



Weber County Planning Division

MEMORANDUM

To: Weber County Commission
From: Bill Cobabe, Planning
Date: January 10, 2023
Subject: Short-Term Rental Code Text Amendment

County Commissioners,

On December 20, 2022, the County Commission held a public hearing to discuss potential changes to the Weber County Code addressing Short Term Rentals. In that meeting, the item was ultimately tabled until January 10, 2023, in order to consider the matter further. One of the things that the County Commission requested Planning Staff review relates to amnesty for existing short-term rentals. Staff reviewed policies from many different communities that allow short-term rentals and their regulations and did not find any communities that had adopted clauses to allow for the continuation of short-term rentals outside of the areas specified in their zoning codes. Further, consultation with the representative from Granicus resulted in the same outcome – Mike Bozich wasn't aware of amnesty being granted to illegal short-term rentals in any of the communities he works with.

The other thing the County Commissioners requested Staff look at relates to exceptions in the zoning ordinance regarding the location of short-term rentals outside of permitted zoning areas. There are potentially some properties which could feasibly be permitted to have a short-term rental which could be evaluated on a case-by-case scenario and with certain additional requirements, such as:

1. *Standards should be enacted that are firm and unyielding:*
 - a. *No residence should be closer than 200' to a proposed STR unless that residence is also a licensed STR.*
 - b. *No more than five STRs within a 1000' radius.*
 - c. *Allowed only within AV-3 and FV-3 zoning districts.*
 - d. *Not allowed on legal, non-conforming parcels(?).*
 - e. *Neighbors within 500' must agree(?).*
 - f. *Number of minor violations per major violation reduced from four to three(?).*

2. *Steeper penalties for violations(?)*
3. *As these areas/units are outside of the permitted zoning districts, any revocation or expiration of licensure is permanent. If the license expires they must come in within 30 days to renew or it is considered permanently revoked and will not be considered for future licensure.*
4. *Additional regulations applied to these unique circumstances*
 - a. *Must meet all other underlying zoning regulations*
 - b. *More strict parking or noise regulations(?)*
 - c. *Must be reviewed and approved by County Commission or Planning Commission, which has ultimate final discretion on approval(?) (This one could be problematic).*

These of course are suggestions and for discussion only, and are not meant to be an exhaustive list of requirements or considerations. As can be seen, there are quite a few question marks regarding the exceptional nature of these kinds of things, which sets up a difficult administrative situation for Staff and future reviews and enforcement. If these provisions are worthy of pursuit, and if the County Commission desires this kind of exception, it would make sense to send the item back to the Planning Commission for their review and recommendation on specific language.

Below is the original memo prepared for the December 20, 2022 meeting and the proposed changes to the Code as presented in that meeting.

MEMORANDUM

To: Weber County Commission
From: Bill Cobabe, Planning
Date: December 20, 2022
Subject: Short Term Rental Code Text Amendment

County Commissioners,

After discussion with several interested parties, it became apparent that there were several changes that needed to be made to the proposed Code. These changes, in addition to minor changes and typographical corrections, are as follows:

Section 108-11-3:

(d) Fractional Ownership. *(Provision Removed)*

...

Section 108-11-4:

(Adaptation of the initial language noting that the requirements for a business license shall be followed in addition to the requirements of short-term rental licensing, as outlined in the Section).

(e) Short-term business license required. A short-term rental business license is required to operate a short-term rental on each property where a short-term rental is located.

...

Section 108-11-5

(a) *(Modified language to reflect the Code requirements at the time the building was first constructed/given occupancy)*

...

Section 108-11-6

(Adapted language to allow for third-party remittance of taxes)

Section 108-11-7

(b) *(Modified to allow for a seven calendar day notification after modification)*

...

Section 108-11-8:

(c) Occupancy

...

(3) External sleeping accommodations prohibited. *(Added language regarding the parking of renter's RVs on the property)*

...

(j) Fire Safety

...

(3) *(Added language regarding fire pits)*

...

Section 108-11-10 Administrative Penalty

(Added language referencing State statute regarding maximum penalties)

Please feel free to contact me with any questions.

Best,

Bill Cobabe
801-399-8772
Weber County Planning Division

Attachment A – Redlined Draft Code
Attachment B – Proposed Code (no redlines)

Attachment A: Redlined Draft Code

WEBER COUNTY ORDINANCE 2022-__

ON ORDINANCE AMENDING THE COUNTY'S LAND USE CODE REGARDING SHORT TERM AND NIGHTLY RENTAL AND LODGING ACCOMODATIONS, AND PROVIDING OTHER ADMINISTRATIVE AND CLERICAL EDITS./

WHEREAS, the County has an interest in regulating short-term rental units in the unincorporated areas of the County to promote the orderly and regular development and use of property; and,

WHEREAS, State Code Section 59-12-602 (12) defines "short-term rental" as a lease or rental that is 30 days or less; and,

WHEREAS, the County wishes to comply with all appertaining State regulations and codes related to short-term rentals; and,

WHEREAS, residents of the County have a right to quiet use and enjoyment of their property, including short-term rentals and those properties nearby;

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

1 SECTION 1: AMENDMENT "Title 101 General Provisions" of the Weber County Code is hereby
2 amended as follows:

3 ...

4 Chapter 101-2 Definitions

5 ...

6 Sec 101-2-2 Ab-Definitions

7 *Abandonment.* The term "abandonment" means to cease or discontinue a use or activity ~~without intent~~
8 ~~to resume for a period of one year~~, but excluding temporary or short-term interruptions to a use or activity
9 during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during
10 normal periods of vacation or seasonal closure.

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

13 ...

14 Sec 101-2-2 Ac-Definitions

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

18 *Accessory dwelling unit, internal.* See dwelling unit, internal accessory.
19 *Accessory dwelling unit, detached.* See dwelling unit, detached accessory.
20 ***Acreage, adjusted gross.*** The term "acreage, adjusted gross" means a total of all land area that lies within a
21 project boundary and is classified as "developable" by this or any other county, state or federal law,
22 ordinance or regulation.

23 ...

24 **Sec 101-2-2 Ag-Definitions**

25 ***Agricultural arts center.*** The term "agricultural arts center" means a facility designed for the purpose of
26 offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of
27 concepts related to art, art history, and art theory. ~~It, in In~~ a conducive agricultural setting, it acts as a
28 venue for the community to experience, appreciate, and consume art in a variety of forms, including, but
29 not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center
30 does not provide accommodation for ~~overnight lodging nightly~~ farm-stays; however, it may serve meals
31 when served to event participants and/or guests.

