excavation and Clean Fill Ordinance.		N	C	C	

2352

2353 Sec 104-2-3.090 (Reserved)

2354

2355

2356 Sec 104-2-4 Special Regulations

2357 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due to
2358 the nature of the use, each shall be further regulated as follows:

2359 (a) **Agricultural Produce Sales, Onsite.** The sales of onsite agricultural produce shall be governed as fol-
2360 lows:

2361 (1) **Onsite.** For the purposes of this use, “onsite” shall mean on the same lot or parcel, or on a parcel
2362 that is part of a larger group of parcels, the agricultural operation thereon being under the same
2363 ownership.

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- 2364 (2) **Same owner/operator.** The sales shall only be operated by the owner or manager of the onsite
2365 agricultural operation.
- 2366 (3) **Limitation on items sold.** Sales shall be limited to Agricultural Products, at least one of which must
2367 be produced onsite and shall be continuously offered for sale during all times that offsite produce
2368 is offered for sale.
- 2369 (4) **Allowed footprint.** If sales occur within a building, the footprint of the building area used for sales
2370 shall be limited to no more than 0.025 percent of the total area of the agricultural operation. If sales
2371 occur outdoors, the footprint of the area used for sales shall be limited to no more than 1.0 percent
2372 of the total area of the agricultural operation.
- 2373 (5) **Setback requirement.** Except warehousing and storage, all sales activities shall be conducted at a
2374 minimum distance from an adjoining property. That distance shall be the greater of:
- 2375 a. 10 feet; or
- 2376 b. One foot for every 200 square feet of footprint used for the sales activities, up to 100 feet.
- 2377
- 2378 (b) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
2379 when in compliance with the following:
- 2380 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
2381 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 2382 (2) It shall not exceed a density of 25 head per acre of used land in the A-1 zones, and 40 head per acre
2383 of used land in the A-2 and A-3 zones.
- 2384 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
2385 parcel of land.
- 2386 (c) **Animal feeding operation.** This use may include supplemental or full feeding. However, it is prohibited
2387 to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the prem-
2388 ises. The following additional standards apply for hog feeding:
- 2389 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.
- 2390 (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as
2391 required by the Local Health Department.
- 2392 (d) **Animal feeding operation, large concentrated.** A large concentrated animal feeding operation shall
2393 not be located within a half-mile of a zone boundary, unless the boundary is shared with another zone
2394 in which this use is allowed. Additionally, the area of confinement devoted to the feeding of the animals
2395 in any new large concentrated animal feeding operation shall be set back at least one quarter-mile from
2396 every property boundary.
- 2397 (e) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100 feet
2398 from a public street and not less than 25 feet from any side or rear lot line.
-

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- 2399 (f) **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more livestock
2400 operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, com-
2401 pletely enclosed within a building with no outdoor storage, and located on and with access directly
2402 from a collector or arterial street.
- 2403 (g) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more than
2404 ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less
2405 than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- 2406 (h) **Family food production.**
- 2407 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
2408 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
2409 five ducks, five geese, or five pigeons.
- 2410 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
2411 40,000 square feet.
- 2412 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
2413 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
2414 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
2415 fowl may be kept per each additional acre greater than two.
- 2416 (i) **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction vehicle
2417 shall be restricted to the owner or operator of an actively operating agricultural use on the same lot or
2418 parcel on which it is parked, or the owner or operator's employee. This use shall:
- 2419 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- 2420 (2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural
2421 use;
- 2422 (3) Include no more than one three-axle truck, and no pups.
- 2423 (j) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound
2424 GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt
2425 from these restrictions.
- 2426 (k) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of
2427 the construction work.

2428

2429 **Sec 104-2-5 Site Development Standards**

2430 The following site development standards apply to a lot or parcel in the agricultural zones, unless specified
2431 otherwise in this Land Use Code.

2432

2433 **Sec 104-2-5.010 (Reserved)**

2434

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

2435 **Sec 104-2-5.020 Lot Area**

2436

		A-1	A-2	A-3	SPECIAL REGULATIONS
Dwelling. The minimum Lot Area for a Dwelling:			40,000 square feet		
Other main building or use. The minimum Lot Area for a main building or use other than a Dwelling:		40,000 square feet			
			2 acres	2 acres	
Minimum for 2-acre use. Minimum for 2-acre use:		2 acres			See Section 104-2-4
Minimum for 5-acre use. Minimum for 5-acre use:		5 acres	5 acres	5 acres	See Section 104-2-4
Public utility substation:		See Section 108-10-2 for public utility substation site development standards.			

2437

2438 **Sec 104-2-5.030 Lot Width and Frontage**

2439

		A-1	A-2	A-3	SPECIAL REGULATIONS
Lot Width and Street Frontage. The minimum Lot Width and Street Frontage:		150 feet	150 feet	150 feet	

COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

For 2 and 5-acre Lots. The minimum Lot Width and Street Frontage for a 2 and 5-acre use:		300 feet	300 feet	300 feet	See Section 104-2-4

2440

2441 **Sec 104-2-5.040 Front Setbacks**

2442

		A-1	A-2	A-3
Main building. The minimum Front Setback for a main building:		30 feet ^{1,2}	30 feet ^{1,2}	30 feet ^{1,2}

2443

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2444

²If a Lot approved under a repealed cluster subdivision code, the minimum Front Setback shall be 20 feet.

2445

2446

2447 **Sec 104-2-5.050 Side Setbacks**

2448

		A-1	A-2	A-3
Dwelling. The minimum Side Setback for a Dwelling:	10 feet with total width of 2 Side Setbacks not less than 24 feet ^{1,3}			
Other main building. The minimum Side Setback for other main building:	20 feet ¹			

COLOR KEY: O.V. incorporation-related. Policy shift.

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COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Corner Lot. The minimum Side Setback for a Side Lot Line fronting on a street:	20 feet ¹
Accessory building. The minimum Side Setback for an accessory building ² :	10 feet except 1 foot if located at least 6 feet in rear of main building ^{1,2}
Public utility substation:	See Section 108-10-2 for public utility substation site development standards.

2449 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2450 ²Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials: See Section 108-7-16.³If a Lot approved under a repealed cluster subdivision code, the minimum Side Setback shall be 5 feet, except one foot for an accessory building that is at least 6 feet in rear of main building.

2454

2455

2456 **Sec 104-2-5.060 Rear Setbacks**

2457

		A-1	A-2	A-3
Main building. The minimum Rear Setback for a main building:	30 feet ¹			
Accessory building. The minimum Rear Setback for an accessory building:	1 foot except 10 feet where accessory building on a Corner Lot rears on the Side Lot Line of an adjacent Lot ¹			
Public utility substation:	See Section 108-10-2 for public utility substation site development standards.			

COLOR KEY: O.V. incorporation-related. Policy shift.

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

- 2458 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.
- 2459 ²If a Lot approved under a repealed cluster subdivision code, the minimum Rear Setback shall be
- 2460 20 feet, except one foot for an accessory building that is at least 6 feet in rear of main building.

2461

2462

2463

2464

Sec 104-2-5.070 Building Height

		A-1	A-2	A-3	SPECIAL REGULATIONS
Minimum Building Height. The minimum Building Height for a main building:	1 story				
Maximum Building Height. The maximum Building Height for a main building:	35 feet				
Maximum Building Height for accessory building. The maximum Building Height for an accessory building:	25 feet				See Section 108-7-16 for an accessory building over 1,000 square feet.

- 2465
- 2466 **Sec 104-2-5.080 (Reserved)**
- 2467 **Sec 104-2-5.090 (Reserved)**
- 2468 **Sec 104-2-5.100 (Reserved)**
- 2469

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

CHAPTER 104-3 RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

Sec 104-3-1 Purpose And Intent

The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.

Sec 104-3-2 (Reserved)

Sec 104-3-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in these agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed in another zone but not listed in a zone herein is also prohibited. A use listed is a main use, unless listed in the "accessory uses" table.

Sec 104-3-3.010 Accessory Uses

Unless otherwise specified in the Land Use Code, an accessory use is prohibited unless located on the same lot or parcel as its main use.

	RE-15	RE-2	Special Provisions
Accessory building , accessory and incidental to the use of a main building.	P	P	
Accessory dwelling unit.	P	P	See <u>Chapter 108-19</u> .
Accessory use , accessory and incidental to the main use.	P	P	
Family food production , accessory to a residential use.	P	P	See <u>Section 104-3-4</u> .
Home occupation , accessory to a residential use.	P	P	See <u>Chapter 108-13</u> .
Household pets , accessory to a residential use.	P	P	

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Main building , designed or used to accommodate the main use.	P	P	
Parking lot , accessory to a main use allowed in the zone.	P	P	
Temporary building or use , accessory and incidental to onsite construction work.	P	P	

2486

2487 **Sec 104-3-3.020 Agricultural Uses, Non-Animal**

2488

	RE-15	RE-2	Special Provisions
Agriculture.	P	P	
Agricultural experiment station.	P	P	
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	

2489

2490 **Sec 104-3-3.030 Animal-Related Noncommercial Uses**

2491 The following are animal-related uses that do not and shall not typically generate customer-oriented traffic
2492 to the lot or parcel.

	RE-15	RE-2	Special Provisions
Animal grazing. Animal grazing, as defined in Section 101-2.	P	P	See Section 104-3-4. 5-acre use.
Chinchilla raising.	P	P	40,000 square-foot minimum use.
Corral, stable or building for keeping animals or fowl.	P	P	See <u>Section 104-3-4.</u>

COLOR KEY: O.V. incorporation-related. Policy shift.

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COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Dog breeding, dog kennels, or dog training school.	C	C	See <u>Section 104-3-4</u> . 5-acre use.
Stable for horses, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	
Raising of chickens, turkeys, rabbits, beavers, or other fowl, fish, or frogs.	P	P	5-acre use.

2493

2494 **Sec 104-3-3.040 Commercial Uses**

2495 The following are uses that typically generate customer-oriented traffic to the lot or parcel.

	RE-15	RE-2	Special Provisions
Child day care.	C	C	
Golf course , except miniature golf course.	P	P	

2496

2497 **Sec 104-3-3.050 Institutional and Governmental Uses**

2498

	RE-15	RE-2	Special Provisions
Church, synagogue or similar building used for regular religious worship.	P	P	
Public building.	P	P	

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Public park, recreation grounds and associated buildings.	P	P	
Public school , or private educational institution having a curriculum similar to that ordinarily given in public schools.	P	P	

2499 **Sec 104-3-3.060 Residential Uses**

2500

RE- RE-
15 2 **Special Provisions**

Residential facility for elderly persons.	P	P	See <u>Section 108-7-15.</u>
Residential facility for handicapped persons.	P	P	See <u>Section 108-7-13.</u>
Single-family dwelling.	P	P	

2501

2502 **Sec 104-3-3.070 Recreational Noncommercial Uses**

2503 The following are recreational uses that are typically owned or operated by a nonprofit or governmental
2504 entity.

RE- RE-
15 2 **Special Provisions**

Private park, playground or recreation area. No privately owned commercial amusement business.	P	P	

2505

2506 **Sec 104-3-3.080 Utility Uses**

2507

COLOR KEY: O.V. incorporation-related. Policy shift.

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	RE- 15	RE- 2	Special Provisions
Public utility substations.	C	C	
Water storage reservoir. A water storage reservoir developed by a public agency.	C	C	See Title 108, Chapter 10
Small wind energy system.	C	C	

2508

2509 **Sec 104-3-3.090 (Reserved)**

2510

2511

2512 **Sec 104-3-4 Special Regulations**

2513 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-3-3. Due to
2514 the nature of the use, each shall be further regulated as follows:

2515 (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
2516 when in compliance with the following:

2517 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
2518 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

2519 (2) It shall not exceed a density of 25 head per acre of used land.

2520 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
2521 parcel of land.

2522 (b) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100 feet
2523 from a public street and not less than 25 feet from any side or rear lot line.

2524 (c) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more than
2525 ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less
2526 than 100 feet from a public street and not less than 50 feet from any side or rear property line.

2527 (d) **Family food production.**

2528 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
2529 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
2530 five ducks, five geese, or five pigeons.

COLOR KEY: O.V. incorporation-related. Policy shift.

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

- 2531 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
2532 40,000 square feet.
- 2533 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
2534 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
2535 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
2536 fowl may be kept per each additional acre greater than two.
- 2537 (e) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of
2538 the construction work.

2539

2540 **Sec 104-3-5 Site Development Standards**

2541 The following site development standards apply to a lot or parcel in the agricultural zones, unless specified
2542 otherwise in this Land Use Code.

2543 **Sec 104-2-5.010 (Reserved)**

2544 **Sec 104-2-5.020 Lot Area**

RE-15

RE-20

Minimum main use:	15,000 square feet	25,000 square feet
Minimum for 5-acre use (see <u>Section 104-2-4</u>):	5 acres	5 acres

2545

2546 **Sec 104-2-5.030 Lot Width**

RE-15

RE-20

Lot Width. The minimum Lot Width:	100 feet	
Lot with for 5-acre use: Minimum Lot Width for 5-acre use (see <u>Section 104-2-4</u>):	300 feet	300 feet
Public utility substation:	See Section 108-10-2 for public utility substation development standards.	

2547

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

2548 **Sec 104-2-5.040 Front Setbacks**

	RE-15	RE-20
Main building. The minimum Front Setback for a main building:	30 feet ^{1,2}	30 feet ^{1,2}
Public utility substation:	See Section 108-10-2 for public utility substation site development standards.	

2549 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2550 ²If a Lot approved under a repealed cluster subdivision code, the minimum Front Setback
2551 shall be 20 feet.

2552

2553

2554 **Sec 104-2-5.050 Side Setbacks**

	RE-15	RE-20
Dwelling. The minimum Side Setback for a Dwelling:	10 feet with total width of 2 Side Setbacks not less than 24 feet ^{1,3}	
Other main building. The minimum Side Setback for other main building:	20 feet ¹	
Corner Lot. The minimum Side Setback for a Side Lot Line fronting on a street:	20 feet ¹	
Accessory building. The minimum Side Setback for an accessory building ² :	10 feet except 1 foot if located at least 6 feet in rear of main building ^{1,3}	
Public utility substation:	See Section 108-10-2 for public utility substation site development standards.	

COLOR KEY: O.V. incorporation-related. Policy shift.

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

- 2555 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.
- 2556 ²Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment
- 2557 and materials: See Section 108-7-16.
- 2558 ³If a Lot approved under a repealed cluster subdivision code, the minimum Side Setback
- 2559 shall be 5 feet, except one foot for an accessory building that is at least 6 feet in rear of
- 2560 main building.

2561

2562

2563 **Sec 104-2-5.060 Rear Setbacks**

RE-15 RE-20

Main building:	30 feet ^{1,2}
Accessory building:	1 foot except 10 feet where accessory building on a Corner Lot rears on Side Lot Line of an adjacent Lot ¹

- 2564 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.
- 2565 ² If a Lot approved under a repealed cluster subdivision code, the minimum Rear Setback
- 2566 shall be 5 feet, except one foot for an accessory building that is at least 6 feet in rear of
- 2567 main building.

2568

2569 **Sec 104-2-5.070 Building Height**

RE-15 RE-20

Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet unless meeting requirements of <u>Section 108-7-16</u> , Large accessory buildings

2570

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COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

2571 Sec 104-2-5.080 (Reserved)

2572 Sec 104-2-5.090 (Reserved)

2573 Sec 104-2-5.100 (Reserved)

2574

2575

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COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

2576

2577 **Sec 104-3-8 (Reserved)**

2578

COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

2579 **CHAPTER 104-4 GRAVEL ZONE G**

2580

2581 **Sec 104-4-1 Permitted Uses**

2582 In Gravel Zone G, no building, structure, or land shall be used, and no building or structure shall be erected
2583 which is arranged, intended or designed to be used for other than one or more of the following uses:

2584 (a) Sand and gravel excavation including gravel crushing, subject to all provisions of the Weber County
2585 Excavation Ordinance.

2586 (b) Crushing gravel mined on the premises. See Section 104-4-4, Additional Requirements.

2587 (c) Contractor equipment storage yard. See Section 104-4-4, Additional Requirements.

2588 (d) Accessory building incidental to the use of a main building; main building designed or used to accom-
2589 modate the main use to which the premises are devoted; and accessory uses customarily incidental to a
2590 main use.

2591

2592 **Sec 104-4-2 Conditional Uses**

2593 The following uses are conditional:

2594 (a) Clean fill of natural depressions.

2595 (b) Signs as per title 110 of this Land Use Code.

2596 (c) Public utility substations.

2597

2598 **Sec 104-4-3 Area, Width, Lot And Height Regulations**

2599 (a) Minimum lot area: 40,000 square feet.

2600 (b) Minimum lot width: 150 feet.

2601 (c) Minimum lot Setbacks. See Section 108-7-10 if Lot or Parcel abuts an Arterial Street or Collector
2602 Street.

2603 (1) Front and rear: 30 feet.

2604 (2) Side.

2605 a. Main building: 20 feet each side.

2606 b. Accessory building: ten feet except one foot if located at least ten feet in rear of main building.

2607 c. Accessory buildings over 1,000 square feet: see section 108-7-16).

2608 d. The minimum Side Setback for a Side Lot Line fronting on a street:: 20 feet.

2609 (d) Building height.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

2610 (1) Minimum: One story.

2611 (2) Maximum: 35 feet.

2612

2613 **Sec 104-4-4 Additional Requirements**

2614 (a) *Gravel excavation.* Gravel excavation and accessory structures or buildings shall be located and oper-
2615 ated not closer than 100 feet from any public street and not closer than 50 feet from any property line,
2616 provided that gravel crushers shall be located not closer than 600 feet from a residential zone boundary
2617 and 300 feet from any existing residential structure and not closer than 200 feet from any public street.

2618 (b) *Contractor storage yard.*

2619 (1) Additional landscaping standards shall apply to the area where the equipment and material is stored.
2620 There shall be a 15-foot landscape buffer with a four-foot high earth berm planted with six feet or
2621 larger evergreen trees, such as, Scotch Pines, Douglas Fir, or Blue Spruce. The trees shall be planted
2622 every 15 feet on center. The evergreen shrubs may be Junipers, Mugo Pines, or Spreading Yew.
2623 The shrubs shall be 36 inches high and there shall be 15 shrubs per 100 linear feet. There shall be
2624 five canopy trees per 100 linear feet. These trees may be Maples, Linden, Quaking Aspens, Cot-
2625 tonless Cottonwood, Honey Locust, or Birch trees. The type of trees and shrubs listed are intended
2626 to provide year-round screening of the site. The Land Use Authority shall approve the list of trees
2627 as part of the site plan review. These trees shall be a minimum of two-inch caliper. This landscaping
2628 shall be planted on the crest of the four-foot berm when the property abuts agricultural or residential
2629 zones. The additional landscaping requirements can be eliminated if all equipment and material are
2630 stored within an enclosed building.

2631 (2) Hour of operation based on location.

2632 (3) Access to a state highway or arterial street shall be paved.

2633 (4) No outside storage of broken or parts of equipment.

2634 (5) Maintenance and repair of equipment is to be done within an enclosed building.

2635 (6) Fuel storage is to be in compliance with environmental and fire code requirements.

2636

2637 **CHAPTER 104-5 (RESERVED)**

2638 **CHAPTER 104-6 (RESERVED)**

2639 **CHAPTER 104-7 (RESERVED)**

2640

2641

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

CHAPTER 104-8 (RESERVED)

CHAPTER 104-9 FOREST ZONES F-1, F-3, F-5, F-10, AND F-40

Sec 104-9-1 Purpose

(a) The purpose of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.

(b) The F-1 and F-3 zones are intended to provide low density residential development, as well as to protect as much as possible the naturalistic environment within and around the development. Any FR-1 zone labels or references shown on the zoning map, in this Land Use Code, or elsewhere are references to the F-1 zone. Any AV-3 zone labels or references shown on the zoning map, in this Land Use Code, or elsewhere are references to the F-3 zone.

(c) The F-5, F-10, and F-40 zones are intended:

- (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;
- (2) To reduce the hazards of flood and fire;
- (3) To prevent sanitation and pollution problems and protect the watershed;
- (4) To provide areas for private and public recreation and recreation resorts; and
- (5) To provide areas for homes, summer homes, and summer camp sites.

Sec 104-9-2 (Reserved)

Sec 104-9-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in these forest zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed in another zone but not listed in a zone herein is also prohibited. A use listed is a main use, unless listed in the "accessory uses" table.

Sec 104-9-3.010 Accessory Uses

Unless otherwise specified in the Land Use Code, an accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

	F-1	F-3	F-5	F-10	F-40	Special Provisions

COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Accessory building , accessory and incidental to the use of a main building.	P	P	P	P	P	
Accessory dwelling unit.	P	P	P	P	P	See <u>Chapter 108-19</u> .
Accessory use , accessory and incidental to the main use.	P	P	P	P	P	
Events facility, small. Small events facility as an accessory use to an approved bed and breakfast inn.	N	C	N	N	N	Events shall not to exceed 75 participants and not more than four events held per calendar month
Family food production , accessory to a residential use.	P	P	P	P	P	See Section 104-9-4.
Home occupation , accessory to a residential use.	P	P	P	P	P	See <u>Chapter 108-13</u> .
Household pets , accessory to a residential use.	P	P	P	P	P	
Main building , designed or used to accommodate the main use.	P	P	P	P	P	
Parking lot , accessory to a main use allowed in the zone.	P	P	P	P	P	
Skeet or trap shooting , when accessory to a public or private camp.	N	N	P	P	P	
Temporary building or use , accessory and incidental to onsite construction work.	P	P	P	P	P	

2690

COLOR KEY: O.V. incorporation-related. Policy shift.

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2691 **Sec 104-9-3.020 Non-Animal Agricultural Uses**

2692

	F-1	F-3	F-5	F-10	F-40	Special Provisions
Agriculture.	P	P	P	P	P	
Aquaculture.	P	P	P	P	P	
Greenhouse, noncommercial. A noncommercial greenhouse.	N	P	N	N	N	

2693

2694 **Sec 104-9-3.030 Animal-Related Noncommercial Uses**

2695 The following are animal-related uses that do not and shall not typically generate customer-oriented traffic
2696 to the lot or parcel.

	F-1	F-3	F-5	F-10	F-40	Special Provisions
Animal grazing. Animal grazing, as defined in Title 101, Chapter 2.	P	P	P	P	P	See Section 104-9-4.
Apiary.	P	P	P	P	P	
Aquaculture, animal related.	N	N	P	P	P	
Aviary.	P	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	P	See Section 104-9-4.
Stable for horse, noncommercial. A noncommercial horse stable.	P	P	P	P	P	

2697

COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

2698 **Sec 104-9-3.040 Commercial Uses**

2699 The following are uses that typically generate customer-oriented traffic to the lot or parcel.

	F-1	F-3	F-5	F-10	F-40	Special Provisions
Agritourism.	N	C	C	C	C	See <u>Title 108, Chapter 21.</u>
Campground and picnic area.	N	N	C	C	C	See <u>Title 108, Chapter 20.</u>
Conference/education center.	N	C	C	C	C	
Forest industries. Production of forest products.	N	N	C	C	C	
Dude Ranch.	N	N	C	C	C	
Golf course, except miniature golf course.	C	C	P	P	P	
Skeet or trap shooting range.	N	N	N	N	C	
Ski resort.	C	C	C	C	C	

2700

2701 **Sec 104-9-3.050 Institutional Or Governmental Uses**

2702

	F-1	F-3	F-5	F-10	F-40	Special Provisions
Cemetery.	N	N	C	C	C	
Church, synagogue, or similar building used for regular religious worship.	C	C	C	C	C	

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	C	C	C	
Public campground and picnic area.	N	N	P	P	P	See Title 108, Chapter 20.
Public building.	C	C	N	N	N	
Public park, recreation grounds, and associated buildings.	C	C	P	P	P	
Public school.	C	C	N	N	N	Five acre minimum use.

2703

2704 Sec 104-9-3.060 Residential Uses

2705

	F-1	F-3	F-5	F-10	F-40	Special Provisions
Bed and breakfast dwelling.	C	C	N	N	N	See Section 104-9-4
Bed and breakfast inn.	C	C	N	N	N	See Section 104-9-4
Recreation lodge.	N	C	C	C	C	
Recreational vehicle	N	N	P	P	P	See Section 104-9-4 and Section 108-7-20.
Residential facility for disabled persons.	P	P	P	P	P	See Section 108-7-13.
Single-family dwelling.	P	P	P	P	P	

2706

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2708

2709 **Sec 104-9-3.070 Utility Uses**

2710

	F-1	F-3	F-5	F-10	F-40	Special Provisions
Hydro-electric dam.	N	N	C	C	C	
Public utility substation.	C	C	C	C	C	
Radio or television station or tower.	N	N	C	C	C	
Wastewater treatment or disposal facilities.	N	C	C	C	C	
Water storage reservoir, when developed by a utility service provider.	C	C	C	C	C	See Title 108, Chapter 10.

2711

2712 **Sec 104-9-3.080 Other Uses**

2713

	F-1	F-3	F-5	F-10	F-40	Special Regulations
Heliport.	N	N	N	N	C	See Section 104-9-4
Mines, quarries, gravel pits.	N	N	C	C	C	Compliance with the Weber County Excavation and Clean Fill Ordinance required.

2714

2715 **Sec 104-2-3.090 (Reserved)**

2716 **Sec 104-9-4 Special Regulations**

2717 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-9-3. Due to
2718 the nature of the use, each shall be further regulated as follows:

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

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-
- 2719 (a) **Animal grazing.** No more than one horse or cow per acre of land exclusively devoted to the animal.
2720 This use shall not include the supplementary or full feeding of the animals, except when in compliance
2721 with the following:
- 2722 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
2723 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 2724 (2) It shall not exceed a density of 40 head per acre of used land.
- 2725 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
2726 parcel of land.
- 2727 (b) **Bed and breakfast dwelling.** This use is subject to the following:
- 2728 (1) Two parking spaces shall be provided for the owner plus one space for each guest room;
2729 (2) Proprietor or owner shall occupy the property;
2730 (3) Meals shall only be served to overnight guests;
2731 (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwell-
2732 ing;
2733 (5) Not more than two guests sleeping rooms per dwelling;
2734 (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
2735 and
2736 (7) Business license shall be obtained.
- 2737 (c) **Bed and breakfast inn.** This use is subject to the following:
- 2738 (1) Proprietor or owner shall occupy the premises.
2739 (2) Two parking spaces shall be provided for the owner plus one space for each guest sleeping room.
2740 (3) Meals shall be served to registered overnight guests only.
2741 (4) Signs are limited to one nameplate or one identification sign.
2742 (5) A business license shall be obtained.
2743 (6) Not more than seven sleeping rooms allowed, with all located within the same building as the
2744 owner's residence.
2745 (7) The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in width.
2746 (8) The lot shall have frontage on a major street as shown on the county general plan (Arterial Street
2747 or Collector Street).
2748 (9) The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose
2749 of a bed and breakfast inn.
2750 (10) The inn shall be at least 300 feet from the nearest existing dwelling.
2751 (11) The guest parking shall be in the rear of the inn.
-

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

-
- 2752 (12) Signs are limited to one nameplate or one identification sign of not more than eight square
2753 feet in area.
- 2754 (13) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a
2755 landscape plan shall be submitted with site plan.
- 2756 (14) The inn shall be of a historic period or other distinguishable architectural style or design
2757 so as not to resemble the modern block motel appearance.
- 2758 (d) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100 feet
2759 from a public street and not less than 25 feet from any side or rear lot line.
- 2760 (e) **Family food production.**
- 2761 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
2762 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
2763 five ducks, five geese, or five pigeons.
- 2764 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
2765 40,000 square feet.
- 2766 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
2767 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
2768 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
2769 fowl may be kept per each additional acre greater than two.
- 2770 (f) **Heliport.** This use shall comply with the following minimum standards:
- 2771 (1) It shall be located on a single parcel of record which is not less than 40 acres in area.
- 2772 (2) It shall be located at least 200 feet from any property line. The Land Use Authority may grant
2773 exceptions to this setback if it can be demonstrated that locating the heliport closer than 200 feet to
2774 the property line provides a more beneficial situation for purposes of safety, noise abatement, ac-
2775 cess, or other valid reasons as determined by the Land Use Authority.
- 2776 (3) The landing surface shall be dust proof and free from obstructions.
- 2777 (4) Prior to the issuance of a permit, written approval from the Federal Aviation Administration (FAA)
2778 is required, if necessary.
- 2779 (g) **Recreational vehicle.** No more than one recreational vehicle, or two if on a lot or parcel that is two
2780 acres or greater, shall be occupied on a lot or parcel for more than 180 days of any single calendar year.
2781 The recreational vehicle use shall be limited to recreational uses only and not for longer term placement
2782 or for full-time living. The use may be accompanied by no more than one storage shed no greater than
2783 200 square feet and shall not include electrical or plumbing, one prepared recreational vehicle pad, one
2784 raised deck of no more than two feet in height adjacent to the recreational vehicle, one outdoor camp
2785 fireplace, and picnic table, chairs, tent-type screen. The following additional conditions shall apply:
- 2786 (1) The lot shall meet minimum lot requirements as specified in this Land Use Code, or be a noncon-
2787 forming lot as specified in Title 108, Chapter 12.
-

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

(2) Local Health Department approval is required for waste disposal by an approved septic tank and drain field with approved connection to the recreation vehicle.

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

Sec 104-9-5 Site Development Standards

The following site development standards apply to a lot or parcel in the agricultural zones, unless specified otherwise in this Land Use Code.

Sec 104-12-5.010 (Reserved)

Sec 104-12-5.020 Lot Area

LOT AREA	F-1	F-3	F-5	F-10	F-40
Minimum for all uses:	1 acre	3 acres	5 acres	10 acres	40 acres

Sec 104-12-5.030 Lot Width

LOT WIDTH	F-1	F-3	F-5	F-10	F-40
Minimum for all uses:	150 ¹		300 feet ¹	400 feet ¹	660 feet

¹ The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the required minimum lot width is provided when measured at a distance of 30 feet back from the Front Lot Line in the F-1 and F-3 zones; 100 feet in the F-5 Zone; and 140 feet in the F-10 Zone.

Sec 104-12-5.040 Front Setbacks

FRONT SETBACK	F-1	F-3	F-5	F-10	F-40
Minimum for all buildings:	30 feet ^{1,2}			50 feet ^{1,2}	75 feet ^{1,2}

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

²If a Lot approved under a repealed cluster subdivision code, the minimum Front Setback shall be 20 feet.

2804 **Sec 104-12-5.050 Side Setbacks**

2805

SIDE SETBACK	F-1	F-3	F-5	F-10	F-40
Minimum for all buildings:	20 feet ^{1,2}				40 feet ^{1,2}

2806 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2807 ²If a Lot approved under a repealed cluster subdivision code, the minimum Side Setback
2808 shall be 5 feet, except one foot for an accessory building that is at least 6 feet in rear of
2809 main building.

2810 **Sec 104-12-5.060 Rear Setbacks**

2811

REAR SETBACK	F-1	F-3	F-5	F-10	F-40
Minimum for main building:	30 feet ^{1,2}				
Minimum for accessory building:	10 feet ^{1,2}				

2812 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2813 ²If a Lot approved under a repealed cluster subdivision code, the minimum Rear Setback
2814 shall be 20 feet, except one foot for an accessory building that is at least 6 feet in rear of
2815 main building.

2816 **Sec 104-12-5.070 Building Height**

2817 (a)

	F-1	F-3	F-5	F-10	F-40
Minimum main building height:	1 story				
Maximum main building height:	35 feet				

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COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Maximum accessory building height:	25 feet ¹

¹ Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

2818

2819 **Sec 104-12-5.080 (Reserved)**

2820 **Sec 104-12-5.090 (Reserved)**

2821 **Sec 104-12-5.100 (Reserved)**

2822

2823

2824

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CHAPTER 104-10 SHORELINE ZONE S-1

Sec 104-10-1 Purpose And Intent

(a) The shoreline is a district intended to preserve and protect the wild and environmentally sensitive lands under and adjoining regionally significant bodies of water.

(b) The purposes of the Shoreline Zone S-1 are:

(1) To promote the use of the land for the preservation and protection of wild flora and fauna;

(2) To facilitate the conservation of water and other natural resources;

(3) To manage flood hazards;

(4) To preserve open space, natural scenic attractions, natural vegetation, and other natural features;

Sec 104-10-2 (Reserved)

Sec 104-10-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the Shoreline Zone S-1. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed in another zone but not listed in a zone herein is also prohibited. A use listed is a main use, unless listed in the "accessory uses" table.

Sec 104-10-3.010 Accessory Uses

Unless otherwise specified in the Land Use Code, an accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

	S-1	Special Provisions
Accessory building , accessory and incidental to the use of a main building.	P	
Accessory use , accessory and incidental to the main use.	P	

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COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Main building , designed or used to accommodate the main use.	P	

2847

2848 **Sec 104-10-3.020 Agricultural Uses, Non-Animal**

2849

	S-1	Special Provisions
Aquaculture.	P	

2850

2851 **Sec 104-10-3.030 Animal-Related Noncommercial Uses**

2852 The following are animal-related uses that do not and shall not typically generate customer-oriented traffic
2853 to the lot or parcel.

	S-1	Special Provisions
Animal grazing. Animal grazing, as defined in Section 101-2.	P	See Section 104-10-4.
Apiary.	P	
Aquaculture, animal related.	P	
Aviary.	P	
Corral, stable or building for keeping animals or fowl.	P	See Section 104-10-4.

2854

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2855 **Sec 104-10-3.040 Commercial Uses**

2856 The following are uses that typically generate customer-oriented traffic to the lot or parcel.

S-1 Special Provisions

Agritourism.	C	See <u>Title 108, Chapter 21</u> .

2857

2858 **Sec 104-10-3.050 Institutional Or Governmental Uses**

2859 The following are uses that are typically owned or operated by a nonprofit or governmental entity.

S-1 Special Provisions

Cemetery.	P	
Church, synagogue, or similar building used for regular religious worship.	P	
Private park, playground or recreation area. No privately owned commercial amusement business.	C	
Public campground and picnic area.	P	See Title 108, Chapter 20.
Public park, recreation grounds, and associated buildings.	P	

2860

2861 **Sec 104-10-3.060 (Reserved)**

2862

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

Sec 104-10-3.070 Utility Uses

S-1 Special Provisions

Hydro-electric dam.	C	
Public utility substations.	C	
Radio or television station or tower.	C	

Sec 104-10-4 Special Regulations

- (a) **General use regulations.** The above specified uses shall be permitted only under the following conditions:
- (1) Public health requirements concerning domestic water supply and sewage disposal shall comply with provisions of Section 108-7-9.
 - (2) No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as determined by the County Engineer wherein no buildings or structures shall be constructed or land subdivided. Where buildings are to be constructed within 50 feet of the exterior boundaries of a flood channel existing at the effective date of the ordinance from which this chapter is derived, adequate measures must be taken as determined by the Weber County Engineer so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
 - (3) The required Setback area shall be kept free of debris, refuse or other material which may constitute a fire or environmental hazard.
- (b) **Specific use regulations.** The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-10-3. Due to the nature of the use, each shall be further regulated as follows:
- (1) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except when in compliance with the following:

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

- 2889 a. It may only be carried on during times that are reasonable and necessary due to
2890 lack of natural growing feed as a result of seasonal changes or extreme and tem-
2891 porary meteorological events.
- 2892 b. It shall not exceed a density of 25 head per acre of used land.
- 2893 c. It shall not be closer than 75 feet to any dwelling, public or semi-public building
2894 on an adjoining parcel of land.

2895 (2) ***Corral, stable or building for keeping animals or fowl.*** This use shall be located no less
2896 than 100 feet from a public street and not less than 25 feet from any side or rear lot line.

2897

2898 **Sec 104-10-5 Site Development Standards**

2899 The following site development standards apply to a lot or parcel in the Shoreline Zone S-1, unless specified
2900 otherwise in this Land Use Code.

2901

2902 **Sec 104-10-5.010 (Reserved)**

2903 **Sec 104-10-5.020 Lot Area**

2904

LOT AREA

S-1

Minimum for all buildings:

5 acres

2905

2906 **Sec 104-10-5.030 Lot Width**

2907

LOT WIDTH

S-1

Minimum for all buildings:

300 feet

2908

2909 **Sec 104-10-5.040 Front Setbacks**

2910

FRONT SETBACK

S-1

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

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Minimum for all buildings:	30 feet ¹

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2911 **Sec 104-10-5.050 Side Setbacks**

2912

SIDE SETBACK **S-1**

Minimum for all buildings:	20 feet ¹

2913 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2914 **Sec 104-10-5.060 Rear Setbacks**

2915

REAR SETBACK **S-1**

Main building:	30 feet ¹
Accessory building:	10 feet ¹

2916 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2917 **Sec 104-10-5.070 Building Height**

2918

S-1

Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet ¹

¹ Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

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2919 Sec 104-10-5.080 (Reserved)

2920 Sec 104-10-5.090 (Reserved)

2921 Sec 104-10-5.100 (Reserved)

2922

2923

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2924 **CHAPTER 104-11 (RESERVED)**

2925

2928

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CHAPTER 104-12 RESIDENTIAL ZONES R1, R2, 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 four different low-to-medium density levels. The R1 zone includes the R1-15, R1-12, 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 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 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 is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses. The R3 zone includes the R3-A and R3-S zones.
- (1) The "A" in R3-A stands for attached, and generally allows all types of residential dwellings except stacked residences.
- (2) The "S" in R3-S stands for stacked, and generally allows all types of residential dwellings, including stacked, but excluding single-family detached.
- (3) Any R-3 or FR-3 zone shown on the zoning map or elsewhere in the Land Use Code is a reference to the R3-A zone.

Sec 104-12-2 (Reserved)

Sec 104-12-3 Land Use Table

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

Sec 104-12-3.010 Accessory Uses

ACCESSORY USES

R1

R2

R3

SPECIAL REGULATIONS

COLOR KEY: O.V. incorporation-related. Policy shift.

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

An accessory use is prohibited unless located on the same Lot or Parcel as the main use to which it is accessory.	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	
Accessory Dwelling Unit.	P	P	P	P	P	P	N	See Title 108, Chapter 19. This use is only allowed when accessory to one Single-Family Dwelling per Lot.
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	
Cemetery accessory use , 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	

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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.

2963

2964 **Sec 104-12-3.020 Non-Animal Agricultural Uses**

2965

NON-ANIMAL AGRICULTURAL USES	R1				R2	R3		SPECIAL REGULATIONS
	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.

2966

2967 **Sec 104-12-3.030 (Reserved)**

2968

2969 **Sec 104-12-3.040 Commercial Uses**

2970

COMMERCIAL USES. The following are uses that typically generate customer-oriented traffic to the Lot or Parcel.	R1				R2	R3		SPECIAL REGULATIONS
	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Child day care.	C	C	C	C	C	C	C	

2971

2972 **Sec 104-12-3.050 Institutional Or Governmental Uses**

2973

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INSTITUTIONAL OR GOVERNMENTAL USES	R1				R2	R3		SPECIAL REGULATIONS
	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	

2974

2975 Sec 104-12-3.060 Residential Uses

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RESIDENTIAL USES	R1				R2	R3		SPECIAL REGULATIONS
	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.

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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.

2977

2978 **Sec 104-12-3.070 Utility Uses**

2979

UTILITY USES.	R1				R2	R3		SPECIAL REGULATIONS
	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

2980

2981 **Sec 104-12-3.080 (Reserved)**

2982 **Sec 104-12-3.090 (Reserved)**

2983 **Sec 104-12-3.100 (Reserved)**

2984

2985

2986 **Sec 104-12-4 Special Regulations**

2987 The uses listed below correspond with certain uses listed in the Land Use Tables in Section 104-12-3. Due
2988 to the nature of the use, each shall be further regulated as follows:

2989 (a) **Dwelling Unit design standards.** All Dwellings except for a Single-Family Detached Dwelling, shall
2990 be designed in accordance with the following minimum design standards:

2991

2992 (1) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adja-
2993 cent rooflines.

2994 (2) **Building massing.** The wall massing of building facades shall be broken at least every 30 feet with
2995 no less than a six-inch shift in the plane of adjacent walls.

2996 (3) **Building material.** Each building facade that faces the street shall consist of brick, stone, or wood,
2997 or a faux material, such as fiber cement, that is hard for the Land Use Authority to distinguish from

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- 2998 real brick, stone, or wood. Metal may be used for accent material covering less than 25 percent of
 2999 any facade, excluding area for window and door openings. At least one of the building materials
 3000 used on the building facade shall also be used on all other sides of the building.
- 3001 (4) **Colors.** At least two muted earth-toned colors generally visible from the site are required.
- 3002 (5) **Repetitious building facades.** When multiple Dwelling Units with substantially similar floor plans,
 3003 whether mirrored or not, will be located on the same Street Block, no less than seven unique Dwell-
 3004 ing Unit facade patterns that use unique architectural design features and materials shall be used
 3005 and distributed in a manner that avoids the obvious repetition of the same pattern, whether mirrored
 3006 or not, within visual proximity of another. This provision shall not apply to a stacked Multi-Family
 3007 Dwelling or to any Dwelling Unit within a building that has one common street-facing front en-
 3008 trance and a street-facing facade that gives the visual appearance of a Single-Family Dwelling.
- 3009 (b) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of
 3010 the construction work.

3011

3012 **Sec 104-12-5 Site Development Standards**

3013 The following site development standards apply to the Residential Zones R1, R2, and R3, unless specified
 3014 otherwise in this Land Use Code.

3015

3016 **Sec 104-12-5.010 Allowed Density**

3017

ALLOWED DENSITY	R1				R2	R3		SPECIAL REGULA- TIONS
	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Total allowed units for- mula. The total number of Dwelling Units al- lowed in any given area shall be no more than the gross area divided by:	15,000 square feet	12,000 square feet	10,000 square feet	5,000 square feet	4,000 square feet	3,000 square feet	1,800 square feet	
Maximum allowed units per acre. Maxi- mum allowed Dwelling Units per gross acre:	2.9	3.6	4.3	8.7	10.9	14.5	24.2	Accessory Dwelling Units in compliance with Title 108, Chapter 19

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								shall not be included in the maximum allowed units per acre.

3018

3019 **Sec 104-12-5.020 Lot Area**

3020

Lot Area	R1				R2	R3		SPECIAL REGULATIONS
	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Dwelling. The minimum Lot Area for a Dwelling:	6,000 square feet ¹	5,000 square feet ¹	4,000 square feet ¹	2,500 square feet ¹	2,500 square feet ¹	No minimum ¹		If a flag lot, see Section 106-4-4.010 for alternative 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		
Public utility substation:	See Section 108-10-2 for public utility substation site development standards.							

3021 ¹ This minimum lot area notwithstanding, at no time shall any subdivision or other development project
 3022 have a Dwelling Unit density greater than specified in Section 104-12-5.010. After a subdivision or devel-
 3023 opment project has received final approval under these standards, all excess Dwelling Unit density not
 3024 included in the approval shall be forfeited unless the density in the entire original project area is reconsid-
 3025 ered for compliance with density regulations specified in Section 104-12-5.010 and all owners within the
 3026 affected area consent to the reconfiguration.

3027

3028 **Sec 104-12-5.030 Lot Width And Lot Frontage**

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LOT WIDTH AND LOT FRONTAGE		R1				R2	R3		SPECIAL REGULA- TIONS
		R1- 15	R1- 12	R1- 10	R1-5		R3- A	R3-S	
<i>Dwelling.</i>	<i>Lot Width.</i> The minimum Lot Width for a Dwelling:	60 feet	50 feet	40 feet	40 feet	30 feet	No mini- mum		
	<i>Lot Frontage.</i> The minimum Lot Frontage for a Dwelling:	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.						If a Flag Lot, see Section 106-2-4.010 for alternative development standards.	
<i>Other main building or use.</i> The minimum Lot Width and Street Frontage for a main building or use other than a Dwelling:		100 feet	90 feet	80 feet	70 feet	60 feet	50 feet		
<i>Public utility substation:</i>		See Section 108-10-2 for public utility substation development standards.							

3030

3031 Sec 104-12-5.040 Front Setbacks

3032

FRONT SETBACKS		R1				R2	R3		SPECIAL REGULATIONS
		R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Dwelling. The minimum Front Setback for a Dwelling:		15 feet ¹				12 feet ¹	10 feet ¹		For surface parking in the R3-S zone, the re-

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					quired 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. The minimum Front Setback for a public-street-facing garage door or doors with a cumulative width that is: ²	30 percent of the Lot Width or greater:	30 feet ¹ ,	25 feet ¹	20 feet ¹	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 facade when viewed from the public street. ²
	Less than 30 percent of the Lot Width:	20 feet ¹			
Other main building. The minimum Front Setback for other main building:		30 feet ¹			
Accessory building. The minimum Front Setback for an accessory building:		30 feet ¹			

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

3033 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

3034 ² This provision is not applicable to a Lot that is subject to a development agreement executed prior to
 3035 November 5, 2024, provided that a public street-facing garage door shall be Setback from a Front Lot Line
 3036 a minimum of 20 feet.

3037

3038 **Sec 104-12-5.050 Side Setbacks**

3039

SIDE SETBACKS	R1				R2	R3		SPECIAL REGULA- TIONS
	R1- 15	R1- 12	R1- 10	R1-5		R3-A	R3-S	
Dwelling. The minimum Side Set- back for a Dwelling:	5 feet for single story; 7 feet for more than one story ¹ ; 10 feet for an attached garage.				5 feet ²	No mini- mum		In the R3 zones, the minimum distance be- tween buildings, both onsite and off, shall be 10 feet.
Other main building. The mini- mum Side Setback for other main building:	20 feet ²							
Corner Lot. The minimum Setback from a Side Lot Line fronting on a street:	Front Setback regulations apply.							
Accessory building. The minimum Side Setback for an accessory building ⁴ :	Same as main building, ex- cept 1 foot if located at least 6 feet in rear of main building. ^{2, 3}				No mini- mum ²			
Public utility substation:	See Section 108-10-2 for public utility substation site development standards.							

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3040 ¹ More than one story is when any part of a second story exists behind the facade wall that faces the Side
3041 Lot Line, excluding area within a basement and excluding any floor area in an attic above the roof's eaves..

3042 ² See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

3043 ³ No minimum Side Setback is required for a detached garage that shares a common wall with a similarly
3044 proportioned and appearing garage on the adjacent lot, as long as both garages are built at the same time.

3045 ⁴Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials: See
3046 Section 108-7-16.

3047

3048

3049 **Sec 104-12-5.060 Rear Setbacks**

3050

REAR SETBACKS	R1				R2	R3		SPECIAL REGULA- TIONS
	R1- 15	R1- 12	R1- 10	R1-5		R3- A	R3-S	
Dwelling. The minimum Rear Setback for a Dwelling:	20 feet ¹							
Garage door facing Alley or Shared Private Lane. The minimum Rear Setback for a garage door that faces an Alley or Shared Private Lane:	5 feet ¹							
Other main building. The minimum Rear Setback for other main building:	30 feet ¹							
Accessory building. The minimum Rear Setback for an accessory building:	1 foot, except 10 feet when on a Corner Lot and within 20 feet of a street. ¹							
Public utility substation:	See Section 108-10-2 for public utility substation site development standards.							

3051 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

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3052 **Sec 104-12-5.070 Building Height**

3053

BUILDING HEIGHT	R1				R2	R3		SPECIAL REGULA- TIONS
	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Minimum Building Height. The minimum Building Height for a main building:	1 story							
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. The maximum Building Height for an accessory building:	25 feet						See Section 108-7-16 for an accessory building over 1,000 square feet.	

3054

3055 **Sec 104-12-5.080 Building Width**

3056

BUILDING WIDTH	R1				R2	R3		SPECIAL REGULA- TIONS
	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
Maximum dwelling width. The maximum width of any Dwelling:	No maximum					6 attached units or 200 feet, whichever is less.		The minimum distance between buildings on the same lot shall be ten feet.
Maximum width of other main building. The maximum width of a	200 feet							

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main building other than a Dwelling:

3057

3058 **Sec 104-12-5.090 Floor Area Ratio**

3059

FLOOR TO AREA RATIO	R1				R2	R3		SPECIAL REGULATIONS
	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
<i>Maximum floor area ratio.</i> The maximum allowed floor-to-area ratio, found by dividing the entire floor area of all buildings by the site area:	Not applicable					1.5	2.0	

3060

3061 **Sec 104-12-5.100 (Reserved)**

3062 **CHAPTER 104-13 (RESERVED)**

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3063 **CHAPTER 104-14 (RESERVED)**

3064

3065 **CHAPTER 104-15 (RESERVED)**

3066 **CHAPTER 104-16 (RESERVED)**

3067 **CHAPTER 104-17 (RESERVED)**

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3068 Chapter 104-18 (Reserved)

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3069 **CHAPTER 104-19 (RESERVED)**

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CHAPTER 104-20 COMMERCIAL ZONES CR-1, C-1, C-2, AND C-3

Sec 104-20-1 Purpose And Intent

- (a) The purpose of the commercial zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of unincorporated Weber County. It is also to separate uses into four zones, based upon compatible and complementary types of activity, as well as intensity and impacts of land utilization and accessory use needs.
- (b) The Commercial Recreation CR-1 Zone is established for the purpose of providing commercial services, goods, and facilities which are normally required by the public in the pursuit of nearby recreation or resort activities, and which are compatible with the general surrounding natural environment. This zone was previously named CVR-1 Zone. Any CVR-1 zone labels or references shown on the zoning map, in this Land Use Code, or elsewhere are references to this CR-1 zone.
- (c) The Neighborhood Commercial C-1 Zone is established for the purpose of providing shopping facilities and services that are more likely to be primarily patronized by those in the surrounding neighborhood. Commercial uses that are primarily patronized by those outside the surrounding neighborhood are less suitable for this zone.
- (d) The Community Commercial C-2 Zone is established for the purpose of providing a broad range of commercial services and goods to serve a larger community area. These areas are intended to be clustered around traditional town or village centers and not strung out along the highways.
- (e) The Regional Commercial C-3 Zone is established for the purpose of providing commercial goods and services that are more likely to be patronized by those in the surrounding region.

Sec 104-20-2 (Reserved)

Sec 104-20-3 Land Use Table

- (a) The following tables display the uses permitted, conditionally permitted, or not permitted in these agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone.
- (b) A use listed in another zone but not listed in a zone herein is also prohibited.
- (c) A use listed is a main use, unless specifically described as an accessory use.
- (d) All uses listed are indoor uses, unless explicitly stated otherwise with the terms "outdoor" or "yard."
- (e) When a use fits more than one use listed in these tables, the more specific or more restrictive provision applies.

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	CR-1	C-1		C-2		C-3
Academies/studios for dance, art, sports, etc.	P	C		P		P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P	P		P		P
Air conditioning, sales and service	N	N		N		P
Ambulance base stations	N	N		C		P
Amusement enterprises	N	N		N		C
Veterinary Facility, small animals only and provided it is conducted within completely enclosed building	N	N		N		C
Antique, import or souvenir shop	P	N		P		P
Archery shop and range, provided it is conducted within completely enclosed building	P	N		P		P
Art and artists supply store	P	N		P		P
Art gallery	P	P		P		P
Athletic, recreational equipment, and sporting goods sales or rentals, <i>excluding sale, rental, or repair of motor vehicles, motor boats or motors</i>	P	N		P		P
Athletic, recreational equipment, and sporting goods sales or rentals, <i>including sale, rental, or repair of off-road, all-terrain, recreational or similar motor vehicles, motor boats or motors</i>	C	N		N		P
Auction establishment	N	N		N		C

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Automobile repair, including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building	N	N		N		P
Automobile, new or used sales and service	N	N		N		P
Awning sales and service	N	N		P		P
Baby formula service	N	P		P		P
Bakery, limited to goods retailed on premises	P	P		P		P
Bakery goods manufacturing	N	N		N		P
Bank or financial institution, not including payday loan services	P	P		P		P
Barbershop	P	P		P		P
Bath and massage establishment	P	N		P		P
Beauty culture school	N	N		N		P
Beauty parlor for cats and dogs	C	N		P		P
Beauty shop	P	P		P		P
Bed and breakfast dwelling	N	P		P		P
Bed and breakfast inn	C	N		P		P
Bed and breakfast hotel	C	N		C		P
Beer parlor, sale of draft beer	C	N		N		C
Bicycle sales and service	P	P		P		P

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Billiard establishment	P	N		N		P
Boat sales and service, including water craft rentals as an accessory to boat sales and service	N	N		C		P
Bookbinding	N	N		N		P
Bookstore, retail	P	P		P		P
Bottling and distribution plant	N	N		N		P
Boutique	P	P		P	P	P
Bowling alley	P	N		C		P
Boxing arena	N	N		N		P
Brewery, micro; in conjunction with a restaurant	C	N		P		P
Building materials sales or yard	N	N		N		P
Bus terminal	N	N		P		P
Butcher shop, excluding slaughtering	N	C		P		P
Cabaret	N	N		N		C
Cafe or cafeteria	P	P		P		P
Camera store	P	P		P		P
Candy manufacture	N	N		N		P
Candy store, confectionery	P	P		P		P
Carbonated water sales	N	N		P		P

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Carpenter and cabinet shop	N	N		N		P
Carpet and rug cleaning	N	N		N		P
Carpet, rug and linoleum service	N	N		P		P
Car rental agency	N	N		P		P
Car wash, automatic	N	N		C		P
Car wash, manual spray	N	C		P		P
Cash register sales and service	N	N		P		P
Catering establishment	N	N		P		P
China, crystal and silver shop	N	C		P		P
Christmas tree sales	N	P		P		P
Church	P	P		P		P
Circus, carnival or other transient amusement	N	N		N		C
Cleaning and dyeing establishment	N	N		P		P
Clinics, medical or dental clinic or office	P	P		P		P
Clothing and accessory store	P	N		P		P
Coal and fuel sales office	N	N		N		P
Communication equipment building	N	N		P		P
Conference or education center	C	N		C		P

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Contractor shop, provided work is conducted within a completely enclosed building	N	N		N		P
Convenience store with fuel pumps	N	C		C		C
Convenience store without fuel pumps	P	P		P		P
Costume rental	N	N		P		P
Dairy products store	P	P		P		P
Dance hall	C	N		N		C
Data processing service and supplies	N	N		P		P
Day care center	N	C		P		N
Delicatessen	P	P		P		P
Department store	N	N		P		P
Detective agency	N	P		P		P
Diaper service, including cleaning	N	N		P		P
Drapery and curtain store	N	N		P		P
Drive it yourself agency or business	N	N		P		P
Drug store	P	P		P		P
Dry cleaning	C	N		P		P

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Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that 3,000 sq. ft. of green area is provided for the family	C	C		C		N
Educational institution	N	N		P		P
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	N	P		P		P
Electrical and heating appliances and fixtures sales and service	N	N		P		P
Electronic equipment sales and service	N	N		P		P
Employment agency	N	N		P		P
Express and transfer service	N	N		N		C
Fabric and textile store	N	P		P		P
Farm implement sales	N	N		N		P
Film exchange establishment	N	P		P		P
Fitness, athletic, health, or recreation center, or gymnasium	P	N		P		P
Flooring sales and service, carpet, rug, and linoleum	N	N		P		P
Florist shop	P	P		P		P
Frozen food lockers, <i>accessory and incidental to a grocery store or food business</i>	P	P		P		P

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Fruit or vegetable store or stand	P	P		P		P
Furniture sales and repair	N	N		P		P
Fur apparel sales, storage or repair	N	N		P		P
Garden supplies and plant materials sales	N	P		P		P
Gift store	P	P		P		P
Glass sales and service	N	N		P		P
Golf courses, including miniature golf, as part of an accessory to a recreation resort	C	N		N		N
Government office buildings	N	C		P		P
Greenhouse and nursery	N	N		P		P
Grocery store, large. A large grocery store is a grocery store that is more than 10,000 square feet.	N	P		P		P
Grocery store, small. A small grocery store is a grocery store that is less than 10,000 square feet.	P	P		P		P
Gunsmith	N	N		P		P
Hardware store	N	N		P		P
Health food store	N	P		P		P
Heliport	N	N		C		C
Hobby and crafts store	N	P		P		P

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Horse rentals, with up to ten horses per each acre that is devoted to the care of the horses, if stabled	C	N		N		N
Hospital supplies	N	N		P		P
Hotel	C	N		C		P
House cleaning and repair	N	N		P		P
House equipment display	N	N		P		P
Household appliance sales and incidental service	N	N		C		P
Ice cream manufacture	N	N		N		P
Ice cream parlor	P	P		P		P
Ice manufacture and storage	N	N		N		P
Ice store or vending station	P	P		P		P
Insulation sales	N	N		P		P
Insurance agency	N	N		P		P
Interior decorator and designing establishment	N	N		P		P
Janitor service and supply	N	N		P		P
Jewelry store sales and service	P	P		P		P
Knitting mills	N	N		N		C
Laboratory, dental or medical	N	N		P		P

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Laundromat	P	P		P		P
Lawn mower sales and service	N	N		P		P
Leather goods, sales and service	N	N		P		P
Legal office	N	N		P		P
Library	P	P		P		P
Linen store	N	N		P		P
Linen supply service	N	N		N		P
Liquor store	C	C		C		C
Locksmith	N	P		P		P
Social hall	P	N		P		P
Lodging house	P	N		C		P
Lounge	P	N		N		C
Luggage store	N	N		P		P
Lumber yard	N	N		N		C
Machine shop operations, <i>accessory and incidental to any permitted use.</i>	N	N		N		P
Manufacture of goods retailed on premises	N	N		C		C
Meat custom cutting and wrapping, <i>excluding slaughtering</i>	N	N		C		C

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Meat, fish and seafood store	N	P		P		P
Medical office	P	P		P		P
Medical supplies	N	N		P		P
Millinery	N	N		P		P
Miniature golf	P	N		N		C
Mobile home sales	N	N		N		P
Mobile home service	N	N		N		P
Monument works and sales	N	N		P		P
Mortuary	N	N		C		P
Motel	P	N		P		P
Motorboat sales and service	N	N		C		P
Motorcycle and motor scooters sales and service	N	N		C		P
Museum	N	C		P		P
Music store	P	N		P		P
Needlework, embroidery or knitting store	N	P		P		P
Newsstand	P	P		P		P
Nightclub or social club	N	N		N		C
Notion store	P	P		P		P

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Novelty store	P	N		P		P
Preschool or daycare	C	C		P		P
Office, <i>without onsite goods or merchandise commercially created, exchanged, or sold.</i>	P	P		P		P
Office supply	N	N		P		P
Office machines sales and service	N	N		P		P
Oil burner shop	N	N		N		C
Optometrist, optician or oculist	P	P		P		P
Ornamental iron sales or repair	N	N		C		P
Outdoor storage, when not governed otherwise in this Land Use Code.	N	N		N		N
Outfitters base camp	C	N		N		N
Paint or wallpaper store	N	N		P		P
Paperhanger shop	N	N		P		P
Park and playground	P	P		P		P
Parking lot or parking structure for passenger vehicles as a main use	C	C		C		C
Pawnshop	N	N		N		P
Coin arcade	C	N		N		C
Pest control and extermination	N	N		P		P

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Pet and pet supply store	C	N		P		P
Pharmacy	N	P		P		P
Photographic supplies	N	P		P		P
Photo studio	N	P		P		P
Physician or surgeon	N	P		P		P
Pie manufacture	N	N		P		P
Plumbing shop	N	N		C		P
Pony ring, without stables	C	N		N		C
Popcorn or nut shop	P	P		P		P
Post office	N	C		P		P
Pottery, sales and manufacture of crafts and tile	N	N		P		P
Printing or copying sales and services	N	N		C		P
Private liquor club	N	N		N		C
Public utilities substation	C	C		C		C
Public building	P	P		P		P
Radio and television sales and service	N	C		P		P

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Radio or television broadcasting station	N	N		P		P
Real estate agency	C	N		P		P
Reception center or wedding chapel	C	N		C		P
Recreation center	P	N		C		P
Recreation lodge	C	N		N		P
Recreational resort	C	N		N		P
Recreational vehicle and boat storage, indoor only	N	C		C		P
Rental agency for home and garden equipment	N	N		P		P
Restaurant. <i>A restaurant that is not a drive-in and does not have a drive-through window.</i>	P	P		P		P
Restaurant, drive-in	C	N		P		P
Restaurant, drive-through. <i>A restaurant that has a drive-through window.</i>	C	N		C		P
Skating rink or skate park, <i>indoor or outdoor.</i>	C	N		C		P
Roofing sales or shop	N	N		P		P
Secondhand store	N	N		P		P
Seed and feed store, retail	C	N		P		P
Self-storage: indoor units for personal and household items, in compliance with the requirements of Section 104-20-4.	N	N		C		C

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Service station, automobile, <i>excluding painting, body and fender and upholstery work.</i>	P	P		P		P
Service station, automobile, <i>allowing a one-bay car wash as accessory use.</i>	N	P		P		P
Sewing machine sale and service	N	N		P		P
Sheet metal shop and retinning, <i>provided all operations are conducted within completely enclosed bldg.</i>	N	N		N		C
Shoe repair or shoe shine shop	N	P		P		P
Shoe store	N	N		P		P
Shooting range, indoors	C	N		N		C
Sign manufacturing or sign painting	N	N		N		P

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Ski resort and ski schools	C	N		N		N
Snow plow and removal service	N	N		C		P
Snowmobile and ATV sales and repair	N	N		C		C
Soil and lawn service	N	N		P		P
Spa	P	N		P		P
Tailor shop	N	P		P		P
Tavern, beer pub	C	N		N		C
Taxicab stand	N	P		P		P
Taxidermist	N	N		P		P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	P		P		P
Theater, indoor	P	N		P		P

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Theater, outdoor	N	N		N		C
Tire recapping or retreading sales and service	N	N		N		C
Tobacco shop	N	P		P		P
Tool design (precision) repair and manufacture	N	N		N		C
Toy store, retail	N	P		P		P
Trade or industrial school	N	N		C		P
Trailer sales and service	N	N		N		P
Travel agency	C	P		P		P
Truck terminal	N	N		N		P
Upholstery shop	N	C		P		P
Used car lot	N	N		N		C
Variety store	N	P		P		P
Vendor, short term, <i>in compliance with the requirements of Section 108-13-3.</i>	P	P		P		P
Ventilating equipment sales and service	N	N		C		P
Video sales and rental	P	P		P		P
Warehouse storage	N	N		N		P
Weather stripping shop	N	N		P		P
Welding shop	N	N		N		C

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Wholesale business	N	N		N		P
Window washing establishment	N	N		P		P

3107

3108 **Sec 104-20-4 Special Regulations**

3109 (a) ***Manufacturing uses.*** All manufacturing uses shall be done within a completely enclosed building in
3110 an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.

3111

3112 (b) ***Car wash.*** A car wash shall be subject to the following restrictions:

3113 (1) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of
3114 the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings
3115 and related improvements.

3116 (2) The off-street vehicle spaces or queues required shall be as follows:

3117 a. One bay car wash, four spaces in the approach lane;

3118 b. Two bay car wash, three spaces in the approach lane for each wash bay;

3119 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

3120 (c) ***Complete street.***

3121 (1) A **Complete Street**, as defined in Chapter 101-2, shall be installed to span the street-frontage of the
3122 lot for the width of existing or proposed completed improvements, including parking facilities and
3123 required landscaped area. If this width is 75 percent of the lot width or greater, the **Complete Street**
3124 shall span the lot's entire street-frontage in the commercial zone.

3125 a. Modification of existing site improvements that affect less than 25 percent of the lot area is
3126 exempt from **Complete Street** requirements.

3127 b. For portions of a lot's frontage in the commercial zone where a **Complete Street** is not required
3128 by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning
3129 Division Director after consultation with the County Engineer.

3130 (2) A **Complete Street** design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian light-
3131 ing, shade trees, appropriate clear view of intersection, and shall also include safe street crossings
3132 for pedestrians in no greater than 300-foot intervals. The **Complete Street** design, tree species and
3133 planting techniques, and pedestrian lighting are subject to approval by the Planning Division Di-
3134 rector, after consultation with the County Engineer.

3135 (d) ***Perpetual building maintenance agreement.*** When permitted by this chapter as a way to allow reduced
3136 side or rear Setbacks, a perpetual building maintenance agreement is required between the building
3137 owner and the affected adjacent property owner, which shall allow for construction and maintenance
3138 of the side or rear of a commercial building, and shall:

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- 3139 (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Of-
3140 fice;
- 3141 (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear
3142 of the building;
- 3143 (3) require allowances of access to the property for repairs and maintenance purposes;
- 3144 (4) be signed by the owner of the commercial building and the adjacent property owner to be consid-
3145 ered valid; and be recorded on the title of both properties.
- 3146 (e) **Cross-access and cross-access easement.** Access to adjacent existing or future development without
3147 the need to access the public right-of-way is in the interest of public safety. As such, at a minimum,
3148 each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be
3149 stubbed to adjacent property where practicable.
- 3150 (1) When locating a cross-access easement or designing the cross-access infrastructure, good faith ef-
3151 forts shall be made to coordinate the location and design with the adjoining land owner.
- 3152 (2) The Planning Division Director may require the cross-access to be located in a manner that opti-
3153 mizes traffic circulation on the properties or in the area.
- 3154 (3) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certif-
3155 icate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for
3156 completion if allowed by the County Engineer.
- 3157 (4) When a lot or parcel is being developed that abuts an existing cross-access easement or existing
3158 cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot
3159 line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure
3160 shall be constructed to the same standard as, or better than, the existing cross-access infrastructure
3161 on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected prop-
3162 erties, along with a perpetual operation and maintenance agreement between the property owners
3163 that specifies, at a minimum, that the infrastructure will be operated and maintained by the property
3164 owners in a manner that is safe and usable for two-way vehicle traffic.
- 3165 (5) If property owners fail to operate or maintain cross-access infrastructure that was required by the
3166 County under this section, the County may pursue enforcement measures as provided in this Land
3167 Use Code.
- 3168 (f) **Recreational Resort.** The following additional standards apply to recreational resort uses:
3169 (a) All projects shall consist of a minimum of ten percent commercial area.
3170 (b) Multiple or mixed uses shall be allowed in a single building. For example, a building housing con-
3171 dominium rental apartments may also include restaurants, gift shops and sports clothing stores.
3172 (c) In approving site plans, the land use authority shall find that proposed buildings and uses are sized
3173 in proportion to the recreational amenities for which they will provide goods and services. For
3174 example, a golf or ski resort may have a small grocery and sporting goods store, but neither should
3175 be sized to be an attraction independent of the provided recreational amenity. In other words, the
3176 recreational amenity remains the attraction.
-

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- 3177 (1) The development standards for a recreation resort are as follows:
- 3178 a. **Area.** There is no minimum lot area, but the following minimum overall project development
- 3179 area is required for the uses specified, but never less than two and one-half acres:
- 3180 1. 7,500 square feet of overall net developable area, as defined in Section 101-2, per building;
- 3181 2. Plus 2,000 square feet of overall net developable area for each dwelling unit in excess of
- 3182 two dwelling units per building;
- 3183 3. Plus 500 square feet of overall net developable area for each lockout sleeping room.
- 3184 b. **Width.** There is no minimum lot width, but the overall project development width shall be no
- 3185 less than 150 feet at any point.
- 3186 c. **Setback.** The minimum Setbacks from the overall project development boundary is 30 feet,
- 3187 except as otherwise required by this or any other county ordinance.
- 3188 (g) **Storage Unit.** When allowed by Section 104-20-3, and unless exempted herein, storage units are al-
- 3189 lowed if located on the same lot or parcel with street-facing commercial space. The use shall comply
- 3190 with the following:
- 3191 (1) Storage units shall be located behind or above building area that provides or reserves first-story
- 3192 street-facing commercial space. The building providing street-facing commercial space shall be
- 3193 designed by an architect and shall:
- 3194 a. Provide street-facing commercial space that is at the street level and extends the entire length
- 3195 of the building's street-facing facade;
- 3196 b. Be setback from the Front Lot Line, or Side Lot Line for a Corner Lot's side fronting on a
- 3197 street, no greater than 20 feet;
- 3198 c. Have one or more main entrance(s) accessible from the street right-of-way on the building's
- 3199 street-facing facade;
- 3200 d. Have at least 50 percent glazing for the part of a building's facade(s) that provide(s) first-story
- 3201 street-facing commercial space;
- 3202 e. Have at least 30 percent glazing for the part of a building's facade(s) that do(es) not provide
- 3203 first-story street-facing commercial space;
- 3204 f. Appear from the exterior as if office or residential space is offered in the area housing the
- 3205 storage units; and
- 3206 g. Comply with the architectural design theme specified in the respective general plan.
- 3207 (2) If located in a separate onsite building than the building providing first-story street-facing commer-
- 3208 cial space specified in Subsection (g)(1) herein, the separate building shall be located behind the
- 3209 building with Ground-Floor Street-Facing Commercial Space , and shall be no wider than the build-
- 3210 ing providing Ground-Floor Street-Facing Commercial Space . The building shall be designed by
- 3211 a licensed architect to have similar architectural features as the building providing Ground-Floor
- 3212 Street-Facing Commercial Space .
-

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(3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property line, and shall be completely obscured from view from any public right-of-way; except a bay or garage door may face a public right-of-way if the door is constructed of 80 percent window area and designed to appear as glazing for first-story street-facing commercial space.

(4) The lot's street frontage shall be developed as a **Complete Street**, as specified in Section 104-20-4(c).

(5) Exemption: The requirements of this Subsection (g) shall be waived if:

a. The lot or parcel has no street frontage;

b. No street is planned that would give the lot or parcel frontage, as shown on any street plan or similar document adopted by the County; and

c. The parcel is surrounded on all sides by a zone that allows first-story street-facing commercial space, or is shown on a general plan, area plan, or other similar document adopted by the County to become surrounded on all sides by a zone that allows first-story street-facing commercial space.

Sec 104-20-5 Lot Development Standards

The following site development standards shall apply to the Commercial Zones:

Sec 104-20-5.010 (Reserved)

Sec 104-20-5.020 Lot Area

	CR-1	C-1		C-2		C-3
Minimum lot area:	None					

Sec 104-20-5.030 Lot Width

	CR-1	C-1		C-2		C-3
Minimum lot width:	None					

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3239 **Sec 104-20-5.040 Front Setbacks**

3240 (1)

	CR-1	C-1		C-2		C-3
Minimum Front Setback:	None. ¹					

3241 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

3242

3243 **Sec 104-20-5.050 Side Setbacks**

3244

	CR-1	C-1		C-2		C-3
Minimum Side Setback:	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-20-4(e); or the building will abut a building on the adjoining lot or parcel. ¹					
Corner Lot. The minimum Side Setback for a Side Lot Line fronting on a street::	None. ¹					

3245 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

3246

3247 **Sec 104-20-5.060 Rear Setbacks**

3248

	CR-1	C-1		C-2		C-3
Minimum Rear Setback:	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-20-4(e); or the building will abut a building on the adjoining lot or parcel. ¹					

3249 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

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3250

3251 **Sec 104-20-5.070 Building Height**

3252

	CR-1	C-1		C-2		C-3
Minimum building height:	1 story					
Maximum building height:	50 feet	35 feet		None		None

3253

3254 **Sec 104-20-5.080 (Reserved)**

3255

3256 **Sec 104-20-5.090 Lot Coverage**

3257

3258

	CR-1	C-1		C-2		C-3
Maximum lot coverage by buildings:	None	60 percent				None

3259

3260 **Sec 104-20-5.100 (Reserved)**

3261

3262 **Sec 104-20-6 (Reserved)**

3263

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CHAPTER 104-21 MANUFACTURING ZONES M-T, M-1, M-2, AND M-3

Sec 104-21-1 Purpose And Intent

- (a) The purpose of the Manufacturing (M-1) Zone is to provide a light manufacturing zone in areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.
- (b) The purpose of the Manufacturing (M-2) Zone is to provide a heavy manufacturing zone in areas that will accommodate the need for heavy intensity manufacturing, extractive and associated uses where the environment impact upon community may be substantial and where public regulation may be necessary to preserve the general welfare of the community.
- (c) The purpose of the Manufacturing (M-3) Zone is to provide for industrial uses related to the manufacturing, testing, and production of jet and missile engines, aircraft or space craft parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included in this purpose..
- (d) The purpose of the Manufacturing and Technology (M-T) District is to provide for and encourage the development of well-planned and designed technological and manufacturing parks. These areas are characterized by uses such as research, development, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These areas are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses.

Sec 104-21-2 (Reserved)

Sec 104-21-3 Land Use Tables

- (a) The following tables display the uses permitted, conditionally permitted, or not permitted in these agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone.
- (b) A use listed in another zone but not listed in a zone herein is also prohibited.
- (c) A use listed is a main use, unless specifically described as an accessory use.
- (d) Unless more specifically regulated in the following table, any use listed as "P" in the C-3 zone is a permitted use in the M-T, M-1, M-2, and M-3 zones, and any use listed as "C" in the C-3 zone is a conditional use.
- (e) All uses listed are indoor uses, unless explicitly stated otherwise with the terms "outdoor" or "yard."

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- 3300 (f) When a use fits more than one use listed in these tables, the more specific or more restrictive
3301 provision applies.
3302 (g) In all manufacturing zones, any manufacturing process that will result in odors, dust, fumes,
3303 or other airborne contaminants that have the potential of negatively affecting the manufactur-
3304 ing of products, or the work environment in which this manufacturing occurs, or neighbor-
3305 hoods in the general area, shall provide mechanisms, by installation or otherwise, that keep the
3306 airborne contaminants from leaving the site.

3307

3308 **Sec 104-21-3.010 Accessory uses.**

3309 Unless otherwise specified in the Land Use Code, an accessory use is prohibited unless located on the same
3310 lot or parcel as its main use.

	M-T	M-1	M-2	M-3	Special Provisions
Accessory building , accessory and inci- dental to the use of a main building.	P	P	P	P	
Accessory use , accessory and incidental to the main use.	P	P	P	P	
Main building , designed or used to accom- modate the main use.	P	P	P	P	
Parking lot , accessory to a main use al- lowed in the zone.	P	P	P	P	
Temporary building or use , accessory and incidental to onsite construction work.	P	P	P	P	

3311 **Sec 104-21-3.020 Aeronautical, Space-Based, Or Defense-Based Manufacturing Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
<i>Aircraft engine testing, including jet, missile and chemical engines.</i>	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.

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<i>Aircraft or aircraft parts manufacturing.</i>	N		N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
<i>Missile and missile parts manufacturing.</i>	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.
<i>Spacecraft and spacecraft parts manufacturing.</i>	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.

3312

3313 **Sec 104-21-3.030 Animal Byproduct Harvesting, Processing, Or Refining Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
<i>Animal byproduct manufacturing, generally.</i>	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.
<i>Fat rendering.</i>	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.

3314

3315 **Sec 104-21-3.040 Animal-Related Uses Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
<i>Animal feeding operation.</i> An animal feeding operation, as defined in Section 101-2.	N		N	N	C	
<i>Animal feeding operation, large concentrated.</i> A large concentrated animal feeding operation, as defined in Section 101-2.	N		N	N	C	

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Animal grazing. Animal grazing, as defined in Section 101-2.	N		P	P	P	
Veterinary Facility. An Veterinary Facility	N		P	P	P	
Apiary. The keeping of bees.	N		P	P	P	
Aviary. The keeping and feeding of birds.	N		P	P	P	
Kennel. kennel.	N		P	P	P	
Stockyard. A stockyard.	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.
Slaughterhouse. A slaughterhouse.	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.
Veterinarian and small animal grooming. Veterinarian or animal grooming services.	P		P	P	P	

3316

3317 **Sec 104-21-3.050 Commercial Services Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Building maintenance services. Services for the maintenance of buildings.	P		P	P	P	
Conference or convention center.	P		P	P	P	

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Contractor's equipment storage yard. A contractor's equipment storage yard or rental of equipment used by contractors. (Indoor or outdoor)	N		C	P	P	
Data services. A data center, data warehousing, and data processing.	P		P	P	P	
Fertilizer and soil conditioner. The manufacturing or processing of fertilizer and soil conditioner. (Indoor or outdoor)	P		N	N	C	No animal products or byproducts allowed to be used.
Laboratory. A laboratory.	P		P	P	P	
Light office and warehouse combination.	P		P	P	P	
Machine shop. A machine shop.	P		P	P	P	
Medical and dental clinic.	P		P	P	P	
Medical research facility	P		P	P	P	
Metal working shop. Metal working, shaping, or assembling shop.	P		P	P	P	
Motion picture studio. A motion picture studio.	P		C	C	P	
Motion picture studio, outdoor. An outdoor motion picture studio.	P		C	C	P	
Repairing of vehicles. The repairing of motor vehicles, trailers, bicycles, boats, and similar.	P		P	P	P	
Research and development facilities	P		P	P	P	

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Retail facilities and services accessory to a main use.	P		P	P	P	
School, vocational or technical	P		P	P	P	
Sandblasting. Sandblasting.	P		P	P	P	

3318

3319 **Sec 104-21-3.060 Commercial Sales Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Building material sales yard.	N		P	P	P	See Section 104-21-4.
Fertilizer and soil conditioner sales. Fertilizer and soil conditioner sales. (Indoor or outdoor)	N		C	C	C	
Gas station or convenience store. A gas or fuel station or convenience	N		P	P	P	
Wrecked car sales. Wrecked car sales. (Indoor or outdoor)	N		N	C	C	

3320

3321 **Sec 104-21-3.070 Temporary Construction Material Manufacturing Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Mixing facility for asphalt or concrete, temporary. An onsite asphalt or concrete mixing facility, incidental to large site development. (Indoor or outdoor)	N		C	C	C	See Section 104-21-4
Rock crusher, temporary. A mobile rock crushing operation incidental to	N		C	C	C	

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large site development. (Indoor or outdoor)						
Temporary construction building and yard.	P	P	P	P	P	12 month maximum

3322

3323

Sec 104-21-3.080 Food Manufacturing And Packaging Table

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Alcohol distillery. An alcohol distillery.	P		P	P	P	
Bakery goods manufacturing. The manufacturing of bakery goods.	P		P	P	P	
Brewery. A brewery.	P		P	P	P	
Dairy and dairy product processing. The processing of dairy and dairy products.	N		P	P	P	
Fat rendering. The rendering of fat.	N		N	N	C	This use shall be located at least 600 feet from any zone boundary
Food packaging and distribution, onsite. The packaging and distribution of food products produced on-site.	P		P	P	P	
Food packaging and distribution, offsite. The packaging and distribution of food products produced offsite.	P		P	P	P	

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Food products, small-batch artisan. The creation of small-batch artisan food products.	P		P	P	P	Limited to food for human consumption. e.g., baked goods, confectionaries, and craft cheese.
Food products manufacturing. The manufacturing of food products, which may include use of potentially hazardous chemicals incidental and accessory to the processing of food onsite.	P		C	P	P	
Meat custom cutting and wrapping. The custom cutting and wrapping of meat, excluding slaughtering.	P		P	P	P	
Meat products smoking, curing, and packaging. The smoking, curing, and packaging of meat products.	N		C	C	C	
Tobacco manufacturing. The manufacturing of tobacco products.	N		N	N	C	

3324

3325 **Sec 104-21-3.090 Gaseous Or Liquid Nonfood Manufacturing Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Hazardous products. Gaseous or liquid nonfood products, such as chemicals, paints, inks, and other products that are or have potential of being combustible, explosive, oxidizers, organic peroxides, poisonous or infections, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property, or environment.	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.

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Nonhazardous products. Gaseous or liquid nonfood products that are not hazardous.	P		C	P	P	

3326

3327 **Sec 104-21-3.100 Mining, Rock, Or Gravel Production Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Mining or extraction of metals or other minerals. The mining or extraction of metals or other minerals. (Indoor or outdoor)	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.
Gravel extraction. The extraction of gravel. (Indoor or outdoor).	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.
Rock crusher. A rock crusher. (indoor or outdoor)	N		N	N	C	

3328

3329 **Sec 104-21-3.110 Pharmaceutical Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Cannabis cultivation establishment. A cannabis cultivation establishment.	N		P	P	P	See Section 108-7-34.
Cannabis production establishment. A cannabis production establishment.	P		N	N	P	See Section 108-7-34.
Pharmaceuticals, generally. The general manufacturing of pharmaceuticals.	P		P	P	P	

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3331 **Sec 104-21-3.120 Basic Materials Manufacturing Table**

3332 **Basic materials manufacturing.** The processing or refining of raw material into the basic material from
3333 which a final or semi-final nonfood product can be made.

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Metals processing or refining, hazardous. The processing or refining of metals that are or have potential of being combustible, explosive, oxidizers, organic peroxides, poisonous or infections, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property, or environment.	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.
Metals processing or refining, non-hazardous. The processing or refining of nonhazardous metals.	N		N	C	P	
Foundry or forage plant, large. A large foundry or forage plant for the processing or refining of metals.	N		N	N	C	
Foundry, small. A small foundry for the processing or refining of light-weight and nonferrous metals.	N		C	C	P	
Organics processing or refining, hazardous. The processing or refining of organics that are or have potential of being combustible, explosive, oxidizers, organic peroxides, poisonous or infectious, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property, or environment.	N		N	N	C	This use shall be located at least 600 feet from any zone boundary.

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Organics processing or refining, nonhazardous. The processing or refining of nonhazardous organics.	N		N	C	C	
Plastic processing or refining. The processing or refining of plastics.	N		N	N	C	

3334

3335 **Sec 104-21-3.130 Final Product Manufacturing Table**

3336 **Final product manufacturing table.** Processing, compounding, assembling, or fabricating of a final or
3337 semi-final product from solid materials previously processed or refined.

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Batteries. The compounding, assembling, or fabricating of batteries or battery parts.	P		C	C	C	
Mixing plant for certain construction material. A mixing or batching plant for cement, cinder, mortar, brick, plaster, paving or similar construction material. (Indoor or outdoor)	N		N	N	C	See Section 104-21-4.
Vehicle assembly. The assembly of motor vehicle, bicycle, boat, and similar manufacturing, including parts thereof.	P		N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Products, hazardous. The creation of hazardous products that are or have potential of being combustible, explosive, oxidizers, organic peroxide, poisonous or infectious, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property, or environment.	N		N	N	C	

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Products, nonhazardous. The creation of nonhazardous products.	P		P	P	P	
Rubber products. The creation of real or synthetic rubber products.	N		N	N	P	This use shall be located at least 600 feet from any zone boundary.

3338

3339 **Sec 104 21-3.140 Public, Quasi-Public, And Institutional Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Public or quasi-public uses. A public or quasi-public use, including public buildings. (Indoor or outdoor)	P		P	P	P	
Public safety training facility. A public safety training facility. (Indoor or outdoor)	P		C	C	C	
Public transit facility. A public transit storage or maintenance facility. (Indoor or outdoor)	N		P	P	P	
Recreation center. A recreation center, which may also include a daycare center as an incidental and accessory use.	P		P	P	P	

3340

3341 **Sec 104-21-3.150 Recreational Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Go cart racing or drag strip, indoor. A go cart or drag strip racing facility. (Indoor)	P		P	P	P	

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Go cart racing or drag strip, outdoor. A go cart or drag strip racing facility. (Outdoor)	N		N	N	C	
Race track, indoor. A track or course for motor vehicle competition. (Indoor)	N		C	C	C	
Race track, outdoor. A track or course for motor vehicle competition, with spectators. (Outdoor)	N		N	C	P	
Recreation area, private. A private recreation area. (Outdoor)	N		N	N	C	
Shooting range or training course. A shooting range or training course. (Indoor or outdoor)	P		N	N	C	See Section 104-21-4.
Vehicle training course. A track or course for motor vehicle training, without spectators. (Outdoor)	N		C	P	P	

3342

3343 **Sec 104-21-3.160 Storage Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Commercial storage and distribution center. A center for the storage and local distribution of commercial products	P		P	P	P	
Self-storage. Indoor self-storage units for personal and household items.	N		P	P	P	
Recreational vehicle storage. The indoor storage of a recreational vehicle.	P		P	P	P	

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Outdoor storage. Outdoor storage.	N		N	C	C	

3344

3345 **Sec 104-21-3.170 Textiles Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Carpet and rug manufacturing and dyeing. The manufacturing and dyeing of a carpet or rug.	P		P	P	P	
Dry cleaning plant. A dry cleaning plant.	P		P	P	P	
Textile manufacturing or maintenance. The manufacturing or maintenance of textiles.	P		P	P	P	
Upholstering. Upholstering, including furniture manufacturing, rebuilding, and renovating.	P		P	P	P	

3346

3347 **Sec 104-21-3.180 Transportation Table**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Airport. An airport	N		P	P	P	
Freight transfer, indoor. The indoor transfer of freight.	P		P	P	P	
Freight transfer, outdoor. The outdoor transfer of freight.	P		P	P	P	
Parking lot. An outdoor parking lot.	P		P	P	P	

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Parking structure. A parking structure.	P		P	P	P	
Railroad yard. A railroad yard, which may include a shop and/or a roundhouse. (Indoor or outdoor)	N		N	C	C	
Truck service station. A truck service station.	P		P	P	P	

3348

3349 **Sec 104-21-3.190 Waste Disposal And Recycling**

USE	M-T		M-1	M-2	M-3	SPECIAL REGULATIONS
Automobile wrecking yard or junkyard. A junkyard or automobile wrecking yard. (Indoor or outdoor)	N		N	N	N	
Automobile recycling. The dismantling and recycling of automobile or automobile parts.	N		N	C	C	See Section 104-21-4.
Incinerator. An incinerator.	N		N	N	N	
Solid waste disposal facility. A solid waste disposal facility as defined in Section 101-2-20. (Indoor or outdoor)	N		N	N	N	
Solid waste transfer station, indoor. The indoor transfer of solid waste.	N		N	N	N	
Solid waste transfer station, outdoor. The outdoor transfer of solid waste.	N		N	N	N	
Radioactive waste disposal. The disposal of radioactive waste.	N		N	N	N	

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Recycling facility. The recycling of metals, plastics, paper, or glass.	N		C	C	P	

3350

3351 **Sec 104-21-4 Special Regulations**

3352 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-21-3. Due
3353 to the nature of the use, each shall be further regulated as follows:

3354 (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
3355 when in compliance with the following:

3356 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
3357 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

3358 (2) It shall not exceed a density of 40 head per acre of used land; and

3359 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
3360 parcel of land.

3361 (b) **Animal feeding operation.** This use may include supplemental or full feeding. However, it is prohibited
3362 to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the prem-
3363 ises. The following additional standards apply for hog feeding:

3364 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

3365 (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as
3366 required by the Local Health Department.

3367 (c) **Animal feeding operation, large concentrated.** A large concentrated animal feeding operation shall
3368 not be located within a half-mile of a zone boundary, unless the boundary is shared with another zone
3369 in which this use is allowed. Additionally, the area of confinement devoted to the feeding of the animals
3370 in any new large concentrated animal feeding operation shall be set back at least one quarter-mile from
3371 every property boundary.

3372 (d) **Automobile recycling.** This use shall be conducted within a completely enclosed building. In the M-2
3373 zone, the recycling facility shall have no more than 40 automobiles at the site at any one time. Any
3374 automobile recycling vehicle storage area must be enclosed by a solid wall or fence of not less than
3375 seven feet in height.

3376 (e) **Building material sales yard.** In the M-1 zone, a building material sales yard may include the sale of
3377 rock, sand, gravel and the like, as an incidental part of the main business, but shall exclude concrete
3378 mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the
3379 products specified in this section.

3380 (f) **Mixing plant for certain construction materials.** The following standards apply to a mixing plant:

3381 (1) The cement silo mixer shall not be larger than 300 barrels.

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- 3382 (2) There shall be a 15-foot landscape buffer with a six-foot-high earth berm planted with six feet or
3383 larger evergreen trees. The trees shall be Canada Hemlock, Scotch Pines, Douglas Fir, or Blue
3384 Spruce. The trees shall be planted every 15 feet on center. The evergreen shrubs shall be Junipers,
3385 Mugo Pines, or Spreading Yew. The shrubs shall be 36 inches high and there shall be 15 shrubs
3386 per 100 feet. There shall be five canopy trees per 100 feet. These trees shall be Maples, Linden,
3387 Quaking Aspens, Cottonless Cottonwood, Honey Locust, or Birch trees. These trees shall be a
3388 minimum of two-inch caliper. This landscaping shall be planted on the crest of the six-foot berm
3389 when the property abuts agricultural or residential zones.
- 3390 (3) There shall be no more than three cement trucks, and no more than two other semi-trucks and
3391 trailers used with this operation stored on site.
- 3392 (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand and gravel
3393 mix shall be stored in a three-wall bin and covered when not in use.
- 3394 (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of the lot shall
3395 be dedicated for this use.
- 3396 (6) The property shall be at least one acre in size.
- 3397 (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be submitted
3398 with the permit application.
- 3399 (g) **Mixing facility for asphalt or concrete, temporary.** The following standards apply to a temporary mix-
3400 ing facility:
- 3401 (1) The cement silo mixer shall not be greater than 200 barrels.
- 3402 (2) There shall be no more than two cement trucks, and not more than two other semi-trucks and trailers
3403 used with this operation stored onside.
- 3404 (3) Evaluation of the storing of 40 yards or more of sand and gravel mix onsite shall be subject to
3405 additional review for detrimental effects through a conditional use permitting process. The sand
3406 and gravel mix shall be stored in a three-wall bin and covered when not in use.
- 3407 (4) All cement products onsite shall be stored within the silo. At least 15,000 square feet of the lot or
3408 parcel shall be dedicated for this use.
- 3409 (5) The project site shall be at least ten acres in size
- 3410 (6) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be submitted
3411 with the permit application.
- 3412 (h) **Dwelling unit for night watchman or guard and family.** The dwelling unit shall be for the exclusive
3413 use of a night watchman or guard and his or her immediate family. The site shall provide an additional
3414 3,000 square feet of landscaped area for the residential use.
- 3415 (i) **Retail sales, limited.** This use is limited to the sales of products produced by, developed in conjunction
3416 with, or normally required and used in the performance of a commercial or manufacturing operation
3417 permitted in this zone, and provided the retail sales is clearly an accessory use to the main permitted
3418 use and is conducted within the same building or, if the main use is not a building, then on the same
-

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3419 property. No retail sale of products may be made in conjunction with a warehousing or wholesale busi-
3420 ness.

