

**ORDINANCE 2021-14**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL  
AMENDING TITLES 10 AND 11 AND UPDATING PUBLIC WORKS STANDARD  
DRAWINGS REGARDING PRIVATE RIGHTS-OF-WAY**

**WHEREAS**, the South Weber City Council seeks to clarify the use of private rights-of-way within the city; and

**WHEREAS**, the South Weber Planning Commission issued a recommendation to the South Weber City Council on November 10, 2021,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Chapter amended:** Title 10 Zoning Regulations shall be hereby amended as follows:

**10-5A-9: PRIVATE RIGHTS-OF-WAY**

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section C, B or A.
2. A maximum of four (4) dwelling units or lots shall be permitted utilizing private rights-of-way.

**10-5B-9: PRIVATE RIGHTS-OF-WAY**

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section C, B or A.
2. A maximum of four (4) dwelling units or lots shall be permitted utilizing private rights-of-way.

**10-5C-12: PRIVATE RIGHTS-OF-WAY**

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. Sidewalk or pedestrian path must be made available on the front façade of residence and connect to a public right-of-way without having to cross a road.
  - a. The private rights-of-way must be expanded to include sidewalks, where required.
3. The following utilities (where required) shall be located under the pavement portion of the private road: culinary water, sewer, storm drain, land drain, and irrigation.
  - a. The private rights-of-way must be expanded to include all utilities with the required spacing.

10-5D-9: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section C, B or A.
2. A maximum of four (4) dwelling units or lots shall be permitted utilizing private rights-of-way.

10-5E-9: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section C, B or A.
2. A maximum of four (4) dwelling units or lots shall be permitted utilizing private rights-of-way.

10-5G-13: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5H-13: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5I-13: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5J-7: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5K-12: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5L-13: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5M-13: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5O-14: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.
2. On-street parking shall not be permitted.

10-5P-9: PRIVATE RIGHTS-OF-WAY

1. Private rights-of-way shall be permitted in compliance with 11-4-4 and Public Works Standard Drawings – Private Roadway Street Section A.

10-7I-4: CONDITIONS REQUIRED

H. Streets: Streets may be either public or private. They may be required to be public if they are on the South Weber City Vehicle Transportation Map or if so determined by the approving body. If the streets are public, then they shall meet the applicable requirements of the Public Works Standard Drawings. Private streets shall meet the provisions of the underlying zones.

10-11-6: LIMITATIONS FOR LAND USE AND BUILDINGS

~~C. Private Rights Of Way: Residential development on private rights of way may be allowed where permitted by the South Weber zoning ordinance and in accordance with the following development standards:~~

- ~~1. A maximum of two (2) dwelling units or lots are permitted.~~
- ~~2. Lot size shall be that required in the zone in which it is located.~~
- ~~3. Private rights of way used for development purposes shall be considered private streets and must meet the definition of a private street. The minimum right of way width shall be thirty feet (30'), shall be constructed with at least eight inches (8") of compacted road base and three inches (3") of asphalt or an approved equivalent, and shall meet all requirements of the international fire code, appendix D.~~

~~—4. Lots and rights of way must be located so that they do not interfere with future development. The city shall determine that the proposed private right of way location is not likely to ever be needed as a public road location before approving a private right of way. Private roads may not be located where proposed roads are shown on the city's general plan.~~

~~—5. Required yards shall be those required by the zone in which they are located and shall not include any area within the right of way.~~

~~—6. An approved sewer and water system must be provided.~~

~~—7. All development on private rights of way of two (2) lots shall establish a homeowners' association or similar organization that will be responsible for the care and maintenance of any common property or utilities. A complete set of covenants, conditions and restrictions (CC&Rs) shall outline the care and maintenance of all private utilities, street improvements and common spaces. The CC&Rs shall also set forth the funding mechanism for that maintenance.~~

~~—8. An easement for all public utilities shall be provided and dedicated to the city.~~

**Section 2. Chapter amended:** Title 11 Subdivision Regulations shall be hereby amended as follows:

#### 11-4-4: STREETS, EASEMENTS AND NUMBERS

C. Private Rights-Of-Way: Private rights-of-way may be used for development purposes in all zoning districts subject to the following conditions:

1. Private rights-of-way shall be designed and built as per the South Weber City Public Works Standard Drawings.
2. Private rights-of-way shall meet provisions of the zoning district.
3. Private rights-of-way shall not be permitted for any portion of road that is contained on the South Weber City Transportation Map
4. Private rights-of-way shall not be permitted if the road serves to connect other rights-of-way or subdivisions.
5. Private rights-of-way shall meet all requirements of international fire code, appendix D.
6. All development on private rights of way of two (2) lots or more shall establish a homeowners' association or similar organization that will be responsible for the care and maintenance of any common property or utilities. A complete set of covenants, conditions, and restrictions (CC&Rs) shall outline the care and maintenance of all private utilities, street improvements and common spaces. The CC&Rs shall also set forth the funding mechanism for that maintenance. The CC&Rs shall be recorded and run with the land.
7. An easement for all public utilities shall be provided and dedicated to the city.