32 ***Agricultural land, prime.*** The term "prime agricultural land" means the area of a lot or parcel best suited
33 for large-scale crop production. This area has soil types that have, or are capable of having, highest
34 nutrient content and best irrigation capabilities over other soil types on the property, and are of a
35 sufficient size and configuration to offer marketable opportunities for crop-production. Unless
36 otherwise specified by this Land Use Code, actual crop production need not exist onsite for a property
37 to be considered to contain prime agricultural land.

38 ...

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

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

42 ***Base density.*** The term "base density" means the number of ~~residential development rights~~ dwelling units
43 allowed ~~within an described~~ area. ~~For development types that permit more dwelling units than otherwise~~
44 ~~provided by the lot development standards of the zone,~~ The base density shall be calculated as the net
45 developable acreage ~~for development types that permit more dwelling units than otherwise allowed by~~
46 ~~the lot development standards of the zone;~~ as defined herein, divided by the minimum lot area of the zone,
47 except when a greater area would otherwise be required by the Weber-Morgan Health Department due
48 to lack of sanitary sewer or culinary water, ~~then when~~ the greater area shall be used. This calculation can
49 be observed by this formula: ((net developable acreage) / (minimum lot area)) = base dwelling unit
50 density. The result shall be rounded down to the nearest whole dwelling unit.

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

54 ...

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

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

60 ***Bed and breakfast (B&B) farm dwelling, agri-tourism.*** The term "agri-tourism B&B farm dwelling" means
61 an owner-occupied farm house further utilized for the purpose of providing ~~overnight lodging~~ nightly

Commented [E1]: Adjusting language to consistently eliminate the word "nightly" from ordinance. This occurs throughout.

62 accommodations and meals to overnight guests.

63 **Bed and breakfast (B&B) farm retreat, agri-tourism.** The term "agri-tourism B&B farm retreat" means
64 an owner-occupied farm house further utilized for the purpose of providing overnight lodging^{nightly}
65 accommodations as well as meals to overnight guests and the visiting day-use public within an internally
66 incorporated dining area.

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

71 ...

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

73 ...

74 **Day care (child) home.** The term "day care (child) home" means an occupied residence where care,
75 protection, and supervision are provided to no more than eight children at one time, including the caregiver's
76 children under six years of age.

77 **Density, base.** See "base density."

78 **Detached lockout.** See "lockout, detached." ~~In the Ogden Valley Destination and Recreation Resort~~
79 ~~Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot~~
80 ~~with single, two, three, four, multi-family dwellings, condominiums, condominium rental apartments~~
81 ~~(condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership~~
82 ~~units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or~~
83 ~~common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which~~
84 ~~may be rented independently of the main unit for nightly rental by locking access. A detached lockout is~~
85 ~~accessory to the main use and shall not be sold independently from the main unit. Unless specifically~~
86 ~~addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]~~
87 ~~Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density~~
88 ~~on a parcel of land.~~

89 **Development.** The term "development" means all structures and other modifications of the natural
90 landscape above and below ground or water, on a particular site; the division of land into one or more
91 parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any
92 structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

93 **Development master plan.** The term "development master plan" means a plan of a development which
94 encompasses an entire site under one or more ownerships which is designed to accommodate one or
95 more land uses, the development of which may be phased, and which could include planned residential
96 unit development, clustered subdivision and planned commercial development.

97 **Development right.** The term "development right" means the right to develop property.

98 **Development right, residential.** The term "residential development right" means the right to develop one
99 residential dwelling unit in accordance with the lot development standards of the zone, development type, or
100 definition of "base density" as provided herein.

101 **Distillery.** The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,
102 process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to
103 others.

104 **Duplex.** See "dwelling, two family."

105 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance

106 with the ~~county's~~ County's adopted building codes and designed as a place for human habitation,
107 except hotel, apartment hotel, boardinghouse, ~~lodginghouse~~ lodging house, tourist court or apartment
108 court and meeting the requirements of title 108, chapter 15. The term "dwelling" shall include
109 manufactured home and modular home when the requirements of title 108, chapter 14 are met.

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

111 **Dwelling, multiple-family.** The term "multiple-family dwelling" means a building or portion thereof used
112 and/or arranged or designed to be occupied by more than four families, including apartment houses and
113 apartment hotels, but not including tourist courts.

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

118 **Dwelling, single-family.** The term "single-family dwelling" means a building arranged or designed to
119 be occupied exclusively by one family, the structure having only one dwelling unit, unless specified
120 otherwise by this Land Use Code.

121 **Dwelling, two-family (duplex).** The term "two-family dwelling" also referred to as a "duplex," means a
122 building arranged or designed to be occupied by two families, the structure having only two dwelling
123 units with approximately the same floor area.

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

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

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

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

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

139 ...

140 Sec 101-2-7 F Definitions

141 ...

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

144 **Farm inn, agri-tourism.** The term "agri-tourism farm inn" means a farm building designed for the purpose
145 of providing ~~overnight lodging~~nightly accommodations as well as meals to overnight guests and the
146 visiting day-use public within an internally incorporated dining area.

147 **Farm stay, agri-tourism.** The term "agri-tourism farm stay" means a general agri-tourism use/activity
148 category that comprises a variety of ~~overnight lodging~~overnight accommodations made available at a

Commented [E2]: Adding this definition to better provide for accessory dwelling units. See that section herein to review how the term is used.

Commented [E3]: Current code fails to define this term.

This and the following definitions apply to the accessory dwelling unit provisions and are not the primary subject of this proposal. However, they are proposed here to provide clarifications that ensure adequate and efficient application and enforcement of the accessory dwelling unit provisions. Where the proposed short term rental provisions reference provisions for accessory dwelling units, and vice versa, it seemed appropriate to propose these changes at this time instead of in a separate amendment.

Commented [E4]: This term can now be found in state code. Adding it here and using in the accessory dwelling unit section helps county code work better with state code.

Commented [E5]: Distinguishing between and ADU that is part of the house and the one in an accessory building.

Commented [E6]: This is a definition that can be found in the current accessory dwelling unit ordinance. Moving it here for use in the proposed short term rental ordinance.

Commented [C7]: What are considered "legitimate purposes"? Is this defined elsewhere?

149 working farm that is approved for an agri-tourism operation. A farm stay, for any group or individual,
150 does not exceed 14 (consecutive or non-consecutive) calendar days per month; however, farm stays may
151 serve as an interactive recreational activity that offers agri-tourists, including children, opportunities to
152 participate in feeding animals, collecting eggs, and/or learning how a farm functions through practical day
153 to day experience. A farm stay may also consist of a retreat or be described as a work exchange, where
154 the guests, for recreational purposes, work in exchange for free or discounted accommodations.