3421 (j) ***Shooting range or training course, indoor or outdoor.*** The facility shall provide designated shooting
3422 positions for which ballistic backstops are designed. No shooting is allowed except in these designated
3423 shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic back-
3424 stop, including overhead and on the ground or floor, capable of containing all errant bullets. For an
3425 outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the re-
3426 quirements and conditions of the local fire authority. The range operator shall be onsite at all times
3427 shooting is occurring.

3428

3429 **Sec 104-21-5 Site Development Standards**

3430 The following site development standards shall apply to the Manufacturing Zones:

3431 **Sec 104-21-5.010 (Reserved)**

3432

3433 **Sec 104-12-5.020 Lot Area**

3434

	M-T		M-1	M-2	M-3	ADDITIONAL RE- STRICTION
Minimum lot area:	None		None	None	20,000 square feet	Except minimum re- quired by Local Health Department if not con- nected to sewer system.

3435

3436 **Sec 104-12-5.030 Lot Width and Frontage**

3437

	M-T		M-1	M-2	M-3	ADDITIONAL RE- STRICTION
Minimum lot width:	None		None	None	None	

3438

3439 **Sec 104-12-5.040 Front Setbacks**

3440

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	M-T		M-1	M-2	M-3	ADDITIONAL RE- STRICTION
Minimum Front Set- back	30 feet ¹		30 feet	30 feet	50 feet	Except 50 feet if on a street right-of-way that is or is planned to be 80 feet or wider. ¹ When adjacent to a street right-of-way that is or is planned to be 80 feet or wider, then shall the Setback be one foot (1') beyond the minimum Setback for every one foot (1') of building height above thirty feet (30'). When the road adjacent to the property is planned to be expanded, the Setback shall be measured from the centerline of the road plus one-half of the planned expanded right-of-way.

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

Sec 104-12-5.050 Side Setbacks

	M-T		M-1	M-2	M-3	ADDITIONAL RE- STRICTION
Minimum Side Set- back	None		None	None	None	Except 20 feet where the lot is adjacent to a residential zone, or for a Setback from a Side Lot Line fronting on a street on a Corner Lot.

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

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Sec 104-12-5.060 Rear Setbacks

	M-T		M-1	M-2	M-3	ADDITIONAL RE- STRICTION
Minimum Rear Set- back	None		None	None	None	Except 30 feet where the lot rears on a residential zone

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

Sec 104-12-5.070 Building Height

	M-T		M-1	M-2	M-3	ADDITIONAL RE- STRICTION
Minimum building height	1 story		1 story	1 story	1 story	
Maximum building height	50 feet ¹		None	None	None	¹ Except 40 feet, if adja- cent to a street right-of- way that is or is planned to be 80 feet or wider.

Sec 104-12-5.080 (Reserved)

Sec 104-12-5.090 Lot Coverage

	M-T		M-1	M-2	M-3	ADDITIONAL RESTRICTION
Maximum lot cover- age by buildings	80 per- cent		80 per- cent	80 per- cent	80 per- cent	

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3459 **Sec 104-12-5.100 (Reserved)**

3460

3461 **Sec 104-21-6 (Reserved)**

3462

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CHAPTER 104-22 FORM-BASED ZONE FB

Sec 104-22-1 Purposes And Intent

The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally:

- (a) ***Implements the general plan.*** The Form-Based Zone regulations are intended to carry out the objectives of the **General Plan by implementing the planning of small areas by means of Street Regulating Plans.**
- (b) ***Creates street regulating plans.*** Each area affected by the Form-Based Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and street amenities, and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public realm with architectural and design elements that are unified under common design themes whilst enabling unique building facades and a distinct sense of place.

Sec 104-22-2 Applicability

- (a) ***New development to comply.*** The principles, standards and guidelines of this chapter apply to proposals for new development, changes in land uses, and site improvements to existing buildings, Lots, or Parcels that are in the Form-Based Zone. Exterior modifications to existing development shall comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building, or 25 percent of the lot's street frontage.
- (b) ***Other regulations apply.*** In the Form-Based Zone, except when more specific regulations are provided in this chapter, the design review regulations and architectural, landscape, screening, and design standards of Title 108 Chapter 1 and Title 108 Chapter 2 apply to all Lots, except a Lot with only one single-family dwelling.
- (c) ***Street regulating plan.*** The applicable regulations herein are specific to the street type, as designated by the applicable street regulating plan. New development within the Form-Based Zone shall comply with the applicable street regulating plan. Development of any property along a street or that gains primary access from that street shall comply with the street design requirements, as provided in Section 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list and explanation of each street type is provided in Subsection (e) of this section.
- (d) ***Effect of street regulating plan and graphics.*** Details in a street regulating plan or any graphic in this chapter have no effect unless expressly provided by this chapter.
- (e) ***Street type, description, and purpose.***
 - (1) ***Government/institutional street.***

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A Government and Institutional street or Alley has street-front buildings that are intended to provide the same as a Vehicle-Oriented Commercial Street, and provide preferential areas for the siting of government or public-service oriented buildings that front the street. Public-service oriented buildings may include any governmental, nonprofit, or for-profit school as long as the school provides the same K-12 educational courses required by the State of Utah, or a school that is an accredited institution of higher education. Hospitals or other medical services buildings, including medical, dental, or mental-health offices, laboratories, or similar public-health related offices, a public transportation facility or a multimodal transportation hub are also intended to be street-adjacent. Except for a public transportation facility, pickup and drop off areas shall be located to the rear of the building.

3500 (2) ***Vehicle-oriented commercial street.***

A vehicle-oriented commercial street or Alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed as described for a Mixed-Use Commercial Street. Multi-family residential uses are allowed only if located above Ground-Floor Street-Facing Commercial Space.

3501 (3) ***Mixed-use commercial street.***

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-facing, these buildings shall be exclusively used or reserved for commercial operations. Commercial and Multi-family residential uses are allowed above or behind Ground-Floor Street-Facing Commercial Space.

3502 (4) ***Multi-family residential street.***

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are set back from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. Where possible, given terrain, Ground-Floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. Ground-Floor Street-Facing Commercial Space is permitted, but not required. Commercial uses are not permitted above the Ground-Floor unless directly above Ground-Floor Street-Facing Commercial Space.

3503 (5) ***Small-lot residential street.***

A small-lot residential street has street-front buildings that may be set back more than multi-family residential street facades, but are less likely to have a noticeable front yard area.

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3504 (6) **Medium-lot residential street.**

A medium-lot residential street has street-front single-family buildings that may be set back more than small-lot residential street facades to provide a small front yard area.

3505 (7) **Medium-large-lot residential street.**

A medium-large-lot residential street has street-front single-family buildings similar to medium-lot residential street facades, but on lots with greater area.

3506 (8) **Large-lot residential street.**

A large-lot residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that is large.

3507 (9) **Rural residential street.**

A rural residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that is at least an acre large.

3508 (10) **Estate lot residential street.**

An estate lot residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that contains multiple acres.

3509 (11) **General open space street.**

A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

3510

3511 **Sec 104-22-3 Land Use Tables**

3512 (a) The following land use tables provide use regulations applicable for each street type. In the
3513 list, those uses designated for any street type as "P" will be a permitted use. Uses designated
3514 as "C" will be allowed only when authorized by a conditional use permit obtained as provided
3515 in Title 108, Chapter 4 of this Land Use Code. Uses designated "N" will not be allowed on
3516 property with frontage on, or that gains access from, that street type.

3517 (b) A use listed in another zone but not listed in a zone herein is also prohibited.

3518 (c) A use listed is a main use, unless specifically described as an accessory use.

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3519 (d) All uses listed are indoor uses unless explicitly stated otherwise with the terms "outdoor" or
3520 "yard."

3521

3522 **Sec 104-22-3.010 Accessory Uses**

An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

						M				
G	V	M	M	S	M	L	L		E	
&	O	U	F	L	L	L	L	R	L	O
I	C	C	R	R	R	R	R	R	R	S

SPECIAL REGULA- TIONS

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Parking lot. A parking lot that is accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.
Produce stand. For produce grown on the premises only.	P	P	P	P	P	P	P	P	P	P	P	
Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.	P	P	P	P	P	P	P	P	P	P	P	See Section 104-22-4.

3523

3524 **Sec 104-22-3.020 Agricultural And Open Space Uses, Generally**

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	L L R	E R R	O L S	SPECIAL REGULATIONS
Agriculture. Agriculture as a main use of the property.	N	N	N	N	N	N	N	P	P	P	
Agricultural experiment station. An agricultural experiment station.	P	N	N	N	N	N	N	N	P	P	
Agri-tourism. An agri-tourism use.	N	N	N	N	N	N	N	N	P	P	See Title 108, Chapter 21.
Aquaculture. An aquaculture use.	N	N	N	N	N	N	N	N	P	P	
Botanical or community garden. Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P	

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Fruit and vegetable storage and packing plant. For produce grown on premises.	N	N	N	N	N	N	N	N	P	P	P	10-acre minimum lot area required.
Grain storage elevator. A grain storage elevator.	N	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot area required.
Greenhouse and nursery. Sales limited to plants produced on the premises.	P	P	N	N	N	N	N	P	P	P	P	
Manure spreading, drying and sales. The spreading, drying, and sales of manure.	N	N	N	N	N	N	N	N	N	P	P	
Wildlife sanctuary. A wildlife sanctuary.	N	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot area required.

3525

3526 **Sec 104-22-3.030 Agricultural Uses, Animal Oriented**

The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	E R R	O L S	SPECIAL REGULATIONS
Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	N	P	P	P	
Apiary. The keeping of bees.	N	N	N	N	C	P	P	P	P	P	P	
Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	N	P	P	P	P	
Aviary. The raising of birds.	N	N	N	N	N	P	P	P	P	P	P	No onsite slaughtering permitted.

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Corral or stable. A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	N	P	P	P	P	See Section 104-22-4.
Dairy farm. Including milk processing and sale, when at least 50 percent of milk is produced on the farm.	N	N	N	N	N	N	N	P	P	P	P	10-acre minimum lot area required.

3527

3528 **Sec 104-22-3.040 Amusement, Entertainment, And Recreation Uses**

The following are uses oriented toward providing amusement or entertainment for patrons.	G	V	M	M	S	M	L	L	L	R	E	O	SPECIAL REGULA-TIONS
	I	C	C	R	R	R	R	R	R	R	R	S	
Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.	C	C	N	N	N	N	N	N	N	N	N	C	
Entertainment facility, large indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, using greater than 20,000 square feet of floor area.	C	C	N	N	N	N	N	N	N	N	N	N	
Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N	N	N	
Entertainment facility, small indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	C	C	N	N	N	N	N	N	N	N	Limited to no more than 20,000 square feet of floor area.
Amusement park. Amusement park.	C	C	N	N	N	N	N	N	N	N	N	N	
Amusement park, temporary. An amusement park, circus, petting zoo,	P	P	P	C	N	N	N	N	N	C	C	C	

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pony ring, or carnival that is conducted or no longer than one month.												
Botanical or zoological garden. A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	P	P	2-acre minimum lot or parcel area required
Campgrounds or picnic areas, commercial. A commercial campground or picnic area.	N	N	N	N	N	N	N	C	C	C	C	See Section 104-22-4. 2-Acre minimum lot or parcel area required.
Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	N	P	P	C	10-acre minimum lot or parcel area required.
Golf course. Golf course.	N	N	N	N	N	N	N	P	P	P	P	This shall not include miniature golf.
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P	P	
Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P	P	
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	N	C	N	
Recreational resort. A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N	N	
Shooting range or training course. A shooting range.	C	C	N	N	N	N	N	N	N	N	C	See Section 104-22-4. Five-acre minimum lot or parcel area required for an outdoor range.
Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	P	P	P	P	P	

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Ski lodge. A ski lodge and associated services	N	N	P	P	N	N	N	N	N	N	P	When accessory to an allowed ski area.
Swimming pools, private. A private swimming pool.	P	P	P	P	P	P	P	P	P	P	P	
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P	P	
Zoo. A Zoo.	P	P	N	N	N	N	N	N	N	N	P	10-acre minimum lot or parcel area required.

3529

3530 **Sec 104-22-3.050 Animal Services And Uses**

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	L L R	E R R	O L S	SPECIAL REGULA- TIONS	
Animal groomery, small animal. Grooming for small animals.	P	P	P	P	N	N	N	N	N	P	N	A small animal gener- ally weighs less than 250 lbs.
Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	N	C	C	N	If located completely indoors, and inaudible from an adjoining lot or parcel, this use is per- mitted where listed as conditional.
Horse or equestrian event center. A horse or equestrian event center, includ- ing indoor concessions as an accessory use.	P	N	N	N	N	N	N	N	N	N	C	

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Horse or equestrian training facility and stabling, commercial. A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	N	N	C	C	
Stable for horses, noncommercial. Horses shall be for noncommercial use only.	N	N	N	N	N	N	N	P	P	P	P	P	No more than two horses shall be kept for each one-half acre of land used for the horses.
Stray animal shelter. A shelter for stray, lost, or seized animals.	P	C	N	N	N	N	N	N	N	N	N	N	
Veterinary facility. Veterinary Facility.	P	P	P	C	N	N	N	N	N	N	C	C	If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.

3531

3532 **Sec 104-22-3.060 Food, Beverage, And Other Product Sales For Human Consumption**

G	V	M	M	S	M	L	L		E		SPECIAL REGULA- TIONS
&	O	U	F	L	L	L	L	R	L	O	
I	C	C	R	R	R	R	R	R	R	S	

FOOD PREPARATION SERVICES

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Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N	Limited to 5,000 square feet floor area.
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	P	P	N	N	N	N	N	N	N	Limited to 5,000 square feet floor area. This use shall not include onsite slaughtering.

EATING AND DRINKING ESTABLISHMENTS FOR PRODUCTS PRIMARILY FOR ONSITE CONSUMPTION

Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	N	
Brewery or distillery with restaurant. A brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	N	
Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N	

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RETAIL FOOD AND DRUG SALES OF PRODUCTS PRIMARILY FOR OFFSITE CONSUMPTION

Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	N	N	N	N	N	
Drugstore or pharmacy. A drugstore or pharmacy.	P	P	P	P	N	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
Grocery store. A grocery store, including a store that specializes in the sales of any type of food normally found in a grocery store.	P	P	P	P	N	N	N	N	N	N	N	
Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	N	P	P	P	

3533

3534 **Sec 104-22-3.070 Government And Institutional Uses**

	G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	R	E L R	O S	SPECIAL REGULATIONS	
<i>Cemetery.</i> A cemetery.	P	N	N	N	N	N	N	N	P	P	P		
<i>Convalescent, rest home, or sanitarium.</i> An establishment for long-term medical treatment of people.	P	P	P	P	P	N	N	N	N	N	N		
<i>Child daycare.</i> A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N	N		

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Fire station. A fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P	P	
Governmental offices. The offices of a governmental entity.	P	P	P	N	N	N	N	N	N	N	N	
Instructional facility, large. A facility in which instructional lessons are taught, such as a school or education center, and that does not qualify as a small instructional facility.	P	C	C	N	N	N	N	N	N	N	N	
Instructional facility, small. An indoor facility in which instructional lessons are taught, such as a school or education center.	P	P	C	N	N	N	N	N	N	N	N	Limited to 10,000 square feet floor area.
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N	N	
Museum or art gallery. A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	N	
Post office. A post office.	P	P	P	P	P	P	P	P	P	P	N	
Preschool. A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	P	N	
Public library. A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	P	N	
Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P	P	

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3536 **Sec 104-22-3.080 Office Uses**

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	L L R	E L R	O S	SPECIAL REGULATIONS
Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	

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Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	N	This use shall not include payday loan services.
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	N	
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.	P	P	P	N	N	N	N	N	N	N	N	

3537

3538 Sec 104-22-3.090 Residential Uses

	G	V	M	M	S	M	L	L	L	R	L	O	SPECIAL REGULATIONS
	I	C	C	R	R	R	R	R	R	R	R	S	
Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	P	P	N	See Section 104-22-4
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	N	
Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	N	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	N	

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Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	N	
Dwelling unit in commercial building. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2, that is part of a commercial or multi-family dwelling building.	P	P	P	P	N	N	N	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	P	N	
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	P	N	
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	P	N	
Short-term rental. A short-term rental.	P	P	P	N	N	N	N	N	N	N	N	See Section 104-22-4 and Title 108, Chapter 11
Transient lodging. A hotel, motel, lodging house, condominium rental apartment (condo-tel), or timeshare condominium.	P	P	P	P	N	N	N	N	N	N	N	This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P	N	See Section 104-22-4 and Section 104-22-12.

3539

3540 **Sec 104-22-3.100 Sales With Retail Storefront**

						M						
G	V	M	M	S	M	L	L		E			
&	O	U	F	L	L	L	L	R	L	O		
I	C	C	R	R	R	R	R	R	R	S		

SPECIAL REGULATIONS

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Agricultural implement sales or service. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	N	N	N	N	N	
General retail sales, small items. The sales of small items, as qualified in Section 104-22-4.	P	P	P	P	N	N	N	N	N	N	N	See Section 104-22-4
General retail sales, large items. The sales of large items, as qualified in Section 104-22-4.	P	C	C	N	N	N	N	N	N	N	N	See Section 104-22-4
Nursery, commercial. A plant nursery, with associated greenhouses for retail sales of plants and accessory products.	P	C	N	N	N	N	N	N	N	N	P	See Section 104-22-5 for maximum lot coverage by buildings
Pawn shop. A shop where a pawnbroker holds items as collateral, then sells unredeemed items to the public.	C	C	N	N	N	N	N	N	N	N	N	
Smoke shop. A shop primarily devoted to the sale of tobacco or vaping products.	C	C	C	N	N	N	N	N	N	N	N	

3541

3542 **Sec 104-22-3.110 Sales Typically Without Retail Storefront**

	G	V	M	M	S	M	L	L	E		SPECIAL REGULATIONS
	& O	U	F	L	L	L	L	R	L	O	
	I	C	C	R	R	R	R	R	R	S	
Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.	P	P	C	N	N	N	N	N	N	N	P
Fireworks sales. The siting of a temporary fireworks booth or tent.	P	P	C	N	N	N	N	N	N	N	N

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Vendor, short term. The siting of a temporary vendor booth or vehicle for the sales of food or other hand-held items.	P	P	P	P	N	N	N	N	N	N	C	See Section 108-13-3 and Section 104-22-4.

3543

3544 **Sec 104-22-3.120 Services**

	G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N	N	
Household item repair, large. The repair or service of devices that the average person cannot carry without aid of a moving device.	P	P	N	N	N	N	N	N	N	N	N	
Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N	N	
Gathering facility, indoor. An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.	P	P	P	P	N	N	N	N	N	N	N	
Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N	N	

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Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N	N	
Mortuary or funeral home. Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N	N	
Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	N	
Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N	N	
Printing and copying service without retail shop. Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N	N	
Tailor services. The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.	P	P	P	P	N	N	N	N	N	N	N	
Taxidermist. Taxidermy services.	P	C	N	N	N	N	N	N	N	N	N	

3545

3546 Sec 104-22-3.130 Storage

						M						
G	V	M	M	S	M	L	L		E			
&	O	U	F	L	L	L	L	R	L	O		
I	C	C	R	R	R	R	R	R	R	S		

SPECIAL REGULATIONS

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3547

3548 **Sec 104-22-3.140 Utility Uses**

	G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
Public utility substations.	P	P	P	P	P	P	P	P	P	P	C	See Title 108, Chapter 10.
Wastewater treatment or disposal facilities.	P	P	P	P	P	P	P	P	P	P	C	
Water treatment or storage facility.	P	P	P	P	P	P	P	P	P	P	C	
Small wind energy system.	P	N	N	N	N	N	N	N	P	P	C	See Section 108-7-24
Solar energy system.	P	P	P	P	P	P	P	P	P	P	C	See Section 108-7-27

3549

3550 Sec 104-22-3.150 Vehicle-Oriented Uses

**G V M M S M M L R E O
& O U F L L L L R L S** **SPECIAL REGULATIONS**

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	I	C	C	R	R	R	L	R		R	
							R				
Airport. A private or commercial airport.	C	N	N	N	N	N	N	N	N	N	N
Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	N
Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile.	P	C	N	N	N	N	N	N	N	N	N
Boat sales or rentals. The sale or rental of a motorized boat.	P	C	N	N	N	N	N	N	N	N	N
Car wash. A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	P	C	N	N	N	N	N	N	N	N	N
Gas or refueling station. A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	N
Motor vehicles sales or rentals. The rental or sales of motor vehicles not otherwise listed herein.	C	C	N	N	N	N	N	N	N	N	N
Parking lot or structure. A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	N
Passenger vehicle repair or service of any kind. The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs gross vehicle weight.	C	C	N	N	N	N	N	N	N	N	N

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Trailer sales or rentals. Sale or rental of trailers.		C	C	N	N	N	N	N	N	N	N	N	
Transit terminal.		P	P	N	N	N	N	N	N	N	N	N	
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.													
		P	P	N	N	N	N	N	N	N	N	N	
Trucking terminal. The repair, service, and/or storage of freight trucks, or a station for transferring freight.		N	N	N	N	N	N	N	N	N	N	N	

3551

3552

3553 *The color of each street type in the headers of these tables, as well as in other tables of this chapter, corre-*
3554 *sponds with the street colors on the street regulating plan map(s). The color codes for each are as follows:*

	G&I	VOC	MUC	MFR	SLR	MLR	MLLR	LLR	RR	ELR	OS
RED	25	176	204	255	255	255	255	208	138	83	75
GREEN	151	33	51	120	170	220	255	206	153	128	191
BLUE	156	157	0	0	0	0	0	83	66	69	96
HTML HEX CODE	#19979c	#b0219d	#cc3300	#ff7800	#ffaa00	#ffdc00	#ffff53	#d0ce53	#8a9942	#538045	#4bbf60

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3556 **Sec 104-22-4 Special Regulations**

3557

3558 **Sec 104-22-4.010 Special Regulations, Generally**

3559 (a) ***All uses, generally.*** All uses listed in the use table are indoor uses, unless specifically stated otherwise.
3560 All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or airborne particulate
3561 matter, refuse, or anything else that is uncommon to the established character of the neighborhood to
3562 such a degree as to be perceptible to constitute a nuisance to the occupants of the immediate area.

3563 (b) ***Drive up (drive-thru) window.*** Any business with a drive up (drive-thru) window shall comply with
3564 the following:

3565 (1) The window shall be located on the rear of the building. The rear of the building shall be determined
3566 as the side of the building opposite from the building's facade that faces the public street. If on a
3567 corner along a Government or Institutional street or Vehicle-Oriented Commercial street, the win-
3568 dow may be located on the side of the building that is visible from the less prominent street.

3569 (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted to the drive up
3570 (drive-thru) window shall be located in an area that is not visible from the more prominent street
3571 right-of-way when the area is fully built-out.

3572 (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a parking
3573 space required by this Land Use Code.

3574 (c) ***Perpetual building maintenance agreement.*** Other than single-family dwellings and their accessory
3575 buildings, when a building is set back less than ten feet from a property line, a perpetual building
3576 maintenance agreement is required between the building owner and the affected adjacent property
3577 owner, which shall allow for construction and maintenance of the side or rear of a commercial building,
3578 and shall:

3579 (1) Be reviewed for compliance with this section by the Planning Division and County Attorney's Of-
3580 fice;

3581 (2) Place responsibility on the building owner for prompt repairs and maintenance of the side or rear
3582 of the building;

3583 (3) Require allowances of access to the property for repairs and maintenance purposes; and

3584 (4) Be signed by the owner of the building and the adjacent property owner and be recorded on the title
3585 of both properties.

3586 (d) ***Street-facing garage door(s).*** Unless located at least 30 feet behind the front-most part of the Dwelling,
3587 street-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of
3588 the Lot.

3589 (e) ***Loading and unloading.*** Each building anticipated to receive deliveries from a truck that has a gross
3590 vehicle weight greater than 26,000 lbs. shall be provided with an off-street loading and unloading area
3591 behind the building.

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3592 (f) **Building location.** Each building shall be located on a Lot in a manner that preserves space for the
3593 extension of street and trails or pathways rights-of-way as shown in the street regulating plan, and the
3594 Lot's respective Setback standard.

3595 (g) **Building entrance requirements.** Each building with building or Lot frontage along a Government and
3596 Institutional, Vehicle-Oriented Commercial, Mixed-Use Commercial, or Multi-Family Residential
3597 street shall be provided with a Main Street-Entrance. Except when the building is set back from the
3598 street right-of-way or any sidewalk, pathway, or pedestrian way at least four feet, each Main Street-
3599 Entrance shall be recessed from the building's façade no less than five feet.

3600

3601 **Sec 104-22-4.020 Special Regulations For Specific Uses**

3602 (a) **Automobile or other vehicle related uses.** The use of a Lot or Parcel for automobile repair of any kind,
3603 automobile sales, rental, or service, boat sales, rental, or service, gas or fuel station, a tire shop, or any
3604 other use governed by this section by reference shall only be conducted within a completely enclosed
3605 building that meets the standards of this chapter.

3606 (1) No vehicle awaiting service shall be stored outside for more than one day.

3607 (2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles
3608 awaiting pickup from owners, shall be provided on the Lot or Parcel.

3609 (3) No vehicles associated with the use shall be parked on the street. However, up to 20 vehicles may
3610 be temporarily parked in a parking lot meeting all applicable parking standards of this Land Use
3611 Code if the vehicles are available for immediate purchase, lease, or rent, and as long as all other
3612 standards of this Land Use Code are met.

3613 (b) **Automobile repair of any kind.** Refer to paragraph (a) of this section.

3614 (c) **Automobile sales, rentals, or service.** Refer to paragraph (a) of this section.

3615 (d) **Boat sales or service.** Refer to paragraph (a) of this section.

3616 (e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall comply
3617 with Title 108, Chapter 20. If located along any street in the FB zone except open space, an opaque
3618 fence or wall shall surround the use. Vegetation screening shall be planted on the outside of the fence
3619 or wall to allow the use to blend in with surrounding uses. A drip irrigation system shall be installed to
3620 ensure long-term viability of the vegetation.

3621 (f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:

3622 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.

3623 (2) There shall not be more than four washing bays for a manual spray car wash.

3624 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street
3625 frontage for buildings that provide street-facing commercial facades.

3626 (4) The off-street vehicle spaces or queues required shall be as follows:

3627 a. One bay car wash, four spaces in the approach lane;

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- 3628 b. Two bay car wash, three spaces in the approach lane for each wash bay;
- 3629 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- 3630 (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than
- 3631 25 feet from any side or rear lot line.
- 3632 (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are as
- 3633 follows:
- 3634 (1) **Maximum dwellings per lot.** Excluding an accessory dwelling unit pursuant to Title 108, Chapter
- 3635 19, only one single-family dwelling unit is allowed per each lot along Medium Lot Residential
- 3636 (MLR), Medium-Large Lot Residential (MLLR), Large Lot Residential (LLR), Rural Residential
- 3637 (RR), and Estate Lot Residential (ELR) streets. There is no maximum for other street types, pro-
- 3638 vided compliance with all other area density requirements.
- 3639 (2) **Construction standards.** A dwelling unit on a Government and Institutional street, Vehicle-Ori-
- 3640 ented Commercial street, Mixed-Use Commercial street, or Multi-Family Residential street shall
- 3641 be constructed to a multifamily residential standard in accordance with the International Building
- 3642 Code.
- 3643 (3) **Dwelling unit location.** A dwelling unit proposed along a government and institutional, vehicle-
- 3644 oriented commercial, or a mixed-use commercial street shall be located on a Lot or Parcel as fol-
- 3645 lows:
- 3646 a. Above any Ground-Floor Street-Facing Commercial Space; or
- 3647 b. For a mixed-use commercial street, behind a building that provides Ground-Floor Street-Facing
- 3648 Commercial Space, or if no such building exists at the time of application, behind the area
- 3649 reserved for street-level commercial space as otherwise required herein. The location shall pro-
- 3650 vide for the existing and future planned street layout of the area, including the future street-
- 3651 level commercial space that will face future streets, and internal Street-Block Alleys.
- 3652 (4) **Two, three, four, and multi-family residential.** Unless one of the units is owner occupied, a two,
- 3653 three, four, or multi-family residential building shall be operated and maintained by a professional
- 3654 management company that specializes in multi-family residential property management.
- 3655 (i) **Family food production.** As used in this subsection, a Group A animal is either one pig, one sheep, one
- 3656 cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants,
- 3657 five turkeys, five ducks, five geese, or five pigeons.
- 3658 (1) No more than four sets of Group B animals or fowl may be kept on a Lot or Parcel that is less than
- 3659 40,000 square feet.
- 3660 (2) No more than six combined sets of Group A animals and Group B animals or fowl may be kept on
- 3661 a Lot or Parcel that is less than two acres. The same applies to a Lot or Parcel greater than two
- 3662 acres, except that an additional six combined sets of Group A and Group B animals or fowl may be
- 3663 kept per each additional acre greater than two.

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- 3664 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way,
3665 excluding a mid-Block Alley, than 60 feet. The canopy shall be located to the rear of the convenience
3666 store associated with the canopy.
- 3667 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be physi-
3668 cally taken by the customer from the store, when those items weigh less than 80 pounds, including
3669 product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to
3670 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be ex-
3671 plosive or hazardous to human health, safety, or welfare is permitted.
- 3672 (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be physi-
3673 cally taken by the customer from the store, when those items weigh more than 80 pounds, including
3674 product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an
3675 outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an
3676 opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare
3677 is permitted.
- 3678 (m) **Office uses.** A use listed in the “office uses” table may only be located above or behind Ground-Floor
3679 Street-Facing Commercial Space, reserving the street frontage for Ground-Floor Street-Facing Com-
3680 mercial Space. A local recreation and tourism office devoted to providing services, information, and
3681 events primarily for visitors is exempt from this requirement provided that it is open and accessible to
3682 all members of the public.
- 3683 (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting
3684 positions for which ballistic backstops are designed. No shooting is allowed except in these designated
3685 shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic back-
3686 stop, including overhead and on the ground or floor, capable of containing all errant bullets. For an
3687 outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the re-
3688 quirements and conditions of the local fire authority. The range operator shall be onsite at all times
3689 shooting is occurring.
- 3690 (o) **Self-storage.** Self-storage is only allowed if located on the same Lot or Parcel with a building that has
3691 street-facing commercial space. The use shall comply with the following:
- 3692 (1) Storage units shall be located behind or above building area that provides a Ground-Floor Street-
3693 Facing Commercial Space. The building providing street-facing commercial space shall appear
3694 from the exterior as if office or residential space is offered in the area housing the storage or storage
3695 units.
- 3696 (2) If located in a separate onsite building than the building providing Ground-Floor Street-Facing
3697 Commercial Space specified herein, the separate building shall be located behind the building with
3698 Ground-Floor Street-Facing Commercial Space, and shall be no wider than the building providing
3699 Ground-Floor Street-Facing Commercial Space.
- 3700 (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property
3701 line, and shall be completely obscured from view from any public right-of-way.
-

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- 3702 (p) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment,
 3703 snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences,
 3704 ticket booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emer-
 3705 gency response facilities, and similar uses commonly found in ski areas. Outdoor storage and mainte-
 3706 nance of ski related equipment is allowed provided that it is screened from view of the general public.
 3707 Ski area trail wayfinding signage are exempt from other signage requirements of this Land Use Code.
 3708 Any lighting associated with said signage is subject to the requirements of Section 108-16.
- 3709 (q) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of
 3710 the construction work.
- 3711 (r) **Tire shop.** Refer to paragraph (a) of this section.
- 3712 (s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be
 3713 stationary for more than four days at a time.

3714

3715 **Sec 104-22-5 Site Development Standards**

3716 The following lot development standards apply to a Lot or Parcel in the Form-Based Zone, unless specified
 3717 otherwise in this Land Use Code. A Lot fronting or gaining access from one of these street types shall be
 3718 developed in accordance with the corresponding development standard.

3719 **Sec 104-22-5.010 Allowed Density**

STREET TYPES		TOTAL ALLOWED UNITS FORMULA	MAXIMUM ALLOWED UNITS PER ACRE
		The total number of Dwelling Units allowed in any given area shall be no more than the gross area divided by:	Maximum allowed Dwell- ing Units per gross acre:
	Government and Institutional (G/I)	1,800 square feet	24.2
	Vehicle-Oriented Commercial (VOC)		
	Mixed-Use Commercial (MUC)		
	Multi-Family Residential (MFR)		
	Small Lot Residential (SLR)	3,000 square feet	14.5

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Medium Lot Residential (MLR)	6,000 square feet	7.2
Medium-Large Lot Residential (MLLR)	12,000 square feet	3.6
Large Lot Residential (LLR)	15,000 square feet	2.9
Rural Residential (RR)	20,000 square feet	2.2
Estate Lot Residential (ELR)	40,000 square feet	1.1
Open Space (OS)	Not applicable	Not applicable

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3722 .

3723 **Sec 104-22-5.020 Lot Area**

STREET TYPES		MINIMUM LOT AREA
	Government and Institutional (G/I)	No minimum ¹
	Vehicle-Oriented Commercial (VOC)	
	Mixed-Use Commercial (MUC)	
	Multi-Family Residential (MFR)	
	Small Lot Residential (SLR)	No minimum ¹
	Medium Lot Residential (MLR)	3,000 square feet ¹
	Medium-Large Lot Residential (MLLR)	5,000 square feet ¹
	Large Lot Residential (LLR)	6,000 square feet ¹

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Rural Residential (RR)	8,000 square feet ¹
Estate Lot Residential (ELR)	10,000 ¹
Open Space (OS)	No minimum

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 Section 104-22-5.010. After a subdivision or development project has received final approval under these standards, all excess Dwelling Unit density not included in the approval shall be forfeited unless the density in the entire original project area is reconsidered for compliance with density regulations specified in Section 104-22-5.010 and all owners within the affected area consent to the reconfiguration.

3730

3731 **Sec 104-22-5.030 Lot Width And Lot Frontage**

3732 Unless allowed otherwise by this Land Use Code, each Lot shall have frontage on the type of street that
3733 corresponds with its governing street type, as provided on the applicable street regulating plan map.

STREET TYPES	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet ^{1,2}
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet ^{1,2}
Medium Lot Residential (MLR)	40 feet ²
Medium-Large Lot Residential (MLLR)	50 feet ²
Large Lot Residential (LLR)	60 feet ²

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Rural Residential (RR)	70 feet ²
Estate Lot Residential (ELR)	
Open Space (OS)	No minimum

¹ Frontage exception: The street frontage requirement is not applicable for a Lot that is platted as part of a larger planned development, provided that the development includes or has included the dedication and construction of all required public street and mid-Block Alley improvements shown on the street regulating plan or as otherwise required by this Land Use Code; the associated public street improvements required are, at a minimum, for the same length as the Lot is wide; and along a Government and Institutional street, Vehicle-Oriented Commercial Street, and Mixed Use Commercial Street, no parcel shall be configured or developed in a manner that obstructs the ability to develop buildings that contain Ground-Floor Street-Facing Commercial Space on the public street front. A Lot without street frontage shall not have any Lot line closer to the street right-of-way than 60 feet.

² Street-facing garage doors: See Section 104-22-4.010.

3744

Sec 104-22-5.040 Front Setbacks

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3747

STREET TYPES	GROUND-FLOOR STREET-FACING COMMERCIAL SPACE ^{1,2}			ALL OTHER BUILDINGS OR PARTS THEREOF OR OTHER USES ²		
	STREET RIGHT-OF-WAY SET-BACK		FRONT LOT LINE SET-BACK	STREET RIGHT-OF-WAY SET-BACK		FRONT LOT LINE SET-BACK
	MINIMUM	MAXIMUM	MINIMUM	MINIMUM	MAXIMUM	MINIMUM
Government and Institutional (G/I)	No minimum ⁷	5 feet ^{3,7,9}	No minimum ⁷	60 feet ^{4,7}	No maximum	No minimum ⁷
Vehicle-Oriented Commercial (VOC)						

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Mixed-Use Commercial (MUC)						
Multi-Family Residential (MFR)				5 feet ⁷	10 feet ³	
Small Lot Residential (SLR)	Not applicable			5 feet ^{6,7}	30 feet ^{3, 7,8}	5 feet ⁷
Medium Lot Residential (MLR)	Not applicable			20 feet ^{5, 6,7}	30 feet ^{3, 7,8}	20 feet ^{5, 7}
Medium-Large Lot Residential (MLLR)	Not applicable					
Large Lot Residential (LLR)	Not applicable			30 feet ⁷	No maximum	30 feet ⁷
Rural Residential (RR)	Not applicable					
Estate Lot Residential (ELR)	Not applicable					
Open Space (OS)	Not applicable					

3748 ¹See definition of “commercial space, ground-floor street-facing.” Along G/I, VOC, and MUC streets, this
3749 phrase also applies to the area within 60 feet of a street’s right-of-way if no building exists there yet.

3750 ²Building stories above the Ground-Floor Street-Facing Commercial Space have the same minimum Set-
3751 back as the Ground-Floor Street-Facing Commercial Space, provided compliance with maximum height
3752 and use regulations.

3753 ³This maximum Front Setback shall be waived if at least 90 percent of the Lot’s street frontage is already
3754 occupied by a main building that complies with this maximum Setback.

3755 ⁴Except for an outdoor public dining or gathering space, this Setback distance shall remain clear from
3756 permanent building improvements or significant financial investments until or unless a building with
3757 Ground-Floor Street-Facing Commercial Space is constructed that meets the specified maximum building
3758 Setback.

3759 ⁵This minimum may be reduced to 15 feet if the lot’s only vehicle access is over a side or rear lot line
3760 adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code, and any street-facing
3761 garage door is 30 feet behind the front-most part of the Dwelling. See also Section 104-22-4.010.

3762 ⁶No parking area, pad, or driveway within the Front Setback shall be less than 20 feet deep when measured
3763 from the Front Lot Line.

3764 ⁷See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

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3765 ⁸*This maximum Front Setback shall be allowed to be adjusted to the average of other main buildings within*
3766 *100 feet on the same side of the same street.*

3767 ⁹*This maximum Front Setback shall be allowed to be increased to 20 feet for parts of a building that pro-*
3768 *vides public dining or gather space.*
3769
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3771 **Sec 104-22-5.050 Side Setbacks**

STREET TYPES		MINIMUM SIDE LOT-LINE SET-BACK ¹		MAXIMUM SIDE LOT-LINE SET-BACK ¹
		MAIN BUILDING	ACCESSORY BUILDING	
	Government and Institutional (G/I)	No minimum. ⁴ See requirements of perpetual maintenance agreement in Section 104-22-4.1		No maximum ³
	Vehicle-Oriented Commercial (VOC)			
	Mixed-Use Commercial (MUC)			
	Multi-Family Residential (MFR)			
	Small Lot Residential (SLR)			
	Medium Lot Residential (MLR)	5 feet ⁴	Same as main building, except 1 foot if located at least 6 feet in rear of main building ⁴	No maximum
	Medium-Large Lot Residential (MLLR)	10 feet ^{2,4}		
	Large Lot Residential (LLR)	10 feet ⁴		
	Rural Residential (RR)			
	Estate Lot Residential (ELR)			
	Open Space (OS)			

3772 ¹In the FB zone, a Corner Lot's Side Lot Line that abuts a street right-of-way shall be treated in all matters as the Front Lot Line.

3774 ²This minimum may be reduced to 5 feet if the lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.

3776 ³Any space between buildings shall be open for pedestrian passage to internal Street-Block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.

3779 ⁴See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

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3782 **Sec 104-22-5.060 Rear Setbacks**

STREET TYPES		MINIMUM REAR LOT-LINE SETBACK FOR MAIN BUILDING	MINIMUM REAR LOT-LINE SETBACK FOR ACCESSORY
	Government and Institutional (G/I)	No minimum. ¹ See requirements of perpetual maintenance agreement in Section 104-22-4.1	
	Vehicle-Oriented Commercial (VOC)		
	Mixed-Use Commercial (MUC)		
	Multi-Family Residential (MFR)		
	Small Lot Residential (SLR)	5 feet ¹	1 foot ¹
	Medium Lot Residential (MLR)	20 feet ¹	
	Medium-Large Lot Residential (MLLR)		
	Large Lot Residential (LLR)	30 feet ¹	
	Rural Residential (RR)		
	Estate Lot Residential (ELR)		
	Open Space (OS)		

3783 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

3784

3785 **Sec 104-22-5.070 Floor Area Ratio**

3786 The maximum allowed floor-to-area ratio (FAR), found by dividing the entire floor area of all buildings
3787 by the site area, is as follows.

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STREET TYPES		MAXIMUM FLOOR AREA RATIO	
		The maximum allowed floor-to-area ratio, found by dividing the entire floor area of all buildings by the site area:	
	Government and Institutional (G/I)	2.0	
	Vehicle-Oriented Commercial (VOC)		
	Mixed-Use Commercial (MUC)		
	Multi-Family Residential (MFR)		
	Small Lot Residential (SLR)	1.5	
	Medium Lot Residential (MLR)	No maximum	
	Medium-Large Lot Residential (MLLR)	No maximum	
	Large Lot Residential (LLR)	No maximum	
	Rural Residential (RR)	No maximum	
	Estate Lot Residential (ELR)	No maximum	
	Open Space (OS)	0.02	

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3792 **Sec 104-22-6 Building Design Standards**

3793 **Sec 104-22-6.010 Building Height**

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STREET TYPES		MINIMUM MAIN BUILDING HEIGHT	MAXIMUM MAIN BUILDING HEIGHT	MAXIMUM ACCESSORY BUILDING HEIGHT
	Government and Institutional (G/I)	25 feet	60 feet Except 35 feet and no more than two stories for any part of a building within 20 feet of a public street right-of-way.	25 feet
	Vehicle-Oriented Commercial (VOC)			
	Mixed-Use Commercial (MUC)			
	Multi-Family Residential (MFR)	One story	35 feet	25 feet
	Small Lot Residential (SLR)			
	Medium Lot Residential (MLR)			
	Medium-Large Lot Residential (MLLR)			
	Large Lot Residential (LLR)			
	Rural Residential (RR)			
	Estate Lot Residential (ELR)			
	Open Space (OS)	No minimum	25 feet Except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.	25 feet

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3796 **Sec 104-22-6.020 Building Width and Spacing**
3797

STREET TYPES		MAXIMUM WIDTH OF DWELLING The maximum width of any building exclusively devoted to one or more Dwelling Units and their accessory uses:	MAXIMUM WIDTH OF OTHER BUILDINGS The maximum width of a building other than one devoted to Dwelling(s):	MINIMUM DISTANCE BETWEEN BUILDINGS The minimum distance between buildings on the same lot:
	Government and Institutional (G/I)	Not applicable	200 feet	10 feet
	Vehicle-Oriented Commercial (VOC)			
	Mixed-Use Commercial (MUC)			
	Multi-Family Residential (MFR)	6 attached units or 200 feet, whichever is less		
	Small Lot Residential (SLR)			
	Medium Lot Residential (MLR)	Not applicable		
	Medium-Large Lot Residential (MLLR)			
	Large Lot Residential (LLR)			
	Rural Residential (RR)			
	Estate Lot Residential (ELR)			

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Open Space (OS)			

3798

3799 **Sec 104-22-6.030 Maximum Area of Single-Use**

3800 No single use shall occupy a footprint of more than the following.

STREET TYPES		MAXIMUM BUILDING OR USE FOOTPRINT	
	Government and Institutional (G/I)		No maximum
	Vehicle-Oriented Commercial (VOC)		
	Mixed-Use Commercial (MUC)	10,000 square feet	
	Multi-Family Residential (MFR)		
	Small Lot Residential (SLR)	No maximum	
	Medium Lot Residential (MLR)		
	Medium-Large Lot Residential (MLLR)		
	Large Lot Residential (LLR)		
	Rural Residential (RR)		
	Estate Lot Residential (ELR)		

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Open Space (OS)	
¹ Government buildings and schools are exempt from building area maximum.	

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3802

Sec 104-22-6.040 Ground-Floor Building Standards

STREET TYPES		VERTICAL DISTANCE OF GROUND-FLOOR 'S SURFACE FROM STREET'S SIDEWALK ¹	MINIMUM GROUND-FLOOR STORY HEIGHT	GROUND-FLOOR LOAD-BEARING SUPPORTS
	Government and Institutional (G/I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
	Vehicle-Oriented Commercial (VOC)		15 feet	
	Mixed-Use Commercial (MUC)			
	Multi-Family Residential (MFR)	3 feet minimum Except 30 inch maximum for building area that is used for commercial purposes.	10 feet Except 15 feet for areas used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
	Small Lot Residential (SLR)	Not applicable		
	Medium Lot Residential (MLR)			
	Medium-Large Lot Residential (MLLR)			

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Large Lot Residential (LLR)	
Rural Residential (RR)	
Estate Lot Residential (ELR)	
Open Space (OS)	

¹For a sloped sidewalk, the street's sidewalk elevation shall be determined at the midpoint of the building.

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3804 **Sec 104-22-6.050 Minimum Glazing**

3805 The minimum glazing for any building is provided in the following table. Glazing of Ground-Floor
3806 Street-facing Commercial Space shall have a minimum 60 percent visible light transmittance and maxi-
3807 mum 15 percent visible light reflectance, as certified by the manufacturer for the installed glazing assem-
3808 bly (including any coatings or applied films).

STREET TYPES	GROUND-FLOOR FA- CADE OF A BUILDING		FACADES ABOVE GROUND-FLOOR	
	STREET- FACING	ALLEY- FACING	STREET- FACING	ALLEY- FACING
Government and Institutional (G/I)	50 percent		30 percent ¹	
Vehicle-Oriented Commercial (VOC)	70 percent		40 percent ¹	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial facade. 40 percent for residential fa- cade.		30 percent ¹	
Small Lot Residential (SLR)	Not applicable			
Medium Lot Residential (MLR)				
Medium-Large Lot Residential (MLLR)				
Large Lot Residential (LLR)				
Rural Residential (RR)				
Estate Lot Residential (ELR)				
Open Space (OS)				

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¹Exception: an exterior wall that has a zero Side Setback or Rear Setback is exempt from glazing requirement.

3809

3810 **Sec 104-22-6.060 Architecture Matrix**

3811 (a) **Architectural compliance required.** Each building, except for Single-Family and Two-Family Dwell-
3812 ings, shall follow the architecture standards listed in this Section 104-22-6. Each area, as depicted in
3813 the applicable street regulating plan, has one or more unique architectural theme(s) allowed as provided
3814 in the following table and in accordance with the following sections.

3815 (b) **Licensed architect required.** Each building, except those aforementioned in Subsection (a) of this sec-
3816 tion, is required to be designed by a licensed architect. After receiving recommendation from a licensed
3817 architect, the Land Use Authority may, but is not obligated to, allow minor modifications to the ap-
3818 plicability of the standards of this section as long as it results in a design that better aligns with the
3819 intent of the design theme, and blends well with the design features of adjacent buildings.

3820 (c) **Allowed architecture.** The following table lists the type of architecture that is allowed within a specific
3821 village area. The letter "A" represents a style that is allowed in the respective area. An "N" represents
3822 a style that is not allowed in that area. Other styles may, but are not required to, be considered by the
3823 Land Use Authority at their discretion.

3824

			OLD WEST CONTEM- PORARY	RANCH AGRAR- IAN	MOD- ERN AL- PINE	MOUN- TAIN MOD- ERN	RUSTIC STRUC- TURAL	<u>TRADI- TIONAL</u> <u>WASATCH</u> <u>CON- TEMPROR</u> <u>ARY</u>

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WEST WEBER VIL-LAGE ¹	A	A	A	A	A	A
(RESERVED)						

¹ Regardless of the architectural theme used, no less than five percent of a building's street-facing façade, excluding glazing, shall be comprised of architectural elements observable on another building's street facing façade within 100 feet. Incorporation of such elements shall be distributed on the façade in a manner that allows different architectural styles to aesthetically transition or blend from building to building. An applicant's submittal shall clearly identify, illustrate, and explain its compliance with this part.

3825

3826 **Sec 104-22-6.070 Old West Contemporary Architecture**

3827 (a) **Design theme.** Buildings shall have architectural style, form, massing, and materials that draw from
 3828 historic commercial main-street buildings constructed in the western United States between 1880 and
 3829 1910, including storefront proportions, upper-story window patterns, parapet forms, and masonry or
 3830 painted-wood façade materials. Each new building shall provide diversity and variety in building de-
 3831 sign, architectural features, and building material that set each building apart from adjacent buildings.

3832 (b) **Building form and massing.**

3833 (1) A building's street-facing façade shall be designed to have a base, body, and cap, each clearly
 3834 differentiated from the others by changes in material, color, plane, window and door opening pat-
 3835 tern, and architectural detailing.

3836 a. **Base.** For a building with more than one story, the base shall extend the full height of the street-
 3837 level story. For a building with one story, the base shall be at least one-sixth and no more than
 3838 one-third of the total building height. The base shall be finished in durable, high-quality mate-
 3839 rials, such as brick, stone, architectural concrete, manufactured or cast stone with relief no less
 3840 than one-inch deep, or other comparable durable masonry materials as determined by the Land
 3841 Use Authority.

3842 b. **Body.** A distinct body shall be located between the base and the cap of the building. The body
 3843 shall be differentiated from the base and cap by changes in plane, material, color, texture, fen-
 3844 estration pattern, or architectural detailing.

3845 c. **Cap.** The cap shall be no less than one-twentieth the height of the building. The top of each
 3846 street-facing facade shall include a distinct and articulated cap element that visually terminates
 3847 the building. The cap shall be expressed by at least one of the following: parapet with coping;
 3848 projecting cornice; bracketed eave; frieze with cornice; corbeled masonry; or stepped parapet.
 3849 The cap shall be differentiated from the body of the building by at least two of the following:

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- 3850 projection or recess, material change, decorative banding, trim, coping, corbeling, brackets,
3851 dentils, or variation in silhouette. Plain, flush, and unarticulated facade terminations are pro-
3852 hibited.
- 3853 (2) **Building massing.** The horizontal wall massing of building facades shall be broken at least every
3854 20 feet with no less than a six-inch shift in the plane of adjacent walls, four-inches if both planes
3855 are brick.
- 3856 (c) **Rooflines and roof forms.** Rooflines shall be changed in height every 50 feet, with no less than a 12-
3857 inch shift between adjacent rooflines. If the building has a sloped roof, parapet walls shall be con-
3858 structed along each street-facing façade to conceal the sloped roof from view from the street.
- 3859 (d) **Building material.** Each building facade that faces the street shall be clad above the building's base in
3860 brick, painted wood siding, or a combination thereof. Fiber-cement siding may be used in place of
3861 painted wood siding only if it matches the exposure, dimensions, and texture of traditional painted
3862 wood siding. Metal may be used only for cornices, trim, window and door frames, canopies, awnings,
3863 and accent panels covering no more than 15 percent of each street-facing façade. At least one of the
3864 building materials used on the building façade shall also be used on all other sides of the building. Vinyl
3865 and stucco are prohibited building materials.
- 3866 (e) **Windows.** Window openings on each facade shall be arranged in a consistent pattern through aligned
3867 heads, aligned sills, consistent spacing, or a combination thereof.
- 3868 (1) Ground-floor commercial facades shall include large display windows with a solid lower panel
3869 below each window. They shall be framed in metal or wood and shall be visually distinct from
3870 upper-story windows.
- 3871 (2) Upper-story windows shall be vertically proportioned, with a height that is at least 1.25 times the
3872 window's width. Each upper-story window shall be recessed at least four inches from the exterior
3873 wall plane. Upper-story windows shall be framed in metal or wood and shall include either multiple
3874 individual panes of glass separated by framing, or visible framing that creates the appearance of at
3875 least two separate vertical panes of glass within each window.
- 3876 (f) **Main Street-Entrance emphasis.** Each building with a street-facing publicly accessible entrance shall
3877 have one clearly identifiable main entrance, and that entrance shall include at least one of the following
3878 features:
- 3879 (1) A covered porch projecting from the building façade no less than four feet and no less than ten feet
3880 wide.
- 3881 (2) A canopy projecting from the building façade no less than four feet and no less than ten feet wide.
- 3882 (3) Transom windows above the door(s) with trim surrounding the door opening that is at least four
3883 inches wide on each side and across the top.
- 3884 (g) **Special features.** Street-facing façades shall be divided into vertical bays that extend visually from the
3885 base to the cap of the building between columns, piers, or pilasters. Windows and other openings shall
3886 be located between the columns, piers, or pilasters and shall not overlap or interrupt their full vertical
3887 expression. Each column, pier, or pilaster shall be at least 10 inches wide.

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- (h) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed. Other muted earth-tone colors generally visible from the site may be used as long as they complement the age period. No more than 70 percent of a building's facade shall be white.
- (i) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

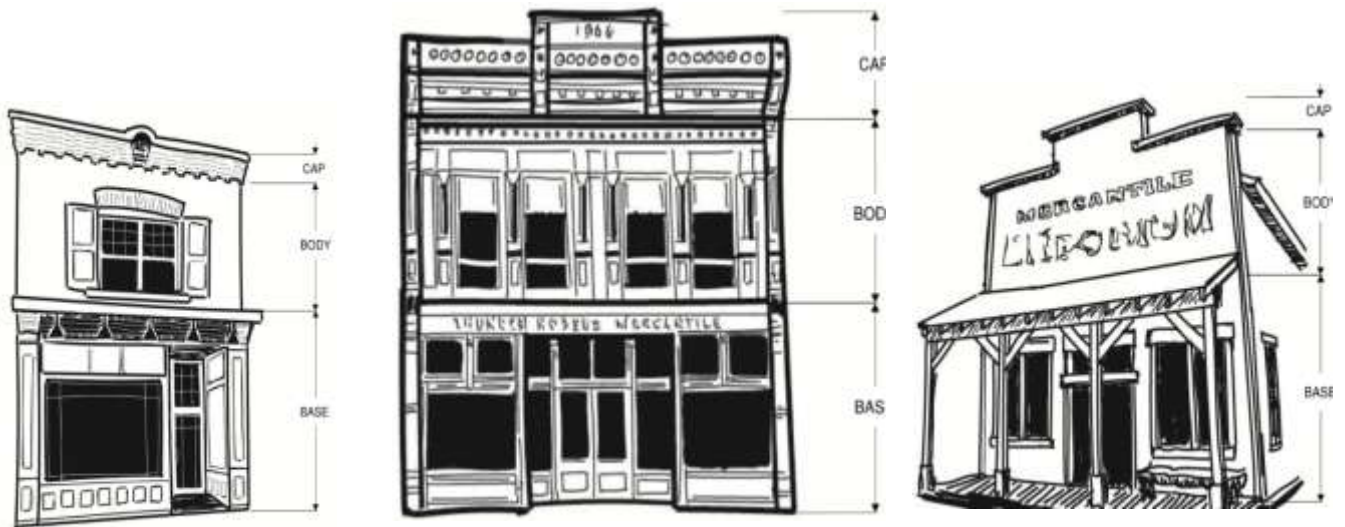


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3898 **Sec 104-22-6.080 Ranch Agrarian Architecture**

3899 (a) ***Design theme.*** Buildings shall have architectural styling and materials that implement ranch agrarian
3900 architecture adapted to small-town main-street building forms. This architectural theme is intended to
3901 promote development that reflects the area's ranching and agricultural heritage through simple roof
3902 forms, wood and masonry materials, vertically proportioned window and door openings, timber detail-
3903 ing, and selective use of agrarian-inspired architectural elements, while maintaining pedestrian-oriented
3904 building form and façade composition.

3905 (b) ***Building form and massing.***

3906 (1) Each street-facing building façade shall be designed and constructed to have a building base, build-
3907 ing body, and building cap or varying building roofline, each differentiated from others changes in
3908 materials or design techniques. The base of the building shall be no less than one-tenth and no
3909 greater than one-third the height of the building.

3910 (2) The wall massing of building facades shall be broken at least every 40 feet with no less than a six
3911 inch shift in the plane of adjacent walls. Blank, flat, unarticulated wall planes greater than 25 feet
3912 are prohibited on any street-facing façade.

3913 (c) ***Rooflines and roof forms.*** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift
3914 between adjacent rooflines, parapet heights, or roof planes.

3915 (1) The following are allowed primary roof forms:

- 3916 a. Gable and monitor roofs with a slope no less than 6:12;
- 3917 b. Gambrel roofs with the upper roof slope on each side of a gambrel being no less than 4:12, and
3918 the length of the lower roof slope being no less than two-thirds the length of the upper roof
3919 slope, as measured along the slope; or
- 3920 c. Flat or other sloped roof concealed behind a parapet.

3921 (2) The following are allowed subordinate roof forms, which shall comprise an area that is less than
3922 the area of the allowed primary roof form, as measured when viewed from above and not along the
3923 roof slopes:

- 3924 a. Shed roofs with a minimum slope of 4:12 attached to the side or front of the building;
- 3925 b. Cupolas; and
- 3926 c. Gable-style dormers.

3927 (3) Mansard roofs, barrel roofs, domes, and highly curvilinear roof forms are prohibited.

3928 (4) Roofs shall provide a minimum eave or overhang projection of 12 inches, measured horizontally
3929 from the exterior wall plane. Parapeted roofs are exempt if they include an articulated cap, coping,
3930 cornice, or other visually defined top element at least 12 inches in height that projects from the
3931 plane of the building no less than three inches.

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- 3933 (d) **Building material.** Building façade walls shall be finished with no less than two diverse types of ma-
3934 terial. The primary building material shall be wood siding, board-and-batten siding, wood shingles, or
3935 fiber-cement or engineered-wood siding manufactured to appeal like wood. At least one of the building
3936 materials used on the building façade shall also be used on all other sides of the building.
- 3937 (1) Brick, stone, manufactured or cast stone with relief no less than one-inch deep, and board-formed
3938 colored concrete may be used in place of wood if approved by the Land Use Authority
- 3939 (2) The base of each street-facing façade shall be constructed of brick, stone, manufactured or cast
3940 stone with relief no less than one-inch deep, and board-formed colored concrete, extending a min-
3941 imum of three feet above grade.
- 3942 (3) Metal siding may be used on the building's body, as long as the building's base is made of brick or
3943 stone, and as long as the metal siding is broken by brick or stone every twenty feet, and is treated
3944 to create a natural-appearing aged patina.
- 3945 (e) **Windows.** Window openings on each façade shall be arranged in a consistent pattern through aligned
3946 heads, aligned sills, uniform spacing, or a combination thereof.
- 3947 (1) Ground-floor commercial façades shall include large display windows with kick plates or bulk-
3948 heads below. Display windows shall be framed in wood or metal and shall be visually distinct from
3949 upper-story windows.
- 3950 (2) Publicly accessible ground-floor residential entrances on multifamily buildings shall be clearly de-
3951 fined by porches, stoops, canopies, recessed entries, or similar entry features.
- 3952 (3) Upper-story windows shall be rectangular and vertically proportioned, with a height greater than
3953 the width. Paired and grouped windows shall be of the same dimensions and aligned within the
3954 façade composition.
- 3955 (4) Each upper-story window shall be recessed at least three inches from the exterior wall plane or set
3956 within a trim surround at least three inches deep.
- 3957 (5) No more than 25 linear feet of street-facing façade shall occur without a window or door opening.
3958 Curtain wall window systems are prohibited except as a minor entrance accent occupying no more
3959 than 15 percent of the street-facing façade.
- 3960 (f) **Main Street-Entrance emphasis.** Each street-facing publicly accessible building entrance shall include
3961 at least two of the following features:
- 3962 (1) A covered porch projecting from the building façade no less than four feet and no less than 10 feet
3963 wide.
- 3964 (2) A canopy or awning projecting from the building façade no less than four feet and no less than 10
3965 feet wide.
- 3966 (3) Transom windows above the door.
- 3967 (4) Timber posts, wood trim, or a framed surround at least four inches wide on each side and across
3968 the top of the entrance.
-

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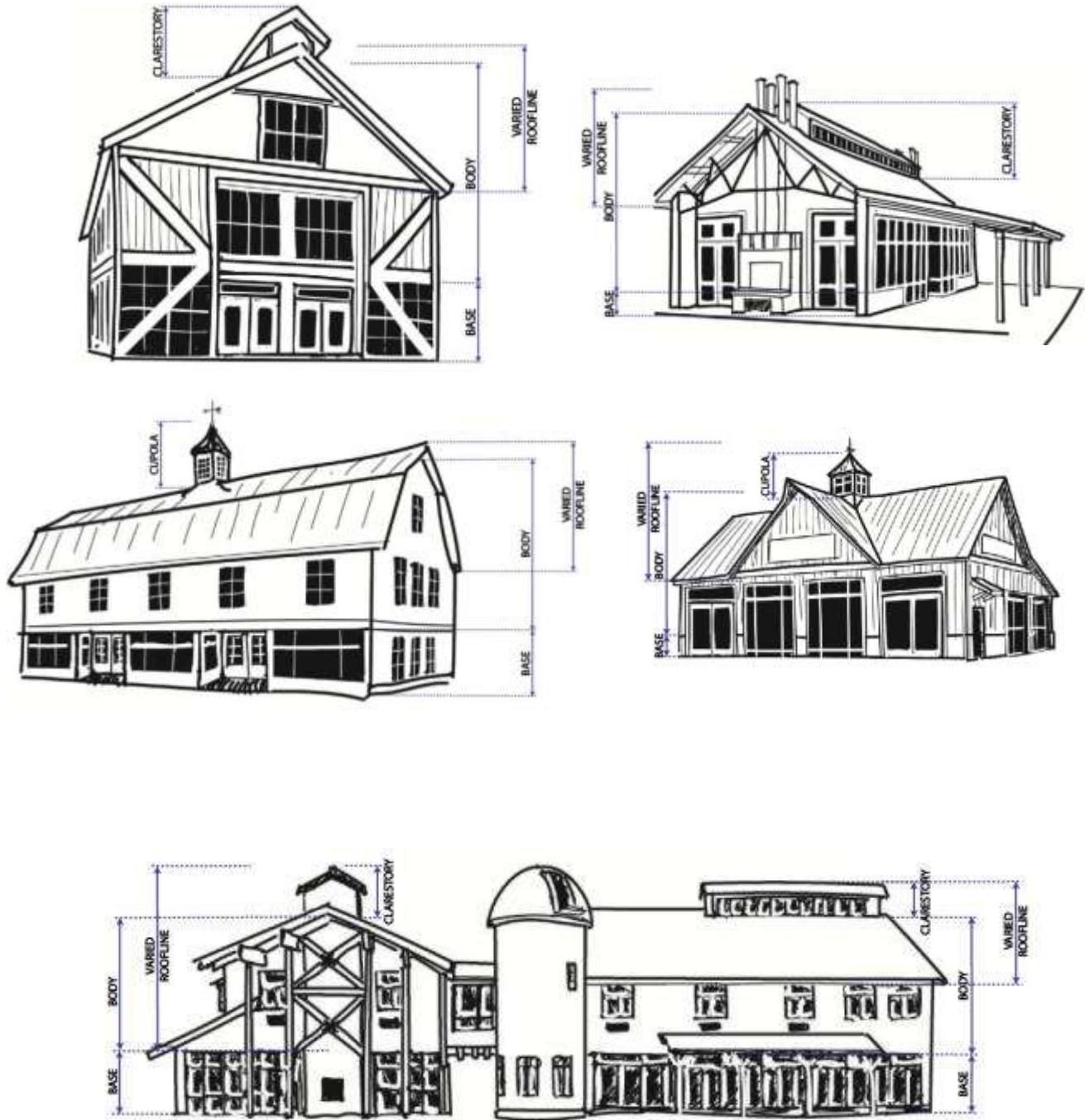
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- 3969 (5) A gabled or shed-roof entrance element clearly framing the doorway.
- 3970 (g) **Special features.** Each building shall incorporate at least two of the following features:
- 3971 (1) A cupola, monitor element, or clerestory used as a subordinate architectural accent.
- 3972 (2) Gable-style dormers.
- 3973 (3) A chimney clad in brick, stone, or cast stone.
- 3974 (4) Sliding-barn-door-inspired detailing, loft-door-inspired detailing, or similar agrarian reference, as
- 3975 determined appropriate by the Land Use Authority, integrated as a decorative feature rather than a
- 3976 primary façade element.
- 3977 (h) **Colors.** At least two muted earth-tone colors generally visible from the site are required.
- 3978 (i) **Examples.** Examples of generally acceptable architectural features are depicted in the following im-
- 3979 ages. Any conflict between details in the images and regulations in this chapter shall be interpreted in
- 3980 favor of the regulations in the chapter.

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Sec 104-22-6.090 Modern Alpine Architecture

(a) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of European alpine design. This architectural theme shall promote development reflecting steeply pitched gabled roof forms, deep roof overhangs, stone base materials, wood siding or timber detailing, vertically proportioned windows, and prominent covered entries or balconies. The following design features are intended to provide minimum stylistic requirements to implement this design theme.

(b) **Building form and massing.**

(1) Each street-facing façade shall be designed and constructed to have a base, building body, and varying building roofline, each having varying design techniques and building material.

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- 3996 (2) The wall massing of building facades shall be broken at least every 40 feet with no less than a six-
3997 inch shift in the plane of adjacent walls.
- 3998 (c) **Rooflines and roof forms.**
- 3999 (1) Buildings shall have varying rooflines of predominantly gabled roofs. Cross-gables, subordinate
4000 shed roofs, dormers, and flat-roofed elements may be incorporated if they remain subordinate to
4001 the predominant gabled roof form.
- 4002 (2) Rooflines shall be broken at least every 60 feet, with no less than a 12 inch shift between adjacent
4003 rooflines that are on the same plane.
- 4004 (3) Main gabled roofs shall have a minimum slope of 6:12. Subordinate shed roofs shall have a mini-
4005 mum slope of 3:12.
- 4006 (4) Sloped roofs shall provide a minimum eave or overhang projection of 24 inches, measured hori-
4007 zontally from the exterior wall plane.
- 4008 (5) Mansard roofs, barrel roofs, domes, false-front parapets, and highly curvilinear roof forms are pro-
4009 hibited.
- 4010 (6) Flat roofs may be used only on subordinate building elements that comprise no more than 25 per-
4011 cent of the roof area visible from a public street.
- 4012
- 4013 (d) **Building material.** Building façade walls shall be finished with no less than two primary and one sec-
4014 ondary type of building material. For the purposes of this subsection, glazing shall not count as a pri-
4015 mary or secondary wall material. The primary building materials shall be natural stone, wood siding,
4016 wood shingles, heavy timber, or fiber-cement or engineered wood siding manufactured to appear like
4017 wood. The secondary building materials may include metal, concrete, plaster, or similar smooth-finish
4018 wall material.. At least one of the primary building materials used on the building façade shall also be
4019 used on all other sides of the building.
- 4020 (1) Each building façade shall have at least 60 percent primary building material, measured excluding
4021 window and door openings.
- 4022 (2) The base of each street-facing façade, extending no less than six feet above grade, shall be at least
4023 60 percent stone, measured excluding window and door openings..
- 4024 (3) Wood siding, wood shingles, heavy timber, or similar-appearing wood substitute materials shall
4025 comprise no less than 30 percent of the façade, measured excluding window and door openings.
- 4026 (4) Metal shall be limited to roofs, flashing, coping, trim, balconies, railing, exposed structural or dec-
4027 orative components, except that metal wall siding may be used only as an accent material and shall
4028 not comprise more than 15 percent of any façade, measured excluding window and door openings.
- 4029 (5) No more than ten percent of any building façade, measured excluding window and door openings,
4030 shall be exposed concrete and, if used shall be board-formed, smooth architectural concrete, or
4031 integrally colored concrete.
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- 4032 (6) Reflective mirror-finish materials and unfinished galvanized metals are prohibited.
- 4033 (e) **Windows.** Each window's height shall be greater than window width. This is not applicable to minor
4034 accent windows in gable ends or dormers. Upper-story windows shall be recessed at least four inches
4035 from the exterior wall plane or set within a trim surround at least three inches deep. Window divider
4036 bars, trim, shutters, or deep window surrounds may be used, but false applied shutters that are smaller
4037 than the window opening are prohibited.
- 4038 (f) **Main Street-Entrance emphasis.** Each street-facing publicly accessible building entrance shall include
4039 a covered entry feature and at least one of the following additional features:
- 4040 (1) A projecting gable, canopy, or roof element extending no less than six feet from the façade and no
4041 less than 12 feet in width;
- 4042 (2) An entry porch, court, or stoop with interior clear dimensions of no less than eight feet deep and
4043 10 feet wide;
- 4044 (3) Stone, timber, or heavy trim framing the entrance and extending vertically above the door to create
4045 a prominent entrance composition;
- 4046 (4) A balcony, deck, or similar projecting element directly above or adjacent to the entrance.
- 4047 (g) **Special features.** At least two of the following features shall be incorporated on each building façade
4048 facing a public street:
- 4049 (1) A balcony or deck projecting no less than four feet from the façade;
- 4050 (2) A chimney projecting from the wall plane and rising above the roof ridge, clad in stone, plaster, or
4051 similar durable material;
- 4052 (3) Exposed rafter tails, outlookers, or brackets no less than four inches wide;
- 4053 (4) Exposed timber posts or beams framing an entry, porch, or balcony; or
- 4054 (5) Dormers integrated into a gabled roof form.
- 4055 (h) **Colors.** Muted earth-tone colors generally visible from the site are required. No more than 30 percent
4056 of a building's facade shall be white.

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- 4057 (i) **Examples.** Examples of generally acceptable architectural features are depicted in the following im-
4058 ages. Any conflict between details in the images and regulations in this chapter shall be interpreted in
4059 favor of the regulations in the chapter.

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4066 **Sec 104-22-6.100 Mountain Modern Architecture**

- 4067 (a) ***Design theme.*** All buildings shall have architectural styling and materials that implement mountain
4068 modern architecture. This architectural theme will promote development reflecting authentic, durable
4069 materials and contemporary massing using natural materials, deep roof overhangs, exposed structural
4070 expression such as rafters and beam tails, and high quality glazing at pedestrian levels.
- 4071 (b) ***Building form and massing.***
- 4072 (1) . Each street-facing façade shall be designed and constructed to have a building base, building body,
4073 and varying building roofline, each having varying building materials or design techniques.
- 4074 (2) The wall massing of each building facade shall be broken at least every 40 feet in any direction
4075 with either an offset of adjacent wall planes of no less than two feet for a minimum length of fifteen
4076 feet, or an offset of no less than twelve inches between adjacent wall planes of different building
4077 materials.
- 4078 (c) ***Rooflines and roof forms.***
- 4079 (1) ***Allowed roof forms.*** The allowed roof forms are gable roofs, shed roofs, flat roofs with parapets, or
4080 other roof forms determined by the Land Use Authority to integrate well into the overall design of
4081 the building.
- 4082 (2) ***Prohibited roof forms.*** The prohibited roof forms are mansard roofs, domes, barrel tile roofs, and
4083 curvilinear roof forms.
- 4084 (1) ***Roofline breaks.*** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between
4085 adjacent rooflines and roof planes by means of one of the following:
- 4086 a. Shift in roof elevation;
- 4087 b. Shift in parapet height; or
- 4088 c. Transition between allowed roof forms.
- 4089 (d) ***Building material.*** Building façade walls shall be finished with no less than two diverse types of ma-
4090 terial. The primary building material, excluding glazing, shall be either brick, natural stone, manufac-
4091 tured or cast stone with relief no less than one-inch deep, board-formed colored concrete, or wood
4092 siding or similar appearing siding such as engineered wood and fiber-cement board that is manufactured
4093 to appear like wood. If used, manufactured stone shall have relief that is no less than an average of one-
4094 inch deep. At least one of the building materials used on the building façade shall also be used on all
4095 other sides of the building.
- 4096 (1) The base of each street-facing façade, extending a minimum of four feet above grade, shall be
4097 constructed of brick, stone, or board-formed colored concrete.
- 4098 (2) ***Standing seam or flat-lock*** metal siding may be used on the building's body if it is broken horizon-
4099 tally by brick or stone every twenty feet. Metal siding shall have a matte finish or be treated to
4100 create a natural-appearing aged patina. No corrugated metal siding is allowed on more than 15
4101 percent of any façade.

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- 4102 (3) **Cementitious panel systems**, and stucco and other exterior insulation finishing systems may be used
4103 as an accent material, but may not comprise more than 20% of a building's façade when measured
4104 including window and door openings.
- 4105 (e) **Windows**. Single, paired, or tripled vertical rectangular windows shall be used. Each window's height
4106 shall be greater than window width. Paired and tripled windows shall all be the same dimensions. The
4107 composition of all windows on a building's façade shall be balanced. No more than 25 linear feet of
4108 street-facing façade shall occur without a window or door opening. A window curtain wall system is
4109 exempt from this standard.
- 4110 (f) **Main Street-Entrance emphasis**. Each publicly accessible main street entrance shall include at least
4111 one of the following features:
- 4112 (1) An overhead architectural feature such as a gable, canopy, shed roof, or overhang projecting from
4113 the building façade no less than six feet and is no less than 14-feet wide, or extends at least five-
4114 feet beyond each side of the entry doors, whichever is greater.
- 4115 (2) An entry porch, court, or stoop with interior clear dimensions no less than 12-feet deep and 16-feet
4116 wide.
- 4117 (3) Window glazing comprising no less than 50 percent of the area around the door that is within 20
4118 feet horizontally of the entrance, and 15 feet vertically above the grade of the sidewalk.
- 4119 (g) **Special features**. At least three of the following options shall be incorporated, one of which shall be
4120 either option one or two.
- 4121 (1) A covered porch or deck(s) of significant visual prominence and articulation, or other unique ar-
4122 chitectural feature or features if allowed by the Land Use Authority.
- 4123 (2) Exposed structural columns no less than two stories in height, a prominent chimney, or other unique
4124 vertical architectural element if allowed by the Land Use Authority.
- 4125 (3) Exposed rafter tails or outlookers no less than four-inches wide by ten-inches tall.
- 4126 (4) Exposed beams, no less than four inches wide by ten inches tall, supporting canopies or overhangs.
- 4127 (5) Timber posts, no less than six-inches by six-inches, and beams, no less than four-inches wide by
4128 ten-inches tall, framing an entry or porch.
- 4129 (6) Structural or decorative kickers that appear structural and are no less than six-inches by six-inches.
- 4130 (h) **Colors**. Warm muted earth-tone colors generally visible from the site are required.
- 4131 (i) **Examples**. Examples of generally acceptable architectural features are depicted in the follow-
4132 ing images. Any conflict between details in the images and regulations in this chapter shall be
4133 interpreted in favor of the regulations in the chapter.
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4147 **Sec 104-22-6.110 Rustic Structural Architecture**

4148 (a) ***Design theme.*** All buildings shall have architectural styling and materials that implement rustic struc-
4149 tural architecture. This architectural theme shall promote development reflecting steeply pitched gabled
4150 roof forms, exposed structural expression using large timber members, stone base elements, prominent
4151 porches, decks, or balconies, and natural materials with a rough-sawn, rough-face, split-face, matte, or
4152 weathered appearance. The following design features are intended to provide minimum stylistic re-
4153 quirements to implement this design theme.

4154 (b) ***Building form and massing.***

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- 4155 (1) Each street-facing façade shall be designed and constructed to have a building base, building body,
4156 and varying building roofline, each having varying building materials or design techniques.
- 4157 (2) The wall massing of each building facade shall be broken at least every 40 feet in any direction
4158 with either an offset of adjacent wall planes of no less than two feet for a minimum length of fifteen
4159 feet, or an offset of no less than twelve inches between adjacent wall planes of different building
4160 materials.
- 4161 (c) **Rooflines and roof forms.**
- 4162 (1) *Allowed roof forms.* The allowed roof forms are gable roofs, shed roofs, flat roofs with parapets, or
4163 other roof forms determined by the Land Use Authority to integrate well into the overall design of
4164 the building.
- 4165 (2) *Prohibited roof forms.* The prohibited roof forms are mansard roofs, domes, barrel tile roofs, and
4166 curvilinear roof forms.
- 4167 (3) *Eaves.* Sloped roofs shall provide a minimum eave or overhang projection of 18 inches, measured
4168 horizontally from the exterior wall plane.
- 4169 (4) *Roofline breaks.* Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between
4170 adjacent rooflines and roof planes by means of one of the following:
- 4171 d. Shift in roof elevation;
- 4172 e. Shift in parapet height; or
- 4173 f. Transition between allowed roof forms.
- 4174
- 4175 (d) **Building material.** Building façade walls shall be finished with no less than two diverse types of ma-
4176 terial. Primary building materials shall be natural stone, rough-sawn wood siding, log siding, heavy
4177 timber, wood shingles, or fiber-cement or engineered-wood siding manufactured to appear like wood
4178 described in this theme. Building materials shall have a rough-sawn, rough-face, split-face, matte, or
4179 weathered appearance. . At least one of the building materials used on the building façade shall also be
4180 used on all other sides of the building.
- 4181 (1) The building's base shall be natural stone, manufactured or cast stone with relief no less than one-
4182 inch deep, board-formed colored concrete extending a minimum of three feet above grade..
- 4183 (2) Metal accents or trim may be used only if they have a matte finish or are treated to create a natural-
4184 appearing aged patina.
- 4185 (3) Mirrored glass, polished stone, highly reflective finishes, and smooth synthetic siding are prohib-
4186 ited on street-facing façades.
- 4187 (4) Exposed timber columns on street-facing façades shall be no less than eight inches by eight inches
4188 in dimension and shall be visually supported by stone bases extending no less than 18 inches above
4189 the adjacent finished surface.
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- 4190 (e) **Windows.** Window openings on each façade shall be arranged in a consistent pattern through aligned
4191 heads, aligned sills, uniform spacing, or a combination thereof.
- 4192 (1) Ground-floor commercial façades shall include large display windows with kick plates or bulk-
4193 heads below. Display windows shall be framed in wood or metal and shall be visually distinct from
4194 upper-story windows.
- 4195 (2) Publicly accessible ground-floor residential entrances on multifamily buildings shall be clearly de-
4196 fined by porches, stoops, canopies, or similar entry features as determined appropriate by the Land
4197 Use Authority.
- 4198 (3) Upper-story windows shall be rectangular and vertically proportioned, with a height greater than
4199 the width. Paired and grouped windows shall be of the same dimensions and aligned within the
4200 façade composition.
- 4201 (4) No more than 25 linear feet of street-facing façade shall occur without a window or door opening.
4202 Curtain wall window systems are prohibited except as a minor entrance accent occupying no more
4203 than 15 percent of the street-facing façade.
- 4204 (f) **Main Street-Entrance emphasis.** Each street-facing publicly accessible building entrance shall include
4205 at least two of the following features:
- 4206 (1) A covered porch projecting from the building façade no less than six feet and no less than 12 feet
4207 wide.
- 4208 (2) A covered deck or balcony projecting from the building façade no less than six feet and no less
4209 than 12 feet wide.
- 4210 (3) 12-inch by 12-inch or greater or 12-inch diameter or greater rough cut timber columns on stone
4211 bases framing the entrance.
- 4212 (4) A gabled roof element centered on or clearly framing the entrance.
- 4213 (g) **Special features.** Each building shall incorporate at least two of the following features, one of which
4214 shall be either option (1), (2), or (3):
- 4215 (1) A covered porch or deck(s) of significant visual prominence and articulation, or other unique ar-
4216 chitectural feature or features if allowed by the Land Use Authority.
- 4217 (2) Exposed structural columns no less than two stories in height that are 12-inch by 12-inch or greater
4218 or 12-inch diameter or greater large rough-cut timbers,
- 4219 (3) A prominent chimney, or other unique vertical architectural element if allowed by the Land Use
4220 Authority.
- 4221 (4) Exposed rafter tails or outlookers no less than four-inches wide by ten-inches tall.
- 4222 (5) Timber posts, no less than six-inches by six-inches, and beams, no less than four-inches wide by
4223 ten-inches tall, framing an entry or porch.
- 4224 (6) Gable-end timber truss detailing or similar exposed structural expression;
- 4225 (7) Wood or timber balcony railings, porch railings, or guardrails;
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- 4226 (8) Gable dormers subordinate to the primary roof form; or
- 4227 (9) Projecting window bays, pop-outs, or similar architectural features sheltered by subordinate shed
- 4228 roofs.
- 4229 (h) **Colors.** Warm muted earth-tone colors generally visible from the site are required.
- 4230 (i) **Examples.** Examples of generally acceptable architectural features are depicted in the follow-
- 4231 ing images. Any conflict between details in the images and regulations in this chapter shall
- 4232 be interpreted in favor of the regulations in the chapter.
- 4233



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4240 **Sec 104-22-6.120 Traditional Wasatch Contemporary Architecture**

4241 (a) ***Design theme.*** All buildings shall have architectural styling and materials that implement intermountain
4242 traditional modern architecture. This architectural theme will promote development reflecting the tra-
4243 ditional building forms, materials, and climate-responsive design patterns historically found in the In-
4244 termountain West, while still enabling contemporary architectural expression.

4245 (b) ***Building form and massing.***

4246 (1) Each street-facing façade shall be designed and constructed to have a building base, building body,
4247 and varying building roofline, each having varying building materials or design techniques.

4248 (2) The wall massing of each building facade shall be broken at least every 40 feet horizontally and
4249 vertically with no less than a six inch shift in the plane of adjacent walls, or with window and door
4250 openings.

4251 (c) ***Rooflines and roof forms.***

4252 (1) Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines
4253 and roof planes.

4254 (2) Each building shall incorporate no less than one of the following roof types visible from the street
4255 toward which the building's façade is facing:

4256 a. A gable roof with a minimum slope of 6:12.

4257 b. A shed roof with a minimum slope of 2:12 that is attached to the side of the building but not
4258 attached to the main roof structure.

4259 c. A flat roof with a defined parapet.

4260 (3) Roofs shall provide a minimum eave or overhang projection of twelve (12) inches, measured hori-
4261 zontally from the exterior wall plane. A parapeted roof and other flat roof types are exempt as long
4262 as it has an articulated or ornamental cap that is at least 12 inches in height and spans the flat
4263 roofline.

4264 (d) ***Building material.*** Building façade walls shall be finished with no less than two diverse types of ma-
4265 terial. The primary building material shall be either brick or natural stone, or wood siding or similar
4266 appearing siding such as engineered wood and fiber-cement board that is manufactured to appear like
4267 wood, or manufactured or cast stone with relief no less than one-inch deep. At least two of the building
4268 materials used on the building façade shall also be used on all other sides of the building.

4269 (1) Each street-facing façade shall have a base constructed of brick, stone, or board-formed colored
4270 concrete extending a minimum of four feet above grade.

4271 (2) Metal siding may be used on the building's body if it is broken horizontally by brick or stone every
4272 twenty feet. Metal siding shall have a matte finish or be treated to create a natural-appearing aged
4273 patina.

4274 (3) Stucco or other exterior insulation finishing system may be used as an accent material, but may not
4275 comprise more than twenty percent of a building's façade, including window and door openings.

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(e) **Windows.** Single, paired, or tripled vertical rectangular windows shall be used. Each window's height shall be greater than window width. Paired and tripled windows shall all be the same dimensions. The composition of all windows on a building's façade shall be balanced. No more than 25 linear feet of street-facing façade shall occur without a window or door opening.

(f) **Main Street-Entrance emphasis.** Each street-facing publicly accessible building entrance shall include at least one of the following features:

(1) A covered porch projecting from the building façade no less than four feet that is no less than ten feet wide.

(2) A canopy projecting from the building façade no less than four feet that is no less than ten feet wide.

(3) An overhead architectural feature such as a gable, shed roof, or similar projecting element.

(g) **Special features.** At least two of the following three options shall be incorporated:

(1) A prominent covered porch, deck or balcony projecting from the façade no less than four feet.

(2) A chimney, or other unique vertical architectural feature or features approved by the Land Use Authority.

(3) Appurtenances such as exposed roof rafter tails, decorative kickers, and exposed beams or column detailing.

(h) **Colors.** Muted earth-tone colors generally visible from the site are required.

(i) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.



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4303 **Sec 104-22-7 Street Types And Street Design**

4304

4305 **Sec 104-22-7.010 General Street Design And Right-Of-Way Cross Sections**

4306 (a) ***Right-of-way dedication.*** As development occurs on each Lot or Parcel, the owner shall dedicate area
4307 for public right-of-way with a width as depicted in the table below or as otherwise adopted, to form a
4308 Street-Block pattern as depicted in the applicable street regulating plan.

4309 (b) ***Drawings required.*** Each application for development shall provide engineered construction drawings
4310 of the street improvements required herein.