D. Private Rights-Of-Way; Maintenance: The City will not be responsible in any way for maintenance or upkeep of surface improvements for private rights-of-way and does not guarantee services like mail or garbage collection will extend to the residences on such streets.



**Section 3. Amendment:** Exhibit A as attached hereto shall be added to the South Weber City Public Works Standard Drawings to incorporate private rights-of-way.

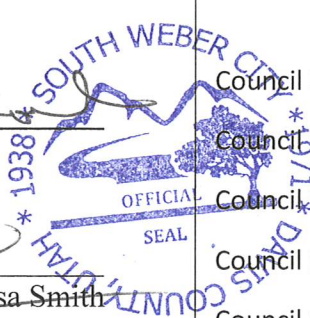
**Section 4. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 11<sup>th</sup> day of January 2022.

Roll call vote is as follows:

|  |  |
|--|--|
| <br><b>MAYOR: Rod Westbroek</b>               | Council Member Dills <input checked="" type="radio"/> FOR <input type="radio"/> AGAINST      |
|  | Council Member Petty <input checked="" type="radio"/> FOR <input type="radio"/> AGAINST      |
|  | Council Member Soderquist <input checked="" type="radio"/> FOR <input type="radio"/> AGAINST |
|  | Council Member Alberts <input checked="" type="radio"/> FOR <input type="radio"/> AGAINST    |
| <br><b>ATTEST: City Recorder, Lisa Smith</b> | Council Member Halverson <input checked="" type="radio"/> FOR <input type="radio"/> AGAINST  |



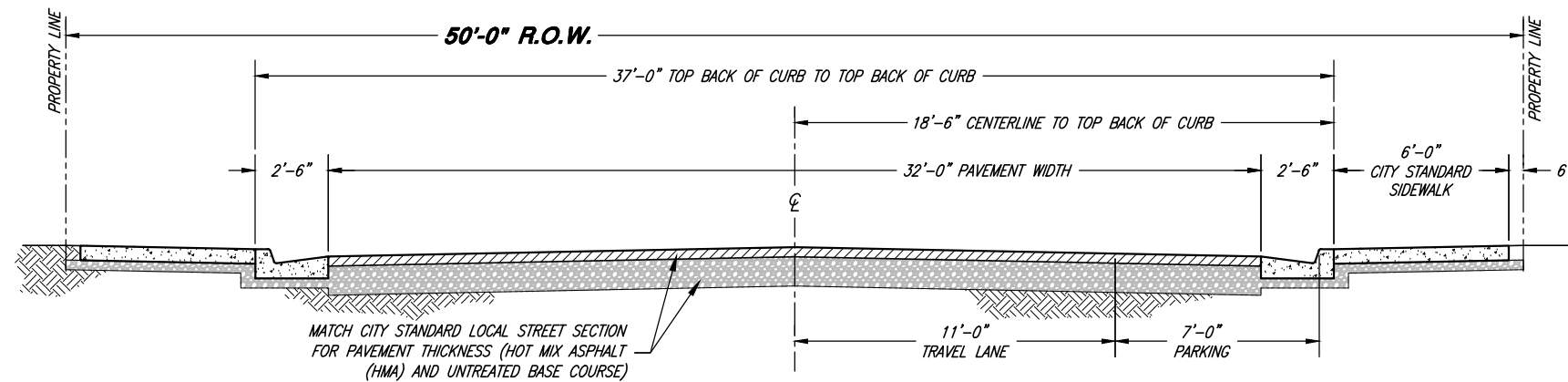
**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 2021-14 was passed and adopted the 11th day January of 2022 and that complete copies of the ordinance were posted in the following locations within the City this 12<sup>th</sup> day of January 2022.