155 **Farm tour, agri-tourism.** The term "agri-tourism farm tour" means an agri-tourism use/activity that offers
156 opportunities for the "non-farm" public to learn how a farm functions and where/how food, fiber, fuel,
157 and other agricultural products are produced and/or packaged.

158 Farm tours frequently highlight the history of the subject farm and in general, foster a broader understanding
159 of the importance of agriculture and educate the public as to current agricultural practices and technology.

160 ...

161 Sec 101-2-13 Loc - Lod Definitions

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

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

171 Lockout sleeping room. ~~The term "lockout sleeping room" means a sleeping room attached to a dwelling~~
172 ~~unit in a condominium dwelling unit or condominium rental apartment with which has separate or~~
173 ~~common access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or~~
174 ~~a microwave, and which may be rented independently from the main dwelling unit for short-~~
175 ~~term nightly rental purposes. Unless specifically addressed otherwise in a development agreement, a~~
176 ~~detached lockout- lockout sleeping room shall be considered one-fourth of a dwelling unit when~~
177 ~~calculating density on a parcel of land, by locking interior access. In the Ogden Valle Destination and~~
178 ~~Recreation Resort Zone, the term "lockout sleeping room" means a sleeping room attached to a single-~~
179 ~~family dwelling, condominium dwelling unit, or, condominium rental apartment (condo-tel), with~~
180 ~~separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a~~
181 ~~microwave, which may be rented independently of the main unit for nightly rental by locking access. A~~
182 ~~lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered~~
183 ~~a dwelling unit when figuring density on a parcel of land.~~

184 Lodginghouse/Lodging house/boardhouse. The term "~~lodginghouse~~lodging house/boardhouse"
185 means a building where lodging only is provided for compensation in five or more guest rooms, but
186 not exceeding 15 persons.

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

188 ...

189 Sec 101-2-17 P Definitions

190 **Parcel.** The term "parcel" or "parcel of land" means a contiguous quantity of land in the possession of, or
191 owned by, or recorded as the property of the same claimant or person.

192 **Play area, agri-tourism.** The term "agri-tourism play area" means an area within an agri- tourism
193 operation's activity center that is dedicated to open and informal play. The play area may include, but

Commented [E8]: This definition was moved from "detached lockout" and placed here next to "lockout sleeping room" for administrative ease of using the code. The provisions have been updated to do the following:

- To better reflect other provisions of the ordinance
- To better address short-term rentals.
- To reduce redundancies and conflicts with other definitions.

Commented [E9]: Same explanation as above. It should be noted that both changes also affects density as follows:

- Makes both a detached lockout and a lockout sleeping room count against allowed density. Current ordinance seems to only count a detached lockout.
- Changes how much density is affected to make consistent with provisions already found in existing ordinances (see Section 104-11-60.

194 not be limited to, conventional and unconventional playground equipment.

195 **Primary dwelling unit.** See "dwelling unit, primary."

196 **Private access right-of-way.** The term "private access right-of-way" means an easement of not less than
197 50 feet wide reserved by dedication unto the subdivider-property or lot owners to be used as private
198 access to serve the lots platted within the subdivision and complying with the adopted street cross section
199 standards of the county-County and maintained by the subdivider-property owners or other private
200 agency.

201 ...

202 **Sec 101-2-19 R Definitions**

203 **Recreation facilities plan.** The term "recreation facilities plan" means a document that describes, in
204 general, the recreational facilities that are part of a development proposal. The plan is supplemental to
205 an overall master plan and consists of, but is not limited to the following sections: an executive
206 summary, list of facilities and their scale, facility orientation (i.e., public/private), phasing schedule and
207 proposed recreational programs.

208 **Recreation lodge.** The term "recreation lodge" means a lodge constructed in a mountainous or forested
209 location, which may include up to 16 guest sleeping rooms for ~~short-term rental lodging~~
210 ~~accommodations~~, and facilities for guest's meals, providing on-site winter sports amenities such as cross
211 country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open year-round, offers
212 summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing
213 training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports
214 equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable,
215 shall be calculated and may be permitted based upon acreage and site plan review, and recommended
216 by the planning commission. Limited day use may be allowed based upon site plan review and approval
217 of the overall project as a conditional use by the planning commission.

218 **Recreational resort.** The term "recreational resort" means a planned development which may consist of a
219 combination of ~~short-term rental~~
220 occupied dwelling units, and may include such support facilities as restaurants, gift shops, and personal
221 service facilities (e.g., beauty shop, barbershop, boutique, massage salon), ~~all the~~ development of which
222 is designed around a recreational theme and shall offer a variety of outdoor and/or indoor recreation
223 facilities and activities on-site which are designed to attract ~~visiting, as well as~~ foreign and local
224 vacationers as a site destination because of the recreational attractions, both on- and off-site, as well as
225 offering an attractive, vacation-type atmosphere.

226 **Recreational vehicle/travel trailer.** The term "recreational vehicle/travel trailer" means a vehicular unit,
227 other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use,
228 which is either self-propelled or is mounted on or pulled by another vehicle including, but not limited to:
229 travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.

230 ~~**Rental, long-term.** The term "long-term rental" means the rental of a dwelling unit for a time period no less~~
231 ~~than 30 days.~~

232 ~~**Rental, short-term.** The term "short-term rental," also referred herein as an "STR," means the rental of a~~
233 ~~dwelling or portion thereof for a time period of less than 30 days.~~

234 **Reserved future development area (RFDA).** The term "reserved future development area (RFDA)" means
235 areas within a described parcel of land and/or proposed irrevocable transfer of development right easement
236 and/or a transferable development right site plan that has been reserved for future development.

237 ...

238 **Resort (destination and recreation).** The term "resort (destination and recreation)" means a destination

Commented [E10]: This definition has always been inferred as a result of current ordinance. Creating it here makes it explicit.

239 and recreation resort is a destination place that attracts visitors throughout the year and provides areas and
240 facilities used for relaxation and/or recreation. The resort is entirely contiguous; it consists of at least
241 1,000 gross acres and is generally self-contained; therefore, capable of providing goods and services that
242 meet most needs of the visitor while remaining on or within the resort. These goods and services may
243 include, but not be limited to resort administration/operations, food, drink, lodging, sports,
244 entertainment, shopping, personal and healthcare/emergency facilities (e.g., market, open-air market,
245 restaurant, package liquor store, owner-occupied dwellings, ~~short-term~~ ~~nightly~~ rentals, indoor/outdoor
246 sports, cultural events, performing arts, miscellaneous retail, athletic/wellness center and clinic).

247 **Ridge line area.** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
248 located within 100 feet on both sides of the top, ridge, or crest.

249 **Right, development.** See "development right."