4311 (c) ***Street right-of-way design.***

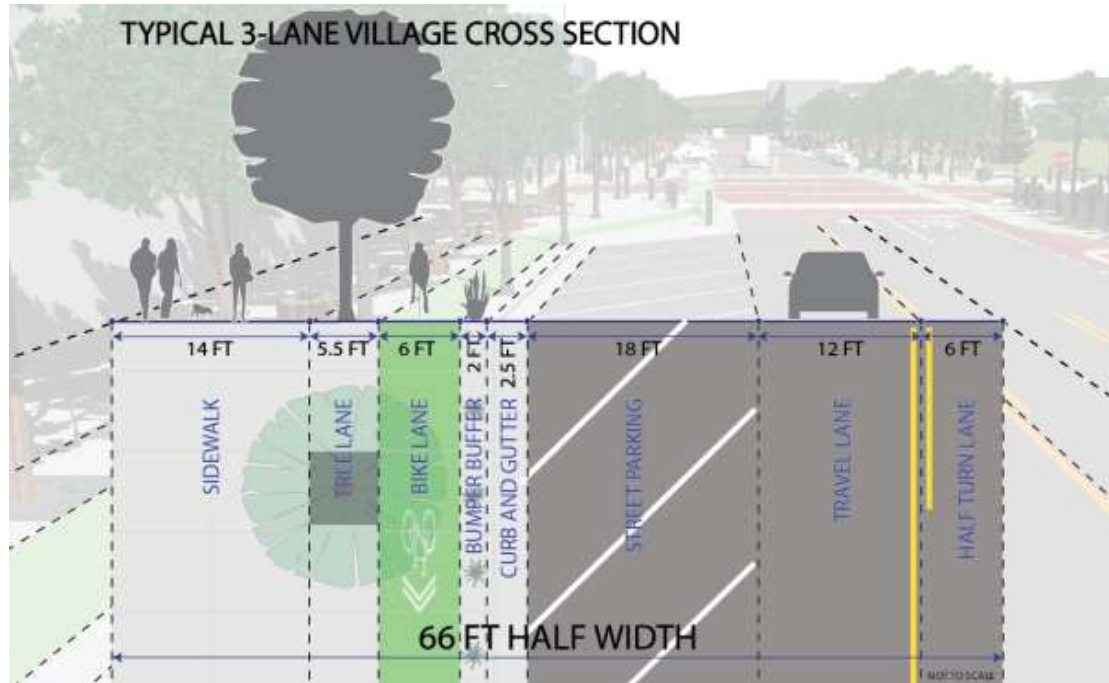
4312 (1) ***Commercial street design.*** The dimensions and general design for a Governmental and Institutional
4313 street, Vehicle-Oriented Commercial street, Mixed-Use Commercial street, and Multi-Family Res-
4314 idential street is as follows:

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- 4315 a. **Typical three-lane village cross section.** A three-lane village street is required for all arterial
4316 and collector streets, as designated by the applicable general plan or master street plan. The
4317 design dimensions shall be as follows:



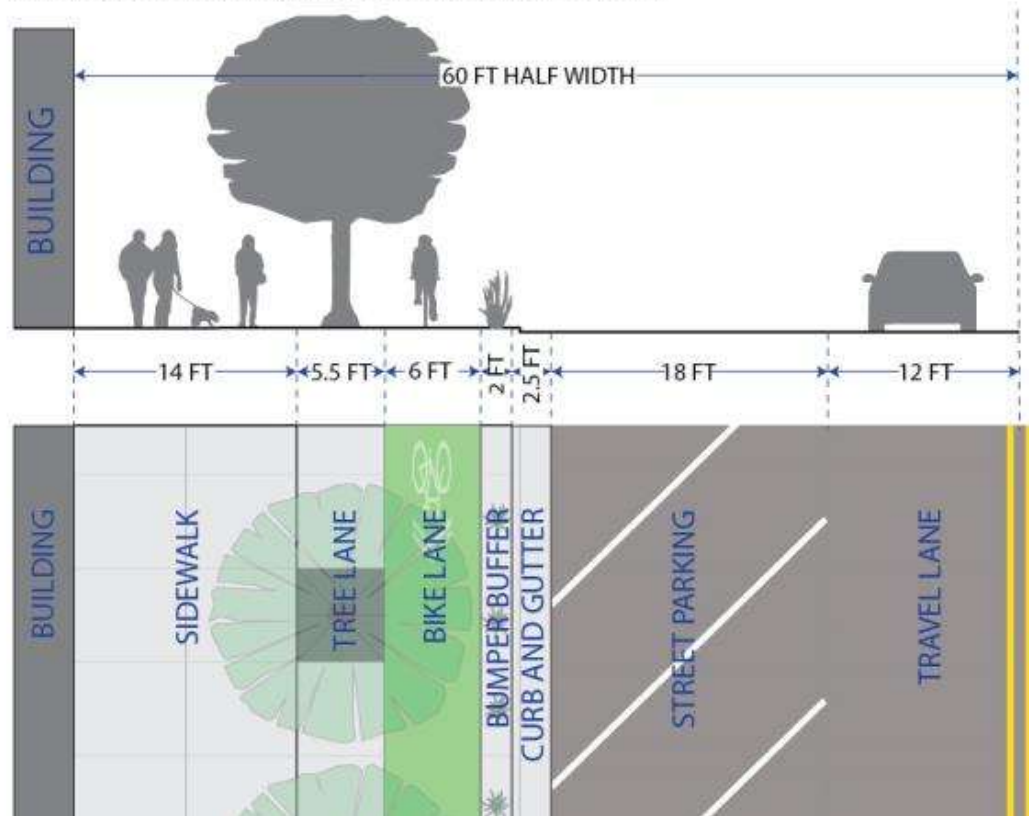
- 4318 b. **Typical two-lane village cross section.** A two-lane village street is required for other streets.
4319 The design dimensions shall be as follows:
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TYPICAL 2-LANE VILLAGE CROSS SECTION



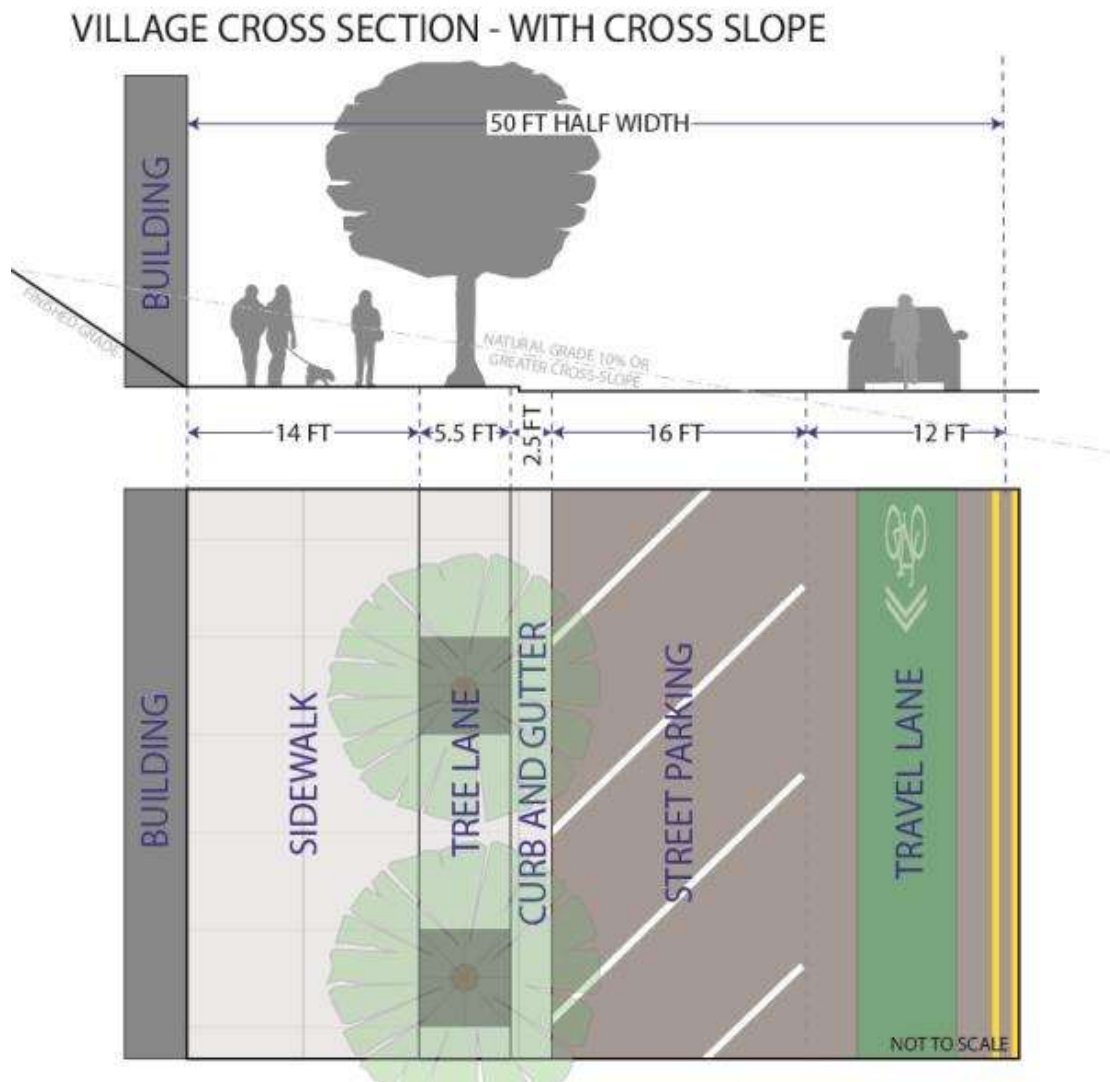
- c. **Two-lane village cross section with challenging cross-slopes.** Unless otherwise negotiated by development agreement, the design for a Governmental and Institutional street, Vehicle-Oriented Commercial street, Mixed-Use Commercial street, Multi-Family Residential street on a cross-slope that is greater than 10 percent shall provide a 50 foot right-of-way half width, with design dimensions as follows:

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- (2) **Mid-Block Alleys.** As development occurs along a Government and Institutional street, Vehicle-Oriented Commercial street, Mixed-Use Commercial street, or Multi-Family Residential street designation, one or more mid-Block Alley(s) shall be designed and constructed in accordance with the following:
- The general location of mid-Block Alleys are shown on each street regulating plan as lines with a lighter line weight than the lines that represent streets.
 - A mid-Block Alley shall provide both vehicle and pedestrian access to and through the inside of a Street-Block. Specifically, they shall provide access to shared public parking lots, public or private parking garages, and other uses or buildings that are located in the middle of the Street-Block.

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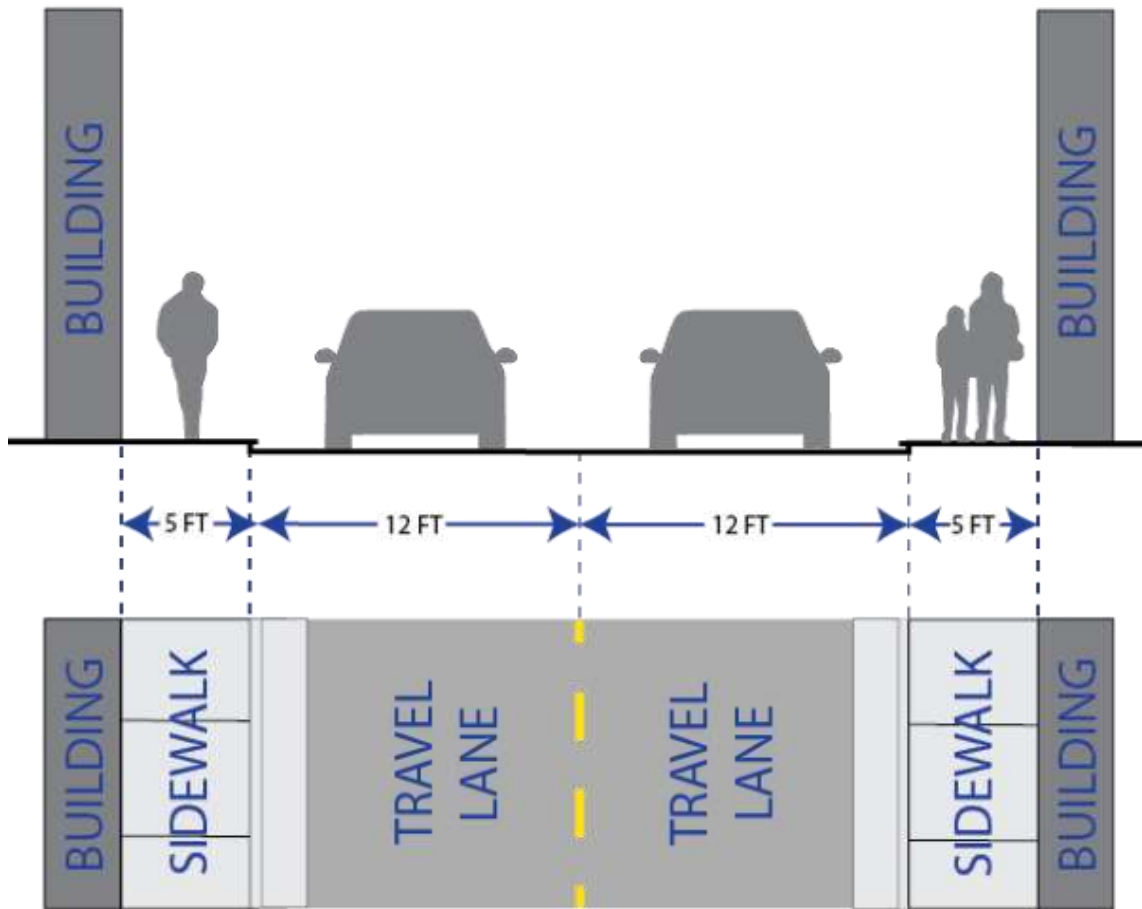
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- 4338 c. When a mid-Block Alley connects through a Street-Block in which the Alley transitions to a
4339 residential street, the applicable design and construction standards shall also transition to a
4340 typical residential street standard.
- 4341 d. The Alley shall be dedicated for public use, but the operations and maintenance of it shall be
4342 the collective and equitable responsibility of all landowners whose parcels and/or parking areas
4343 gain access from it. An association of owners may be created to specify the details of the man-
4344 agement thereof.
- 4345 e. Snow storage areas abutting an Alley shall be provided in the middle of each Street-Block of
4346 sufficient size and configuration to easily accommodate the Alley's snow storage needs, as
4347 determined by the County Engineer.
- 4348 f. Regardless of an Alley's configuration displayed on the street regulating plan map, a mid-Block
4349 Alley shall be located at a distance that is no greater than 330 feet and no less than 200 feet
4350 from a street intersection or other mid-Block Alley intersection.
- 4351 g. The mid-Block Alley's access to the street shall align with an existing or planned mid-Block
4352 Alley on the opposite side of the street. If there is no existing or planned mid-Block Alley on
4353 the opposite side of the street, then the subject mid-Block Alley's access to the street shall be
4354 located in a manner that provides reasonable opportunity for the creation of a future mid-Block
4355 Alley on the opposite side of the street.
- 4356 h. The width of the mid-Block Alley shall, at a minimum, be designed as follows:

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- (3) **Residential street design.** The design for all non-multi-family residential streets is as provided in Section 106-4-5.

Sec 104-22-7.020 Specific Street Design Standards

For all Government and Institutional, Vehicle-Oriented Commercial, Mixed-Use Commercial, or Multi-Family Residential street types, the following provisions shall apply. The following standards do not apply to non-multi-family residential streets unless explicitly stated herein. Otherwise, non-multi-family residential streets shall follow adopted residential street design standards.

- (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and constructed to promote pedestrian safety, comfort, and efficiency.

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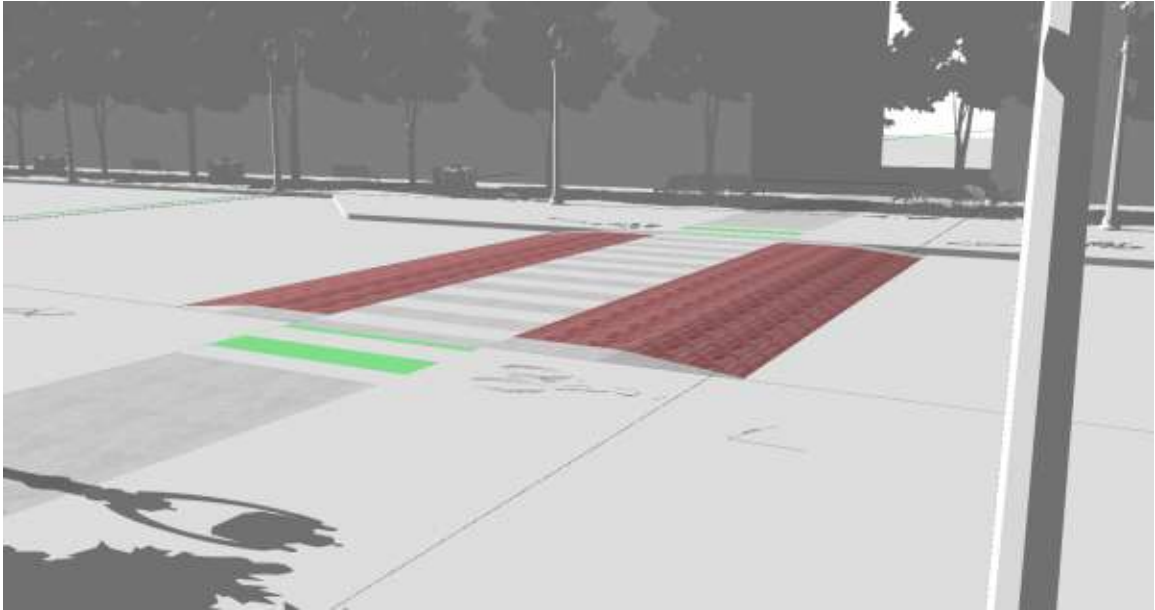
- (1) ***Raised crosswalks.*** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way shall be raised at least six inches above the grade of the vehicle-way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining pathways. An example of a raised crosswalk is illustrated as follows:

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(2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street improvements at intersections, pedestrian crossings, and mid-Block Alleys, if different, shall be constructed with curb extensions that bulb-out directly adjacent to the lane of travel. Bike lane widths shall not be obstructed or made narrower at any point along a curb extension bulb-out. Bulb-outs shall be designed to the specifications of this ordinance and the County Engineer, or as otherwise adopted. Where a bulb-out provides access to a raised pedestrian crosswalk, bollards or other permanent features shall be installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-way. Examples of bulb-outs are depicted in the images above.

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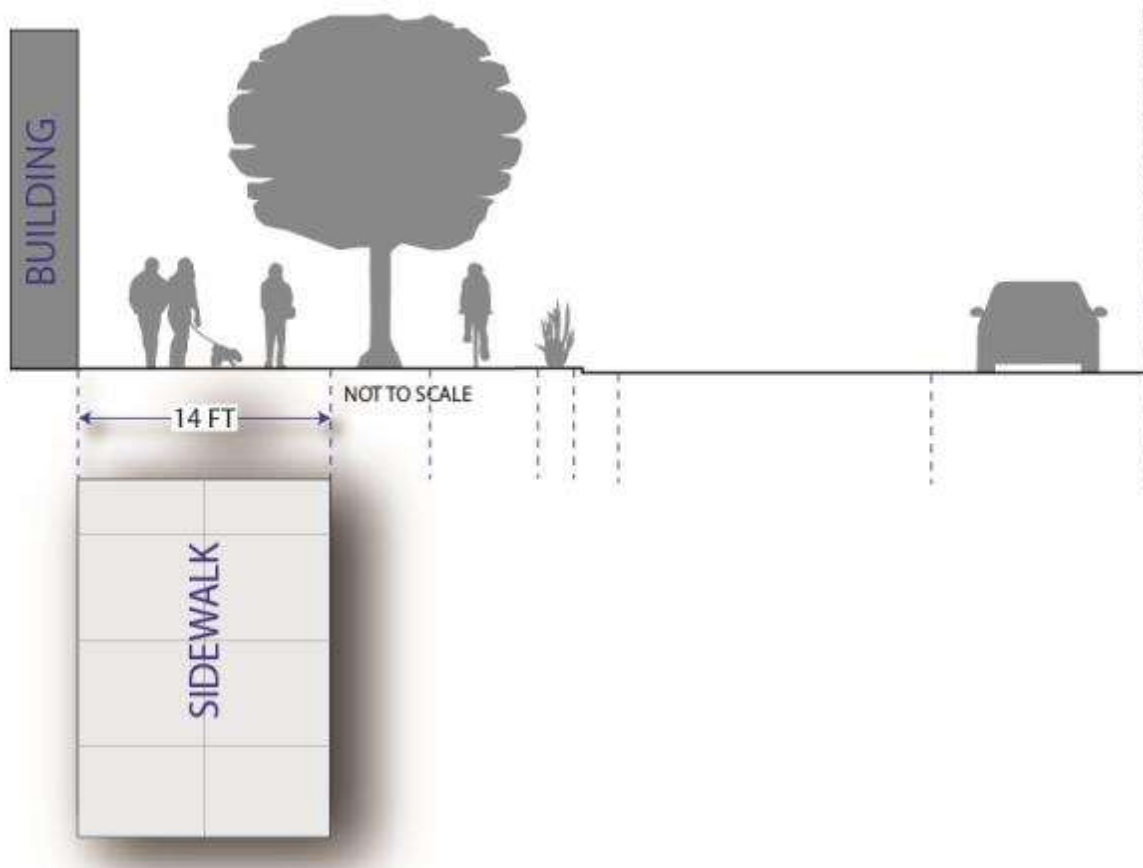
(3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping, crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between the street and crosswalk.

(4) **Mid-Block crosswalk.** A Street-Block that has a length that is greater than 330 feet, as measured from the center of each bounding intersection, shall be provided with a mid-Block crosswalk. User-activated rapid flashing beacons that are solar powered or connected to jurisdictionally controlled power, if available, shall be installed on mid-Block crosswalk signage.

(b) **Sidewalk required.** As part of the required street improvements within the FB zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.010 and as illustrated as follows, on the side of the street of the development and for the entire length of the development Lot's street frontage or width.

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4399 (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required
4400 sidewalk along any street that is very unlikely to have an adjacent building with Ground-Floor
4401 Street-Facing Commercial Space. The pathway shall be designed as provided in Section 104-22-
4402 7.030.

4403 (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the
4404 encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and
4405 maintenance contract. The adjoining landowners shall bear full responsibility for the operations
4406 and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projec-
4407 tions standards of this chapter.

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4409 (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be
4410 installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as
4411 the development and for the entire length of the development lot's street frontage. Tree species shall be
4412 approved by the Planning Division Director and County Engineer as part of the review of the develop-
4413 ment. A street tree plan shall be submitted as part of a development application and shall be accompa-
4414 nied by a letter from a certified arborist or landscape architect, certifying that the proposed tree type is
4415 suitable considering site conditions and local climate. The plan shall include planting methods that are
4416 specific to the site conditions. Planting methods shall provide means of protecting the longevity of the
4417 tree and the street infrastructure. Street trees shall be provided with a permanent watering method with
4418 irrigation infrastructure installed underground.

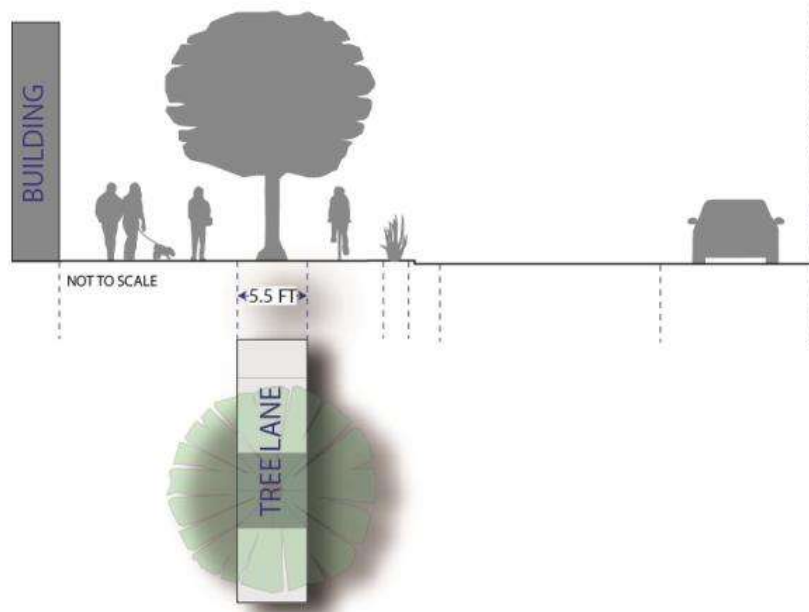
4419 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section
4420 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Offi-
4421 cials (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between
4422 tree trunks shall equal the average diameter of the specific tree species' canopy at maturity.

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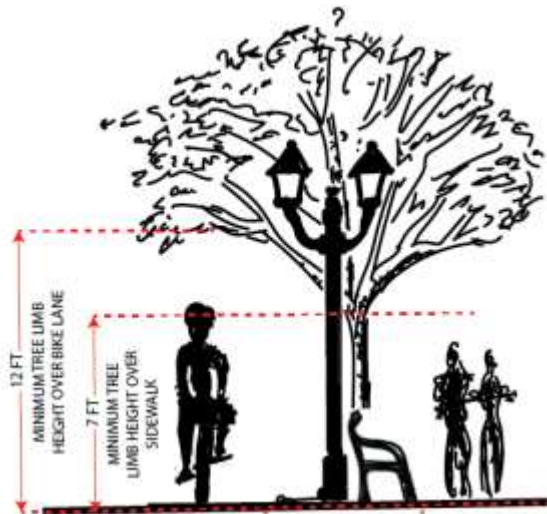
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- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where the tree is located. A tree maintenance plan shall be submitted as part of the development review for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the following graphic:



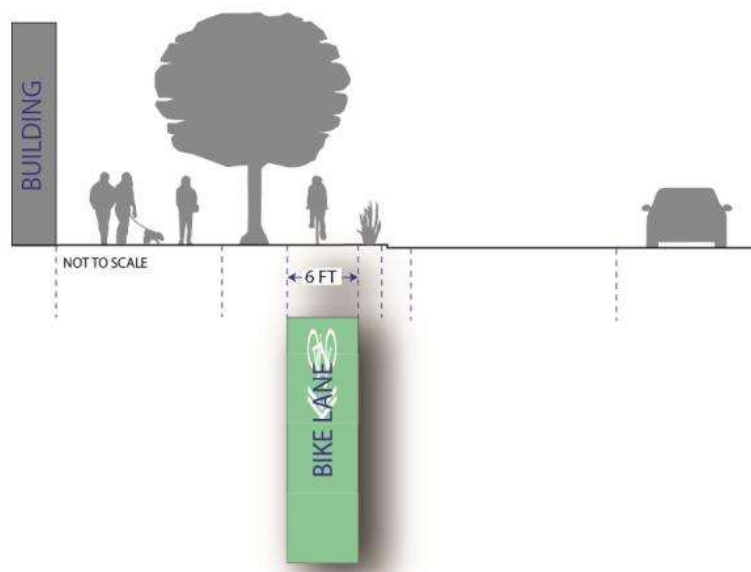
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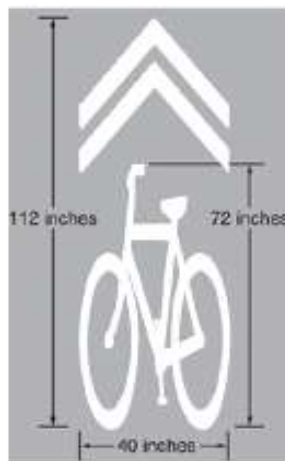
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(d) **Bike facilities required.**

- (1) **Separated bike lane.** Unless provided otherwise herein, a concrete bike lane that is five feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.



- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:

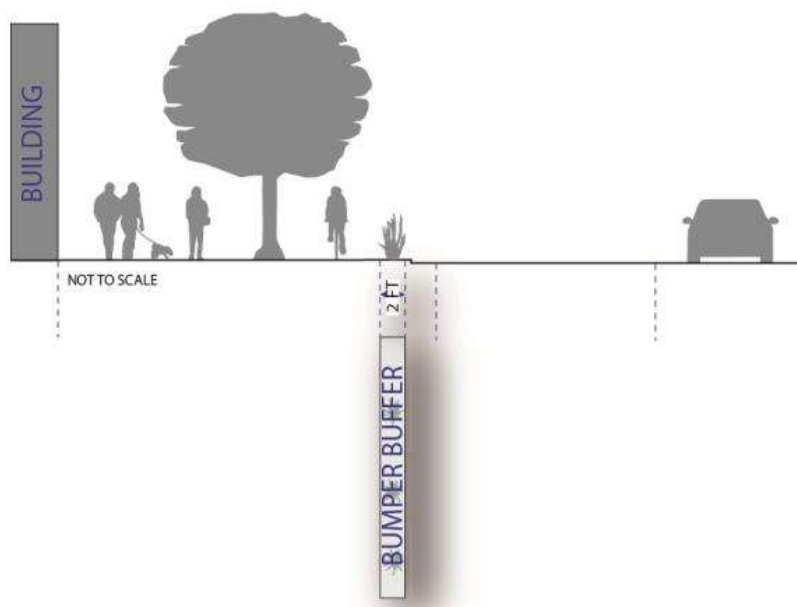


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4443 (e) **Street parking required.**

- 4444 a. **45-degree angle parking.** Each street shall be designed and constructed to provide 45-degree
4445 angled parking.
- 4446 b. **Street parking alternative.** When topography results in the inability to safely create sufficient
4447 street width, or when street design is constrained by design standards outside the county's con-
4448 trol, the County Engineer has discretion to allow a parallel street-parking design instead.
- 4449 c. **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bike lane
4450 and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



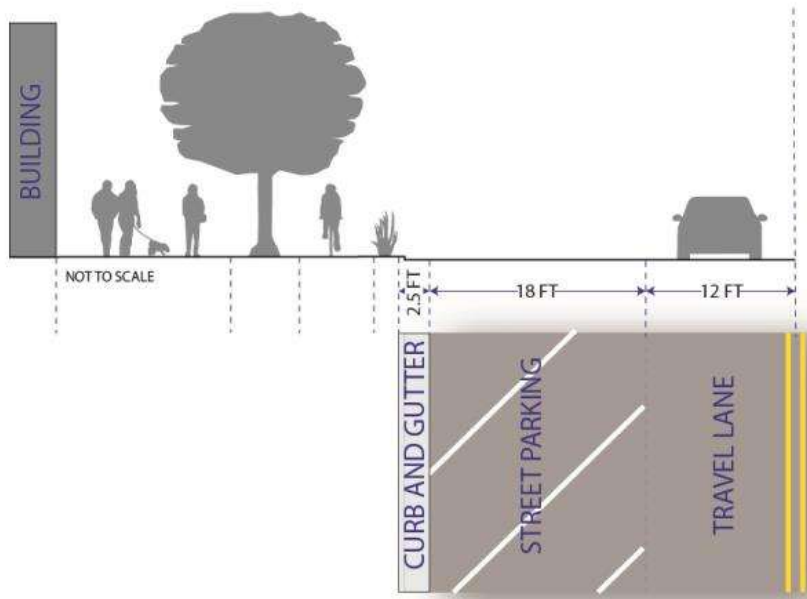
4451 (f) **Curb, gutter, and drainage facilities.**

- 4453 Curb, gutter, and drainage facilities shall be installed along each street and internal Alley
4454 in accordance with the County's standard curb and gutter cross sections and in a manner
4455 that accommodates the street designs herein.

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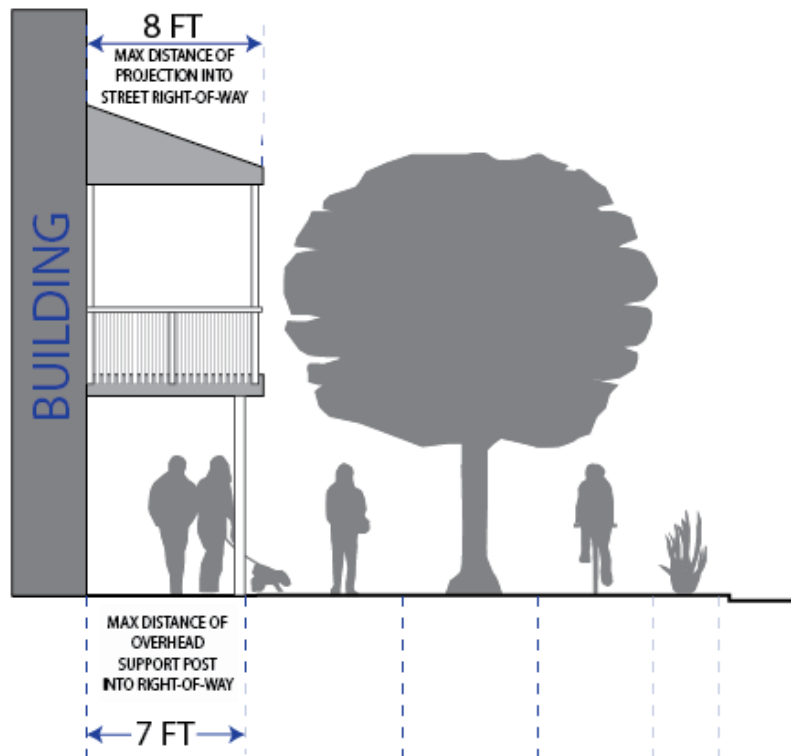
4457 (g) *Items in public right-of-way.*

- 4458 (1) **Overhead projections.** Overhead building projections such as but not limited to awnings, canopies,
4459 balconies, and cantilevers, are permitted within the public right-of-way, provided that they leave a
4460 vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project more
4461 than eight feet into the public right-of-way. Any support post beneath the building projection shall
4462 be no greater than seven feet from the building façade, be designed to offer minimal disruption to
4463 sidewalk traffic, and meet all ADA clearance requirements.

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(2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside dining, benches, bike racks, planters, and street sales and displays are permitted between street trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.

(3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within this zone. Street lighting shall complement the architectural design theme of the area.

(4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and install all new utilities underground as well.

(h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed when required by the County Engineer. Otherwise, all improvements installed shall be installed in a manner that does not create an undue burden on the construction of a future round-a-bout.

Sec 104-22-7.030 Pathway Location And Design Standards

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

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- 4481 (1) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-mo-
4482 torized modes of transportation.
- 4483 (2) Pathways shall connect using the shortest distance reasonably possible.
- 4484 (3) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks
4485 in the general area, and for future planned pathways, as shown on an adopted pathway plan, general
4486 plan, master trails plan, or other applicable adopted planning document.
- 4487 (4) Except for development along a Rural Residential or Estate Lot Residential street, each develop-
4488 ment shall be configured so that the maximum pathway or sidewalk walking-distance between a
4489 pathway or sidewalk intersection is 400 feet.
- 4490 a. This distance may be increased for a segment of a pathway that travels through a permanently
4491 preserved open space area or an area very unlikely to ever develop.
- 4492 b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
4493 pathway, sidewalk, or street that has pedestrian facilities.
- 4494 (5) A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or side-
4495 walk within the subdivision.
- 4496 (6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a
4497 stub to the subdivision boundary.
- 4498 (7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating conven-
4499 ient and efficient access to nearby parcels that are likely to eventually be developed.
- 4500 (b) **Street-adjacent pathway.** Along each arterial, collector, and major neighborhood street, as provided in
4501 an adopted general plan, master streets plan, or similar adopted document, a 10-foot wide hard-surfaced
4502 pathway shall be installed.
- 4503 (1) When determining which side of the street the pathway is required, preference shall be given to the
4504 side of the street that has optimal sun exposure during winter months.
- 4505 (2) The Planning Division Director may require a pathway be located on the other side of the street to
4506 support pathway connectivity based on other factors such as existing or planned future pathways
4507 in the vicinity and potential pedestrian conflicts.
- 4508 (3) The pathway shall be located within the street right-of-way unless expressly authorized otherwise
4509 by the County Engineer. If not located within the street right-of-way, a pathway easement is re-
4510 quired.
- 4511 (4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at
4512 least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top
4513 of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches
4514 of base-course. Greater thickness may be required where it intersects a vehicle-way.
- 4515 (5) Example: Street-Adjacent Pathway
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(c) **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.

- (1) Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.
- (2) The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or parcels are or will be single-family residential, and are deed-restricted to:
 - a. Only allow a solid fence that is no greater than four-feet; or
 - b. Only allow a fence that is 30 percent open with the openings evenly distributed.
- (3) 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.
- (4) Example: Non-Street-Adjacent Pathway

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Sec 104-22-8 Street Regulating Plans

(a) The following maps depict the adopted Street Regulating Plans for their respective areas. The plans illustrate the intended street layout of the area and the designated street types. The plan is intended to be a guide for the placement of streets and mid-Block Alleys, and is not designed to survey-level accuracy. A street's placement shall be within 200 feet of the location depicted on these maps. A mid-Block Alley, denoted on the maps with thinner line types intersecting with Governmental and Institutional, Vehicle-Oriented Commercial, Mixed Use Commercial, and Multi-Family Residential streets, shall be provided as specified in Section 104-22-7.010. A land owner proposing development in an area that a street or Alley is planned shall be responsible for dedicating the land and constructing the street or Alley improvements.

(b) The legend for each street regulating plan is as follows:

STREET TYPES AND AMENITIES		ABV.		SHORT DESCRIPTION	
	General Open Space	OS		Area planned for open space.	
	Estate Lot Residential	ELR		Single-family Lot as small as 3 acres.	
	Rural Residential			Sending	

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				Receiving	Single-family Lot as small as 40,000 square feet.
	Large Lot Residential	LLR			Single-family Lot as small as 20,000 square feet.
	Medium-Large Lot Residential	MLLR			Single-family Lot as small as 12,500 square feet.
	Medium Lot Residential	MLR			Single-family Lot as small as 8,000 square feet.
	Small Lot Residential	SLR			Up to four-family lot as small as 3,000 square feet.
	Multi-Family Residential	MFR			Multi-family Lot, restricted height, no lot minimum.
	Mixed-Use Commercial	MUC			Commercial at street level, multi-family and other uses above and behind, restricted height, no lot minimum.
	Vehicle-Oriented Commercial	VOC			Same as MUC with special considerations for vehicle-oriented uses.
	Government and Institutional	G&I			Same as VOC with special considerations for government and institutional uses.
	Limited Access Arterial or Collector	LTD.			Access to street generally limited to planned intersections.
	Trails				Required trail.

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	Street Roundabout			Planned roundabout.

COMMUNITY FEATURES

	Long-Term Open Space	Area desired for long-term open spaces.
	Park	Area desired for long-term open space held as park.
	Trailhead	Area desired for trailhead and/or trail access.
	Water Body	A body of water.

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4544 **Sec 104-22-8.010 (Reserved)**

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4548 **Sec 104-22-8.020 (Reserved)**

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Sec 104-22-8.030 (Reserved)

Sec 104-22-8.040 West Weber's 4700 Area Street Regulating Plan Map



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Sec 104-22-9 Parking And Internal Block Access

- (a) **Parking required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the on-street parking immediately fronting the lot or an off-street parking lot or garage within 1000 feet of the building. On-street parking not adjacent to the Lot's street-frontage shall not be counted.
- (1) **Internal Street-Block shared public parking.** Each business or use that will have patrons, customers, clients, or similar, shall provide an off-street public parking lot or garage.
 - a. Use of this parking lot or garage shall be shared by all landowners and business owners within the Street-Block. In extremely inequitable circumstances, the Land Use Authority may allow a land or business owner to specifically exclude parking for patrons, customers, clients, or similar of other land or business owners if those other land or business owners within the Street-Block have not provided their own proportionate contribution toward shared public parking within the Street-Block.
 - b. Each public parking area located within the Street-Block shall be designed to extend to the parcel boundary and shall provide a cross access easement along all sides of the parking area abutting the adjoining Lot(s) or Parcel(s) in a manner that allows the adjoining Lot or Parcel

Policy shift.

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- 4575 owner to extend that public parking area seamlessly into their parcel. Cross access and cross
4576 access easements are required pursuant to Subsection (h) of this section.
- 4577 (2) **Alternative to shared internal Street-Block public parking.** If multiple land or business owners
4578 within a Street-Block create an alternative shared public parking plan that provides for equal or
4579 better off-street public parking for the same Street-Block than otherwise required by Subsection
4580 (a)(1) of this section, then the provisions of Subsection (a)(1) that run contrary may be waived.
4581 However, in no case shall parts of Subsection (a)(1) be waived in a manner that prevents or restricts
4582 an existing or future land or business owner's opportunity and obligation to contribute to and enjoy
4583 the benefits of the shared public parking within the Street-Block at full buildout.
- 4584 (3) **Internal Street-Block private parking.** Nothing in this subsection (a) shall be construed to prohibit
4585 a landowner from creating a private parking lot or garage as long as the shared public parking
4586 requirements, obligations, and opportunities specified herein are satisfied.
- 4587 (b) **Employee and residential parking.** On-street parking shall not be included toward minimum parking
4588 needed for employees or for any residential use. Employee parking and the minimum required residen-
4589 tial parking shall be located off-street within the same Street-Block as the use.
- 4590 (c) **Parking lot surface.** All parking lots shall be hard-surface asphalt or concrete, or other improved sur-
4591 face otherwise approved by the County Engineer and local fire authority.
- 4592 (d) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum park-
4593 ing spaces required if sufficient evidence suggests that the required number of spaces is excessive for
4594 the building and proposed use or uses therein.
- 4595 (e) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the new
4596 use merits it, as determined by the Land Use Authority. The applicant proposing to change the use shall
4597 be required to provide the additional off-street parking within 1000 feet of the use.
- 4598 (f) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-
4599 foot wide landscape planting area that runs the depth of the parking row shall be located at each end of
4600 a parking row.
- 4601 (g) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial, mixed
4602 use commercial, or multi-family residential street, a parking structure shall have Ground-Floor Street-
4603 Facing Commercial Space along the street's frontage. However, for a Corner Lot, this requirement
4604 applies to the façade that is adjacent to the more prominent street, as determined by the land use au-
4605 thority; the other façade shall have the same for no less than fifty percent of that façade's street frontage.
4606 The other fifty percent, and the area of the parking structure above the street level commercial space,
4607 shall have a street-facing facade that disguises the parking structure to generally look like other build-
4608 ings in the area.
- 4609 (h) **Cross-access and cross-access easement.** For all Lots or Parcels along a Governmental and Institu-
4610 tional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Resi-
4611 dential street, , providing access to adjacent existing or future development without the need to access
4612 the public right-of-way is required. This access shall be provided by a mid-Block Alley, or other Alley
4613 or shared driveway as may be deemed necessary by the Land Use Authority. If not in conflict with mid-
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Block Alley requirements herein, when no new Alley access is deemed necessary because an Alley access or street access is already provided to the Lot or Parcel through another Lot or Parcel, then a cross-access easement shall be provided along adjoining lot lines, as follows:

- (1) **Inclusion of other landowners.** A cross access easement shall provide an easement to all landowners in the Street-Block that develop along a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential street that is framing the Street-Block. The easement shall allow ingress and egress to these other Lots or Parcels, including ingress and egress infrastructure.
- (2) **Multiple points of access.** At a minimum, each developed Lot or Parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable. Except that a private parking area is allowed to only provide a single access as long as it does not block the accessibility to other areas within the Street-Block that are or could be used for public parking.
- (3) **Coordination with adjoining landowners.** When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.
- (4) **Location to optimize circulation.** The Planning Division Director may require the cross-access to be located in a manner that optimizes traffic circulation within the Street-Block.
- (5) **Installation timing.** Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the Lot or Parcel, or a completion bond may substitute for completion if allowed by the County Engineer.
- (6) **Reciprocal easement when others exist.** When a Lot or Parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.
- (7) **Operations and maintenance.** If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

Sec 104-22-10 Signage

In addition to the signage regulations in this Land Use Code, no signage shall be affixed to a building higher than the top of the second story.

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Sec 104-22-11 (Reserved)

Sec 104-22-12 Workforce Housing

Participation in creating workforce housing is required as follows, except when developing along a Large Lot Residential, Rural Residential, or Estate Lot Residential Street.

(a) ***No deduction of density required.*** Workforce housing dwelling units will not be deducted from the Lot or Parcel's allowed density as long as the number does not equal more than 15 percent of the development's total number of market-rate dwelling units.

(b) ***Lot development standard reduced.***

(1) Unless the applicable lot development standards are more permissive, a structure that is exclusively devoted to, and deed restricted for, workforce housing may have a Front Setback of 20 feet, and a Side Setback and Rear Setback of five feet, and has no minimum Lot Area requirement.

(2) In the event the provision for the required workforce housing results in the inability to realize the number of dwelling units that would otherwise be allowed if workforce housing was not required, then the applicable minimum lot development standards in the development may be reduced to no less than half of the applicable minimum lot development standard.

(c) ***Workforce housing requirements.*** Unless otherwise negotiated by development agreement, one or more of the following workforce housing requirements shall be provided by the developer.

(1) ***Building and reservation of dwelling units.*** Dwelling units, in an amount that is equal to or greater than five percent of the non-workforce housing units being developed, shall be constructed and deed restricted for workforce housing;

(2) ***Fee in lieu.*** In lieu of building affordable housing units, a fee equaling up to two percent of the dwelling unit's market value, shall be paid for each dwelling unit constructed. This shall be implemented by a covenant recorded on title of each dwelling unit, and shall be paid at the time a building permit is issued, or prior to the transfer of the property's title after the dwelling unit has been completed;

(3) ***Buildable lot in lieu.*** In lieu of building affordable housing units, a lawfully subdivided lot or lots in a size and configuration that is capable of supporting dwelling units in an amount that is equal to or greater than 10 percent of the non-workforce housing units being developed, shall be donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement; or

(4) ***Floor area in lieu.*** Along a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential street, and Small Lot Residential street, floor area, in a size and configuration that is capable of supporting dwelling units in an amount that is equal to or greater than five percent of the non-workforce housing units being developed, shall be donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement.

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4689 (d) **Workforce housing location.** The required housing Units, Lots, or floor area provided for workforce
4690 housing may be located outside of the proposed development as long as they are located along a Gov-
4691 ernmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street,
4692 Multi-Family Residential street, and Small Lot Residential street, Medium Lot Residential , or Medium-
4693 Large Lot Residential street designation in an area governed by the same street regulating plan map, or
4694 within one mile of a commercial or manufacturing zone.

4695 (e) **Weber housing authority.** Eligibility and long-term monitoring of qualification for workforce housing
4696 is the responsibility of the Weber Housing Authority

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CHAPTER 104-23 TRADITIONAL NEIGHBORHOOD ZONES TN

Sec 104-23-1 Purpose And Intent

The purpose of the Traditional Neighborhood (TN) zone is to promote a pedestrian-friendly, master-planned development that blends diverse residential, commercial, civic, and recreational uses. This zone emphasizes fine-grained design with distinct centers and edges, creating vibrant public realms shaped by thoughtful urban planning rather than relying solely on architectural complexity. Development within this zone will incorporate open spaces, recreational components, and well-designed, architecturally integrated structures that are appropriately landscaped and harmoniously buffered from surrounding land uses. This zone aims to balance local context, functionality, and aesthetic beauty to foster thriving, walkable communities through customized development requirements and approach.

Sec 104-23-2 Applicability

- (a) Effective date. The effective date of this chapter is January 8, 2026.
- (b) Area of Applicability. The provisions of this Chapter are only applicable to property that has been rezoned to the Traditional Neighborhood (TN) zone.
- (c) The minimum area required for an initial rezone to the Traditional Neighborhood (TN) zone shall be four hundred (400) contiguous acres.

Sec 104-23-3 Land Use Tables

The following tables display the uses permitted, conditionally permitted, or not permitted in the Traditional Neighborhood (TN) zones. The letter "P" indicates a permitted use in the zones. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108, Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. The letters SP indicate a use that requires a special permit as provided in Section 104-23-4.010. A use listed is a main use unless specifically listed as an accessory use. Each of the T1 - TS and SD columns included in these tables reflect the applicable "Transect District(s)" that are determined or identified, and that may be established, by the development agreement required pursuant to Section 104-23-8.

Sec 104-23-3.010 Accessory Uses

An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

Accessory building. A building that is accessory and incidental to the use of a main building.

Transect Districts					Special District		Special Regulations
T1	T2	T3	T4	T5	SD-1	SD-2	
N	P	P	P	P	P	P	

COLOR KEY: O.V. incorporation-related. Policy shift.

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Accessory dwelling unit. A living unit that is accessory to a primary dwelling unit.	N	P	P	P	P	P	P	
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	
Agricultural hobby farm. A small-scale farm that is primarily for personal enjoyment and pleasure, rather than as a business.	N	P	P	P	P	N	P	
Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	N	P	P	P	P	P	P	
Family food production. Family food production as an accessory use to a single-family dwelling residential use.	N	P	P	P	P	N	P	
Home occupation. A home occupation that is accessory to a residential use.	N	P	P	P	P	P	P	
Parking lot. A parking lot that is accessory to a main use allowed in the zone.	N	P	P	P	P	P	P	
Produce stand. For produce grown on the premises only.	SP	P	P	P	P	P	P	
Temporary building or use. A temporary building or use that is accessory and incidental to on-site construction work.	SP	P	P	P	P	P	P	

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Vendor, short term. The siting of a temporary vendor booth or vehicle for the sales products, food, or other items.

SP	P	P	P	P	P	P

4726 **Sec 104-23-3.020 Agricultural And Open Space Uses, Generally**

	Transect District					Special District		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
Agriculture. Agriculture as a use of the property.	N	P	P	N	N	N	P	
Wildlife sanctuary. A wildlife sanctuary.	SP	P	P	P	P	N	P	Minimum 5 acres. See Section 104-23--4.010(c).
Agri-tourism. An agri-tourism use.	N	P	P	P	P	N	P	Minimum 5 acres. See Section 104-23--4.010(c).
Agriculture, community-oriented. A crop production operation for use by the broader public, such as a community garden, rental row operation, or you-pick operation.	SP	P	P	P	P	N	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.	SP	P	P	P	P	P	P	

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4728 **Sec 104-23-3.030 Agricultural Uses, Animal Oriented**

The following are animal-related uses that do not

Transect Districts	Special District	Special Regulations

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and shall not typically generate customer-oriented traffic to the lot or parcel.

Animal grazing. Animal Grazing.

Apiary. The keeping of bees.

T1	T2	T3	T4	T5	SD-1	SD-2	
N	P	P	N	N	N	P	Minimum 5 acres. See Section 104-23--4.010(c).
N	P	P	N	N	N	P	

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Sec 104-23-3.040 Amusement, Entertainment, And Recreation Uses

The following are uses oriented toward providing amusement or entertainment for patrons.

Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.

Entertainment facility, indoor. An Indoor Entertainment Facility.

Entertainment facility, outdoor. An Outdoor Entertainment Facility.

Amusement park, temporary. An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for

Transect Districts					Special District		Special Regulations
T1	T2	T3	T4	T5	SD-1	SD-2	
P	P	P	P	P	P	P	
N	P	P	P	P	P	P	
SP	C	C	C	C	C	C	
N	P	P	P	P	P	P	

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no longer than one month.							
Campgrounds or picnic areas, commercial. A commercial Campground or picnic area.	SP	P	P	P	P	P	Minimum 5 acres. See Section 104-23--4.010(c).
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	N	P	P	P	P	P	
Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	
Recreational resort. A Recreation Resort	N	P	P	P	P	P	
Swimming pools, private. A private swimming pool.	N	P	P	P	P	P	
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	

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4732 **Sec 104-23-3.050 Animal Services And Uses**

Transect Districts					Special District	Special Regulations
T1	T2	T3	T4	T5	SD-1	SD-2

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Animal grooming, small animal. Grooming for small animals.	N	P	P	P	P	P	P	
Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.	N	C	C	C	C	C	C	
Horse or equestrian event center. A horse or equestrian event center, including indoor concessions as an accessory use.	SP	P	P	P	P	P	P	Minimum 5 acres. See Section 104-23--4.010(c).
Horse or equestrian training facility and stabling, commercial. A commercial equestrian training facility or horse stable.	N	P	P	P	P	P	P	Minimum 5 acres. See Section 104-23--4.010(c).
Stable for horses, non-commercial. Horses shall be for noncommercial use only.	SP	P	P	P	P	P	P	Minimum 5 acres. See Section 104-23--4.010(c).
Stray animal shelter. A shelter for stray, lost, or seized animals.	N	C	C	C	C	C	C	
Veterinary facility. Veterinary facility.	N	C	C	C	C	C	C	

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Sec 104-23-3.060 Food, Beverage, And Other Product Sales For Human Consumption

Transect Districts	Special District	Special Regulations

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	T1	T2	T3	T4	T5	SD-1	SD-2	
FOOD PREPARATION SERVICES								
Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	N	N	P	P	P	P	P	
Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	N	N	P	P	P	P	P	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises.	N	N	P	P	P	P	P	Offsite catering allowed as an incidental and accessory use.
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	N	N	P	P	P	P	P	No slaughtering.
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	N	N	P	P	P	P	P	No slaughtering.
EATING AND DRINKING ESTABLISHMENTS FOR PRODUCTS PRIMARILY FOR ONSITE CONSUMPTION								

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Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	N	P	P	P	P	P	P	
Brewery or distillery with restaurant. A brewery or distillery in conjunction with a restaurant.	SP	P	P	P	P	P	P	
Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	N	N	P	P	P	P	P	
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	SP	P	P	P	P	P	P	
RETAIL FOOD AND DRUG SALES OF PRODUCTS PRIMARILY FOR OFFSITE CONSUMPTION								
Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	N	P	P	P	P	P	P	
Drugstore or pharmacy. A drugstore or pharmacy.	N	N	P	P	P	P	P	
Grocery store. A grocery store, including a store that specializes in the sales of any type of food normally found in a grocery store.	N	N	P	P	P	P	P	

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Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	SP	P	P	P	P	P	P	

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Sec 104-23-3.070 Government And Institutional Uses

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
Cemetery. A cemetery.	N	P	C	C	C	N	C	
Convalescent, rest home, or sanitarium. An establishment for long-term medical treatment of people.	N	N	P	P	P	P	N	
Child daycare. A daycare center operating in compliance with State regulation.	N	N	P	P	P	P	P	
Civic. A use related to a governmental entity.	N	N	P	P	P	P	P	
Fire station. A fire and emergency medical service station.	N	N	P	P	P	P	N	
Governmental offices. The offices of a governmental entity.	N	N	P	P	P	P	P	
Instructional facility. A facility in which instructional lessons are taught,	N	N	P	P	P	P	P	

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such as a school or education center.							
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	N	N	P	P	P	P	P
Museum or art gallery. A museum, art gallery, or similar space for historical or educational displays.	SP	P	P	P	P	P	P
Post office. A post office.	N	N	P	P	P	P	P
Preschool. A preschool operating in compliance with State regulation.	N	N	P	P	P	P	P
Private recreation or community center. A recreation or community center owned and operated by a private entity.	SP	P	P	P	P	P	P
Public library. A library owned and operated by a governmental entity.	N	N	P	P	P	P	P
Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P

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Public recreation or community center. A recreation or community center owned and operated by a public entity.

SP	P	P	P	P	P	P	

Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.

N	N	P	P	P	P	P	

Public storage facilities. Storage facilities used by a governmental entity.

N	N	P	P	P	P	P	

Visitor's center. A tourism visitor's center or offices.

SP	P	P	P	P	P	P	

Worship facility. A church, synagogue or similar building used for regular religious worship.

N	P	P	P	P	P	P	

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4738 **Sec 104-23-3.080 Office Uses**

	Transect Districts				Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2
Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or	N	N	P	P	P	P	P

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similar based on frequency of visiting clientele.							
Bank or financial institution. A bank or other financial institution.	N	N	P	P	P	P	P
Medical or dental office. A medical or dental office for routine outpatient care.	N	N	P	P	P	P	P
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and non-intrusive manner.	N	N	P	P	P	P	P

4739

4740 **Sec 104-23-3.090 Residential Uses**

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
Dwelling, single-family. A Single-Family Dwelling, also referred to as a Single-Family Detached Dwelling.	N	P	P	P	P	P	P	

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Dwelling, two-family. A Two-Family Dwelling, also referred to as a Duplex.	N	N	P	P	P	P	P	
Dwelling, three-family. A Three-Family Dwelling, also referred to as a Triplex.	N	N	P	P	P	P	P	
Dwelling, four-family. A Four-Family Dwelling, also referred to as a Quadplex.	N	N	P	P	P	P	P	
Dwelling, multiple-family. A Multiple-Family Dwelling, also referred to as a Multi-Family Dwelling.	N	N	P	P	P	P	N	
Dwelling unit in commercial building. A portion of a commercial building which is constructed in compliance with the county's adopted building codes and designed as a place for human habitation.	N	N	P	P	P	P	P	
Residential facility for elderly persons. A single-family or multifamily dwelling unit that meets the requirements of U.C.A. § 17-79-607, but does not include a	N	P	P	P	P	P	P	

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health care facility as defined by U.C.A. 1953, § 26-21-2.							
Residential facility for disabled persons. A single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour-per-day basis by eight or fewer persons with a disability in a family type arrangement under the supervision of a house family or manager.	N	P	P	P	P	P	
Residential facility for troubled youth. A residential facility that is occupied on a 24-hour basis by no more than eight qualified youth in a family type arrangement that conforms with applicable standards of, and is inspected and licensed by the state department of human services.	N	P	P	P	P	P	
Transient lodging. A hotel, motel, lodging house, condominium rental apartment (condotel), or timeshare condominium.	N	P	P	P	P	P	
Workforce housing. Workforce Housing,	N	P	P	P	P	P	

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dormitory, or residence hall, or portion thereof.

4741

4742 **Sec 104-23-3.100 Sales With Retail Storefront**

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
<i>Agricultural implement sales or service.</i> A facility that sells or repairs agricultural implements.	N	N	P	P	P	P	P	
<i>General retail sales.</i> A building, property or activity, the principal use or purpose of which is the sale of physical goods, products or merchandise directly to the consumer.	N	P	P	P	P	P	P	
<i>Nursery, commercial.</i> A plant nursery, with associated greenhouses for retail sales of plants and accessory products.	N	P	P	P	P	P	P	

4743

4744 **Sec 104-23-3.110 Sales Typically Without Retail Storefront**

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
<i>Vendor, short term.</i> The siting of a temporary vendor booth or vehicle	SP	P	P	P	P	P	P	

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for the sales products,
food, or other items.

4745

4746 **Sec 104-23-3.120 Services**

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	N	N	P	P	P	P	P	
Household item repair, large. The repair or service of devices that the average person cannot carry without aid of a moving device.	N	N	P	P	P	P	P	
Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.	N	N	P	P	P	P	P	
Gathering facility, indoor. An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing and reception centers.	N	N	P	P	P	P	P	

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Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.

N

N

P

P

P

P

P

Laundromat. A facility that provides washers and dryers for self-serve laundry service.

N

N

P

P

P

P

P

Mortuary or funeral home. Mortuary or funeral home and related sales and services.

N

N

P

P

P

P

P

Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.

P

P

P

P

P

P

P

Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.

N

N

P

P

P

P

P

Personal service shop. A location where personal services related to the care and appearance, or cleaning, of the body are provided.

N

N

P

P

P

P

P

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Personal service shops include, but not limited to barbershops, hair-dressers, beauty salons or shops, or massage salons.

Printing and copying service with or without retail shop. Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.

Tailor services. The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.

N	N	P	P	P	P	P	
N	N	P	P	P	P	P	

4747

4748 **Sec 104-23-3.130 Storage**

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
Outdoor storage. Outdoor Storage.	N	N	N	N	N	P	N	
Self-storage. Indoor storage units for personal or household items or vehicles, and	N	N	P	P	P	P	P	

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without doors that face a public street.

Warehouse storage. The storage of products or goods that are or will be for sale.

N	N	N	P	P	P	P	

4749

4750

Sec 104-23-3.140 Utility Uses

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
Public utility substation. A Public Utility Substation.	P	P	P	P	P	P	P	
Quasi-public. A Quasi-Public use.	P	P	P	P	P	P	P	
Wastewater treatment or disposal facilities. The structures, equipment, and processes required to collect, transport, and treat domestic wastes and dispose of the effluent and accumulated residual solids.	P	P	P	P	P	P	P	
Water treatment or storage facility. any system, used for potable use, including but not limited to any municipal or private	P	P	P	P	P	P	P	

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water treatment facility.							
Small wind energy system. A Small Wind Energy System.	N	P	P	P	P	P	P
Small solar energy system. A Small Solar Energy System.	N	P	P	P	P	P	P

4751

4752

Sec 104-23-3.150 Vehicle-Oriented Uses

	Transect Districts					Special Districts		Special Regulations
	T1	T2	T3	T4	T5	SD-1	SD-2	
Car wash. A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	N	N	N	N	N	P	N	
Gas or refueling station. A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	P	N	
Parking lot or structure. A parking	N	N	N	N	P	P	P	

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lot or parking structure.							
Passenger vehicle repair or service of any kind. The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs. gross vehicle weight.	N	N	N	N	N	P	N
Trailer sales or rentals. Sale or rental of trailers.	N	N	N	N	N	P	N
Transit terminal. A facility which is typically designed to accommodate passenger transfer activity between transit modes and other travel modes, and may include passenger pick-up and drop-off, and park and ride lots.	N	N	N	N	N	P	N
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	P	N

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4753

4754 **Sec 104-23-4 Special Regulations**

4755

4756 **Sec 104-23-4.010 Special Regulations, Generally**

- 4757 (a) ***All uses, generally.*** All uses listed in the land use table are indoor uses unless specifically stated other-
4758 wise. All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or airborne par-
4759 ticulate matter, refuse, or anything else that is uncommon to the established character of the neighbor-
4760 hood to such a degree as to be perceptible to constitute a nuisance to the occupants of the immediate
4761 area.
4762 (b) ***Special use permit.*** A special use permit shall be required for all uses designated with a “SP” in the
4763 land use table in set forth in Section 104-23-3. Applications and approvals of special use permits pur-
4764 suant to this Section 104-23-4 shall be processed as a legislative land use regulation consistent with the
4765 requirements of the Code and Utah law.
4766 (c) ***Special area and width requirements.*** Any use listed in the land use table that contains the phrase (min.
4767 [“n”] acre[s]) requires a Lot or Parcel area devoted to the use that is a minimum number of acres spec-
4768 ified by “n” and have a width that is no narrower at any point than 100 feet.

4769

4770 **Sec 104-23-4.020 (Reserved)**

4771

4772 **Sec 104-23-5 Site Development Standards**

4773

4774 **Sec 104-23-5.010 Allowed Density**

4775 Density for the Traditional Neighborhood (TN) zone shall be calculated by the entire Traditional Neigh-
4776 borhood (TN) zone area. The intensity of neighborhoods and where the residential units are allocated may
4777 be determined by the development agreement required pursuant to Section 104-23-8.

4778

4779 **Sec 104-23-5.020 (Reserved)**

4780

4781 **Sec 104-23-5.030 (Reserved)**

4782

4783 **Sec 104-23-5.040 (Reserved)**

4784

4785 **Sec 104-23-5.050 (Reserved)**

4786

4787 **Sec 104-23-5.060 (Reserved)**

4788

4789 **Sec 104-23-5.070 Building Height**

4790 Buildings within the Traditional Neighborhood (TN) zone are limited to four (4) stories. In the Traditional
4791 Neighborhood (TN) zone, a “story” is the habitable level within a building except those area as follows:

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-
- 4792 (a) A basement, which are the interior part of a building (which may or may not include habitable space)
4793 below the ground of every story of main entry level, and which has a maximum of five feet (5') of
4794 height above grade, measured from the average finished grade along the front façade.
4795 (b) An attic, the part of a building contained within a pitched roof that, though it may be accessible, does
4796 not include habitable space.

4797

4798 **Sec 104-23-5.080 (Reserved)**

4799

4800 **Sec 104-23-5.090 (Reserved)**

4801

4802 **Sec 104-23-6 (Reserved)**

4803

4804 **Sec 104-23-7 (Reserved)**

4805

4806 **Sec 104-23-8 Rezone And Development Agreement**

- 4807 (a) A rezone application and development agreement are required to create or modify the boundary of the
4808 Traditional Neighborhood (TN) zone. Approval of the rezone and development agreement shall follow
4809 the rezone provisions of Title 102, Chapter 5.
4810 (b) A development agreement that is mutually agreeable between the developer and the county shall be
4811 prepared and readied, in compliance with Title 102, Chapter 6, for execution upon, or simultaneous to,
4812 adoption of the Traditional Neighborhood (TN) zone. The development agreement shall clearly docu-
4813 ment the county's roles and responsibilities to the developer and the developer's roles and responsibil-
4814 ities to the county, and shall, at a minimum, provide any other provision necessary to effectively execute
4815 this Chapter, or any other provision as may be proposed by the County Commission, County Attorney's
4816 Office, or the developer and agreed to amongst the parties in the development agreement, including but
4817 not limited to provisions for streets; parks, trails and open spaces; building and community design
4818 standards; infrastructure and utilities; and community amenities.
4819 (c) Upon approval, each Traditional Neighborhood (TN) zone shall be given a unique name following the
4820 designation "TN:" and shall be independent of any other Traditional Neighborhood (TN) zone.

4821

4822 **Sec 104-23-9 Traditional Neighborhood (TN) Zones Established**

4823

4824 **Sec 104-23-9.010 TN Zone: Bennet**

- 4825 (a) ***TN-Bennet zone established.*** The Traditional Neighborhood - Bennet Zone (TN-Bennet) is established
4826 as allowed by this chapter and pursuant to Ordinance 2025-20 and associated Bennet Development
4827 Agreement.
4828 (b) ***Zone reversion and prior zone.*** The Bennet Development Agreement specifies zone reversion provi-
4829 sions in the event of expiration or termination.

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4830

4831 **Sec 104-23-9.020 (Reserved)**

4832

4833 **CHAPTER 104-24 (RESERVED)**

4834 **CHAPTER 104-25 (RESERVED)**

4835

4836

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4837 **CHAPTER 104-26 OPEN SPACE ZONE O-1**

4838

4839 **Sec 104-26-1 Purpose And Intent**

4840 The open space zone is specifically intended to encourage the preservation of a natural environment in an
4841 otherwise urban setting; to hold for future generations open space in which plants and animals can be pro-
4842 tected and studied; to inhibit erection of unnecessary buildings on a floodplain, on areas of severe slope,
4843 areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate
4844 stream pollution.

4845

4846 **Sec 104-26-2 Permitted Uses**

4847 The following uses are permitted in the Open Space Zone O-1:

- 4848 (a) Accessory building incidental to the use of a main building; main building designed or used to accom-
4849 modate the main use to which the premises are devoted; and accessory uses customarily incidental to a
4850 main use;
- 4851 (b) Agriculture.
- 4852 (c) Botanical or zoological garden.
- 4853 (d) Cemetery.
- 4854 (e) Conservation areas: botanical or zoological.
- 4855 (f) Fishing ponds; private or public.
- 4856 (g) Golf course, except miniature golf courses.
- 4857 (h) Horse raising, provided conducted in a pasture of at least five acre size and with a maximum density of
4858 two horses per acre.
- 4859 (i) Private park, playground or recreation area.
- 4860 (j) Public park, public recreation grounds and associate buildings, but not including privately owned com-
4861 mercial amusement business.
- 4862 (k) Public service buildings.
- 4863 (l) Wildlife sanctuaries.

4864

4865 **Sec 104-26-3 Conditional Uses**

4866 The following uses shall be permitted only when authorized by a conditional use permit as provided in title
4867 108, chapter 4 of this Land Use Code:

- 4868 (a) Golf driving range in conjunction with a golf course.
- 4869 (b) Public utility substations.

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4870

4871 **Sec 104-26-4 Site Development Standards**

4872 The following site development standards shall apply to the open space zone:

4873 (a) Minimum lot area: Five acres.

4874 (b) Minimum lot width: 300 feet.

4875 (c) Minimum Setbacks for structures. See Section 108-7-10 if Lot abuts an Arterial Street or Collector
4876 Street.

4877 (1) Front: 30 feet.

4878 (2) Side: 20 feet each side.

4879 (3) Rear: 30 feet.

4880 (d) Building height.

4881 (1) Minimum: One story.

4882 (2) Maximum: 35 feet.

4883

4884 **Sec 104-26-5 (Reserved)**

4885

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CHAPTER 104-27 MASTER PLANNED DEVELOPMENT OVERLAY ZONE MPDOZ

Sec 104-27-1 Purpose And Intent

- (a) **Purpose of master planned development.** Traditional development requirements and standards provide an important level of predictability in the outcome of various different developments produced by various different developers offering various different development products. Without them, the variability in each development is likely to create less organized development patterns of multiple smaller scale developments. The purpose and intent of a master planned development is to provide a developer with voluntary alternatives to the traditional development requirements and standards of a zone while also giving the community the benefit of removing the unpredictability of unspecified alternatives by requiring a complete land development plan that comprehensively addresses the alternative development requirements and standards.
- (b) **Purpose of master planned development overlay zone.** A master planned development overlay (MPDOZ) zone is intended to allow a legislatively adopted overlay zone that provides an avenue for the creation of a master planned development. The zone is intended to promote the diversification in the relationship of various uses and structures to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to encourage new and innovative concepts in the design of neighborhood and housing projects. To this end, the development should be planned and entitled as one complete land development plan, otherwise known as a master planned development. Phasing of the complete land development plan may occur over time if approved by the County Commission and if in compliance with the entitlements of the complete land development plan.
- (c) **Deviations from requirements of underlying zone.** The application of a master planned development overlay zone to a particular property should give deference to the purpose and intent of the property's underlying zone. However, when applying this master planned development overlay zone, the approval of a master planned development may allow deviations from the purpose and intent of the underlying zone, and any standard therein, if the proposed master planned development substantially advances the implementation of a significant and meaningful general plan goal, principle, or implementation strategy. Unless explicitly specified otherwise in a development agreement or in the approved complete land development plan, development of a master planned development shall adhere to the applicable regulations, standards, and other provisions of this Land Use Code.
- (d) **Conflicts.** If any provision of an approved master planned development overlay zone or related development agreement creates an explicit conflict with any other part of this Land Use Code, the applicability of those other provisions shall be modified to the minimum extent that enables the master planned development overlay zone provisions to apply. An omission from a master planned development overlay zone shall not be construed to be an implicit conflict with any other part of this Land Use Code.

Sec 104-27-2 Applicability

- (a) **Effective date.** The effective date of this chapter is March 26, 2021.
- (b) **Allowed zones.** A master planned development overlay zone may only be considered in the following zones:

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-
- 4925 (1) Residential estates zones;
- 4926 (2) Agricultural zones;
- 4927 (3) Forest zones;
- 4928 (4) Residential zones;
- 4929 (5) Commercial recreation zone; and
- 4930 (6) Residential manufactured home zone.
- 4931 (c) **Nonconforming PRUD.** The adoption of this ordinance also repeals an ordinance governing the crea-
- 4932 tion of a planned residential unit development (PRUD). A planned residential unit development for
- 4933 which an application was submitted prior to the date specified in Subsection (a) of this section is hereby
- 4934 a nonconforming planned residential unit development, provided the County has not adopted new reg-
- 4935 ulations governing a planned residential unit development after this effective date. A nonconforming
- 4936 PRUD may be amended from time to time under the same rules that governed its creation, provided
- 4937 that the amendment is a de minimis change that is routine and uncontested. The Planning Division
- 4938 Director or the Planning Commission has independent authority to determine what constitutes a routine
- 4939 and uncontested de minimis decision. If it is determined to not be routine or uncontested, then the
- 4940 applicant shall pursue the creation and approval of a master planned development overlay zone pursuant
- 4941 to this chapter.
- 4942 (d) **Previously existing development agreements.** Nothing in this chapter shall be construed to inhibit the
- 4943 entitlements of an approved development agreement executed prior to the date specified in subsection
- 4944 (a) of this section.
- 4945
- 4946 **Sec 104-27-3 Application Requirements**
- 4947 An application for a master planned development overlay zone and development agreement shall be sub-
- 4948 mitted to the Planning Division in a form provided by the Planning Division, together with all accompany-
- 4949 ing documents, plans, and studies required by this chapter. The application shall contain authorization from
- 4950 all owners of land within the property's legal description. The following are the minimum requirements
- 4951 necessary to submit a complete application:
- 4952 (a) A complete land development plan, complying with the requirements of Section 104-27-4, including
- 4953 the following:
- 4954 (1) A map of the general configuration of the development, together with land tabulations detailing the
- 4955 proposed uses of land for all areas of the project, and proposed lot or parcel development standards;
- 4956 (2) An open space preservation plan, showing proposed uses and parcel development standards;
- 4957 (3) A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;
- 4958 (4) Areas reserved for public uses such as schools and playgrounds, landscaping, and recreational fa-
- 4959 cilities, if applicable;
-

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-
- 4960 (5) Proposed architectural design standards, including drawings and sketches demonstrating the pro-
4961 posed design, character, features, and color palette of the proposed development;
- 4962 (6) A natural hazards map, if the development is in a natural hazards study area or a known natural
4963 hazard is present onsite;
- 4964 (7) Any proposed mappable voluntary contributions, including those proposed in pursuit of density
4965 bonuses; and
- 4966 (8) A development phasing plan, if applicable.
- 4967 (b) A narrative clearly explaining the desired development. The narrative shall also clearly address the
4968 considerations listed in Section 104-27-4.
- 4969 (c) A list of development commitments or other offerings the applicant is prepared to make to the county,
4970 and a list detailing what the development needs from the county. This list will be the initial basis for
4971 development agreement negotiation.
- 4972 (d) Base density calculations, and a tabulation and explanation of requested bonus density.
- 4973 (e) The legal description for all properties to be included in the overlay zone and development agreement,
4974 together with a general vicinity map of the rezone boundary.
- 4975 (f) Additional information as may be necessary to assist in the county's determination regarding whether
4976 the proposed development and arrangement of uses provides for a better community outcome than
4977 developing the land using the traditional development requirements and standards of the applicable
4978 zone.
- 4979 (g) An application fee.

4980

4981 **Sec 104-27-4 General Requirements**

- 4982 (a) ***Rezone and development agreement required.*** Approval of a master planned development overlay
4983 zone shall follow the provisions and requirements specified herein in addition to the rezone provisions
4984 of Title 102, Chapter 5. Prior to the execution or validity of a master planned development overlay
4985 zone, a development agreement that is mutually agreeable between the developer and the county shall
4986 be prepared and readied, in compliance with Title 102, Chapter 6, for execution upon, or simultaneous
4987 to, adoption of the master planned development overlay zone. The development agreement shall clearly
4988 document the county's roles and responsibilities to the developer and the developer's roles and respon-
4989 sibilities to the county, and shall, at a minimum, provide any other provision necessary to effectively
4990 execute the flexible provisions of this chapter, or any other provision as may be required by the County
4991 Commission or County Attorney's Office. Nothing in this chapter shall be construed to entitle approval
4992 of a master planned development overlay zone or associated development agreement.
- 4993 (b) ***Complete land development plan.*** The development agreement shall include an complete land devel-
4994 opment plan detailing the proposed development as specified herein. No changes or alterations to the
4995 approved complete land development plan shall be made without first obtaining an amendment to the

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- 4996 development agreement, except for landscaping as provided in subsection (c) of this section. The com-
4997 plete land development plan shall provide a desirable layout or, if the specific layout is to be determined
4998 later, desirable standards for the following:
- 4999 (1) **Land use configuration.** The complete land development plan shall show the general locations of
5000 proposed land uses, including open space areas, and offer a land use inventory specifying approx-
5001 imate land acreage per use.
- 5002 (2) **Street configuration.** The complete land development plan shall show, at a minimum, the general
5003 location of existing or proposed streets in the development. Streets shall offer efficient and conven-
5004 ient connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of
5005 use, and navigation throughout the development. Streets shall offer prioritization of non-motorized
5006 transportation. The complete land development plan shall show general location of streets stubbing
5007 into an adjacent vacant property in at least one location; and as otherwise required to comply with
5008 block-width or intersection distance requirements of this land use code. At least two points of ac-
5009 cess into the development are required if it contains more than 30 residences, or less if otherwise
5010 required by the local fire or emergency services authorities.
- 5011 (3) **Lot development standards.** The complete land development plan shall propose Lot or Parcel Area,
5012 Lot or Parcel Width, Lot or Parcel Setbacks, Lot or Parcel coverage and building height regulations
5013 for all Lots, Parcels, and open space areas that will contain development or structures.
- 5014 (4) **Architecture design.** The complete land development plan shall provide the general architectural
5015 design of buildings and the design's relationship to the site and to the development beyond the
5016 boundaries of the master planned development.
- 5017 (5) **Off-street parking.** The complete land development plan shall provide for complete off-street park-
5018 ing standards in the event that the parking standards of this Land Use Code are insufficient to
5019 accommodate the flexible provisions of this overlay zone. The design of parking areas or parking
5020 lots shall prioritize the needs and use of non-motorized modes transportation.
- 5021 (6) **Lighting.** The complete land development plan shall provide a lighting plan, or provisions for cre-
5022 ating a lighting plan, that complies with all requirements of Title 108, Chapter 16.
- 5023 (7) **Natural hazards and other constraints.** The complete land development plan shall show consider-
5024 ation for natural hazards and other environmental constraints, such as floodplains, wetlands, wa-
5025 terways, sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if
5026 the site is located in a natural hazards study area, as specified in Title 108, Chapter 22, or if other
5027 environmental constraints exist onsite, a natural hazards map and environmental constraints map,
5028 if applicable, shall be included as part of the complete land development plan submittal.
- 5029 (c) **Landscaping plan.** The development agreement shall include a landscaping plan that meets or exceeds
5030 the landscaping requirements found elsewhere in this land use code.
- 5031 (1) **Landscape requirements.** The landscape requirements of Title 108, Chapter 2 are hereby incorpo-
5032 rated herein and applicable in all master planned development overlay zones.
- 5033 (2) **Financial guarantee.** No money held in the financial guarantee for the completion of landscaping
5034 of any phase of a master planned development shall be released until all landscaping requirements
-

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5035 are completed for that phase, with the exception of single-family dwelling lots. In the case of a
5036 single-family dwelling lot, that percentage of the guarantee that is equal to that area percentage of
5037 the phase that is the single-family dwelling lot, may be released upon completion of landscaping
5038 on that lot.

5039 (3) **Modifying approved landscape plan.** The application of the development agreement's landscape
5040 plan may be modified during the land use permit or building permit review process, provided that
5041 a more site-specific landscape plan is submitted with the site plan and is stamped by a licensed
5042 landscape architect, who shall certify the following:

- 5043 a. That the area of landscaping exceeds the approved landscape plan;
5044 b. That the number and quality of plants exceed the approved landscape plan;
5045 c. That the functional use of vegetation, such as shade from trees or site-screening from bushes,
5046 meet or exceed relevant landscaping requirements of the land use code and the intent of the
5047 approved landscape plan; and
5048 d. That the portion of landscaping per phase exceeds the portions per phase of the approved plan.

5049

5050 **Sec 104-27-5 Use Permissions And Prohibitions**

5051 (a) **General uses.** All uses specified in the underlying zone are allowed in a master planned development,
5052 unless specifically prohibited in the development agreement.

5053 (b) **Other small-scale service uses.** If a master planned development contains 100 dwelling units or more,
5054 other uses not otherwise allowed in the underlying zone may be approved by the County Commission,
5055 after receiving recommendation from the Planning Commission, provided that evidence demonstrates
5056 that those uses are necessary for the provision of small-scale local neighborhood services to the resi-
5057 dents of the development and the immediate surrounding neighborhood. The County Commission has
5058 legislative discretion to determine what a small-scale local neighborhood service is. The development
5059 agreement shall contain provisions for the proposed uses, ownership, operational characteristics, and
5060 physical design to assure compliance with this section.

5061 (c) **Short-term rentals.** Housing units to be used in whole or in part for short-term rentals shall only be
5062 allowed in neighborhoods that can support the transient use. Master planned developments that permit
5063 short-term rentals shall be clearly declared and provided for in the development agreement.

5064

5065 **Sec 104-27-6 Area And Residential Density Regulations**

5066 (a) **Area and base density.** A development in a master planned development overlay zone shall contain at
5067 least 24 dwelling units and have an area sufficient to offer a base density, as defined in Section 101-2,
5068 of 24 dwelling units, but the area shall never be less than four acres in any residential zone and ten acres
5069 in all other allowed zones. The minimum number of dwelling units may be reduced to six if the master

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5070 planned development contains a minimum area of 100 acres and provides a common open space ease-
5071 ment, as defined in Section 101-2 , over at least 90 percent of the master planned development's gross
5072 acreage. The development agreement shall memorialize and entitle the base density calculation.

5073 (b) **Bonus density.**

5074 An increased number of residential lots or units in a master planned development may be allowed by award-
5075 ing bonus density in exchange for meaningful public offerings.

5076 (1) **Bonus density table.** The following table offers a guide to assist in prioritizing bonus density based
5077 on a development's offerings. After receiving a recommendation from the Planning Commission,
5078 the County Commission has legislative authority to determine final bonus density awarded. Re-
5079 gardless, the development's offerings shall provide a public benefit proportionate to the final
5080 awarded bonus density. The development's bonus density offerings and the county's bonus density
5081 awards shall be clearly documented and tabulated in the development agreement:

OFFERING	BONUS DENSITY
Roadway landscape design plan. Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	15 percent.
Public access. A minimum of one approved public access to public lands:	5 percent.
HOA park. An HOA park, open to the general public:	5 percent.
Public park. A park donated to and with the consent of the county, local park district, or other county approved entity:	10 percent.
Public building. Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	10 percent.
Excess sewer capacity. Development of sewer infrastructure in excess of the capacity needs of the development:	3 percent for every 10 percent capacity increase over

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		the develop- ment's base density.
	Prime agricultural land. Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by <u>Section 101-2</u> :	One percent per acre up to 50 percent.
	Historic preservation. Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	5 percent.
	Wildlife habitat open space easement. A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	15 percent.
	Small neighborhood commercial. Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a master planned development with 100 or more dwelling units.	10 percent.
5082	(2) Moderate income housing bonus. The master planned development's base density may be increased by ten percent, regardless of the awarded bonus density as may otherwise be offered, if the development complies with the following:	
5083		
5084		
5085		
5086	a. The ten percent additional density is permanently set aside for moderate income housing as defined by Utah State Code.	
5087	b. The moderate income housing shall be located in the interior of the development and completely surrounded by other single-family dwelling units within the development, except that open space may abut a part provided the open space is large enough to offer a sufficient buffer from existing single-family residential uses in the area. The moderate income housing shall be generally interspersed throughout the development, and the operations and maintenance of the grounds and exterior of the buildings shall be the responsibility of an HOA that applies to the entire development. This provision does not apply to a single-family dwelling or an accessory dwelling unit.	
5088		
5089		
5090		
5091	c. The development agreement shall offer an effective, efficient, and industry best-practice supported method for guaranteeing and enforcing perpetual affordability. for moderate-income households Any method used, such as a moderate-income housing deed restriction, shall limit the sale or rental of the moderate income housing to a household with an income at or below 80 percent of the county median income;	
5092		
5093		
5094		
5095	d. A final subdivision plat shall identify and label a lot or dwelling unit set aside for moderate-income housing, and provide a note on the final subdivision plat explaining the nature of the	
5096		
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5102 housing restriction and the method by which occupancy and moderate-income affordability
5103 will be regulated.
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5106 **CHAPTER 104-28 (RESERVED)**

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CHAPTER 104-29 DESTINATION AND RECREATION RESORT ZONE DRR-1

Sec 104-29-1 Purpose And Intent

The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve an area's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth. Resorts within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.

Sec 104-29-2 Development Standards

(a) **General design and layout.** A destination and recreation resort shall have a general design that concentrates a mixture of recreational, commercial, and residential uses within and immediately adjacent to a village core which is surrounded by substantially natural open spaces. Areas outside of the village core may include recreational and resort supporting uses and facilities, and intermittently dispersed clusters of employee, single-family, and multifamily dwellings.

(b) **Minimum area.** The minimum area requirement for a Destination and recreation resort shall be 1,000 contiguous acres. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.

(c) **Initial allowed density.** A Lot or Parcel rezoned to the DRR-1 zone from a zone that allow(s)(ed) dwelling units shall have an initial density that is equal to the Lot or Parcel's Base Density, as defined in Title 101, Chapter 2, that was allowed in the prior zone.

(d) ~~Transferable development rights.~~ To increase Residential ~~Development Right~~s on a Lot or Parcel in the DRR-1 Zone, the following apply:

(1) ~~Transfer~~red density.

a. **Qualifications.** Residential ~~Development Right~~s are permitted to be ~~transfer~~red to any Lot or Parcel in the DRR-1 zone, also known as the receiving property, that, at a minimum, can demonstrate that the transfer will:

1. Result in a resort that meets the purpose and intent of this chapter and the general plan.
2. Result in an overall 80 percent reduction in anticipated future traffic congestion at key intersections leading to the sending area(s).

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- 5153 3. Result in the long-term preservation and maintenance of desirable open spaces in both the
5154 sending area(s) as well as in the areas surrounding the receiving area(s).
- 5155 b. **No right exists until transfer is complete.** No Residential Development Rights in excess of the
5156 Base Density exists on the a receiving property until after the landowner has successfully com-
5157 pleted the transfer of an equal number of Residential Development Rights from another Lot or
5158 Parcel that has the available number of Residential Development Rights being pursued.
- 5159 c. **Rights available for transfer.** A Residential Development Right is deemed available for trans-
5160 fer from a sending Lot or Parcel if the sending Lot or Parcel's Base Density calculation, together
5161 with adjustments for any previous Residential Development Right reduction or addition,
5162 demonstrates that the Residential Development Right could be developed on the lot or parcel
5163 in a manner that complies with the provisions of this Land Use Code. A Residential Develop-
5164 ment Right reduction or addition is any of the following:
- 5165 1. Use of the Residential Development Right for construction of a residential unit onsite.
5166 2. Transfer of a Residential Development Right to another Lot or Parcel.
5167 3. Receipt of a Residential Development Right from another Lot or Parcel.
5168 4. Restriction of the construction, development, or subdivision of or on the Lot or Parcel for
5169 residential purposes as provided in County laws not otherwise in this Land Use Code; State
5170 or Federal laws, regulations, or restrictions; conservation or preservation easements or
5171 agreements; or any other County-enforceable development restriction or prohibition that
5172 clearly and specifically makes the Residential Development Right unbuildable on the Lot
5173 or Parcel.
- 5174 d. **Completing a transfer.** The reallocation shall be completed by recording a Notice of Transfer
5175 Document to each affected Lot or Parcel.
- 5176 1. Each Notice of Transfer Document shall run with the land.
5177 2. Each Notice of Transfer Document shall document the applicable Lot or Parcel's estimated
5178 initial density; the number of Dwelling Units already developed on the Lot or Parcel; the
5179 number of Residential Development Rights subtracted from, or added to, the initial density
5180 by any other means; and the number of Residential Development Rights remaining for the
5181 Lot or Parcel.
- 5182 (2) **County review of transfer.** A landowner may submit a request for approval of a transfer of Resi-
5183 dential Development Rights at any time. Planning Division Staff shall review each request for com-
5184 pliance with applicable regulations. If the transfer is merited by this ordinance, Planning Staff shall
5185 prepare a Notice of Transfer Document for each affect Lot or Parcel in a form as approved by the
5186 County Attorney's Office.
- 5187 a. A transfer is not complete until a notice of transfer has been signed by each affected landowner
5188 of record for each affected Lot or Parcel, the reviewing staff, and the Planning Division Direc-
5189 tor, and then recorded to each affected Lot or Parcel in the Office of the County Recorder.
-

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- 5190 b. Approval of a Subdivision's preliminary plat or a Design Review that is based on the receipt
5191 of transferred Residential Development Rights is conditioned, by reference herein, on the ap-
5192 plicable transfers being completed. Approval is void if the transfer is not completed.
- 5193 c. No final plat application shall be approved or recorded and no building permit shall be submit-
5194 ted or approved until after the transfer(s) are complete.

5195 (e) **Density Transfers**

- 5196 (1) **Transfer allowances and limitations.** A Residential Development Right may be transferred to a
5197 Lot or Parcel in a DRR-1 Zone from any Lot or Parcel in the following zones: A-1, A-2, A-3, RE-
5198 15, RE-20, F-1, F-3, F-5, F-10, F-40.
- 5199 (2) **Transfer ratio.** The transfer ratio is as specified in the following table. This means for every one
5200 Residential Development Right transferred from a sending Lot or Parcel, the number of Residential
5201 Development Rights specified in the table are allowed to be constructed on a receiving Lot or Parcel
5202 within the DRR-1 Zone.

Qualifier	Transfer Ratio
The sending Lot or Parcel is within 300 feet of the Weber River or any branch of the Ogden River and the transfer will result in or be accompanied by the dedication of the land or a conservation easement in favor of the County or another governmental entity selected by the County for the land within 300 feet of the river, and which will permit in perpetuity a public multi-use pathway along the river.	3
The sending Lot or Parcel is in an area in which the County anticipates and supports long-term agricultural operations:	3
The sending Lot or Parcel is in an area that contains characteristics, natural resources, or other features of value for open space conservation.	2
The sending Lot or Parcel is on a historical site and the transfer will result in or be accompanied by the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by Weber County in consultation the Utah State Historic Preservation Office	2
The transfer will result in the dedication, donation, or other permanent preservation of a site determined to be desirable to a local park district or other county-approved entity for the perpetual location and operation of a public cultural or recreational facility.	1.5

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The sending Lot or Parcel is on a bench or other viewshed corridor and the limitation of development of which provides a public benefit, as determined by the County.	1.5

5203

5204 (f) *Buffer area.* A buffer area, approved by the Land Use Authority, shall be provided at the perimeter of
5205 the resort boundary where commercial and/or multifamily buildings and associated parking are pro-
5206 posed to lie within close proximity to lands that are not a part of the resort, except where at the location
5207 of the use the developer (as defined in the applicable zoning development agreement) owns at least 200
5208 feet of property extending from the resort boundary or where the developer has received approval from
5209 the owner of any property within 200 feet of the resort boundary. The following minimum standards
5210 shall apply:

5211 (1) DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per three
5212 acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every one
5213 foot that a resort building exceeds the height of 35 feet.

5214 (2) DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one unit
5215 per three acres: A minimum width of 100 feet with an additional ten feet of buffer for every one
5216 foot that a resort building exceeds the height of 35 feet.

5217 (3) DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer re-
5218 quired.

5219 (4) No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort
5220 shares a common boundary with a local, state or federal agency that has entered into a contract or
5221 agreement for the use of adjacent local, state or federal lands.

5222 (g) *Site development standards.*

(1)	<i>Minimum lot area</i>		
	a.	Single-family residential/main building	None
	b.	Two, three, four and multi-family, commercial and mixed use structure	None
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
	d.	Other	As otherwise required by this Land Use Code.

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(2)	<i>Minimum lot width</i>		
	a.	Single-family residential/main building	None
	b.	Two, three, four and multi-family, commercial and mixed use structure	None
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
	d.	Other	As otherwise required by this Land Use Code.
(3)	<i>Setbacks.</i> Setbacks shall apply for the following specific uses:		
	a.	Front Setbacks	
		1. Single, two, three and four-family dwelling	None (0 feet)
		2. Accessory building related to the above	None (0 feet)
		3. Multifamily, commercial and mixed use structure	None (0 feet)
		4. Accessory building related to the above	None (0 feet)
		5. Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
		6. Other	As otherwise required by this Land Use Code.
	b.	Side Setbacks	

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		1.	Single, two, three and four-family dwelling	5 feet
		2.	Accessory building	8 feet, except 3 feet when located at least 10 feet from the rear of the dwelling
		3.	Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel sides on an existing parcel in a commercial zone, lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall meet the minimum required Setback of the zone in which the adjacent parcel is located.
		4.	Accessory building	None (0 feet); exception is the same as above
		5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
		6.	Other	As otherwise required by this Land Use Code.
	c.	Rear Setbacks		
		1.	Single, two, three and four-family dwelling	10 feet
		2.	Accessory building	3 feet, except 8 feet when on a Corner Lot and within 20 feet of a street.
		3.	Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel rears on an existing parcel in a commercial zone lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall meet the minimum required Setback of the zone in which the adjacent parcel is located.
		4.	Accessory building	None (0 feet); exception is the same as above

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		5. Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
		6. Other	As otherwise required by this Land Use Code.
(4)	<i>Maximum building height</i>		
	a.	Single, two, three and four-family dwelling	35 feet
	b.	Multifamily, commercial and mixed use structure	75 feet, except 55 feet if within a radius of 2.5 miles of the intersection of State Route 39 and State Route 167.
	c.	Public utility substation	35 feet, unless otherwise provided in Section 108-7-5: Exceptions to height limitations
	d.	Other	As otherwise required by this Land Use Code.

5223 (h) *Open space.* A minimum of 60 percent of the net developable acreage, owned by the resort and located
5224 within the destination and recreation resort zone, shall be designated as open space. A portion of that
5225 open space shall consist of conservation open space in an amount equal to or greater than 30 percent of
5226 the resort's net developable acreage. The area designated as conservation open space shall be encum-
5227 bered by an irrevocable conservation easement meeting the general and applicable requirements de-
5228 scribed in Section 104-29-6 of this chapter and shall be granted prior to beginning any construction
5229 within an overall subdivision phase. The minimum number of acres encumbered by each easement shall
5230 be equal to or greater than the number of acres involved in each subdivision phase until the total num-
5231 ber, of required conservation open space acres, is met. Areas dedicated (platted and recorded) as open
5232 space within residential and nonresidential subdivisions may count towards the minimum open space
5233 requirement.

5234 (i) *Alternative development standards.* After recommendation from the Planning Commission, the County
5235 Commission may approve alternative development standards than those found in this section provided
5236 the alternative standards are part of a legislatively approved development agreement with a master plan
5237 and assist with the implementation of the agreement or master plan.

5238

5239 **Sec 104-29-3 (Reserved)**

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5241 **Sec 104-29-4 (Reserved)**

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Sec 104-29-5 (Reserved)

Sec 104-29-6 Transferable Development Right Easement

A when this chapter requires a conservation easement on a sending area Lot or Parcel, or portion thereof, the following shall apply. The conservation easement shall meet the requirements set forth in Title 57 Chapter 18 et seq. of Utah Code.