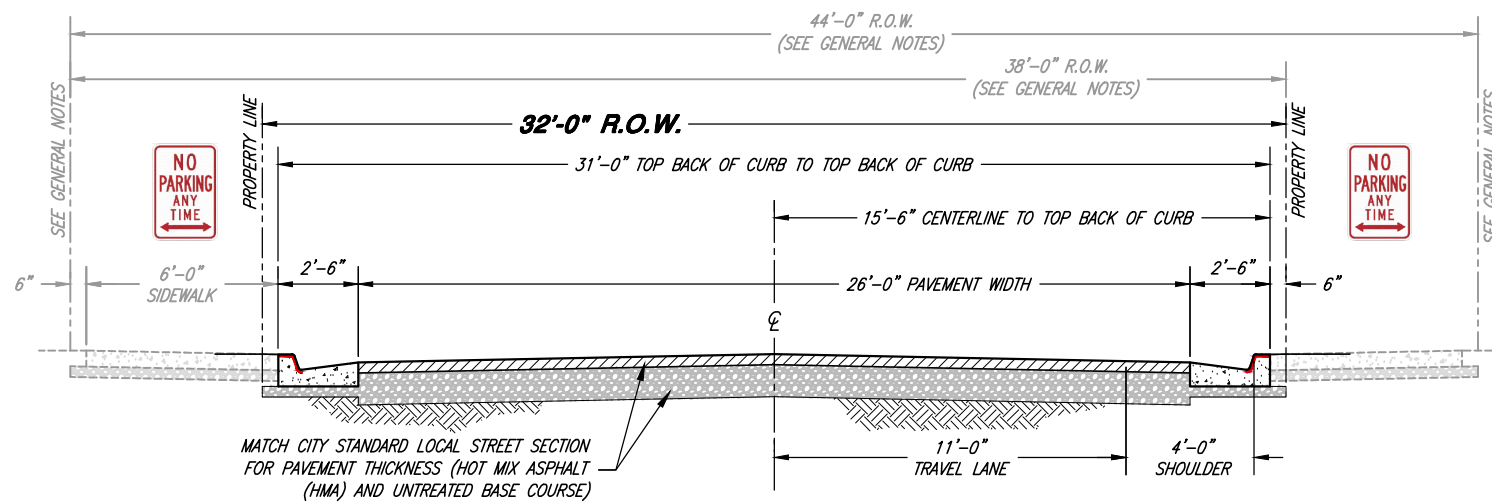
1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

  
**Lisa Smith, City Recorder**

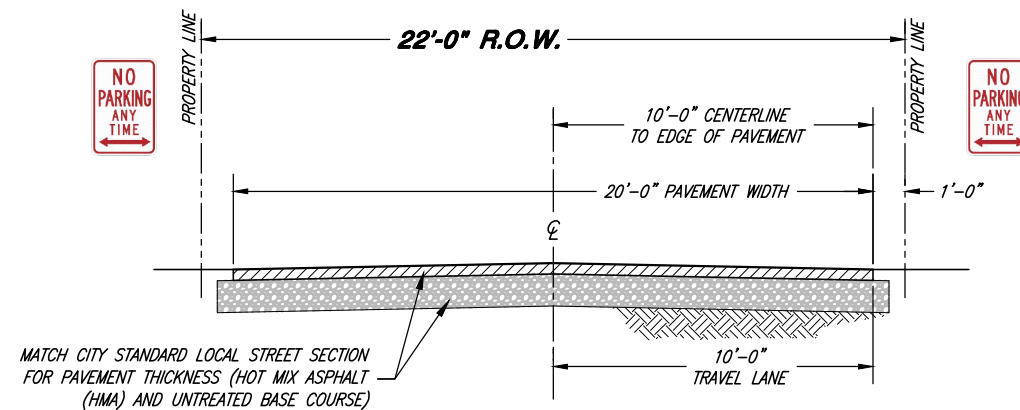
**EXHIBIT A  
PUBLIC WORKS STANDARD  
DRAWINGS PRIVATE RIGHTS-OF-WAY**



**50' RIGHT-OF-WAY  
PRIVATE ROADWAY STREET SECTION A**



**32' RIGHT-OF-WAY  
PRIVATE ROADWAY STREET SECTION B**



**22' RIGHT-OF-WAY  
PRIVATE ROADWAY STREET SECTION C**

**GENERAL NOTES:**

1. SIDEWALK OR PEDESTRIAN PATH MUST BE MADE AVAILABLE ON THE FRONT FACADE OF RESIDENCE AND CONNECT TO A PUBLIC RIGHT-OF-WAY WITHOUT HAVING TO CROSS A ROAD.
2. IF THE NUMBER OF AND SPACING REQUIRED FOR UTILITIES CANNOT FIT WITHIN THE PAVEMENT WIDTH, THEN THE PAVEMENT WIDTH AND R.O.W. MUST BE WIDENED TO ACCOMMODATE THE UTILITIES.

|                  |      |      |       |
|------------------|------|------|-------|
| PROJECT ENGINEER |      |      |       |
| 1-3-2022         |      |      |       |
| DATE             | REV. | DATE | APPR. |

SCALE:  
N.T.S.

DESIGNED BKJ  
DRAWN BEB  
CHECKED BKJ



**CONSULTING ENGINEERS**  
6080 Fashion Point Drive  
South Ogden, Utah 84403 (801) 476-9767  
www.jonescivil.com

**SOUTH WEBER CITY CORPORATION**  
**PUBLIC WORKS STANDARDS**  
**EXHIBIT "A"**  
**ORDINANCE 2021-14 PRIVATE RIGHTS-OF-WAY**

SHEET:  
**A**  
OF 1 SHEETS  
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