250 **Right, residential development.** See "residential development right."

251 ...

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

253 **Shopping center.** The term "shopping center" means a group of three or more separate commercial
254 establishments which share the same site, with common facilities, including parking, ingress/egress,
255 landscaping and pedestrian malls which function as a unit.

256 Distinguishing characteristics of a shopping center may, but need not, include common ownership of the
257 property upon which the center is located, common wall construction, and multiple occupant commercial use
258 of a single structure.

259 **Shoreline.** The term "shoreline" means the land and water interface of large water bodies.

260 **Short-term rental.** See "rental, short term."

261 ...

262 **Sec 101-2-21 T Definitions**

263 ...

264 **Transfer company.** The term "transfer company" means a company established to provide expert
265 shipping services that include the shipping, receiving, inspection and temporary warehousing of
266 commercial or household goods.

267 **Transferable development right.** The term "transferable development right," also known herein as TDR,
268 means the removal of a development right from one lot or parcel that is then transferred to a different lot
269 or parcel.

270 **Transfer incentive matching unit (TIMU).** The term "transfer incentive matching unit (TIMU)" means a
271 discretionary development right, or fraction thereof, that may be granted by the county commission, after
272 a recommendation from the planning commission, when a development right is transferred from an area
273 within the Ogden Valley to a Destination and Recreation Resort Zone.

274 ...

275 **SECTION 2: AMENDMENT "Title 102 Administration" of the Weber County Code is hereby**
276 **amended as follows:**

277 ...

278 **Chapter 102-4 Permits Required And Enforcement**

279 ...

280 **Sec 102-4-3 Land Use Permit Revocation**
281 As used in this section, the term "permit" shall mean a land use permit, conditional use permit, license, or
282 any other final written approval that is authorized by this Land Use Code. A land use permit or conditional
283 use permit may be revoked for violation of any part of this Land Use Code related to the specific use or
284 permit in accordance with the following:

- 285 (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- 286 ~~(b) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable~~
287 ~~opportunity to resolve the violation by bringing the property into compliance or by diligently~~
288 ~~pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.~~
- 289 ~~(b)~~ (b) ~~In the event compliance cannot be attained,~~ The land owner and, if different, permittee shall be
290 given a notice of the impending permit revocation 14 days prior to final revocation. The notice of
291 the impending permit revocation shall specify the violation, and inform the land owner and, if
292 different, permittee of the right to request a hearing.
- 293 ~~(c)~~ (c) The land owner and, if different, permittee shall have a right to a hearing with the land use
294 authority to show cause for why the permit should not be revoked, if a written request for such is
295 submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the
296 permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by
297 the land use authority.
- 298 ~~(d)~~ (d) Revocation of a permit is final upon the issuance of a final written decision. The final written
299 decision may be appealed pursuant to ~~T~~title 102, ~~C~~chapter 3.
- 300 ~~(e)~~ (e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of
301 the violation, as provided in this Land Use Code or any other applicable law.

302 ...
303 **SECTION 3: AMENDMENT "Title 104 Zones" of the Weber County Code is hereby as follows:**

304 ...
305 **Chapter 104-11 Commercial Valley Resort Recreation Zone**

306 ...
307 **Sec 104-11-3 Permitted Uses**

308 The following uses are permitted in the Commercial Valley Resort Recreation Zone CVR-1:

309 ...
310 (l) Restaurant: fast food, excluding those with drive-up windows.

311 (m) Short-term rental, pursuant to Section 108-11.

312 ~~(n)~~ (n) Sporting goods store.

313 ~~(o)~~ (o) Sports clothing store.

314 ~~(p)~~ (p) Public and private swimming pools.

315 ~~(q)~~ (q) Vendor, short term.

316 ...
317 **Sec 104-11-5 Additional Design Requirements**

318 To meet the intent of this chapter the following design standards are required:

Commented [E11]: Generally, the changes proposed to this section enable stricter enforcement measures for short term rentals. The changes also contain edits for clarity and consistency regarding how this section interacts with other sections of code.

- 319 (a) All projects shall consist of a minimum of ten percent commercial ~~uses area, other than condominium~~
 320 ~~rental apartments, dwellings, multifamily dwellings, and/or other uses providing nightly or longer~~
 321 ~~term lodging.~~
- 322 (b) Multiple or mixed uses shall be allowed in a single building. For example, a building housing
 323 condominium rental apartments may also include restaurants, gift shops and sports clothing stores.
- 324 (c) In approving site plans, the land use authority shall find that proposed buildings and uses are sized
 325 in proportion to the recreational amenities for which they will provide goods and services. For
 326 example, a golf or ski resort may have a small grocery and sporting goods store, but neither should
 327 be sized to be an attraction independent of the provided recreational amenity. In other words, the
 328 recreational amenity remains the attraction.

329

330 **Sec 104-11-6 Minimum Overall Project Development Area, Width, And Yard Regulations**

- 331 (a) **Area.** The following minimum overall project development area is required for the uses specified,
 332 but never less than two and one-half acres:

USE	AREA
Condominium rental apartment or other overnight lodging use that provides nightly or longer lodging.	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Dwelling unit, if approved as part of a MPD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

- 333 (b) **Width.** 150-foot minimum overall project development width is required, as measured at the yard
 334 setback and the street frontage.

335 ...

336 **Chapter 104-17 Forest Residential Zone**

337 ...

338 **Sec 104-17-2 Permitted Uses**

339 The following uses are permitted in the Forest Residential Zone FR-3:

- 340 (f) Household pets.
- 341 (g) Short-term rental, pursuant to Section 108-11.
- 342 ~~(e)~~(h) Single-family, two-family, three-family and four-family dwellings.

343 ~~(h)~~(i) Temporary building or use incidental to construction work. Such building or use to be removed
 344 upon completion or abandonment of the construction work.

345 ~~(h)~~(i) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

346 ...

347 **Sec 104-17-3 Conditional Uses**

348 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 349 provided in Title 108, Chapter 4 of this Land Use Code:

350 (a) Boardinghouse, lodginghouse, bed and breakfast inn, subject to requirements of section 104-
 351 17-5(j).

352 (b) Condominium rental apartment (condo-tel).

353 (c) Educational/institutional identification sign.

354 (d) Group dwelling.

355 (e) Lockout sleeping room, maximum of two per dwelling unit.

356 (f) Multiple-family dwelling.

357 ~~(g) Nightly rental.~~

358 ~~(h)~~(g) Private park, playground and/or recreation area, but not including privately owned
 359 commercial amusement business.

360 ~~(h)~~(h) Public buildings, public park, recreation grounds and associated buildings.

361 ~~(h)~~(i) Public utility substations.