(a) ***Title/form.***

(1) The easement shall be entitled as an "Irrevocable Conservation Easement."

(2) The easement shall be in a form considered appropriate and acceptable to the offices of the Weber County Attorney and Recorder.

(b) ***Grantor/grantee.*** The easement shall name Weber County and a local park district or one other qualified conservation organization, which is authorized to hold interest in real property, as the grantees. The qualified conservation organization, named as grantee, shall meet the requirements described in section 57-18-3 of Utah Code and shall require the approval of the county.

(c) ***Recital.*** The easement shall recite and explain all matters of fact, including a parcel/boundary description, which are necessary to make the transaction intelligible.

(d) ***Nature of easement.*** The easement shall explain its perpetual, irrevocable, inheritable and assignable nature.

(e) ***Purpose.***

(1) The easement shall explain its purpose in terms of how it is intended to protect, preserve, enable the creation or continuation of an anticipated use and prevent certain conditions or uses upon the land that may diminish its open space qualities.

(2) It shall be acknowledged, within this section, that the above "statements of purpose" are intended to be a substantive provision of the easement and that any ambiguity or uncertainty regarding the application of the terms of the easement will be resolved so as to further its purpose.

(f) ***Permitted uses and activities.***

(1) The easement shall list the property rights that have been retained by the grantor, including the right to allow or restrict public access, and shall acknowledge that these rights are consistent with the applicable zoning for the area in which the parcel is located.

(2) In the event that a residential development right has been retained on the sending Lot or Parcel, a statement shall be made, within this section, which explains the remaining number and type of development rights associated with the parcel. An exhibit shall also be referenced, within this section, which restricts and graphically demonstrates the general location of any future development.

(g) ***Prohibited uses and activities.*** The easement shall list the property rights that have been voluntarily relinquished by the grantor and acknowledge that any exclusion does not constitute an approved

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5280 use or imply that uses may be inconsistent with the applicable zoning for the area in which the
5281 parcel is located.

5282 **(h) Monitoring and enforcement.**

5283 (1) The easement shall state that the grantee will have the right to enforce the terms of the
5284 easement by entering the property, provided that an advance notice of 24 hours is provided
5285 to the grantor, for the purpose of inspecting the property for suspected/reported violations.
5286 Additionally, it shall state that the grantee shall have the right to enter the property at least
5287 once a year, at a mutually agreed time for the purpose of inspection and compliance mon-
5288 itoring regardless of whether grantee has reason to believe that a violation of the easement
5289 exists. In order to establish a monitoring baseline, an exhibit shall also be referenced, within
5290 this section, which inventories, graphically demonstrates and photo documents relevant
5291 features and the existing condition of the parcel.

5292 (2) For the purposes of correcting any violation, condition or circumstance that is not con-
5293 sistent with the terms of the easement, it shall be stated that the grantee or assigns may, at
5294 their discretion, use any available legal or equitable remedy to secure and restore compli-
5295 ance with the standards set forth in the easement. Legal and/or equitable remedies may
5296 include but not be limited to injunctive relief, entering the property to perform restorative
5297 activities and/or recorded lien.

5298 (i) **Termination and extinguishment.** The easement shall state under which conditions and/or circum-
5299 stances that the easement could be terminated. These conditions may include but not be limited to
5300 grantee consent, court action or eminent domain.

5301 (j) **Subordination.** Prior to granting the easement the grantor shall submit a title report and certify,
5302 within this section, that the sending Lot or Parcel has clear title and is not encumbered by a mort-
5303 gage, deed of trust or other instrument securing the property and its unrestricted value as collateral.
5304 If the sending Lot or Parcel has been encumbered by a mortgage, deed of trust or other instrument
5305 that has secured the property and its unrestricted value as collateral, the grantor shall declare all
5306 encumbrances, within this section, and reference an exhibit, provided by any and all beneficiaries,
5307 that acknowledges and agrees to their subordinate position as it relates to the easement and the
5308 enforcement of its terms. The agreement/exhibit shall also clearly state that the beneficiary, by
5309 exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot
5310 and will not modify, extinguish or affect the grantee's right to enforce the terms of the easement.

5311 (k) **Costs and liabilities.** The easement shall state that the grantor will continue to be responsible for
5312 and bear all costs and liabilities of any kind related to ownership, operation, upkeep and mainte-
5313 nance of the sending Lot or Parcel.

5314 (l) **Conveyance or transfer of property.** The easement shall state that any document intended to trans-
5315 fer or convey the subject property (or any interest in the subject property) will specifically refer to
5316 the easement and disclose its perpetual nature and the fact that it runs with the land. It shall also
5317 state that any failure to comply with this requirement shall not adversely affect the grantee's right
5318 to enforce the terms of the easement in any way.

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5319 (m) **General provisions.** This section shall describe provisions for but not limited to easement amend-
5320 ments, controlling law and interpretation.

5321 (Ord. of 1956, § 44-6)

5322 **Sec 104-29-7 Seasonal Workforce Housing**

5323 (a) **Seasonal workforce housing.** A seasonal workforce housing plan shall be incorporated into the
5324 overall resort in order to provide a socially, economically and environmentally responsible devel-
5325 opment. To balance neighborhoods and promote a sense of community between visitors and work-
5326 ing residents, the resort shall locate a majority of seasonal workforce housing units within the resort
5327 or on property that is contiguous to the resort (and properly zoned for seasonal workforce housing)
5328 and offer a total number of units at a rate that meets or exceeds the following requirements based
5329 on the land use categories and calculations below:

5330 (1) A specific development site that proposes a land use that requires the resort developer to
5331 project the full-time equivalent employee (FTEE) generation, shall divide the FTEE by
5332 1.65 to account for the average number of seasonal employees estimated to reside in a
5333 seasonal workforce housing unit. This number equals the seasonal employee housing de-
5334 mand. The seasonal employee housing demand shall then be multiplied by ten percent to
5335 calculate the required number of seasonal workforce housing units. Fractional housing
5336 units shall be rounded up to the nearest whole unit.

5337 (2) A specific development site that has an assigned employee generation value shall use that
5338 value to establish a FTEEs generated. The number of FTEEs shall then be divided by 1.65
5339 to account for the average number of seasonal employees estimated to reside in a seasonal
5340 workforce housing unit. This number equals the seasonal employee housing demand. The
5341 seasonal employee housing demand shall then be multiplied by ten percent to calculate the
5342 required number of seasonal workforce housing unit(s). Fractional housing units shall be
5343 rounded up to the nearest whole unit.

Seasonal Workforce Housing for the Destination and Recreation Resort Zone by Land Use	
Development/Land Use Category	Employee Generation Value (FTEE)
Resort operations	To be projected by resort
Hotel, condo-tel & timeshare, etc.	To be projected by resort
Restaurant and drinking establishment	3.5 per 1,000 sf finished floor space
Retail	2 per 1,000 sf finished floor space

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Commercial amusement and indoor/out-door recreation	3 per 1,000 sf finished floor space

5344 (3) The following provides an example of the workforce housing requirement for a new 2,000
5345 square foot retail development:

$$\begin{array}{rcl}
 & 2 \text{ employees per 1,000 square footage of} & \\
 & \text{retail development as shown in the above} & \\
 & \text{table} & \\
 \hline
 = & 4 \text{ employees} & \\
 & 4 \text{ employees} & \\
 \div & 1.65 \text{ to account for the average number of} & \\
 & \text{employees estimated to reside in a} & \\
 & \text{workforce housing unit} & \\
 \hline
 = & 2.42 \text{ housing demand units} & \\
 & 2.42 \text{ housing demand units} & \\
 \times & 0.10 & \\
 \hline
 = & 0.24 \text{ required workforce housing units} &
 \end{array}$$

5346
5347 (b) *Housing type.* Workforce housing may consist of structures such as; single-, two-, three- and four-
5348 family dwellings, multifamily dwellings and rental units. Rental units may be apartments, dormi-
5349 tories, boardinghouses and/or residence halls.

5350 (c) *Housing affordability.* An annual report shall be generated and presented to the county planning
5351 staff that outlines a previous year's employment level, workforce housing need, housing type/avail-
5352 ability and occupancy. The report shall also outline the methods guaranteeing perpetual affordabil-
5353 ity and the rental and/or mortgage payments as they relate to housing types. Housing payments,
5354 including utilities, shall not exceed 30 percent of the area moderate household income as defined
5355 in the county's moderate income housing plan.

5356 (d) *Density and affordable workforce housing.* Any density created by the development of workforce
5357 housing shall not count against the development's approved density.

5358
5359 **Sec 104-29-8 Land Uses**

Use	Permitted (P) Conditional (C)
Residential Uses	

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COLOR KEY: O.V. incorporation-related. Policy shift.

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Single-family dwelling; including not more than two lockout sleeping rooms per dwelling		P
Two-family dwelling (aka Duplex)		P
Three-family dwelling		P
Four-family dwelling		P
Multi-family dwelling		P
	Recreation lodge	P
	Condominium dwelling unit and/or condominium rental apartment (condo-tel); including not more than two lockout sleeping rooms per unit or apartment.	P
	Private residence club	P
	Townhome	P
Residential facility for persons with a disability meeting the requirements of section 108-7-13		P
Timeshare/fractional ownership unit		P
Hotel		P
Bed and breakfast dwelling/B&B inn/B&B hotel		P
Accessory dwelling unit		P
Workforce housing/dormitory/residence hall		P
Hostel		P

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Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Short-term rental, pursuant to Title 108, Chapter 11.	P
Commercial Uses	
Bank/financial institution	P
Bakery	P
Drinking establishment	P
Grocer/neighborhood market	P
Delicatessen	P
Boutique (gift, flower, antique, clothing, jewelry)	P
Fueling station/gas station	P
Conference/education center	P
Wellness center (i.e., spa, fitness, etc.)	P
Art gallery and studios	P
Book store	P
Beauty/barber shop	P
Short-term vendor	P
Package liquor Store	P
Private club	P

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Restaurant; excluding drive-thru window	P
Sporting goods/clothing store; including rental	P
Other Uses	
Arts theater and performance facility/auditorium/amphitheater	P
Agriculture	P
Childcare facilities	P
Church/place of worship	P
Clinic/medical facility	P
Community center	P
Developed recreation facility (i.e., swimming, golf course, ice skating, skate park, playground, tubing hill, tennis, etc.)	P
Dude ranch; including horse rental	P
Equestrian center	P
Gun club/skeet/sporting clay	C
Heliport, subject to the following standards:	C
1.	A helipad must be located at least 200 feet from any property not within the resort or otherwise owned by the resort operation.
2.	The heliport landing surface must be dust-proof and free from obstructions.

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3.	Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.	
Home occupation		P
Horses for private use, provided that not more than two are kept for each one acre of land exclusively devoted to the keeping of horses		P
Trails (nordic, hiking, biking, equestrian)		P
Laundromat		P
Museums		P
Nordic center		P
Office; professional and resort administrative		P
Office supply/shipping service		P
Parking areas and structures		P
Parks and playgrounds		P
Pharmacy		P
Public building		P
Public utility substation and structure		C
Real estate office		P
Recreation centers		P

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Recreation vehicle storage	P
School; public or private school having a similar curriculum as a public school	P
Ski area and associated facilities; including lifts	P
Ski lodge and associated services	P
Small wind energy system; meeting the requirements of section 108-7-24	C
Solar energy installation; meeting the requirements of section 108-7-27	P
Telecommunications tower	C
Yurt	P
Welcome/information center	P
Wastewater treatment facility; meeting the requirements of the state division of water quality	C
Water pumping plants and reservoirs	C
Accessory dwelling unit Unless restricted for employee housing, one Detached Accessory Dwelling Unit shall count as one dwelling unit against allowed density.	P
Greenhouse, nursery, or farm	P
Transit facility	P

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Corral, stable, or building for keeping of animals or fowl	P
Household pets	P
Private stable	P
Educational facility	P
Liquor, wine, and beer manufacturing, bottling, blending, distilling, packaging, sales, and related activities	P
Temporary building or use incidental to construction work. Such building shall be removed upon completion or abandonment of construction work	P
Grazing and pasturing animals	P
Detached lockouts	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P

5360

5361 **Sec 104-29-9 Second Kitchen**

5362 A second kitchen covenant shall not be required when constructing less than three kitchens in a dwelling
5363 or condominium unit, provided such unit is not configured in a manner that enables more than one dwelling
5364 unit.

5365

5366 **Sec 104-29-10 Miscellaneous Improvements**

5367 "Miscellaneous improvements" means:

5368 (a) Improvements with a height less than six feet such as walkways, steps, patios, decks, exterior rail-
5369 ings, and similar exterior dwelling improvements;

5370 (b) Exterior landscaping décor such as a planter, landscape curbing, or any other similar exterior land-
5371 scaping décor or improvements;

5372 (c) Hot tubs, barbeques, grills, firepits, firebowls, patio heaters, benches, picnic tables, and hammocks.
5373 In addition, without reference to height, overhangs, eaves, decks, stairs, access ramps, and retaining
5374 walls that are connected or attached to the structure shall constitute "miscellaneous improvements."

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5375 Miscellaneous improvements are permitted outside of the building envelope. Notwithstanding the
5376 foregoing, miscellaneous improvements on lots subject to hillside review (pursuant to chapter 14)
5377 or other supplementary review, are subject to hillside review or other supplementary reviews.
5378
5379
5380

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CHAPTER 104-30 LARGE SOLAR ENERGY SYSTEM OVERLAY ZONE SOZ

Sec 104-30-1 Purpose And Intent

The solar overlay zone (SOZ) is intended to allow a legislatively adopted overlay zone that permits a large solar energy system. This chapter also establishes minimum requirements and regulations for the placement, construction, and modification of large solar energy systems, as defined in Title 101 Chapter 2, while promoting the safe, effective and efficient use of these energy systems.

Sec 104-30-2 Applicability

The SOZ is an overlay zone only allowable in the M-3 and A-3 zones and in compliance with this chapter.

Sec 104-30-3 Permitted Uses

In addition to the uses allowed in the specific underlying zone, the following uses are permitted in the SOZ:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Large solar energy system.
- (c) Public utility substation, in compliance with standards of Title 108, Chapter 10.

Sec 104-30-4 Prohibited Uses

Any solar energy system that uses lenses or mirrors to focus or reflect sunlight is prohibited.

Sec 104-30-5 Supplemental SOZ Adoption Procedures And Requirements

In addition to the rezone procedures found in Title 102, Chapter 5, the following supplemental rezone and development agreement procedures apply to the SOZ:

- (a) Overlay zone termination. The SOZ shall terminate and be removed from the county zone map, and the development agreement shall also terminate, for any of the following reasons:
 - (1) The term of the development agreement expires and is not renewed;
 - (2) The large solar energy system use is discontinued or abandoned;
 - (3) The solar entity or landowner defaults on any part of the agreement, and the default is not resolved within the time specified by the development agreement; or
 - (4) The ownership of the large solar energy system or the ownership of the land changes. However, at the sole discretion of the County Commission, an existing development agreement may be amended by legislative authority to apply to new owners without causing an expiration of the overlay zone.

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-
- (b) Development agreement. The SOZ requires special consideration related to site specific circumstances. As such, prior to adopting the SOZ for any particular property, a development agreement shall be negotiated by mutual agreement between the county, the solar entity, and, if different than the solar entity, the landowner.
- (1) Execution of the development agreement shall be deemed a legislative action.
- (2) The development agreement shall be in a form as approved by the County Attorney's Office, and shall be executed simultaneous with the adoption of the SOZ.
- (3) The development agreement may address specific topics as deemed appropriate by the negotiating parties, but at a minimum, shall provide the following:
- a. All applicable provisions of this section;
 - b. A site plan, showing location of all facilities, equipment, infrastructure, and screening and vegetation;
 - c. A solar equipment treatment plan that demonstrates mitigation of detrimental effects of solar energy system on migratory fowl;
 - d. Performance measures necessary to ensure proper site reclamation at the expiration or discontinuance of the use;
 - e. Definitions and procedures regarding default, including the results of a default; and
 - f. A property legal description, including all acreage necessary to meet the minimum site requirement of this chapter. The legal description shall include all new acreage in a SOZ overlay so that all area in a SOZ is regulated by a development agreement.
- (4) As a baseline for negotiation, the standards applicable for conditional uses, as found in Section 108-4-5(c), shall be addressed by the applicant prior to any action on the overlay zone. Actual implementation of a conditional use standard shall be at the discretion of the County Commission and shall be executed as part of the development agreement. Use of a conditional use standard shall not constitute an administrative approval of a conditional use.

Sec 104-30-6 Site Development Standards

In addition to the development standards of the applicable underlying zone, the following site development standards apply to the SOZ. For the purpose of this chapter, the term "site" shall mean an entire contiguous area described in the applicable development agreement.

(a) *Site area*. The minimum contiguous site area shall be 100 acres.

(b) *Site Setbacks*.

(1) Minimum Setback of open-air solar equipment shall be:

- a. Thirty feet from the perimeter of the site.

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- 5448 b. Five hundred feet from adjacent property containing a residential use. This may be reduced to
5449 30 feet if the entire use is completely obscured from view from the adjacent property containing
5450 the residential use by berms, vegetation, or opaque fence or wall.
- 5451 c. One thousand feet from any zone in which the overlay zone is not permitted by this chapter.
5452 This may be reduced to 200 feet if the entire use is completely obscured from view from the
5453 properties in the other zone(s) by berms, vegetation, or opaque fence or wall.
- 5454 (2) Minimum Setback of accessory use shall be 30 feet from any street right-of-way and ten feet from
5455 the perimeter of the site.
- 5456 (c) *Height.*
- 5457 (1) Maximum height of open-air main or accessory use shall be 15 feet.
- 5458 (2) Maximum height of accessory building shall be 25 feet.
- 5459 (d) *Site design requirements.* As applied to uses allowed by this overlay zone, the requirements of this
5460 chapter and any site design standard or requirement adopted in the development agreement constitute
5461 the entire design requirements for the site. No other design, architectural, landscaping, or screening
5462 requirements found elsewhere in this land use code shall apply.

5463

5464 **TITLE 105 (RESERVED)**

5465

5466

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TITLE 106 SUBDIVISIONS

CHAPTER 106-1 GENERAL PROVISIONS

Sec 106-1-1 Purpose And Intent

The purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the unincorporated areas of Weber County in subdivision of land and related matters. This title outlines the procedures for processing subdivisions and their approvals.

Sec 106-1-2 (Reserved)

Sec 106-1-3 Applicability

(a) No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created in accordance with the provisions of this Land Use Code.

(b) No lot within an approved and recorded subdivision shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the land use authority.

Sec 106-1-4 Preliminary Subdivision Applications

Sec 106-1-4.010 Preliminary Subdivision Application Requirements

(a) **Pre-application meeting.** The County strongly suggests that each person who proposes to subdivide land shall confer with the County Planning Division staff before submitting any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract.

(b) **Preliminary subdivision application submittal.** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:

(1) **Application form.** A complete subdivision application form, signed by the property owners.

(2) **Preliminary plat.** A preliminary plat meeting the requirements, standards, codes, regulations, and all other specifications listed in this title and other applicable regulatory documents. This includes a phasing plan if phasing is proposed.

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-
- 5502 (3) **Electronic documents.** All documents submitted for the subdivision application shall be in a PDF
5503 file format. All plans (including but not limited to subdivision plats, improvement drawings, archi-
5504 tectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF
5505 file format.
- 5506 (4) **Statement of culinary and secondary water feasibility.** A written statement of feasibility, also
5507 known as a "will-serve letter," specifying culinary and secondary water provisions for each lot.
- 5508 a. The statement of culinary water feasibility shall come from the culinary water authority, pur-
5509 suant to Utah Code § 17-79-703, as follows:
- 5510 1. The Local Health Department for lots proposed to be served by a private well;
5511 2. An existing culinary water service provider; or
5512 3. If the culinary water authority is being newly formed, the statement shall come from the
5513 person with authority to sign on behalf of the newly formed water corporation. The appli-
5514 cant shall also submit written notification from the Utah Department of Environmental
5515 Quality indicating their acknowledgement of the new culinary water authority and the pro-
5516 posed system, and offer any other relevant information necessary for demonstrating system
5517 feasibility.
- 5518 b. The statement of secondary water feasibility shall come from the secondary water service pro-
5519 vider.
- 5520 c. The statements from the culinary water authority and secondary water service provider shall
5521 contain:
- 5522 1. An acknowledgement of the number of lots proposed to be served;
5523 2. An acknowledgement of all intended uses of the water, including, but not limited to, culi-
5524 nary uses, fire suppression appurtenances, and secondary water uses, if applicable and as
5525 provided for in Section 106-4-2;
5526 3. The method of water delivery to each proposed lot;
5527 4. The proposed source of the water rights or shares necessary to serve the lots; and
5528 5. If applicable, any other requirement expected or necessary to attain the culinary water au-
5529 thority's approval of the final subdivision plat.
- 5530 (5) **Statement of sanitary sewer or septic system feasibility.** A written statement of feasibility, also
5531 known as a "will-serve letter," specifying wastewater provisions for each lot.
- 5532 a. The statement shall come from the sanitary sewer authority pursuant to Utah Code § 17-79-
5533 703 as follows:
- 5534 1. The Local Health Department for lots proposed to be served by a septic system:
5535 2. An existing sanitary sewer service provider; or
5536 3. If the sanitary sewer authority is being newly formed, the statement shall come from the
5537 body politic or manager of the system. The applicant shall also submit a written notification
-

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-
- 5538 from the Utah State Department of Environmental Quality indicating their acknowledge-
5539 ment of the proposed system, and offer any other relevant information necessary for
5540 demonstrating system feasibility.
- 5541 b. The statement shall provide:
- 5542 1. An acknowledgment of the number of lots proposed to be served;
- 5543 2. The method of wastewater disposal for each applicable proposed lot;
- 5544 3. An assertion that there is sufficient capability for safe wastewater disposal using the pro-
5545 posed method; and
- 5546 4. Any other requirement expected or necessary to attain the sanitary sewer authority's ap-
5547 proval of the final subdivision plat.
- 5548 (6) **Preliminary title report.** A preliminary title report for each tax parcel included within the prelimi-
5549 nary subdivision boundary shall be included with the preliminary plat application. The preliminary
5550 title report(s) shall be no older than 30 calendar days prior to the submittal of the application. If the
5551 County Recorder's Office is backlogged more than 30 calendar days, then the preliminary title re-
5552 port(s) shall be no older than the current backlog date plus one day. The preliminary title report
5553 shall include a search of recorded documents back to patent and identify, at a minimum, the fol-
5554 lowing items:
- 5555 a. All reference easements;
- 5556 b. Reference (the entry number and/or book and page number) to all deeds in chain of title;
- 5557 c. All boundary line agreements;
- 5558 d. All rights-of-way, whether the parcel is subject to or has reserve rights;
- 5559 e. All current owners;
- 5560 f. All outstanding liens, taxes, etc.
- 5561 (7) **Street connectivity proposal.** If the proposed subdivision will create or extend a street, a street
5562 connectivity plan showing how the streets proposed in the subdivision might possibly connect to
5563 other streets existing or planned in the area. The plan shall show realistic connection opportunities
5564 that consider the actual lay of the land and environmental or physical constraints.
- 5565 (8) **A complete set of subdivision improvement plans.** The subdivision improvement plans shall be
5566 designed to the specification and requirements of this land use code and any other applicable stand-
5567 ard.
- 5568 (9) **An application fee.** Full payment of the application fee is required at the time of application sub-
5569 mittal. The payment of a partial application fee, or the submittal of plans for a pre-submittal review,
5570 does not constitute a complete application.
- 5571
- 5572
-

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5573 **Sec 106-1-4.020 Preliminary Subdivision Application Plat Requirements**

5574 The preliminary plat shall be prepared in conformance with the requirements of this chapter and all other
5575 county codes and regulations governing the subdivision of land. The preliminary plat shall be drawn to a
5576 scale not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and shall
5577 show:

5578 (a) A subdivision name, approved by the county recorder, and the general location of the subdivision in
5579 bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the
5580 top of the plat.

5581 (b) A north arrow, scale, and date.

5582 (c) The individual or company names and addresses of the applicant, engineer and land surveyor of the
5583 subdivision.

5584 (d) The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or rec-
5585 orded bearings, distances, and other controlling data with ties to section corners.

5586 (e) Contour map with, unless specified otherwise by the County Engineer, two-foot contour intervals.

5587 (f) The existing location, widths and other dimensions of all existing or platted streets and other important
5588 features such as, but not limited to, railroad lines, sanitary sewers, storm drains, water supply mains,
5589 fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks,
5590 floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings
5591 and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.

5592 (g) The location, widths and other dimensions of proposed public streets, private streets, or private access
5593 rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper label-
5594 ing of spaces to be dedicated to the public or designated as private streets or private access rights-of-
5595 way.

5596 (h) Road connectivity plan showing how future roads can connect to provide circulation to future neigh-
5597 borhoods.

5598 (i) Lots classified as a "restricted lot" as defined in Section 101-2-13 by placing the letter "R" immediately
5599 to the right of the lot number.

5600 (j) The location of percolation test holes on each lot.

5601 (k) Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type
5602 of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal
5603 facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and
5604 other proposed improvements such as sidewalks, planting and parks and any grading of individual lots.
5605 Improvement drawings as required by the county engineer may be required during preliminary approval
5606 in subdivisions where roads are proposed over ground that has an average slope of ten percent or
5607 greater.

5608 (l) Open space and common area improvements, including but not limited to landscaping, structures, signs,
5609 parking, and other amenities.

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5610

5611 **Sec 106-1-4.030 Preliminary Subdivision Application Agency Reviews And Determination Of Com-**
5612 **pleteness**

5613 (a) ***Agency review.*** The Planning Division shall distribute copies of the preliminary subdivision application
5614 to other County divisions or departments. Any other reviews by agencies or organizations, outside the
5615 County's direct organization, as required by County or State Code, that are necessary to ensure thorough
5616 review of the proposed plat, shall be submitted to the County by the applicant.

5617 (b) ***Application determination of completeness.*** Pursuant to Utah Code § 17-79-706, if applicable, upon
5618 determination of a complete preliminary subdivision application, the County shall observe the state's
5619 timely review requirements and limited review cycles, and provide the applicant with the required re-
5620 view details.

5621 (c) ***UDOT corridor review.*** A subdivision proposed within a designated UDOT corridor preservation area
5622 shall be sent to the UDOT regional office for review and comment.

5623

5624 **Sec 106-1-4.040 Preliminary Subdivision Application Approval Process**

5625 (a) ***Subdivision approval.*** After the applicable staff and agency reviews, the preliminary subdivision ap-
5626 plication, including the phasing plan, shall be presented to the Land Use Authority. The Land Use
5627 Authority shall review the application to verify compliance with applicable ordinances. After determin-
5628 ing compliance with applicable ordinances, or determining compliance after adding conditions of ap-
5629 proval to ensure compliance with applicable laws, the Land Use Authority shall approve the preliminary
5630 subdivision application. When considering conditions of approval, the Land Use Authority shall follow
5631 the decision requirements found in Section 108-4-4 of this Land Use Code, and the conditional use
5632 standards of Section 108-4-5. A decision on a subdivision that includes conditions of approval shall not
5633 constitute a conditional use or require a conditional use permit.

5634 (b) ***Small subdivision review.*** Preliminary subdivision application approval of a small subdivision, as de-
5635 fined in Section 101-2-20 of this Land Use Code, is not required. The preliminary subdivision applica-
5636 tion required in this section shall be reviewed simultaneously with the final plat.

5637 (c) ***Administrative Land Use Authority designated.*** The Administrative Land Use Authority for prelimi-
5638 nary plat approval of a subdivision other than a small subdivision, as defined in Section 101-2-20 of
5639 this Land Use Code, is the Planning Commission. The Land Use Authority for preliminary subdivision
5640 application approval of a small subdivision is the Planning Division Director.

5641

5642 **Sec 106-1-4.050 Expiration of Preliminary Subdivision Applications**

5643 (a) ***Preliminary subdivision application expiration.*** Preliminary subdivision applications that have not re-
5644 ceived approval within 18 months from the date of submittal are expired.

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- 5645 (b) **Preliminary subdivision application approval expiration.** A preliminary subdivision application ap-
5646 proval is expired if the subdivision has not received final subdivision application approval for the sub-
5647 division, or a phase therein, within 18 months of the date of preliminary subdivision application ap-
5648 proval.
- 5649 (c) **Preliminary subdivision application approval extension.** Upon payment of applicable fees, the Plan-
5650 ning Division Director may grant no more than two preliminary subdivision application approval ex-
5651 tensions for a maximum of 18 months each as long as:
- 5652 (1) County, state, or federal laws relevant to the preliminary subdivision application or its approval
5653 have not changed in a way that would have caused denial if those changes had been in effect at the
5654 time of approval; and
- 5655 (2) The request for extension is submitted prior to the expiration of the preliminary subdivision appli-
5656 cation approval.
- 5657
- 5658
- 5659
- 5660 **Sec 106-1-5 Final Subdivision Applications**
- 5661 **Sec 106-1-5.010 Final Subdivision Application Requirements**
- 5662
- 5663 After receiving preliminary subdivision application approval, an applicant may submit to the planning di-
5664 vision a final subdivision application that complies with the approved preliminary subdivision application
5665 approval. Only complete applications will be accepted. A complete application shall include all applicable
5666 submittal requirements for final subdivision application review as required by this Land Use Code, includ-
5667 ing, but not limited to:
- 5668 (a) **Application form.** A complete subdivision application in a form required by the planning division and
5669 signed by the property owners.
- 5670 (b) **Approved preliminary plat.** The approved preliminary plat and, if applicable, phasing plan.
- 5671 (c) **Proposed final plat.** The proposed final plat that meets the requirements, standards, codes, regulations,
5672 and all other specifications listed in this title and other applicable regulatory documents.
- 5673 (d) **Updated title report.** An updated title report, no older than 30 days, for each tax parcel included within
5674 the final subdivision boundary shall be included with the final plat application. If the County Recorder's
5675 Office is backlogged more than 30 calendar days, then the updated title report(s) shall be no older than
5676 the current backlog date plus one day. The updated title report shall include all items specific for the
5677 required preliminary title report.
- 5678 (e) **Electronic documents.** All documents submitted for the subdivision application shall be in a PDF file
5679 format. All plans (including but not limited to subdivision plats, subdivision improvement plans, archi-
5680 tectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file
5681 format.
-

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5682

5683 **Sec 106-1-5.020 Final Subdivision Application Plat Requirements**

5684 The following are requirements for final subdivision plat consideration. The registered land surveyor's cer-
5685 tification on such plats indicates the surveyor's certification that the plat meets the requirements of this
5686 Land Use Code.

5687 (a) ***Final plat preparation.*** The final plat shall be prepared to be printed on a 24-inch by 36-inch sheet of
5688 mylar. The border line of the plat shall be drawn in heavy lines, and shall leave a minimum one-half of
5689 an inch and a maximum one-and-one-half of an inch margin on all four sides of the sheet. The final plat
5690 shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and
5691 markings shall be made on the mylar with permanent ink meeting industry standards and created for
5692 long-term storage. The plat shall be made to a scale large enough to clearly show all details, but never
5693 smaller than 100 feet to the inch, unless specified otherwise by the County Surveyor. The workmanship
5694 on the finished drawing shall be legible having a text size of not less than three-thirty seconds of an
5695 inch. The plat shall contain the following information:

5696 (1) ***Subdivision name.*** A subdivision name, approved by the County Recorder and the general location
5697 of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section
5698 shall also be shown on the top of the plat.

5699 a. Where a subdivision complies with the Lot-Averaging Subdivision provisions specified in Sec-
5700 tion 106-2-4 of this Land Use Code, the final plat shall provide the following subtitle under the
5701 subdivision name: "A Lot-Averaged Subdivision."

5702 b. Where a subdivision complies with the connectivity-incentivized subdivision provisions spec-
5703 ified in Section 106-2-4 of this Land Use Code, the final plat shall provide the following subtitle
5704 under the subdivision name: "A Connectivity-Incentivized Subdivision."

5705 (2) ***Developer and designer information.*** The individual or company names and addresses of the ap-
5706 plicant, engineer, and land surveyor of the subdivision.

5707 (3) ***North arrow and scale.*** A north point or arrow which shall make the top of the sheet either north
5708 or east, however, exceptions may be approved by the County Surveyor, the scale of the drawing
5709 and the date of the survey noted in the heading. (Meaning the date, year and month the survey
5710 markers were placed.)

5711 (4) ***Boundary description.*** A legal description of the boundary of land included in the subdivision,
5712 including the overall acreage within the legal description. The description shall match the record
5713 title of the land and adjacent properties, and it shall clearly delineate any difference between the
5714 recorded dimensions and the measured dimensions of the property, if different.

5715 (5) ***Legend.*** A legend that shows and describes all linework, polygons, or polygon fills or hatching.

5716 (6) ***Linework.*** Accurately drawn boundaries, showing the distance and bearings of all lines retraced or
5717 established by the survey, including the lines of the subdivision. The boundary lines shall be slightly
5718 heavier than street lines, and street lines shall be slightly heavier than Lot lines. If such a line is a

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- 5719 curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent
5720 curve, the chord bearing and distance must be shown as well.
- 5721 (7) **Basis of bearing.** The words "basis of bearings" must be shown on the plat between two existing,
5722 described government monuments. The government monuments may be section corners, city or
5723 county street monuments, or horizontal network stations maintained by a government agency. The
5724 Basis of Bearing sufficient for retracement shall be noted on the final plat, along with a measurable
5725 mathematical relationship between the property and the monument from which it is described. If
5726 that monument is not in place, its mathematical location must be shown as well as a mathematical
5727 relationship to a monument in place.
- 5728 (8) **Bearings and measurements.** The State Plane Grid Bearings (where available, or using GPS sur-
5729 veys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, Title 57,
5730 Chapter 10. All measured bearings or distances or bearings and distances calculated from measure-
5731 ments shall be separately indicated from those of record if not in agreement. The mathematical
5732 relationship between all monuments found or set shall be provided.
- 5733 (9) **Streets, Alleys, and easements.** The names, widths, lengths, bearings and curve data on centerlines
5734 of both existing and proposed streets, alleys, and easements within or adjacent to the proposed
5735 subdivision boundary, which all be accurately depicted. All proposed streets shall be numbered
5736 consecutively under a definite system approved by the County Surveyor and conform as far as
5737 practicable to the adopted street numbering system of the county, unless there are street alignment
5738 situations where a street name may be better utilized as the primary identifier. The County Surveyor
5739 must approve these allowable situations. Where streets are given a number as the primary identifier
5740 a street name may be assigned as a secondary identifier.
- 5741 (10) **Existing site features.** The location, widths and other dimensions of all existing or platted
5742 streets and other important features such as, but not limited to, railroad lines, sanitary sewers, storm
5743 drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands,
5744 stream corridor setbacks, floodplain, fence lines or other lines of occupation, exceptional topogra-
5745 phy, easements and buildings and structures within and immediately adjacent, within 30 feet, to the
5746 tract of land to be subdivided.
- 5747 (11) **Lots.** The acreage or, if less than one acre, the square footage, of each lot shall be depicted. All
5748 Lots shall be numbered consecutively under a definite system approved by the County Surveyor.
- 5749 (12) **Public dedication.** The boundaries, bearings and dimensions of all portions within the subdi-
5750 vision as intended to be dedicated to the use of the public.
- 5751 (13) **Reservations.** The lines, dimensions, bearings, areas and numbers of all Lots, Blocks and parts
5752 reserved for any reason within the subdivision. Parcels of land to be dedicated as public park or to
5753 be permanently reserved for private and/or public common open space area shall be numbered and
5754 labeled in accordance with policies of the County Recorder.
- 5755 (14) **Address.** A house number indicating the street address for each Lot in the subdivision shall be
5756 assigned by the County Surveyor marked on each Lot so as to face the street frontage. Corner Lots
5757 shall have a house number assigned for frontage. Homes that are built on approved Flag Lots or
-

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- 5758 rights-of-way shall have the address assigned and posted at the access point from a county road or
5759 private road.
- 5760 **Adjacent parcels and ownership.** The parcel number or, if in a subdivision, the subdivision name
5761 and lot number, and the owner's name of all Lots or Parcels adjacent to the subdivision.
- 5762 (15) **Signature block.** A signature block conforming to State Code and county ordinances shall be
5763 included on the plat for the following:
- 5764 a. Private licensed land surveyor's "certificate of survey";
- 5765 b. Owner's dedication certificate;
- 5766 c. Notary public's acknowledgment;
- 5767 d. County Administrative Land Use Authority's certificate of approval, to be signed by the Plan-
5768 ning Division Director or designee;
- 5769 e. County Engineer's certificate of approval;
- 5770 f. County Attorney's Office certificate of approval;
- 5771 g. County Commission certificate of acceptance;
- 5772 h. County Clerk's certificate of attest;
- 5773 i. County Surveyor's certificate of approval;
- 5774 j. Local Health Department certificate of approval, if required by the Local Health Department;
- 5775 k. Culinary water authority certificate of approval, if not the Local Health Department; and
- 5776 l. Sanitary sewer authority certificate of approval, if not the Local Health Department.
- 5777 m. In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer
5778 authority, the applicant may furnish a final plat approval letter from either or both of these
5779 entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's
5780 unconditioned approval of the final plat and the proposed improvements for their respective
5781 facilities, and shall include a copy of the final plat and final improvement drawings for which
5782 they are granting approval. A conditional letter of approval is not allowed.
- 5783 (16) **Recorder's block.** A three-inch by three-inch space in the lower right-hand corner of the draw-
5784 ing for recording information.
- 5785 (17) **Subdivision boundary.** The subdivision boundary corners, Lot corners and centerline street
5786 monuments shall be noted on the final plat in conformance with county ordinances.
- 5787 (18) **Map narrative.** A map narrative that complies with Utah Code § 17-73-504 and Section 45-3-
5788 4 of the Weber County Code of Ordinances.
- 5789 (19) **Occupation lines.** All evidence of occupation such as fence lines, walls, curbs, etc. shall be
5790 shown on the dedication plat, as directed by the County Surveyor.
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- 5791 (20) **Easements.** All easements observed, recorded in the Office of the County Recorder, or included
5792 in a preliminary title report unless legally vacated by all easement holders.
- 5793 (b) **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when
5794 applicable:
- 5795 (1) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the Lot
5796 corners are set as required by state code and county ordinances.
- 5797 (2) **Hillside development plat note.** Pursuant to Section 106-2-4, a Lot that has an Average Percent of
5798 Slope that is greater than 25-percent shall provide the following on the final plat:
- 5799 a. A Buildable Area, as defined in Title 101, Chapter 2. The Buildable Area shall be delineated
5800 on the final plat by short dashed lines.
- 5801 b. A restricted area, if applicable. The restricted area shall be labeled as “restricted area. See note
5802 [enter note number here].” The note shall read as follows: “A Lot with a delineated “restricted
5803 area” shall not allow buildings within the designated restricted area.”
- 5804 (3) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, or A-3, Zone shall
5805 have the following plat note: "Agriculture is the preferred use in the agricultural zones. Agricultural
5806 operations as specified in the Land Use Code for a particular zone are permitted at any time includ-
5807 ing the operation of farm machinery and no allowed agricultural use shall be subject to restriction
5808 on the basis that it interferes with activities of future residents of this subdivision."
- 5809 (4) **Flexible Lot-area subdivision plat notes:**
- 5810 a. **Lot-averaged subdivision plat note.** A Lot-Averaged Subdivision shall have the following plat
5811 note: "For each zone in this subdivision, the average area and average width of Lots within the
5812 zone equal or exceed the minimum area and minimum width allowed in the zone. A subdivision
5813 amendment within any part of the overall subdivision boundary shall comply with Section 106-
5814 2-4.020 of the Weber County Code."
- 5815 b. **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall
5816 have the following plat note: "This subdivision was allowed flexible Lot Area and width in
5817 exchange for superior street connectivity. A subdivision amendment within any part of the
5818 overall subdivision boundary shall comply with Section 106-2-1.020 of the Weber County
5819 Code."
- 5820 c. **Density-Capped Subdivision:** A Density-Capped Subdivision shall have the following plat
5821 note: “At the time of this subdivision’s creation, this subdivision was a density-capped subdivi-
5822 sion wherein, regardless of minimum lot area requirements, the maximum number of lots
5823 could be no greater than the maximum allowed units per acre, as established by the applicable
5824 zone. If those standards are still applicable, no lot within this subdivision shall be resubdivided
5825 unless the density in the entire subdivision, including all phases if a phased subdivision, is
5826 reconsidered for compliance with applicable density regulations, and all owners consent.
- 5827 (5) **(Reserved)**
-

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(6) **Moderate income or workforce housing plat note.** Pursuant to Section 104-22-12 or Section 104-27-6, a Lot or Unit set aside for moderate-income housing or workforce housing shall have a plat note explaining the nature of the housing restriction and the method by which occupancy and moderate-income or workforce affordability will be regulated.

(7) **Privately operated and maintained street or shared private lane plat note.**

a. **Private street.** A Parcel dedicated to the county but intended for a privately operated and maintained street, pursuant to Section 106-2-2.020, shall be labeled as “Privately operated and maintained street. See note [enter note number here].” The note shall read as follows: “Use of a street labeled as “Privately operated and maintained street” is reserved for the exclusive and private use of the adjoining Lot owners until and unless the governing body assumes public responsibility for the street.”

b. **Shared private lane.** A shared private lane, pursuant to Section 106-2-2.030, shall be labeled as “Shared private lane.” If the shared private lane is temporarily in lieu of a street, then it shall be labeled as “Shared private lane. See note [enter note number here].” The note shall read as follows: “The shared private lane is also an easement held in favor of the County for possible conversion to a Public Street at a time the County deems it appropriate, if ever.”

(8) **Alley operations and maintenance plat note.** Pursuant to Section 106-2-2.100, an Alley shall be labeled as “Public Alley, see note [enter note number here].” The note shall read as follows: “An Alley is a dedicated public thoroughfare, but the operations and maintenance is the collective and equitable responsibility of all landowners who’s Lots and Parcels and/or parking areas gain access from it.

(9) **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.010, a Lot that will have landscaping and watering restrictions shall have a note placed on the final recorded plat that generally explains the landscaping and watering restrictions per Lot, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.010, if applicable.

(10) **Substitute monuments plat note.** Pursuant to Section 106-4-2.110, substitute monuments, when used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters “P.L.S.” followed by the registration number of the surveyor in charge.

(11) **Natural hazard report disclosure plat note.** If any lot in the subdivision is in a natural hazard study area, a note shall be placed on the subdivision plat as provided in Section 108-22-4.

(c) **Floodplain.** Floodplain and floodway boundaries shall be shown on the final plat. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain area. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any subdivision improvements constructed in the floodplain area will need to meet the requirements of Title 22, Flood Damage Prevention Ordinance.

(d) **Additional information.** The plat shall contain all other notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Land Use Code.

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5867

5868 **Sec 106-1-5.030 Final Subdivision Application Agency Reviews And Determination Of Comple-**
5869 **ness**

5870 (a) ***Agency review.*** The Planning Division shall distribute copies of the final subdivision application to
5871 other County divisions or departments. Any other reviews by agencies or organizations, outside the
5872 County's direct organization, as required by County or State Code, that are necessary to ensure thorough
5873 review of the proposed plat, shall be submitted to the County by the applicant.

5874 (b) ***Application determination of completeness.*** Pursuant to Utah Code § 17-79-706, if applicable, upon
5875 determination of a complete final subdivision application, the County shall observe timely review re-
5876 quirements and limit review cycles, and provide the applicant with the required review details.

5877

5878 **Sec 106-1-5.030 Final Subdivision Application Approval Process**

5879 (a) ***Final subdivision approval.*** After the applicable staff and agency reviews, the final subdivision appli-
5880 cation shall be presented to the Land Use Authority. The Land Use Authority shall review the final
5881 subdivision application to verify compliance with applicable ordinances. After determining compliance
5882 with applicable ordinances, or determining compliance after adding conditions of approval to ensure
5883 compliance with applicable laws, the Land Use Authority shall approve the final subdivision applica-
5884 tion and associated plat. A final plat's approval is not valid or effective until subdivision improvements
5885 plans, if applicable, have been approved by the County Engineer. When considering conditions of ap-
5886 proval, the Land Use Authority shall follow the decision requirements found in Section 108-4-4 of this
5887 Land Use Code, and the conditional use standards found in Section 108-4-5. A decision on a subdivision
5888 that includes conditions of approval shall not constitute a conditional use or require a conditional use
5889 permit.

5890 (b) ***Land Use Authority designated.*** The Administrative Land Use Authority for final plat approval is the
5891 County Planning Division Director.

5892 (c) ***Tax clearance.*** The county may withhold an otherwise valid plat approval until the owner of the land
5893 provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have
5894 been paid.

5895 (d) ***Record of survey.*** A record of survey of the entire area within the proposed subdivision, meeting the
5896 requirements of state and county code, shall be filed in the county surveyor's Office prior to the Weber
5897 County Surveyor signing the dedication plat.

5898

5899 **Sec 106-1-5.050 Recording Requirements and Expiration of Final Subdivision Applications**

5900 (a) ***Setting boundary monuments onsite prior to plat recording.*** The subdivision boundary and lot corners
5901 shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a
5902 residential building permit. In addition, front lot line corners may be permanently referenced in curbs
5903 after completion of the street's construction.

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- 5904 (b) **Submittal of final plat for recordation.** After approval of the final plat, the applicant may submit a
5905 final plat printed on a 24-inch by 36-inch mylar sheet. Weber County may require the final plat be
5906 submitted in an electronic format meeting the minimum requirements of the Weber County Recorder's
5907 Office. The submitted final plat shall include the required signatures of all non-county employees. After
5908 the approved final plat mylar has all required official approval signatures and all applicable conditions
5909 of approval have been met, and after the subdivision improvement plans have received final approval by
5910 the County Engineer, including remittance of any applicable guarantee for improvements, the final plat
5911 may be recorded in the Office of the County Recorder, at the expense of the applicant.
- 5912 (f) **Final subdivision application expiration.** Final subdivision applications that have not received ap-
5913 proval within 12 months from the date of submittal are expired.
- 5914 (c) **Final subdivision application approval expiration.** An approved final subdivision application and as-
5915 sociated approved plat shall be recorded in the Office of the County Recorder within 12 months of final
5916 subdivision application approval by the Land Use Authority. After that, the application approval is
5917 expired and the approved plat shall have no validity.
- 5918 (d) **Time limitations for recordation of subsequent phases.** Subdivisions with multiple phases must record
5919 a new phase within 12 months from the date the previous phase was recorded. Failure to do so shall
5920 result in the expiration of final subdivision application and final plat approval for the remaining unplat-
5921 ted land.
- 5922 (e) **Final subdivision application approval extension.** Upon payment of applicable fees, the Planning Di-
5923 vision Director may grant one time extension for final subdivision application approval, for a maximum
5924 of 12 months as long as the following are true. One additional time extension may be granted if the
5925 hardship is determined to be a county caused delay.
- 5926 (1) A multiple phase subdivision may receive only one time extension, not one time extension per
5927 phase;
- 5928 (2) County, state, or federal laws relevant to the final subdivision application or its approval have not
5929 changed in a way that would have caused denial if those changes had been in effect at the time of
5930 approval; and
- 5931 (3) The request for extension is submitted prior to the expiration of the final subdivision application or
5932 plat approval.

5933

5934 **Sec 106-1-6 Simple Boundary, and Full Boundary Adjustments**

- 5935 (a) **Purpose.** A boundary adjustment per state code 17-79-102 & 17-79-806 provides for adjustment of Lot
5936 or Parcel lines and does not create any new Lot or Parcel. Boundary adjustments do not amend subdivi-
5937 sion plats. They can be used to change Parcel boundary lines defined by subdivision Lots. The Lot's
5938 legal description and definition do not change, but the Parcel's description changes in a manner that no
5939 longer matches the Lot's exact legal description and definition.
- 5940 (b) **Simple boundary adjustment.** A simple boundary adjustment is exempt from the subdivision process,
5941 and requires only notice of consent from the land use authority, provided that:

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- 5942 (1) The adjustment does not:
- 5943 a. Affect a public right-of-way, county utility easement, or other public property;
- 5944 b. Affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- 5945 c. Result in a lot or parcel out of conformity with land use regulations.
- 5946 (2) A certificate of notice of consent for any boundary adjustment does not constitute a land use ap-
- 5947 proval. The certificate only provides that the documents as provided to the County did not violate
- 5948 current minimum zoning standards. The certificate cannot permit any alteration to existing ease-
- 5949 ments, rights-of-way, thoroughfares, or other encumbrances as may be applicable. The certificate
- 5950 does not guarantee any permits or approvals of any kind to any party. Weber County disclaims any
- 5951 and all liability for reliance on this certificate by any party for any reason other than compliance
- 5952 with the applicable zoning requirements.
- 5953 (3) Weber County further cautions that a boundary adjustment can compromise critical property rights
- 5954 and that it is the landowner's due diligence to ensure such rights are preserved.
- 5955 (c) **Full boundary adjustment.** A Full Boundary Adjustment is any boundary adjustment that does not
- 5956 meet the requirements for a simple boundary adjustment and is not exempt from the subdivision pro-
- 5957 cess. A full boundary adjustment must be submitted to the land use authority for the applicable approval
- 5958 process.
- 5959
- 5960

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CHAPTER 106-2 SUBDIVISION STANDARDS

Sec 106-2-1 Street Configuration And Circulation

Sec 106-2-1.010 Street Configuration Generally

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

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

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

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

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

- (1) **Minor deviations from section lines.** The alignment of a section line or quarter section line street may be adjusted up to 400 feet so the applicant may gain lots on both sides of the street; provided that the radii of the curves are appropriate for the type of street, as determined by the County Engineer. The street shall realign at some point downstream with the same section line or quarter section line, or a previously created street or dedicated street right-of-way intended to be or become the same section line or quarter section line street.
- (2) **Alternative street alignment.** The Land Use Authority may, but is not required to, allow a street's alignment to be rerouted or, if it does not violate the terminal street requirements of Section 106-2-2.4, terminated if strict compliance with this subsection is inappropriate for the following reasons:
 - a. It will result in unreasonable public costs for operations or maintenance of the street;
 - b. It will conflict with a railway, waterway, wetland, critical wildlife habitat, or other environmental concern that cannot be mitigated with reasonable effort;

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- 5996 c. It will result in a conflict with another section of this Land Use Code; or
- 5997 d. It will advance a goal of a general plan, small area plan, or similar planning document applica-
- 5998 ble to the land.
- 5999 (d) **Angle of intersecting streets.** Any street approaching an arterial or collector street shall approach at an
- 6000 angle of not less than 80 degrees.
- 6001 (e) **Half-street.** A half-street shall be governed as follows:
- 6002 (1) **Within a subdivision.** A half-street is not allowed within a subdivision except as more specifically
- 6003 provided in this Land Use Code.
- 6004 (2) **On a subdivision boundary.** Where a subdivision's boundary shares a common line with undevel-
- 6005 oped land, an approximate half-width street right-of-way is allowed as long as:
- 6006 a. The required street improvements include half of what is otherwise typically required for the
- 6007 type of street plus at least a 20-foot wide vehicle travel surface, designed to specifications of
- 6008 the County Engineer; and
- 6009 b. The street right-of-way within the bounds of the subdivision is wide enough to accommodate
- 6010 these street improvements.
- 6011
- 6012 **Sec 106-2-1.020 Street Connectivity And Circulation**
- 6013 (a) **Intent.** The intent of this section is to provide efficient, convenient, logical, and frequent street and
- 6014 pathway connections to, within, through, and out of a proposed subdivision in a manner that other
- 6015 provisions of this Land Use Code do not. In all allowed zones, in exchange for providing the additional
- 6016 infrastructure, the applicant may use the acreage otherwise occupied by streets and pathways as credit
- 6017 toward creating Lots.
- 6018 (b) **Mandatory and voluntary compliance.**
- 6019 (1) **Mandatory compliance.** The provisions of this section are mandatory in the R1, R2, and R3 zones.
- 6020 (2) **Voluntary compliance: connectivity-incentivized subdivision.** In allowed zones, as listed in Sub-
- 6021 section (b)(2)b. of this section, the provisions of this section offer a voluntary alternative to tradi-
- 6022 tional and typical Lot development standards otherwise set forth in the applicable zone. An appli-
- 6023 cant shall not be allowed to use this section unless the applicant volunteers to comply with all
- 6024 provisions herein. Applying for a connectivity-incentivized subdivision constitutes the applicant's
- 6025 agreement to be governed by this section, and constitutes the applicant's acknowledgement that the
- 6026 discretionary authority this section offers to the Land Use Authority may result in a decision con-
- 6027 trary to the applicant's initial intent. The applicant accepts all risk, including lost time and money,
- 6028 for voluntarily applying for subdivision review under these provisions. Otherwise, the applicant
- 6029 shall use other development types authorized by this Land Use Code to subdivide their land.
- 6030 a. **Maximum allowed density.** If the applicant provides a street and pathway layout that complies
- 6031 with this section and is approved at the discretion of the Land Use Authority after receiving a
- 6032 favorable recommendation from staff, the applicant may use the Base Density calculation, as

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6033 defined in Title 101, Chapter 2, to compute the maximum allowed Lots in the subdivision.
 6034 Further, when calculating the Base Density, the area of the subdivision proposed to be occupied
 6035 by public improvements is not required to be omitted from the net developable acreage.

6036 b.

6037 *Allowed zones.* A connectivity-incentivized subdivision is allowed only in the following zones:
 6038 F-5, A-3, A-2, A-1, RE-20, RE-15, , and CR-1. At no time shall the Lot Area and Lot Width
 6039 of any residential Lot be less than provided in this table:

LOT WIDTH AND LOT AREA	F-5	F-3	A-3	A-2	A-1	RE-20	RE-15		CR-1
Reduced mini- mum Lot area:	50-percent of the zone's mini- mum.					80-percent of the zone's minimum.			No mini- mum.
Reduced mini- mum Lot width:									

6040 (c) **Street layout.** Nothing here shall waive the minimum street or pathway requirements as provided else-
 6041 where in this Land Use Code. A subdivision shall be designed in a manner that prioritizes circulation
 6042 efficiencies both within the subdivision and to adjacent neighborhoods. Priority shall be given to both
 6043 vehicular and pedestrian connectivity. The following minimum standards are required:
 6044

6045 (1) **Street-Block.** A Street-Block, as defined in Section 101-2-20, shall have a length of no greater than
 6046 800 feet. The Land Use Authority may, but is not obligated to, approve an exception to this rule if
 6047 a Street-Block cannot be formed as a result of one or more of the following. However, in each case
 6048 the applicant shall provide a Street-Block or a connection that will help form a future Street-Block
 6049 as near as is otherwise reasonably practicable:

6050 a. The adjacent area to which a street could otherwise be extended is built-out such that no rea-
 6051 sonable street connection can be made thereto;

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- 6052 b. The adjacent area to which a street could otherwise be extended has characteristics that signif-
6053 icantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use
6054 Authority. These characteristics include, but are not limited to, sensitive lands such as geologic
6055 hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configura-
6056 tion can be created that complies with allowed street grades;
- 6057 c. The adjacent area to which a street could otherwise be extended has culturally or locally im-
6058 portant lands that can, are, or will be permanently preserved in a manner that benefits the gen-
6059 eral public. The Land Use Authority may require the applicant to secure the permanent preser-
6060 vation in a manner satisfactory to the Land Use Authority;
- 6061 d. Adherence to the maximum Street-Block length will interrupt a regionally significant pedes-
6062 trian pathway delineated in the area's general plan or similar planning document; or
- 6063 e. Strict adherence to the maximum Street-Block length will result in a Street-Block that is less
6064 than 300 feet in length.
- 6065 (2) **Intersections.** Street intersections shall be four-way intersections wherever possible.
- 6066 (3) **Directional continuity.** A Major Neighborhood Street, Collector Street, and Arterial Street shall
6067 provide directional continuity. Regardless of how a street may wind through a subdivision, when-
6068 ever possible it shall exit the subdivision in the same general direction it entered so that it provides
6069 users a consistent direction of travel along the same street.
- 6070 (4) **Permanently terminal streets.** Cul-de-sac and dead end streets shall be avoided. A cul-de-sac or
6071 dead end street may be allowed in rare circumstances if the same or similar characteristics as spec-
6072 ified in the exceptions of Subsection (c)(1) of this section are present.
- 6073 (5) **Alignment and connection to other streets.** Whenever possible, streets shall connect or be aligned
6074 to provide a future connection to other existing streets in the general area, with special deference
6075 for connecting to existing stubbed streets.
- 6076 (d) **Pathway location and design standards.** Nothing here shall waive the minimum street or pathway
6077 requirements as provided elsewhere in this Land Use Code. A subdivision shall be designed in a manner
6078 that prioritizes circulation efficiencies both within the subdivision and to adjacent neighborhoods. Pri-
6079 ority shall be given to both vehicular and pedestrian connectivity. The following minimum standards
6080 are required:
- 6081 (1) **Pathways and sidewalks, generally.**
- 6082 a. Each development shall be configured so that the maximum pathway or sidewalk walking-
6083 distance between a pathway or sidewalk intersection is 400 feet.
- 6084 1. This distance may be increased for a segment of a pathway that travels through a perma-
6085 nently preserved open space area or an area very unlikely to ever develop, as determined
6086 by the Land Use Authority.
- 6087 2. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
6088 pathway, sidewalk, or street that has pedestrian facilities, or an Alley or Shared Private

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- 6089 Lane, provided each are perpetually open for use by the general public for non-automobile
6090 purposes.
- 6091 b. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
6092 motorized modes of transportation.
- 6093 c. Pathways shall connect to each other using shortest distance reasonably possible.
- 6094 d. Pathway and sidewalk layout shall provide for the continuation of existing pathways or side-
6095 walks in the general area, and for future planned pathways, as shown on an adopted pathway
6096 plan, general plan, master trails plan, or other applicable adopted planning document.
- 6097 e. A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or
6098 sidewalk within the subdivision.
- 6099 f. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with
6100 a stub to the subdivision boundary.
- 6101 g. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating con-
6102 venient and efficient access to nearby Lots or Parcels that are likely to eventually be developed.
- 6103 (2) **Street-adjacent pathway.** Along each Arterial Street, Collector Street, and Major Neighborhood
6104 Street, as provided in an adopted general plan, master streets plan, or similar adopted document, or
6105 along a section line Street as provided in Section 106-2-1, a 10-foot wide hard-surfaced pathway
6106 shall be installed.
- 6107 a. When determining which side of the street the pathway is required, preference shall be given
6108 to the side of the street that has optimal sun exposure during winter months.
- 6109 b. The Planning Division Director may require a pathway be located on the other side of the street
6110 to support pathway connectivity based on other factors such as existing or planned future path-
6111 ways in the vicinity and potential pedestrian conflicts.
- 6112 c. The pathway shall be located within the street right-of-way unless expressly authorized other-
6113 wise by the County Engineer. If not located within the street right-of-way, a pathway easement
6114 is required.
- 6115 d. Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of
6116 at least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with
6117 the top of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on
6118 eight inches of base-course. Greater thickness may be required where it intersects a vehicle-
6119 way.
- 6120 e. Example of street-adjacent pathway:
-

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(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.

1. 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:
 - i. Only allow a solid fence that is no greater than four-feet; or
 - ii. Only allow a fence that is 30 percent open with the openings evenly distributed.
2. 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.
3. Example: Non-Street-Adjacent Pathway:

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- (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 106-2-2.
- (b) **Standard street cross-sections.** All proposed Public Streets shall conform to the county street cross-section standards, unless explicitly specified otherwise.

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6154 **Sec 106-2-2.020 Private Street Option**

6155 The provisions of Section 106-2-2.010 notwithstanding, the County, and in some cases the applicant, may
6156 find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority
6157 may require, or an applicant may volunteer, a proposed street to be privately owned or privately operated
6158 and maintained. Development of or along a Private Street shall comply with the following:

6159 (a) ***Private Street open for general public use.*** A private street that is perpetually open to the public for
6160 use and through-passage is allowed only under the following circumstances:

6161 (1) The Private Street shall never be closed to the public and no signage shall be erected to indicate or
6162 insinuate that the street is not open for public use or passage, except to allow for occasional and
6163 routine maintenance necessary to ensure the longevity of the street.

6164 (2) The Private Street shall be owned, operated, and maintained in perpetuity by a homeowners asso-
6165 ciation that has a least 40 Dwelling Units, as evidenced by an approved preliminary subdivision
6166 plat and recorded homeowners association declaration. If final plat recordation is phased, the home-
6167 owners association declaration shall be recorded to the entire legal description of the preliminary
6168 subdivision plat at the time the first plat is recorded. The declaration shall include the approved
6169 preliminary plat. Special provisions or deviations from this requirement may be approved in a de-
6170 velopment agreement.

6171 (3) At no time shall a Private Street conflict with or create non-routine operations and maintenance
6172 demand on any Public Street.

6173 (4) A Private Street that complies with this Subsection (a) shall be allowed to count as a Public Street
6174 for the purposes of creating a Street Block pursuant to Section 106-2-3 or other Street Block regu-
6175 lations in this Land Use Code.

6176 (5) An operations and maintenance agreement shall first be executed by developer on behalf of all
6177 successors and heirs and the county that, at a minimum, stipulates the requirements of this Section
6178 106-2-2.030, and provides any other stipulations as may be mutually agreeable by the developer
6179 and the county.

6180 (b) ***Private Street not open for general public use.***

6181 (1) ***No entitlement.*** An applicant is not entitled to make a street private. The Land Use Authority has
6182 full discretion, subject to the regulations herein, to allow or require a street to be private.

6183 (2) ***Prohibition.*** A Private Street shall not be allowed if:

6184 a. It creates a hardship for other landowners in the area to provide access to develop their land in
6185 accordance with the provisions of this Land Use Code, or

6186 b. A Public Street is needed in the location of the proposed Private Street, as determined by the
6187 Land Use Authority.

6188 c.

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-
- 6189 (3) It is not a permanently terminal street, as provided in Subsection (g) of this section, or it does not
6190 provide through-passage pursuant to this Section 106-2-2.030. **Responsibility for construction.**
6191 The applicant shall pay for and construct the Private Street.
- 6192 (4) **Ownership.** The final plat shall dedicate the land under the Private Street to the County for the
6193 purpose of future conversion to a Public Street at a time the governing body determines a Public
6194 Street is necessary, if ever.
- 6195 a. **Street-Parcel dedication waiver.** The Land Use Authority may waive this requirement if de-
6196 velopment or further development on adjacent Lots or Parcels to which the street could be
6197 extended is extremely unlikely, or to which future public access offers very little public benefit,
6198 or future development benefit, as determined by the Land Use Authority.
- 6199 1. **No Street-Block waiver.** A street needed to satisfy the Street-Block requirements of Sec-
6200 tion 106-2-3 is not eligible for this waiver unless there is no way in which that street can
6201 be configured in the subdivision to support the creation of the Street-Block.
- 6202 2. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle
6203 is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedica-
6204 tion and installation of a 12-foot wide public easement and pathway or trail connection.
6205 The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface
6206 pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a
6207 maximum average grade of 18 percent.
- 6208 3. **Waiver requires joint ownership.** If a waiver is granted, the street-Parcel shall be held in
6209 joint ownership of the owners of all Lots that gain access from it.
- 6210 b. **Street-Parcel configuration.** The Parcel being dedicated to the county shall be the length of
6211 the Private Street and extend to adjacent developable land or another street regardless of
6212 whether the Private Street infrastructure does. The Parcel shall be the same width required for
6213 a Public Street right-of-way, and be configured at a grade that will not create an unreasonable
6214 burden for future street-building and connectivity given typical grading and construction meth-
6215 ods.
- 6216 c. **Transfer of street-Parcel.** If adjacent Parcels to which the Private Street could connect reach
6217 full build-out or otherwise change in a manner that renders a future Public Street connection
6218 extremely unlikely, or if future public access to those Parcels offers very little public benefit,
6219 the County, at its sole option, may transfer the land, in accordance with all legal requirements,
6220 to the joint ownership of the owners of all Lots that gain access from it.
- 6221 (5) **Operation, maintenance, and use.** Except after the County assumes responsibility for the street, if
6222 ever, the operations and maintenance of the installed Private Street improvements shall be the sole
6223 responsibility of the owners of each Lot gaining access from the Private Street, or a homeowners
6224 association. The Land Use Authority may allow these owners to restrict access to the street by the
6225 general public, except county officials conducting official county business on a county-owned
6226 street-Parcel.
-

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- 6227 (6) **Building Setback standards.** The minimum building Setbacks shall be measured from the bound-
6228 ary of the County-owned street-Parcel.
- 6229 (7) **Private Street required.** Unless the County Engineer or the Land Use Authority authorizes other-
6230 wise based on the public benefit outweighing the long term operations and maintenance expense, a
6231 Public Street is not allowed in the following circumstances:
- 6232 a. **Permanent terminal street.** A non-temporary terminal street;
- 6233 b. **Geologic hazards.** A street that traverses a geologic hazards study area shall be a Private Street,
6234 unless the hazards study, as required by Title 108, Chapter 22, provides compelling evidence
6235 that demonstrates the hazard risk to a Public Street is low.
- 6236 (8) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer,
6237 a Private Street shall be constructed to Public Street standards.
- 6238 (9) **Plat notes.** On the final plat, the County-owned street-Parcel, where applicable, shall be labeled
6239 and noted as required by Section 106-1-8.020.
- 6240 (10) **Recording requirements.** At the time of final plat recording, the applicant shall record a cove-
6241 nant to run with the land that provides that:
- 6242 a. The owners of all Lots that gain access from the Private Street are solely and equally responsi-
6243 ble for operations and maintenance of the street.
- 6244 b. If applicable, that by purchasing a Lot that gains access from a Private Street, the owner
6245 acknowledges that the street-Parcel is owned in fee by the governing body for possible future
6246 Public Street purposes; but that the governing body assumes no responsibility or liability for
6247 the street or for the uses thereof or thereon until and unless, if applicable, the governing body
6248 assumes responsibility for it.
- 6249 c. The owner is responsible for disclosing the nature of the street to prospective purchasers,
6250 renters, or lessees.
- 6251 d. The landowner of record or authorized representative agree to pay a proportionate amount of
6252 the costs associated with improving or restoring the street to operational Public Street standards
6253 at the time the governing body assumes responsibility for it; and agrees to not protest the crea-
6254 tion of a special assessment area or other similar revenue generating mechanism the governing
6255 body deems necessary to bring the Private Street to operational Public Street standards.

6256

6257 **Sec 106-2-2.030 Shared Private Lane Option**

6258 Unless specified otherwise in this section a shared private lane is only allowed in locations where a street
6259 or street connection is not otherwise required or planned as provided in the applicable general plan, and
6260 where its placement will not violate the applicable Street-Block requirement of Section 106-2-3. Construc-
6261 tion of a shared private lane is a subdivision improvement requirement and shall comply with the relevant
6262 sections of Title 106, Chapter 4 of this Land Use Code.

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- 6263 (a) **Shared private lane design, configuration, and construction requirements.** A shared private lane shall
6264 be:
- 6265 (1) **Design.** Designed and constructed to have a minimum right-of-way width of 24 feet, with a mini-
6266 mum improved surface width of 20 feet. A greater right-of-way width may be required by the
6267 County Engineer for a cross-slope easement.
- 6268 (2) **Configuration.** Configured and constructed so that any curve will safely facilitate the turning radius
6269 and weight of the Fire Authority's largest fire apparatus.
- 6270 (3) **Construction.** Constructed of all-weather material, have a grade of no greater than ten percent, and
6271 a clearance no less than 14 and a half feet. In a development with an average density that is greater
6272 than one unit per acre, the lane shall be hard-surfaced.
- 6273 (4) **Ownership requirements.** Be on a Parcel that is held in common ownership by a homeowner's
6274 association that governs the Lots that gain access therefrom, or be an easement recorded in favor
6275 of the owners of all Lots that gain access therefrom.
- 6276 (5) **Terminal length.** If terminal, the shared private lane shall be no longer than
6277 200 feet, and provide access to no more than seven Dwelling Units.
- 6278 (b) **Shared private lane temporarily in lieu of street.** As long as development on other properties in the
6279 general area to which a street could extend is not imminent, a private lane may be installed in place of
6280 a required public or Private Street under the following circumstances:
- 6281 (1) **No interruption of street connectivity.** Doing so shall not disrupt the orderly build-out or inhibit
6282 the future street connectivity of the area.
- 6283 (2) **Compliance with general plan.** It shall not be contrary to the General Plan's recommendations that
6284 are specifically applicable to the area.
- 6285 (3) **Easement required.** With the final plat, an easement shall be given over the shared private lane to
6286 Weber County for the purpose of reserving an area that can become a future Public Street right-of-
6287 way at a time the governing body determines that a Public Street is necessary, if ever.
- 6288 a. The easement being dedicated to the county shall be the length of the Private Street and extend
6289 to adjacent developable land or another street regardless of whether the Private Street infra-
6290 structure does.
- 6291 b. The easement shall be the same width required for a Public Street right-of-way, and be config-
6292 ured at a grade that will not create an unreasonable burden for future street-building and con-
6293 nectivity given typical grading and construction methods.
- 6294 (4) **Operation, maintenance, and use.** The operations and maintenance of the shared private lane shall
6295 be the sole responsibility of the owners of each Lot gaining access from it.
- 6296 (5) **Building Setback standards.** The minimum front building Setback shall be 33 feet greater than
6297 otherwise required, and shall be measured from the centerline of the shared private lane.

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- 6298 (6) **Plat note.** On the final plat, the area of the county-owned easement shall be labeled and noted as
6299 required by Section 106-1-8.020.
- 6300 (7) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant
6301 to run with the land that provides for the following:
- 6302 a. The owners of all Lots that gain access from the shared private lane are solely and equally
6303 responsible for operations and maintenance of the lane.
- 6304 b. If applicable, that by purchasing a Lot that gains access from a Shared Private Street, the owner
6305 acknowledges that the lane easement is owned by the governing body for possible future Public
6306 Street purposes, but that the governing body assumes no responsibility or liability for the lane
6307 or for the uses thereof or thereon until and unless, if applicable, the governing body assumes
6308 responsibility for it.
- 6309 c. The owner is responsible for disclosing the nature of the lane to prospective purchasers, renters,
6310 or lessees.
- 6311 d. The landowner of record or authorized representative agree to pay a proportionate amount of
6312 the costs associated with improving or restoring the street to operational Public Street standards
6313 at the time the governing body assumes responsibility for it; and agrees to not protest the crea-
6314 tion of a special assessment area or other similar revenue generating mechanism the governing
6315 body deems necessary to bring the shared private lane to operational Public Street standards.

6316

6317 **Sec 106-2-2.040 Terminal Streets**

6318 (a) ***Permanently terminal street.***

- 6319 (1) **Maximum length and number of lots.** A permanently terminal street (cul-de-sac or dead-end) or
6320 permanently terminal street-route shall:
- 6321 a. Serve no more than 15 subdivision lots or lots of record as defined by Section 101-2;
- 6322 b. Provide access to no more than 30 total dwelling units; and
- 6323 c. Have a maximum length of 750 feet. This length shall be measured from the point at which the
6324 street or street-route becomes terminal to the furthest extent along the terminal street or terminal
6325 street-route. If the terminal street or terminal street-route loops back onto itself, the furthest
6326 extent shall be the midpoint of the loop.
- 6327 (2) **Alternative allowance due to constraints.** If approved by the local fire authority, a permanently
6328 terminal street or street-route may serve a maximum of 30 subdivision lots or lots of record, and
6329 the maximum length of the street may be waived by the Land Use Authority, as long as the topog-
6330 raphy or other constraints of the land in the vicinity will not reasonably allow for a street connection
6331 to make the street or street-route non-terminal.
- 6332 (3) **Turn-around required.** A terminal street shall be terminated by a turnaround of not less than 100
6333 feet diameter, or as otherwise required by the local fire authority or the County Engineer. If storm-
6334 water drains into the turnaround, a stormwater catch basin and drainage easement shall be provided.

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6335 (b) ***Temporarily terminal street.***

- 6336 (1) ***Parameters.*** An applicant may extend a temporarily terminal street or street-route beyond the max-
6337 imum length specified in Subsection (a) of this section if the extension:
- 6338 a. Can be defined as a temporarily terminal street or temporarily terminal street-route, as defined
6339 in Section 101-2 of this Land Use Code;
- 6340 b. Runs along the general alignment of a future street, as shown in an applicable general plan,
6341 small area plan, master streets plan, development agreement, or similar legislatively adopted
6342 planning document;
- 6343 c. Reduces the distance between the terminal street and the greater interconnected public street
6344 network, as measured along the general alignment of the planned street; and
- 6345 d. Complies with the requirements of the local fire authority.
- 6346 (2) ***Number of lots.*** A secondary emergency egress and fire access road, as approved by the local fire
6347 authority, shall connect the temporarily terminal street to the greater interconnected street network
6348 before more than 30 residential lots are allowed to gain sole-access from the street. Additionally,
6349 at no time shall more than 30 residential lots be allowed to gain sole-access from the street between
6350 the street's intersection with the nearest secondary emergency egress and the street's terminus.
- 6351 (3) ***Turn-around required.*** A temporarily terminal street shall have a temporary turn-around at the end
6352 that complies with the minimum requirements of the local fire authority or the County Engineer.
6353 The temporary turn around shall remain available and usable by any users of the street so long as
6354 the dead-end condition exists.
- 6355 (c) ***Substandard terminal street.*** A subdivision that is proposed along a terminal street or terminal street-
6356 route that does not meet County right-of-way or construction standards at any point along the terminal
6357 street or terminal street-route shall not be allowed unless the County Engineer and Planning Division
6358 Director can mutually make the following findings:
- 6359 (1) A traffic study, conducted by a certified professional traffic operations engineer (PTOE) and funded
6360 by the applicant, demonstrates that the existing single-access street or street route is adequate and
6361 safe, or can be made adequate and safe with improvements volunteered by the applicant, for the
6362 increased traffic demand of the new subdivision;
- 6363 (2) That due to topographic, environmental, or other unique characteristics of the area, it is unlikely
6364 that another street or street route will be established that provides the new subdivision a second
6365 connection to the greater interconnected public street network within the next 10 years;
- 6366 (3) That not providing the new subdivision with a standard single-access street or street-route does not
6367 conflict with an applicable general plan, small area plan, master streets plan, or similar adopted
6368 planning document;
- 6369 (4) That not requiring a second connection to the greater interconnected public street network does not
6370 conflict with an applicable general plan, small area plan, master streets plan, or similar adopted
6371 planning document; and

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6372 (5) That compliance with Section 106-2-2.8 will be met.

6373

6374 **Sec 106-2-2.050 Arterial And Collector Streets**

6375 (a) Unless specified otherwise in this Land Use Code, an Arterial or Collector Street shall be dedicated to
6376 conform to the right-of-way width designated in the general plan, master street plan, capital improve-
6377 ment or facilities plan, impact fee facilities plan, development agreement, or similar adopted planning
6378 or street design document. Setback from an Arterial and Collector Street shall be in compliance with
6379 Section 108-7-10.

6380 (b) Both Arterial and Collector Streets are limited access streets. Subdivisions shall be designed to avoid
6381 providing Lots direct access from an Arterial or Collector Street, wherever possible. If a subdivision
6382 cannot be designed to avoid providing a Lot access directly from an Arterial or Collector Street, then
6383 access to the Lot shall follow the access provisions of Section 108-7-29. Residential access may be
6384 gained from the Arterial or Collector Street by sharing another previously existing residential access.

6385

6386 **Sec 106-2-2.060 (Reserved)**

6387

6388 **Sec 106-2-2.070 (Reserved)**

6389

6390 **Sec 106-2-2.080 Street Cross Sections And Design**

6391 (a) ***Street cross section design.*** A proposed new street or street extension shall comply with the standards
6392 and specifications provided in Section 106-4-5 of this Land Use Code, as shall half of an existing street
6393 adjacent to the Lots in the subdivision, if applicable. The County Engineer is authorized to require the
6394 applicant to make offsite improvements on streets in the area if the impact of the subdivision on those
6395 streets necessitates the improvements. In the FB Zone, street design shall comply with the specific
6396 standards therein.

6397 (b) ***Development on a substandard street.*** Development on a substandard street shall comply with the
6398 provisions of Section 108-7-19.

6399

6400 **Sec 106-2-2.090 Street Grades**

6401 Except for rare and special circumstances, street grades over sustained length shall not exceed the following
6402 percentages: on Arterial Streets, eight percent; on Collector Streets, ten percent; on Major and Minor Neigh-
6403 borhood Streets, 12 percent; on Private Street or Shared Private Lanes, where allowed by this Land Use
6404 Code, 15 percent. All street grades shall be reviewed and approved by the Local Fire Authority and County
6405 Engineer.

6406

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6407 **Sec 106-2-2.100 Alleys**

- 6408 (a) Alleys shall have a minimum width of 20 feet unless specified otherwise in this Land Use Code or the
6409 Local Fire Authority.
- 6410 (b) An Alley shall be provided snow storage areas abutting the Alley of sufficient size and configuration
6411 to easily accommodate the Alley's snow storage needs, as determined by the County Engineer.
- 6412 (c) An Alley shall be dedicated for public use, as provided in Section 106-7-1, but the operations and
6413 maintenance of the Alley shall be the collective and equitable responsibility of all landowners who's
6414 Lots, Parcels or parking areas gain access from it.
- 6415 (d) A note shall be placed on the final subdivision plat as provided in Section 106-1-8.020. An association
6416 of owners may be created to specify the details of the management thereof.

6417

6418 **Sec 106-2-2.110 (Reserved)**

6419

6420 **Sec 106-2-3 Blocks**

- 6421 (a) The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall
6422 be 500 feet. Blocks over 800 feet in length may, at the discretion of the Land Use Authority, be provided
6423 with a dedicated walkway through the block at approximately the center of the block. Such walkway
6424 shall be not less than six feet in width.
- 6425 (b) The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the Land
6426 Use Authority because of design, terrain, or other unusual conditions.
- 6427 (c) Blocks intended for business or industrial use shall be designed specifically for such purposes with
6428 adequate space set aside for off-street parking and delivery facilities.

6429

6430 **Sec 106-2-4 Lot Standards**

6431

6432 **Sec 106-2-4.010 Lot Standards Generally**

- 6433 (a) **Lot configuration.** The Lot arrangement and design shall provide satisfactory and desirable sites for
6434 buildings, and be properly related to topography and to existing and probable future development con-
6435 ditions. The applicant shall demonstrate that each Lot intended for a building or other site improvements
6436 is buildable.
- 6437 (b) **Lot size and exceptions.** Unless specifically allowed otherwise in this Land Use Code or a development
6438 agreement, all Lots shown on the subdivision plat must conform to the minimum area and width re-
6439 quirements of the Land Use Code for the zone in which the subdivision is located, as provided in the
6440 applicable zone pursuant to Title 104 of the Land Use Code.

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- 6441 (c) **Lot frontage.** Each Lot shall have frontage on a street or shared private lane that meets County stand-
6442 ards, unless specifically provided otherwise in this Land Use Code. A Lot having double frontage is
6443 prohibited unless the rear of the Lot is abutting a Collector Street or Arterial Street, or a street planned
6444 to become a Collector Street or Arterial Street, or extreme topography makes other design inappropriate,
6445 as determined by the County Engineer. If allowed, the rear Lot Line of a Double Frontage Lot shall
6446 be labeled as "no access allowed."
- 6447 (d) **Side Lot Lines.** Side lines of Lots shall be approximately at right angles, or radial to the street line,
6448 from the street line to at least the minimum required Setback.
- 6449 (e) **Flag Lot.** A Flag Lot shall comply with the following provisions:
- 6450 (1) **Area.** Regardless of any other alternative Lot Area provision of this Land Use Code, the area of the
6451 Lot shall be no less than twice the minimum Lot Area required by the zone, as specified in Title
6452 104, but need not exceed three acres in a zone that has a minimum Lot Area less than three acres.
6453 A Flag Lot in a zone that has a minimum Lot Area of three acres or greater shall comply with the
6454 minimum Lot Area of the zone, as specified in Title 104.
- 6455 (2) **Avoiding street requirement not allowed.** Unless otherwise allowed in this Land Use Code, a Flag
6456 Lot shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code,
6457 an adopted general plan, master transportation plan, development agreement, or other adopted doc-
6458 ument intended to govern the placement, connectivity, or creation of a street or Street-Block.
- 6459 (3) **Access.**
- 6460 a. Each Flag Lot shall gain access to a street by means of its own fee title access strip (the flag's
6461 staff). Successive stacking of Lots on the same access strip is not permitted.
- 6462 b. No access strip shall exceed 800 feet in length.
- 6463 c. A maximum of two Flag Lot access strips may be located adjacent to each other.
- 6464 d. The access strip shall be configured in a manner that has the ability to support a future street if
6465 one is ever needed. The access strip shall be no less than 60 feet wide and extend from the
6466 street or shared private lane to the furthest extent of the Lot. This may be reduced to 30 feet if
6467 two Flag Lot access strips are adjacent to each other.
- 6468 e. The access strip shall be denoted on the plat as the access strip to the Flag Lot, and the Lot's
6469 front shall be determined as facing this access strip. The Front Setback shall be measured from
6470 the access strip.
- 6471 f. A Flag Lot may be platted as long as an easement is platted over the entirety of the access strip
6472 in favor of the County for the purpose of creating a Public Street at a time the governing body
6473 determines a Public Street is necessary, if ever. However, the future street easement is not
6474 required in the following circumstances:
- 6475 1. The adjacent area to which a future street could otherwise be extended is built-out such
6476 that no reasonable street connection can be made thereto;

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- 6477 2. The adjacent area to which a future street could otherwise be extended has characteristics
6478 that significantly reduce the likelihood the Street-Block will be needed, as determined by
6479 the Land Use Authority. These characteristics include, but are not limited to, sensitive lands
6480 such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no rea-
6481 sonable street configuration can be created that complies with allowed street grades; or
- 6482 3. The adjacent area to which a future street could otherwise be extended has culturally or
6483 locally important lands that can, are, or will be permanently preserved in a manner that
6484 benefits the general public. The Land Use Authority may require the applicant to secure
6485 the permanent preservation in a manner satisfactory to the Land Use Authority.
- 6486 (f) **Remnant Parcel.** A subdivision of land shall not exclude from its boundary any part or remainder of a
6487 Parcel affected by the subdivision unless the remnant Parcel is exempt from the definition of a subdi-
6488 vision under state and county code, or is exempt from platting requirements by state code.
- 6489 (1) **Remnant Parcel size.** An allowed remnant Parcel shall be no smaller than five acres, and be rec-
6490 orded with the agricultural notice specified in Utah Code § 17-79-708.
- 6491 (2) **Retroactive compliance.** Any Parcel that was created as the result of being a remainder from a
6492 platted subdivision, including those that do not comply with the recorded notice provisions of Utah
6493 Code § 17-79-708, that is later used for any use other than agriculture is no longer exempt from the
6494 requirements of this Title and shall retroactively be made to comply with this Title and applicable
6495 state code.
- 6496 (g) **Multiple ownership.** Where the land covered by a subdivision includes two or more Parcels in separate
6497 ownership and the Lot arrangement is such that a property ownership line divides one or more proposed
6498 Lots, the land in each Lot so divided shall be properly executed to correctly vest title to the owner or
6499 owners prior to recording the plat.
- 6500 (h) **Easements.**
- 6501 (1) **Lot frontage public utility easements.** Each Lot shall have a ten-foot public utility easement abut-
6502 ting a street right-of-way and spanning the Lot width. This ten-foot easement is not required in a
6503 zone that allows a zero Front Setback.
- 6504 (2) **Other public utility easements.** Other public utility easements shall be provided if, and only if,
6505 authorized or required by the County Engineer or Land Use Authority, who shall specify the ease-
6506 ment's location and width, with a minimum width no less than five feet.
- 6507 (3) **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff
6508 onto other property will not exceed historic runoff rates, a land drain easement and drainage infra-
6509 structure shall be provided by the applicant in a manner that protects other properties in the area
6510 and public infrastructure. The land drain shall be installed as part of the subdivision improvements.
- 6511 (4) **Agricultural water drainage easements.** When a subdivision is proposed on land to which irriga-
6512 tion water runoff has historically and lawfully drained from other property, a land drain easement
6513 and drainage infrastructure shall be provided by the applicant in a manner that protects the new
6514 Lots, public infrastructure, and historic irrigation flows from and to other property. The land drain
6515 shall be installed as part of the subdivision improvements.
-

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- 6516 (i) **Taxing district annexation.** Parcels that are split by a taxing district shall have the entire Parcel annexed
6517 into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond
6518 obligations by the taxing district.
- 6519 (j) **Hillside development.** A Lot that has an average percent of slope, as defined in Title 101, Chapter 2 of
6520 this Land Use Code, that is greater than 25-percent shall provide for the following:
- 6521 (1) **Buildable area.** If a Lot has a Buildable Area, as defined in Title 101, Chapter 2, a hillside devel-
6522 opment review is not required. The buildable area shall be delineated on the final plat by short
6523 dashed lines.
- 6524 (2) **Restricted Lot.** Each Lot shall be configured, designed, and constructed in a manner that mitigates
6525 detrimental effects to future owners or the surrounding area. Each Lot shall provide a Buildable
6526 Area that can reasonably contain buildings typical for the zone. Each Lot that has area that has not
6527 been adequately studied and mitigated to prove buildability shall have the area clearly delineated
6528 and denoted on the final plat as “restricted area.” A Lot that has a restricted area may be amended
6529 to reduce or eliminate the restriction after appropriate studies and mitigation measures have been
6530 completed, as provided elsewhere in this Land Use Code. A note shall be placed on the final plat
6531 pursuant to Section 106-1-8.020.

6532

6533 **Sec 106-2-4.020 Lot-Averaged Subdivision**

6534 In the A-1, A-2, and A-3 zones, a Lot's area and width standards may be reduced in a Lot-Averaged Sub-
6535 division below the standard minimum Lot Area or minimum Lot Width as specified in the applicable zone
6536 or zones found in Title 104. A Lot-Averaged Subdivision shall comply with the following:

- 6537 (a) **The averaged area and width of all Lots to comply with zone standards.** The averaged Lot Area and
6538 averaged Lot Width of all Lots located within a Lot-Averaged Subdivision shall be no less than the
6539 minimum Lot Area and minimum Lot Width found in the applicable zone or zones. A pre-existing
6540 nonconforming Lot of record that is smaller in Lot Area or Lot Width shall be excluded from the cal-
6541 culation, and may continue with the smaller dimensions as long as it is not made more nonconforming.
- 6542 (b) **Lot standards.** The Lot Area and Lot Width of an individual Lot located within a Lot-Averaged Sub-
6543 division shall be no less than shown in the following table, provided that the averaged area and width
6544 of all Lots in the subdivision maintains compliance with Subsection (a) of this section.

	A-1 and A-2 Zones	A-3 Zone
Lot Area	20,000 square feet	40,000 square feet
Lot Width	80 feet	100 feet

- 6545 (c) **Subdivision plat table.** A table shall be provided with the subdivision application and on the final sub-
6546 division plat showing the area and width of each Lot within the overall subdivision boundary, the av-
6547 erage area and width of all Lots within the overall subdivision boundary, and the average area and width

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6548 of all Lots within each zone in the subdivision boundary. If platted in phases, the “overall subdivision
6549 boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.

6550 (d) **Plat subtitle.** Pursuant to Section 106-1-8.020, a subtitle and note referencing this provision shall be
6551 placed on the final plat.

6552

6553 **Sec 106-2-4.030 Connectivity-Incentivized Subdivision**

6554 Alternative minimum Lot standards for a connectivity-incentivized subdivision can be found in Section
6555 106-2-1.020.

6556

6557 **Sec 106-2-5 Parks, School Sites And Other Public Places**

6558 (a) In all subdivisions, the Land Use Authority may require the dedication to the county of not more than
6559 three percent of the gross area of the subdivision for parks, open spaces or other public uses in such
6560 location as approved by the Land Use Authority as indicated on the approved preliminary plan.

6561 (b) Where it is determined that a greater amount of land is required for parks and open spaces to meet the
6562 general plan requirements for that area of the county, or a school site is required, the Land Use Authority
6563 after so apprising the appropriate agency, shall so indicate the open space or school site requirements
6564 to the subdivider on the approved preliminary plan.

6565 (c) The subdivider, at the time of filing the final plat with the county, must offer to sell at a fair market
6566 price to the county or other appropriate public agency, within one year immediately following the re-
6567 cording of the final plat, any land so designated for school sites or any land designated for park or open
6568 space in excess of the three percent of land area required to be dedicated in accordance with subsection
6569 (a) of this section.

6570 (d) If any such proposed public areas or school sites have not been purchased by the appropriate public
6571 agency within one year after the recording of the final plat, such areas may be subdivided into lots and
6572 blocks in accordance with the requirements of this chapter.

6573

6574 **Sec 106-2-6 (Reserved)**

6575

6576 **Sec 106-2-7 (Reserved)**

6577

6578 **Sec 106-2-8 Large Scale Excavation**

6579 No large scale excavation (more than 5,000 square feet), grading, or regrading shall take place on any land
6580 for which a preliminary subdivision plan has been submitted, until such plan has been given preliminary
6581 approval by the Land Use Authority and County Engineer.

6582

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COLOR KEY: O.V. incorporation-related. Policy shift.

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6583 **Sec 106-2-9 Power And Telephone Utilities**

6584 Except where allowed otherwise by the Land Use Authority, all electric power, television cable and tele-
6585 phone utility extensions to, in, and in public rights of way adjacent to new subdivisions shall be installed
6586 underground to utility company specifications.

6587

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CHAPTER 106-3 CONDOMINIUM PROJECTS

Sec 106-3-1 (Reserved)

Sec 106-3-2 Condominium Projects; Subdivision

A condominium project shall be considered to be a subdivision, and a record of survey map or supplement thereto prepared pursuant to the Condominium Ownership Act, Utah Code Title 57, Chapter 8, shall be considered to be a subdivision map or plat with respect to such real property or improvements that are to be dedicated to the use of the public, and to those units which are not contained existing or proposed buildings.

Sec 106-3-3 Condominium Projects To Comply With Local Ordinances

- (a) Condominium projects shall comply with all the provision of the Weber County Land Use Code, the building, health and similar development regulations and ordinances of the county, and with Weber County subdivision regulations and shall follow the procedure outlined in such regulations for processing subdivisions.
- (b) The standards and criteria for geographical layout of a condominium project, the facilities of utility lines and roads, the percentage of the project to be devoted to common or recreational use shall comply with the provisions of the ordinances and regulations in the subsections of this chapter.

Sec 106-3-4 Approval Of Condominium Declaration

A copy of the preliminary condominium declaration prepared pursuant to Utah Code Title 57, Chapter 8, shall be submitted to the Planning Division along with the preliminary record of survey, for review and approval with respect to the standards for the maintenance, upkeep and operations of roads, the facilities of utility lines and roads, recreational areas, and open spaces in the project.

Sec 106-3-5 Installation Of Improvements

The developer of a condominium project shall at his own expense install the improvements listed in the "Subdivision Improvements Required" chapter of this Code. In addition, proposed recreation facilities, clubhouses, recreation vehicle parking areas and landscaping materials in accordance with an approved plan shall be included in the guarantee of improvements provided by the developer to Weber County prior to final approval by Weber County or except as provided in the "Subdivision Improvements Required" chapter of this chapter, in accordance with the plans and specifications of approved by the county.

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CHAPTER 106-4 SUBDIVISION IMPROVEMENTS REQUIRED

Sec 106-4-1 General Requirements

- (a) **Improvement plans, submittal and approval process.** Pursuant to Section 106-1-8.30, with the final subdivision plat submittal, the applicant shall submit a complete set of draft improvement plans. The County Engineer is authorized to approve the improvement plans after determining the plan's compliance with all applicable standards and specifications, and after receiving approval of the improvement plans from the culinary water, secondary water, and sanitary sewer service providers, if applicable. The approvals from those service providers shall include a copy of the version of improvement plans for which they are offering approval. The applicant shall submit a copy of the final approved improvement plans with the final subdivision plat mylar. The final approved improvement plans shall be signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision.
- (b) **Approval of final improvement plans prior to final plat approval, if allowed.** The applicant may submit improvement plans prior to final plat approval, but not before preliminary plan/plat approval by the Land Use Authority. The County Engineer, in his sole discretion, may approve final improvement plans prior to final plat approval. No subdivision improvements or utilities shall be installed until after approval of the final improvement plans by the County Engineer. The County Engineer's approval of final improvement plans prior to final plat approval, or the County Engineer's authorization to commence construction of the improvements, shall not constitute entitlement or vesting of any particular final plat design. The applicant bears all risk associated with pursuing approval of final improvement plans and commencement of construction of improvements prior to final plat approval.
- (c) **Improvements to comply with standards and specifications.** All improvements shall comply with the standards and specifications referenced in Section 106-4-5, and the standards and specifications of relevant utility service providers.
- (d) **Improvements to be installed prior to issuance of permits.**
- (1) All required subdivision improvements shall be installed and pass inspection, pursuant to Section 106-4-3, prior to issuance of any land use permit in a subdivision.
 - (2) This shall not apply to the required chip and seal, street monuments, street trees, and other required landscaping (and associated irrigation and controls) as long as a sufficient financial guarantee of improvements exists or is provided as required by Section 106-4-3 for the incomplete improvements.
 - (3) A certificate of occupancy shall not be issued until the missing improvements are installed and pass inspection or an updated financial guarantee has been provided as required by Section 106-4-3.
 - (4) For the purpose of ensuring that improvements are not damaged or neglected during construction, in the event that a property is not granted certificate of occupancy outside of the warranty guarantee period, a separate landscaping, sidewalk, and curb and gutter bond shall be posted in the amount for those improvements where the lots have not been given certificate of occupancy, as determined

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- 6661 by the county. The county shall retain this bond until certificate of occupancy is granted to each
6662 subsequent lot.
- 6663 (e) **Improvements under street asphalt.** All public and private utilities within the road right-of-way shall
6664 be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road
6665 will require a special permit and include requirements for special backfill and asphalt replacement.
- 6666 (f) **Monumentation improvement agreement.** The applicant shall sign a survey monumentation improve-
6667 ment agreement and pay applicable fees associated prior to the County Surveyor signing the final sub-
6668 division plat mylar.
- 6669 (g) **As-built plans required.** Upon completion of the construction of roads and utility lines, the developer's
6670 engineer shall prepare and submit as-built plans for all improvements for the approval of the County
6671 Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible mylars
6672 prior to county acceptance for maintenance of roads.
- 6673 (h) **Phased subdivisions.** Whenever the applicant develops a subdivision a phase at a time, such develop-
6674 ment shall be in an orderly manner and in such a way that the required improvements will be made
6675 available to the buyers of the lots. The applicant shall be responsible for coordinating the installation
6676 of utilities, streets, water lines, fire hydrants, and all other required improvements with the buyers of
6677 lots.

6678

6679 **Sec 106-4-2 Specific Requirements**

6680

6681 **Sec 106-4-2.010 Water Supply**

- 6682 (a) **Culinary and secondary water supply and delivery system required.** The applicant is responsible for
6683 providing a culinary and secondary water supply and delivery system to or on each lot. The system
6684 shall provide sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all
6685 intended uses of the water. The standard method for accomplishing this, and the default requirement,
6686 is for the applicant to connect to an existing public culinary water service provider's system and to
6687 connect to an existing secondary water service provider's system. However, to benefit applicants in
6688 certain circumstances, connection to a new water service provider's system or a private well may be
6689 allowed as an alternative, as described in this Section. Water supply and delivery systems shall comply
6690 with the following:

6691 (1) **Water service provider connection.**

6692 a. **Connection to existing water supply and delivery system, requirement qualifiers.**

- 6693 1. **Connection requirements and qualifiers.** If any lot within the subdivision is located within
6694 a distance of 50 feet multiplied by the number of proposed lots from a public culinary water
6695 service provider's existing and functional main delivery line, or that of a secondary water
6696 service provider, and the service provider is willing and able to serve the subdivision, then
6697 in accordance with the service provider's standards and any applicable County standards,

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- 6698 each lot within the subdivision shall be connected to the service provider's water delivery
6699 system;
- 6700 2. **Multiple local systems.** If multiple existing culinary water delivery systems are available,
6701 connection to the culinary system that will yield the best organization of culinary water
6702 infrastructure in the area is required. The same shall be required for the secondary water
6703 delivery system. If conflict arises in making such a determination, the County Engineer
6704 shall make the final determination. Overlapping culinary or secondary water infrastructure
6705 should be avoided whenever possible.
- 6706 b. **Connection to new water supply and delivery system.**
- 6707 1. **Creation of and connection to new system.** Where outside the required connection distance
6708 of a water service provider's existing and functional main delivery line pursuant to Sub-
6709 section (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or
6710 cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water
6711 source, supply, and delivery system may be created by the applicant, in compliance with
6712 state law, to serve the subdivision. Each lot within the subdivision shall be connected to
6713 the water supply and delivery system.
- 6714 2. **Ownership, operation, and management of new system.** Unless the new system will be
6715 owned, operated, and managed by an existing local water service provider, a new water
6716 service provider shall be created pursuant to state law to own, operate, and manage the new
6717 system.
- 6718 3. **New system in existing water service provider's planned expansion area.** If any part of
6719 the subdivision is situated within the expansion area of an existing culinary or secondary
6720 water service provider's water delivery system, then the following are required unless the
6721 existing service provider specifies otherwise in writing:
- 6722 i. **Existing service provider's ownership of new system.** At the existing service pro-
6723 vider's sole option, upon written request, the applicant shall transfer ownership of the
6724 new system, including but not limited to, the piping, conveyances, easements, sources,
6725 any other infrastructure, and the related water rights, contracts and shares, to the exist-
6726 ing service provider at no cost, unless negotiated by the entities otherwise.
- 6727 ii. **New system to conform to existing system.** The new system shall be constructed pur-
6728 suant to the requirements and standards of the existing service provider.
- 6729 iii. **New system's future consolidation into existing system.** The new system shall be cre-
6730 ated in a manner and with sufficient rights or shares to enable easy and efficient future
6731 consolidation of the new and existing systems.
- 6732 iv. **Contract.** A contract shall be executed between the applicable existing service provider
6733 and the new service provider, obligating the new service provider to consolidate with
6734 the existing service provider. Unless negotiated by the entities otherwise:
-

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- 6735 1. The contract shall provide for the conveyance of applicable ownership and opera-
6736 tion rights, necessary water rights or shares, and infrastructure access or easement
6737 rights, at a time of the existing service provider's choosing; and
- 6738 2. The infrastructure expense required to consolidate systems shall be borne by the
6739 existing service provider and any debt obligation incurred by the newer service
6740 provider shall remain the responsibility of the users of the system for which the
6741 debt was incurred.
- 6742 v. **Service provider maps required.** An existing service provider intending to use this
6743 provision for future expansion shall submit documentation to the County showing its
6744 current operating area and adopted future expansion area in an accurate geograph-
6745 ically-referenced format.
- 6746 vi. **Multiple local systems.** If multiple service providers' expansion areas include portions
6747 of the subdivision, then the applicant shall furnish written verification to the County of
6748 each provider's intent to eventually serve the development. The existing system that
6749 will yield the best organization of services and long-term performance of water infra-
6750 structure in the area shall be used to satisfy this part, as determined by the County
6751 Engineer.
- 6752 (2) **Private well connection.** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-
6753 2.1, culinary and secondary water may be provided by private well, in compliance with the stand-
6754 ards and requirements of the Local Health Department, Utah Division of Water Rights, and, if
6755 applicable, Weber Basin Water Conservancy District. If secondary water is provided by private
6756 well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1. The applicant
6757 shall simultaneously submit all wells proposed in the subdivision, including all phases if applicable,
6758 for well approval to the Utah Division of Water Rights.
- 6759 (b) **Required water quantity.** Each developable lot shall be connected to a system that provides sufficient
6760 water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended
6761 uses of the water.
- 6762 (1) **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the
6763 minimum standards required by the culinary water authority, applicable agency, or applicable ser-
6764 vice provider.
- 6765 (2) **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot
6766 that will be landscaped with living plant materials can be regularly watered. At a minimum, the
6767 annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for
6768 all areas of the lot that will contain non-drought tolerant vegetation.
- 6769 a. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary
6770 water service provider, then the service provider is responsible for ensuring compliance with
6771 this part. As a baseline, each secondary water provider is encouraged to adopt water-wise land-
6772 scaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.

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- 6773 b. **Secondary water by private well.** If secondary water will be provided by a private well, then
6774 by default, a water allocation sufficient to water 30 percent of the lot is required unless specif-
6775 ically provided otherwise herein. This percent shall be increased to the actual area watered if
6776 more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual
6777 percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland
6778 if:
- 6779 1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the
6780 vegetation type and an automatic watering system is installed that has separate valves and
6781 stations on which vegetation with similar watering needs shall be grouped, if applicable;
- 6782 2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought
6783 tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or
6784 water shares, given the water duty for crop irrigation as prescribed by the Utah Division of
6785 Water Rights, and specifies the automatic watering system requirements herein, if applica-
6786 ble;
- 6787 3. A note is placed on the final recorded plat as required in Section 106-1-8.20; and
- 6788 4. The approved Exchange Application from the Utah Division of Water Rights is submitted
6789 to the County for each well. It shall demonstrate the total acre-feet approved for each well,
6790 and demonstrate that all proposed wells within the subdivision, including all phases, were
6791 simultaneously submitted to the division for approval.
- 6792 c. **Secondary water exemption.** A subdivision lot that is completely covered by pre-existing na-
6793 tive wildland vegetation, and will remain so, is exempt from the secondary water requirements
6794 of this section as long as the pre-existing native wildland vegetation remains undisturbed in
6795 perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious
6796 weed propagation. Clearing minimal area needed for buildings, driveways, accessory uses,
6797 wildfire defensible space, and similar uses is allowed under this exemption as long as it does
6798 not result in the need for outdoor watering. The following shall be provided with the final plat:
- 6799 1. A restricted-landscape covenant is recorded to the lot. The covenant shall restrict the re-
6800 moval or addition of living vegetation from the lot unless the owner acquires the secondary
6801 water required by this section; and
- 6802 2. A note shall be placed on the final recorded plat as required in Section 106-1-8.020.
- 6803 (c) **Capacity assessment.** Prior to final plat approval by the Land Use Authority, the applicant shall provide
6804 the county with a written capacity assessment for the culinary and secondary water supply and delivery
6805 system.
- 6806 (1) **Water service provider capacity assessment.** For the creation or expansion of a water service pro-
6807 vider's water supply and delivery system, the capacity assessment shall include:
- 6808 a. Written verification from the water service provider. The assessment shall verify:
- 6809 1. That the system is, or will be at the time the subdivision improvements are complete, ca-
6810 pable of serving the culinary or secondary water needs of each applicable subdivision lot;
-

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- 6811 2. For a culinary water provider, that adequate culinary water flow and storage is available,
6812 or will be available at the time the subdivision improvements are complete, for all intended
6813 or proposed uses of culinary water including, but not limited to, applicable secondary water
6814 uses and fire suppression appurtenances;
- 6815 3. For a secondary water provider, that adequate secondary water flow and storage is availa-
6816 ble, or will be available at the time the subdivision improvements are complete, for all
6817 intended or proposed uses of secondary water; and
- 6818 4. The specific details regarding the requirements or conditions for the water service of which
6819 the county should be aware during the approval or construction process.
- 6820 b. For a culinary water supply and delivery system, evidence that a state construct permit has been
6821 secured from the Utah Department of Environmental Quality's Division of Drinking Water.
- 6822 (2) **Private well capacity assessment.** For a private well's water supply and delivery system, the ca-
6823 pacity assessment shall include:
- 6824 a. Written verification from the Utah Division of Water Rights that authorization to drill has been
6825 obtained for each proposed private well.
- 6826 b. The following items, if secondary water is provided by contract with Weber Basin Water Con-
6827 servancy District:
- 6828 1. Written verification from the District that an adequate allocation of water has been secured
6829 for each proposed well;
- 6830 2. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax
6831 notice of each lot; and
- 6832 c. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well
6833 water, including, but not limited to, applicable secondary water uses and fire suppression ap-
6834 purtenances.
- 6835 (d) **Water supply and delivery system improvements required.**
- 6836 (1) **Improvements required for water service provider.** The following requirements are a minimum.
6837 The applicable culinary or secondary water service provider may have additional requirements.
- 6838 a. **Main delivery line extents.** Culinary and secondary water main delivery lines shall be provided
6839 to the furthest extent of the subdivision boundary within a public street right-of-way or a public
6840 utility easement, and laterals shall be stubbed to each lot.
- 6841 b. **Infrastructure capacity.** Infrastructure shall be designed with sufficient capacity for the system
6842 service area as determined by the water service provider, or as may otherwise be required by
6843 the County Engineer.
- 6844 c. **Metering.** All culinary and secondary water connections shall be metered.
- 6845 d. **Improvements operational before permit.** Water lines and fire hydrants shall be operational
6846 before building permits are issued for any structures.
-

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- 6847 e. **New source.** If the service provider determines the source is needed to serve the new lots, a
 6848 new water source shall be provided, with all needed rights or shares, and connected to the
 6849 service provider's water delivery system in compliance with the provider's requirements and
 6850 standards.
- 6851 f. **Conflicting requirements.** The County Engineer has discretion to waive or modify any of the
 6852 foregoing requirements in Subsection (d)(1) of this Section 106-4-2.010 if in conflict with the
 6853 service provider's requirements.
- 6854 g. **Prior to County's final acceptance.** The applicant shall submit to the county written approval
 6855 and acceptance of new culinary and secondary water infrastructure from the culinary water
 6856 service provider and secondary water service provider prior to final acceptance of the subdivi-
 6857 sion's improvements by the County.
- 6858 h. **No obligation to County.** Acceptance of the subdivision's improvements shall not constitute
 6859 an obligation to the county for the ownership or operation of the water facilities.
- 6860 (2) **Improvements required for private well.**
- 6861 a. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-
 6862 tested for a minimum of 48 hours, and a sample of water analyzed according to applicable
 6863 agency requirements. A copy of pump-test results shall be submitted to the County and the
 6864 Local Health Department. The pump test results shall demonstrate that adequate flow and qual-
 6865 ity exists to serve all intended uses of the well. An inadequate pump-test shall result in that
 6866 subdivision's approval being void unless another lawfully approved water source can be pro-
 6867 vided.
- 6868 b. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter,
 6869 pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if
 6870 applicable.
- 6871 (e) **Culinary water conditioned on secondary water.** If a culinary water service provider has conditioned
 6872 its service on adequate access to a secondary water service, the following apply:
- 6873 (1) **Verification.** A culinary water service provider bears full responsibility for verifying a secondary
 6874 water system's capability to satisfy the culinary water service provider's conditions and require-
 6875 ments before it will offer culinary water service to the subdivision.
- 6876 (2) **Culinary water restrictions.** Unless expressly authorized by the culinary water provider, no culi-
 6877 nary water is authorized for watering vegetation using sprinklers or other irrigation methods. A
 6878 culinary water provider has the authority to take appropriate action if unauthorized use of culinary
 6879 water for an outdoor application is found.
- 6880 (3) **Exactions and denials of water service provider.** A water service provider, whether culinary or
 6881 secondary, shall not use this section to require an unlawful exaction or an unlawful subdivision
 6882 denial, pursuant to state law. Requirements for secondary water shall be reasonable and in accord-
 6883 ance with industry best practices.
- 6884 (f) **(Reserved)**
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- (g) ***Transfer of rights or shares and penalty for removal.*** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. The culinary water service provider, or when the subdivision is located in a secondary water service provider's expansion area, the secondary water service provider, is authorized to require sufficient secondary water rights or shares to be transferred to them to be held in trust until the secondary water service provider's system has been extended to the subdivision. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner's association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all associated enforcement measures being at the County's disposal. The County is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Division Director or County Engineer.

Sec 106-4-2.020 Sewage Disposal

- (a) Where any part of a building situated within the unincorporated areas of the county is within 300 feet of any street, alley, court, passageway or area in which a public sewer or sewer owned or operated by any special improvement sanitary sewer district is in existence and use, or where the building is close enough in the determination of the county health officer to require a connection, the applicant shall connect sanitary sewer and provide adequate lateral lines to the property line of each lot. Sewer systems shall be approved by the Local Health Department, and connections shall comply with the public work standards of the county. Where the construction of a sewer trunk line is required to serve the subdivision, the applicant shall be required to construct the trunk line in accordance with plans and specifications approved by the county and sewer improvement district. The new trunk line shall be designed with sufficient capacity for the service area as determined by the County Engineer. The applicant may be entitled to reimbursement for the oversized costs through impact fee or development agreement within the service area for a period of ten years from the date of acceptance by the county.
- (b) Where a public sanitary sewer is not accessible, the applicant shall obtain approval from the county health officer for individual sewage disposal for each of the lots. Written approval from the county health officer shall be submitted to the planning division at the time the subdivision application is submitted. Septic tanks shall be installed according to the specifications and under the inspection of the county health officer. Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility is required for preliminary approval and a construct permit from the state is required before final approval can be granted by the Land Use Authority.

Sec 106-4-2.030 Stormwater

- (a) The County Engineer shall require the applicant to dispose of stormwater, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to

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6924 permit drainage of the subdivision, it shall be the responsibility of the applicant to acquire such ease-
6925 ments.

6926 (b) When drainage structures such as storm water detention and/or retention facilities are required by the
6927 County Engineer, the county, at its option, may require the facility to be dedicated or otherwise trans-
6928 ferred to Weber County or its designee. Weber County may also require the developer of the subdivi-
6929 sion which the detention and/or retention facility serves, to form a homeowners association of all homes
6930 in the subdivision with articles of incorporation and by-laws filed with the department of commerce.
6931 Provision shall be made in said association for the contracting with the County Engineer to do periodic
6932 inspections and maintain the drainage facilities. The purpose of the association shall be to own and
6933 maintain the detention and/or retention facility in satisfactory condition as specified by the County
6934 Engineer. In such cases, the county shall be granted an easement over the detention/retention facilities
6935 to guarantee such facilities will remain and be used as intended for stormwater detention purposes.

6936

6937 **Sec 106-4-2.040 Street Grading And Surfacing**

6938 All public and private streets and private access rights-of-way shall be graded and surfaced in accordance
6939 with the public work standards.

6940

6941 **Sec 106-4-2.050 Curbs And Gutters**

6942 (a) ***Curb and gutter.*** Curbs and gutters shall be installed on existing and proposed streets by the applicant.
6943 The County Engineer may allow curb and gutter to be deferred to a later time if it is in the best interest
6944 of the street system. Deferrals shall be documented by recorded agreement, in a form as approved by
6945 the County Attorney's Office, between the County and the owner. Curb and gutter shall be installed by
6946 the applicant in subdivisions along abutting Utah State Highways unless specified in writing by the
6947 Utah State Department of Transportation.

6948 (b) ***Driveway aprons.*** The applicant shall install driveway aprons to each Lot that has a Lot Width of 60
6949 feet or less. These driveway aprons shall be provided on construction drawings. No such driveway
6950 apron shall be of greater width than 20 feet and no lot shall have more than one driveway apron. Drive-
6951 way aprons shall be constructed of concrete. Installation of a driveway apron for a Lot that has a Lot
6952 Width greater than 60 feet may be postponed until after the approval of a site plan.

6953

6954 **Sec 106-4-2.060 Sidewalks And Pathways**

6955 (a) ***Sidewalk.*** Five foot wide sidewalks are required on both sides of the street, unless specified otherwise
6956 in this Land Use Code or other adopted street right-of-way standard. Regardless of any other provision
6957 otherwise, all sidewalks are required to be six (6) inches in depth. Where no sidewalk currently exists
6958 in the area, or where a subdivision's required sidewalk is premature given existing conditions, the re-
6959 quired sidewalk may, at the sole discretion of the County Engineer, be deferred to a later time by re-
6960 cording a deferral agreement to each lot in a form as approved by the County Attorney's Office, County
6961 Engineer, and County Planning Division Director.

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- (b) **Pathway.** A pathway, either paved or concrete as determined by the County Engineer given site conditions, shall be substituted for a sidewalks along routes that are delineated on an adopted trail or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at the option of the developer, a pathway may be substituted for a sidewalk as long as it is constructed of a material as determined by the County Engineer.

Sec 106-4-2.070 Street Monuments

Permanent street monuments shall be accurately set at points necessary to establish all lines of the street. Street monuments shall be of a type specified by the county surveyor.

Sec 106-4-2.080 Street Trees

The purpose of this section is to provide guidance for the development and maintenance of landscaped areas, both natural and enhanced, and recognize the importance of trees within the community. The County has adopted and implemented landscaping standards to address both aesthetics and conservation concerns for new development. These provisions are included in various chapters of this Code relating to but not limited to water connection/development fees for residential and commercial development, master planned development and subdivision applications, and construction projects subject to sensitive lands criteria. Trees add to the beauty of the community, stabilize surface drainage and soil erosion, and mitigate siltation of streams. A well-designed landscape planting can reduce air and sound pollution, mitigate impacts due to urban heat islands, increase shady areas for pedestrians, and regulate solar radiation and wind control.

- (a) **Street trees required.** All new development shall submit a landscaping plan showing areas to be landscaped, including street cross sections and park strips, common areas, and other landscaped areas. Trees, shrubs, and other plantings shall be shown on the plans in accordance with the appropriate regulations and as noted herein. Street trees shall be included in the Financial Guarantee as outlined in Section 106-4-3.
- (b) **Regulations for planting trees and landscaping in the County's right-of-way.** Tree planting on public ways shall be coordinated with required open or landscaping areas on private property so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. All trees planted in the public rights-of-way and all tree planting spaces shall be approved by the Planning Division Director who shall supervise such locating and planting according to approved plans and in a manner meeting the following considerations:
- (1) **Replacement.** Trees that must be removed shall be replaced by a new planting except in circumstances which the Planning Division Director deems impractical.
 - (2) **Spacing.** Unnatural regularity of spacing and arrangement shall be avoided; staggered or irregular locations are preferred, depending upon tree type.
 - (3) **Distance from curb and sidewalk, street corners, fire hydrants, utilities, and snow storage.** The County shall give special consideration to locations and species of plantings from curb and sidewalk, street corners (clear view triangle areas, as defined in Section 108-7-7.030 Clear View of

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- 7000 Intersecting Streets), fire hydrants, utilities and for snow removal. Determinations will be based on
7001 health and safety issues and will be based in what is best for the County's needs.
- 7002 (4) ***Irrigation required.*** The installation of street trees in the County's right-of-way shall be accompa-
7003 nied by an appropriate irrigation system providing water to the street trees. These irrigation systems
7004 shall be the responsibility of the developer to maintain until the adjacent property is sold, after
7005 which time it shall be the responsibility of the adjacent property owner. All irrigation systems shall
7006 be reviewed by the Planning Division Director and installed by the developer at the time the street
7007 trees are planted.
- 7008 (5) ***Species list.*** A list of plant materials and trees is hereby adopted and maintained separately as Res-
7009 olution 04-2024, or as may be amended from time to time. These plant materials and trees are
7010 approved for use in the County's rights-of-way and public spaces. Any deviation from this list must
7011 be approved by the Planning Division Director. Information for each plant regarding botanical
7012 name, mature size, light exposure, foliage color, flower season, fruit, and if the plant is native or
7013 Water Wise is available through contacting the Planning Division.
- 7014 (6) ***Additions to required landscaping.*** Any deviation from the required landscaping plans may be
7015 reviewed and approved by the Land Use Authority, provided the proposed plans meet the minimum
7016 standards stated in this Section and other Sections of this Code.
- 7017
- 7018
- 7019 **Sec 106-4-2.090 Street Signs**
- 7020 Street signs shall be installed by the applicant at locations designated by the County Engineer. Signs shall
7021 be a type and material prescribed by the County Engineer. The County Commission shall have the option
7022 to install signs and charge the costs to the applicant.
- 7023
- 7024 **Sec 106-4-2.100 Ditch Or Canal Improvements**
- 7025 (a) All canals, ditches, or other irrigation conveyance infrastructure on the land or within an adjoining
7026 street right-of-way shall be piped as part of the subdivision improvements, unless the owner of the
7027 infrastructure notifies the County in writing that they will not allow the piping of the infrastructure, or
7028 unless the County Engineer requires otherwise. The piping of the infrastructure shall not restrict the
7029 flow of water greater than the existing infrastructure unless otherwise allowed by the owner of the
7030 infrastructure.
- 7031 (b) A solid board, chain link, or other non-climbable fence not less than six feet in height shall be installed
7032 on both sides of existing irrigation ditches or canals which carry five second feet or more of water, or
7033 bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or
7034 adjacent to the subdivision. The Land Use Authority may determine that park areas, including streams
7035 or bodies of water, shall remain unfenced. Fencing or piping of canals, etc., shall not be required on
7036 subdivisions of four or fewer lots, or where canals are located 600 feet from the homes.
- 7037
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7038 **Sec 106-4-2.110 Staking Subdivision Corners**

7039 Survey markers shall be placed at all subdivision corners and lot corners to completely identify the bound-
7040 aries on the ground before the subdivision is recorded.

7041 (a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24 inches
7042 in length and visibly marked or tagged with the registered business name or the letters P.L.S. (Profes-
7043 sional Land Surveyor) followed by the registration number of the surveyor in charge. Where ground
7044 conditions do not permit such monumentation, substitute monuments shall be noted on the subdivision
7045 plat and must be durably and visibly marked or tagged with the registered business name or the letters
7046 "P.L.S." followed by the registration number of the surveyor in charge.

7047 (b) If the monument is set by a public officer, it shall be marked with the official title of the office.

7048

7049 **Sec 106-4-2.120 Peripheral Fencing**

7050 The Land Use Authority may require fencing along the periphery of a subdivision in an agricultural zone
7051 to provide protection to adjacent farming lands from the adverse effects of residential living and vice versa.

7052

7053 **Sec 106-4-2.130 Fire Protection**

7054 (a) A letter from the Weber Fire District approving the fire protection method shall be provided prior to
7055 final approval of the subdivision by the Land Use Authority. Before a land use permit is issued, the fire
7056 protection method shall be operational, and a letter to that effect will be required from the Weber Fire
7057 District.

7058 (b) Subdivisions located in the Forest Zones shall have requirements in the Subdivision Covenants, Con-
7059 ditions, and Restrictions on Wildfire Mitigation as outlined by the Weber County Fire District.

7060

7061 **Sec 106-4-3 Guarantee Of Improvements**

7062 (a) ***Financial guarantee for the completion of improvements.*** An applicant who desires to record any
7063 subdivision plat prior to the completion of subdivision improvements shall provide a financial guaran-
7064 tee to assure completion of incomplete improvements within a two year period.

7065 (1) ***Financial guarantee cost estimate.*** The applicant shall furnish and file with the county an escrow
7066 agreement or a letter of credit in an amount equal to 100 percent of the estimated future cost of the
7067 installation of incomplete improvements, plus a ten percent warrantee guarantee. The estimated
7068 future cost shall include a ten percent construction contingency that is separate from the ten percent
7069 warranty guarantee. The estimated cost shall be provided by the applicant's engineer and verified
7070 by the County Engineer.

7071 (2) ***Financial guarantee expiration and default.*** If the subdivision is not complete within two years,
7072 the financial guarantee is in default unless an extension of the financial guarantee is requested, in
7073 writing, by the applicant and approved by the County Engineer. An extension shall not be granted

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- 7074 unless the applicant provides an updated estimated future cost for remaining improvements to be
7075 installed. At this time, the financial guarantee shall be reassessed and increased to reflect cost in-
7076 creases, if any.
- 7077 (3) **Allowed financial guarantees.**
- 7078 a. **Escrow agreement.** An escrow agreement, and the associated funds, requires the approval of
7079 the County Engineer and County Attorney's Office. Escrow funds shall be deposited with the
7080 County Treasurer at the time the escrow agreement is executed.
- 7081 b. **Letter of credit.** An applicant may only use a letter of credit if the following conditions are met:
- 7082 1. The engineer's cost estimate for installation of the improvements exceeds \$1,000,000.00;
- 7083 2. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members
7084 or shareholders has a history of positive performance, with no incidences of negative per-
7085 formance, in its development related contractual obligations in the State of Utah, and has
7086 a history of positive performance, with no incidences of negative performance, in complet-
7087 ing developments in the State of Utah. The Planning Division Director or County Engineer
7088 may require the applicant to provide a performance history from other jurisdictions;
- 7089 3. The applicant's financial institution has a history of positive performance in fulfilling its
7090 financial obligations, as determined by the county treasurer and based on typical conven-
7091 tions of the financial industry;
- 7092 4. The applicant's financial institution provides the letter of credit on a standard letter of credit
7093 form supplied by Weber County or in a form that provides equal or greater financial pro-
7094 tection to the county, as determined by the County Attorney's Office;
- 7095 5. The County Attorney's Office, County Treasurer, and County Engineer approve the letter
7096 of credit, which they shall do if all of the conditions above are met unless they have rea-
7097 sonable, objective indications of a substantial risk that either the applicant or the applicant's
7098 financial institution will not fulfill its obligations related to the completion of improve-
7099 ments or the financial guarantee; and
- 7100 6. A cash escrow is deposited with the county treasurer at the time the letter of credit is exe-
7101 cuted equal to the full cost to revegetate any removed vegetation in the event the applicant,
7102 his successors or heirs, or his financial institution fails to perform.
- 7103 (b) **Acceptance of financial guarantee.** A financial guarantee under this section is accepted when the
7104 County Engineer signs a standard subdivision improvement agreement and an escrow agreement or
7105 letter of credit. After the subdivision improvement agreement is approved and executed, the applicant
7106 may record the subdivision, as long as all other recording requirements have been met. The recording
7107 of the subdivision will allow the developer to sell the lots, but not allow building and/or land use permits
7108 to be issued until all improvements are installed, except as listed in this Title.
- 7109 (c) **Partial release of financial guarantee.** Unless otherwise specified by the terms of the subdivision im-
7110 provement agreement, the county is only obligated to offer a partial release of the financial guarantee
7111 for an independent improvement system that is completed to the satisfaction of the County Engineer.
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- 7112 An independent improvement system includes, but is not limited to, those improvements specified in
7113 Section 106-4-2. At no time shall the balance of the financial guarantee be reduced below the actual
7114 cost to complete an incomplete improvement system, regardless of the engineer's cost estimate. If, in
7115 the opinion of the County Engineer, costs are increasing or have increased greater than anticipated by
7116 the initial engineer's cost estimate, the guarantee shall be reassessed and increased to reflect cost in-
7117 creases, if any.
- 7118 (d) **Warranty guarantee, and conditional acceptance of improvements.**
- 7119 (1) Upon satisfactory completion of all improvements, as determined by the County Engineer, the im-
7120 provements shall enter a conditional acceptance period. At this time, remaining financial guarantee
7121 funds may be released except those necessary for the warranty guarantee, as specified in Subsection
7122 (c)(2) of this section. If street trees or other required landscaping, or driveway aprons, for lots with
7123 a Lot Width greater than 60 feet, are not installed by the time the rest of all the other required
7124 improvements meet satisfactory completion, then, at the discretion of the County Engineer, all other
7125 improvements may enter the conditional acceptance period.
- 7126 (2) Ten percent of the estimated cost of all improvements, using current market costs as approved by
7127 the County Engineer, shall be remitted or retained by the county for a warranty guarantee, for a
7128 period as defined by Utah Code § 17-79-102. If any improvement fails within the warranty guar-
7129 antee period, the failure shall be remediated by the developer, and the warranty guarantee period
7130 shall restart. At the discretion of the County Engineer, the warranty guarantee period, and condi-
7131 tional acceptance, may be restarted for individual improvements needing replacement or repairs,
7132 rather than restarting the entire warranty guarantee period.
- 7133 (e) **Final acceptance of improvements.** After the warranty guarantee period has expired, if the improve-
7134 ments have performed to the County Engineer's satisfaction, the County Engineer shall release the war-
7135 ranty guarantee. At this time the County Engineer may also offer final acceptance of the improvements.
7136 Final acceptance may be withheld if circumstances unforeseen at the time of conditional acceptance
7137 become known that expose the county or the public to unreasonable financial or safety risk. The county
7138 is not responsible for operations or maintenance of public improvements that have not received final
7139 acceptance. At the time of final acceptance of all other improvements, if street trees or other required
7140 landscaping is not satisfactorily installed or has not satisfactorily performed through the minimum war-
7141 ranty period, then the appropriate amount of financial guarantee shall be retained by the County in an
7142 amount sufficient to satisfactorily install the trees or other landscaping, and to ensure proper perfor-
7143 mance of the trees or other required landscaping through the duration of the minimum required warranty
7144 period. If the amount of remaining financial guarantee and warranty guarantee is not sufficient to pay
7145 for the County's current cost to install the street trees, an updated engineer's cost estimate and financial
7146 guarantee shall be retained by the County.
- 7147 (f) **County's authority under default.** If a financial guarantee authorized by this section is defaulted, the
7148 County shall have the authority, in its sole discretion, to use the remaining defaulted funds to make
7149 whatever improvements the County deems necessary to bring the subdivision into or closer to compli-
7150 ance with the requirements of this Land Use Code. For any subdivision that has a defaulted financial
7151 guarantee, the County is authorized, but not obligated, to release financial guarantee funds to a third
7152 party that performs the work that the County has deemed necessary.
-

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7153

7154 **Sec 106-4-4 Inspection Of Improvements**

7155 The County Engineer, Building Official, County Surveyor, and county health officer shall inspect all build-
7156 ings, structures, streets, street monuments, fire hydrants, water supply, and sewage disposal systems in the
7157 course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains, and
7158 laterals shall not be covered over or back-filled until such installations have been approved by the County
7159 Engineer, or utility owner's representative. If any installation is covered before being inspected and ap-
7160 proved, it shall be uncovered after notice to uncover has been issued to the responsible person by the County
7161 Engineer.

7162

7163 **Sec 106-4-5 Public Works Standards And Technical Specifications**

7164 The County hereby adopts the requirements of the APWA 2012 Manual of Standard Plans and Manual of
7165 Standard Specifications, along with the "Public Works Standards and Technical Specifications" prepared
7166 in August 1982 by James M. Montgomery Consulting Engineers. The County Engineer shall have the au-
7167 thority to approve alternative designs and standards when there is compelling evidence that an alternative
7168 design or standard would be best under the circumstances. From time to time, the County may adopt or
7169 replace these documents, in whole or in part, by resolution.

7170

7171

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7172 **CHAPTER 106-5 ENFORCEMENT AND PERMITS**

7173

7174 **Sec 106-5-1 Subdivision Approval Required For Permit**

7175 The county building inspector and Planning Division Director shall not issue any permit unless the plans
7176 for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of
7177 this title. No county officer shall issue any permit or license for the use of any building, structure, or land
7178 when such land is a part of a subdivision as defined herein until such subdivision has been approved and
7179 recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null
7180 and void.

7181

7182 Sec 106-5-2 (Reserved)

7183

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7184 **CHAPTER 106-6 (RESERVED)**

7185

7186 **CHAPTER 106-7 OWNER'S DEDICATION**

7187

7188 **Sec 106-7-1 Subdivision Dedication**

7189 Each subdivision plat shall provide dedication language that clearly explains what the dedication is, to what
7190 public entity it is being dedicated, and for what purpose the dedication is intended. The actual dedication
7191 language may vary for each plat based on the circumstances of the subject property, but the following ample
7192 language, or language substantially similar, shall be used, to the extent applicable. The terms in brackets
7193 indicate a verbiage choice that shall reflect the actual circumstances of the subject property.

7194 “We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the
7195 same into lots and streets as shown hereon and name said tract [name of subdivision].”

7196 “We hereby dedicate, grant and convey to the governing body all those parts or portions of said tract of
7197 land designated as”

7198 ***For public streets.*** “[public streets, the same to be used as public thoroughfares],”

7199 ***Parcel for future public street.*** “[privately operated and maintained streets, the same to be held in fee by
7200 the governing body and reserved for future conversion to a public street at a time of the governing body’s
7201 choosing],”

7202 ***For public trails.*** “[public trails, the same to be used by the public for nonmotorized transportation and
7203 recreation],”

7204 ***For public parks.*** “[parks, the same to be used as public open space],”

7205 and do further dedicate, grant, and convey to Weber County, Utah, a perpetual right and easement over,
7206 upon, and under the lands designated herein as”

7207 ***For public utility easements.*** “[public utility easements, the same to be used for the installation, mainte-
7208 nance, and operation of public utility service lines, storm drainage facilities, irrigation canals, or any other
7209 utility or street-related facility as authorized by the County],”

7210 ***For public drainage easement.*** “[drainage easement, the same to be used for the perpetual preservation of
7211 water channels in their natural state],”

7212 ***For perpetual open space easement.*** “[a perpetual open space right and easement on and over the common
7213 areas and open space areas to guarantee to Weber County that the common areas and open space areas
7214 remain open and undeveloped except for approved recreational, parking, and open space purposes].”

7215 ***If applicable for private reservations.*** “Further, we reserve unto the subdivision [[lot] [unit] owners asso-
7216 ciation, whose membership consists of the owners, their grantees, successors, or assigns of said tract of
7217 land] [lot owners individually, their grantees, successors, or assigns], all those parts or portions of said tract
7218 of land designated as,”

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7219 ***For private streets, rights of way, or common area.*** “[private streets] [private rights-of-way] to provide
7220 access to the individual lots and to be maintained by the [lot owners] [[lot] [unit] owners association],
7221 [common areas to be used for recreational and open space purposes] for the benefit of each [lot] [unit]
7222 owners association member in common with all others in the subdivision,]”

7223 ***For private land drain easement.*** “[reserve unto all owners of lots upon which private land drains are
7224 constructed or which are otherwise dependent upon such land drains, an easement over such land drains for
7225 the purpose of perpetual maintenance and operation.]”

7226

7227 CHAPTER 106-8 SIGNATURE BLOCKS

7228

7229 Sec 106-8-1 Signature Blocks For Various Certifications And Examinations

7230 The following signature blocks are for various forms required by this title:

7231 (a) Weber County Attorney's Office:

7232

7233 I have examined the financial guarantee and other documents associated with this subdivision plat
7234 and in my opinion they conform with the County Ordinance applicable thereto and now in force and
7235 affect.

7236

7237 Signed this ____ day of _____, 20____.

7238

7239 _____ Signature

7240 (b) Weber County Surveyor:

7241

7242 I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for
7243 approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor
7244 does not relieve the Licensed Land Surveyor who execute this plat from the responsibilities and/or
7245 liabilities associated therewith.

7246

7247 Signed this ____ day of _____, 20____.

7248

7249 _____ Signature

7250 (c) Weber County Engineer:

7251

7252 I hereby certify that the required public improvement standards and drawings for this subdivision
7253 conform with County standards and the amount of the financial guarantee is sufficient for the installa-
7254 tion of these improvements.

7255

7256 Signed this ____ day of _____, 20____.

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Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

7257
7258 _____ Signature

7259 (d) Weber County Land Use Authority approval:

7260

7261 This is to certify that this subdivision plat was duly approved by the Weber County Land Use Author-

7262 ity on the ____ day of _____, 20____.

7263

7264 _____ Signature _____ Title

7265 (e) Weber County Commission, if commission approval is require in this chapter:

7266

7267 This is to certify that this subdivision plat, the dedication of streets and other public ways and finan-

7268 cial guarantee of public improvements associated with this subdivision, thereon are hereby approved

7269 and accepted by the Commissioners of Weber County, Utah this ____ day of _____, 20____.

7270

7271 _____ Chairman, Weber County Commission

7272

7273 Attest: _____

7274

7275 Title: _____

7276 (f) Condominium:

7277

7278 (Corporation) Owner's Certificate of Consent to Record

7279

7280 Know all men by these presents: _____, President of _____ Inc., a Utah Corporation,

7281 which is the owner of the tract of land described hereon and the _____, a condominium pro-

7282 ject located on said tract of land, do hereby make this certificate for and on behalf of said Corporation

7283 by authority of a resolution of the Board of Directors of said Corporation, that said Corporation has

7284 caused a survey to be made, and this record of survey map, consisting of ____ sheets to be prepared;

7285 that said Corporation has consented to and does hereby consent to the recordation of this Record of

7286 Survey Map in accordance with the Utah Condominium Ownership Act.

7287

7288 In witness whereof I have set my hand and affixed the Corporate Seal this ____ day of _____,

7289 20____.

7290 (g) (Individual) owner's certificate of consent to record:

7291

7292 Know all men by these presents: _____ being the owners of the tract of land described hereon

7293 and the _____, a condominium project located on said tract of land, do hereby make this cer-

7294 tificate that said owners have caused a survey to be made, and this record of survey map, consisting

7295 of ____ sheets to be prepared; that said owners have consented to and do hereby consent to the re-

7296 cordation of this Record of Survey Map in accordance with the Utah Condominium Ownership Act.

7297

7298 Signed this ____ day of _____, 20____.

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7299

7300 _____ Signature

7301

7302 **TITLE 107 (RESERVED)**

7303

7304

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7305 **TITLE 108 STANDARDS**

7306 **CHAPTER 108-1 DESIGN REVIEW**

7307 **Sec 108-1-1 Purpose**

7308 (a) The purpose and intent of design review by the Land Use Authority is to secure the general purposes
7309 of this chapter and the master plan and to ensure that the general design, layout and appearance of
7310 buildings and structures and the development of property shall in no case be such as would impair the
7311 orderly and harmonious development of the neighborhood or impair investment in and occupation of
7312 the neighborhood.

7313 (b) It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed
7314 or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such
7315 detail is of such magnitude as to affect the general appearance and compatibility of the development
7316 with its surroundings or as guided by the Architectural and Landscape chapter.

7317 **Sec 108-1-2 Applicability, Application, And Review**

7318 (a) *Applicability.* All applications for occupancy permits or building permits for all multifamily (over four)
7319 dwellings, recreation resort uses, public and quasi-public uses, business, commercial, and manufactur-
7320 ing buildings, structures, and uses, and their accessory buildings, shall not be approved until after a
7321 review for compliance with this and related chapters.

7322 (b) *Application requirements.* be accompanied by architectural elevations and site development plans to
7323 scale, which shall show building locations, major exterior elevations, exterior building materials and
7324 color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, ve-
7325 hicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and
7326 proposed new grades, and any other pertinent information necessary to demonstrate compliance with
7327 this chapter and other applicable regulations of this Land Use Code. Submitted Design Review appli-
7328 cations and all related submittal information shall be in a PDF file format.

7329 (c) *Land Use Authority.* The Planning Commission is the Land Use Authority for Design Reviews, except
7330 that the Planning Division Director is the Land Use Authority for:

7331 (1) Small buildings or additions with a total footprint of less than 10,000 square feet, and which impact
7332 an area of less than one acre; and.

7333 (2) In the Destination and Recreation Resort Zone a building with a footprint of less than 75,000
7334 square

7335
7336 (d) *Modifications.* The applicability of the provisions of this chapter may be waived or modified by the
7337 County Commission by means of an executed and recorded development agreement. The specific
7338 waiver or modification shall be explicitly stated in the development agreement. The specific waiver or
7339 modification is subject to a public hearing with, and recommendation from, the Planning Commission
7340 prior to County Commission final decision.

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7341 **Sec 108-1-3 Exceptions**

7342 For a Conditional Use Permit, Design Review shall be incorporated into the Conditional Use Permit review
7343 and does not require a separate application.

7344 Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as
7345 set forth in Section 108-1-4.

7346

7347 **Sec 108-1-4 Considerations In Review Of Applications**

7348 A Design Review application shall comply with the following requirements and standards as well as the
7349 requirements and standards of Title 108 Chapter 2. When approving a Design Review application, the Land
7350 Use Authority may apply conditions or requirements that are necessary to satisfactorily render compliance
7351 with these requirements and standards, or that are necessary to adequately mitigate reasonably anticipated
7352 negative effects of the proposal within the context of these requirements and standards.

7353 (a) ***Traffic safety and traffic congestion.***

7354 (1) The impact of the development on traffic conditions on abutting and other streets, including inter-
7355 sections leading to the development.

7356 (2) The impact, both offsite and onsite, of the configuration, location, and dimensions of vehicular and
7357 pedestrian entrances, exits, drives, and walkways in a manner that creates efficient and convenient
7358 travel to, through, and passed the development.

7359 (3) The arrangement and adequacy of off street parking facilities and queuing lanes to prevent both
7360 offsite and onsite traffic congestion.

7361 (4) The need for and potential impact of the configuration, location, and dimensions of truck loading
7362 and unloading facilities.

7363 (5) Provision of efficient circulation patterns within the boundaries of the development. I

7364 (6) The surfacing and lighting of off street parking facilities.

7365 (7) Each street adjoining, fronting, or otherwise leading to a site shall be dedicated and developed in
7366 accordance with minimum adopted standards and procedures provided in Title 106 Chapter 4 or
7367 any other standard, if greater, listed in this Land Use Code. Unless a greater standard or facility
7368 type is applicable, in commercial, manufacturing, and multi-family residential zones, six-foot wide
7369 or greater sidewalks are required. For a street in any zone that is planned for a multi-use street-
7370 adjacent pathway, as shown on the general plan or as otherwise previously established along other
7371 segments of the same street, a 10-foot wide multi-use pathway or sidewalk is required.

7372 (b) ***Considerations relating to outdoor advertising.*** The number, location, color, size, height, lighting, and
7373 landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the
7374 blanketing of adjacent property signs and the appearance and harmony with other signs and structures
7375 with the project and with adjacent development.

7376

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7377
7378 (c) ***Considerations relating to utility easements and drainage.*** Provision within the development shall be
7379 made to provide for adequate storm water and surface water drainage, retention facilities, and for util-
7380 ities to and through the property.

7381
7382 **Sec 108-1-5 Conditions**
7383 Design approval may include such other conditions consistent with the considerations of this, or any other
7384 chapter of this Land Use Code, as the Land Use Authority deems reasonable and necessary to carry out the
7385 intent of the Land Use Code.

7386
7387 **Sec 108-1-6 (Reserved)**
7388

7389 **Sec 108-1-7 Agreement For Improvements**
7390 Upon the grant of Design Approval, the developer shall enter into an improvements agreement with the
7391 county detailing the public and private improvements to be constructed on and off site and acknowledging
7392 his responsibility for such installation within the time allowed. Financial guarantees for completing im-
7393 provements shall be deposited into an escrow account with the Weber County Engineering Division when
7394 and where so required. Occupancy shall not occur until all improvements have either been installed or
7395 guaranteed.

7396
7397 **Sec 108-1-8 Time Limitations On Approval**
7398 If construction of any development for which Design Review approval has been granted has not been com-
7399 menced within 18 months from date of the approval, the approval shall be deemed automatically revoked.
7400 Upon application, an extension of time may be granted by the Land Use Authority.

7401
7402 **Sec 108-1-9 Transfer Of Approval Upon Change In Use**
7403 Design Review approval shall be deemed revoked if the buildings erected or the classification of their use
7404 or the classification of the use of land for which the approval was granted is changed, unless the approval
7405 is transferred by the Planning Division Director and as long as all requirements of this Land Use Code are
7406 met for the new use.

7407
7408 **Sec 108-1-10 Conformance To Approval**
7409 Development for which design approval has been granted shall conform to the approval and any conditions
7410 attached thereto.

7411

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7412 **Sec 108-1-11 Modification**

7413 Upon request of the applicant, modifications in the approved plan may be made by the Land Use Authority.

7414 De minimis revisions. The Planning Division Director may approve revisions to an approved Design Re-
7415 view plan that is de minimis in nature. Proposed revisions shall be considered de minimis if the Planning
7416 Division Director determines the changes to be slight, inconsequential, and not in violation of any substan-
7417 tive provision of this Code. The Planning Division Director's written approval of a de minimis revision(s)
7418 shall be appended to the written decision of the Land Use Authority. Revisions that are de minimis shall
7419 not require public notice.

7420 The Land Use Authority may revoke or modify a design approval which does not conform to any require-
7421 ment of the approved permit.

7422

7423

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CHAPTER 108-2 ARCHITECTURAL, LANDSCAPE, AND SCREENING DESIGN STANDARDS

Sec 108-2-1 Purpose And Intent

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

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

Sec 108-2-2 Definitions

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

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

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

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

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7458 **Mulch** means organic or inorganic matter used as a landscape covering over bare earth. Organic matter
7459 often used is chipped or shredded bark. Inorganic materials include gravel, rock or other rock products.
7460 Erosion matting, weed barriers or geotextile fabrics are not considered mulches.

7461 **Parkstrip** means, if curb and gutter is present, the area within the street right-of-way which lies between
7462 the back of curb and the sidewalk or, if the sidewalk is adjacent to the curb and gutter, it is the area between
7463 the sidewalk and the property line. In areas where no curb and gutter is present, it is the area between the
7464 edge of pavement and the property line.

7465 **Shrubs** means self-supporting, woody plant species without a trunk.

7466 **Turf grass** means a contiguous area of grass and the surface layer of earth held together by the grass roots.

7467 **Trees** means self-supporting woody plants having a trunk and canopy.

7468 **Vines** means woody and herbaceous plants that generally grow by rambling over the ground or climbing
7469 on some structure for support.

7470

7471 **Sec 108-2-3 Applicability**

7472 (a) **Applicability.** The architectural, landscape and screening design standards, as set forth in this chapter,
7473 shall only apply to the following:

7474 (1) All commercial, and public or quasi-public uses, except public park facilities;

7475 (2) Multi-family dwellings of three or more units, including townhouses, condominiums, apartments
7476 and bed and breakfast inns; and

7477 (3) Industrial and manufacturing uses;and

7478 (4) Any other use or development as otherwise required by this Land Use Code, a development agree-
7479 ment, or as otherwise required by another requirement approved or adopted by the County Com-
7480 mission.

7481 (b) **Specific considerations in the DRR-1 zone.** In the Destination and Recreation Resort Zone where a
7482 master plan has been approved, the Land Use Authority may modify the applicability of any provision
7483 of this chapter by approving a landscape, buffering, and screening plan created by the developer if the
7484 land use authority determines that the plan is consistent with the approved master plan. For the purposes
7485 of this section, the term "developer" refers to the signatory, successors, or assigns of a development
7486 agreement, or as otherwise defined in an applicable development agreement.

7487

7488 **Sec 108-2-4 Minimum Standards; Architectural**

7489 The following architectural design standards shall apply to exteriors of new and remodeled structures:

7490 (a) **Color.** External surfaces shall be predominantly natural, muted earth tones. White may only be used as
7491 an accent color. The roof of an addition to an existing structure, when matching existing colors, shall
7492 be exempt.

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-
- 7493 (b) *Exposed fronts and street sides of buildings.* Exposed fronts and street sides of buildings shall be con-
7494 structed of non-reflective materials and shall be brick, natural stone, manufactured or cast stone with
7495 relief no less than one-inch deep, board-formed concrete, or wood siding or similar appearing siding
7496 such as engineered wood and fiber-cement board that is manufactured to appear like wood. Concrete
7497 masonry units or block CMUs, including split-faced CMUs, shall not be considered acceptable materi-
7498 als unless specially colored and textured to give an appearance of realistic natural rough stone. Vinyl
7499 and/or aluminum siding shall not be acceptable.
- 7500 (c) *Glass.* Use of glass for displays and to allow visual access to interior spaces shall be allowed. Mirrored
7501 glazing is prohibited on any building. Tinted or solar absorption glazing may be used.
- 7502 (d) *Exposed metal.* Exposed metal shall be painted, stained, or anodized in permitted colors and shall be
7503 non-reflective. Copper, brass and wrought iron may remain untreated and allowed to develop a natural
7504 patina.
- 7505 (e) *Metal windows.* Metal as a window framing support or mounting material shall be painted, stained,
7506 anodized or vinyl-clad in approved colors.
- 7507 (f) *Architectural detail.* Architectural detail shall be provided at focal points on all building facades, such
7508 as doorways, balconies, roof overhangs and dormers, such that monotonous horizontal lines greater
7509 than 50 feet do not occur.

7510

7511 **Sec 108-2-5 Minimum Standards And Guidelines; General Landscaping**

- 7512 (a) ***Minimum landscaped area.*** Sites shall have a minimum of 20 percent of the total lot area landscaped
7513 with at least groundcover as otherwise allowed in this chapter and Chapter 1 of this Title.
- 7514 (b) ***Maximum turf grass area.*** Turf grass, if used, shall be limited. See Section 108-7-12 for the maxi-
7515 mum area that may be irrigated turf grass. Turf grass species, if used, shall be hardy to the local area.
7516 Application rates shall be high enough to provide even and uniform coverage within one growing sea-
7517 son.
- 7518 (c) ***Front and side property lines adjacent to a street.*** Sites shall provide a planting area, excluding side-
7519 walk, of at least 20 feet in width along front and side property lines adjacent to a street right-of-way. If
7520 a lesser Setback is allowed by the applicable zone, then the width of the planting area shall be the
7521 distance from the street right-of-way to the building provided the street frontage meets the complete
7522 street requirements of Section 104-20-4(c), incorporated herein by reference.
- 7523 (d) ***Side and rear property lines.*** Side and rear property lines not adjacent to a street right-of-way shall
7524 have a planting area of not less than eight feet in width, except if a lesser Setback is allowed by the
7525 applicable zone, then the width of the planting area shall be the distance from the street right-of-way to
7526 the building.
- 7527 (e) ***Side and rear of building.*** Minimum planting areas of at least five feet in width shall be provided along
7528 the sides and rear of the building except where service areas, docks and entrance points are located. If
7529 a lesser Setback is allowed by the applicable zone, then the width of the planting area shall be the
7530 distance from the street right-of-way to the building.

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-
- 7531 (f) **Parkstrips.** All parkstrips shall be landscaped in a manner that complies with the following:
- 7532 (1) All parkstrips shall be landscaped with angular rock no less than two inches in size. The parkstrip
- 7533 may be interspersed with drought tolerant shrubs, ornamental grasses, or flowering plants.
- 7534 (2) All plantings shall be maintained by the adjoining landowner in compliance with Section 108-7-
- 7535 7.020 and Section 108-7-7.030.
- 7536 (3) In subdivisions where trees are required to be installed within parkstrips, the adjoining landowner
- 7537 is required to install a drip system with drip emitters rated at 5 gallons per hour or less.
- 7538 (g) **Other areas.** All areas within the site which are not occupied by the primary and accessory uses, struc-
- 7539 tures or parking areas, shall also be landscaped. This includes future expansion areas for either building
- 7540 or parking, except that the living plant material requirement of part (a) of this section shall be waived
- 7541 if replaced with no less than four-inch deep mulch underlaid with industrial-grade weed barrier.
- 7542 (h) **Compliance; financial guarantee.** All elements of the landscape plan, including planting, watering,
- 7543 screening, and paving shall be installed as approved. If landscaping improvements are not to be com-
- 7544 pleted until after the occupancy of the primary building, a completion agreement and financial guaran-
- 7545 tee, not to exceed one year, shall be provided.
- 7546 (i) **Plant material.** Plant material shall be as follows:
- 7547 (1) **Quality.** Initial plantings used in conformance with the provisions of this chapter shall be in good
- 7548 health and capable of flourishing.
- 7549 (2) **Size.** Plant sizes at the time of installation shall be as follows:
- 7550 a. **Deciduous trees.** All deciduous trees shall have a minimum trunk size of two inches caliper.
- 7551 b. **Evergreen trees.** All evergreen trees shall have a minimum height of six feet as measured from
- 7552 the top of the root ball.
- 7553 c. **Shrubs.** Woody shrubs shall have a minimum height or spread of 18 inches, depending upon
- 7554 the plant's natural growth habit. As a point of reference, plants in five-gallon containers will
- 7555 usually comply with this standard.
- 7556 d. **Vines.** Vines shall be five-gallon minimum size.
- 7557 e. **Groundcover.** Living groundcover may be used to meet landscaping area requirements pro-
- 7558 vided it is planted densely enough that it will grow into reasonably full and even coverage
- 7559 within two growing seasons after planting. Other ground cover shall consist of natural or col-
- 7560 ored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
- 7561 f. **Turf grass.** Turf grass species shall be hardy to the site and be of the type normally specified
- 7562 for the area. Turf may be planted by sodding, plugging, sprigging or seeding. Application rates
- 7563 for plugs, sprigs and seed shall be high enough to provide even and uniform coverage of turf
- 7564 within one growing season after planting.
- 7565 g. **Erosion control.** Areas where erosion is expected to occur under normal conditions, such as
- 7566 drainage swales and/or slopes greater than 30 percent, shall be planted with deep-rooting water-
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- 7567 conserving plants in close enough proximity to provide for erosion control and soil conserva-
7568 tion.
- 7569 (3) **Selection.** Plants used in conformance with the provisions of this chapter shall be hardy and capable
7570 of withstanding the extremes of the climate of the site. The use of drought tolerant and native plants
7571 is strongly encouraged where site conditions can support them.
- 7572 (4) **Installation.** All plant materials shall be installed in accordance with the current professional plant-
7573 ing procedures.
- 7574 (5) **Watering.** All landscaped areas containing living plant material shall be provided with an automatic
7575 watering system except as authorized by the land use authority. An automatic watering system shall
7576 provide unique watering stations, each with their own valve, whereon vegetation with similar wa-
7577 tering needs are grouped. Low emitting watering devices shall not be located on the same station
7578 as sprinkler heads.
- 7579 (j) **Maintenance.** Plant maintenance shall be as follows:
- 7580 (1) **Responsibility.** The owner of the premises shall be responsible for the maintenance, repair, and
7581 replacement of all landscaping materials on the site. Each owner is also responsible for maintenance
7582 of the parkstrip in front or to the side of the property.
- 7583 (2) **Materials.** All plant materials shall be maintained in good condition so as to present a healthy, neat
7584 and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant material,
7585 refuse and/or debris.
- 7586 (3) **Replacement.** All dead or removed plants shall be replaced with the same type and size of plant
7587 material as originally specified on the approved landscape plan. No substitutions shall be allowed
7588 without prior approval of the land use authority. Replacement shall be made within 30 days of the
7589 plant's demise or removal. In cases where the 30-day time limit for replacement extends beyond
7590 the normal growing season, replacement shall be made at the beginning of the following growing
7591 season.
- 7592 (4) **Fences, walls and hedges.** Fences, walls and hedges shall be maintained in good repair.
- 7593 (5) **Watering systems.** Watering systems shall be maintained in good operating condition to promote
7594 water conservation.
- 7595 (k) **Design guidelines.** Landscaping design shall be as follows:
- 7596 (1) **Scale.** The scale and nature of landscaping materials shall be appropriate to the size of the structures
7597 to be landscaped. Large buildings should generally be complemented by larger plants and planting
7598 beds.
- 7599 (2) **Selection.** Plants shall be selected for form, texture, color, habit and adaptability to local conditions.
- 7600 (3) **Softening.** Plants shall be placed intermittently against building walls, fences and other barriers
7601 longer than 50 feet to create a softening effect and add variety.

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- 7602 (4) **Mulch.** Planting beds may be mulched with bark chips, decorative stone or similar materials. Mulch
7603 shall not be used as a substitute for plant material unless specifically allowed in this chapter.
7604 Mulched areas shall be underlaid with an industrial-grade weed barrier.
- 7605 (5) **Water conservation.** All watering systems shall be designed for efficient use of water. Turf grass
7606 areas and other planting areas shall be on separate watering valve systems and adjusted to generally
7607 support the minimum watering needs of the plant types being watered.
- 7608 (6) **Energy conservation.** Placement of plant materials shall be designed to reduce the energy require-
7609 ments for heating and cooling of the development. Summer shade and blocking of winter winds
7610 should be considered.
- 7611 (7) **Berming.** Earth berms and existing topographic features shall be incorporated into the proposed
7612 landscape, where appropriate, to enhance screening and provide variety in the ground plane.
- 7613 (8) **Pedestrian access and area connectivity.** Landscape and site design shall provide for the most
7614 efficient and direct pedestrian accessibility and connectivity practicable given typical pedestrian
7615 traffic patterns.
- 7616 a. **Connection to main entrance.** Except for a building with a zero Setback from the street right-
7617 of-way, at least one five-foot-wide pedestrian connection shall be provided from the street
7618 right-of-way to the most prominent public entrance onsite. Additional five-foot-wide pedes-
7619 trian connections shall be provided for other public entrances if they are located greater than
7620 200 feet from another entrance with a designated pedestrian connection. The connections shall:
- 7621 1. Offer the most efficient and direct path practicable; and
- 7622 2. Be buffered on at least one side with landscaping to protect from automobile cross-traffic,
7623 except that a pedestrian crossing no greater than 24 feet in width may be provided where a
7624 pedestrian connection crosses vehicle accessways. This width may be increased to up to 40
7625 feet if the pedestrian crossing is raised at least six inches above the grade of the vehicle
7626 accessway. A pedestrian crossing shall be either painted on the parking lot surface or be
7627 colored concrete.
- 7628 b. **Connection to adjacent land.** Pedestrian connections shall be made to pedestrian facilities
7629 stubbed to the property from an adjacent site. Pedestrian connections to adjacent undeveloped
7630 land shall be provided when the land use authority has a reasonable anticipation of impending
7631 development on the adjacent site. These connections shall align along the most efficient and
7632 direct path practicable given reasonably anticipated alignment of adjacent facilities and site
7633 conditions.
- 7634 c. **Pathways and pedestrian access maintenance.** It shall be the responsibility of the owner of
7635 the land to ensure a pathway or pedestrian access running over the land or running in a public
7636 easement or public right-of-way generally parallel and adjacent to the land is continuously
7637 maintained. It shall be kept clear for safe pedestrian use, including, but not limited to, the re-
7638 moval of debris, refuse, ice, snow, weeds or other unwanted vegetation, and carts, vehicles, or
7639 any other object that may disrupt safe pedestrian access.

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(9) **Noise, dust, and transportation mitigation.** In addition to the general landscape requirements and where a proposed use creates noise or dust emissions greater than surrounding uses, a landscaped buffer shall be required along the affected area accommodating such uses.

a. **Berming and trees.** A landscaping buffer shall consist of a four-foot or taller earthen berm incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a minimum of three evergreen and three deciduous trees per 50 lineal feet and shall be sized at a minimum of six feet in height for evergreen trees and three-inch caliper for deciduous trees.

b. **Berming and shrubs.** A mixture of shrubs shall also be planted on the berm with a minimum of 15 shrubs per 100 lineal feet of berm and have a minimum height of 36 inches at the time of installation.

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

(a) **Landscaping between parking and street.** A continuous landscape area shall be provided between the edge of an off-street parking area or other vehicular use area and an adjacent street right-of-way. The minimum landscaping shall consist of the following:

(1) **Trees.** Trees shall be planted and spaced at the equivalent of one tree per 40 lineal feet or fraction thereof along the length of the landscape area, unless a greater distance is allowed by the land use authority based on the species ability to offer a wide canopy.

(2) **Shrubs and groundcover.** In addition to trees, the landscape area shall be planted with low shrubs or groundcovers. The total combined height of earthen berms and plant materials, excluding trees, shall not be less than 18 inches and not more than 48 inches.

(3) **Screening.** A fence, permanent screen, or wall may also be installed within the landscaping area; however, the non-living screening device shall not exceed four feet in height, and shall not replace the plant material requirement. The minimum plantings specified shall be installed on the street side of the screen. Additional plant materials may be planted on the parking area side of the screen.

(4) **Berms.** For off-street parking or other vehicular use areas that are greater than 20 feet from a street right-of-way, an earthen berm shall be constructed along the landscape area to provide screening. Berm height may vary between 18 inches and 36 inches, provided that at least 75 percent of the entire length of the landscape area shall maintain a berm height of 36 inches.

(b) **Landscaping between parking and side or rear lot line.** Parking areas within 12 feet of a side or rear lot line shall have a continuous landscape area consisting of an evergreen and deciduous shrub border or hedge planted along the entire length of the landscaped area. The minimum width of this landscape area shall be eight feet as specified in this chapter. Shrubs used shall not be less than three feet in height at maturity. Combinations of shrubs and permanent fences or screens may also be considered by the land use authority.

(c) **Access ways.** Necessary access ways from the public right-of-way through the continuous landscape area to the parking or other vehicular use areas shall be permitted. The width of said access ways, measured from back of curb to back of curb, or edge of pavement to edge of pavement if no curb is

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- 7678 present, may be subtracted from the overall linear dimension used to determine the number of required
7679 trees.
- 7680 (d) **Landscape exceptions.** The following are exceptions to landscaping requirements:
- 7681 (1) Existing hedges may be used to satisfy this landscaping requirement, provided they meet the spec-
7682 ified requirements of this chapter.
- 7683 (2) Areas where the clear sight distance regulations of this title apply, pursuant to Section 108-7-7.
- 7684 (e) **Internal parking lot landscape standards.** Parking areas having more than 15 spaces shall be required
7685 to provide interior landscaping within the boundaries of the parking lot or area that meets the following
7686 criteria:
- 7687 (1) **Minimum parking lot landscape area.** A minimum of five percent of the interior area shall be
7688 landscaped. Landscaped areas located along the perimeter of the parking area beyond the curb or
7689 edge of pavement shall not be included as interior landscaping.
- 7690 (2) **Calculating parking lot area.** Interior parking area shall be calculated by adding the total area of
7691 all parking stalls and adjacent driveway aisles. Excluded are access entrances/driveways and drop-
7692 off or service zones and their accompanying driveway aisles.
- 7693 (3) **Parking lot landscape islands.** Each separate interior landscape island shall contain a minimum of
7694 120 square feet and shall have a minimum dimension of five feet as measured from back of curb to
7695 back of curb, or from edge of pavement to edge of pavement. Landscape islands shall be dispersed
7696 throughout the parking area to effectively break up the expanse of paving.
- 7697 (4) **Parking lot trees and shrubs.** Landscape treatment shall consist of one tree per each 120 square
7698 feet of the minimum required interior landscape area. Man-made shade canopies may replace up to
7699 50 percent of the trees required by this part provided the color is a muted natural earth tone com-
7700 monly found in the area. A minimum of 50 percent of the minimum required interior landscape
7701 area shall be planted with shrubs or groundcovers at the appropriate density to achieve complete
7702 coverage within two years. Mature shrub or groundcover height shall not exceed four feet as meas-
7703 ured from the parking surface.
- 7704 (5) **Parking lot landscape island protection barriers.** Interior landscaped areas shall be protected by
7705 some type of permanent barriers.

7706

7707 **Sec 108-2-7 Screening And Buffering**

- 7708 (a) **Screening device materials.** Screening device materials shall be as follows:
- 7709 (1) A non-plant material screening device may be constructed of textured, non-reflective metal, brick,
7710 natural stone, manufactured or cast stone with relief no less than one-inch deep, board-formed con-
7711 crete, or wood siding or similar appearing siding such as engineered wood and fiber-cement board
7712 that is manufactured to appear like wood. If colored, the screening devices shall be of a neutral,
7713 muted earth tone color and have a nonreflective finish. This color shall be considered for approval
7714 along with other colors during the Design Review or Conditional Use Permit review. A chainlink

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- 7715 fence used for screening shall be powder or vinyl coated, shall have interlocking slats, and shall be
7716 of a muted earth-toned color observable in the general area.
- 7717 (2) A combination of earth berming or mounds and plant materials may be used as a screening device,
7718 and is recommended, unless otherwise required herein, where practicable.
- 7719 (b) *Screening parking area.* Parking areas shall be obscured from view along any property line, which is
7720 contiguous to a residential use or zoning district, or along those separated by an alley, as specified in
7721 this chapter.
- 7722 (c) *Screening height.* The side and rear screens or buffers of parking areas, whether plant material or non-
7723 living device shall be a minimum of size six feet in height as measured from the parking surface. The
7724 first 25 feet of the side lot line screen or buffer, as measured from the street right-of-way, shall not
7725 exceed four feet in height.
- 7726 (d) *Screening of staging areas.* Loading, delivery and service docks or bays shall be located in the rear or
7727 side yards of the property and shall be screened from view from the street right-of-way by a screening
7728 device at least six feet in height.
- 7729 (e) *Screening mechanical equipment.* Mechanical equipment, whether roof or ground mounted shall be
7730 screened from street and residential district view by a screening device compatible with the building's
7731 materials.
- 7732 (f) *Screening trash dumpsters.* Trash dumpsters shall be located in an area shown on the approved site
7733 plan, and shall comply with the following:
- 7734 (1) All trash dumpsters shall be completely screened from street or public view by a six foot screening
7735 device on three sides. The fourth side shall be a gate constructed of opaque materials.
- 7736 (2) The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six
7737 inches in thickness. The concrete pad shall match the adjacent grade and paving and provide for
7738 positive drainage.
- 7739 (3) All dumpster enclosures or screens shall be illustrated and submitted with the site plan for review
7740 and approval.

7741

7742 **Sec 108-2-8 Clear Sight Distance For Landscaping And Screening**

7743 The requirements of Section 108-7-7 apply for all landscaping and screening.

7744

7745 **Sec 108-2-9 Site Plan Supplemental Requirements**

- 7746 (a) *Color copies required.* In addition to site plan requirements specified elsewhere in this Land Use Code,
7747 colored architectural elevations, colored signage plans, and landscape plans shall be included with all
7748 site plan submittals.
- 7749 (b) *Landscape plan requirements.* A landscape plan shall be required whenever landscaping or alteration
7750 of landscaping is required by this chapter. Such landscape plans shall be drawn in conformance with

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- 7751 the requirements specified in this chapter. Landscape plans shall be approved by the land use authority
7752 prior to the issuance of a building permit. All landscape plans submitted for approval shall contain the
7753 following information, unless specifically waived by the Planning Division Director:
- 7754 (1) The location and dimensions of all existing and proposed structures, property lines, easements,
7755 parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths,
7756 ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding elec-
7757 trical equipment, tot lots and playground equipment, all recreational facilities, and other freestand-
7758 ing structural features deemed necessary to accurately portray existing and proposed site charac-
7759 teristics.
- 7760 (2) The location, quantity, size and name (both botanical and common names) of all proposed plant
7761 material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent of
7762 mature size.
- 7763 (3) The location, size and common names of all existing plant material (including trees and other plants
7764 in the parkstrip) and whether they are to be retained or removed.
- 7765 (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the
7766 site. Where adjacent trees are growing in native or natural clumps or groves such that showing
7767 individual tree locations is impractical, canopy outlines are acceptable.
- 7768 (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals.
7769 Show any walls or retaining structures proposed, along with their respective elevations. Proposed
7770 earth beaming shall be indicated using one-foot contour intervals.
- 7771 (6) Water-efficient landscape watering system (separate plan required). This system shall indicate the
7772 locations and types of all equipment, including sprinkler heads, control valves, quick-coupling
7773 valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.
- 7774 (7) Summary data table indicating the area of the site in the following classifications:
7775 a. Total area of the site.
7776 b. Total area and percentage of the site in landscape area.
7777 c. Total area and percentage of the site in turf grass.
7778

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COLOR KEY: O.V. incorporation-related. Policy shift.

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7779 **CHAPTER 108-3 (RESERVED)**
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COLOR KEY: O.V. incorporation-related. Policy shift.

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CHAPTER 108-4 CONDITIONAL USES

Sec 108-4-1 Purpose And Intent

(a) The purposes of this chapter are to:

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

(2) Provide a reasonable process for the application for, and timely review of, a conditional use permit.

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

Sec 108-4-2 Conditional Use Permit

(a) A conditional use permit shall be required for all uses listed as a conditional use in this Land Use Code.

(b) In the event a change is anticipated from the originally approved proposal or conditions of the original approval, an amendment to the original conditional use permit shall be required as provided herein.

(c) A conditional use permit shall run with the property unless the permit has expired or has been revoked or the use has been abandoned.

Sec 108-4-3 Application And Review Procedure

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

(a) **Application requirements.** The application shall include the information in the following list; for those applications where no changes are proposed to an existing site or structure, or where the application requirements are unnecessary to demonstrate compliance with applicable ordinances and standards, the application requirements may be modified or consolidated by the Planning Division Director or designee:

(1) A completed application submittal in a form determined by the planning division;

(2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application;

(3) A written narrative explaining the proposal. The narrative shall include, at a minimum, the following information:

a. The name of the project;

b. The name, home address, and, if applicable, business address of the applicant;

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- 7822 c. As applicable, the name and business address of the project designer or engineer; and
- 7823 d. A written explanation of how the proposal complies with the applicable standards of Section
- 7824 108-4-5, and those applicable standards of Title 108, Chapter 1, and Title 108, Chapter 2;
- 7825 (4) A detailed vicinity map. The map shall include, at a minimum, the following information:
- 7826 a. The name of the project;
- 7827 b. A north arrow;
- 7828 c. All significant natural and manmade features and existing structures within 200 feet of any
- 7829 portion of the proposed project area;
- 7830 d. The property boundaries of the proposal; and
- 7831 e. The names and site addresses of adjacent property owners;
- 7832 (5) A site plan of the proposal. The site plan shall be designed to provide, at a minimum, the following
- 7833 information:
- 7834 a. The name of the project;
- 7835 b. The name, home, and, if applicable, business address of the applicant;
- 7836 c. If applicable, the name and business address of the project designer or engineer;
- 7837 d. A scale, which shall be sized appropriately to make the site plan easily and clearly legible;
- 7838 e. A north arrow pointing to the left or top of the sheet;
- 7839 f. The boundary of the site, including any building pad, public and private easements, and other
- 7840 areas affected by the proposal;
- 7841 g. The existing uses and ownership information for adjacent parcels;
- 7842 h. Existing zoning;
- 7843 i. Total acreage of the entire affected property and, if the property is split by zoning, the total
- 7844 acreage of property in each zone;
- 7845 j. The location and width of existing and proposed roads, driveways, and parking areas, as may
- 7846 be applicable;
- 7847 k. The location of any existing and proposed manmade features, including, but not limited to,
- 7848 bridges, railroad tracks, trails and pathways, structures, and fences;
- 7849 l. The existing and, if applicable, proposed culinary water, secondary water, irrigation water, and
- 7850 sanitary sewer or septic infrastructure;
- 7851 m. The existing and proposed topographic contours, including, if applicable, any details necessary
- 7852 to explain proposed grade changes, fills or excavations, or any other earth work, together with
- 7853 any applicable drainage plans, stormwater pollution prevention plans, and revegetation plans;
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- 7854 n. The location and type of existing landscaping and vegetation, and proposed changes thereto, if
7855 any. If applicable, location and type of new landscaping and vegetation;
- 7856 o. The location of flood plain boundaries, if applicable; and
- 7857 p. Any other proposed site improvements showing details and other applicable design and archi-
7858 tectural requirements specified in title 108, chapter 1, and title 108, chapter 2;
- 7859 (6) Culinary water and sanitary sewer or septic verification, as may be applicable for the specific use.
7860 Culinary water and sanitary sewer or septic verification shall include feasibility letters from the
7861 applicable water and sanitary sewer or septic entity or agency;
- 7862 (7) Applicable impact studies or other technical studies that may be necessary to provide evidence of
7863 anticipated detrimental effects of the proposal or evidence of compliance with the applicable stand-
7864 ards, as may be required by the Planning Division Director or County Engineer; and
- 7865 (8) Any additional pertinent information needed to adequately describe the proposal, or provide evi-
7866 dence of compliance with the applicable standards, as determined by the Planning Division Direc-
7867 tor.
- 7868 (b) **Application submittal and review.**
- 7869 (1) Review of a conditional use permit application is intended to verify compliance with applicable
7870 ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.
- 7871 (2) The application review procedure is as follows:
- 7872 a. **Pre-application meeting.** Prior to submission of a complete application, a pre-application
7873 meeting is required to be held with planning division staff, in which the applicant will provide
7874 preliminary plans for planning division staff to review and discuss with the applicant. This
7875 meeting is intended to provide the applicant with a better understanding of the conditional use
7876 process and requirements in order to assist with the submission of a complete application.
- 7877 b. **Complete application submission.** Upon assembling a complete application, the applicant shall
7878 submit it for substantive review. Incomplete applications shall not be accepted. Staff will re-
7879 view the application for completeness. In the event the application is incomplete, staff will
7880 return it to the applicant with a list of deficiencies.
- 7881 c. **Referral of the application to reviewers.** Upon acceptance of an application, planning staff
7882 shall transmit it to applicable reviewers as may be determined necessary to verify compliance
7883 with the standards of this chapter, or any other relevant requirements of this Land Use Code.
- 7884 d. **Reviewer's recommendations.** Within a reasonable time frame, applicable reviewers shall for-
7885 ward to planning division staff reasonable recommendations for conditions necessary to sub-
7886 stantially mitigate the reasonably anticipated detrimental effects of the proposed use in accord-
7887 ance with applicable standards.
- 7888 e. **Planning staff review and recommendation.** Planning staff shall review the application, to-
7889 gether with any reasonable recommendations from applicable reviewers, to determine compli-
7890 ance with this Land Use Code. Planning staff shall assemble a staff recommendation, with
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7891 conditions and findings, for the application, then forward the recommendation with the appli-
7892 cation to the land use authority for a final decision.

7893 f. **Land use authority review and decision.** Upon receipt of the application and staff recommen-
7894 dation, the Land Use Authority shall make final decision on whether the application complies
7895 with this Land Use Code, in accordance with the requirements of Section 108-4-4. Final deci-
7896 sions shall be accompanied by any applicable conditions and relevant findings.

7897 g. **Land use authority.** The Planning Commission is the Land Use Authority for Conditional Use
7898 Permits. De minimis revisions to a previously approved Conditional Use Permit may be ap-
7899 proved by the Planning Division Director provided it can be determined that the changes are
7900 slight, inconsequential, and not in violation of any substantive provision of this Code. The
7901 Planning Division Director's written approval of a de minimis revision shall be appended to the
7902 written decision of the Land Use Authority. Revisions that are de minimis shall not require
7903 public notice.

7904

7905 **Sec 108-4-4 Decision Requirements**

7906 (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to sub-
7907 stantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with
7908 the standards of this chapter, or relevant standards or requirements of any other chapter of this Land
7909 Use Code. When considering any of the standards, the land use authority shall consider the reasonably
7910 anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent
7911 supported by law, the policy recommendations of the applicable general plan.

7912 (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially
7913 mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with appli-
7914 cable standards, the conditional use may be denied.

7915

7916 **Sec 108-4-5 Conditional Use Standards**

7917 (a) **Conditions of approval; credible evidence.** The land use authority may apply conditions of approval
7918 related to any of the standards of this section, provided that credible evidence exists that:

7919 (1) The application of the standard is relevant to the use; and

7920 (2) The conditions are reasonable and necessary to substantially mitigate detrimental effects of the use
7921 as specified in the standard.

7922 (b) **Consideration from qualified professionals.** The land use authority shall consider the expertise and
7923 experience of applicable reviewers and qualified professionals to help determine credible evidence,
7924 relevant standards, and reasonable conditions.

7925 (c) **Standards.** Conditional use standards are as follows:

7926 (1) **Standards relating to safety for persons and property.**

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- 7927 a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on
7928 applicable fire fighting agencies.
- 7929 b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emer-
7930 gency medical service agencies.
- 7931 c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keep-
7932 ing activities, or other disproportionate demand for services on the county sheriff's office.
- 7933 d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard,
7934 if credible evidence of such a detrimental effect is present.
- 7935 e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traf-
7936 fic hazards caused by:
- 7937 1. The location, massing, size, or height of buildings, structures, and other facilities, including
7938 signage, fencing, and landscaping;
- 7939 2. The frequency of heavy truck traffic to and from the site (i.e. import and export of materi-
7940 als, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian
7941 traffic.
- 7942 f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury
7943 or property damage to potential persons or property in the area.
- 7944 (2) ***Standards relating to infrastructure, amenities, and services.***
- 7945 a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.
- 7946 b. Mitigate internal vehicle or pedestrian circulation inefficiencies onsite, and provide for ade-
7947 quate onsite parking given the unique specificities of the proposed use or the proposed site
7948 plan.
- 7949 c. Mitigate material degradation of the level of service of any street.
- 7950 d. Mitigate material degradation of the level of service of any storm water drainage facility or
7951 infrastructure, and adequately provide for storm water drainage from the site.
- 7952 e. Mitigate material degradation of the level of service of any culinary, secondary, or irrigation
7953 water facility or infrastructure, and, if applicable, provide adequate culinary, secondary, and
7954 irrigation water service to the site. To help determine adequacy of culinary water provisions,
7955 the land use authority may require, but are not limited to, the following as a condition of ap-
7956 proval of the conditional use permit:
- 7957 1. Written verification that the culinary water source of any new public water system can meet
7958 the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health
7959 Department; or
- 7960 2. A capacity assessment letter from the Utah Division of Drinking Water for additional con-
7961 nections to any existing public water system; or
-

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-
- 7962 3. Written verification that the source of any non-public well providing culinary water for the
7963 use meets the requirements of the Weber Morgan Health Department. This verification
7964 shall be based on a test of a new or existing well.
- 7965 f. Mitigate material degradation of the level of service of any sanitary sewer service, and, if ap-
7966 plicable, provide adequate sanitary sewer service to, or septic system on, the site.
- 7967 g. Mitigate material degradation of the level of service of any other utility, and, if applicable,
7968 adequately provide such utility services to the site.
- 7969 h. Mitigate material degradation of the level of service, functionality, capacity, or usability of the
7970 existing open spaces, public features, or recreational amenities in the area, and, if applicable,
7971 adequately provide additional open spaces, public features, or recreational amenities.
- 7972 i. Mitigate any disproportionate demand for government services, generally.
- 7973 (3) ***Standards relating to the environment.***
- 7974 a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected
7975 areas, if credible evidence of such a detrimental effect is present; including, but not limited to,
7976 rivers and creeks, lakes, ponds, reservoirs, wetlands, drainage ways, groundwater protection,
7977 and slopes.
- 7978 b. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected
7979 areas, if credible evidence of such a detrimental effect is present; including, but not limited to,
7980 wildlife, air quality, water quality (including erosion control), local natural resources, natural
7981 vegetation (including protection against noxious or invasive species), and wildland areas.
- 7982 (4) ***Standards relating to the current qualities and characteristics of the surrounding area and com-
7983 pliance with the intent of the general plan.***
- 7984 a. Provide buffering, screening, or fencing of the use or site, or provide other landscape features,
7985 sufficient to mitigate the proximity of incompatible uses, objectionable site features, and dis-
7986 harmony with existing and future land uses in the area.
- 7987 b. Provide hours of operation appropriate for the general nature and character of existing land
7988 uses in the area to mitigate conflict or incompatibility with surrounding uses.
- 7989 c. Provide reclamation, restoration, cleanup, or beautification of the site as the use evolves, or as
7990 the use is terminated, in order to mitigate aesthetic and nuisance effects.
- 7991 d. Mitigate nuisance factors, including, but not limited to, light and glare, noise, vibrations,
7992 smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radia-
7993 tion, if credible evidence of such a nuisance is present.
- 7994 e. Mitigate detrimental effects of the use considering the combined effect of it and other main
7995 uses on the property.
- 7996 f. To the extent supported by law, mitigate other general detrimental effects in a manner that
7997 sustains the objectives and intentions of the county's general plan, future land use map (or pro-
7998 posed land use map), and this Land Use Code.
-

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7999 (5) *Standards relating to performance.*

- 8000 a. Mitigate potential noncompliance or poor performance by providing appropriate performance
8001 measures, including, but not limited to, completion or performance bonds, completion agree-
8002 ments, and development agreements.
- 8003 b. Mitigate potential noncompliance or poor performance by requiring regular review or moni-
8004 toring of certain specified detrimental effects by an appropriately qualified professional.

8005 (6) *Standards generally.*

- 8006 a. Mitigate unsustainable effects on the economy of the surrounding area or county, generally, if
8007 credible evidence of such negative effects is present.
- 8008 b. Provide appropriate mitigation of detrimental effects as required in standards found elsewhere
8009 in this Land Use Code in a manner that complies with this Land Use Code, and any other
8010 federal, state, or local regulation, as may be applicable.

- 8011 (7) *Voluntary contributions providing satisfactory compliance with applicable standards.* When con-
8012 sidering a conditional use, the land use authority has discretion to determine satisfactory compli-
8013 ance with any applicable standard, requirement, provision, or restriction of this chapter if the ap-
8014 plicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated
8015 detrimental effects of the use than those otherwise specified here. The land use authority may re-
8016 quire a development agreement to execute the voluntary alternative.

8017

8018 **Sec 108-4-6 Appeal**

- 8019 (a) The decision of the land use authority may be appealed to the Appeal Authority, in accordance with
8020 Title 102, Chapter 3 of this Land Use Code.
- 8021 (b) The board of adjustment is the appeal authority for conditional use permits.

8022

8023 **Sec 108-4-7 Permit And Improvement Guarantee**

- 8024 (a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required
8025 letters and/or permits from the appropriate review agencies.
- 8026 (b) Prior to the issuance of a certificate of occupancy permit, a business license or any other permit required
8027 by the county, the developer shall deposit funds into an escrow account with the County Engineering
8028 Division for all off-site improvements and on-site landscaping, as may be allowed by law, as per the
8029 approved site plan, and for the completion of any incomplete improvements or conditions of approval.

8030

8031 **Sec 108-4-8 Revocation And Expiration**

- 8032 (a) A conditional use permit may be revoked by the land use authority upon failure to comply with the
8033 applicant's approved proposal, or any applied standard, or applicable requirement, provision, re-
8034 striction, or condition of approval. Violation of any condition of approval of a conditional use permit

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8035 shall constitute a violation of this Land Use Code. Rules for revocation are provided in section 102-4-
8036 3.

8037 (b) Unless there is substantial action under a conditional use permit within a maximum period of one year
8038 of its approval from the land use authority, the conditional use permit shall expire. The land use author-
8039 ity may grant a maximum extension of six months. Upon expiration of any extension of time granted
8040 by the land use authority, the approval for the conditional use permit shall expire and become null and
8041 void.

8042

8043 **Sec 108-4-9 Abandoned Use**

8044 When an approved conditional use has been discontinued and/or abandoned for a period of one year, the
8045 conditional use permit becomes null and void. In order to restore the conditional use, a new application
8046 shall be filed for review and consideration by the land use authority.

8047

8048

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8049 **CHAPTER 108-5 (RESERVED)**

8050 **CHAPTER 108-6 TIME SHARE**

8051

8052 **Sec 108-6-1 Definitions**

8053 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
8054 section, unless the context indicates a different meaning:

8055 *Time share* means a form of residential real estate ownership in which separate housing unit ownership is
8056 represented as shares in a corporation, a partnership interest or any other individually owned transferable
8057 property right or interest and which grants housing unit ownership, use and occupancy rights to each owner
8058 for an annually recurring part or parts of a calendar year only as specified in a condominium declaration or
8059 other ownership document.

8060 *Time share building* means a residential building which is wholly devoted to "time share" housing units.
8061 Because of the unique operational characteristics, individual transient usage resembling a resort hotel op-
8062 eration and impact on a normal residential environment, a time share building is classified as a separate use
8063 category.