362 ~~(h)~~(j) Time share building.

363 ~~(h)~~(k) Recreation lodge.

364 ~~(h)~~(l) Conference/education center.

365 ...

366 **Chapter 104-22 Form Based Zone**

367 ...

368 **Sec 104-22-3 Land Use Table**

369 ...

(i) Residential uses.	G & I	V O C	M U C	M F R	S L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	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	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	
Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	N	
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	N	
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	N	
Short-term rental. A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	
Short-term rental, owner-occupied. An owner-occupied short term rental.	P	P	P	P	P	C	N	N	N	N	
Transient lodging. A hotel, motel, lodging house lodging house , condominium rental apartment (condo-tel), or timeshare condominium.	P	P	P	P	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	N	See Section 104-22-4 and Section 104-22-12.

370
371 ...
372 **Chapter 104-27 Master Planned Development Overlay Zone**
373 ...
374 **See 104-27-5 Use Permissions And Prohibitions**
375 (a) **General uses.** All uses specified in the underlying zone are allowed in a master planned

376 development, unless specifically prohibited in the development agreement.

377 (b) **Other small-scale service uses.** If a master planned development contains 100 dwelling units or
378 more, other uses not otherwise allowed in the underlying zone may be approved by the county
379 commission, after receiving recommendation from the planning commission, provided that
380 evidence demonstrates that those uses are necessary for the provision of small-scale local
381 neighborhood services to the residents of the development and the immediate surrounding
382 neighborhood. The county commission has legislative discretion to determine what a small-scale
383 local neighborhood service is. The development agreement shall contain provisions for the proposed
384 uses, ownership, operational characteristics, and physical design to assure compliance with this
385 section.

386 (c) **Short-term rentals (~~nightly rentals~~).** Housing units to be used in whole or in part for short-term ~~or~~
387 ~~nightly~~ rentals shall only be allowed in neighborhoods that can support the transient use. Short-term
388 ~~or nightly~~ rentals shall only be allowed when their existence substantially advances a general plan
389 goal, principle, ~~and/or~~ implementation strategy. In the Western Weber Planning Area, short-term ~~or~~
390 ~~nightly~~ rentals require the owner of the property to reside and, for management purposes, be generally
391 available onsite for the duration of the short-term ~~or nightly~~ rental. Master planned developments that
392 permit short-term ~~or nightly~~ rentals shall be clearly declared and provided for in the development
393 agreement.

394 ...

395 **Chapter 104-29 Ogden Valley Destination And Recreation Resort Zone**

396 ...

397 **Sec 104-29-8 Land Uses**

Use	Permitted (P) Conditional (C)
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Short-term rental, pursuant to Section 108-11 Nightly rentals of a single-, two-, three-, four-, multi-family dwelling, recreation lodge, lockout sleeping room, detached lockout, condominium dwelling unit, condominium rental apartment (condo-tel), private residence club, townhome, residential facility, timeshare/fractional ownership unit, hotel, bed and breakfast dwelling/B&B inn/B&B hotel, workforce housing/dormitories/residence hall, hostel, campground, accessory dwelling unit, and all or any portion of any other residential use	P
Commercial Uses	
Bank/financial institution	P

398 ...

399 ...

400 **SECTION 4: AMENDMENT “Title 108 Standards” of the Weber County Code is hereby as follows:**

401 ...

402 **Chapter 108-7 Supplementary and Qualifying Regulations**

403 ...

404 **Sec 108-7-25 ~~Nightly Rentals~~ (Repealed)**

405 ~~The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days~~
406 ~~is considered a nightly rental. Nightly rentals are allowed only when listed as either a permitted or~~
407 ~~conditional use in a specific zone or when approved as part of a planned residential unit development~~
408 ~~(PRUD).~~

409 ...

410 **Chapter 108-8 Parking And Loading Space, Vehicle Traffic And Access Regulations**

411 ...

412 **Sec 108-8-2 ~~Parking Spaces For Dwellings~~**

413 ~~In all zones there shall be provided in a private garage or in an area designated for vehicle parking, that~~
414 ~~includes a hard surface area:~~

415 In all zones, the following number of parking spaces measuring no less than nine feet by 20 feet shall be
416 provided:

Single-family dwelling	Two side-by-side parking spaces
Accessory dwelling unit	Two parking spaces <u>in addition to any other required parking</u>
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.
<u>Increased occupancy</u>	<u>If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.</u>

Commented [E12]: This is the extent current ordinances govern short term rentals. This section is proposed for deletion in favor of the more robust proposal in Sec 108-11 below.

Commented [E13]: Only minor modifications being proposed to parking section to eliminate inconsistencies and provide better provisions.

Actual STR parking requirements can be found in Sec108-11 below.

Commented [E14]: Green underlined text indicates text moved here from elsewhere.

417

418 ~~(a) **Increased occupancy.** If any dwelling unit is increased by occupant use after the original building~~
419 ~~permit is issued, the parking requirements shall reflect that increase.~~

Commented [E15]: Green strikeout text indicates text moved from here to elsewhere.

420 ~~(b) **Rental sleeping room.** In addition to the above parking space requirements, dwelling units with more~~
421 ~~than two sleeping rooms shall provide three-fourths additional parking space per each additional room~~
422 ~~used as a rental sleeping room.~~

Commented [E16]: Deleting this provision in favor of the parking requirements of Sec 108-11.

423 ...

424 **Chapter 108-11 (Repealed) Short-Term Rentals**

Commented [E17]: This whole Chapter 108-11 is the proposed new STR ordinance and the primary subject of this proposed ordinance amendment.

425 **Sec 108-11-1 Purpose And Intent**

426 There are benefits to allowing owners of a residential unit within the County to rent their dwelling unit for
427 short periods of time. Short-term rental of a dwelling unit also brings capacity and diversification to the
428 visitor-accommodation market. However due to the potential for adverse impacts, a short-term rental
429 must be regulated by the County to protect the health, safety, and welfare of owners, neighbors, and
430 visitors. The intent of this Chapter is to establish procedures and standards by which a residential short-
431 term rental can be provided to visitors and tourists in a manner that protects both the quality of their
432 experience, and the communities in which they are located.

433 **Sec 108-11-2 Applicability**

434 This chapter applies to a short-term rental use in the unincorporated area of Weber County, where
435 allowed by the zone. The following requirements apply to all short-term rentals.

436 (a) **Approval required.** Except where specifically allowed otherwise in this Land Use Code, it is
437 unlawful for an owner to rent any property for a time period of less than 30 days within the
438 unincorporated area of Weber County without short-term rental approval pursuant to this
439 chapter.