8064

8065 **Sec 108-6-2 Use Regulations**

8066 No ownership interest in a dwelling unit, dwelling apartment or condominium project shall be conveyed or
8067 transferred by deed or contract for a specified annually recurring period or periods of time unless such unit,
8068 dwelling or project is located in a zone which allows time share buildings as a permitted or conditional use.

8069

8070 **Sec 108-6-3 Establishing Time Share**

8071 No unit in a dwelling, apartment or condominium building shall be established as or converted to time share
8072 unless all of the units in the building are likewise established or converted at the same time.

8073

8074

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CHAPTER 108-7 SUPPLEMENTARY AND QUALIFYING REGULATIONS

Sec 108-7-1 Purpose And Intent

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

Sec 108-7-2 Projections

(a) *Projections permitted into a required Setback.* Every part of a required Setback shall be open to the sky, unobstructed except for accessory buildings meeting the required Setbacks of the zone in which the building is located. Setbacks for all buildings are measured from the Lot Line to the outermost surface of a building's foundation wall. However, the following projections into the required Setbacks are permitted for single-family dwellings (including attached garages) only:

(1) Belt courses, sills, and lintels may project 18 inches into required front, rear and side Setbacks.

(2) Cornices, eaves and gutters may project three feet into a required Front Setback, five feet into a required Rear Setback, and two feet into a required Side Setback.

(3) Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight feet measured along the wall of a building, may project not more than five feet into a required Front Setback, ten feet into a required Rear Setback, and three feet into a required Side Setback.

(4) Unwalled porches including roof-covered patios, terraces, and balconies may project five feet into a required Front Setback. Where the required Rear Setback is 30 feet or greater, a projection of ten feet into the Rear Setback is allowed. Where the required Rear Setback is less than 30 feet, a five-foot projection into the Rear Setback is allowed.

(5) Cantilevers may project no more than two feet into the required front and rear Setback. Cantilevers are not allowed in the required Side Setback.

(b) *Projections permitted into a private street right-of-way.* When a two-family dwelling, three-family dwelling, four-family dwelling, multi-family dwelling, condominium, or commercial structure is proposed to be built, and where the County's development standards allow a zero Front Setback, projections into private street rights-of-way may be permitted when the following limitations, requirements and standards are met:

(1) Projections shall be defined as and limited to architraves, awnings, balconies, bay windows, belt courses, canopies, columns, cornices, eaves, footings, gutters, lintels, marquees, pedestrian walkways, pediments, pilasters, railings, signs, sills, steps, and terraces.

(2) As determined by Weber County review agencies, the appropriate codes shall be applied and all projections shall be demonstrated as compliant with those codes.

(3) The County Building Official shall apply International Building Code standards related to encroachments into public rights-of-way.

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- 8111 (4) Where a public utility easement does not strictly prohibit the location of a structure immediately
8112 adjacent to or within a private road right-of-way, a letter approving the projection(s), whether above
8113 grade or below, shall be provided by all utility service providers that have located utilities on the
8114 related side of the right-of-way or have plans, within two years, to locate utilities on the related side
8115 of the right-of-way.
- 8116 (5) A letter approving the projection(s), whether above grade or below, shall be provided by the owner
8117 of the right-of-way.
- 8118 (6) In addition to all required street improvements, high-back curb or other barrier, determined appro-
8119 priate by the Weber County engineer, shall be installed to separate and sufficiently protect pedes-
8120 trian areas or sidewalks from dangers associated with street travel lanes.
- 8121 (7) Pedestrian areas or sidewalks shall not be less than four and one-half feet in width.
8122

8123 **Sec 108-7-3 Fencing Requirements**

- 8124 (a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on a
8125 lot except as required by Section 108-7-7. A wall, fence, or hedge not more than six feet in height may
8126 be located anywhere on an interior lot except within the area comprising the required Front Setback. A
8127 wall, fence, or hedge not more than six feet in height may be located anywhere on a Corner Lot except
8128 within the areas comprising the required Front Setback and the required Side Setback which faces the
8129 street. A wall, fence, or hedge on a Corner Lot shall comply with the requirements of Section 108-7-7.
- 8130 (b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects
8131 may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject
8132 to design review and provided that access to lots is allowed only from approved interior public or pri-
8133 vate streets that are part of the approved subdivision or project. In addition, a permanent means of
8134 landscaping and maintaining the parking strip between the fence and the street curb shall be provided.
- 8135 (c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a
8136 fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining
8137 wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the
8138 fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, pro-
8139 vided that in any event a protective fence or wall not more than four feet in height may be erected at
8140 the top of the retaining wall. These provisions shall comply with the requirements of Section 108-7-7.
- 8141 (d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence
8142 meets all of the required Setbacks for an accessory building in the zone in which it is located and a land
8143 use and building permit are obtained.
- 8144 (e) The provisions of this section shall not apply to fences required by state law to surround and enclose
8145 public utility subdivisions and public schools.
- 8146 (f) In the Ogden Canyon, a fence that is greater than four feet in height shall not be located within 50 feet
8147 of the centerline of Highway 39.

8148

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8149 **Sec 108-7-4 Area Of Accessory Building**

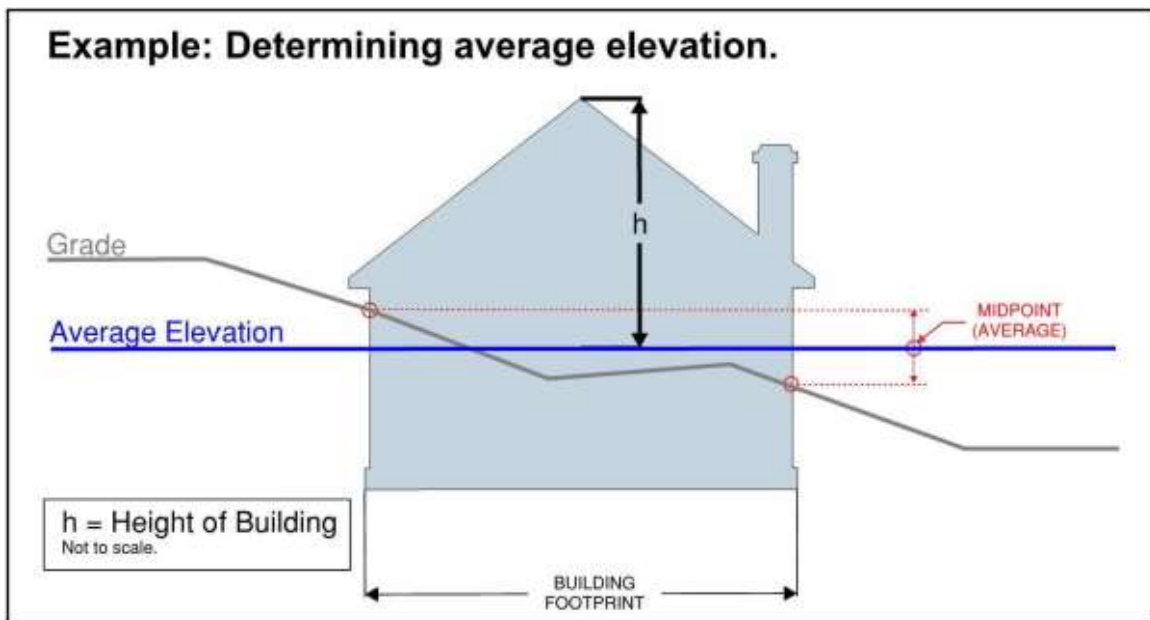
8150 No accessory building or group of accessory buildings in any residential estates zone shall cover more than
8151 25 percent of the rear yard.

8152

8153 **Sec 108-7-5 Building Or Structure Height Requirements**

8154 (a) *Measuring height.* For the purpose of determining "height of building," as defined in Section 101-2, the
8155 following shall apply:

8156 (1) *Average elevation.* Average elevation shall be determined by averaging the highest elevation and
8157 the lowest elevation at the exterior footprint of the building or structure, including any support posts
8158 that require a footing. An alternative means of calculating average elevation may be approved by
8159 the Planning Division Director for an individual building if it follows industry best practices and is
8160 proposed by a licensed surveyor, engineer, or architect.

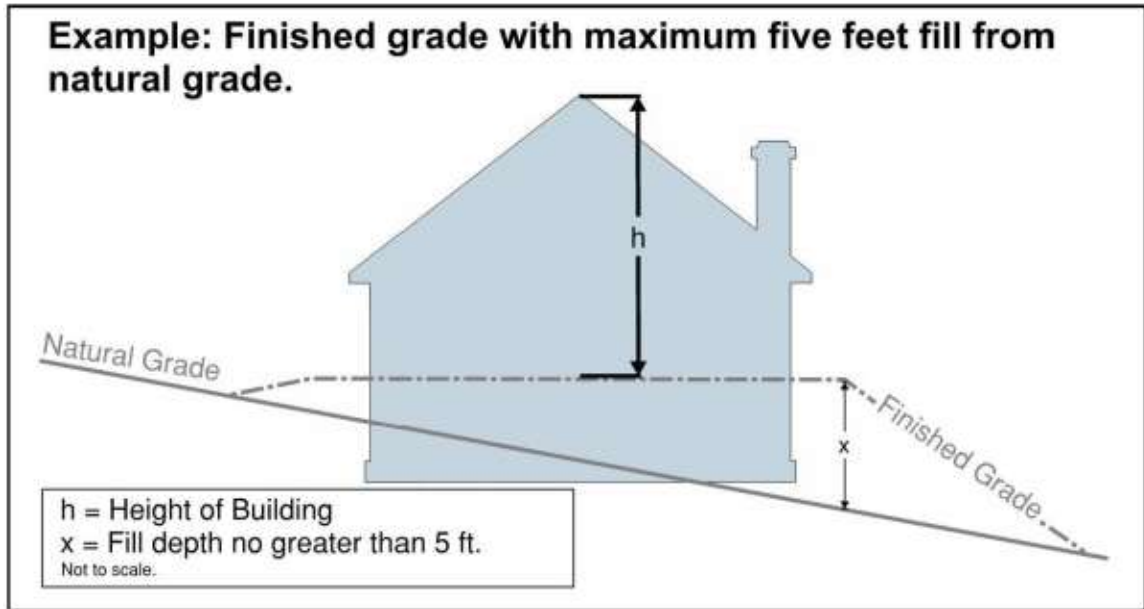


8161

8162 (2) *Fill affecting building height.* Except as provided in this subsection, when grading a site to obtain
8163 the Finished Grade, as defined in Section 101-2, no fill may exceed five vertical feet at any point
8164 from the site's Natural Grade, as also defined in Section 101-2.

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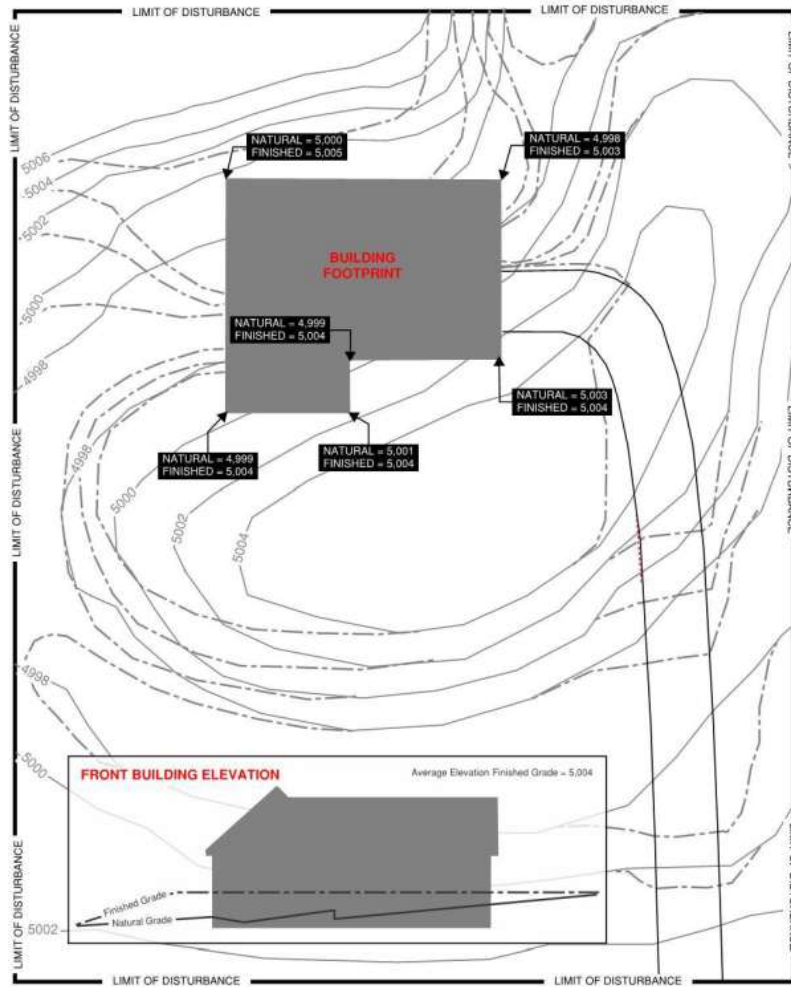
- a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or
- b. **If** the building or structure is within 75 feet of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

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COLOR KEY: O.V. incorporation-related. Policy shift.

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



- (b) *Roof structure height exception.* Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and at no time shall the height be greater than 15 feet higher than the maximum height of the zone. All exceptions to height shall be subject to applicable design review requirements and all mechanical equipment shall be screened by materials consistent with those used on the exterior of the main building.
- (c) *Air traffic height conflicts.* If in proximity to an airport, no building or structure or other appurtenance is permitted above the maximum height allowed by the Federal Aviation Administration, or other applicable airport or airspace regulation.

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- 8199 (d) *Minimum height of a dwelling.* Unless on a lot or parcel five acres or greater, no dwelling shall be
8200 erected to a height less than one story above natural grade.

8201

8202 **Sec 108-7-6 Garbage, Junk, And Weeds Unlawful**

- 8203 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant of land
8204 to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain on or about the
8205 premises whenever it is unsightly and in public view, or whenever it is dangerous to the health, safety,
8206 and welfare of the people of the county. Every owner or occupant of land is hereby required to remove,
8207 or provide for the removal of, such garbage, inoperable or abandoned vehicles, and junk before the
8208 same become unsanitary, dangerous, or a nuisance.

- 8209 (b) *Weeds and unkempt yards.* Landowners are responsible for clearing all weeds from their property, in-
8210 cluding their property's perimeter and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved
8211 portions of public rights-of-way. A yard, and any adjacent sidewalk, trail or pathway, parkstrip, or
8212 unimproved portion of public rights-of-way that are visible from a public right-of-way shall be main-
8213 tained so that the property's appearance does not detract from the appearance of the neighborhood.
8214 Weeds, except noxious or invasive weeds which shall be removed promptly, and turf grasses shall be
8215 maintained at a height of not more than eight inches at any time, and the cuttings shall be promptly
8216 disposed of in an organized manner or mulched in place. Native vegetation, including grasses, and
8217 wildflowers, and shrubs, maintained in a natural state are exempt from the eight-inch regulation. Where
8218 a street has curbing, or where a deferral agreement for curbing was required, it is the responsibility of
8219 the property owner, not the County, to maintain, cut, or remove any vegetation that is between the edge
8220 of the travel surface within the public right-of-way and the edge of the public right-of-way adjoining
8221 the owner's property.

- 8222 (c) *Exemptions.* This section shall not apply to items which are clearly accessory and incidental to any
8223 agricultural use permitted in the zone, or to items completely and lawfully enclosed within a building
8224 or enclosure where it is not visible from a public or private way or other public or private property and
8225 which does not constitute a nuisance, endanger or adversely affect the health or welfare of the commu-
8226 nity, or the keeping of which does not violate any other law or ordinance.

- 8227 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation of this
8228 section shall make proper arrangements for the correction of the violation.

- 8229 (e) *Public streets and other public property.*

- 8230 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way, or other
8231 public property in unincorporated areas of the county any garbage, inoperable or abandoned vehi-
8232 cles, junk, weeds, or any other vegetation, if the deposited items or materials may interfere with
8233 pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare of
8234 the people of the county.

- 8235 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian
8236 pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

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- 8237 (3) In addition to the requirements of section 32-8-2, owners or occupants of a platted building lot, or
8238 a lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved
8239 pedestrian pathway and is less than five acres shall also be required to ensure continual removal of
8240 snow from the pathway.

8241

8242 **Sec 108-7-7 Supplemental Street, Access, And Right-Of-Way Standards**

8243

8244 **Sec 108-7-7.010 Obstructions In Right-Of-Way**

- 8245 To ensure deposited items or materials do not interfere with pedestrian or vehicular traffic or in any way be
8246 dangerous to the health, safety, and welfare of the people of the county, it is unlawful for any person to
8247 place or deposit in or upon any Public Street, right-of-way, or other public property in unincorporated areas
8248 of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation.

8249

8250 **Sec 108-7-7.020 Vegetation And Snow Removal - Pedestrian Right's Of Way**

- 8251 (a) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian path-
8252 way, or sidewalk to ensure continual removal of vegetation overgrowth.

- 8253 (b) In addition to the requirements of Section 32-8-2 of the Weber County Code, owners or occupants of a
8254 platted building Lot, or a Lot Of Record with an existing residential, commercial, or manufacturing
8255 use, that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure
8256 continual removal of snow from the pathway.

8257

8258 **Sec 108-7-7.030 Clear View Of Intersecting Streets**

- 8259 When an access way intersects with a public right-of-way, or when the subject property abuts the intersec-
8260 tion of two or more public rights-of-way, the triangular areas described below shall provide unobstructed
8261 cross-visibility at a level between two and eight feet in height. Trees may be planted inside the triangular
8262 areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility zone, and placed so
8263 as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be located closer than three
8264 feet from the edge of any access way pavement. No other obstruction to view in excess of three feet in
8265 height shall be allowed. The triangular areas referred to above are defined as follows:

- 8266 (a) The area of property on either side of an access way formed by the intersection of each side of the
8267 access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length
8268 measured from the point of intersection and the third side (hypotenuse) being a line connecting the ends
8269 of these two sides.

- 8270 (b) The area of property located at a corner formed by the intersection of two or more public rights-of-way.
8271 The two sides of the triangle shall be formed by the street rights-of-way lines for a length of 40 feet
8272 back from their intersection and the third side being a line connecting the ends of these two sides.

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8274 **Sec 108-7-7.040 Public Tree Care**

8275 The County shall have the right, as determined by its sole discretion, to plant, prune, maintain, and remove
8276 trees, plants, and shrubs within rights-of-way, streets, and public property as may be necessary to ensure
8277 public safety or to preserve or enhance public grounds.

8278 (a) ***Illegal to cut trees and/or top trees.***

8279 (1) It is unlawful for any person to remove trees situated on County property, including streets and
8280 roadways of the County, without obtaining permission from the Planning Division Director for that
8281 purpose.

8282 (2) It is unlawful as a normal practice for any person, firm, or County department to top any tree within
8283 the County's right-of-way. Topping is the severe cutting back of limbs to stubs larger than three
8284 inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy
8285 and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under
8286 utility wires or other obstructions where other pruning practices are impractical, may be exempted
8287 from this section at the determination of the Planning Division Director.

8288 (b) ***Pruning and corner clearance.*** Subject to the provisions of subsection (d), every owner of any tree or
8289 shrub overhanging any street, sidewalk, or right-of-way within the County shall prune the branches so
8290 that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any
8291 street intersection, or obstruct or create a hazard on a street, sidewalk, or right-of-way. Said owners
8292 shall remove and replace all dead, diseased, or dangerous trees and shrubs, or broken or decayed limbs,
8293 which constitute a hazard to the safety of the public. The County shall have the right to prune any tree
8294 or shrub on private property when it severely obstructs the light from any street lamp, obstructs the
8295 view of any street intersection, or obstructs or creates a hazard on the street, sidewalk, or right-of-way.
8296 Any costs incurred by the County will be collected from the owner of the tree or shrub.

8297 (c) ***Removal and replacement of dead and/or hazardous trees/plantings on the county's right-of-way;***
8298 ***property owner responsibility.*** The removal of any tree, living or dead, is subject to the permit process,
8299 as outlined in subsection (d). Plantings and dead trees on the County's right-of-way that are determined
8300 by the County to be a hazard shall be removed and, if appropriate, replaced at the adjacent property
8301 owner's expense. If the adjacent property owner refuses to cooperate with the removal of a hazardous
8302 planting or dead tree, it shall be removed and, if appropriate, replaced by the County and any costs
8303 incurred will be collected from the adjacent property owner. Except for routine trimming, pruning, and
8304 watering, the County accepts responsibility for maintenance of planted areas on public property and the
8305 County's rights-of-way for County installed projects, which are regularly maintained by County staff.

8306 (d) ***Permit to remove trees or vegetation from county property.*** Any person desiring to cut and remove
8307 trees or vegetation from County property, including the County's rights-of-way, shall first make written
8308 application to the Planning Division Director. The application shall contain the following information:

8309 (1) The exact number of trees to be removed and the location of each with reference to street designa-
8310 tions.

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-
- 8311 (2) A statement that the applicant will cut and remove the trees at his/her own cost and expense within
8312 thirty (30) days of the date of the permit.
- 8313 (3) A statement that the applicant will restore the County property to the satisfaction of the County and
8314 will replant such trees as the County may require and where the County may specify.
- 8315 (4) That the applicant will indemnify the County against any damage to the County property or to the
8316 adjacent property owners and against any injury to persons or property sustained in cutting and
8317 removing the trees.

8318

8319 **Sec 108-7-8 Setbacks For Animals And Fowl**

8320 No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling and not closer than
8321 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the hous-
8322 ing or keeping of animals or fowl shall be kept, constructed, or maintained not less than 100 feet from a
8323 property line adjacent to a street and not less than 25 feet from any lot line.

8324

8325 **Sec 108-7-9 Water And Sewage Requirements**

- 8326 (a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public
8327 sewer is not available, and in all cases where a proposed supply of piped culinary water is not available,
8328 the sewage disposal and the domestic culinary water supply shall comply with requirements of the
8329 county board of health and/or state board of health and the application for a building and land use permit
8330 shall be accompanied by a certificate of approval from the board of health.
- 8331 (b) Building permits shall not be issued by the County Building Official unless private water supply and
8332 private sewage disposal is approved in accordance with the requirements of subsection (a) of this sec-
8333 tion.

8334

8335 **Sec 108-7-10 Measuring Setbacks**

- 8336 (a) ***Measuring Setbacks, generally.*** When the location of a Lot Line or Parcel line, edge of existing or
8337 future planned right-of-way, or required Setback is not clearly identifiable on the ground or cannot be
8338 reasonably determined by the county, verification shall be required to demonstrate compliance with
8339 applicable Setback regulations. In such cases, the property owner or developer shall provide documen-
8340 tation prepared by a licensed land surveyor authorized to practice in the State of Utah that clearly iden-
8341 tifies the applicable property line(s), edge of existing or future planned right-of-way, and the location
8342 of existing or proposed structures in relation to required Setbacks. The responsibility for obtaining and
8343 paying for the required survey documentation shall rest solely with the property owner or developer.
8344 Failure to provide required survey documentation when requested shall be grounds for denial, suspen-
8345 sion, or revocation of permits or approvals related to the development or use of the property.
- 8346 (b) ***Required Setback from a designated Collector Street or Arterial Street.*** Where a street is designated
8347 in the general plan or on an adopted master street plan of the county as a Collector Street or Arterial
8348 Street, Setbacks for all buildings shall be based upon the plan's future designated right-of-way width.

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8349 As such, Setbacks shall be measured from the intended edge of the future street right-of-way of the
8350 Collector Street or Arterial Street instead of the existing edge of right-of-way.

8351

8352 **Sec 108-7-11 Group Dwellings**

8353 *Setback regulations.* Group dwellings shall be considered as one building for the purpose of front, side, and
8354 rear Setback requirements, the entire group as a unit requiring one front, one rear, and two side Setbacks as
8355 specified for dwelling structures. The minimum distance between structures shall be ten feet for single-
8356 story buildings, 15 feet for two-story buildings and 20 feet for three- or more story buildings.

8357

8358 **Sec 108-7-12 Water-Wise Landscaping**

8359 (a) ***Landscape standards.*** The following water-wise landscaping standards apply to all new development:

8360 (1) In single-family residential developments, no more than 35 percent of the front and side yard of a
8361 lot or parcel, or no more than 3,000 square feet of the entire lot or parcel, may be irrigated turf
8362 grass, whichever is greater; and

8363 (2) In commercial, industrial, institutional, and multi-family developments, no more than 15 percent
8364 of the total landscaped area may be irrigated turf grass. This provision shall not apply to active
8365 recreational areas that meet the design and landscape standards of Weber Basin Water Conservancy
8366 District; and

8367 (3) Irrigated turf grass in a parkstrip, and any other yard area with a width of less than eight feet, is
8368 prohibited.

8369 (b) ***Amortizing nonconforming landscaping.*** After the effect of this section, which is September 26, 2023,
8370 all landscaping that does not comply with the requirements of this section shall be considered noncon-
8371 forming landscaping. All nonconforming landscaping shall be phased out in accordance with the fol-
8372 lowing schedule:

8373 (1) ***Landscaping replacement.*** The replacement of any nonconforming landscaping shall comply with
8374 the requirements of this chapter;

8375 (2) ***Site improvements.*** When a site improvement, including the expansion of a building, which re-
8376 quires a land use permit, conditional use permit, or design review approval, modifies an area that
8377 exceeds the threshold established in this subsection, whether by a single modification project or by
8378 an accumulation of separate modification projects, all nonconforming landscaping on the premises
8379 shall be brought into compliance with the requirements of this section. The established threshold
8380 of modification shall be the smaller of the following:

8381 a. Twenty-five percent of the site area; or

8382 b. Twenty thousand square feet.

8383

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8384 **Sec 108-7-13 Residential Facility For Persons With A Disability Facility Requirements**

- 8385 (a) The facility shall meet all county building, safety, and health codes applicable to similar dwellings.
- 8386 (b) The operator of the facility shall provide assurances that the residents of the facility will be properly
8387 supervised on a 24-hour basis.
- 8388 (c) Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure
8389 of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).
- 8390 (d) A minimum of two off-street parking spaces plus one off-street parking space for each staff member
8391 other than the resident manager or house parents shall be provided.
- 8392 (e) The facility shall be capable of use as a residential facility for persons with a disability without struc-
8393 tural or landscaping alterations that would change the structure's residential character.
- 8394 (f) The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing
8395 Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (U.C.A. 1953,
8396 § 57-21-1 et seq.) or its successor statutes.
- 8397 (g) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for persons
8398 with a disability.
- 8399 (h) No person who is violent shall be placed in a residential facility for persons with a disability.
- 8400 (i) Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and
8401 not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- 8402 (j) The land use permit and business license granted in accordance with the provisions of this chapter, is
8403 nontransferable and terminates if the structure is devoted to a use other than as a residential facility for
8404 persons or, if the structure fails to comply with the county's building, safety, and health codes or the
8405 requirements of this section.
- 8406 (k) These facilities must be licensed by the county's business licensing with the original license and any
8407 renewals thereof subject to the inspection and prior approval of the Local Health Department and
8408 County Building Official.
- 8409 (l) No residential facility for persons with a disability shall be made available to any individual whose
8410 tenancy therein would constitute a direct threat to the health or safety of other individuals or would
8411 result in substantial physical damage to the property of others.

8412

8413 **Sec 108-7-14 Residential Facility For Troubled Youth; Facility Requirements**

- 8414 (a) A residential facility for troubled youth shall:
- 8415 (1) Be owned or leased by the residents or an immediate family member of the residents, or by a char-
8416 itable, or beneficial organization, or by the state or a licensee thereof;
- 8417 (2) Be consistent with existing zoning of the desired location;
- 8418 (3) Be occupied on a 24-hour basis by no more than eight qualified youth in a family-type arrangement;

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- 8419 (4) Conform with applicable standards of the state department of human services and be inspected and
8420 licensed by that department.
- 8421 (b) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applica-
8422 ble to similar dwellings.
- 8423 (c) The facility shall be capable of use as a residential facility for troubled youth without structural or
8424 landscaping alterations that would change the structure's residential character and the structure shall
8425 not be used as a lock-down facility for the incarceration of the youth that it houses.
- 8426 (d) No residential facility for troubled youth shall be established within five miles of another residential
8427 facility for troubled youth as defined in this chapter.
- 8428 (e) Troubled youth who qualify for placement in the facility shall:
- 8429 (1) All be of the same gender within any one facility;
- 8430 (2) Be no less than ten years of age and no more than 18 years of age;
- 8431 (3) Not be convicted of or charged with any sexual offence, arson or aggravated assault;
- 8432 (4) Not be individuals with such severe psychiatric problems that they present a danger to themselves
8433 or others;
- 8434 (5) Attend school classes and matriculate in local area schools.
- 8435 (f) No home for troubled youth shall house children whose respective ages span more than four years. For
8436 instance, if the home houses children ten years of age, the oldest child in the home can be no more than
8437 14 years of age.
- 8438 (g) The land use permit and any other license granted in accordance with the provisions of this chapter, is
8439 not transferable and terminates if the structure is devoted to a use other than a residential facility for
8440 troubled youth or if the structure fails to comply with the county's building, safety and health codes or
8441 the requirements of this chapter.
- 8442 (h) No residential facility for troubled youth shall occupy a lot in a recorded subdivision of four or more
8443 lots, including all subdivision phases.
- 8444 (i) The facility shall be permanently occupied by a married couple who will serve as house parents to the
8445 youth who reside therein. Their duties will be as follows:
- 8446 (1) To offer counseling and guidance to the youth under their care;
- 8447 (2) To supervise the orderly functioning of the household;
- 8448 (3) To provide meals to the youth who occupy the home;
- 8449 (4) To assign the duties, chores and other tasks to each of the youth who occupy the home;
- 8450 (5) Supervise the preparation of homework and studies each of the youth is required to complete for
8451 their education in local schools;
- 8452 (6) To immediately report to the appropriate state agency any difficulties, problems, breaches of the
8453 peace or violations of law engaged in by any of the youth under their care;
-

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- 8454 (7) To also report the same conduct to the organization who employs them directly.
- 8455 (j) The house parents living within the home must meet the standards of the department of human services
8456 and obtain all licenses, permits or certificates required by the state before undertaking their duties as
8457 house parents.
- 8458 (k) In the event that the house parents terminate their employment without first training suitable replace-
8459 ments, the facility must replace them with trained house parents within 30 days, or the home for trou-
8460 bled youth must cease operating.
- 8461
- 8462 **Sec 108-7-15 Residential Facility For Elderly Persons; Facility Requirements**
- 8463 (a) A residential facility for elderly persons may not operate as a business.
- 8464 (b) A residential facility for elderly persons shall:
- 8465 (1) Be owned by one of the residents or by an immediate family member of one of the residents, or by
8466 a charitable, or beneficial organization, including a facility for which the title has been placed in
8467 trust for a resident;
- 8468 (2) Be consistent with existing zoning of the desired location;
- 8469 (3) Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrange-
8470 ment; and
- 8471 (4) Conform with applicable standards of the state department of human services and be licensed and
8472 inspected by that department.
- 8473 (c) A residential facility for elderly persons may not be considered a business because a fee is charged for
8474 food or for actual and necessary costs of operation and maintenance of the facility.
- 8475 (d) The owner of a residential facility for elderly persons may not charge residents administrative costs or
8476 salaries greater than 15 percent of that fee.
- 8477 (e) A person charging a fee shall:
- 8478 (1) Keep a record of all expenses and costs related to the fee; and
- 8479 (2) Make that record available for inspection by any resident of the facility, the state department of
8480 human services, and County officials.
- 8481 (f) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applica-
8482 ble to similar dwellings:
- 8483 (1) A minimum of one off-street parking space for each adult resident person or married couple shall
8484 be provided;
- 8485 (2) The facility shall be capable of use as a residential facility for elderly persons without structural or
8486 landscaping alterations that would change the structure's residential character;
- 8487 (3) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for
8488 elderly persons;
-

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- 8489 (4) Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not
8490 a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
- 8491 (5) The land use permit and business license granted in accordance with the provisions of this chapter,
8492 is nontransferable and terminates if the structure is devoted to a use other than a residential facility
8493 for elderly persons or if the structure fails to comply with the county's building, safety and health
8494 codes or the requirements of this chapter; and
- 8495 (6) The decision by the county regarding an application for a conditional use permit for a residential
8496 facility for elderly persons shall be based upon legitimate land use criteria and shall not be based
8497 upon a general discrimination against the grouping of elderly persons in such a facility or because
8498 of age and its attendant characteristics. Upon application for a conditional use permit in any area
8499 where residential dwellings are allowed, the county shall determine only whether or not the facility
8500 conforms to this Land Use Code. If the county determines that the facility complies with the ordi-
8501 nances, it shall grant the requested permit.

8502

8503 **Sec 108-7-16 Large Accessory Buildings (1,000 Square Feet Or Larger)**

- 8504 (a) Accessory buildings 1,000 square feet or larger in area that accommodate uses meeting zoning require-
8505 ments shall:
- 8506 (1) Be located at least six feet from the rear of a dwelling in the residential estates zones and at least
8507 ten feet from the rear of a dwelling in the agricultural and forest zones.
- 8508 (2) Have a Side Setback of at least ten feet on an interior lot and 40 feet on a Corner Lot where the side
8509 property line is adjacent to a street.
- 8510 (3) Have a maximum height of 25 feet.
- 8511 Exceptions. The Side Setback may be reduced to three feet (except in a forest zone) and the height
8512 increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent
8513 to a street and at least 40 feet from a dwelling on an adjacent lot.
- 8514 (b) One accessory building which is subordinate to the dwelling in area and height may be located in front
8515 or to the side of the dwelling provided:
- 8516 (1) It is located not less than 40 feet from any property line adjacent to a street.
- 8517 (2) The large accessory building conforms to the dwelling in architectural style and materials on all
8518 sides of the building and the roof. Large accessory buildings on agricultural parcels containing at
8519 least 5.25 acres and a single-family dwelling shall be exempt from this requirement provided that
8520 the accessory building is located at least 100 feet from a property line adjacent to a street.
- 8521 (3) It meets the Side Setback requirement for a main building in the zone in which the building is
8522 located, and it is located at least 40 feet from a dwelling on an adjacent parcel.
- 8523 (4) In no case shall the Front Setback be less than the required Front Setback for a main building in the
8524 zone in which the building is located.

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8525 (c) Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint
8526 of the dwelling shall require approval as a Design Review.

8527 (d) Accessory buildings used for the keeping of animals and fowl shall also meet the requirements of Sec-
8528 tion 108-7-8. Accessory buildings shall also meet the requirements of Section 108-7-4.

8529

8530 **Sec 108-7-17 New Construction In Residential And Commercial Developments**

8531 In approved residential and commercial developments, where developers may have up to two years to com-
8532 plete utility, road and other improvements, land use permits and building permits shall not be issued until
8533 all utility improvements requisite for residential occupancy are installed, except for the asphalt, curb, gutter,
8534 and sidewalk on the road.

8535

8536 **Sec 108-7-18 Swimming Pools**

8537 An outdoor, permanent, in ground swimming pool shall be permitted to the side or rear of a dwelling or
8538 private/public facility as an accessory use provided the requirements listed below are met. This section does
8539 not apply to outdoor, temporary, above ground pools.

8540 (a) The location of the outdoor, permanent, in ground swimming pool or accessory machinery shall not be
8541 less than ten feet from any property line; however, if a zone requires a larger Setback, the more restric-
8542 tive requirement shall apply. Structures that enclose pool accessory machinery are permitted with the
8543 same Setbacks required for other accessory buildings in the zone in which they are located.

8544 (b) An outdoor, permanent, in ground swimming pool shall be completely enclosed by a substantial fence
8545 of not less than six feet in height, or by a power safety cover meeting the requirements of the Interna-
8546 tional Building Codes. The term "substantial fence" shall mean any fence that will not allow normal
8547 passage by any person except through an otherwise locked gate.

8548 (c) Lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away
8549 from adjoining premises.

8550

8551 **Sec 108-7-19 Development On A Substandard Street Or Public By Right-Of-Use Road**

8552 (a) ***Section definitions.*** For purposes of this section, the following definitions apply:

8553 (1) ***"Development activity"*** means:

8554 a. any construction or expansion of a building, structure, or use that creates additional demand
8555 and need for public facilities;

8556 b. any change in use of a building or structure that creates additional demand and need for public
8557 facilities; or

8558 c. any change in the use of land that creates additional demand and need for public facilities.

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- 8559 (2) **“Greater public street network”** means the network of public streets that are interconnected, with
8560 multiple street routes available to and from any location, not including terminal streets or street-
8561 routes that have a single point of access connecting to and from the public street network.
- 8562 (3) **“Substandard”** means not meeting minimum public street standards that are adopted by the county
8563 or required by law, including standards related to improvements and standards related to public
8564 right-of-way width.
- 8565 (4) A **“substandard street,”** with reference to proposed development activity, means a public or private
8566 street or street-route that is substandard at any location along the street or street-route between the
8567 proposed development activity and the greater public street network, or that is substandard at any
8568 location adjacent to the proposed development activity.
- 8569 (5) A **“standard street,”** with reference to proposed Development Activity, means a public or private
8570 street or street-route that is not Substandard at any location between the proposed Development
8571 Activity and the Greater Public Street Network.
- 8572 (6) **“Development on a substandard street”** means any development activity for which one of the
8573 following conditions is true:
- 8574 a. The existing street adjacent to at least one of the Lots or Parcels being developed, from which
8575 the Lot or Parcel will be accessed, is Substandard at any location adjacent to that Lot or Parcel;
8576 or
- 8577 b. At least one of the Lots or Parcels being developed cannot access the Greater Public Street
8578 Network via an existing Standard Street.
- 8579 (b) **Compliance required.** Development on a substandard street is not permitted unless in compliance with
8580 this section. New or improved accesses exclusively used for agricultural vehicles are exempt from these
8581 requirements.
- 8582 (c) **Roughly proportionate contribution.** An application for a permit, subdivision, or any other approval
8583 authorized by this Land Use Code that proposes to provide, add, or increase the intensity of access to a
8584 Lot or Lots from a Substandard Street shall not be approved unless the Substandard nature of the street
8585 or street-route is cured. However, if curing the Substandard nature of the street or street route is not
8586 roughly proportionate to the increased impact of the proposal, then the following provisions shall apply:
- 8587 (1) **Right-of-way dedication or conveyance.** In all cases, the applicant shall dedicate, by subdivision
8588 plat or deed conveyance, to the County the minimum required street right-of-way width that abuts
8589 the applicant’s subdivision, lot, or parcel being developed.
- 8590 (2) **Street frontage improvements.** The applicant shall be financially responsible for the improvement
8591 of the applicant’s own street frontage. However, at the discretion of the County Engineer, a Lot
8592 that is not fully developed to the maximum potential of the zone’s minimum Lot Width and Lot
8593 Area may be allowed to have this reduced to no less than a width that is three times the applicable
8594 minimum Lot Width allowed in the zone, or the Lot’s entire frontage, whichever is less. The County
8595 Engineer has full authority and discretion to determine which improvements are installed, and
8596 which may be deferred to a later time.

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- 8597 (3) **Paying proportionate share.** As part of a "project improvement," as defined in Utah Code 11-36a-
8598 102, the applicant shall pay the cost of a proportionate share of street design, street improvements,
8599 and, if applicable, street right-of-way acquisition to bring that street into or closer to compliance
8600 with County standards. The cost of the proportionate share shall be determined as follows:
- 8601 a. **Engineer's cost estimate.** Estimate the cost to improve the substandard street or street-route to
8602 County standards from the point it becomes substandard, or from the nearest intersection with
8603 a non-terminal street or street-route, whichever is closer, to the furthest extent of the applicant's
8604 proposed development adjacent to the street.
- 8605 1. This shall be furnished by the applicant in the form of an engineer's cost estimate. The
8606 estimate shall use up-to-date market costs for engineering and design, surveying, construc-
8607 tion material, labor, and any other expense necessary to improve the street to County stand-
8608 ards. The added expense of an intersection or other street component that is not related to
8609 providing a standard street to the applicant's subdivision shall be excluded from the calcu-
8610 lation;
- 8611 2. The County Engineer may require the applicant to furnish engineered drawings of the street
8612 and an itemized cost-estimate in order to substantiate the estimated cost;
- 8613 3. The County Engineer has the discretion to adjust the cost-estimate for inflation or market
8614 fluctuations during the duration of construction of the applicant's obligations; and
- 8615 4. A subdivision improvement that is required of the applicant by the Land Use Code regard-
8616 less of the condition of the street shall not be included in this calculation, and shall be
8617 provided as otherwise required by this Title.
- 8618 b. **Determine street's estimated buildout potential.** Find the street's estimated buildout potential,
8619 which is the sum of the estimated number of lots expected along the street at buildout plus the
8620 applicant's proposed number of lots, as follows:
- 8621 1. Measure the length of the substandard street or street-route from the point it becomes sub-
8622 standard to the furthest extent of the applicant's subdivision along the substandard street or
8623 street-route;
- 8624 2. Divide the length of the street, the result of Subsection (c)(3)b.1. of this section, by the
8625 standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do
8626 not use alternative lot widths, such as those allowed in a lot-averaged subdivision, even if
8627 the applicant's subdivision has them; then
- 8628 3. Combine the estimated number of lots expected along the street at buildout, the results of
8629 Subsection (c)(3)b.2. of this section with the applicant's proposed number of subdivision
8630 lots.
- 8631 c. **Final proportionate share calculation.** Divide the cost to improve the street or street-route to
8632 County standards, the result of Subsection (c)(3)a. by the sum of the street's estimated buildout
8633 potential plus the applicant's proposed number of lots, the results of Subsection (c)(3)b.
- 8634 (4) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:
-

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- 8635 a. **Required improvements.** Require the applicant to make improvements to the substandard street
8636 or street-route in an amount up to but not exceeding the applicant's cost of the proportionate
8637 share, as determined herein. The County Engineer has full authority and discretion to determine
8638 the specific improvements required of the applicant;
- 8639 b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's
8640 needed improvements into scheduled road maintenance and improvements; or
- 8641 c. **Deferral.** If the County Engineer determines that the funds that would be made available are
8642 insufficient to provide meaningful project improvements along the substandard street or street-
8643 route, a substandard road agreement may be allowed in lieu of the project improvements re-
8644 quired in this section. In this case, the applicant, and all owners having interest in the subject
8645 Lot or Lots shall execute a substandard road agreement and notice to new owners. The content
8646 of the substandard road agreement and notice shall be as specified by the County, but at a
8647 minimum it shall:
- 8648 1. For a terminal substandard street or street route, explain that the subject Lot or Lots has or
8649 have only a single street access connecting it to the greater interconnected Public Street
8650 network, and the single street access is not built to the adopted minimum design and safety
8651 standards;
- 8652 2. Require a deferral agreement that specifies that the owners or successors and heirs are re-
8653 sponsible, at a time the governing authority deems it necessary, to pay for their proportion-
8654 ate share of curing the substandard nature of the street or street-route;
- 8655 3. Allow the governing authority, at its option to withhold any written protest filed by the
8656 owners or their successors or heirs under the State Code's Assessment Area Act, Provisions
8657 For Local Districts, or any similar government revenue generation mechanism, from the
8658 final tally of collected protests, provided, however, that the revenue generated by the mech-
8659 anism is used to improve access to the Lot or Lots; and
- 8660 4. Be recorded to the property at the time of subdivision recordation or sooner for subdivision
8661 approval, or prior to the issuance of a land use permit or final approval for other types of
8662 approvals.

8663

8664 **Sec 108-7-20 Occupying Recreational Vehicles**

- 8665 (a) Occupying any parked, self-contained, recreational vehicle within the county is allowed as a temporary
8666 use in the following locations:
- 8667 (1) Forest zones.
- 8668 (2) Recreational vehicle parks.
- 8669 (3) Mobile home parks with recreational vehicle provisions.

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8670 (b) Occupying a parked recreational vehicle, by the property owner, may be permitted for a period of six
8671 months on the property where a home is under construction, provided that the recreational vehicle is
8672 hooked up to an approved wastewater disposal system.

8673 (c) Recreation vehicles lawfully parked at a private residence are allowed to be used exclusively by the
8674 owner or guests, if self-contained, for a period not to exceed 30 days in a calendar year or more than
8675 14 consecutive days. A copy of the land use permit shall be clearly displayed in a window of the recre-
8676 ational vehicle being so used.

8677

8678 **Sec 108-7-21 No Obstruction Of Irrigation Ditches, Drains And/Or Canals**

8679 No development shall obstruct the flow of water from an irrigation ditch, drain and/or canal. Any alteration
8680 or diversion of such waterways shall be approved by the County Engineer and the irrigation company.

8681

8682 **Sec 108-7-22 Temporary Real Estate Sales Office**

8683 A temporary real estate sales office may, by conditional use permit, be allowed within a model home or the
8684 garage area of a model home located within a residential subdivision development of ten or more lots or
8685 phase of more than ten lots, for the sale of real estate within that specific subdivision or phase subject to
8686 the following conditions:

8687 (a) Prior to use of the structure as a temporary real estate office, it shall have a certificate of occupancy.

8688 (b) The front yard of a model homes with a temporary sales offices shall be landscaped.

8689 (c) If the sales office is established in the garage, the garage door may be temporarily replaced with French
8690 doors, sliding glass doors or as approved by the Land Use Authority. Permanent changes are prohibited.
8691 When the temporary use expires, the applicant shall restore the structure to its originally intended use
8692 as a residence or garage.

8693 (d) Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable
8694 provisions of the Land Use Code for the zone in which the use will be conducted and as approved with
8695 the conditional use permit. All signs shall be removed when the permit expires. Any zoning require-
8696 ments for lighting shall be complied with.

8697 (e) A temporary real estate sales office may operate daily between 8:00 a.m. and 8:00 p.m.

8698 (f) A conditional use permit for a temporary sales office in a model home shall be limited to a five-year
8699 time period from the time that the certificate of occupancy is issued. Time extensions may be considered
8700 by the Land Use Authority on a case-by-case basis.

8701 (g) If construction of the model home temporary sales office is not completed within one year of the con-
8702 ditional use approval, the permit shall be considered null and void.

8703

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8704 **Sec 108-7-23 River And Stream Corridor Setbacks**

8705 (a) No structure, accessory structure, road, or parking area shall be built within the required Setback from
8706 a river or stream as measured from the high water mark of the river or stream. The high water mark
8707 shall be determined by the County Engineer. The areas within the Setback shall be maintained in a
8708 manner that protects the quality of water in the river or stream and the habitat of native vegetation and
8709 wildlife along the river or stream.

8710 (1) Structures, accessory structures, roads, or parking areas shall not be developed or located within
8711 300 feet on both sides of the Weber River or any branch of the Ogden River from the high water
8712 mark of the river.

8713 (2) Structures, accessory structures, roads, or parking areas shall not be developed or located within 75
8714 feet on both sides of year round streams, as determined from the high water mark of the stream.

8715 (3) Structures, accessory structures, roads, or parking areas shall not be developed or located within 50
8716 feet from the high water mark of the natural ephemeral stream.

8717 (b) Exceptions.

8718 (1) Bridges and the Public Streets that lead to them, provided those streets intersect the corridor at an
8719 approximate 90 degree angle.

8720 (2) Trails.

8721 (3) The Ogden River below Pineview Reservoir to its confluence with the Weber River.

8722 (4) Structures, accessory structures, roads, or parking areas that are a part of a public park or
8723 campground.

8724 (5) Outdoor recreational structures accessory to a permitted use.

8725 (6) When governed otherwise by a recorded development agreement.

8726 (c) Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed. A
8727 defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation littler
8728 or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year
8729 round. This definition is not meant to include stormwater runoff devices or entirely artificial water-
8730 course unless they are used to store or convey pass-through stream flows naturally occurring prior to
8731 construction of such devices. Stream watercourses where the definition may apply are those that appear
8732 on the U.S.G.S. Quad maps.

8733

8734 **Sec 108-7-24 Supplemental Energy Generation Standards**

8735 (a) ***Small Wind Energy System.*** The intent of this section is to regulate the placement and installation of
8736 small wind energy conversion systems in the county while providing for the safe, effective, and efficient
8737 use of such systems. These systems will be used primarily to produce clean energy and reduce on-site
8738 consumption of utility power for individual properties. The following regulations shall apply to all
8739 small wind energy conversion systems:

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-
- 8740 (1) The minimum lot size required for a small wind energy system shall be 20,000 square feet.
- 8741 (2) Small wind energy systems shall be set back a distance equal to 110 percent of the tower height
- 8742 plus the turbine blade length from all property lines and a distance equal to 150 percent of the tower
- 8743 height plus the turbine blade length from any Dwelling on adjacent property. Small wind energy
- 8744 systems shall not be located within the minimum Front Setback of any lot, nor within the minimum
- 8745 required Side Setback abutting a street on a Corner Lot, nor on the roof of a residential structure.
- 8746 (3) The maximum height of a small wind energy system (including tower and blades) shall not exceed
- 8747 70 feet. Small wind energy systems proposed to be over 70 feet shall require a conditional use
- 8748 permit. The minimum distance between the ground and any protruding blades utilized on a small
- 8749 wind energy system shall be 15 feet as measured at the lowest point of the arc of the blades.
- 8750 (4) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA)
- 8751 regulations, including any necessary approvals for installations close to airports.
- 8752 (5) Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a
- 8753 color approved by the Land Use Authority as part of the conditional use, and shall not be artificially
- 8754 lighted unless required by the FAA.
- 8755 (6) Small wind energy systems shall not exceed 60 decibels as measured at the closest property line
- 8756 except during short term severe wind events. A manufacturer's sound report shall be required with
- 8757 an application for a small wind energy system.
- 8758 (7) Manufacturer specifications for components and installation shall be required with an application
- 8759 for a small wind energy system.
- 8760 (b) **Solar energy systems.**
- 8761 (1) **Small solar energy system.** A small solar energy system, as defined in Title 101, Chapter 2, is
- 8762 allowed in any zone, and shall meet the Setback and height requirements for an accessory building
- 8763 in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the
- 8764 system nearest the property line. Solar energy systems which are attached to a building shall meet
- 8765 the same Setbacks that are required for the building.
- 8766 (2) **Large solar energy system.** A large solar energy system, as defined in Title 101, Chapter 2, is
- 8767 regulated by Title 104, Chapter 30 of this Land Use Code.

8768

8769 **Sec 108-7-25 (Reserved)**

8770

8771 **Sec 108-7-26 Land Use Applications Involving Lots/parcels With Existing Violations**

8772 No land use application shall be approved for any lot/parcel until all unresolved zoning, building, business

8773 license, nuisance, or other violations on any such lot/parcel, or on any parcel included in any manner as

8774 part of the application are resolved, unless approval of the application will resolve all of the existing viola-

8775 tions. A land use application submitted for approval, which will resolve all of the existing violations, must

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8776 be accompanied by a letter from the applicant stating what the existing violations are, and how the proposed
8777 land use application will resolve them.

8778

8779 **Sec 108-7-27 (Reserved)**

8780

8781 **Sec 108-7-28 Garage Sales/Yard Sales**

8782 Garage sales/yard sales of personal used items from a single-family dwelling shall not be held more than
8783 once every three months.

8784

8785 **Sec 108-7-29 Access And Standards For A Land Locked Residential Lot Or Parcel**

8786 (a) **Access.** Unless otherwise allowed in this Land Use Code, the provisions of this section shall not be
8787 allowed if it avoids the installation of a street contemplated by this Land Use Code, an adopted general
8788 plan, master transportation plan, development agreement, or other adopted document intended to gov-
8789 ern the placement, connectivity, or creation of a street or Street-Block. Otherwise, a land-locked Lot or
8790 Parcel intended for residential use shall have an access road or driveway that extends from a public
8791 right-of-way to the area of the Lot that will be developed. The access road or driveway shall be:

8792 (1) Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum im-
8793 proved surface width of 20 feet. A greater right-of-way width may be required by the County En-
8794 gineer for a cross-slope easement.

8795 (2) Configured and constructed so that curves can safely facilitate the turning radius and weight of the
8796 Fire Authority's largest fire apparatus.

8797 (3) Constructed of all-weather material, have a grade of no greater than ten percent, and a clearance no
8798 less than 14 and a half feet.

8799 (4) Be on a Parcel that is held in common ownership by a homeowner's association that governs the
8800 Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that
8801 gain access therefrom.

8802 (5) If terminal, no longer than 600 feet.

8803 (6) If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around approved
8804 by the local fire authority at the end.

8805 (b) **Other requirements.**

8806 (1) The address of the Lot or Parcel shall be displayed in a prominently visible location at the street
8807 entrance to the Lot or Parcel's access from a public right-of-way.

8808 (2) A fire hydrant or other suppression method may be required by the fire district.

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8809 (3) A site plan showing the location of the home, any proposed access roads and driveways, along with
8810 the location of and distance to the nearest fire hydrant (if available) shall be submitted to the fire
8811 district for review.

8812 (4) Buildings shall be set back a minimum of 63 feet from the center of the Lot's access right-of-way.

8813 (5) Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, or privacy,
8814 or to maintain or improve the general welfare of the immediate area.

8815

8816 **Sec 108-7-30 (Reserved)**

8817

8818 **Sec 108-7-31 (Reserved)**

8819

8820 **Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line**

8821 Access to a Lot or Parcel at a location other than across the Front Lot Line is not allowed unless:

8822 (a) The Lot or Parcel's Front Lot Line abuts a street from which access is restricted by the governing
8823 authority;

8824 (b) Access is provided across the rear Lot Line by means of a shared Alley.

8825 (c) Access is provided across the side Lot Line abutting a street on a Corner Lot

8826 (d) Otherwise specifically provided elsewhere in this Land Use Code; or

8827 (e) The applicant can demonstrate that:

8828 (1) Special or unique boundary, topographic, or other physical conditions exist which would cause an
8829 undesirable or dangerous condition to be created for property access across the Front Lot Line; and

8830 (2) Appropriate and legal alternative access exists due to historic use, court decree, or the execution of
8831 an easement, right-of-way, or other instrument capable of conveying or granting such right.

8832

8833 **Sec 108-7-33 Building Parcel Designation**

8834 (a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes
8835 without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

8836 (b) A building parcel designation shall be approved provided that:

8837 (1) An application shall be submitted on a form approved by the Planning Division Director;

8838 (2) The application shall include a copy of the subdivision plat;

8839 (3) All lots proposed to be combined shall be under the same ownership;

8840 (4) No additional lot shall be created; and

8841

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8842 **Sec 108-7-34 Cannabis Production Establishment**

8843 In addition to any other site development standard or use regulation, a cannabis production establishment,
8844 where allowed by the zone, is governed as follows:

8845 (a) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other
8846 foul odor is exhausted.

8847 (b) In the M-1 and M-2 zones, a cannabis production establishment shall not include cannabis cultivation,
8848 as defined by state code.

8849 (c) In the A-2 and A-3 zones, the following standards shall apply to the cannabis production establishment:

8850 (1) In the A-2 zone, a cannabis production establishment is restricted to only a cultivation facility, as
8851 defined by state code.

8852 (2) In the A-2 and A-3 zones combined, no more than one cannabis production establishment is al-
8853 lowed to be in operation at any one time.

8854 (3) The minimum lot area required is 20 acres.

8855 (4) The minimum Setback from any lot line is 100 feet.

8856 (5) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are applicable
8857 to the use.

8858 (6) The establishment shall be located on land that has access from a street that meets currently adopted
8859 street standards.

8860 (7) As defined by state code, if a residential use exists, or is later located within, 500 feet of the facility,
8861 the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view
8862 of the facility from the residential properties, except where interruption is necessary to provide
8863 vehicle access to the facility.

8864 (8) Outdoor cultivation of plants, as defined by state code, is prohibited.

8865

8866 **Sec 108-7-35 Agricultural Building Exemption**

8867 Agricultural buildings are exempt from the permit requirements of the state construction codes, except
8868 plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

8869

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8871 **CHAPTER 108-8 PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND AC-**
8872 **CESS REGULATIONS**

8873

8874 **Sec 108-8-1 Purpose And Intent**

8875 The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to
8876 provide orderly and adequate development of these needed amenities and in so doing, promote the safety
8877 and well-being of the citizens of the county. Subsequently, there shall be provided at the time of the erection
8878 of any main building or at the time any main building is enlarged or increased, minimum off-street parking
8879 space with adequate provisions for ingress and egress by standard sized automobiles.

8880

8881 **Sec 108-8-2 Parking Spaces For Dwellings**

8882 In all zones, the following number of parking spaces measuring no less than nine feet by 20 feet shall be
8883 provided:

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

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

8884

8885

8886 **Sec 108-8-3 Access To Lots In Subdivisions**

8887 Access to lots in subdivisions shall be across the front lot line abutting a public or private street or as
8888 otherwise approved by the land use authority.

8889

8890 **Sec 108-8-4 Parking Space For Non-Dwelling Buildings And Uses**

8891 For new buildings and uses or for any enlargement or increase in seating capacity, floor area or guest rooms
8892 of any existing building there shall be provided:

Apartment hotel	One space per two sleeping units
Auditorium	One space per five fixed seats
Auto repair shop	One space per employee plus five spaces for client use
Bank	Not less than 30 spaces
Beauty shop	Two spaces per staff member
Beautician shop	Three spaces per staff member
Boardinghouse	Three spaces per four persons to whom rooms will be rented
Bed and breakfast inn	One space per each rental sleeping room and bed and breakfast hotel in addition to the owner/host required two spaces
Business office	One space per employee on highest shift
Cafe	One space per eating booth and table plus one space per three stools

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Cafeteria	One space per eating booth and table plus one space per three stools
Car wash	Four spaces in approach lane to each wash bay
Chiropractor office	Four spaces per professional staff plus one space per subordinate staff
Church	One space per five fixed seats
Clinic	Four spaces per professional staff plus one space per subordinate staff
Club, private	At least 20 client spaces
Dance hall	One space per 200 square feet of floor space
Day care center	One space per employee plus one space per ten children
Dental office	Four spaces per professional staff plus one space per subordinate staff
Drive in food	One space per 100 square feet of floor establishment space but not less than ten spaces
Dry cleaner	One space per employee plus five spaces for client use
Educational institution (private)	Two spaces per three student capacity plus one space per staff member
Employment	One space per employee plus six spaces for client use
Finance office	One space per staff member plus three spaces for client use
Fraternity	Two spaces per four persons whom the building is designed to accommodate
Hospital	One space per two bed capacity
Hotel	One space per two sleeping units

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Insurance office	One space per two staff members plus four spaces for client use
Laboratory	One space per employee on highest shift
Laundromat	One space per three coin operated machines
Legal office	One space per professional staff plus four spaces for client use
Library	At least 30 spaces
Lodginghouse	Three spaces per four persons to whom rooms will be rented
Lounge	At least 20 client spaces
Liquor store	At least 20 spaces
Medical office	Four spaces per professional staff plus one space per subordinate staff
Mortuary	At least 30 spaces
Motel	One space per sleeping or living unit
Museum	At least 30 spaces
Night club	At least 20 client spaces
Nursery for children	One space per employee plus four spaces for client use
Nursing home	One space per 2.5 bed capacity
Optometrist office	Four spaces per professional staff plus one space per subordinate staff
Photo studio	At least six spaces
Post office	At least 20 client spaces

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Psychiatric office	Four spaces per professional staff plus one space per subordinate staff
Real estate office	One space per two employees plus four spaces for client use
Reception center	At least 30 spaces
Recreation center	One space per 200 square feet of recreation area
Rental establishment	At least four client spaces
Restaurant	One space per eating booth or table
Retail store	One space per 200 square feet of floor space in building
Retail store with drive-in window	One space per 200 square feet of floor space in building plus storage capacity of four cars per window on the property
Sanitarium	One space per two bed capacity
Service repair shop (general)	At least four client spaces
Stadium	One space per five fixed seats
Sorority	Two spaces per four persons whom the building is designed to accommodate
Tavern	At least 15 spaces
Terminal, transportation	At least 30 spaces
Theater	One space per five fixed seats
Travel agency	One space per employee plus four spaces for client use
Upholstery shop	One space per employee plus three spaces for client use

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Used car lot	One space per employee plus four spaces for client use
Warehouse	Two spaces per three employees
Wedding chapel	At least 30 spaces
Wholesale Business	Two spaces per three employees plus three spaces for client use
For other uses not listed above	Where uses not listed above, the parking requirements shall be established by the Land Use Authority based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses

8893

8894 **Sec 108-8-5 Adjustments For Unusual And Unique Conditions**

8895 The Land Use Authority may adjust the required number of spaces listed in this chapter if it determines that
8896 unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in
8897 a manner or to such a degree that such adjustment is equitable and warranted. This section does not apply
8898 to the circumstances described in Section 108-8-13.

8899

8900 **Sec 108-8-6 Computation Of Parking Requirements**

8901 When measurements determining number of required parking spaces result in a fractional space, any frac-
8902 tion up to one-half shall be disregarded, and fractions including one-half and over shall require one parking
8903 space.

8904

8905 **Sec 108-8-7 Parking Lot Design And Maintenance**

8906 (a) *Parking space location.* Parking space(s) as required by this chapter shall be on the same lot with the
8907 main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet
8908 therefrom.

8909 (b) *Public parking lot standards.* Every parcel of land hereafter used as a public parking area shall be paved
8910 with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, tempo-
8911 rary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and ride
8912 lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a
8913 petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.
8914 As determined by the Land Use Authority, parking lots shall have appropriate bumper guards or curbs
8915 where needed, in order to protect property and/or pedestrians.

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- 8916 (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a resi-
8917 dential zone, none of the Front Setback area required by the respective zones shall be used for parking
8918 but shall be left in open green space, except that access across and over the required front yard is al-
8919 lowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a
8920 residential zone, not more than 50 percent of the required side and rear Setbacks shall be used for
8921 parking. Any said Setback area used in excess of said limits shall be provided in an equivalent amount
8922 of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- 8923 (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to
8924 the following provisions:
- 8925 (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space
8926 shall be not less than nine feet wide, the width being measured at a right angle from the side lines
8927 of the parking space.
- 8928 (2) Adequate automobile access to and from parking area for interior block developments shall be
8929 provided. Minimum size of the access right-of-way shall be as follows based on the number of units
8930 to be served:
- 8931 a. Up to and including four dwelling units, 16 feet.
- 8932 b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way
8933 access rights-of-way.
- 8934 c. A greater size of access right-of-way shall be required as deemed necessary by the Land Use
8935 Authority, especially in cases where access right-of-way will create Corner Lots from other-
8936 wise interior lots.
- 8937 (3) All off-street parking spaces and associated access lanes shall be effectively screened on any side
8938 adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor
8939 more than seven feet high, except that some type of hedge-row shrubs may be used in place of a
8940 wall or fence provided the hedge is continuous along adjoining property and at maturity is not less
8941 than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced
8942 where necessary so that the hedge may become an effective screen from bordering property within
8943 a maximum five-year period. Front yard and Corner Lot fences or plantings shall maintain height
8944 requirements of their respective zones.
- 8945 (4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.
- 8946 (5) Parking requirements for dwellings will be located on the same lot with the dwelling.
- 8947 (6) All private parking facilities must be improved with a hard surface such as concrete or asphalt and
8948 must be sloped and graded to prevent drainage of stormwater onto adjacent properties.
- 8949

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8950 **Sec 108-8-8 Off-Street Truck Loading Space**

8951 (a) On the same premises with every building or use involved in the receipt or distribution by vehicles of
8952 materials or merchandise, there shall be provided and maintained on the lot adequate space for standing,
8953 loading and unloading services in order to avoid undue interference with public use of streets or alleys.

8954 (b) Such space, unless otherwise adequately provided, shall include a ten-foot by 25-foot loading space
8955 with 14 feet height clearance, for every 20,000 square feet or fraction thereof in excess of 3,000 square
8956 feet of building floor area used for purposes in subsection (a) of this section, or for every 20,000 square
8957 feet or fraction thereof in excess of 3,000 square feet of land use for purposes in subsection (a) of this
8958 section.

8959

8960 **Sec 108-8-9 Business Requiring Automobile Access**

8961 (a) Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle
8962 access shall meet the following requirements:

8963 (1) Access to the station or other structure or parking lot shall be by not more than two roadways for
8964 each 100 feet or fraction thereof of frontage on any street;

8965 (2) No two of said roadways shall be not more than 34 feet in width and shall not be closer than 20 feet
8966 to the point of intersection of two property lines or at any street corner; and

8967 (3) A curb, hedge or fence of not more than two feet in height shall be provided by the owner to limit
8968 access to the permitted roadway.

8969 (b) Exception. Service stations in commercial zones and uses in manufacturing zones may have a maxi-
8970 mum roadway width of 50 feet.

8971

8972 **Sec 108-8-10 Vehicular Traffic To Commercial Or Manufacturing Zones**

8973 Privately owned land within an area zoned for residential purposes shall not be used as a regular means of
8974 vehicular passage to and from property in commercial or manufacturing zones.

8975

8976 **Sec 108-8-11 Regulations Governing Accessory Vehicle Off-Street Parking Within Required Side**
8977 **Setback Areas**

8978 One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed
8979 in one required Side Setback of a dwelling provided that:

8980 (a) The dwelling unit has the minimum number of required off-street parking spaces as stipulated by Sec-
8981 tion 108-8-2.

8982 (b) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with no portion
8983 of the vehicle extending forward of the front face of the dwelling.

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- 8984 (c) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new
8985 approach must be installed for the new driveway.
- 8986 (d) Any slab constructed must remain open and unobstructed to the sky.
- 8987 (e) No vehicle shall be parked in the required Side Setback unless the parking area is improved with hard
8988 surface material such as concrete or asphalt.
- 8989 (f) Any slab constructed for vehicle parking must be screened by a non-see through fence of not less than
8990 six feet in height along the length of the slab behind the Front Setback.
- 8991 (g) All stormwater runoff from the hard surface of slab must be directed so as to prevent drainage onto
8992 adjacent properties.

8993

8994 **Sec 108-8-12 Off-Site Improvements Required**

- 8995 (a) The applicant for a use permit for all residential, commercial or industrial structures, all other business
8996 and uses, and public and semi-public buildings shall install high back curb, gutter and sidewalk and
8997 entrance ways to county public works standards and location, within public or private streets along the
8998 entire property line which abuts the street, except in agricultural, shoreline and forestry zones, and
8999 where county regulations exempt such curb, gutter or sidewalk installation.
- 9000 (b) The Land Use Authority may defer or exempt the installation of high back curb and gutter and/or side-
9001 walk where topographies, timing or other unusual or special conditions exist, provided that the public
9002 health, safety and welfare is preserved.

9003

9004 **Sec 108-8-13 Destination And Recreation Resort Zone**

9005 Within the Destination and Recreation Resort Zone where a master plan has been approved, the Land Use
9006 Authority may modify the applicability of any provision of this chapter by approving a parking plan created
9007 by the developer if the land use authority determines that the plan is consistent with the approved master
9008 plan. Such plan shall include provisions applying sufficient mitigation for parking and will provide a mech-
9009 anism for revocation where the plan is not operating as presented. For the purposes of this section, the term
9010 "developer" refers to the signatory, successors, or assigns of a development agreement, or as otherwise
9011 defined in an applicable development agreement.

9012

9013

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9014 **CHAPTER 108-9 MOTOR VEHICLE ACCESS**

9015

9016 **Sec 108-9-1 Businesses Requiring Access**

9017 Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle ac-
9018 cess shall meet the requirements as hereinafter provided.

9019

9020 **Sec 108-9-2 Roadways And Curbs**

9021 Access to the station or other structure or parking lot shall be controlled as follows:

9022 (a) Access shall be by not more than two roadways for each 100 feet or fraction thereof of frontage on any
9023 street.

9024 (b) No two of said roadways shall be closer to each other than 12 feet; and no roadway shall be closer to a
9025 side property line than three feet.

9026 (c) Each roadway shall be not more than 36 feet in width for roadside stands, public parking lots, and all
9027 other businesses requiring motor vehicle access, except service stations in commercial and uses in man-
9028 ufacturing zones may have a maximum width of 50 feet.

9029 (d) No roadway shall be closer than 20 feet to the point of intersection of two property lines at any street
9030 corner.

9031 (e) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit
9032 shall provide a safety island along the entire frontage of the property except for permitted roadways.
9033 Concrete curbs shall be constructed and height, location and structural specifications shall be approved
9034 by the County Engineer.

9035 (f) Where there is no existing curb and gutter or sidewalk, the applicant shall install such safety island and
9036 curb, or, in place thereof, construct along the entire length of the property line, except in front of the
9037 permitted roadways, a curb, fence, or pipe rail not exceeding two feet or less than eight inches in height.

9038

9039 **Sec 108-9-3 Location Of Gasoline Pumps**

9040 Gasoline pumps shall be set back not less than 18 feet from any street line to which the pump island is
9041 vertical and 12 feet from any street line to which the pump island is parallel, and not less than ten feet from
9042 a residential or agricultural zone boundary line. If the pump island is set at an angle on the property, it shall
9043 be so located that automobiles stopped for service will not extend over the property line. (See section 108-
9044 8-9 for more restrictive requirement.)

9045

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9046 **Sec 108-9-4 Location Of Service Station Canopies**

9047 Service station canopies may extend into the required Front Setback of a service station site to cover pump
9048 islands and the adjacent vehicle service areas, provided such canopies are located not closer than five feet
9049 to the front property line.

9050

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CHAPTER 108-10 PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS

Sec 108-10-1 Location

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

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

(a) *Lot Area, width, Setback, and street Frontage regulations.* The lot area, width, Setback, and street frontage regulations for a public utility substation, as defined in Title 101 Chapter 2, are as follows:

(1) *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this Land Use Code, the required Setbacks, and space to park two maintenance vehicles.

(2) *Front Setback.* Front Setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that no substation shall be located closer to a public or private street right-of-way than the minimum Front Setback of the zone, or 20 feet, whichever is more restrictive.

(3) *Side Setback.* The Side Setback requirement shall comply with the typical Setback specified in the applicable zone regulating the property.

(4) *Rear Setback.* The Rear Setback requirement may be reduced to the following:

a. In a residential zone: five feet.

b. In an agricultural zone: ten feet.

c. In a forest zone: 20 feet.

d. In a zone not specifically listed above: typical zone Setback as provided in the chapter for that zone.

(5) *Street frontage.* No frontage is required along a public right-of-way if clear and legal access exists from a public right-of-way to the site for the purpose of the utility use.

(b) *Co-location.* Co-location of a public utility substation with other existing public utility substations is required provided that the co-location does not cause interference with any public utility, or the reasonable operation of the public utility substation.

(c) *Towers.* The following regulations govern the installation of public utility substation towers:

(1) *Tower distance from overhead power.* The height of a tower shall be one foot less than the linear distance between the base of the tower and the nearest overhead power line, or lesser height.

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- 9086 (2) *Tower Setbacks.* In all zones, except in commercial and manufacturing zones, a tower shall not be
9087 located within the minimum Front Setback of any lot, nor within the minimum Side Setback facing
9088 a street on a Corner Lot, nor on the roof of a residential structure.
- 9089 (3) *Tower building permit.* A building permit shall be required for a tower. An application for a permit
9090 shall include construction drawings showing the method of installation and a site plan depicting
9091 structures on the property and on any affected adjacent property and a structural engineering certi-
9092 fication by a registered structural engineer from the state.
- 9093 (4) *Tower disguise.* A public utility substation tower may exceed the maximum height allowed in the
9094 zone. A public utility substation tower that exceeds 35 feet and which cannot be reasonably co-
9095 located on an existing tower shall be disguised so that the average person cannot discern that it is a
9096 public utility substation from a distance greater than 200 feet.
- 9097 a. With the exception of part b.1. herein, the disguise shall be constructed of painted, stained,
9098 sandblasted or carved wood, log timbers, brick, stone, textured concrete or similar material.
9099 Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent re-
9100 flective glare may also be used. Copper, brass, wrought iron, and other metals may remain
9101 untreated and allowed to develop a natural patina. Support structures shall use natural, muted
9102 earth-tone colors including browns, black, grays, rusts, etc. White shall not be used as a pre-
9103 dominant color, but may be used as an accent.
- 9104 b. The disguise shall be designed by a licensed architect and shall:
- 9105 1. Replicate natural features found in the natural environment within 1000 feet such that the
9106 average person cannot discern that it is not a natural feature from a distance greater than
9107 200 feet. If it replicates vegetation it shall be located no greater than 20 feet from, and be
9108 no greater than ten feet taller than, three other native non-deciduous plants of the same
9109 species. Any proposal for new vegetation intended to satisfy this requirement shall:
- 9110 i. Be located no more than 1,000 feet from the same species naturally occurring in the
9111 area;
- 9112 ii. Cluster the new planting around the tower in a natural-appearing manner; and
- 9113 iii. Demonstrate sufficient availability of soil nutrients and soil moisture necessary for
9114 species survival. A planting that dies shall be replaced no later than fall or spring,
9115 whichever comes first, with a plant of equal or greater size as the originally proposed
9116 planting.
- 9117 2. Architecturally replicate structures that are commonly accessory to onsite agricultural uses;
9118 or
- 9119 3. If in an area governed by a master plan or development agreement that contains a specific
9120 architectural theme, replicate architectural structures that support the architectural theme.
- 9121 c. The requirement for the disguise may be waived by the appropriate land use authority in cases
9122 where the disguise is inconsistent with existing or future-planned land uses onsite or in the area.
- 9123
-

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9124 **Sec 108-10-3 (Reserved)**

9125

9126 **Sec 108-10-4 (Reserved)**

9127

9128 **Sec 108-10-5 Public Building--Minimum Lot Area**

9129 Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate,
9130 agriculture, and forest zones.

9131

9132 **Sec 108-10-6 Same--Minimum Setbacks**

9133 Each public building shall meet the minimum Setback requirements for a public building in the zone in
9134 which it is located.

9135

9136 **Sec 108-10-7 Same--Width Of Lot**

9137 Each public building shall have a minimum width of lot of 100 feet.

9138

9139 **Sec 108-10-8 Same--Frontage**

9140 Each public building shall have frontage on a public street.

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CHAPTER 108-11 SHORT-TERM RENTALS

Sec 108-11-1 Purpose And Intent

There are benefits to allowing owners of a residential unit within the County to rent their dwelling unit for short periods of time. Short-term rental of a dwelling unit also brings capacity and diversification to the visitor-accommodation market. However due to the potential for adverse impacts, a short-term rental must be regulated by the County to protect the health, safety, and welfare of owners, neighbors, and visitors. The intent of this Chapter is to establish procedures and standards by which a residential short-term rental can be provided to visitors and tourists in a manner that protects both the quality of their experience, and the communities in which they are located.

Sec 108-11-2 Applicability

This chapter applies to a short-term rental use in the unincorporated area of Weber County, where allowed by the zone. The following requirements apply to all short-term rentals.

- (a) **Approval required.** Except where specifically allowed otherwise in this Land Use Code, it is unlawful for an owner to rent any property for a time period of less than 30 days within the unincorporated area of Weber County without short-term rental approval pursuant to this chapter.
- (b) **Licenses, land use permits, and other applicable law.** A short-term rental use requires a short term rental license, as provided herein, a commercial business license, as provided in Title 14, and shall only be conducted in a residential unit with all appropriate land use permits, building permits, certificates of occupancy, and any other approval as required by this Land Use Code, other County codes, and State and Federal law.

Sec 108-11-3 Prohibitions

A short-term rental license will not be issued for any of the following:

- (a) **Building not approved for residential occupancy.** A short-term rental is not allowed in any building unless it has received approval for a residential use, and has a certificate of occupancy.
- (b) **Accessory dwelling unit.** A short-term rental is not allowed in an accessory dwelling unit.
- (c) **Restricted housing.** A short-term rental is not allowed in a dwelling unit that has been reserved for workforce housing.
- (d) **Private covenants.** A short-term rental license is invalid if issued for any property that is subject to private covenants that prohibit the property's availability for short-term rentals. This applies regardless of how the private covenants are labeled, and regardless of whether or not the private covenants are enforced by a homeowners association or committee.

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9177 **Sec 108-11-4 Application Procedure**

9178 Application for short-term rental business license. The application and review procedure for a short-term
9179 rental license shall include the requirements outlined in the business license procedure and as follows:

9180 (a) ***Application submittal requirements.***

- 9181 (1) Proof of ownership of the lot;
- 9182 (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes
9183 the following:
- 9184 a. Driveway;
- 9185 b. Parking plan demonstrating compliance with the parking standards established in Section 108-
9186 11-8, and any other relevant parking standard found in Chapter 108-8;
- 9187 c. Existing fencing or perimeter screening, if applicable;
- 9188 d. Trash disposal and collection plan demonstrating compliance with the trash disposal and col-
9189 lection standards established in Section 108-11-8; and
- 9190 e. Outdoor lighting plan showing compliance with Chapter 108-16, including the replacement of
9191 all nonconforming outdoor lighting on the property;
- 9192 (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all areas
9193 allowed to be occupied or used by short-term rental occupants;
- 9194 (4) Commitment to serve, also known as a will-serve letter, from the utilities providing culinary water
9195 and sanitary sewer services, or, if the short term rental will be served by a well or septic system,
9196 the Local Health Department. The will-serve letter shall specify the maximum occupancy or num-
9197 ber of sleeping rooms allowed to be associated with the short term rental use.
- 9198 (5) Submission of a building permit and associated land use permit, unless no building modifications
9199 are required in order to attain compliance with building codes, in which case certificates of occu-
9200 pancy shall be submitted;
- 9201 (6) Submission of the name and contact information associated with the individual or management
9202 company being designated as the Responsible Agent and any other back-up Responsible Agent, as
9203 required by Section 108-11-7;
- 9204 (7) Signed acknowledgement by the owner and Responsible Agent that they have read this short-term
9205 rental ordinance and understand the licensing, operational standards, and violation and revocation
9206 provisions; and
- 9207 (8) An application fee as set forth by the County.

9208 (b) ***Complete Application Required.*** A license shall not be issued unless each of the County's requirements
9209 are completed in full, as determined by the County Planning Department.

9210 (c) ***Review procedure.***

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- 9211 (1) **Staff review.** Upon submittal of a complete short-term rental application, Planning Division staff
9212 will review the application to verify compliance with this chapter and any other relevant component
9213 of this Land Use Code.
- 9214 (2) **Agency reviews.** Planning Division staff will route the application to the local Fire Authority and
9215 Building Official, for verification of compliance, determination of need for application modifica-
9216 tions, and for the submittal of other applications or reviews necessary to obtain their approval of a
9217 license, if applicable. The short-term rental shall comply with local regulations and ordinances for
9218 a residential dwelling. Approval is required from the aforementioned authorities, departments, and
9219 agencies.
- 9220 (3) **License issuance.** If the application complies with relevant land use laws and receives all required
9221 department and agency approvals, the license shall be issued after the initial property inspection,
9222 pursuant to Section 108-11-5, finds that the proposed short-term rental is in compliance with the
9223 requirements of this chapter.
- 9224 (d) **Conditions of approval.** The Land Use Authority may apply conditions of approval based on the stand-
9225 ards listed in Section 108-4-5.
- 9226 (e) **Short-term rental business license required.** A short-term rental business license is required to operate
9227 a short-term rental on each property where a short-term rental is located.
- 9228 (f) **License Renewal.** Existing licensees must submit for license renewal and pay the required fee by no
9229 later than December 1st of each year, regardless of the date of the initial license issuance. Owners
9230 wishing to renew a license must provide the following:
- 9231 (1) License renewal application;
- 9232 (2) Inspection report, if required by Section 108-11-5;
- 9233 (3) Evidence of tax remittance from the year prior; and
- 9234 (4) Any other documentation required by the County.
- 9235
- 9236 **Sec 108-11-5 Property Inspection**
- 9237 (a) **Initial property inspection.** Properties applying for their first short-term rental license shall be inspected
9238 for compliance with the provisions of this chapter and other applicable sections of this Land Use Code.
9239 The Planning Division shall have the option of designating a county inspector or may allow a 3rd party
9240 building inspector, at the applicant's expense. Any code deficiencies applicable to the structure at the
9241 year of construction and occupancy found during this initial inspection, as well as any health, safety,
9242 and welfare issues identified during inspection, shall be resolved to the satisfaction of the inspector
9243 prior to the issuance of a short-term rental license.
- 9244 (b) **License renewal property inspection.** The County, at its discretion, may require that a property be
9245 inspected prior to the renewal of an existing license. The Planning Division shall have the option of
9246 designating a county inspector or a third-party building inspector, at the applicant's expense. Should
9247 the property fail the inspection, the owner shall have 90 days to bring their property into compliance or
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9248 the license will be suspended. A license may be immediately suspended if life/safety concerns arise
9249 during the inspection. If a license is suspended, the property owner must rectify the concerns that led
9250 to the suspension prior to the license reinstatement.

9251 (c) ***Property inspection after violation.*** If the County receives complaint or notice of violation of any ap-
9252 plicable County regulations at any time, the Planning Division may request an inspection to determine
9253 compliance with the regulations. Failure to allow the inspection and/or comply with the results of the
9254 inspection may result in additional minor or major violations (see Sections 108-11-9 through Section
9255 108-11-10, below).

9256

9257 **Sec 108-11-6 Applicable Taxes And Remittance**

9258 An owner of a short-term rental is responsible for collecting and remitting all applicable state and local
9259 taxes, either through a third-party agency or individually. Owners who fail to collect and remit applicable
9260 taxes shall not be eligible for annual license renewal. The County reserves the right to conduct routine tax
9261 audits to verify appropriate tax remittance of any short-term rental at any time, or prior to license renewal.

9262

9263 **Sec 108-11-7 Responsible Agent**

9264 (a) ***Appointment of agent.*** The owner of a short-term rental shall appoint a Responsible Agent for the
9265 rental property. This appointed Agent may be the owner or designee, independent property manager,
9266 or a professional property management company. The appointed Responsible Agent shall be on-call to
9267 manage the property during any period within which the property is occupied. This Agent must be able
9268 to respond, in person if needed, within 60 minutes of receiving notification of the complaint to address
9269 any complaints that may arise from the operation of the short-term rental. Designating one or more
9270 back-up agents is strongly advised to ensure this responsibility is fulfilled. The failure of a Responsible
9271 Agent to respond constitutes a major violation, pursuant to Section 108-11-9.

9272 (b) ***Safety.*** A Responsible Agent is not required to, and should not, place themselves in a situation that
9273 could cause them physical harm in order to attempt to address a complaint.

9274 (c) ***Notification of agent change.*** The owner shall notify the Planning Division within seven calendar days
9275 of a modification to the appointed Responsible Agent and shall provide the name, address, and tele-
9276 phone number of any newly appointed agent. It is the owner's responsibility to update this information
9277 throughout the term of the license.

9278

9279 **Sec 108-11-8 Operating Standards**

9280 (a) ***Information Dissemination Requirements.*** The owner shall post the following information in a prom-
9281 inent and visible location on the property:

9282 (1) ***Internal posting.*** Each licensed short-term rental property shall have the following information
9283 posted in a conspicuous location where it can be easily viewed by tenants:

9284 a. Short-Term Rental License number;

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- 9285 b. Contact information for the owner and responsible agent, including a phone number for 24-
9286 hour response to emergencies;
- 9287 c. The property's maximum occupancy;
- 9288 d. The property-specific parking plan including the maximum number of vehicles allowed to be
9289 parked on the property, the location of parking for large vehicles or trailers, the prohibition of
9290 parking in the public right-of-way, and all other applicable parking rules;
- 9291 e. Map and description of the locations of fire extinguishers and emergency egress routes;
- 9292 f. Generally applicable requirements regarding noise, parking, trash pickup, and fire restrictions
9293 that will foster good neighbor relations;
- 9294 g. Current fire restriction information, as disseminated through the Weber County Fire District
9295 website; and
- 9296 h. Any other information deemed necessary by the reviewing agencies to ensure the public's
9297 health and safety.
- 9298 (2) **Street addressing.** Each licensed short-term rental property shall have its assigned street address
9299 posted externally in a conspicuous location where it can be easily viewed day or night from the
9300 adjacent street or access way.
- 9301 (b) **Advertising requirements.** As provided in UCA 17-50-338, the following advertising requirements are
9302 not intended to prohibit an individual from listing a property for short-term rental on any short-term
9303 rental website. All advertising for a short-term rental property shall include the following information
9304 in searchable plain text:
- 9305 (1) The property's short-term rental license number.
- 9306 (2) The property's maximum permitted occupancy.
- 9307 (3) Maximum parking capacity, including the availability for parking of large vehicles or trailers.
- 9308 (4) A digital link to the County's short-term rental regulations.
- 9309 (5) The following language shall be included verbatim in a prominent location of the advertisement:
9310 "Any advertisement for a short-term rental property in unincorporated Weber County, Utah, that
9311 does not provide a unique license number is unlikely to be a lawfully licensed short-term rental."
- 9312 (c) **Occupancy.**
- 9313 (1) **Occupancy Limits.** The maximum occupancy for a short-term rental property shall be no more than
9314 two people per bedroom, plus four people, for up to a maximum of 10 people per short-term rental,
9315 and is subject to the following:
- 9316 a. A property's maximum occupancy may be reduced due to a property's unique characteristics,
9317 including, but not limited to, parking constraints or septic/sewer system capacity; and
- 9318 b. A greater maximum occupancy may be approved following additional review and approval of
9319 applicable reviewing agencies and the provision of additional components that would otherwise
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- 9320 limit capacity including, but not limited to, fire suppression systems, parking capacity, sep-
9321 tic/sewer capacity, culinary water rights, and the number of available sleeping rooms.
- 9322 (2) **Single Contract.** With exception to condominiums approved to allow a short-term rental within a
9323 lockout sleeping room, owners shall not concurrently rent individual rooms or areas to more than
9324 one unrelated party for the same night or nights.
- 9325 (3) **External sleeping accommodations prohibited.** All sleeping accommodations must be maintained
9326 internal to the licensed dwelling unit as indicated by the floorplan that was submitted and approved
9327 during the licensing process. External accommodations such as yurts, teepees, tents, recreational
9328 vehicles/travel trailer, other temporary structures, or any similar accommodation may not be used
9329 for sleeping accommodations or as a means to increase the maximum permitted occupancy. Rec-
9330 reational vehicles belonging to renters may be brought onto sites large enough to allow space for
9331 parking. Such parking shall be on improved, hard surface areas.
- 9332 (4) **Duration.** No licensed short-term rental unit may be rented for less than two consecutive nights,
9333 with exception to property in the DRR-1 zone.
- 9334 (d) **Parking.** In addition to the parking requirements for dwellings, as outlined by Section 108-8-2, the
9335 following parking regulations are also required for all licensed short-term rental properties.
- 9336 (1) At least one parking space measuring a minimum of nine feet by 20 feet shall be provided for each
9337 two sleeping rooms offered, but never less than two parking spaces.
- 9338 (2) All vehicles of occupants and visitors of a short-term rental property shall be parked only within
9339 the property's boundary lines and in accordance with the approved parking plan. Additionally, up
9340 to, but no greater than, 25% of the property's front or side Setbacks may be used for parking.
- 9341 (3) No parking is allowed within the property's adjacent rights-of-way.
- 9342 (4) No vehicles shall be parked on the lawn or landscaped areas of the property.
- 9343 (5) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the
9344 property.
- 9345 (6) Trailers and oversized vehicles shall be parked in the locations designated on the approved parking
9346 plan. Trailers and oversized vehicle parking shall be a minimum ten feet by 45 feet and area for
9347 reasonable access and maneuvering to the space shall be provided.
- 9348 (7) A map of the property, showing parking locations and property lines, shall be provided.
- 9349 (e) **Noise.** Between the hours of 10:00 pm and 8:00 am, no sound exceeding 50 dB, and no amplified or
9350 reproduced sound, shall be allowed as measured from the property line.
- 9351 (f) **Nature of use.** The short-term rental shall remain consistent with the residential nature of the area. As
9352 such, no commercial operations shall be permitted in the home or on the property in connection with
9353 the short-term rental. This shall include large events that exceed the normal occupancy of the stated
9354 limit (see Section 108-11-8 (c) above) at any time on the property. Prohibited uses/events shall include,
9355 but are not limited to, receptions, luncheons, weddings, retreats, and similar commercial uses or events.
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- 9356 Catering of food, erection and use of temporary shelters, tents, canopies, and other similar structures,
9357 and outside employees and/or staff are expressly prohibited.
- 9358 (g) **Trash disposal and collection.** All short-term rental properties shall provide a trash disposal and col-
9359 lection plan at the time of license application to ensure that trash containers are not left outdoors where
9360 they can cause issues for wildlife, snow removal operations, or cause unsightliness. With exception to
9361 the property's assigned trash pick-up day, trash containers must be stored behind the property's Front
9362 Setback line and positioned next to the house. All trash shall be placed within appropriate receptacles.
9363 The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-up
9364 schedule is collected and removed from the property as needed. Properties with larger maximum per-
9365 mitted occupancies may require the procurement of additional trash cans to accommodate the volume
9366 of anticipated trash being generated.
- 9367 (h) **Outdoor lighting.** Incorporated herein for all properties located in unincorporated Weber County de-
9368 siring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all
9369 times comply with the exterior lighting requirements set forth in Chapter 108-16 of the Land Use Code.
9370 All nonconforming outdoor lighting shall be replaced with conforming lighting prior to the issuance of
9371 a short-term rental license.
- 9372 (i) **Signage.** On-site signage intended to advertise the property as a short-term rental is not permitted any-
9373 where on the property or adjacent right-of-way.
- 9374 (j) **Fire safety.**
- 9375 (1) The property must have primary access along a public right-of-way or access easement that meets
9376 the fire marshal's requirements for a fire access road.
- 9377 (2) The property must have a fire prevention system as approved by the fire marshal.
- 9378 (3) Outdoor fire pits must be permanently affixed with concrete or hard-surface aprons, or as otherwise
9379 approved by the fire authority. Only natural gas or propane gas fire pits are allowed within the
9380 Wildland-Urban Interface.
- 9381 (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and
9382 fire codes.
- 9383 (5) Fire extinguishers must be placed in an approved location on each level of the property and adjacent
9384 to outdoor fire pits.
- 9385 (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.
- 9386 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current
9387 Wildland-Urban Interface code requirements.
- 9388 (k) **Animals.**
- 9389 (1) Animals shall be kept on leash while outdoors on the property.
- 9390 (2) No animal shall be allowed to roam freely without supervision.
- 9391
-

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9392 **Sec 108-11-9 Complaints And Violations**

- 9393 (a) ***Complaints.*** The following sets the minimum requirements for short-term rental complaint resolution.
- 9394 (1) ***Making an initial complaint.*** An initial complaint concerning the use or occupancy of a licensed
- 9395 short-term rental unit may be made to the County or designee by a means as established by the
- 9396 Planning Division. Anonymous complaints will not be processed.
- 9397 (2) ***Notification to Responsible Agent.*** When a complaint concerning a short-term rental has been re-
- 9398 ceived, contact to the responsible agent will be attempted by a County designee using the telephone
- 9399 number on file with the County. If the Responsible Agent does not respond to the County designee
- 9400 within sufficient time for the responsible agent to address the complaint within the timeframe spec-
- 9401 ified in Section 108-11-7, this constitutes a major violation as provided in Subsection (b) of this
- 9402 section.
- 9403 (3) ***Attempt to resolve complaint.*** The Responsible Agent is required to resolve the issue within 60
- 9404 minutes of receiving notification of the complaint. The Responsible Agent shall promptly notify
- 9405 the County or its designee if the Agent believes a complaint has been successfully resolved. If the
- 9406 County or designee does not receive notification from the Responsible Agent that a complaint has
- 9407 been successfully resolved within the 60 minute timeframe, it shall be presumed that the complaint
- 9408 has not been successfully resolved.
- 9409 (4) ***Contacting law enforcement.*** If a complaint involves the immediate health and safety of any person
- 9410 or property, or if, despite good faith efforts, the problem that was the subject of a complaint cannot
- 9411 be resolved, the Responsible Agent shall immediately contact law enforcement, and follow any
- 9412 direction(s) given by any law enforcement official.
- 9413 (5) ***County investigation.*** The County shall investigate a formal complaint received, in order to deter-
- 9414 mine if it is a substantiated complaint that represents a documented violation of any provision(s) of
- 9415 this Chapter.
- 9416 (b) ***Violations.*** For the purposes of this chapter violations for licensed short-term rental properties shall be
- 9417 classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental properties
- 9418 shall be classified as an Unlicensed Violation.
- 9419 (1) ***Minor violations.*** A Minor Violation shall be any violation of the short-term rental operational
- 9420 standards as provided in Section 108-11-8.
- 9421 a. Owners will be given one warning following their first Minor Violation within any consecutive
- 9422 12 months. If this warning is subject to a static and prevailing concern, owners shall be given
- 9423 three calendar days to correct the issue or the warning will become a documented Minor Vio-
- 9424 lation.
- 9425 b. After three Minor Violations within 12 consecutive months, the owner shall be issued a Major
- 9426 Violation on the fourth and subsequent occurrences.
- 9427 c. Each Minor Violation shall be subject to an administrative penalty as provided in Section 108-
- 9428 11-10.

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(2) **Major Violation.** A Major Violation shall consist of the failure of the Responsible Agent to perform their responsibilities as provided in this chapter, or the fourth and subsequent Minor Violations within a 12 month consecutive time frame.

a. Owners will be given one warning in the event of a responsible agent failing to perform their responsibilities within each calendar year.

b. Each major violation shall be subject to administrative penalties as provided in Section 108-11-10.

(3) **Unlicensed violation.** An unlicensed violation is committed upon the rental of an unlicensed property on a short-term basis. Owners will be given one warning. Each violation thereafter shall be subject to administrative penalties as provided in Section 108-11-10.

Sec 108-11-10 Administrative Penalty

(a) Any person found in violation of any provision(s) of this Chapter is liable for an administrative penalty in the form of a monetary fine based on the property's average nightly rate, not to exceed the maximum allowed by state statute. The average rental rate of the property shall be determined through the advertised nightly rental rate. After the first day the violation occurs, each day that the violation remains unresolved shall carry an additional daily administrative penalty in the same amount. The amounts shall be determined as follows:

(1) **Minor violations.** Monetary fines shall be 50 percent of the advertised nightly rental rate up to the maximum state allowance on the date(s) of the violation.

(2) **Major violations.** Monetary fines shall be 100 percent of the advertised nightly rental rate on the date(s) of the violation up to the maximum state allowance.

(3) **Unlicensed violations.** Monetary fines shall be 200 percent of the advertised nightly rental rate on the date(s) of the violation up to the maximum state allowance.

(b) In the event the County cannot determine the average nightly rental rate of a specific rental, the average rental rate of the violation dates within the area shall be used.

Sec 108-11-11 License Revocation

(a) **Revocation due to minor violations.**

(1) If a short-term rental unit has four minor violations within three consecutive months, or six minor violations within twelve consecutive months, the short-term rental license shall be revoked in accordance with the provisions of Section 102-4-3.

(2) If a short-term rental license is revoked due to an accumulation of minor violations, for a minimum of one year following the revocation, the County shall not accept an application for a new license for the same short-term rental unit; with the exception that a new application by a new property

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9465 owner, proven to be unaffiliated with the property owner whose license was revoked, may be con-
9466 sidered.

9467 (b) **Revocation due to major violations.**

9468 (1) If a short-term rental unit has two major violations within three consecutive months, or four major
9469 violations within twelve consecutive months, the short-term rental license shall be revoked in ac-
9470 cordance with the provisions of Section 102-4-3.

9471 (2) If a short-term rental license is revoked due to major violations, for a minimum of two years fol-
9472 lowing the revocation, the County shall not accept an application for a new license for the same
9473 short-term rental unit; with the exception that a new application by a new property owner, proven
9474 to be unaffiliated with the property owner whose license was revoked, may be considered.

9475 (c) **Revocation process.** In addition to the process explained herein, license revocation shall follow the
9476 procedure specified in Section 102-4-3.

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CHAPTER 108-12 NONCOMPLYING STRUCTURES, NONCONFORMING USES, AND NONCONFORMING LOTS

Sec 108-12-1 Purpose And Intent

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

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

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

Sec 108-12-3 Additions And Enlargements

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

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9515 (2) The addition meets the Setback requirements of the zone in which it is located or conforms to the
9516 reduced Setbacks as allowed in Section 108-12-13; or

9517 (3) The addition does not encroach into the required Setbacks further than the existing dwelling or
9518 other structure.

9519

9520 **Sec 108-12-4 Alteration Where Parking Insufficient**

9521 A structure lacking sufficient automobile parking space as required by this chapter may be altered or en-
9522 larged, provided additional automobile parking space is supplied to meet the requirements of the Weber
9523 County Land Use Code.

9524

9525 **Sec 108-12-5 Moving Noncomplying Structures**

9526 A noncomplying structure shall not be moved in whole or in part to any other location on a lot or parcel,
9527 unless every portion of such structure is made to conform to all regulations of the zone in which it is located,
9528 or made to conform to the reduced Setbacks as allowed in Section 108-12-13.

9529

9530 **Sec 108-12-6 Restoration Of Damaged Buildings**

9531 A noncomplying structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other
9532 calamity, act of God, or the public enemy, may be restored and the occupancy or use of such structure or
9533 part thereof, may be continued or resumed, provided that such restoration is started within a period of one
9534 year, by obtaining a land use permit, and is diligently pursued to completion.

9535

9536 **Sec 108-12-7 One-Year Vacancy Or Abandonment**

9537 (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and which is or here-
9538 after becomes vacant and remains unoccupied for a continuous period of one year, except for dwellings
9539 and structures to house animals and fowl, shall not thereafter be occupied except by a use which con-
9540 forms to the use regulations of the zone in which it is located. Wherever a nonconforming use has been
9541 discontinued for a period of one year, such use shall not thereafter be re-established and any future use
9542 shall be in conformance with the current provisions of the Weber County Land Use Code.

9543 (b) Any building or structure for which a valid building permit has been issued and actual construction was
9544 lawfully begun prior to the date when the structure became noncomplying, may be completed and used
9545 in accordance with the plans, specifications and permit on which said building permit was granted. The
9546 term "actual construction" is hereby defined to be the actual placing of construction materials in their
9547 permanent position, fastened in a permanent manner, actual work in excavating a basement or the dem-
9548 olition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases
9549 actual construction work shall be diligently carried on until the completion of the building or structure
9550 involved.

9551

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9552 **Sec 108-12-8 Change Of Use**

9553 The nonconforming use of a legal structure may not be changed except to a conforming use. Where such a
9554 change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use.

9555

9556 **Sec 108-12-9 Expansion Of Nonconforming Use**

9557 A nonconforming use may be extended to include the entire floor area of the existing legal structure in
9558 which it was conducted at the time the use became nonconforming; provided, however, that a land use
9559 permit is first obtained for such extension of use.

9560

9561 **Sec 108-12-10 Legal Use Of Nonconforming Lots**

9562 Development on a nonconforming lot is permitted. Development on a nonconforming lot is limited to only
9563 those permitted and conditional uses allowed on the smallest minimum lot size for the applicable zone. A
9564 new use on a nonconforming lot is prohibited if the proposed use requires a lot size larger than the smallest
9565 lot size permitted in the zone. A legally established use may continue on a nonconforming lot regardless of
9566 the lot size requirements of the use.

9567

9568 **Sec 108-12-11 Subdivision Plat Requirements For Nonconforming Lots; Exemptions**

9569 All lots and parcels shall be platted as part of a subdivision in conformance with the requirements of title
9570 106 of this Land Use Code, unless otherwise exempted by state code or this Land Use Code. The platting
9571 of nonconforming lots, and the amendment to a platted subdivision containing nonconforming lots are gov-
9572 erned as follows:

9573 (a) The following rules govern the treatment of an unplatted lot that does not conform to the current lot
9574 standards and may not have complied with the requirements of the subdivision code in effect at the
9575 time of the lot's creation:

9576 (1) If the existing lot can be defined as a lot of record, as defined in Title 101 Chapter 2, the lot shall
9577 be exempt from subdivision platting requirements.

9578 (2) If the existing lot was created prior to July 1, 1992 and contained a lawfully permitted single family
9579 dwelling unit, then the lot shall be exempt from subdivision platting requirements, and is a noncon-
9580 forming lot.

9581 (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the provisions of
9582 subsections (a)(1) and (a)(2), then the lot shall be platted in accordance with Title 106 of this Land
9583 Use Code. Lot standards applicable for such subdivision lot may be reduced to meet the minimum
9584 standards of the zone in effect at the time of the lot's creation so long as it does not create any more
9585 lots than currently exist, and the current lot size is not materially reduced from its current acreage,
9586 except for minor adjustments necessary to facilitate a more accurate legal description. All such
9587 platted lots that do not conform to current zoning standards shall thereafter be considered noncon-
9588 forming lots. A lot that does not meet the minimum standards of the zone in effect at the time of

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9589 the lot's creation may be reconfigured upon platting to comply with such standards as long as the
9590 reconfiguration does not cause any other lot to become nonconforming or more nonconforming. A
9591 lot platted pursuant to this subsection may be further reduced in size to accommodate any right-of-
9592 way dedication as may be required by Title 106 of this Land Use Code. No unplatted lot or parcel
9593 governed by this subsection shall be granted a land use permit prior to subdivision platting.

9594 (b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the standards of
9595 the zoning code and subdivision code in effect at the time of its creation, but no longer complies due to
9596 subsequent changes to these codes, may be amended pursuant to the minimum standards in effect at the
9597 time of its creation. The amendment shall not create any new lots. An amended plat shall be required.

9598

9599 **Sec 108-12-12 Reconfiguring Nonconforming Lots**

9600 Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect
9601 at the time of the lot's creation if the reconfiguration does not create any more lots than currently exist. The
9602 reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the
9603 nonconforming lot is part of a platted subdivision, see also Section 106-1-6 for boundary adjustment pro-
9604 visions.

9605

9606 **Sec 108-12-13 Setback Requirements For Nonconforming Lots**

9607 A nonconforming lot that has a smaller width than is required for the zone in which it is located may be
9608 developed in a manner that does not exceed the following allowed reduction in side Setbacks:

9609 (a) A nonconforming lot's actual width (v) may be divided by the current required frontage/width (w) in
9610 order to formulate a ratio or proportional relation (x). (Formula: "v" divided by "w" equals "x".)

9611 (b) The ratio may then be multiplied by the current zone's side Setback requirement (y) in order to establish
9612 a reduced Setback (z). (Formula: "x" multiplied by "y" equals "z".)

9613 (c) The reduced side Setback is subject to the conditions listed below.

9614 (1) Under no circumstances shall an interior lot be allowed to reduce the Side Setback requirement
9615 below five feet on one side and eight feet on the other.

9616 (2) Under no circumstances shall the minimum Side Setback for a Side Lot Line fronting on a street
9617 be reduced below ten feet.

9618

9619 **Sec 108-12-14 Parcels Previously Combined For Tax Purposes**

9620 (a) Parcels that have been combined by the county recorder's office for tax purposes shall be allowed to
9621 separate one or more of the combined parcels on an approved and recorded form if:

9622 (1) The parcels that are being separated were originally created prior to July 1, 1992;

9623 (2) The properties as configured prior to the combination met area and frontage/width requirements
9624 for the zone in which they were created, or were considered nonconforming lots;

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- 9625 (3) The combination was done by the current owner or same owner acting as trustee, and was done by
9626 a quit claim, combination form, or other instrument, which states the consolidation of parcels is for
9627 tax purposes;
- 9628 (4) No new lots are being created; and
- 9629 (5) The separation of parcels results in a configuration consistent with the original parcels and con-
9630 forms to the ordinance that was in place prior to the recording of the combination form, and the
9631 resulting lots conform with the provisions of Section 108-12-11.
- 9632 (b) The separation of combined parcels authorized under this section does not authorize a change in the
9633 configuration of an approved and recorded subdivision or lots within such subdivision. Any change to
9634 the configuration of a subdivision must comply with title 106 of the Land Use Code, and any applicable
9635 state law.

9636

9637 **Sec 108-12-15 Effect Of Public Right-Of-Way Expansion**

- 9638 (a) Any structure that legally existed with conforming or nonconforming Setback prior to the expansion of
9639 a public right-of-way where the expansion of such public right-of-way makes the structure noncomply-
9640 ing or more noncomplying to the Setback requirements of this Land Use Code shall be deemed a legal,
9641 noncomplying structure.
- 9642 (b) Any lot that legally existed in a conforming or nonconforming status prior to the expansion of a public
9643 right-of-way where the expansion of such public right-of-way makes the lot nonconforming or more
9644 nonconforming to the standards of this Land Use Code shall be deemed a legal, nonconforming lot.
- 9645 (c) This section does not excuse or exempt any past or future action that creates or modifies a lot in a
9646 manner that is in violation of applicable laws.

9647 **CHAPTER 108-13 HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY**
9648 **OUTDOOR SALES; FARMER'S MARKETS**

9649

9650 **Sec 108-13-1 Purpose And Intent**

- 9651 (a) The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which home
9652 occupations are permitted to provide a service, operate certain kinds of small businesses, or maintain a
9653 professional, or business office while not changing the character of the neighborhood.
- 9654 (b) This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

9655

9656 **Sec 108-13-2 Home Occupations**

- 9657 (a) *Use regulations.* Unless otherwise prohibited herein, a home occupation is allowed as specified in re-
9658 spective zones provided it maintains compliance with the requirements and standards listed in this
9659 chapter.

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- 9660 (b) *[Prohibited uses.]* The following uses are prohibited as home occupations:
- 9661 (1) Tanning salons;
- 9662 (2) Body piercing, body art, or tattoo parlor;
- 9663 (3) Clinic or hospital;
- 9664 (4) Veterinary Facility;
- 9665 (5) Restaurant;
- 9666 (6) Auto, truck, or recreational vehicle repair or sales;
- 9667 (7) Ambulance service; or
- 9668 (8) Sexually oriented business.
- 9669 (c) *Requirements.* A home occupation shall comply with the following requirements:
- 9670 (1) An application for a land use permit with a site plan depicting the site boundaries and relevant
- 9671 buildings or facilities onsite shall be required in order to verify zoning requirements.
- 9672 (2) The property owner's written authorization shall be submitted as part of the application for the
- 9673 home occupation.
- 9674 (3) The home occupation shall obtain an annual business license.
- 9675 (d) *Standards.* A home occupation shall comply with the following standards:
- 9676 (1) A home occupation shall be conducted by the resident(s) who reside on the premises. Up to two
- 9677 additional persons may be employed by the home occupation provided the residence is on a lot
- 9678 with a minimum of one acre in area.
- 9679 (2) The home occupation shall retain the general character and appearance of a residential dwelling
- 9680 and not change the general character of the neighborhood except for approved signage and vehicle
- 9681 parking.
- 9682 (3) Except as specified herein, the home occupation shall only be carried on inside a dwelling unit. The
- 9683 home occupation shall not use any space in an attached or unattached garage, accessory building,
- 9684 yard, or any space on the premises outside of the dwelling. This does not apply for the following:
- 9685 a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor rec-
- 9686 reation or leisure.
- 9687 b. Instructional activities may be conducted outdoors or in an accessory building provided that
- 9688 the instruction is limited to lessons and lesson-related equipment, materials, or objects in such
- 9689 a manner that maintains compliance with subsection (d)(2) of this section. Instructional activ-
- 9690 ities conducted outdoors or in an accessory building shall not involve any of the following:
- 9691 1. Manufacturing, industrial processes, or the use of heavy equipment or machinery;
- 9692 2. Commercial scale assembly or creation of goods or materials;
- 9693 3. Commercial scale construction or contractor activities; or
-

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- 9694 4. Outdoor storage.
- 9695 (4) The extent of a home occupation shall be incidental and secondary to the use of the property for
- 9696 residential purposes. The part of the residence occupied by the home occupation shall not be more
- 9697 than 500 square feet or 25 percent, whichever is less, of the total floor area of the home.
- 9698 (5) The home occupation shall not substantially increase the demand for public services in excess of
- 9699 those usually and customarily provided for residential uses. It shall not substantially increase foot
- 9700 and vehicular traffic, parking, noises, lighting, vibration, smoke, dust or airborne particulate matter,
- 9701 refuse, or anything else that is uncommon to the established character of the neighborhood to such
- 9702 a degree as to constitute a nuisance to the residents of the immediate area.
- 9703 (6) The home occupation shall not create noise in excess of 60 decibels as measured from the property
- 9704 line.
- 9705 (7) Outdoor lighting used for the home occupation shall be downward directional and 100 percent
- 9706 shielded from view from adjacent properties. Reflected light resulting from lighting used for the
- 9707 home occupation shall not be in excess of two foot-candles of illumination over ambient light lev-
- 9708 els, when measured at the property line at three feet above the ground.
- 9709 (8) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or later than
- 9710 9:00 p.m. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., or
- 9711 operate later than 10:00 p.m. seven days a week.
- 9712 (9) Home occupations with visiting clientele will be subject to the following standards:
- 9713 a. No more than one home occupation with visiting clientele shall be permitted on any property.
- 9714 b. No home occupation with visiting clientele shall be allowed in multifamily dwelling units con-
- 9715 sisting of four units or more.
- 9716 (10) Home occupations shall provide adequate off-street parking for residential dwellings, as spec-
- 9717 ified in title 108, chapter 8 of this Land Use Code, and in compliance with the following:
- 9718 a. One parking space shall be required for each driver-age patron or clientele, or one space per
- 9719 two nondriver-age patrons or clientele.
- 9720 b. One parking space shall be required for each non-resident person employed by the home occu-
- 9721 pation.
- 9722 c. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to
- 9723 49 CFR 565.15), except for package delivery service at times and in intervals typical for a
- 9724 normal residential use, shall be limited to one delivery or pickup per week between the hours
- 9725 of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately
- 9726 sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided
- 9727 on the site. No loading or unloading shall be permitted in the right-of-way.
- 9728 (11) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity
- 9729 of the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises
- 9730 business for which the dwelling is being used as a home occupation office except that not more
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- 9731 than one 14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) may be
9732 parked on-premises during off work hours at night. A work trailer up to 22 feet in length may be
9733 parked at night as part of the home occupation business. All trucks and trailers used as part of the
9734 home occupation business shall be licensed and registered, and parked in accordance with title 108,
9735 chapter 8 of this Land Use Code.
- 9736 (12) Barber or beautician services shall be limited to two stations per residence.
- 9737 (13) Child day care or preschool, adult day care, or instructional activities shall be limited to eight
9738 pupils or participants at any one time. Any instructional activity, except child day care or preschool,
9739 or adult day care, that is conducted outdoors or in an accessory building shall require a minimum
9740 lot size of three acres. Instructional activities shall not include recitals, competitions, tournaments,
9741 shows or performances that may draw spectators.
- 9742 (14) The home occupation shall maintain compliance with all applicable local, state, and federal
9743 regulations.
- 9744 (e) *Home occupation sign.* One flat sign or name plate not exceeding two square feet attached to the house
9745 or mail box may be permitted. A land use permit is required for the sign. Any modification made to the
9746 permitted sign requires a new land use permit. No freestanding or banner signs shall be permitted.
- 9747 (f) *Inspections.* Inspection during reasonable hours by county officials may occur as necessary to assure
9748 compliance with these regulations.
- 9749 (g) *Revocation.* A home occupation approval may be revoked pursuant to Section 102-4-3.
9750
- 9751 **Sec 108-13-3 Short-Term Vendors**
- 9752 (a) Short-term vendor consists of the sales of goods and/or services from a trailer, yurt, mobile store, or
9753 kiosk on a commercially zoned property or property located within a ski resort boundary. Application
9754 for a short-term vendor is subject to the following requirements:
- 9755 (1) A design review application.
- 9756 (2) Site plan.
- 9757 (3) Required application fees. (Fees are the same for design review application for a home occupation
9758 with visiting clientele.)
- 9759 (4) Water and sanitation facility plans to be approved by the Local Health Department.
- 9760 (5) Signage plan.
- 9761 (6) A building permit for temporary power.
- 9762 (7) A land use permit shall be obtained for a short-term vendor.
- 9763 (b) A short-term vendor's business license expires 120 consecutive days after the date of issuance.
9764

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9765 **Sec 108-13-4 Temporary Outdoor Sales**

9766 Temporary outdoor sales site consist of the sale of seasonal goods (e.g. Christmas tree lot, pumpkins, or
9767 fireworks), that are associated with a recognized holiday, on a commercially zoned property. An application
9768 for a temporary outdoor site is subject to the following requirements:

9769 (a) A design review application.

9770 (b) Site plan.

9771 (c) Required application fees. (Fees are the same for design review application for a home occupation with
9772 visiting clientele.)

9773 (d) Water and sanitation facility plans to be approved by the Local Health Department.

9774 (e) Signage plan.

9775 (f) The sales lot area shall not exceed ten percent of the parking area on an improved commercial lot.

9776 (g) The period of operation for a sales site shall be as per state code, if established, and in no case shall be
9777 more than 30 days from the date of the holiday. The sales site shall be cleared of all debris and restored
9778 within five days after the day of the holiday.

9779 (h) Temporary fencing, including chain link, up to six feet in height.

9780 (i) A building permit for temporary power.

9781 (j) A land use permit shall be obtained for a temporary outdoor sale site.

9782

9783 **Sec 108-13-5 Farmer's Markets**

9784 A farmer's market consists of a group of local farmers and other vendors who gather to sell fresh produce,
9785 other food products, and craft items on a commercially zoned property, at a public park, or an approved
9786 agri-tourism operation. A farmer's market may function June through October; however, a farmer's market,
9787 approved as a part of an agri-tourism operation, may function June through December.

9788 An application for a farmer's market that is a part of an agri-tourism operation shall be subject to a condi-
9789 tional use permit review as well as Title 108, Chapter 21 (agri-tourism). An application for a farmer's mar-
9790 ket, located on a commercially zoned property or within a public park shall be subject to the following
9791 requirements:

9792 (a) A design review application.

9793 (b) Site plan.

9794 (c) Required application fees. (Fees are the same for design review application for a home occupation with
9795 visiting clientele.)

9796 (d) Water and sanitation facility plans to be approved by the Local Health Department.

9797 (e) The property owner(s) shall sign the application.

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- 9798 (f) The vendors at these markets are limited to local farmers/growers selling products from their own farms
9799 or gardens, crafters selling their own crafts and food vendors.
9800 (g) A building permit for temporary power.
9801 (h) All vendors planning to sell or dispense food or beverages at public events shall have permits from the
9802 Local Health Department prior to the start of the event.
9803 (i) A land use permit shall be obtained for a farmer's market.
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CHAPTER 108-14 HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS

Sec 108-14-1 Purpose And Intent

- (a) It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Land Use Code of Weber County require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive areas, such features as special soil conditions, steep terrain, highly combustible native vegetation, and other conditions may pose serious potential consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.
- (b) In the administration of the provisions of this chapter, the County will strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging and requiring, where necessary, the following:
- (1) A minimum amount of grading which preserves the natural contours of the land.
 - (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.
 - (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
 - (4) Placement of building sites in such a manner as to permit ample room for adequate defensible area as defined by the fire code, landscaping and drainage between and around the buildings.
 - (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
 - (6) Lot and structure designs and location which will be appropriate in order to reduce grading and natural topographic disturbance.
 - (7) Early temporary or permanent planting, or other materials, wherever appropriate to maintain necessary cut and fill slopes in order to stabilize them with plant roots or other materials, thereby preventing erosion and to conceal the raw soil from view.

Sec 108-14-2 (Reserved)

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9841 **Sec 108-14-3 Applicability**

9842 (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or
9843 exceeding 25 percent shall be reviewed as part of an application request for a land use permit and
9844 building permit. Hillside review is required as part of preliminary subdivision review.

9845 (b) The Planning Division shall not issue any land use permits, and the Building Official shall not issue
9846 any building permits, until detailed plans and engineered drawings have been reviewed for compliance
9847 with this chapter. Any condition attached to an approval shall be a condition required with the issuance
9848 of land use permit. Other circumstances may warrant a review as found in Title 108, Chapter 22 Natural
9849 Hazard Areas.

9850

9851 **Sec 108-14-4 Procedure**

9852 Where this chapter is applicable, plans of a proposed development, and any relevant information regarding
9853 building and excavation of the site, are to be submitted with a development application. Information shall
9854 include, but not be limited to the following:

9855 (a) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.

9856 (b) Site plan with two-foot contours or less.

9857 (c) Cross sections of improvements.

9858 (d) Retaining wall designs with engineers stamp (if applicable).

9859 (e) Geotechnical report (site-specific for structures) and, if applicable, verification of compliance with the
9860 requirements of Title 108, Chapter 22 Natural Hazard Areas.

9861 (f) Other studies and/or information deemed necessary by the members of the board.

9862 (g) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution prevention
9863 plan (SWPPP) shall be required at the time of application. Erosion control landscaping on cuts, fills
9864 and other locations, considered necessary by the review board, shall be provided in order to prevent
9865 erosion.

9866 (h) A landscape plan as per Section 108-14-10.

9867

9868 **Sec 108-14-5 (Reserved)**

9869

9870 **Sec 108-14-6 (Reserved)**

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9872 **Sec 108-14-7 Streets And Roads**

9873 The County Engineer shall review and approve detailed engineering plans for all streets and roads requiring
9874 cut and/or fill, on all lands with slopes of 25 percent or more, prior to preliminary approval of the subdivi-
9875 sion.

9876

9877 **Sec 108-14-8 Excavation, Grading And Filling**

9878 (a) All excavation shall conform to the county excavation ordinance (title 18 of this Code). No extensive
9879 grading shall occur that detracts from the aesthetics and is detrimental to the soils stability and erosion.

9880 (b) No excavation shall be made with a cut face steeper in slope than 1½ horizontal to one vertical, except
9881 under the following conditions through a soils engineering report and grading plan, as approved by the
9882 County Engineer.

9883 (1) That the material making up the slope of the excavation and the underlying earth material being
9884 used is capable of standing on a steeper slope; or

9885 (2) An engineered retaining wall or other support is provided to support the face of the excavation.

9886 (c) An excavation, with a cut face flatter in slope than 1½ horizontal to one vertical may be required if the
9887 material in which the excavation is made is such that the flatter cut slope is necessary for stability or
9888 safety.

9889 (d) No excavation shall be made close to the property line which may endanger any adjoining public or
9890 private property or structures without supporting and protecting such property or structures from set-
9891 tling, cracking or other damage which might result.

9892 (e) No cut slope shall exceed a height of 15 feet. The County Engineer may modify this requirement if it
9893 determines erosion and visual impacts are mitigated as identified in the landscaping plan, pursuant to
9894 Section 108-14-10.

9895 (f) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one
9896 vertical, except where a retaining wall is provided for support or where the developer shows that the
9897 strength characteristics of the material to be used in the fill are such as to produce a safe and stable
9898 slope and that the areas on which the fill is to be placed are suitable to support the fill.

9899 (g) The County Engineer may require that the fill be constructed with an exposed surface flatter than two
9900 horizontal to one vertical if such flatter surface is necessary for stability or safety.

9901 (h) Fill slopes shall not exceed 20 feet in height, however this may be modified by the County Engineer
9902 with findings of extenuating circumstances.

9903 (i) Toes of fill slopes shall not be made nearer to a lot boundary than one-half the height of the fill, but
9904 need not exceed 20 feet.

9905 (j) The natural ground surface shall be prepared to receive fill by removing organic material noncomplying
9906 fill, and top soil, where natural slopes are five horizontal to one vertical or steeper, the natural ground
9907 surface shall be prepared to receive fill by benching into sound bedrock or other competent material.

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- 9908 (k) No organic material shall be permitted in fills. No rock or similar irreducible material with a maximum
9909 dimension greater than eight inches shall be buried or placed in fills within two feet of the final grade.
- 9910 (l) Building foundations shall be set back from the top of slopes a minimum distance of five feet for all
9911 cut slopes steeper than two horizontal to one vertical. No buildings shall be constructed on cut or fill
9912 slopes steeper than two horizontal to one vertical.

9913

9914 **Sec 108-14-9 (Reserved)**

9915

9916 **Sec 108-14-10 Landscaping**

9917 For parcels, subdivisions, lots, roads and accesses within the construction boundaries that have disturbed
9918 soil surfaces, a landscape plan shall be required. Such landscape plans shall be drawn in conformance with
9919 the requirements specified in this chapter. The planting design should coordinate with the existing vegeta-
9920 tion and adapted fire resistant erosion control cover. A list of acceptable vegetation is available from the
9921 USU Extension Office. Landscaping shall be an integral part of the overall project design. All landscape
9922 plans submitted for approval shall contain the following information:

- 9923 (a) The location, quantity, size and name (both botanical and common names) of all proposed plant mate-
9924 rial. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent of mature
9925 size. Plants and materials may include lawn, ground cover, trees, shrubs, and other live plant materials.
9926 Landscaping may also include accessory decorative outdoor landscaping components such as paved or
9927 decorated surfaces. Considerations should given to appearance, height, spread growth rate, slope func-
9928 tion and decreased maintenance when the phases are complete.

- 9929 (b) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the site.
9930 Where the adjacent trees are growing in native or natural clumps or groves such that showing individual
9931 tree locations is impractical, canopy outlines are acceptable.

- 9932 (c) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals. Show
9933 any walls or retaining structures proposed, along with their respective elevations. Proposed earth
9934 berming shall be indicated using one-foot contour intervals.

- 9935 (d) Water-efficient landscape watering system. This system shall indicate the locations and types of all
9936 equipment, including sprinkler heads, areas to be served by drip emitters, control valves, quick-cou-
9937 pling valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.

- 9938 (e) Pathways, walkways, and common access shall be considered in the landscaping design plan, including
9939 plants and trees that should not interfere with the pedestrian's ability to view the pathways to ensure
9940 safety.

- 9941 (f) Graded areas that are intended for development in a later phase shall be planted with annual grasses.

- 9942 (g) A proposed schedule for implementing the landscape plan and for any replacement materials that may
9943 need time to take hold shall be included in the landscaping plan.

- 9944 (h) Summary data table indicating the area of the site in the following classifications:

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9945 (1) Total area of the site.

9946 (2) Total area and percentage of the site in landscape area.

9947 (3) Total area and percentage of the site in turf grass.

9948

9949 **Sec 108-14-11 Appeals**

9950 (a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the application
9951 of this chapter shall be appealed in accordance with Title 102, Chapter 3 Board of Adjustment, of this
9952 Land Use Code.

9953 (b) When a written decision provided under this chapter contains technical aspects, an applicant may re-
9954 quest the county to assemble a panel of qualified professionals to serve as the appeal authority for the
9955 sole purpose of determining those technical aspects.

9956 (c) The technical aspects of the administration and interpretation of this chapter are decisions related to:

9957 (1) The acceptance or rejection of scope, techniques, methodology, conclusions or specific types of
9958 information presented in a study or report;

9959 (2) The review and recommendation of an acceptable study or report for the Land Use Authority's
9960 consideration; or

9961 (3) The interpretation or application of any technical provisions of a study or report that is required by
9962 this chapter.

9963 (d) Unless otherwise agreed by the applicant and county, if an applicant makes a request under this sub-
9964 section, the county shall assemble the panel consisting of:

9965 (1) One qualified professional designated by the county;

9966 (2) One qualified professional designated by the applicant; and

9967 (3) One qualified professional chosen jointly by the county's designated qualified professional and the
9968 applicant's designated qualified professional.

9969 (e) A member of the panel may not be associated with the application that is the subject of the appeal.

9970 (f) The applicant shall pay for one half the cost of the panel in addition to the county's appeal fee.

9971 (g) The panel shall be governed by the same appeal provisions of the board of adjustment provided in Title
9972 102, Chapter 3 Board of Adjustment, of this Land Use Code.

9973

9974 **Sec 108-14-12 (Reserved)**

9989 **CHAPTER 108-15 STANDARDS FOR SINGLE-FAMILY DWELLINGS**

9990

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9991 **Sec 108-15-1 Codes And Standards**

9992 Any structure that is designed to be lived in by one family, and is located outside of a mobile or manufac-
9993 tured home park, camp, court, subdivision, or planned residential unit development (PRUD), shall meet all
9994 applicable standards and requirements including the International Building Code and those others listed
9995 below. If a structure, designed to be lived in by one family, is constructed as a mobile or manufactured
9996 home, it shall also meet all applicable standards and, if appropriate, be certified as meeting the U.S. De-
9997 partment of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety
9998 Standards including the clear display of all necessary signage, insignias, labels, tags, and data plates.

9999

10000 **Sec 108-15-2 Other Standards And Requirements**

10001 The following standards and requirements shall be met for the use of a single-family dwelling:

10002 (a) A single-family dwelling shall:

10003 (1) Be attached to a site-built permanent foundation which meets all applicable codes; and

10004 (2) Have all installation and transportation components, consisting of but not limited to, lifting shackles
10005 or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and

10006 (3) Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco,
10007 Masonite, metal, or vinyl; and

10008 (4) Be permanently connected to all required utilities; and

10009 (5) Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously
10010 been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code
10011 titling provisions that result in the mobile or manufactured home being converted to an improve-
10012 ment to real property.

10013 (b) A single-family dwelling, except for those located within the Destination and Recreation Resort Zone,
10014 that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls
10015 anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:

10016 (1) Concrete or masonry materials; or

10017 (2) Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or

10018 (3) Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose
10019 and create the habitable space of the dwelling.

10020 (c) Single-family dwellings, except for those located within the Destination and Recreation Resort Zone,
10021 shall have:

10022 (1) A roof pitch of not less than a 2:12 ratio; and

10023 (2) Eaves that project a distance of not less than 10-inches as measured from the vertical side of the
10024 building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar
10025 architectural cantilevers; and

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10026 (3) A width, not including garage area, of at least 20 feet or more. The width of the dwelling is deter-
10027 mined by identifying the lesser of two dimensions when comparing a front elevation to a side ele-
10028 vation.

10029

10030 **Sec 108-15-3 Exceptions**

10031 The Planning Division Director or designee may waive any of the above architectural or massing standards
10032 if the dwelling owner can provide a letter, from a professionally licensed architect, that:

10033 (a) Explains his/her agreement to the waiver of any particular standard; and

10034 (b) Certifies that, in the absence of the subject standard(s), the dwelling will be considered architecturally
10035 compatible with the surrounding neighborhood due to the integration and use of compensating materials
10036 and/or architectural features.

10037

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CHAPTER 108-16 OUTDOOR LIGHTING

Sec 108-16-1 Purpose And Intent

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

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

Sec 108-16-2 Applicability

- (a) **O**utdoor lighting. All outdoor lighting shall conform to the requirements established by this chapter.
- (b) *Conflict*. Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

Sec 108-16-3 General Standards

- (a) *Light shielding and direction*. Unless specifically exempted in Section 108-16-5, all outdoor lighting shall be fully shielded and downward directed in compliance with the following, examples of which are graphically depicted in Section 108-16-10:
 - (1) No artificial light source shall project direct artificial light into the nighttime sky.
 - (2) No artificial light source shall be placed at a location, angle, or height that creates a light trespass, as defined in Title 101 Chapter 2 and graphically depicted in Section 108-16-11.
 - (3) The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.

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- 10071 (4) Shielding may be attained by light fixture design, building design, or other site design features such
10072 as fencing, walls, landscaping, or other screening, provided it is in strict compliance with subsec-
10073 tions (a)(1) through (3) of this section.
- 10074 (5) To ensure light does not trespass on neighboring property, light fixtures that comply with the shield-
10075 ing provisions of this section may also require additional or extended shielding elements to further
10076 mitigate its angle of light travel to ensure the direct artificial light source does not trespass on
10077 neighboring property. This concept is graphically depicted in Section 108-16-11.
- 10078 (b) *Light color*. Unless otherwise specified in this chapter, the color of any outdoor artificial light source
10079 shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as
10080 graphically depicted in Section 108-16-12.
- 10081
- 10082 **Sec 108-16-4 Specific Standards**
- 10083 In addition to the general standards of Section 108-16-3, the following are specific standards that apply to
10084 all commercial, industrial, manufacturing, public and quasi-public, institutional, recreation, and resort uses,
10085 and multiple-family dwellings as defined in Section 101-1-7:
- 10086 (a) *Light curfew*. Unless exempt in Section 108-16-5, outdoor lighting shall be turned off by 10:00 p.m.,
10087 or, if applicable, within one hour after the close of business, whichever is later, except the following,
10088 so long as they are activated by a motion sensor controller that is set to extinguish the light source
10089 within two minutes after the last detection of motion:
- 10090 (1) Lighting to illuminate the building's point of entry only;
- 10091 (2) Safety lighting of parking lots and pedestrian areas;
- 10092 (3) Limited lighting that is absolutely necessary for after-hours business.
- 10093 (b) *Flashing or flickering light*. No flickering or flashing lights shall be permitted.
- 10094 (c) *Canopy lighting*. All direct artificial light sources shall be sufficiently recessed so as not to project
10095 direct light greater than five feet from the outside perimeter of the canopy, and shall not produce more
10096 than a ratio of eight lumens per square foot of canopy area. This ratio shall be calculated by combining
10097 the total lumen output of each artificial light source and dividing by the square footage of the canopy.
10098 See Section 108-16-13 for a graphic depiction.
- 10099 (d) *Parking lot lighting*. All artificial light sources in open-air parking lots shall not exceed a ratio of two
10100 lumens per square foot of parking lot area. This ratio shall be calculated by combining the total lumen
10101 output of each artificial light source divided by the square footage of the parking lot area. See Section
10102 108-16-14 for a graphic depiction.
- 10103 (e) *Recreation facility lighting*. Recreation facility lighting, as defined in Title 101 Chapter 2, shall comply
10104 with the following:
- 10105 (1) The lighting for the recreation activity area shall only be directed onto the area where the recreation
10106 activities are occurring. It shall not be allowed to illuminate surfaces that are not essential to the
10107 function of the recreation activity.
-

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- 10108 a. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity area.
10109 This ratio shall be calculated by combining the total lumen output of each artificial light source
10110 divided by the square footage of the recreation activity area. See Section 108-16-15 for a
10111 graphic depiction.
- 10112 b. The recreation activity area shall be lit only when it is in use.
- 10113 c. The light color standard of Section 108-16-3 does not apply to lighting for the recreation activ-
10114 ity area.
- 10115 (f) *Sign lighting*. Sign lighting shall comply with the requirements of Section 110-2-12.
10116
- 10117 **Sec 108-16-5 Exemptions**
- 10118 The following artificial light sources are exempt from the requirements of this chapter:
- 10119 (a) *Agricultural lighting*. Lighting for agricultural uses;
- 10120 (b) *Federal and state flag lighting*. The outdoor lighting of a United States or State of Utah official flag,
10121 provided it is in compliance with the following:
- 10122 (1) The light shall be downward directed from the top of the flag pole;
- 10123 (2) The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to the best
10124 effort practicable, only the area which the flag occupies in all wind conditions; and
- 10125 (3) The light level shall be minimized to create the least amount of impact on the dark sky, while still
10126 offering noticeable illumination of the flag;
- 10127 (c) *Federal and state facilities lighting*. Federal and state facilities are exempt from the requirements of
10128 this chapter. However, they are encouraged to cooperate and to coordinate with the county during the
10129 construction of their facilities to be in compliance with this chapter;
- 10130 (d) *Fossil fuel lighting*. Fossil fuel light, produced directly by the combustion of natural gas or other utility-
10131 type fossil fuels;
- 10132 (e) *Holiday or festive lighting*. Holiday or festive outdoor lighting for residential uses, provided it is in
10133 compliance with the following:
- 10134 (1) That the lighting shall not create a hazard or glare nuisance; and
- 10135 (2) That the lighting shall be temporary in nature and not permanently installed. It shall be removed
10136 within a reasonable time after the end of the holiday or festive event, but at least once per year;
- 10137 (f) *Low output light source*. An artificial light source having an output equal to or less than 105 lumens,
10138 provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one
10139 and one-half lumens per square foot of cumulative area intended to be illuminated. This ratio shall be
10140 calculated by combining the total lumen output of each low output light source divided by the square
10141 footage of the area intended to be illuminated. The low output light sources shall be distributed across
10142 the area intended to be illuminated and not organized in a focused location. Low output light sources
10143 are exempt from the requirements of this chapter so long as they comply with the definition and use
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- 10144 outlined in this section, except that a low output light source may not be integrated into a new or re-
10145 placement outdoor light fixture that is either:
- 10146 (1) rated to produce a lighting output that exceeds 105 lumens; or
10147 (2) does not conform to the shielding requirements of Section 108-16-3(a);
- 10148 (g) *Mobile lighting*. Lighting affixed to a vehicle, provided the lighting is not intended for the stationary
10149 illumination of an area;
- 10150 (h) *Motion sensor controlled light source with an integrated camera system*. A motion controlled artificial
10151 light source with an integrated camera system, provided it is in compliance with the following:
- 10152 (1) The light output is equal to or less than 1,800 lumens;
10153 (2) The color temperature of the light source does not exceed 5,000 degrees kelvin;
10154 (3) The motion sensor is set to turn the artificial light source off two minutes after the last detection of
10155 motion;
10156 (4) Lighting shall not be triggered by any activity outside the property boundary; and
10157 (5) The artificial light source is sufficiently shielded in a manner that prevents light trespass;
- 10158 (i) *Safety or security lighting*. For the sole purpose of mitigating legitimate and verifiable safety or security
10159 hazards, the land use authority may exempt an artificial light source if it is shown to be necessary. The
10160 land use authority may apply reasonable conditions to ensure optimal compliance with the purpose and
10161 intent of this chapter. Evidence demonstrating that it is necessary shall be one or both of the following:
- 10162 (1) Submitted proof of lighting requirements from a property insurance company that demonstrates
10163 that compliance with this chapter will render the property uninsurable. The minimum amount of
10164 lighting required by the property insurance company shall be considered the maximum for the pur-
10165 poses of this chapter; or
- 10166 (2) Submitted reasonable research findings, from a qualified professional, as defined by Title 101,
10167 Chapter 2, that offer a compelling argument for the need for the exemption. However, if the land
10168 use authority is aware of other research findings that refute what is submitted, then the land use
10169 authority must determine which research findings are more persuasive under the circumstances. If
10170 the land use authority grants the exemption, then the minimum amount of lighting necessary to
10171 ensure appropriate safety or security, as recommended by the qualified professional, shall be con-
10172 sidered the maximum for the purposes of this chapter;
- 10173 (j) *Occasional event lighting*. Outdoor lighting intended for an occasional event, such as a wedding, party,
10174 social gathering, or other similar event that occurs on an occasional basis, provided it is in compliance
10175 with the following:
- 10176 (1) Occasional event lighting shall be turned off by 10:30 p.m. and any remaining lighting shall comply
10177 with this chapter; and
10178 (2) Occasional events shall not occur more than twice per month;
-

Changes not highlighted: Edit for correction, clarification, consistency with other sections, accuracy, or irrelevant/not needed.

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-
- 10179 (k) *Underwater lighting*. Underwater lighting in a swimming pool or other water feature provided it is not
10180 intended to illuminate features above water;
- 10181 (l) *Temporary public agency lighting*. Temporary outdoor lighting in use by law enforcement or a govern-
10182 ment agency or at their direction;
- 10183 (m) *Tower lighting*. Tower lighting required by the FAA or the FCC, provided that it shall not exceed the
10184 minimum requirements of those agencies. Collision markers shall have a dual mode for day and night
10185 to minimize impact to the night sky and migrating birds; and
- 10186 (n) *Traffic control devices*. Traffic control devices and signals.

10187

10188 **Sec 108-16-6 Procedures For Compliance**

- 10189 (a) *Applications*. Any application for a permit or approval required by this Land Use Code shall contain
10190 evidence that the proposed work complies with this chapter.
- 10191 (b) *Contents of application or submittal*.
- 10192 (1) In addition to the specific application requirements elsewhere in this Land Use Code, the applica-
10193 tion submittal shall contain the following:
- 10194 a. Plans indicating the location of all artificial light sources on the premises, including their height
10195 above the ground.
- 10196 b. Description of each artificial light source device, and supporting structure. This description
10197 may include, but is not limited to, device specifications from the manufacturer, drawings, de-
10198 tails, and cross sections, when available.
- 10199 (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be complete
10200 and shall be presented in a manner that clearly demonstrates compliance with this chapter. The land
10201 use authority may require the applicant to submit photometric schematics and attestation from a
10202 qualified professional that the submittal complies with this chapter.

10203

10204 **Sec 108-16-7 Required Replacement Of Nonconforming Outdoor Lighting**

10205 Existing outdoor lighting shall be replaced over time in accordance with the following:

- 10206 (a) *Lighting conversion*. Any nonconforming outdoor artificial light source shall be terminated, replaced,
10207 or retrofitted to conform to the requirements of this chapter within ten years after the effect of this
10208 chapter. The county shall provide periodic public notice of the effect, of this chapter. The county shall
10209 employ educational methods and incentives to encourage voluntary compliance prior to this 10-year
10210 period and to assist the public in understanding and complying with this chapter;
- 10211 (b) *Lighting replacement*. The replacement of any outdoor artificial light source shall comply with the
10212 requirements of this chapter;
- 10213 (c) *Building exterior modification*. When the replacement of a building's exterior materials exceeds 25
10214 percent of the building's exterior area, excluding roof area, whether by a single modification project or

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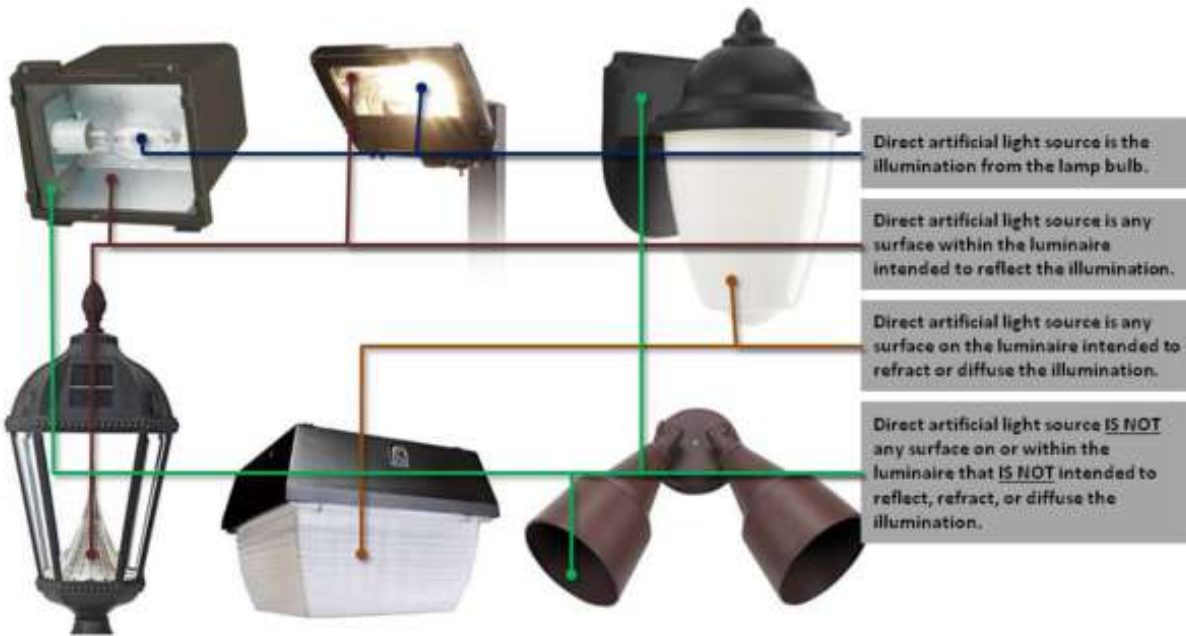
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- 10215 by an accumulation of separate modification projects, all nonconforming outdoor lighting on the prem-
10216 ises on or within 25 feet of the building shall be brought into compliance with the requirements of this
10217 chapter. This shall not include repainting or re-roofing.
- 10218 (d) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection,
10219 whether by a single expansion project or by an accumulation of separate expansion projects, all non-
10220 conforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into
10221 compliance with the requirements of this chapter. The established threshold of expansion shall be the
10222 smaller of the following:
- 10223 (1) Twenty-five percent of the total area of the building as it exists on August 1, 2026; or
10224 (2) Two thousand five hundred square feet; and
- 10225 (e) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit,
10226 or design review approval, modifies an area that exceeds the threshold established in this subsection,
10227 whether by a single modification project or by an accumulation of separate modification projects, all
10228 outdoor lighting on the premises shall be brought into compliance with the requirements of this chapter.
10229 The established threshold of modification shall be the smaller of the following:
- 10230 (1) Twenty-five percent of the site area; or
10231 (2) Twenty thousand square feet.
10232
- 10233 **Sec 108-16-8 Violations, Enforcement, And Implementation**
- 10234 (a) ***Violations.*** The following constitute violations of this chapter:
- 10235 (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance
10236 with the provisions of this chapter.
- 10237 (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval without the
10238 review and approval of the land use authority when such alteration does not conform to the provi-
10239 sions of this chapter.
- 10240 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a
10241 manner that does not comply with this chapter.
- 10242 (b) ***Enforcement.*** Violations of this chapter are subject to enforcement and penalties as outlined in Section
10243 102-4-4.

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10244 **Sec 108-16-9 Examples Of Direct Artificial Light**



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10247 **Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources**



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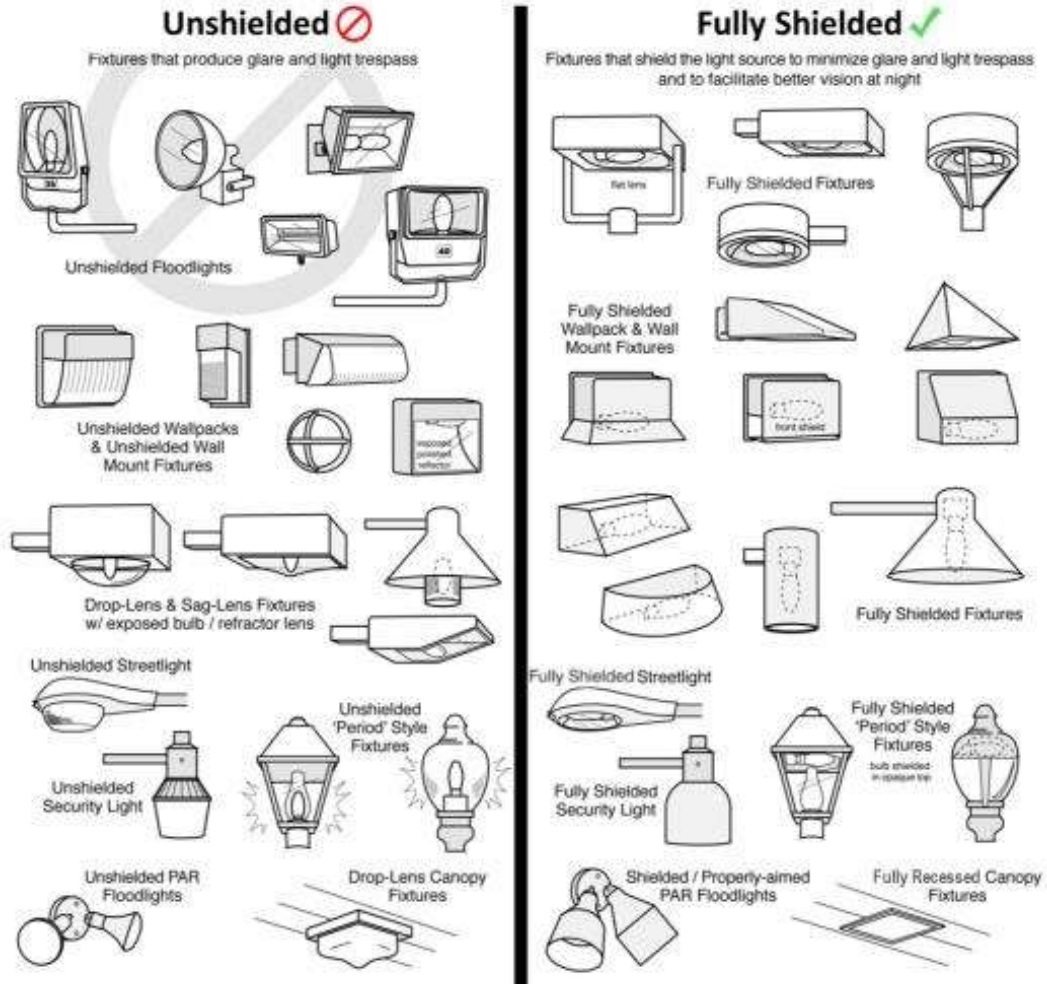
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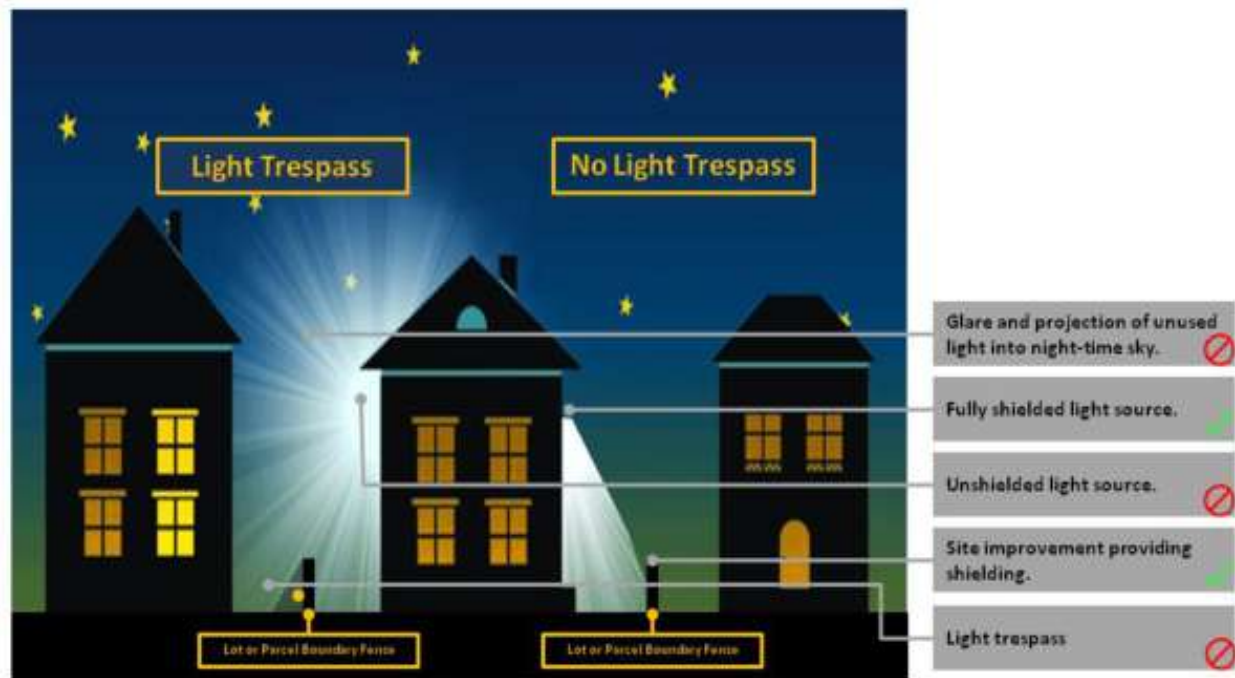
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10252 **Sec 108-16-11 Example Of Light Trespass**



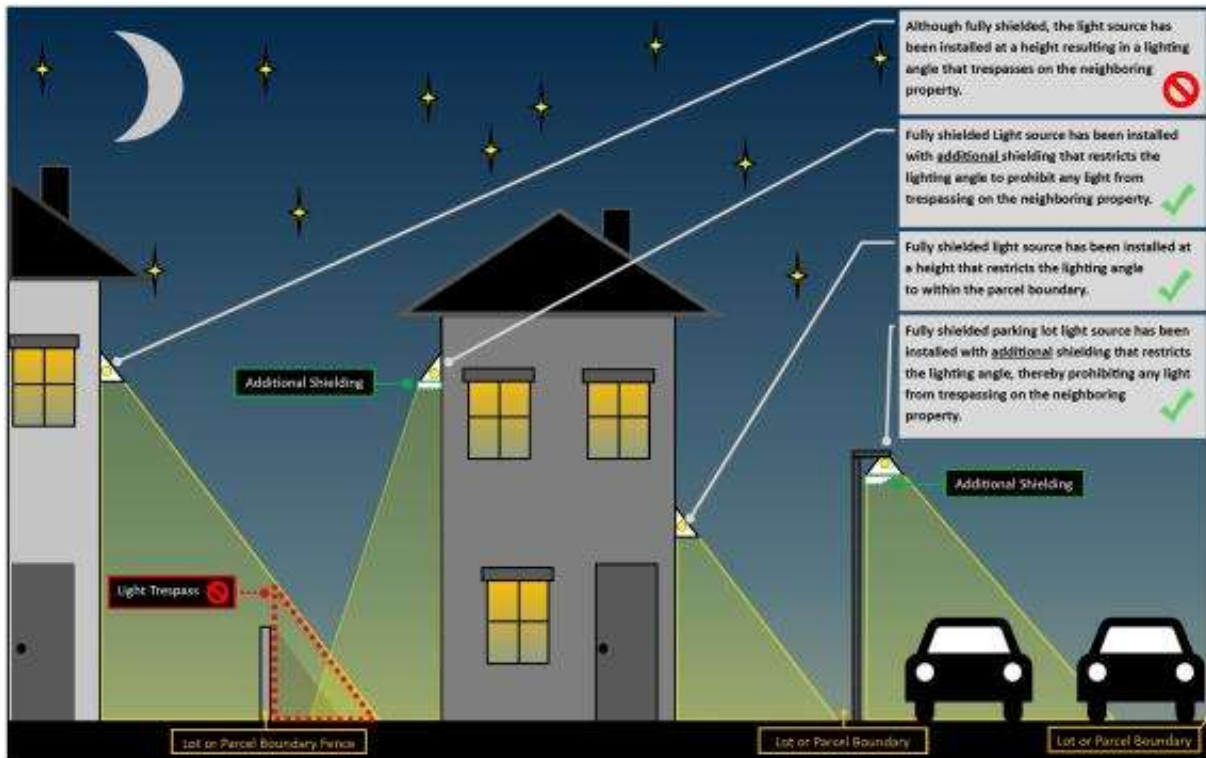
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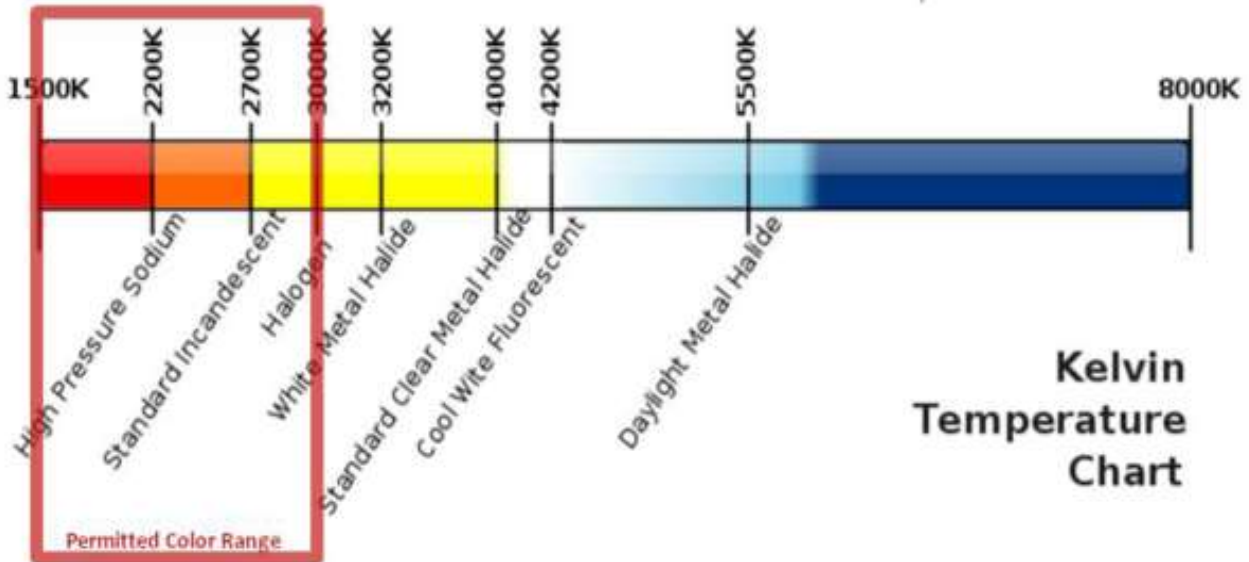
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10258 **Sec 108-16-12 Standard Kelvin Temperature Chart**



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10261 **Sec 108-16-13 Example Of Canopy Lighting**



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10264 **Sec 108-16-14 Example Of Parking Lot Lighting**



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Sec 108-16-15 Example Of Recreation Facility Lighting



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10271 CHAPTER 108-17 (RESERVED)

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10274 **CHAPTER 108-18 DRINKING WATER SOURCE PROTECTION**

10275

10276 **Sec 108-18-1 Purpose And Intent**

10277 The purpose of this chapter is to ensure the provision of a safe and sanitary drinking water supply to the
10278 residents of the county who receive water for culinary and domestic use from Public Water Systems in the
10279 county by the establishment of drinking water Source Protection Areas surrounding the Wellheads and
10280 Springs for all wells and Springs used by Public Water Systems in the county, and by the designation and
10281 regulation of property uses and conditions that may be maintained within such areas.

10282

10283 **Sec 108-18-2 Definitions**

10284 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to
10285 them in this section, except where the context clearly indicates a different meaning:

10286 *Design standard* means established state or national standards for the design, construction, placement, or
10287 maintenance of a Potential Contamination Source to prevent discharges to the groundwater. (See also Sec-
10288 ondary Containment.) A control that is implemented by a Potential Contamination Source to prevent dis-
10289 charges to the groundwater. Spill protection is an example of a Design Standard.

10290 *Drinking water source protection (DWSP) area* means the surface and subsurface area surrounding a
10291 groundwater source of drinking water supplying a Public Water System through which contaminants are
10292 reasonably likely to move toward and reach such groundwater source.

10293 *Groundwater source* means any well, Spring, tunnel, adit, or other underground opening from or through
10294 which groundwater flows or is pumped from subsurface water-bearing formations.

10295 *Pollution source* means point source discharges of contaminants to groundwater or potential discharges of
10296 the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable
10297 threshold planning quantities" as specified in SARA Title III. Examples of possible Pollution Sources in-
10298 clude, but are not limited to the following: storage facilities that store the liquid forms of extremely hazard-
10299 ous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land-
10300 filling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and Animal Feeding Operations
10301 with more than ten animal units. The following definitions clarify the meaning of the term Pollution
10302 Sources:

10303 (a) *Animal unit* means a unit of measurement for any animal feeding operation calculated by adding the
10304 following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of
10305 mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by
10306 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

10307 (b) *Extremely hazardous substances* means those substances which are identified in the Sec. 302(EHS)
10308 column of the "Title III List of Lists - Consolidated List of Chemicals Subject to Reporting Under
10309 SARA Title III," (EPA 560/4-91-011). A copy of this document may be obtained from: Section 313
10310 Document Distribution Center, P.O. Box 12505, Cincinnati, OH 41212.

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- 10311 (c) *Hazardous waste* means a waste with properties that make it dangerous or potential harmful to human
10312 health or to the environment.
- 10313 (d) *Potential contamination source* means any facility or site, which employs an activity or procedure,
10314 which may potentially contaminate groundwater. A Pollution Source is also a Potential Contamination
10315 Source. Such term includes collection, treatment, storage and distribution facilities under control of the
10316 operator and used primarily in connection with the system. Additionally, the term Potential Contami-
10317 nation Source includes collection, pretreatment or storage facilities used primarily in connection with
10318 the system, but not under such control.
- 10319 (e) *Sanitary landfill* means a disposal site where solid wastes, including putrescible wastes, or hazardous
10320 wastes, are disposed of on land by placing earth cover thereon.
- 10321 (f) *Sanitary sewer line* means a pipeline that connects a residence or other building with a sanitary sewer.
- 10322 (g) *Septic tank/drain field system* means a system which is comprised of a septic tank and a drain field
10323 which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal.
10324 By their design, Septic Tank and Drain Field System discharges cannot be controlled with Design
10325 Standards.
- 10326 *Source protection area* means the specified surface and subsurface area surrounding a groundwater source
10327 of drinking water supplying a public water supply, through which contaminants are reasonably likely to
10328 move toward and reach such groundwater source. These *areas* shall have the approval of the state division
10329 of drinking water as described in R309-600 Source Protection Drinking Water Source Protection for
10330 Ground-Water Sources and as stated in section 108-18-3.
- 10331 *Spring* means the ground surface outlet of a natural underground spring, including Spring collection and
10332 control boxes, valves, piping and other attachments.
- 10333 *Stormwater infiltration structure* means a structure that is intended to discharge stormwater so that it infil-
10334 trates groundwater.
- 10335 *SARA Title III* means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300-
10336 302, pertaining to emergency response and right-to-know.
- 10337 *Time of travel* means the distance that groundwater will travel in a specified time. This distance is generally
10338 a function of the permeability and slope of the aquifer. Time of travel is determined from hydrological
10339 studies and is approved by the state department of environmental quality, division of drinking water.
- 10340 *Wellhead* means the physical structure, facility, or device at the land surface from or through which ground-
10341 water flows or is pumped from subsurface, water-bearing formations.
- 10342 *Public water system* means a system, either publicly or privately owned, providing water for human con-
10343 sumption and other domestic uses, which has at least 15 service connections, or serves an average of at least
10344 25 individuals daily at least 60 days out of the year.
- 10345 *Secondary containment* means a type of system that is used to provide release detection prevention, such
10346 as trays under containers, floor curbing or other systems designed to hold materials or liquids that may
10347 discharge from containers holding regulated substances. Examples include a double-walled tank, a double-
-

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walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

Sec 108-18-3 Establishment Of Drinking Water Source Protection Areas

Drinking Water Source Protection Areas one and two are hereby established pursuant to Utah Code Section 19-4-113 as follows. Official identification of these areas shall be in accordance with requirements and oversight established by the Division of Drinking Water in the Department of Environmental Quality of the State of Utah.

(a) Area one is the area within a 100-foot radius from the Wellhead or margin of the collection area.

(b) Area two is the area within a 250-day groundwater Time of Travel to the Wellhead or margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

Sec 108-18-4 Identification Of Public Water Systems And Their Drinking Water Source Protection Areas

A Public Water System shall, at its sole cost, provide and continuously update the county and the Weber Morgan Health Department with all maps and other pertinent or required information identifying all of the system's drinking water Source Protection Areas.

Sec 108-18-5 Allowed Nonconforming Uses

Each use established before the effective date of the ordinance from which this chapter is derived, and uses incidental and accessory to such use, may be continued in the same manner thereafter, provided that such use is not determined by any court of competent jurisdiction to be a nuisance under the provisions of federal, state, and/or local laws or regulations.

Sec 108-18-6 Prohibited Uses

The following uses are prohibited within the following drinking water Source Protection Areas:

(a) Area one:

(1) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

(2) Sanitary landfills.

(3) Hazardous waste or material disposal sites.

(4) Septic Tanks and Drain Field Systems.

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- 10383 (5) Sanitary Sewer Lines within 150 feet of a Wellhead or spring collection area , except those meeting
10384 the requirements of Section 108-18-7.
- 10385 (6) Underground storage tanks used for the storage of gas, oil, or other hazardous substances.
- 10386 (7) Stormwater Infiltration Structures.
- 10387 (8) Any Pollution Source as defined herein or in Rule 309-113-101, as amended, of the division of
10388 drinking water's drinking water source protection regulations.
- 10389 (9) Agriculture industries including, but not limited to, intensive feeding operations such as feedlots,
10390 dairies, fur breeding operations, poultry farms, etc.
- 10391 (b) Area two.
- 10392 (1) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or
10393 commercial uses of agricultural pesticides (except when such pesticides are used in farming appli-
10394 cations within strict compliance of the manufacturer's recommendations of use, subject to inspec-
10395 tion by local officials).
- 10396 (2) Sanitary landfills.
- 10397 (3) Hazardous waste or material disposal sites.
- 10398 (4) Septic Tanks and Drain Field Systems.
- 10399 (5) Sanitary Sewer Lines within 150 feet of a Wellhead or Spring collection area, except those meeting
10400 the requirements of Section 108-18-7.
- 10401 (6) Underground storage tanks used for the storage of gas, oil, or other hazardous substances.
- 10402 (7) Stormwater Infiltration Structures.
- 10403 (8) Any Pollution Source as defined herein or in Rule 309-113-101, as amended, of the division of
10404 drinking water's drinking water source protection regulations.
- 10405 (9) Agriculture industries including, but not limited to, intensive feeding operations such as feedlots,
10406 dairies, fur breeding operations, poultry farms, etc.
- 10407
- 10408 **Sec 108-18-7 Non-Contaminating Sewers Within Drinking Water Source Protection Areas**
- 10409 Sewer lines that comply with the following criteria shall not be defined as Potential Contamination Source
- 10410 (s). These sewer lines shall be constructed in accordance with state requirement and must be at least ten
- 10411 feet from any Wellhead.
- 10412 (a) There is at least five feet of suitable soil between the bottom of the sewer lines and the top of the
- 10413 maximum seasonal groundwater table or perched water table. (Suitable soils contain adequate
- 10414 sand/silt/clay to act as an effective effluent filter within its depth for the removal of pathogenic organ-
- 10415 isms and fill the voids between coarse particles such as gravel, cobbles, and angular rock fragments);
- 10416 and
-

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10417 (b) There is at least five feet of suitable soil between the bottom of the sewer line and the top of any bedrock
10418 formations or other unsuitable soils. Bedrock formations include formations that have such a low per-
10419 meability that they prevent the downward passage of effluent. Bedrock formations that have open joints
10420 or solution channels, which permit such rapid flow that effluent is not renovated, are also considered
10421 unacceptable. Other unsuitable soils include those with coarse particles such as gravel, cobbles, or an-
10422 gular rock fragments with insufficient soil to fill the voids between the particles. Solid or fractured
10423 bedrock such as shale, sandstone, limestone, basalt, or granite are unacceptable.

10424

10425 **Sec 108-18-8 (Reserved)**

10426

10427 **Sec 108-18-9 (Reserved)**

10428 **Sec 108-18-10 Enforcement**

10429 The county is not and shall not be compelled to enforce this Chapter 18. If it does, enforcement may be
10430 provided by typical means as provide in Title 102, Chapter 4. The Utah Department of Environmental
10431 Quality, the Weber Morgan Health Department, a Public Water System, or any other affected person or
10432 entity affected by a violation of this chapter is authorized to seek enforcement against the violator(s) in
10433 district court, as permitted by Utah Code Section 19-4-113.

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CHAPTER 108-19 ACCESSORY DWELLING UNITS

Sec 108-19-1 Purpose And Intent

The purpose of this chapter is to provide regulations for accessory dwelling units that are incidental and accessory to a single-family dwelling, where allowed by the zone. Accessory dwelling units are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life.

Sec 108-19-2 Applicability

Applicability. The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.

Sec 108-19-3 General Provisions

The following provisions shall apply:

- (a) **Number of accessory dwelling units per parcel.** No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.
- (b) **Amenities.** An accessory dwelling unit shall contain sufficient amenities to be definable as a dwelling unit.
- (c) **Parking.** Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall be on a hard-surfaced area prepared to accommodate vehicle parking.
- (d) **Occupancy.** Either the accessory dwelling unit or the primary dwelling shall be owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent. The non-owner-occupied unit is limited to no more than one family.
- (e) **Short-term rentals not allowed.** Neither the single-family dwelling unit, nor the accessory dwelling unit, shall be used or licensed as a short-term rental, otherwise known as "nightly rental" elsewhere in this Land Use Code, unless specifically allowed elsewhere in this Land Use Code.
- (f) **Relevant authority approvals.** The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

Sec 108-19-4 Standards And Requirements

- (a) **Standards same as single-family dwellings.** The provisions of Subsection (c) of this section notwithstanding, if new construction for an accessory dwelling unit is proposed or will occur, the standards for

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- 10470 single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory
10471 dwelling unit shall not have more than one kitchen.
- 10472 (b) **Size.** The size regulations for an accessory dwelling unit are as follows:
- 10473 (1) Unless an Internal Accessory Dwelling Unit, the footprint of an accessory dwelling unit, as deter-
10474 mined by the exterior perimeter of all levels when viewed from above, shall not be less than 400
10475 square feet and shall not exceed 1,500 square feet. In no case shall the gross floor area of the ac-
10476 cessory dwelling unit be greater than 2,000 square feet.
- 10477 (2) Except as provided in Subsection (b)(3) of this section, the height of a Detached Accessory Dwell-
10478 ing Unit, or a detached Accessory Building that houses an Accessory Dwelling Unit shall be no
10479 greater than 35 feet.
- 10480 (3) For a lot that has 20,000 square feet or less:
- 10481 a. The height of a Detached Accessory Dwelling Unit, or a detached Accessory Building that
10482 houses an Accessory Dwelling Unit shall be no greater than 90% of the height of the Single-
10483 Family Dwelling.
- 10484 b. The total area of the footprint of a Detached Accessory Dwelling Unit, or a detached Accessory
10485 Building that houses an Accessory Dwelling Unit combined with the total area of the footprint
10486 of the Single-Family Dwelling, if different, shall not cover more than 25 percent of the total
10487 Lot area.
- 10488 (c) **Relationship to the primary dwelling; appearance.** The exterior design of an accessory dwelling unit,
10489 or the building that contains an accessory dwelling unit, shall compliment the primary dwelling in a
10490 manner that preserves the appearance of the lot's single-family use.
- 10491 (1) The exterior of the accessory dwelling unit shall either:
- 10492 a. Conform to the primary dwelling in architectural style and materials on all sides of the building
10493 and roof;
- 10494 b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other
10495 similarly styled agricultural outbuilding; or
- 10496 c. Be designed by a licensed architect in a manner that provides the architectural features of his-
10497 toric buildings from the general area.
- 10498 (2) An accessory dwelling unit located in a building that is only connected to the single-family dwelling
10499 by means of a continuous roofline, such as a breezeway, shall be determined to be a part of the
10500 single-family dwelling provided that the distance between them is no greater than 15 feet.
- 10501 (d) **Location.** An accessory dwelling unit shall comply with the same lot development standards as a single-
10502 family dwelling in the respective zone.
- 10503 (e) **Access.** The main access into the accessory dwelling unit shall be on the side or rear of the building, as
10504 viewed from the front lot line. Each accessory dwelling unit shall have direct access to the exterior of
10505 the building in a manner that does not require passage through any other part of the building.
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(f) **Undivided ownership.** Ownership of an accessory dwelling unit shall not be transferred separate from the single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable lot standards of this Land Use Code, including Frontage, Setbacks and access. A notice shall be recorded to the title of the lot that states that ownership may not transfer except in these circumstances.

(g) **Converting existing dwelling unit.** An existing single-family dwelling unit, lawfully established at least 5 years prior to the date of application for an accessory dwelling unit, may be converted to an accessory dwelling unit and is exempt from the standards of this section.

Sec 108-19-5 Application Procedure

Approval of an accessory dwelling unit requires a land use permit. The application and review procedure for a land use permit is as follows:

(a) **Application submittal requirements.**

(1) A completed application form signed by the property owner or assigned agent.

(2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

(3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.

(4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.

(5) A statement of feasibility, also known as a will-serve letter from the utilities providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or septic system, the Local Health Department.

(6) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) **Review procedure.**

(1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.

(2) Planning Division staff will route the application to the local fire authority, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.

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- 10542 (3) If the land use permit application complies with relevant land use laws, and receives all required
10543 department and agency approvals, a land use permit shall be issued. If the application requires
10544 submittal of other applications or reviews necessary to attain the approvals of other required de-
10545 partments or agencies, but otherwise complies with relevant land use laws, the application shall be
10546 given conditional approval by Planning Division staff, conditioned on approval of other reviewers.
10547 The accessory dwelling unit shall maintain compliance with the approved permit.
- 10548 (4) If the application does not comply, Planning Division staff shall notify the applicant using the no-
10549 tification method typical for similar Planning Division correspondence. The applicant shall be
10550 given the opportunity to revise the application to bring it into compliance. If the application cannot
10551 be brought into compliance, the applicant may either withdraw the application, forfeiting the fee,
10552 or pursue a final land use decision by the Planning Division, which shall be denial of the land use
10553 application.
- 10554 (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if
10555 needed, prior to building or using any space as an accessory dwelling unit. The County may com-
10556 bine the land use permit and building permit application process.
- 10557 (6) If the accessory dwelling unit is rented, a business license is required. If the business license is
10558 addressed to the site, it shall be reviewed as a home occupation business license, as provided in
10559 Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite
10560 shall not apply.

10561

10562 **Sec 108-19-6 (Reserved)**

10563

10564 **Sec 108-19-7 Enforcement**

10565 Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Non-
10566 compliance with the standards of this chapter shall be just cause for the denial of a business license appli-
10567 cation or renewal, or revocation of an existing business license, if the original conditions are not maintained
10568 that allow for long term rental of the accessory dwelling unit.

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CHAPTER 108-20 FOREST CAMPGROUNDS

Sec 108-20-1 In General

Sec 108-20-1.010 Purpose

The purpose of the chapter is to provide regulations for the development and construction of forest campgrounds in the mountain and canyons areas of the unincorporated portion of the county in order to ensure that all such development will guarantee the public health, safety and general welfare, and represent, to the greatest extent possible, efforts to preserve the natural amenities of the landscape and ensure harmony with the overall environment.

(Code 1985, § 13-1-2)

Sec 108-20-1.020 Definitions

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

Campsite means an area within a campground designed or used to accommodate one party in a single travel trailer, recreational vehicle or tent.

Fire chief means fire chief of the Weber Fire District or any member of his staff authorized to represent him.

Forest campground means an area used or designed to accommodate three or more automobile campers, travel trailers of not more than eight feet in width, motor recreational vehicles or tents for use of periodic overnight accommodations expressly for temporary outdoor recreational activities. There are four categories of forest campgrounds, as follows:

1. *Public campground*. A forest campground owned and operated by a public agency.
2. *Semi-public organization campground*. A forest campground owned and operated by a semi-public nonprofit organization for the exclusive temporary use and enjoyment of its members.
3. *Private campground*. A forest campground owned and operated by a private organization for the exclusive temporary use and enjoyment of those sharing in the ownership of the campground and/or of those holding a purchased membership in the organization.
4. *Commercial campground*. A forest campground owned and operated expressly for the purpose of renting space in the campground on a transient basis for profit to the general public.

Health officer means the director of the Weber-Morgan Health Department, or any member of his staff authorized to represent him.

Local health department means the Weber-Morgan Health Department.

Spur means a graded and graveled projection from a road within the campground designed specifically for parking a travel trailer, recreational vehicle, or automobile and serving a single camp unit.

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10606 *Trailer loop* means a graded and graveled projection extending from and connecting to a road within the
10607 campground specifically for parking a travel trailer and serving a single camp unit.

10608 **Sec 108-20-2 Permit And Application**

10609

10610 **Sec 108-20-2.010 Forest Campground Construction Or Improvement Permit**

10611 It is unlawful for any person to construct, enlarge, alter, improve any forest campground, or to cause the
10612 same to be done, unless such person holds a valid and existing permit issued for the performance of such
10613 work by the building inspector.

10614

10615 **Sec 108-20-2.020 Building Code**

10616 The procedure prescribed by the Uniform Building Code as adopted by the county and as amended shall be
10617 followed in applying for permits for the construction or alteration of a forest campground.

10618

10619 **Sec 108-20-2.030 Application; Site Plan Review**

10620 (a) In addition to other requirements, there shall be submitted to the Planning Commission with the appli-
10621 cation a comprehensive site plan drawn to scale showing the area and dimensions of the campground
10622 number and location of camp sites and group picnic areas location and dimensions of parking spurs,
10623 loops, and other parking areas width and arrangement of roads and the location and description of all
10624 camp facilities to include table, fireplaces, hydrants, toilet facilities, other accessory buildings and a
10625 design plan for supplemental planting, if proposed. An additional statement shall be submitted which
10626 indicates the suitability of the soils and general slope characteristics of the site to accommodate pro-
10627 posed development.

10628 (b) Additionally there shall be included on the submitted site plan, contour lines at five foot intervals in
10629 vertical distance except where slope on the site is excessively steep or flat, such being the case, the
10630 contour interval may be increased or decreased to better depict overall topography location and descrip-
10631 tion of dominant ground cover and other natural features including streams, ponds, and lakes; and at-
10632 tached to the site plan a brief statement indicating actions to be taken to preserve the natural environ-
10633 ment.

10634 (c) The Planning Commission shall promptly review the site plan, and if it shall appear therefrom that the
10635 plan complies with all applicable ordinances and regulations and represents in the opinion of the Plan-
10636 ning Commission an acceptable overall design plan conducive to promoting public convenience, health,
10637 safety and general welfare and preservation, to the greatest extent possible, of the natural amenities of
10638 the area, it shall endorse their approval thereon and authorize the issuance of a land use permit.

10639 (d) The Planning Commission may in its discretion, propose recommendations and impose conditions for
10640 the improvement of said plan to provide for the safety and protection of the users and preservation of
10641 the environment. If the Planning Commission shall find that said plan does not comply with applicable

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ordinances and regulations, it shall disapprove said plan and return same to the applicant with a statement in writing indicating reasons for disapproval. Any action of the Planning Commission to impose conditions, reduce the actual number of campsites or deny the request for a conditional use permit shall be based on criteria in the Land Use Code which is the basis for issuance of conditional use permits. No permit shall be issued if the Planning Commission disapproves said site plan.

Sec 108-20-2.040 Denial Of Permit; Review

Any person, firm or corporation whose application for a permit under the provisions of this section has been denied by the Planning Commission may appeal such decision to the Appeal Authority pursuant to Title 102 Chapter .

Sec 108-20-2.050 Unlawful To Vary From Approved Plans And Specifications

It is unlawful for any person to do any work in and about the construction, alteration, repair, improvement or enlargement of any forest campground or any structure thereon, for which a permit is required, which varies in any substantial particular from the approved plans and specifications submitted with the application for such permit and which were approved and/or upon which the permit issued is or was based.

Sec 108-20-3 License Requirement And Application

- (a) **License required.** It shall be unlawful for any person, firm or corporation to operate, maintain, or offer for use any forest campground without first making application to the license department and obtaining a license to do so.
- (b) **Application for License.** No new application for license shall be considered until the plans for such use shall have first been approved by the Planning Commission and a land use permit has been issued as required by the Land Use Code, and no such license shall be issued until such approval has been obtained. Any license issued without such approval shall be null and void. Each applicant, in making application for a license shall specify the exact number of campsites which shall be offered for use. Any enlargements, increase in capacity, or modification of an existing use shall be construed to be a new application of the purpose of this regulation, and no existing license shall be modified and no land use or building permit for such enlargement, increase in capacity or modification shall be issued until the application for the same shall be approved by the Planning Commission as required for a new application. Licenses for existing uses may be modified for increased use or expansion during the license year, but such license shall show thereon the additional facilities provided.

Sec 108-20-4 General Requirements

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Sec 108-20-4.010 (Reserved)

Sec 108-20-4.020 Signs

All signs shall be in accordance with requirements of the zone in which the campground is to be located.

Sec 108-20-4.030 Periodic Recreational Usage Only

(a) No automobile camper, travel trailer, motor recreational vehicle or other similar vehicle or structure shall be located in a forest campground for full-time or year round use as a permanent dwelling habitation, and shall not be used for such purposes, but shall be used solely for periodic, four season, part-time recreational living purposes and shall be maintained in a readily movable condition.

(b) The county building inspector shall have the power to require the disuse and removal of any such vehicle or structure if, in his determination, such vehicle or structure is not being used solely for part-time, periodic recreational living purposes.

Sec 108-20-4.040 Duration Of Campsite Occupancy

Commercial campground sites shall be occupied no longer than two consecutive weeks by the same camp party.

Sec 108-20-4.050 Restrictions Relating To The Erection Of Structures

No structure of any type shall be erected in a forest campground except those accessory structures as permitted in Section 108-20-7.010.

Sec 108-20-5 General Site Development Standards

Sec 108-20-5.010 Minimum Campground Site Area

The minimum area for a forest campground shall be determined by the lot area requirements of the Land Use Code for the zone in which the campground is to be located, provided no campground shall have an area of less than five acres except in the FRC-1 and CR-I zones such campgrounds shall have a minimum area of one acre.

Sec 108-20-5.020 Maximum Number Of Campsites Allowed

(a) The maximum number of campsites allowed in a forest campground shall be as follows:

- (1) In a public, commercial or semi-public organization campground: five campsites per acre of land designated and developed for camping purposes.

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10713 (2) In a private campground, the same area for each two campsites as required for a main use in the
10714 zone in which the campground is located.

10715 (b) The Planning Commission, in reviewing the site plan and attached statements, shall determine if the
10716 site is capable of accommodating the proposed maximum number of campsites allowed and shall there-
10717 upon determine whether the number of campsites per acre will be reduced below the maximum permit-
10718 ted. Such determination shall be based upon the land cover, percentage of land area with a slope in
10719 excess of 30 percent and other resource limitations.

10720

10721 **Sec 108-20-5.030 Density And Spacing Requirements**

10722 Campsites shall be spaced in such a manner so that not more than five individual campsites shall occupy
10723 less than one acre of land. Clusters of campsites should consist of approximately 20 campsites and should
10724 be separated by natural barriers such as ridges, valleys, heavy timber, or similar natural features or by a
10725 sufficient distance to assure compatibility with the natural landscape.

10726

10727 **Sec 108-20-5.040 Traffic Circulation**

10728 (a) There shall be safe access into the campground through a single entrance where possible.

10729 (b) Acceleration and deceleration lanes shall be provided when the campground entrance is in close prox-
10730 imity to a heavily traveled highway. The lanes shall be 300 feet in length.

10731 (c) The surface width for two-way roads shall be at least 16 feet and at least 12-foot widths shall be pro-
10732 vided for one-way roads.

10733 (d) All roads in the campground shall be graded and graveled and shall not exceed a grade of more than 15
10734 percent.

10735 (e) Turn-around loops shall be constructed to provide at least a 45-foot turning radius measured to the
10736 centerline of the road.

10737 (f) A minimum distance of 200 to 300 feet shall separate roads within the campground.

10738

10739 **Sec 108-20-5.050 Parking**

10740 (a) Spurs on one-way roads shall not exceed a 45-degree angle measured to the centerline of the road.

10741 (b) Spurs for automobiles and campers shall be at least 30 feet long, measured on the short side of the spur
10742 from the edge of the road.

10743 (c) Spurs for trailers shall be at least 55 feet long, measured on the short side of the spur from the edge of
10744 the road.

10745 (d) Spurs shall be a minimum of 12 feet wide.