440 (b) **Licenses, land use permits, and other applicable law.** A short-term rental use requires a short
441 term rental license, as provided herein, a commercial business license, as provided in Title
442 14, and shall only be conducted in a residential unit with all appropriate land use permits,
443 building permits, certificates of occupancy, and any other approval as required by this Land
444 Use Code, other County codes, and State and Federal law.

445 **Sec 108-11-3 Prohibitions**

446 A short-term rental license will not be issued for any of the following:

447 (a) **Building not approved for residential occupancy.** A short-term rental is not allowed in any
448 building unless it has received approval for a residential use, and has a certificate of
449 occupancy.

450 (b) **Accessory dwelling unit.** A short-term rental is not allowed in an accessory dwelling unit.

451 (c) **Restricted housing.** A short-term rental is not allowed in a dwelling unit that has been
452 reserved for workforce housing.

453 (d) **Fractional ownership.** A short-term rental is not allowed in a dwelling unit held in fractional
454 ownership, such as timeshare, cooperative ownership agreement, or similar.

455 (e) **Private covenants.** A short-term rental license is invalid if issued for any property that is
456 subject to private covenants that restrict the property's use for short-term rentals. This applies
457 regardless of how the private covenants are labeled, and regardless of whether or not the
458 private covenants are enforced by a homeowners association or committee.

459 **Sec 108-11-4 Application Procedure**
460 Application for short-term rental license. The application and review procedure for a short-term rental
461 license is as follows:
462 **(a) Application submittal requirements.**
463 (1) Proof of ownership of the lot;
464 (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes
465 the following:
466 a. Driveway;
467 b. Parking plan demonstrating compliance with the parking standards established in Section
468 108-11-8, and any other relevant parking standard found in Chapter 108-8;
469 c. Existing fencing or perimeter screening, if applicable;
470 d. Trash disposal and collection plan demonstrating compliance with the trash disposal and
471 collection standards established in Section 108-11-8; and
472 e. Outdoor lighting plan showing compliance with Section 108-16, including the replacement of
473 all nonconforming outdoor lighting on the property;
474 (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all
475 areas allowed to be occupied or used by short-term rental occupants;
476 (4) Commitment to serve, also known as a will-serve letter, from the utilities providing culinary
477 water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or
478 septic system, the local health department. The will-serve letter shall specify the maximum
479 occupancy or number of sleeping rooms allowed to be associated with the short term rental use.
480 (5) Submission of a building permit and associated land use permit, unless no building modifications
481 are required in order to attain compliance with building codes, in which case certificates of
482 occupancy shall be submitted;
483 (6) Submission of the name and contact information associated with the individual or management
484 company being designated as the Responsible Agent and any other back-up Responsible Agent,
485 as required by Section 108-11-7;
486 (7) Signed acknowledgement by the owner and Responsible Agent that they have read this short-term
487 rental ordinance and understand the licensing, operational standards, and violation and revocation
488 provisions; and
489 (8) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-
490 submittal review, does not constitute a complete application.
491 **(b) Review procedure.**
492 (1) Staff review. Upon submittal of a complete short-term rental application, Planning Division staff
493 will review the application to verify compliance with this chapter and any other relevant
494 component of this Land Use Code.
495 (2) Agency reviews. Planning Division staff will route the application to the local Fire Authority,
496 Building Official, and any other relevant review department or agency for verification of
497 compliance, determination of need for application modifications, and for the submittal of other
498 applications or reviews necessary to obtain their approval of a license, if applicable. The
499 accessory dwelling unit shall comply with local regulations and ordinances for a residential
500 dwelling. Approval is required from the aforementioned authorities, departments, and agencies.

501 (3) License issuance. If the application complies with relevant land use laws and receives all required
502 department and agency approvals, the license shall be issued after the initial property inspection,
503 pursuant to Section 108-11-5, finds that the proposed short-term rental is in compliance with the
504 requirements of this chapter.

505 (c) **Conditions of approval.** The Land Use Authority may apply conditions of approval based on the
506 standards listed in Section 108-4-5.

507 (d) **Business license required.** A business license is required to operate a short-term rental.

508 (e) **License Renewal.** Existing licensees must submit for license renewal and pay the required fee by no
509 later than December 1st of each year, regardless of the date of the initial license issuance. Owners
510 wishing to renew a license must provide the following:

511 (1) License renewal application;

512 (2) Inspection report, if required by Section 108-11-5;

513 (3) Evidence of tax remittance from the year prior; and

514 (4) Any other documentation required by the County.

515 **Sec 108-11-5 Property Inspection**

516 (a) **Initial property inspection.** Properties applying for their first short-term rental license shall be
517 inspected for compliance with the provisions of this chapter and other applicable sections of this Land
518 Use Code. The Planning Division shall have the option of designating a county inspector or may
519 allow a 3rd party building inspector, at the applicant's expense. Any deficiencies found during this
520 initial inspection shall be resolved to the satisfaction of the inspector prior to the issuance of a short-
521 term rental license.

522 (b) **License renewal property inspection.** The County, at its discretion, may require that a property be
523 inspected prior to the renewal of an existing license. The Planning Division shall have the option of
524 designating a county inspector or a 3rd party building inspector, at the applicant's expense. Should the
525 property fail the inspection, the owner shall have 90 days to bring their property into compliance or
526 the license will be suspended. A license may be immediately suspended if life/safety concerns arise
527 during the inspection. If a license is suspended, the property owner must rectify the concerns that led
528 to the suspension prior to the license reinstatement.

529 (c) **Property inspection after violation.** If the County receives complaint or notice of violation of any
530 applicable County regulations at any time, the Planning Division may request an inspection to
531 determine compliance with the regulations. Failure to comply with the inspection may result in
532 additional minor or major violations (see Sections 108-11-9 through 108-11-10, below)

533 **Sec 108-11-6 Applicable Taxes And Remittance**

534 An owner of a short-term rental is responsible to collect and remit all applicable state and local taxes.
535 Owners who fail to collect and remit applicable taxes shall not be eligible for annual license renewal. The
536 County reserves the right to conduct routine tax audits to verify appropriate tax remittance of any short-
537 term rental at any time, or prior to license renewal.

538 **Sec 108-11-7 Responsible Agent**

539 (a) The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This
540 appointed agent may be the owner, independent property manager, or a professional property
541 management company. The appointed responsible agent shall be on-call to manage the property
542 during any period within which the property is occupied. This agent must be able to respond, in
543 person if needed, within 60 minutes to address any complaints that may arise from the operation of
544 the short-term rental. Designating one or more back-up agents is strongly advised to ensure this

545 responsibility is fulfilled. The failure of a Responsible Agent to respond constitutes a major violation,
546 pursuant to Section 108-11-9.

547 (b) A Responsible Agent is not required to, and should not, place themselves in a situation that could
548 cause them physical harm in order to attempt to address a complaint.

549 (c) The owner shall notify the Planning Division within three days of a modification to the appointed
550 Responsible Agent and shall provide name, address, and telephone number of any newly appointed
551 agent. It is the owner's responsibility to update this information throughout the term of the license.

552 **Sec 108-11-8 Operational Standards**

553 (a) **Information Dissemination Requirements.** The owner shall post the following information in a
554 prominent and visible location on the property:

555 (1) **Internal posting.** Each licensed short-term rental property shall have the following information
556 posted in a conspicuous location where it can be easily viewed by tenants:

557 a. Short-Term Rental License number;

558 b. Contact information for the owner and responsible agent, including a phone number for 24-
559 hour response to emergencies;

560 c. The property's maximum occupancy;

561 d. The property-specific parking plan including the maximum number of vehicles allowed to be
562 parked on the property, the location of parking for large vehicles or trailers, the prohibition of
563 parking in the public right-of-way, and all other applicable parking rules;

564 e. Map and description of the location/s of fire extinguishers and emergency egress routes;

565 f. Good neighbor requirements regarding noise, parking, trash pickup, and fire restrictions;

566 g. Current fire restriction information, as disseminated through the Weber County Fire District
567 website; and

568 h. Any other information deemed necessary by the reviewing agencies to ensure the public's
569 health and safety.

570 (2) **Street Addressing.** Each licensed short-term rental property shall have its assigned street address
571 posted externally in a conspicuous location where it can be easily viewed day or night from the
572 adjacent street or access way.

573 (b) **Advertising Requirements.** As provided in UCA 17-50-338, the following advertising requirements
574 are not intended to prohibit an individual from listing a property for short-term rental on any short-
575 term rental website. All advertising for a short-term rental property shall include the following
576 information in searchable plain text:

577 (1) The property's short-term rental license number.

578 (2) The property's maximum permitted occupancy.

579 (3) Maximum parking capacity, including the availability for parking of large vehicles or trailers.

580 (4) A digital link to the County's short-term rental regulations.

581 (5) The following language shall be included verbatim in a prominent location of the advertisement:

582 "Any advertisement for a short-term rental property in unincorporated Weber County, Utah, that
583 does not provide a unique license number is unlikely to be a lawfully licensed short term rental."

584 (c) **Occupancy.**

585 (1) **Occupancy Limits.** The maximum occupancy for a short-term rental property shall be no more
586 than two people per bedroom, plus four people, for up to a maximum of 10 people per short-term
587 rental, and is subject to the following:

588 a. A property's maximum occupancy may be reduced due to a property's unique characteristics,
589 including but not limited to, parking constraints, septic/sewer system capacity; and

590 b. A greater maximum occupancy may be approved following additional review and approval of
591 applicable reviewing agencies and the provision of additional components that would
592 otherwise limit capacity including, but not limited to, fire suppression systems, parking
593 capacity, septic/sewer capacity, culinary water rights, and the number of available sleeping
594 rooms.

595 (2) **Single Contract.** With exception to condominiums approved to allow a short-term rental within a
596 lockout sleeping room, owners shall not concurrently rent individual rooms or areas to more than
597 one unrelated party for the same night or nights.

598 (3) **External sleeping accommodations prohibited.** All sleeping accommodations must be
599 maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted
600 and approved during the licensing process. External accommodations such as yurts, teepees, tents,
601 recreational vehicles/travel trailer, other temporary structures, or any similar accommodation may
602 not be used for sleeping accommodations or as a means to increase the maximum permitted
603 occupancy.

604 (4) **Duration.** No licensed short-term rental unit may be rented for less than three consecutive days,
605 with exception to property in the DRR-1 zone.

606 (d) **Parking.** In addition to the parking requirements for dwellings, as outlined by Section 108-8-2, the
607 following parking regulations are also required for all licensed short-term rental properties.

608 (1) No less than one parking space measuring a minimum of nine feet by 20 feet shall be provided for
609 each two sleeping rooms offered, but never less than two parking spaces.

610 (2) All vehicles of occupants and visitors of a short-term rental property shall be parked only within
611 the property's boundary lines and in accordance with the approved parking plan. Additionally, up
612 to, but no greater than, 25% of the property's front or side yard setbacks may be used for parking.

613 (3) No parking is allowed within the property's adjacent rights-of-way.

614 (4) No vehicles shall be parked on the lawn or landscaped areas of the property.

615 (5) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the
616 property.

617 (6) Trailers and oversized vehicles shall be parked in the locations designated on the approved
618 parking plan. Trailers and oversized vehicle parking shall be a minimum ten feet by 45 feet and
619 area for reasonable access and maneuvering to the space shall be provided.

620 (7) A map of the property, showing parking locations and property lines, shall be provided.

621 (e) **Noise.** At no time shall the noise emanating from the property exceed 55 dB as measured from the
622 property line. Between the hours of 10:00 pm and 8:00 am, no sound exceeding 50 dB, and no
623 amplified or reproduced sound, shall be allowed as measured from the property line.

624 (f) **Nature of use.** The short-term rental shall remain consistent with the residential nature of the area. As
625 such, no extensive commercial operations shall be permitted in the home or on the property. This
626 shall include large events that exceed the normal occupancy of the stated limit (see Section 108-11-8
627 (c) above) at any time on the property. Prohibited uses/events shall include, but are not limited to,
628 receptions, luncheons, weddings, retreats, and similar commercial uses or events. Catering of food,

629 erection and use of temporary shelters, tents, canopies, and other similar structures, and outside
630 employees and/or staff are expressly prohibited.

631 (g) **Trash disposal and collection.** All short-term rental properties shall provide a trash disposal and
632 collection plan at the time of license application to ensure that trash containers are not left outdoors
633 where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With
634 exception to the property's assigned trash pick-up day, trash containers must be stored behind the
635 property's front setback line and must be shielded from the view of adjacent public rights-of-way.
636 The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-
637 up schedule is collected and removed from the property as needed. Properties with larger maximum
638 permitted occupancies may require the procurement of additional trash cans to accommodate the
639 volume of anticipated trash being generated.

640 (h) **Outdoor lighting.** Incorporated herein for all properties located in unincorporated Weber County
641 desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all
642 times comply with the exterior lighting requirements set forth in Section 108-16 of the Land Use
643 Code. All nonconforming outdoor lighting shall be replaced with conforming lighting prior to the
644 issuance of a short-term rental license.

645 (i) **Signage.** On-site signage intended to advertise the property as a short-term rental is not permitted
646 anywhere on the property or adjacent right-of-way.