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- 10746 (e) The rear half of a spur and midsection of a loop shall not exceed two percent grade in order to provide
10747 a near level pad on which trailers and campers may be satisfactorily leveled. The rest of the spur or
10748 slope shall not exceed six percent grade; cross sections of loops and spurs shall be level or near level.
- 10749 (f) Trailer loops shall be a minimum of 60 feet local, measured along the edge of the adjoining interior
10750 road from centerline or entrance to centerline of exit.
- 10751 (g) Group parking located to serve picnic areas shall be arranged to permit adequate ingress and egress to
10752 individual spaces. Wheel stops shall be provided for each parking space.
- 10753 (h) Group parking facilities shall not be located more than 200 feet from the picnic area they are intended
10754 to serve. There shall be a minimum of one parking space per picnic table.

10755

10756 **Sec 108-20-5.060 Water Supply**

- 10757 (a) *Source.* Water supplies shall be from a public water supply or from another source meeting require-
10758 ments of "Rules and Regulations Relating to Public Water Supplies" as adopted by the state board of
10759 health.
- 10760 (b) *Water.* There shall be a minimum of one hydrant per five camp units.

10761

10762 **Sec 108-20-5.070 Wastewater Disposal**

- 10763 (a) There shall be a minimum of two flush-type water closets for each campground, one designated for
10764 female and the other for male. Campgrounds having in excess of 15 camp units shall have two addi-
10765 tional flush-type water closets for each additional 15 camp units or fractions thereof.
- 10766 (b) Toilet facilities for males and females if located in the same building shall be separated by a sound-
10767 resistant wall.
- 10768 (c) All toilet facilities must be located at least 75 feet from the farthest family unit and at least 100 feet
10769 from all lakes, streams or wells.
- 10770 (d) A toilet facility shall be located no further than 500 feet from the farthest family unit it is intended to
10771 serve.
- 10772 (e) Adequate access paths shall be provided from camp areas to toilet facilities and shall include an appro-
10773 priate number of directional signs.
- 10774 (f) Where a site is developed to accommodate self-contained camping units, provisions shall be made to
10775 incorporate sewage disposal stations with the flush toilet system. Constructed in accordance with the
10776 state division of health, code of "waste disposal regulations."
- 10777 (g) All wastewater shall be disposed of into a public sewer system whenever available. Where connection
10778 to a public sewer system is not possible, wastewater shall be discharged into wastewater disposal sys-
10779 tem meeting requirements specified in "Code of Water Disposal Regulations", as adopted jointly by the
10780 state board of health and water pollution committee.

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10782 **Sec 108-20-5.080 Solid Waste Disposal**

- 10783 (a) Solid wastes, including garbage, originating from any camp shall be stored in approved, conveniently
10784 located, leak-proof, non-absorbent water-tight containers provided with approved type lids, and shall
10785 be disposed of as often as necessary to prevent a nuisance.
- 10786 (b) There shall be one refuse container for each campsite.
- 10787 (c) There shall be provided at least one refuse container for every picnic area designed to accommodate up
10788 to 15 people. The containers shall be located in a rack or on a concrete base near a service road.

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10790 **Sec 108-20-5.090 Fireplaces And Tables**

- 10791 (a) Fireplaces shall be located at least five feet from any table.
- 10792 (b) Table should be located in shaded areas.
- 10793 (c) A five-foot radius cleared of all flammable material shall be maintained around fireplaces and grills.

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10795 **Sec 108-20-5.100 Group Picnic Sites**

- 10796 (a) Group picnic areas should be approximately 300 feet from camp units and other picnic areas.
- 10797 (b) There should be appropriate grading and graveling or paving of group picnic sites where tables and
10798 fireplaces are clustered for group use.

10799

10800 **Sec 108-20-5.110 Individual Camp And Picnic Sites**

- 10801 (a) Individual camp and picnic sites shall be at least 75 feet apart. Minimum distance in aspen cover should
10802 be 150 feet apart.
- 10803 (b) Sites should be approximately 50 feet from the edge of interior roads, when served by spurs, and 30
10804 feet when served by trailer loops. There should be at least 200 feet between camp and picnic sites and
10805 a main road.
- 10806 (c) Sites shall be at least 50 feet from fences and should be located far enough away from lakes and streams
10807 to permit public access.
- 10808 (d) Camps and picnic sites should be located within ten to 20 feet from trailer spurs or loops and 40 feet
10809 from car spurs wherever possible.

10810

10811 **Sec 108-20-6 Electrical Service, Wiring, Fuel And Fire Protection**

- 10812 (a)
- 10813 All electric wiring shall be installed to conform with the requirement of all state and county electrical codes
10814 and ordinances. No person shall make any electrical connection without obtaining a permit and approval of
10815 the building inspector; except that a previously approved electrical connection system may be employed

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10816 without obtaining such permit. No power line shall be permitted to lie on the ground, or to be suspended
10817 less than 18 feet above the surface of the ground.

10818 (b) All forest campgrounds shall be subject to the rules and regulations of the Weber Fire District and be
10819 in accordance with the county fire prevention code and requirements as herein specified.

10820 (c) Flammable materials. Forest campgrounds shall be kept free of litter, rubbish and other flammable
10821 materials.

10822

10823 **Sec 108-20-7 Accessory Structures And Dwelling Units**

10824 (a) **Accessory structures.** Accessory structures built within the campground shall be used for the housing
10825 of sanitary facilities, equipment used for the upkeep of the campground and for the control of the
10826 campground facilities. All accessory structures shall be a permanent type and shall be used only as
10827 incidental uses to a forest campground. Any accessory structure as permitted herein shall be constructed
10828 of materials which blend well with and are complimentary to the natural setting of the area.

10829 (b) **Dwelling units.** All dwelling units shall be considered a primary use of the land and shall meet all the
10830 requirements of the Land Use Code of Weber County and the standards contained therein for the par-
10831 ticular zone in which the land use is proposed. None of the area nor any of the facilities in a forest
10832 campground may be used to satisfy any of the requirements for a dwelling, as such use related to any
10833 applicable ordinances of the county.

10834 (c) **Other land uses.** All other lands uses to be established in conjunction with a forest campground shall
10835 comply with all the requirements of the respective zones of the Land Use Code of Weber County.

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10837 **Sec 108-20-8 (Reserved)**

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CHAPTER 108-21 AGRITOURISM

Sec 108-21-1 Purpose And Intent

The County desires to create a culture that supports and celebrates its agrarian heritage and open spaces in the unincorporated areas. This chapter's purpose is to do this by providing owners of agricultural operations the ability to generate additional income from land uses that are not otherwise allowed in the zone, provided those uses are accessory, incidental, and inextricably related to the an onsite agricultural operation. The intent of this chapter is to create allowances and regulations that govern agriculture-oriented land uses that cater to tourists and other visitors coming to the site for recreational, educational, gastronomical, or similar agriculture-oriented attraction.

Sec 108-21-2 Applicability And Qualifications

- (a) **Applicability.** The standards found in this chapter shall apply to all agritourism operations. Application and review provisions for an agritourism conditional use permit are set forth in Title 108, Chapter 4 of this Land Use Code. Any additional detail required by this chapter shall supplement the conditional use permit application. An agritourism use that operates outside of approved hours of operation, or that involves crowds in a number greater than that which can be served by existing facilities, shall obtain a Special Event Permit pursuant to Title 38 of the Weber County Code.
- (b) **Primary use.** All agritourism operations shall clearly be accessory and incidental to a primary agricultural use of the property. To this end, unless the agritourism use is a routine part of cultivating or harvesting an agricultural product onsite, at no time shall the agritourism use occupy an area that is larger than 20 percent of the agricultural operation's gross acreage, as described in Subsection (c) of this Section 108-21-2.
- (c) **Qualifications.** An agricultural operator seeking an agritourism permit shall demonstrate at the time of application, as well as throughout the duration of the agritourism use, the following:
- (1) **Ownership.** Demonstrate that the agricultural operator has owned the subject property for the last two years.
 - (2) **Actively devoted to Agriculture.** Demonstrate that the agricultural operation's gross acreage has been actively devoted to an agricultural use for at least the last two years. An agricultural operation's gross acreage shall be determined to be the area actively devoted to an agricultural use that is routinely maintained in an agriculturally productive manner, including barns and similar buildings or structures intended to serve the agricultural operation, and including temporarily nonproductive land if the land is temporarily nonproductive due to crop or animal rotation, crop immaturity, or other similar accepted agricultural practices.
 - (3) **Minimum acreage.** Demonstrate that the agricultural operation's gross acreage is equal to or greater than is required for the specific agritourism use or uses being pursued, as specified in Section 108-21-4 and Section 108-21-5. However, if an apiary is the primary agricultural operation:

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- 10877 a. The subject property shall be at least two acres; and
- 10878 b. The agritourism use associated with the apiary shall be limited to only that which is listed as
- 10879 allowed for a Garden Operation, as specified in the Table in Section 108-21-5 herein.
- 10880 (4) **Private covenants.** If the property is governed by private covenants that prohibit or restrict agritourism, then any approval otherwise is void.
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- 10882 (5) **Modifications of applicability.** Land use authority may waive applicability if it advance an agricultural operation's ability to function.
- 10883
- 10884 (d) **Permit enforcement.** An agritourism permit includes all conditions of approval as may be applied by
- 10885 the Land Use Authority. At no time shall an agritourism operation be conducted in a manner that conflicts with the details of the agritourism permit application or the conditions of approval. If a condition
- 10886 or finding of approval conflicts with any detail provided in the application, the condition or finding shall prevail.
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- 10888
- 10889 (e) **Supplemental application narrative.** In addition to the application requirements listed in Title 108,
- 10890 Chapter 4 of this Land Use Code, all agritourism applications shall be accompanied by a detailed narrative describing the agricultural operation and the overall vision for the proposed agritourism operation. The narrative shall also include the following:
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- 10892
- 10893 (1) **History.** The history of the agricultural operation along with evidence that demonstrates the operation meets the minimum qualifications herein.
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- 10895 (2) **Description of anticipated changes.** A description of any plans for changes to the agricultural operation, its general functions, maintenance, product(s), and customer base.
- 10896
- 10897 (3) **Description of use's incidental and accessory nature.** A description of how the agritourism operation is incidental and accessory to the agricultural operation, and a plan for how the owner will ensure the agritourism operation remains incidental and accessory in perpetuity.
- 10898
- 10899
- 10900 (4) **Description of new infrastructure and buildings.** A description of all intended new infrastructure, including streets, driveways, parking lots, buildings, and utilities.
- 10901
- 10902 (5) **Description of operation.** An explanation or description of the agritourism operation including:
- 10903 a. **Products.** Products that will be sold onsite.
- 10904 b. **Activities.** Activities offered onsite.
- 10905 c. **Intended customer base and typical anticipated behavior.** The type of customer or clientele base that is expected to patronize the operation, categorized based on the intensity of their visitation and the specific product or activity for which they are or will be visiting. For example, the customer base for onsite produce sales may be the general public with customers coming and going many hours throughout the day; the clientele for a barn dance might be a private party of a specified number of people that come and go once on the day of the party; and the customers or clientele for a lodging house might be pre-registered or reserved individuals or small groups.
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- 10913 d. **Facilities and equipment.** Agriculturally related and non-agriculturally related types of facilities and equipment to be used and their maintenance plan(s).
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- 10915 e. **Vehicle accommodations.** Traffic, circulation, and parking plan that accommodates the parking needs of both employees and patrons.
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- 10917 f. **Hours and visitor volume.** Hours of operation and number of patrons:
- 10918 1. Normal and routine hours of operation, and anticipated events, dates, and times, or examples of anticipated events, dates, and times, that operations may go beyond those normal and routine hours.
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- 10921 2. Anticipated number of normal and routine daily patrons, employees, and vehicles, and anticipated number of patrons, employees, and vehicles at times or for events that go beyond what is normal and routine.
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- 10924 3. For the purpose of this subsection, the phrase “normal and routine” means the time or amount specified in the application, or if different, the approval. If the application or approval does not specify;
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- 10927 i. As it relates to time, this shall mean the hours of operation specified in Section 108-21-3.
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- 10929 ii. As it relates to patrons or employees, this phrase means 25 people or fewer, or ten or fewer typical passenger vehicles onsite at any one time.
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10932 **Sec 108-21-3 General Development And Operational Standards**

10933 The development standards imposed by this section do not alter, supersede, or nullify any codes, ordinances, statutes, or other applicable standards which may also regulate these same land uses.
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10935 (a) **Access and frontage.** An agritourism operation shall provide customers access from an Arterial Street or Collector Street. It is not required to have actual frontage on a street, but the access from the Arterial Street or Collector Street to the operation shall be owned either in fee or by recorded easement by the agricultural operation. The access from the public right-of-way to the operation shall meet the requirements of Section 108-7-29 unless specified otherwise by the local fire authority. The Land Use Authority may allow access from a Major Neighborhood Street or Minor Neighborhood Street as long as the street is public and as long as the agritourism operation does not increase traffic beyond that which is typical for the type of street. Evidence of this shall be submitted with the application.
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10943 (b) **General site and building design/layout.** An agritourism operation shall have a general layout that concentrates all tourism uses into distinct area(s). Newly constructed buildings and facilities intended to serve the agritourism operation shall reflect an architectural vernacular that is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if found necessary, they shall be discreetly incorporated into the agritourism operation and completely screened from street and adjacent property view.
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10949 (c) **Ownership.** An agricultural operation to which an agritourism operation is accessory may consist of
10950 multiple properties. All properties shall have identical and common ownership and shall be contiguous
10951 except where contiguity is interrupted by a public street right-of-way.

10952 (d) **Hours of operation.** Not including residential overnight lodging accommodations, and unless specified
10953 otherwise in an approved application or other conditions of approval, the hours of operation shall be
10954 limited to between 8:00 a.m. and 8:00 p.m., except if the use or activity is restricted to an area of the
10955 property that is at least 500 feet from an existing dwelling unit located on another property. The Land
10956 Use Authority may, but is not obligated to, allow other hours of operation if the applicant can demon-
10957 strate mitigation of detrimental effects.

10958

10959 **Sec 108-21-4 Agricultural Operation Designation**

10960 This section establishes a categorical designation for agricultural operations based on acreage. In all cases,
10961 the minimum area of the affected Lot or Parcel shall meet the minimum area requirements of this Land Use
10962 Code:

10963 (a) **Garden agricultural operation.** A garden agricultural operation is when an agricultural operation's
10964 gross acreage, as described in Section 108-21-2(c)(2), is two acres or more, but fewer than five acres.

10965 (b) **Small agricultural operation.** A small agricultural operation is when an agricultural operation's gross
10966 acreage, as described in Section 108-21-2(c)(2), is five acres or more, but fewer than 20 acres.

10967 (c) **Medium agricultural operation.** A medium agricultural operation is when an agricultural operation's
10968 gross acreage, as described in Section 108-21-2(c)(2), is 20 acres or more, but fewer than 40 acres.

10969 (d) **Large agricultural operation.** A large agricultural operation is when an agricultural operation's gross
10970 acreage, as described in Section 108-21-2(c)(2), is 40 acres or more, but fewer than 80 acres.

10971 (e) **Ranch.** A ranch is when an agricultural operation's gross acreage, as described in Section 108-21-
10972 2(c)(2), is 80 acres or more.

10973

10974 **Sec 108-21-5 Use Table**

10975 If an applicant can demonstrate appropriate mitigation of detrimental effects, as specified in Chapter 108-
10976 4, the following uses and activities shall be allowed for an agritourism operation when marked with an "A"
10977 under their corresponding agricultural operation designation. The use is not allowed if marked with an "N."

USES OR ACTIVITIES	AGRICULTURAL OPERATION DESIGNATION					SPECIAL REGULATIONS
	GARDEN	SMALL	MEDIUM	LARGE	RANCH	
Agricultural arts center:	N	A	A	A	A	

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Agricultural Product Processing and Packaging:		N	A	A	A	A	Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.
Agritourism Events Facility:		N	A	A	A	A	
Agritourism Farm Tour:		A	A	A	A	A	
Agritourism Fee Fishing:		A	A	A	A	A	
Agritourism Health Farm:		N	A	A	A	A	Limited to wellness, nutrition, and cooking education, and exercise and yoga classes, and meditation, and massage therapy. A health farm may serve meals only when served to participating clientele.
Agritourism Hunting Preserve:		N	N	N	N	A	See Section 108-21-7
Agritourism You-Pick Operation:		A	A	A	A	A	
Agro-ecology research and education center:		N	A	A	A	A	Lodging, if any, is limited to accommodations for faculty, staff, and students.
Barn dance:		N	A	A	A	A	
Camp- ing:	<i>Glamorous camping area:</i>	N	N	A	A	A	No more than two tents, cabins, recreational vehicles, or combination thereof, per each five acres of gross agricultural operation, and no more than six people per tent or cabin. Tent and cabin area shall be completely screened from the view of adjoining properties.
	<i>Recreational Vehicle area:</i>	N	N	N	A	A	

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Conference or Education Center:		N	A	A	A	A	Conferences and educational topics shall relate to agriculture, agritourism, vegetation management, or similar.
Day Camp:		A	A	A	A	A	The camp shall be based on an agricultural theme and provide agriculturally related activities.
Dude Ranch:		N	N	N	A	A	
Educational classes:		A	A	A	A	A	All courses of study or subject matter shall incorporate and consist of an agricultural or ecological component related to an Agricultural Product produced onsite.
Farm museum:		N	A	A	A	A	
Farmers Market. A farmer's market where multiple agricultural operators may sell their products:		N	N	A	A	A	
Food Prep:	<i>Bakery or café:</i>	N	A	A	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product.
	<i>Food concessions stand:</i>	N	A	A	A	A	
	<i>Restaurant:</i>	N	N	A	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale.
Greenhouse or Nursery:		N	A	A	A	A	Sales are limited to plants produced on the premises.
	<i>with up to 2 guest rooms:</i>	N	N	A	A	A	

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Lodging House:	<i>with 3 to 7 guest rooms:</i>	N	N	A	A	A	No more than two guest rooms per each acre of the agricultural operation's gross acreage as defined in Section 108-21-2(c)(2). See Section 108-21-7
	<i>with 8 to 16 guest rooms:</i>	N	N	N	A	A	
Petting zoo:		N	A	A	A	A	
Rental garden or garden row(s):		A	A	A	A	A	
Seasonal amusement, such as haunted house, corn maze, hay stack slide or climbing area, and similar seasonal amusement uses:		N	A	A	A	A	
Sleigh or hay ride:		N	A	A	A	A	
Store:	<i>Onsite Agricultural Produce Sales:</i>						The sales shall only be operated by the owner or manager of the onsite agricultural operation, and are limited to Agricultural Products, at least one of which must be produced onsite.
	<i>Gift shop:</i>	A	A	A	A	A	
	<i>Market:</i>	A	A	A	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product. Products shall be limited to those commonly offered by a small grocer.

10978

10979 **Sec 108-21-6 Site Development Standards**

10980 The following table contains certain uses listed in the Use Table in Section 108-21-5. Each use shall comply
10981 with the development standards provided in the table.

	SETBACK STANDARDS	

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		FROM AGRICULTURAL OPERATION'S EXTERIOR BOUNDARY	FROM EXISTING DWELLING ON AN ADJACENT LOT	MAXIMUM ALLOWED BUILDING FOOTPRINT
Agroecology Research and Education Center:		100 feet ¹	200 feet ¹	Not applicable
Agricultural Product processing and packaging:		100 feet ¹	200 feet ¹	0.025 Percent of the agricultural operation's gross acreage.
Camping:	<i>Glamorous camping area:</i>	300 feet ¹	500 feet ¹	Not applicable
	<i>Recreational Vehicle area:</i>			
Conference or education center:		300 feet ¹	500 feet ¹	Not applicable
Educational classes:		100 feet ¹	200 feet ¹	Not applicable
Food Prep:	<i>Bakery or café:</i>	200 feet ¹	400 feet ¹	Not applicable
	<i>Restaurant</i>			
Market, farmers:		200 feet ¹	400 feet ¹	Not applicable
Lodging House:	<i>2 guest rooms</i>	100 feet ¹	200 feet ¹	Not applicable
	<i>3 to 7 guest rooms</i>	200 feet ¹	400 feet ¹	
	<i>8 to 16 guest rooms</i>	400 feet ¹	600 feet ¹	
Petting zoo.		400 feet ¹	600 feet ¹	Not applicable
Store:	<i>Onsite Agricultural Produce Sales:</i>	100 feet ¹	200 feet ¹	0.025 Percent of the agricultural operation's gross acreage.

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	Gift shop:	100 feet ¹	200 feet ¹	
	Market:	150 feet ¹	200 feet ¹	

¹ The Setback distances listed in this table shall be reduced by up to one-half when a six-foot high landscape berm is installed that screens the potential visual or audible impacts to neighboring properties.

10982 **Sec 108-21-7 Special Regulations**

10983 The uses listed below correspond with certain uses listed in the Use Table in Section 108-21-5. Due to their
10984 nature, each shall be further regulated as follows.

10985 (a) ***Agricultural product processing and packaging.***

10986 (1) Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy, apiculture,
10987 aquaculture, and botanical products produced by the onsite agricultural operation.

10988 (2) Agricultural Product processing and packaging shall be limited to an agricultural operation with a
10989 gross area, as provided herein, of five acres or greater. The Planning Commission may allow up to
10990 a two-acre reduction to this limitation if it is found that the Agricultural Product processing and
10991 packaging will take place in a completely enclosed building and will emit no perceivable smoke,
10992 dust, vibration, noise, or objectionable smell at the agricultural operation's property boundary.

10993 (b) ***Agritourism Hunting Preserve.***

10994 (1) Limited to upland game and waterfowl hunting only.

10995 (2) Subject to Utah Division of Wildlife Resource standards.

10996 (c) ***Lodging House.*** For an agritourism operation, a Lodging House is governed as follows:

10997 (1) The Lodging House shall be owned and managed by the same owner or manager as the agritourism
10998 operation.

10999 (2) The agritourism operator or manager shall be onsite at all times that Lodging House guests are
11000 onsite.

11001 (3) No more than one Lodging House shall be operated on an agritourism operation.

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CHAPTER 108-22 NATURAL HAZARD AREAS

Sec 108-22-1 Purpose And Intent

(a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines and standards, in order to protect the health, welfare and safety of the citizens of the county, and to minimize potential effects of natural and manmade hazards by identifying known hazardous areas. This portion of the chapter specifies the areas for which an environmental analysis shall be performed prior to development, the content of the analysis and the procedure by which development applications requiring the analysis are reviewed and processed.

(b) The county recognizes individual property rights and shall make every effort to balance the right of the individual property owner with the health, welfare, safety and the common good of the general public.

Sec 108-22-2 Potential Hazards

The following potential hazards have been identified:

(a) *Surface-fault ruptures.*

(1) Surface faulting has been identified as a potential hazard in the county. Maps have been produced delineating the known area where a hazard may exist from surface fault ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas several miles away from the fault. These effects are not considered here, but are covered in subsection (c) of this section.

(2) Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle of repose (33—35 degrees) soon after formation. Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but sometimes as much as several feet. The zone between these two faults may be complexly faulted and tilted with offset along minor faults of several inches or more.

(3) Based upon this data, it is difficult, both technically and economically, to design a structure to withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the fault is the principal risk reduction technique that can be reasonably taken.

(4) No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structure designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study and report, as provided in section 108-22-3 of this Land Use Code, is required. In some areas adjacent to the main trace but still within the zone of deformation, avoidance may not be necessary. Less damaging (smaller) offsets of less than four inches and tilting may occur, and structural measures may be taken to reduce casualties and damage. However, structural damage may still be great, and buildings in the zone of deformation may not be safe for occupants following a large earthquake.

(5) Due to the scale used to map these zones, there is not enough detail to delineate all fault traces and zones of deformation at a particular location; therefore, site-specific plans, studies, and reports shall

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- 11042 be required, as provided in section 108-22-3 of this Land Use Code, for development in or adjacent
11043 to the delineated areas.
- 11044 (6) Setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the Setback may
11045 be considered if the report presents evidence to justify a reduction acceptable to the Land Use
11046 Authority, after recommendation from the County Engineer.
- 11047 (b) *Landslide.*
- 11048 (1) Landslides, historically, have been one of the most damaging geologic processes occurring in We-
11049 ber County. Most active landslides, and most older slides, have been mapped. The maps identify
11050 areas of landslides and slopes which are potentially unstable under static (non-earthquake) condi-
11051 tions, and are especially vulnerable under conditions of high to abnormally high precipitation,
11052 heavy snowmelt, or excessive water application due to landscape watering, irrigation, or septic
11053 system discharge. Landslides can damage structures, roads, railroads and power lines. Furthermore,
11054 landslides may rupture canals, aqueducts, sewers and water mains, all of which can add water to
11055 the slide plane and promote further movement. Flooding may also be caused.
- 11056 (2) Many methods have been developed for reducing a landslide hazard. Proper planning and avoid-
11057 ance is the least expensive measure, if landslide-prone areas are identified early in the planning and
11058 development process. Care in site grading with proper compaction of fills and engineering of cut
11059 slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various
11060 engineering techniques are available to stabilize slopes, including de-watering (draining), retaining
11061 structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage
11062 diversion. Since every landslide and unstable slope has differing characteristics, any development
11063 proposed within an identified landslide hazard area shall require the submittal and review of a study
11064 and report, as provided in section 108-22-3. The study and report shall address slope stability (in-
11065 cluding natural or proposed cut slopes), evaluate slope-failure potential, effects of development and
11066 recommendations for mitigative measures. Slope stability analysis shall include potential for move-
11067 ment under static, development-induced and earthquake-induced conditions as well as likely
11068 groundwater conditions.
- 11069 (c) *Tectonic subsidence.*
- 11070 (1) Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a valley floor
11071 that accompanies surface-faulting earthquakes on normal (dip slip) faults such as the Wasatch fault
11072 zone. Inundation along the shores of lakes and reservoirs and the ponding of water in areas with a
11073 shallow water table may be caused by tectonic subsidence. Certain structures which require gentle
11074 gradients or horizontal floors, particularly wastewater treatment facilities and sewer lines, may be
11075 adversely affected.
- 11076 (2) Because subsidence may occur over large areas (tens of square miles), it is generally not practical
11077 to avoid the use of potentially affected land except in narrow areas of hazard due to lake shoreline
11078 flooding. For gravity-flow structures such as wastewater treatment facilities that are within areas
11079 of possible subsidence, it is advisable to consider the tolerance of such structures to slight changes
11080 in gradient. Some structures may have to be leveled after a large-magnitude earthquake. Critical
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- 11081 facilities which contain dangerous substances should have safety features to protect the structure,
11082 its occupants and the environment from both tilting and flooding.
- 11083 (3) Flooding problems along lakes from tectonic subsidence shall be reduced using standard techniques
11084 such as raising structures above expected flood levels and dikes can be built. Development adjacent
11085 to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake levels
11086 to protect against natural rises from wet periods, storm waves and earthquake-induced seiching, as
11087 well as hazards associated with tectonic subsidence.
- 11088 (4) Rises in the water table accompanying tectonic subsidence may cause water to pond, flood base-
11089 ments and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the down
11090 dropped side.
- 11091 (5) The principal application of the identified tectonic subsidence areas is to make the public aware of
11092 the hazard and to indicate those areas where further study may be necessary. Site-specific tectonic
11093 subsidence reports and studies are recommended only for critical facilities in areas of potential
11094 lake-margin and ponded shallow groundwater flooding. However, certain vulnerable facilities such
11095 as high cost wastewater treatment plants and hazardous waste facilities should also consider poten-
11096 tial tilting.
- 11097 (d) *Rock fall.*
- 11098 (1) Rock falls are a naturally occurring erosional process in mountain areas in Weber County. As de-
11099 velopment advances higher onto the bench areas and into the canyons the risk from falling rocks
11100 becomes greater. A primary mechanism responsible for triggering rock falls is water in outcrop
11101 discontinuities. Rock falls present a hazard because of the potential damage a large rock mass,
11102 traveling at a relatively high velocity, could cause to structures and personal safety. When new
11103 developments cannot be designed around a rock fall path, and hazard reduction measures must be
11104 considered, a study and report as provided in section 108-22-3, is required. Mitigation shall require
11105 design by a Utah licensed geotechnical engineer, and may include rock stabilization techniques
11106 such as bolting, cable lashing, burying, and grouting discontinuities, removal or break-up of poten-
11107 tial rock clasts, as well as deflection berms, slope benches, and rock catch fences to stop or at least
11108 slow down falling rocks. Strengthening a structure to withstand impact is an example of modifying
11109 what is at risk. Mitigation problems can arise when rock source areas are located on land not owned
11110 by the developer.
- 11111 (2) In areas where the rock fall hazard is present but very low, disclosure of a potential hazard to land
11112 owners and residents with an acknowledgment of risk and willingness to accept liability may be an
11113 acceptable alternative to avoidance or mitigation for single-family residences.
- 11114 (e) *Debris flows.*
- 11115 (1) Debris flows are mixtures of water, rock, soil and organic material (70—90 percent solids by
11116 weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in surges
11117 or pulses, due to gravity. They generally remain confined to stream channels in mountainous areas,
11118 but may reach and deposit debris over large areas on alluvial fans at and beyond canyon mouths.
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- 11119 (2) The county debris flow hazard maps were constructed from the boundaries of active alluvial fans
11120 and areas with slopes steeper than 30 percent. Any proposed development in areas identified as
11121 debris flow hazard areas shall be evaluated prior to approval of the proposed development. A study
11122 and report, as provided in section 108-22-3, shall be prepared by an engineering geologist for any
11123 development proposed in or adjacent to a debris flow hazard area and shall include:
- 11124 a. An analysis of the history of debris flow at the site based on subsurface exploration to determine
11125 the nature and thickness of debris flow and related alluvial fan deposits. If, in the engineering
11126 geologist's professional opinion, geologic conditions have changed enough to render a debris
11127 flow inactive, the analysis may estimate the nature and approximate thickness of the debris
11128 flow and related alluvial fan deposits in lieu of subsurface exploration.
- 11129 b. An analysis of the drainage basin's potential to produce debris flows based on the presence of
11130 debris slides and colluvium-filled slope concavities, and an estimate of the largest probable
11131 volumes likely to be produced during a single event.
- 11132 c. An analysis of the stream channel to determine if the channel will supply additional debris,
11133 impede flow, or contain debris flows in the area of the proposed development.
- 11134 d. An analysis of manmade structures upstream that may divert or deflect debris flows.
- 11135 e. Recommendations concerning any channel improvements, flow modifications and catchment
11136 structures, direct protection structures or flood proofing measures, if necessary, in order to pro-
11137 tect the development.
- 11138 (f) *Liquefaction areas.*
- 11139 (1) Earthquake ground shaking causes a variety of phenomena which can damage structures and
11140 threaten lives. One of these is termed soil liquefaction. Ground shaking tends to increase the pres-
11141 sure in the pore water between soil grains, which decreases the stresses between the grains. The
11142 loss of intergranular stress can cause the strength of some soils to decrease nearly to zero. When
11143 this occurs, the soil behaves like a liquid. When liquefaction occurs, foundations may crack, build-
11144 ings may tip, buoyant buried structures such as septic tanks and storage tanks may rise, and even
11145 gentle slopes may fail as liquefied soils and overlying materials move down slope.
- 11146 (2) Areas of potential liquefaction have been delineated and the following regulations and mitigation
11147 measures have been adopted in order to reduce the hazard and consequences. Areas of moderate to
11148 high liquefaction potential need not be avoided. Structural measures and site modification tech-
11149 niques are available to reduce a hazard. A site-specific liquefaction study and report shall be re-
11150 quired pursuant to Section 108-22-3, and shall be prepared by an engineering geologist and/or a
11151 state licensed geotechnical engineer and shall comply with the following:
- 11152 a. Standard soil foundation study, for the proposed development, shall include liquefaction po-
11153 tential evaluation based upon depth to groundwater, soil types and ground failure hazard.
- 11154 b. If liquefiable soils are present, standard penetration tests and/or cone penetration tests shall be
11155 required to determine critical accelerations needed to induce liquefaction.
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- 11156 c. The study and report shall include an accurate map of the area showing any proposed develop-
11157 ment, the location of bore holes and/or test pits, the site geology, and location and depths of
11158 any liquefiable soils noted, along with the probability of critical accelerations needed to induce
11159 liquefaction in these soils being exceeded for appropriate time periods.
- 11160 d. The report shall include recommendations for hazard reduction techniques.
- 11161 (g) *Flood.*
- 11162 (1) The floodplain standards are written to minimize the loss of life and property when floods do occur,
11163 not to ban development outright from the floodplain. In the event the following provisions conflict
11164 with those in Title 22 of the Weber County Code, the most restrictive shall apply. The Federal
11165 Emergency Management Agency (FEMA) has produced official floodplain maps, depicting areas
11166 of potential stream flooding for major drainages in Weber County.
- 11167 (2) FEMA recommends that no new development be permitted in the 100-year floodplain unless:
- 11168 a. Detailed engineering study and reports, as required by Section 108-22-3, prepared by a state-
11169 licensed engineer, show that the proposed development will not increase the flood hazard to
11170 other property in the area. Recommendations shall be made for floodproofing or other mitiga-
11171 tion techniques for development within flood hazard areas. (Site investigations for proposed
11172 development in lake-flooding areas near Great Salt Lake need only indicate the site elevation.
11173 Development proposals in areas with elevations less than 4,218 feet will be reviewed with re-
11174 spect to lake-flooding potential and compatibility of proposed use.)
- 11175 b. The proposed development is elevated above the 100-year flood base elevation.
- 11176 c. For federally-insured loans, flood insurance is purchased from a company participating with
11177 the Federal Insurance Administration or a like private carrier.
- 11178 (3) The study and report, as may be required by Section 108-22-3, shall consider the following:
- 11179 a. **Alluvial fans.** Alluvial fan flooding, which is not mapped under the FEMA program, may be a
11180 hazard on all active alluvial fans identified on debris flow hazard maps. The hazard from such
11181 flooding shall be addressed and appropriate hazard reduction measures taken.
- 11182 b. **Sheet flow.** Certain areas have been identified and mapped as areas of sheet flow flooding. The
11183 hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.
- 11184 (h) *Other hazards.*
- 11185 (1) As in many counties in the Western United States, development in the county is constrained by the
11186 presence of natural and manmade hazards. These hazards include, but are not limited to, avalanche,
11187 slope movement, soils categorized as having severe building limitations and slopes exceeding 30
11188 percent.
- 11189 (2) Not all hazardous sites and conditions have been identified in the county. As a hazard or potential
11190 hazard becomes known, the county has discretion to require any study and report that is necessary
11191 to understand how the hazard or potential hazard may impact development. The study or report
11192 shall provide appropriate hazard mitigation measures.
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11194 **Sec 108-22-3 Studies And Reports Required**

- 11195 (a) *Requirement for a study and report.* Unless exempted in Section 108-22-5, any application for devel-
 11196 opment on a parcel of land within a natural hazard study area shall be submitted to the planning division
 11197 with two hard copies and one electronic (pdf) copy of a site-specific natural hazard study and report,
 11198 where required for such development according to the following chart:

Land Use (Type of Facility)	Liquefac- tion Poten- tial High/ Moderate	Landslide/ Rock Fall/ De- bris Flow Study Area	Surface Fault Rup- ture Study Area	Tectonic Subsidence Study Area	Flood Study Area	Other Haz- ardous Ar- eas
Critical facili- ties	Yes	Yes	Yes	Recom- mended	Yes	As deter- mined by the County En- gineer
Industrial, commercial, or multifamily (4 or more units)	Yes	Yes	Yes	No	Yes	As deter- mined by the County En- gineer
Residential subdivisions	No**	Yes, unless oth- erwise provided by section 108- 22-2(d)(2).	Yes	No	Yes	As deter- mined by the County En- gineer
Residential, single lots/mul- tifamily (less than 4 units)	No**	Yes, unless oth- erwise provided by section 108- 22-2(d)(2).	Yes	No	Yes	As deter- mined by the County En- gineer
** Although no study and report is required, disclosure is required as described in Section 108-22-4.						

- 11199 (1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case of
 11200 a snow avalanche hazard, the study and report shall be prepared by an experienced avalanche ex-
 11201 pert. The study and report shall be signed by the preparer and shall also include the qualifications
 11202 of the preparer.

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- 11203 (2) Each natural hazard study and report shall be site-specific and identify, to the extent practicable,
11204 all known or suspected potential natural hazard(s) originating on-site or off-site which present a
11205 reasonable likelihood of adversely affecting the particular property.
- 11206 (3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals 200
11207 feet or larger), showing the location and type of hazard with delineation of the recommended set-
11208 back distances from the hazard and the recommended location for structures.
- 11209 (4) Each natural hazard study and report shall address the potential adverse effects of the hazard on the
11210 proposed development and occupants thereof in terms of the reasonable likelihood of potential
11211 damage.
- 11212 (5) Each natural hazard study and report shall contain recommendations for avoidance or mitigation of
11213 the identified adverse effects of the hazard consistent with the purposes set forth in Section 108-
11214 22-1 of this chapter. The evidence on which recommendations and conclusions are based shall be
11215 clearly stated in the report.
- 11216 (6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs, references
11217 with citations, and other supporting information, as applicable, shall also be included in each natu-
11218 ral hazard study and report.
- 11219 (b) *Review of the study and report.* In order to fulfill the purposes of this chapter, the land use authority
11220 shall review any proposed development which requires preparation of a natural hazard study and report
11221 under this chapter to determine the possible risks to the safety of persons or property from a natural
11222 hazard.
- 11223 (1) Prior to consideration by the land use authority of any such development, the County Engineer may
11224 submit the study and report, and, if applicable, site-specific plan, to outsourced qualified profes-
11225 sionals for review and recommendation. Any cost for the review shall be paid by the applicant prior
11226 to any land use authority action.
- 11227 (2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions, or
11228 specific types of information presented in the study and report if industry standards of care were
11229 not used. All conclusions of the study and report shall be supported by adequate data.
- 11230 (3) The County Engineer shall prepare a final review and recommendation of an acceptable study and
11231 report, and, if applicable, site-specific plans, for the land use authority's consideration.
- 11232 (4) Whenever the land use authority determines that an area is subject to a natural hazard which pre-
11233 sents an unreasonable risk to the safety of persons or property, including public streets, such area
11234 shall not be approved for development unless the applicant can demonstrate that such a risk can be
11235 reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural
11236 environment.
- 11237 (5) The land use authority may set requirements or conditions necessary to reduce the risks from a
11238 natural hazard as a condition to the approval of any development which requires preparation of a
11239 natural hazard study and report.
-

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-
- 11240 (c) *Study and report verification.* The project engineering geologist shall submit with the study a signed
11241 and sealed verification letter stating that the study was conducted in accordance with industry standards
11242 of care, and that it complies with this Land Use Code and all other applicable laws. Written verification
11243 shall be provided from the issuer of professional errors and omissions liability insurance, in the amount
11244 of \$1,000,000.00, which covers the engineering geologist, and which is in effect on the date of prepa-
11245 ration of all required studies and reports.
- 11246 (d) *Development design verification.* Whenever possible, avoidance of development in an area with an
11247 identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter,
11248 development in an area with an identified natural hazard shall be permitted when it is designed to mit-
11249 igate, and is reasonably safe from, the identified hazard. Final design of the development shall not be
11250 accepted by the county unless:
- 11251 (1) The development's state licensed engineer, or, if applicable, engineers, provide(s) the county with
11252 a signed and sealed verification letter stating that, pursuant to the considerations, findings, recom-
11253 mendations, and conclusions of the development's engineering geologist's study and report, the
11254 development has been designed to mitigate, and is reasonably safe from, the identified hazard.
- 11255 (2) The development's engineering geologist submits a signed and sealed verification letter stating that
11256 the final design of the development adequately provides for the considerations, findings, recom-
11257 mendations, and conclusions of the study and report, and is reasonably safe from the identified
11258 hazard.
- 11259 (3) Written verification is provided from the issuer(s) of professional errors and omissions liability
11260 insurance, in the amount of \$1,000,000.00, which covers the engineering geologist and state li-
11261 censed engineer(s), and which is in effect on the date of preparation of all required reports and
11262 certifications.
- 11263
- 11264 **Sec 108-22-4 Disclosure Required**
- 11265 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel:
- 11266 (1) A copy of the report shall be kept for public inspection in the county planning division office.
- 11267 (2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision plat
11268 shall be required, which provide:
- 11269 a. Notice that the parcel is located within a natural hazard study area;
- 11270 b. Notice that a natural hazard study and report is available for public inspection in the county
11271 planning division office;
- 11272 c. Notice that a hazard has been identified on the parcel and the type and severity of the hazard;
- 11273 d. The professional who prepared the report, with his or her contact information; and
- 11274 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the
11275 land use authority.
-

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11276 (3) When a natural hazard report is not required, but where the parcel is located within a natural hazard
11277 study area, notice that the parcel is located within such an area shall be recorded running with the
11278 land and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to
11279 the County Engineer and County Attorney's Office.

11280 (4) The natural hazard ordinance codified in this chapter and natural hazard map represent only those
11281 potentially hazardous areas known to the county, and shall not be construed to include all possible
11282 potential hazard areas. The natural hazards listed in this chapter may be amended as new infor-
11283 mation becomes available. The provisions of this chapter do not in any way assure or imply that
11284 areas outside its boundaries will be free from the possible adverse effects of a natural hazard. This
11285 chapter shall not create liability on the part of the county, any officer or employee thereof for any
11286 damages from a natural hazard that result from reliance on this chapter or any administrative re-
11287 quirement or decision lawfully made thereunder.

11288

11289 **Sec 108-22-5 Exemptions From Natural Hazard Study And Report**

11290 The following are exemptions from natural hazard study and report requirement:

11291 (a) A proposed structure that is not a structure designed for human occupancy shall not be required to
11292 provide a natural hazard report; except a report shall be provided for a critical facility if required by
11293 Section 108-22-3, or when otherwise required by the Planning Division Director or County Engineer
11294 due to natural hazards conditions known to be in the area.

11295 (b) When clear evidence exists that no study and report is necessary, the Planning Division Director or
11296 County Engineer may waive the requirement.

11297

11298 **Sec 108-22-6 Costs To Be The Responsibility Of The Developer/Applicant**

11299 Any of the above described technical reports and/or studies shall be performed by qualified professionals
11300 on behalf of the applicant. The cost of outsourced qualified professionals used by the county to aid in the
11301 review required in Section 108-22-3 is the responsibility of the applicant. Any other costs incurred in
11302 providing technical reports or testimony by qualified professionals or expert witnesses shall be solely the
11303 responsibility of the applicant and not the county.

11304

11305 **Sec 108-22-7 Change Of Use**

11306 No change in use which results in the conversion of a building or structure not designed for human occu-
11307 pancy to one designed for human occupancy shall be permitted unless the building or structure complies
11308 with the provisions of this chapter.

11309

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11310 **Sec 108-22-8 Conflict Between Boundaries Of Study Area Or Identified Hazard**

11311 Where there is a conflict between the boundaries of an identified natural hazard study area and actual field
11312 conditions, or where detailed investigations show that the identified hazard is not present within a particular
11313 area, the conflict shall be settled as follows:

- 11314 (a) The person disputing the natural hazard study area boundary shall submit technical and geologic evi-
11315 dence to support such claim to the County Engineer in the form of a site-specific natural hazard report.
- 11316 (b) The County Engineer may request outsourced qualified professionals to review the evidence and make
11317 a recommendation prior to making a final written decision concerning the dispute. The cost of the
11318 outsourced qualified professional's review shall be paid by the person disputing the boundary.
- 11319 (c) The County Engineer may allow modifications to the boundary only if the evidence clearly and con-
11320 clusively establishes that the natural hazard study area boundary location is incorrect, or that the iden-
11321 tified hazard is not present within a particular area.

11322

11323 **Sec 108-22-9 Appeals**

- 11324 (a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the application
11325 of this chapter shall be appealed in accordance with Title 102, Chapter 3 of this Land Use Code.

11326 (1) When a written decision provided under this chapter contains technical aspects, an applicant may
11327 request the county to assemble a panel of qualified professionals to serve as the appeal authority
11328 for the sole purpose of determining those technical aspects.

11329 (2) The technical aspects of the administration and interpretation of this chapter are decisions related
11330 to:

- 11331 a. The acceptance or rejection of scope, techniques, methodology, conclusions or specific types
11332 of information presented in a study or report;
- 11333 b. The review and recommendation of an acceptable study or report for the land use authority's
11334 consideration;
- 11335 c. The interpretation or application of any technical provisions of a study or report that is required
11336 by this chapter; or
- 11337 d. The modification of a natural hazard study area boundary.

11338 (3) Unless otherwise agreed by the applicant and county, if an applicant makes a request under this
11339 subsection, the county shall assemble the panel consisting of:

- 11340 a. One qualified professional designated by the county;
- 11341 b. One qualified professional designated by the applicant; and
- 11342 c. One qualified professional chosen jointly by the county's designated qualified professional and
11343 the applicant's designated qualified professional.

11344 (4) A member of the panel may not be associated with the application that is the subject of the appeal.

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COLOR KEY: O.V. incorporation-related. Policy shift.

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- 11345 (5) The applicant shall pay for one half the cost of the panel in addition to the county's appeal fee.
- 11346 (6) The panel shall be governed by the same appeal provisions of the board of adjustment provided in
- 11347 title 102, chapter 3 Board of Adjustment, of this Land Use Code.
- 11348
- 11349
- 11350
- 11351 **TITLE 109 (RESERVED)**
- 11352
- 11353

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11354 **TITLE 110 SIGNS**

11355

11356 **Chapter 110-1 (Reserved)**

~~11357~~

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CHAPTER 110-2 SIGNS

Sec 110-2-1 Purpose And Intent

The purpose and intent of this chapter is to provide for the governance of the reasonable display of all signage. This chapter is designed to protect and promote the public health, safety, and general welfare of persons within the community, and to aid in the orderly development and promotion of business by providing regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use of signs while protecting and enhancing an area's community character

Sec 110-2-2 Applicability

(a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use permit, and meeting the standards set forth in this section and any applicable master signage plan pursuant to Section 110-2-3. Signs conforming to the requirements of this section which identify seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new permit. All applications for land use permits shall be accompanied by plans, designs, specifications and drawings stating specifically all dimensions, lighting (see also Section 108-16-6), colors and plan of installation stating clearances and setbacks. plans, designs, specifications and A sign land use permits expire six months after issuance if the sign is not erected or altered pursuant to the permit.

(b) *Exemptions.* The following are exemptions from the requirements of this chapter:

(1) *Maintenance and repainting.* The repainting, changing of parts, and general maintenance of signs located on the site shall not be deemed alterations requiring a permit, except for nonconforming signs as set forth in section 110-2-4, Nonconforming signs.

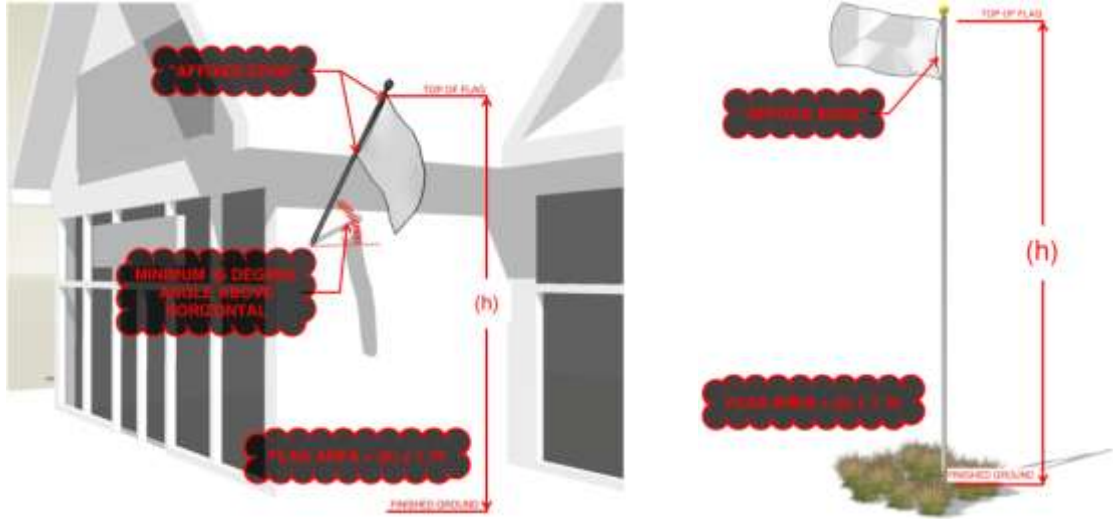
(2) *Flags.* A flag, as defined in Title 101 Chapter 2, is not a sign provided it complies with the following:

- a. It shall not be mounted on a roof, atop any sign, or higher than the maximum building height allowed in the zone as measured from the top of the flag to the finished ground directly below;
- b. It shall be a rectangle, mounted or affixed on only one edge to a support that angles no less than 45 degrees above the horizontal, except during a government-sponsored half-staff period at which time it may be flown full horizontal;
- c. The length of the edge of the flag that is mounted or affixed shall be less than or equal to the length of an intersecting edge and shall be mounted or affixed in a manner so that it hangs or drapes when no wind is present; and
- d. The area of the flag in square feet shall be no greater than 1.15 times the linear feet of the flag height as measured from the top of the flag to the finished ground directly below.

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11399 e. Examples of non-sign flags:



11400

11401 **Sec 110-2-3 Master Signage Plan**

11402 A master signage plan shall be required to ensure compliance with standards and requirements of this Land
11403 Use Code when multiple signs are allowed or multiple tenants, businesses or other entities occupy a single
11404 building or storefront. Unless approved as part of another approval under this Land Use Code or as part of
11405 a development agreement, approval of a master signage plan shall be means of Design Review approval
11406 pursuant to Title 108 Chapter 1.

11407 (a) *Approval of the master signage plan.* The master signage plan is subject to site plan approval, and once
11408 approved, all individual land use permits shall comply therewith.

11409 (b) *Requirements.* Each master signage plan shall clearly indicate the location, size, illumination details,
11410 type and all dimensions, including height, of each sign on the property, as well as the distribution or
11411 allowed signage among multiple tenants, businesses or entities within a building or complex.

11412

11413 **Sec 110-2-4 (Reserved)**

11414

11415 **Sec 110-2-5 Allowable Signs By Zoning District**

11416 In addition to the sign types allowed generally in Section 110-2-9, the following specifies special regula-
11417 tions for certain sign types in each listed zone district.

11418 (a) *Commercial and manufacturing.* The following provisions apply to signage in a zone within a com-
11419 mercial or manufacturing zone district, and to a non-residential Lot or use in a zone within the form-
11420 based zone district, pursuant to the table in Section 104-1-1:

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- 11421 (1) *Wall signs*. Each freestanding building or complex of buildings is allowed one wall sign per street
11422 frontage which shall not exceed five percent of the square footage of the front of the building (linear
11423 footage of the front of the building, multiplied by the height of the building; multiplied by five
11424 percent) not including false fronts. If multiple units, each unit to be allowed five percent of width
11425 of the unit multiplied by the height.
- 11426 (2) *Ground/monument sign*. Each freestanding building or complex having primary or secondary entry
11427 from a street, shall be allowed one ground sign per frontage, not to exceed ten feet in height and 12
11428 feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.
11429 Each individual building within the project area may have a ground monument sign and shall meet
11430 the requirements of this chapter, with the signs being approved as part of the master signage plan.
- 11431 (3) *Entrance ground sign*. One entrance ground sign on a multiple building/tenant project may have a
11432 maximum sign height of 18 feet and a maximum width of 12 feet. This sign replaces the ground
11433 monument sign that is allowed for one of the buildings in a multiple building/tenant project..
- 11434 (4) *Offsite sign allowance*. A commercial or manufacturing development of multiple Lots that have no
11435 frontage along a Collector Street or Arterial Street, but is within 600 feet of a Collector Street or
11436 Arterial Street from which access to the development is made, will be allowed one entrance ground
11437 sign meeting the requirements of this chapter, at the location where the development's access in-
11438 tersects with the Collector Street or Arterial Street. The entrance ground sign will announce the
11439 businesses within the development. Hotels/motels will be allowed "Vacancy/No Vacancy" on this
11440 sign.
- 11441 (b) *Residential, Residential Estate, Agricultural and Forest*. The following provisions apply to signage in
11442 a zone within a residential or residential estate zone district, agricultural zone district, forest zone dis-
11443 trict, and to any residential Lot or use in a zone within the form-based zone district, pursuant to the
11444 table in Section 104-1-1:
- 11445 (1) *Nonresidential uses*.
- 11446 a. *Wall signs*. Each freestanding building or complex of buildings is allowed one wall sign per
11447 street frontage which shall not exceed five percent of the square footage of the front of the
11448 building (linear footage of the front of the building, multiplied by the height of the building;
11449 multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed
11450 five percent of width of the unit multiplied by the height.
- 11451 b. *Ground/monument sign*. Each freestanding building or complex having primary or secondary
11452 entry from a street, shall be allowed one ground sign per frontage, not to exceed eight feet in
11453 height and 12 feet in width. The sign may be placed on a landscaped, mounded berm up to two
11454 feet from grade.
- 11455 c. *Entrance ground sign*. One entrance ground sign on a multiple building project may have a
11456 maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the ground
11457 monument sign that is allowed for one of the buildings in a multiple building/tenant project.
11458 The entrance ground sign shall be approved as part of the master signage plan.
- 11459 (2) *Residential uses*.
-

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- 11460 a. Single-family and residential units of less than eight units. One wall sign identifying the name
11461 of the owner and/or property, not to exceed six square feet is permitted.
- 11462 b. Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square feet
11463 in area is permitted.
- 11464 c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument
11465 sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a land-
11466 scaped, mounded berm up to two feet from grade.
- 11467 (c) *Recreation resort zone.* The following provisions apply to signage in a zone within a recreation resort
11468 zone district, pursuant to the table in Section 104-1-1:
- 11469 (1) *Nonresidential uses.*
- 11470 a. *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per
11471 street frontage which shall not exceed five percent of the square footage of the front of the
11472 building (linear footage of the front of the building, multiplied by the height of the building;
11473 multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed
11474 five percent of width of the unit multiplied by the height.
- 11475 b. *Ground/monument sign.* Each freestanding building or complex having primary or secondary
11476 entry from a street, shall be allowed one ground sign per frontage, not to exceed six feet in
11477 height and ten feet in width. The sign may be placed on a landscaped, mounded berm up to two
11478 feet from finished grade. The Land Use Authority may approve up to two ground/monument
11479 signs at each main resort entrance/portal when presented as part of a master signage plan as
11480 described in Section 110-2-3.
- 11481 c. *Portable signs.* A-frame or sandwich signs not exceeding nine square feet may be placed out-
11482 side of a particular subdivision, project or event site; however, the sign must remain within the
11483 resort boundary.
- 11484 d. *Banners not to exceed 21 square feet each.* Each sign shall be safely secured to a permanent
11485 fixture and extend no closer than eight feet to the ground.
- 11486 e. *Changeable copy signs.* Manual signs only meeting the requirements as listed in Section 110-
11487 2-10(b) (Special purpose signs—destination and recreation resort manual changeable copy
11488 signs).
- 11489 (2) *Residential uses.*
- 11490 a. Single-family and residential units of less than eight units. One wall sign identifying the name
11491 of the owner and/or property, not to exceed six square feet is permitted.
- 11492 b. Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square feet
11493 in area is permitted.
- 11494 c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument
11495 sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a land-
11496 scaped, mounded berm up to two feet from grade.
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- 11497 (3) *Sign plan.* Within the Destination Recreation and Resort zone, by approval of the Planning Com-
11498 mission, any provision of this chapter may be modified by approving a sign plan created by the
11499 developer (as defined in the applicable zoning development agreement) if the Planning Commis-
11500 sion determines that the plan is consistent with the approved master plan.

11501

11502 **Sec 110-2-6 Optional And Alternative Signs**

- 11503 (a) *Canopy signs.* Canopy signs may be substituted for wall signs, subject to approval of the master signage
11504 plan. Any approved canopy sign shall have a minimum vertical clearance of eight feet from any walking
11505 surface.

- 11506 (b) *Projecting signs.* Projecting signs that are perpendicular to a building may be substituted for wall signs,
11507 subject to approval of the master signage plan. No sign face of a projecting sign may project more than
11508 four feet from the wall to which it is mounted. Any projecting sign shall have a minimum vertical
11509 clearance of eight feet from any walking surface.

- 11510 (c) *Entrance/exit signs.* Entrance/exit signs are limited to two signs for each approved driveway opening
11511 for commercial uses and multi-tenant dwellings, and shall be limited to a maximum of three square feet
11512 per side, and shall be no higher than five feet above the ground at the top of the sign. Setbacks shall be
11513 ten feet from right-of-way. Content is limited to "Entrance" and "Exit."

11514

11515 **Sec 110-2-7 Window Signs**

11516 Signs displayed in windows of buildings or storefronts are allowed in all zoning districts. A land use permit
11517 for a sign is not required for their display, provided they comply with the following:

- 11518 (a) *Size limit of window sign.* The cumulative sign area for window signage shall occupy no more than 25
11519 percent of the area of the window in which the signage is displayed. Signage necessary to fulfill a
11520 governmental regulation or requirement is exempt.

- 11521 (b) *Illumination of window sign.* Despite the provisions of Title 108, Chapter 16, one window sign, meas-
11522 uring no greater than four square feet in area, may be illuminated in a manner visible from outside the
11523 building, provided it shall only be illuminated during business hours and only to an illumination level
11524 reasonably necessary to communicate the message to the nearest street right-of-way.

- 11525 (c) *Prohibited features of window sign.* No window sign or any other sign within a building or structure
11526 shall move, flash, blink, rotate, or be animated in any way that is visible from outside the property's
11527 boundaries.

- 11528 (d) *Example of window signs:*

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11529

11530

11531 **Sec 110-2-8 Prohibited Signs And Sign Devices**

11532 All signs not specifically listed as allowed are prohibited, including:

11533 (a) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging, changing, rotating or oth-
11534 erwise moving signs, pennants, tethered "party or weather-type" balloons, holograms, light beams, la-
11535 sers or other like decorations.

11536 (b) *Moving appurtenances.* Moving mechanical or electrical appurtenances attached to a sign or otherwise
11537 intended to attract attention to a sign.

11538 (c) *Rotating beacon lights.*

11539 (d) *Inflatable advertising devices or signs.* (Does not refer to passenger-type hot air balloons being used
11540 for passenger flight.)

11541 (e) *Flags.* Flags not exempted in Section 110-2-2.

11542 (f) *Banners.* Banners, unless specifically provided otherwise in this chapter.

11543 (g) *Off-site signs.* All off-site, off-premises and directional signs which advertise businesses, establish-
11544 ments, activities, facilities, goods, products, or services not made, produced, sold or present on the
11545 premises or site where the sign is installed and maintained are prohibited, except as exempted in Section

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- 11546 110-2-9, or as otherwise allowed by this Land Use Code or an approved development agreement. Not-
11547 withstanding the foregoing, where access to a parcel is via an adjacent parcel, signs may be located on
11548 such adjacent parcel.
- 11549 (h) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may be allowed on vehicles, but
11550 they may not be illuminated or parked on a long-term basis to be used as a sign for the purpose of
11551 advertising a product or directing people to a business activity as listed in Section 110-2-9, Other signs.
- 11552 (i) *Luminous tube signs.* External gas filled luminous tubes, such as neon, argon or fluorescent, signs or
11553 valances, unless inside a building or in a window and not to exceed four square feet in area, except as
11554 listed in Section 110-2-12 and which may not flash or blink.
- 11555 (j) *Other temporary signs.* Any other device in the form of a sign, which is of a temporary nature, or
11556 mobile, and not permanently affixed to a building or an upright support affixed firmly to the ground,
11557 except as permitted in Section 110-2-11.
- 11558 (k) *Roof signs.* Signs mounted on a roof or atop a parapet wall.
- 11559 (l) *Billboards.* A billboard, as defined in UCA 17-79-102.
- 11560 (m) *Pole signs.* Except one pole sign per public, private, and charter school, consisting of not more than a
11561 six-foot tall by ten-foot wide changeable reader board sign, located not less than ten feet and not more
11562 than 15 feet above the sidewalk, may be permitted.
- 11563 (n) *Public property signs.* It shall be unlawful for any person to fasten or attach, paint or place any sign,
11564 handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise or to cause
11565 the same to be done in or upon the curbstone, lamp post, telephone pole, electric light or power pole,
11566 hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It shall be unlawful to paste,
11567 place, paint or attach any sign defined in this chapter on any building, street or property of the county.
11568 No sign shall be erected on or project over public property, except as permitted in Section 110-2-9, and
11569 Section 110-2-11.

11570

11571 **Sec 110-2-9 Allowed Signs, Generally.**

- 11572 (a) The following signs are allowed in all zoning districts:
- 11573 (1) *Conservation property sign.* A conservation property sign, as defined in Title 101 Chapter 2, may
11574 be erected on any property complying with the minimum provisions of the definition. The sign
11575 shall either be a monument sign or a freestanding sign (pole sign) in compliance with the following:
- 11576 a. *Monument sign.* For a monument sign, the width shall be no greater than ten feet and the height
11577 shall be no greater than eight feet, with a sign face no greater than 24 square feet.
- 11578 b. *Freestanding sign (pole sign).* For a freestanding sign (pole sign), the width shall be no greater
11579 than eight feet and the height shall be no greater than ten feet with a sign face no greater than
11580 24 square feet. The sign face shall be mounted between the sign poles, which shall be con-
11581 structed of timbers that measure at least eight inches by eight inches and extend from the ground
11582 to the top of the sign face. The top of the sign face and the bottom of the sign face shall be

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11583 completely bounded by timbers that have a minimum vertical height of eight inches. When
11584 placed adjacent to a street with shoulders that slope downward toward the sign base, a free-
11585 standing sign may be installed atop a rock or earthen-berm base that is no greater than three
11586 feet in height.

11587 c. *Example.* The following images are examples of each:



11588
11589 (2) *Gate or arch sign.* A gate or arch sign situated over the primary entry of a lot or parcel of land,
11590 provided that the sign face does not exceed 30 square feet and that the sign provides a vertical
11591 clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a mini-
11592 mum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the arch shall not exceed
11593 two feet. A land use permit, to verify compliance with applicable standards, and a building permit
11594 to verify proper installation of footings and to ensure wind tolerance, is required.

11595 (3) *Subdivision entry signs.* An approved, recorded subdivision may locate one sign at each entrance.
11596 The sign shall be a ground or monument sign, and shall meet all specifications/requirements for
11597 monument signs in Section 110-2-5. In the event the location of the subdivision entry sign is in a
11598 zone not governed by Section 110-2-5, the dimensions of the sign shall be no greater than allowed
11599 in the agricultural zones. The Land Use Authority shall approve location and design style. A double
11600 entry sign may be approved by the Land Use Authority where there is a divided center island entry
11601 street.

11602 (b) The following signs are allowed in all zoning districts, and are exempt from the standards of Section
11603 110-2-12(a):

11604 (1) *Addressing numbers.* Addressing numbers shall be no more than 12 inches in height. An addressing
11605 number sign is also exempt Section 110-2-12(b)(8).

11606 (2) *Athletic field scoreboard signs.* An athletic field scoreboard sign shall not exceed 120 square feet
11607 in any zone. An athletic field scoreboard sign is also exempt from Section 110-2-12(b)(3).

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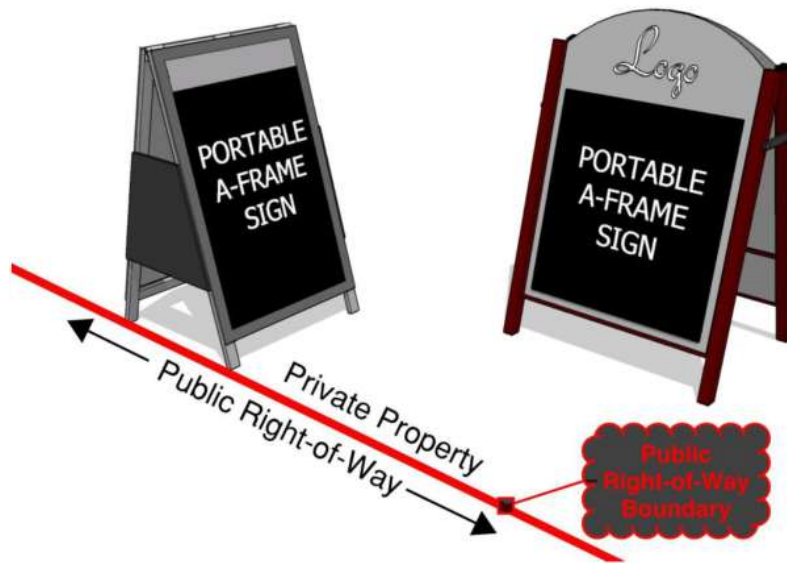
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- 11608 (3) *Grand opening signs.* On a one-time basis, a business establishment shall be permitted one banner
11609 sign not to exceed 12 square feet, to be displayed for a period of not more than 30 days prior to and
11610 after the official opening of a new business.
- 11611 (4) *Guidance signs.* Guidance and other informational signs authorized by the Utah Department of
11612 Transportation or other governmental agency. A government-owned guidance sign is exempt from
11613 all of the standards of Section 110-2-12.
- 11614 (5) *Historical signs.* Historical name signs for sites designated by the County Commission as having
11615 historical significance to the county.
- 11616 (6) *Murals.* Murals, when depicted on the sides or rear of a building or storefront, provided that the
11617 mural has no connection or advertising context to any business conducted or any product or service
11618 offered therein.
- 11619 (7) *Nameplate signs.* Nameplate signs not to exceed four square feet for home occupation of a residen-
11620 tial property.
- 11621 (8) *Portable sign.* The only portable signage allowed, excluding temporary signs regulated by Section
11622 110-2-11, is an a-frame sign, also known as a sandwich board sign, in compliance with the follow-
11623 ing:
- 11624 a. *Number, location, and timing for a portable sign.* One portable sign per commercial business
11625 is permitted on site. Up to two portable signs are permitted per commercial business offsite,
11626 provided the offsite portable signs comply with the following:
- 11627 1. The commercial business shall have a physical location within the unincorporated area and
11628 a valid business license;
- 11629 2. The portable sign shall be located outside any public street right-of-way;
- 11630 3. The portable sign shall be located no closer than ten feet from any other portable sign;
- 11631 4. If located outside a commercial, manufacturing, or resort zone, the portable sign shall only
11632 be located adjacent to a collector or arterial street right-of-way;
- 11633 5. The business shall receive landowner permission for the specific location of the portable
11634 sign;
- 11635 6. The portable sign shall be properly placed and anchored to the ground in a manner that
11636 keeps it in place, upright, and level; and
- 11637 7. The portable sign shall only be on display outside during the hours of operation of the
11638 business.
- 11639 b. *Standards for a portable sign.* The maximum sign area shall be nine square feet with a width
11640 and height when folded of no greater than three feet each. Both sides of the sign shall have a
11641 four-sided frame of natural, stained, rustic, or antiques-painted wood or similarly appearing
11642 faux wood, or natural antiques metal; and the same applies to the sign supports. The sign back-
11643 ground shall be at least 50 percent darker than the sign message, as discerned using industry
-

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- 11644 best practices, and shall only use earth-toned colors that are clearly visible, without instruments,
11645 from the sign location.
- 11646 c. *Permit and expiration.* A land use permit is required for a portable sign pursuant to Section
11647 110-2-2. A land use permit for an offsite portable sign shall expire annually at the time the
11648 business license for the commercial business to which it belongs expires or on December 31.
11649 An offsite portable sign shall not be included as a part of a master signage plan.
- 11650 d. *Examples.* The following are examples of allowed portable signs:



- 11651
- 11652 (9) *Private warning signs.* Private warning signs, provided they do not exceed four square feet.
- 11653 (10) *Signs on vehicles.* Signs for business identification which may include name, address, and tel-
11654 ephone number, not to exceed two feet by three feet upon the side door of a vehicle.
- 11655 (11) *Statuary and sculptures.* Freestanding statuary and sculptures which are considered to be works
11656 of art and which are placed on private property clearly for the benefit and interest of the general
11657 public.
- 11658 (12) *Traffic signs.* All signs erected in or adjacent to a public right-of-way by a public agency or in
11659 a private road right-of-way for the purpose of controlling or directing traffic. A government-owned
11660 traffic sign is exempt from all of the standards of Section 110-2-12.

11661

11662 **Sec 110-2-10 Special Purpose Signs**

- 11663 (a) *Changeable copy signs.* One reader board or changeable copy sign per business is permitted to be dis-
11664 played, at one square foot of sign area per linear foot of street frontage, and may be either ground/mon-
11665 ument or wall sign, provided compliance with the following. The lighting of the changeable copy area
11666 of the sign shall be exempt from the illumination restrictions of Section 110-2-12(b).

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- 11667 (1) For a Corner Lot, only one of the street frontages shall be used;
11668 (2) The sign shall be certified by the manufacturer to be in compliance with these standards, evidence
11669 of which shall be submitted with the land use permit or design review application;
11670 (3) The change copy area shall be equipped with an ambient light sensor that auto-dims the change
11671 copy area to no more than 0.2 foot-candles greater than ambient light levels, and be equipped
11672 with a default-safe mode, should the sensor become inoperable, that limits illumination to no
11673 more than 0.2 foot-candles brighter than the darkest point of night; and
11674 (4) For an electronic changeable copy sign:
11675 a. During daylight hours, no more than one still-image or message every six seconds is permitted,
11676 with transitions between still-images or messages lasting no longer than one-half second;
11677 b. After sunset, no image or message shall be changed, and no more than 30 percent of the change
11678 copy area of the sign shall be illuminated; and
11679 c. The change copy area of the sign shall be turned off when the establishment is not open to the
11680 public.
11681
11682 (b) *Destination and Recreation Resort Zone manual changeable copy sign.* One reader board or changeable
11683 copy sign, not exceeding 16 square feet, is permitted and may be displayed within a resort village area
11684 when the village area consists of six or more commercial buildings.
11685 (c) *Movie poster signs.* Motion picture theaters, facilities for performing arts, and retail stores whose pri-
11686 mary business is the sale and/or rental of pre-recorded video tape and/or discs to the general public
11687 shall be permitted to display a maximum of two poster signs. Movie posters shall be displayed in a
11688 display case which shall be permanently affixed to the wall of the building or storefront. Movie posters
11689 shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted
11690 as long as they comply with the sign illumination standards found in Section 110-2-12 of this chapter.
11691 Movie poster display cases shall not exceed 12 square feet in area. The area of any movie poster sign
11692 conforming to this section shall not count toward the total signage allowed by Section 110-2-5, Allow-
11693 able signs by zoning district.
11694
11695 **Sec 110-2-11 Temporary Sign Usage**
11696 Temporary signs shall be permitted in accordance with standards set forth below, unless specified otherwise
11697 in this ordinance:
11698 (a) *Setback standards for temporary signs.*
11699 (1) Temporary signs must be located completely on private property, except as exempted in Section
11700 110-2-9, other signs.
11701 (2) Signs must be placed ten feet behind the sidewalk, including those with grass strips between the
11702 street and the sidewalk, except for special event banners and special event directional signs.
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- 11703 (3) On streets with no sidewalks and where it is not clear where the property line is located, signs must
11704 be placed ten feet behind the curb or pavement and not hang into the street; and
- 11705 (4) At intersections, they must be placed beyond the site distance triangle as found in Section 108-7-
11706 7.030.
- 11707 (b) *Temporary signs.* Temporary signs in this section shall in no way regulate the content of speech, only
11708 the place and manner in which it is permitted.
- 11709 (c) *Additional standards.* The following table applies to temporary sign use:

Sign Type	General Standards in All Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		
	Display Period	Removal Required 3 Days After	Land Use Permit or Special Event Permit Required	Maximum Area per Sign Face	Maximum Height of Free-standing Signs (includes support structure)	Number of Signs Permitted per Sign Type	Maximum Area per Sign Face	Maximum Height of Free-standing Signs	Number of Signs Permitted per Sign Type
Occasional Signs:									
Campaign signs	60 days prior to the election	Completion of the election	N	32 square feet	6 feet	No limit	32 square feet	8 feet	No limit
Construction signs	Duration of construction	Completion of construction	N	32 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage
Property/real estate sign	Duration of listing	Closing/lease	N	8 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage

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		com- mence- ment date							
Short-term vendors § 108-13-3	120 days	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 square feet	6 feet if set in the ground or anywhere on the building	2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk
Temporary outdoor sales § 108-13-4	Per state code if applicable or 30 days prior to the event	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 feet	6 feet if set in the ground or anywhere on the building	2 per street frontage
Temporary real estate sales office	Duration of construction	Completion of construction	Y/LUP	32 square feet	6 feet	1 per street frontage	Not Applicable	Not Applicable	Not Applicable
Temporary real estate sales office wall sign	Duration of construction	Completion of construction	Y/LUP	20 square feet	N/A	1 sign attached to the office	Not Applicable	Not Applicable	Not Applicable
Seasonal Signs:									
Farmer's markets § 108-13-5	June through October	End of event	Y/LUP	32 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage

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Fruit and vegetable stand § 104-5-3 (8)	June through October	End of event	Y/LUP	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Political sign	No limit	No limit	N	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Event Signs:									
Public event sign	30 days prior to the event	End of event	Y/SEP	4 square feet	3 feet	1 per street frontage	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 feet	N/A	1 per street frontage
Public event directional sign	30 days prior to the event	End of event	Y/SEP	8 square feet	4 feet	No limit off-premises directional signs	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	60 days prior to the event	End of event	Y/SEP	16 square feet on-site	6 feet	No limit onsite signs, either ground	16 square feet onsite	6 feet	No limit on-site signs, either ground or banner signs

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						or banner signs			
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 square feet	N/A	1 per street frontage
Special event directional sign	1 day prior to the event	End of event	Y/SEP	8 square feet offsite	4 feet	No limit off-premises directional signs	8 square feet offsite	4 feet	No limit off-premises directional signs
Special event off-site sign	30 days prior to the event	End of event	Y/SEP	32 square feet	10 feet	2 offsite per event either a ground sign or banner	32 square feet	10 feet	2 offsite per event either a ground sign or banner

11710

11711 **Sec 110-2-12 Sign Materials And Display Standards**

11712 (a) *Sign materials.* All materials used to construct signs, supports or fasteners shall conform to the following standards:

11713

11714 (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured
11715 concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which is painted,
11716 anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought
11717 iron, and other metals may remain untreated and allowed to develop a natural patina.

11718 (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick, stone,
11719 textured concrete or similar material. Glass, metal, or metallic leaf, which is painted, anodized, or
11720 otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and
11721 other metals may remain untreated and allowed to develop a natural patina. Support structures shall
11722 use natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be
11723 used as a predominant color, but may be used as an accent.

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- 11724 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the stand-
11725 ards of this section.
- 11726 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street
11727 right-of-way, entrance or exit.
- 11728 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices shall
11729 be allowed to project or be located within a public right-of-way.
- 11730 (3) *Illumination.* An illuminated sign, as defined in Title 101, Chapter 2 shall comply with the follow-
11731 ing provisions.
- 11732 a. Except as otherwise explicitly provided elsewhere in this Land Use Code, and unless otherwise
11733 specified in this subsection (b) of Section 110-2-12, all exterior lighting of a sign shall be
11734 downward directed from the top of the sign, and oriented so as to illuminate only the sign area,
11735 as defined in Title 101, Chapter 2, excluding the supports.
- 11736 b. No more than 10 percent of the sign area shall be allowed to be internally illuminated. Internal
11737 illumination shall only be by means of light passing through a translucent surface that fully
11738 obscures view of the light source.
- 11739 c. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area.
11740 This ratio shall be calculated by combining the total lumen output of each artificial light source
11741 divided by the square footage of the sign area.
- 11742 d. The land use authority may require the applicant to submit photometric schematics and attes-
11743 tation from a qualified professional that the submittal complies with this chapter.
- 11744 e. Except when allowed otherwise by this Land Use Code, sign lighting shall comply with the
11745 requirements of Chapter 108-16.
- 11746 (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six inches
11747 or more below the top of the parapet wall.
- 11748 (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size, form
11749 or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effective-
11750 ness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver
11751 visibility upon roads.
- 11752 (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a way
11753 that prevents free ingress or egress from any door, window or fire escape, and no sign shall be
11754 attached to a standpipe or fire escape.
- 11755 (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form or
11756 naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying
11757 a sign.
- 11758 (8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the lowest
11759 edge of the overhang eight feet to the driving or walking surface below.
- 11760 (9) *Sign Setbacks.*
-

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- 11761 a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a mini-
11762 mum of ten feet from any property line. Signs fronting on state highways shall be set back ten
11763 feet from the right-of-way.
- 11764 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,
11765 except for signs set by public agencies for safety purposes, such as the state department of
11766 transportation.
- 11767 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in Title
11768 108, Chapter 7 of this Land Use Code.
- 11769 (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be land-
11770 scaped in accordance with the requirements of applicable chapters of the Weber County Land Use
11771 Code. The Land Use Authority may exempt some monument/ground signs from this standard
11772 where it is demonstrated, by the owner/developer, that the landscaping would unduly interfere with
11773 pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be impractical.
- 11774 (11) *No street frontage.* When a freestanding building, complex or storefront does not face a public
11775 street or approved private road, and is accessed via a pedestrian area or common parking and drive-
11776 way area, the linear footage of building or storefront facing the pedestrian area or common parking
11777 area shall substitute for purposes of determining allowable signage.
- 11778 (12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as
11779 provided in Title 101 Chapter 2.
- 11780 (13) *Directional or circulation signs not visible offsite.* Directional or circulation signs that are not
11781 visible from any point outside of the property boundary are not subject to the illumination require-
11782 ments of this subsection (b) or the outdoor lighting requirements of chapter 108-16. An applicant
11783 wishing to install such an exempt illuminated directional or circulation sign shall have the burden
11784 of proof by communicating the proposed sign height, location, and visibility from any point outside
11785 of the property boundaries through the submission of an outdoor lighting plan to the land use au-
11786 thority. Directional or circulation signs claiming exemption from the illumination requirements of
11787 this chapter or chapter 108-16 shall not allow their illumination to extend past the horizontal plain
11788 of the upper sign boundary into the night sky.
- 11789

11790 **Sec 110-2-13 Dangerous Or Defective Signs**

- 11791 (a) *Removal or repair by owner.* Any sign which is found to be in a dangerous or defective condition shall
11792 be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owner
11793 to remove or repair a dangerous or defective sign, the Planning Division Director shall proceed with
11794 enforcement measures.
- 11795 (b) *Removal by county.* The county may cause the removal of any sign that endangers the public safety or
11796 a sign for which no sign permit has been issued, if, after giving notice the owner has not remedied the
11797 violation.

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11798 (c) *Cost of removal.* The cost associated with the removal of a sign by the county shall be paid by the owner
11799 of the property on which the sign is located. If the cost is not paid within 30 days, the unpaid balance
11800 shall be considered a lien against the property and said lien shall be filed by the County Attorney's
11801 Office.

11802

11803 **Sec 110-2-14 Construction Standards**

11804 Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified
11805 in the uniform building code, as adopted by the county. A building permit for the sign structure shall be
11806 required, as well as a land use permit. If there is any indication, in the opinion of the County Engineer, that
11807 the proposed structure may not resist wind, seismic forces or other loads or stresses, a state registered en-
11808 gineer's certificate on the sign's structural plans shall be required.

11809

11810 **Sec 110-2-15 (Reserved)**

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11816 **TITLE 16 COUNTY FEE SCHEDULE**

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11819 **CHAPTER 16-2 FEES**

11820 ...

11821

11822 **Sec 16-2-5 Land Use Code Application Fees**

11823 The following are the fees for applications authorized by a county land use ordinance:

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	PLANNING DIVISION FEES		ENGINEERING DIVISION FEES		SURVEYOR'S OFFICE FEES			TOTAL FEES	
SUBDIVISION, EASEMENTS, AND RIGHTS-OF-WAY APPLICATION FEES									
Application or Fee Type	Base Fee	Variable Fee	Base Fee	Variable Fee	Base	Variable Fee		Total Base Fee	Total Variable Fee
Large Preliminary Subdivision ¹	\$1,300.00	+\$25 Per Lot/Unit	\$1,000.00	-	\$100.00	+\$25 Per Lot/Unit		\$2,400.00	+\$50 Per Lot/Unit
Large Final Subdivision ¹	\$650.00	+\$25 Per Lot/Unit	\$500.00	-	\$900.00	+\$25 Per Lot/Unit		\$2,050.00	+\$50 Per Lot/Unit
Large Subdivision Application Re-Review (Prelim or Final)	\$200.00	-	\$200.00	-	\$200.00	-		\$600.00	-

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Small Subdivision (Pre-lim+Final) ¹	1,000.00	+\$25 Per Lot/Unit	\$650.00	-	\$700.00	+\$25 Per Lot/Unit	\$2,350.00	+\$50 Per Lot/Unit
Small Subdivision Application Re-Review	\$500.00	-	\$200.00	-	\$200.00	-	\$900.00	-
Subdivision Improvement Plan Review ²	-	-	\$300.00	% of cost of improvements?	-	-	\$300.00	% of cost of improvements?
Subdivision Improvement Plan Re-Review	-	-	?	?	-	-	?	?
Subdivision Improvement Re-Inspection	-	-	?	?	-	-	?	?
Preliminary Subdivision Plat Change ³	\$250.00	+\$25 Per Lot/Unit	\$300.00	+\$25 Per Lot/Unit	-	-	\$550.00	+50 Per Lot/Unit
Final Subdivision Plat Change ³	\$100.00	+\$25 Per Lot/Unit	\$100.00	+\$25 Per Lot/Unit	\$300.00	+\$25 Per Lot/Unit	\$500.00	+\$75 Per Lot/Unit
Subdivision Amendment ^{3, 4} (No New Developable Lots)	\$500.00	-	\$250.00	-	\$700.00	+\$25 Per Affected Lot/Unit	\$1,450.00	+\$25 Per Lot/Unit
Subdivision Lot or Boundary Adjustment (Section 106-1-6)	\$350.00	+\$25 Per Affected Lot/Unit	\$150.00		-	-	\$500.00	+\$25 Per Lot/Unit
Expiration Extension Fee ⁵	\$350.00	-	-	-	-	-	\$350.00	-
Easement or Right-of-Way Amendment, Vacation, or Dedication	\$1,000.00	-	\$150.00	-	\$700.00	-	\$1,850.00	-
Any Subdivision Application that Requires Geologic, Geotech, or Hillside Hazards Review ⁶	\$300.00		\$100	+\$55.00 Per Affected Lot/Unit			\$400.00	+\$55.00 Per Affected Lot/Unit
CONDITIONAL USE PERMIT APPLICATION FEES								
<u>Application or Fee Type</u>	<u>Base Fee</u>	<u>Variable Fee</u>	<u>Base Fee</u>	<u>Variable Fee</u>	<u>Base</u>	<u>Variable Fee</u>	<u>Total Base Fee</u>	<u>Total Variable Fee</u>

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Conditional Use Permit ^{1,7}	\$1,025.00	-	\$250.00	-	-	-	\$1,275.00	-
Conditional Use Permit Amendment ^{1,8}	\$850.00	-	\$150.00	-	-	-	\$650.00	-
Conditional Use Permit – De Minimis Revision	\$500.00	-	-	-	-	-	\$500.00	-
Conditional Use Permit Application Re-Review	\$250.00	-	\$150.00	-	-	-	\$400.00	-
Conditional Use Permit Approval Expiration Extension	\$250.00	-	-	-	-	-	\$250.00	-
DESIGN REVIEWS APPLICATION FEES								
<u>Application or Fee Type</u>	<u>Base Fee</u>	<u>Variable Fee</u>	<u>Base Fee</u>	<u>Variable Fee</u>	<u>Base</u>	<u>Variable Fee</u>	<u>Total Base Fee</u>	<u>Total Variable Fee</u>
Design Review ¹	\$850.00	+\$30.00 Per \$100k of Project Valuation	\$500.00	-	-	-	\$1,350.00	+\$30.00 Per \$100k of Project Valuation
Design Review Amendment ¹	\$425.00	+\$30.00 Per \$100k of Project Valuation	\$100.00	-	-	-	\$525.00	+\$30.00 Per \$100k of Project Valuation
Design Review Application Re-Review	\$200.00	-	\$50.00	-	-	-	\$250.00	-
Design Review or Amendment – De Minimis	\$300.00	-	-	-	-	-	\$300.00	-
APPEAL AUTHORITY APPLICATION FEES								
<u>Application or Fee Type</u>	<u>Base Fee</u>	<u>Variable Fee</u>	<u>Base Fee</u>	<u>Variable Fee</u>	<u>Base</u>	<u>Variable Fee</u>	<u>Total Base Fee</u>	<u>Total Variable Fee</u>
Variance	\$1,000.00	-	-	-	-	-	\$1,000.00	-
Appeal	\$1100.00 ¹³	+1/2 Direct Cost of Geologic Review Panel, if Applicable	-	-	-	-	\$600.00	+1/2 Direct Cost of Geologic Review Panel, if

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								Applicable
GENERAL PERMITTING APPLICATION FEES								
Application or Fee Type	Base Fee	Variable Fee	Base Fee	Variable Fee	Base	Variable Fee	Total Base Fee	Total Variable Fee
Land Use Permit ⁹	\$150.00	-	\$100.00	-	-	-	\$250.00	-
Land Use Permit Re-Review	\$75.00	-	\$25.00	-	-	-	\$100.00	-
Building Parcel Designation	\$275.00	-	-	-	-	-	\$275.00	-
Any Non-Subdivision Application that Requires Geologic, Geotech, or Hillside Review ⁶	\$150.00	-	\$100.00	-	-	-	\$250.00	-
ORDINANCE, ZONING MAP, GENERAL PLAN CREATION OR AMENDMENT APPLICATION FEES								
Application or Fee Type	Base Fee	Variable Fee	Base Fee	Variable Fee	Base	Variable Fee	Total Base Fee	Total Variable Fee
Zoning Map Amendment ¹⁰	\$2,300.00	+\$5.00 Per Acre	\$100.00	-	\$59.00 Per Hour, If Applicable		\$2,400.00	+\$5.00 Per Acre
Zoning Ordinance or General Plan Amendment	\$1,000.00	+\$0.50 Per Word	-	-	\$59.00 Per Hour, If Applicable		\$1,000.00	+\$0.50 Per Word
DEVELOPMENT AGREEMENTS APPLICATION FEES								
Application or Fee Type	Base Fee	Variable Fee	Base Fee	Variable Fee	Base	Variable Fee	Total Base Fee	Total Variable Fee
County's Typical DA Template ¹¹	\$500.00	+\$5.00 Per Acre	\$400.00	-	\$59.00 Per Hour, If Applicable		\$900.00	+\$5.00 Per Acre
Custom DA - Staff Written	\$3,500.00	+\$5.00 Per Acre	\$800.00	-	\$59.00 Per Hour, If Applicable		\$4,300.00	+\$5.00 Per Acre
Custom DA - Applicant Written	\$850.00	+\$5.00 Per Acre	\$400.00	-	\$59.00 Per Hour, If Applicable		\$1,250.00	+\$5.00 Per Acre
Amendment ¹² (Minor Changes to Existing Agreement)define	\$500.00	+\$0.50 Per Word	\$100.00	-	\$59.00 Per Hour, If Applicable		\$600.00	+\$0.50 Per Word
GENERAL ADMINISTRATION FEES								
Application or Fee Type	Base Fee	Variable Fee	Base Fee	Variable Fee	Base	Variable Fee	Total Base Fee	Total Variable Fee

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Planning Commission Work Session Application	\$100.00	-	-	-	-	-	\$100.00	-
Use of Outsourced Consultant	Actual Cost		Actual Cost		-	-	Actual Costs	
Public Notice Sign	\$30.00	-	-	-	-	-	\$30.00	-
Black and White Copies	-	\$0.30 Per Page	-	-	-	-	-	-\$0.30 Per Page
Color Copies	-	\$1.00 Per Page	-	-	-	-	-	\$1.00 Per Page
ADDITIONAL PROVISIONS								
Fee Appeals: Appeals of fees described in Utah Code 17-79-804 shall be handled in accordance with Part II, Title 102, Chapter 3 of this Code of Ordinances of Weber County.								
<u>Notes:</u>								
¹ For up to two reviews by each division, except if otherwise specified in Section 45-4-3. Every review thereafter is subject to a re-review fee.								
² For up to two reviews and X inspections. Every review or inspection thereafter is subject to a re-review or re-inspection fee.								
³ This fee applies to any change in boundary, phasing, lot, or road configuration - when not required by County – for a subdivision not yet recorded.								
⁴ This fee pertains to amendments of previously recorded subdivisions in which no new lots are created. If new lots, subdivision application fee applies.								
⁵ This fee pertains to an approved, unexpired, and unrecorded subdivision plat.								
⁶ This fee is in addition to any other application fee.								
⁷ This fee is in addition to a Design Review application fee if Design Review is applicable.								
⁸ This fee is in addition to a Design Review Amendment application fee if Design Review Amendment is applicable.								
⁹ For one review per application by each division. Prior to permit approval, every re-review is subject to a re-review fee. After permit approval any further review requires a new application fee.								
¹⁰ This fee is in addition to any applicable development agreement application fee.								
¹¹ This is limited to typical and routine agreement variables with minimal customization. Otherwise, custom development agreement fees apply.								
¹² This is limited to amendments that are administrative, as prescribed in the development agreement, or legislative amendments that involve no more than five pages. Any larger amendment requires a full development agreement application fee.								
¹³ 50 percent is refundable if it is found the County erred.								

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11826 **Sec 16-2-19 Special Event Fees**

11827 The following are fees for special events, pursuant to Title 38.

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<u>Type:</u>	<u>Size:</u>	<u>Fee:</u>
Large Special Event	Over 200 People	\$345.00

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Small Special Event	200 or Less People	\$290.00

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