647 (j) **Fire safety.**

648 (1) The property must have primary access along a public right-of-way or access easement that meets
649 the fire marshal's requirements for a fire access road.

650 (2) The property must have a fire prevention system as approved by the fire marshal.

651 (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.

652 (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and
653 fire codes.

654 (5) Fire extinguishers must be placed in an approved location on each level of the property and
655 adjacent to outdoor fire pits.

656 (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.

657 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current
658 Wildland-Urban Interface code requirements.

659 (k) **Animals.**

660 (1) Animals shall be kept on leash while outdoors on the property.

661 (2) No animal shall be allowed to roam freely without supervision.

662 (3) Only domestic pets shall be allowed at short-term rental units, where allowed by the property
663 owner.

664 **Sec 108-11-9 Complaints And Violations**

665 (a) **Complaints.** The following set the minimum requirements for short-term rental complaint resolution.

666 (1) **Making an initial complaint.** An initial complaint concerning the use or occupancy of a licensed
667 short-term rental unit may be made to the County or designee by a means as established by the
668 Planning Division. Anonymous complaints will not be processed.

669 (2) **Notification to responsible agent.** When a complaint concerning a short-term rental has been
670 received, contact to the responsible agent will be attempted by a County designee using the

671 telephone number on file with the County. If the responsible agent does not respond to the
672 County designee within sufficient time for the responsible agent to address the complaint within
673 the timeframe specified in Section 108-11-7, this constitutes a major violation as provided in
674 Subsection (b) of this section.

675 (3) **Attempt to resolve complaint.** The Responsible Agent is required to make an attempt to resolve
676 the issue within 60 minutes of receiving notification of the complaint. The Responsible Agent
677 shall promptly notify the County or designee if the Agent believes a complaint has been
678 successfully resolved. If the County or designee does not receive notification from the
679 Responsible Agent that a complaint has been successfully resolved within the 60 minute
680 timeframe, it shall be presumed that the complaint has not been successfully resolved.

681 (4) **Contacting law enforcement.** If a complaint involves the immediate health and safety of any
682 person or property, or if, despite good faith efforts, the problem that was the subject of a
683 complaint cannot be resolved, the Responsible Agent shall immediately contact law enforcement,
684 and follow any direction(s) given by any law enforcement official.

685 (5) **County investigation.** The County shall investigate a formal complaint received, in order to
686 determine if it is a substantiated complaint that represents a documented violation of any
687 provision(s) of this Chapter.

688 (b) **Violations.** For the purposes of this chapter violations for licensed short-term rental properties shall
689 be classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental
690 properties shall be classified as an Unlicensed Violation.

691 (1) **Minor violations.** A minor violation shall be any violation of the short-term rental operational
692 standards as provided in Section 108-11-8.

693 a. Owners will be given one warning following their first minor violation within each calendar
694 year. If this warning is subject to a static and prevailing concern, owners shall be given three
695 calendar days to correct the issue or the warning will become a documented minor violation.

696 b. After three minor violations within 12 consecutive months, the owner shall be issued a major
697 violation on the fourth and subsequent occurrences.

698 c. Each minor violation shall be subject to an administrative penalty as provided in Section 108-
699 11-10.

700 (2) **Major violation.** A major violation shall consist of the failure of the responsible agent to perform
701 their responsibilities as provided in this chapter, or the fourth and subsequent minor violations
702 within a 12 month consecutive time frame.

703 a. Owners will be given one warning in the event of a responsible agent failing to perform their
704 responsibilities within each calendar year.

705 b. Each major violation shall be subject to administrative penalties as provided in Section 108-
706 11-10.

707 (3) **Unlicensed violation.** An unlicensed violation is committed upon the rental of an unlicensed
708 property on a short-term basis. Owners will be given one warning. Each violation thereafter shall
709 be subject to administrative penalties as provided in Section 108-11-10.

710 **Sec 108-11-10 Administrative Penalty**

711 (a) Any person found in violation of any provision(s) of this Chapter is liable for an administrative
712 penalty in the form of a monetary fine based on the property's average nightly rate. The average
713 rental rate of the property shall be determined through the advertised nightly rental rate. Each day a
714 violation remains unresolved shall carry a daily administrative penalty and monetary fine as follows:

- 715 (1) Minor violations. Monetary fines shall be 50 percent of the advertised nightly rental rate on the
 716 date/s of the violation.
- 717 (2) Major violations. Monetary fines shall be 100 percent of the lease/rental agreement in place at the
 718 time of the violation, based on the advertised nightly rental rate on the date/s of the violation.
- 719 (3) Unlicensed violations. Monetary fines shall be 200 percent of the advertised nightly rental rate on
 720 the date(s) of the violation.
- 721 (b) In the event the County cannot determine the average nightly rental rate of a specific rental, the
 722 average rental rate of the violation dates within the planning area shall be used.

723 **Sec 108-11-11 License Revocation**

724 (a) **Revocation due to minor violations.**

- 725 (1) If a short-term rental unit has four minor violations within three consecutive months, or six minor
 726 violations within twelve consecutive months, the short-term rental license shall be revoked in
 727 accordance with the provisions of Section 102-4-3.
- 728 (2) If a short-term rental license is revoked due to an accumulation of minor violations, for a
 729 minimum of one year following the revocation, the County shall not accept an application for a
 730 new license for the same short-term vacation rental property; with the exception that a new
 731 application by a new property owner, proven to be unaffiliated with the property owner whose
 732 license was revoked, may be considered.

733 (b) **Revocation due to major violations.**

- 734 (1) If a short-term rental unit has two major violations within three consecutive months, or four major
 735 violations within twelve consecutive months, the short-term rental license shall be revoked in
 736 accordance with the provisions of Section 102-4-3.
- 737 (2) If a short-term rental license is revoked due to major violations, for a minimum of two years
 738 following the revocation, the County shall not accept an application for a new license for the
 739 same short-term vacation rental property; with the exception that a new application by a new
 740 property owner, proven to be unaffiliated with the property owner whose license was revoked,
 741 may be considered.

742 (c) **Revocation process.** In addition to the process explained herein, license revocation shall follow the
 743 procedure specified in Section 102-4-3.

744 ...

745 **Chapter 108-15 Standards For Single-Family Dwellings**

746 ...

747 **Sec 108-15-2 Other Standards And Requirements**

748 The following standards and requirements shall be met for the use of a single-family dwelling:

- 749 (d) A single-family dwelling, together with its accessory buildings, shall have only one kitchen except
 750 ~~when:~~
- 751 (1) ~~When~~ otherwise specifically allowed by this Land Use Code;
- 752 (2) ~~That a~~ single additional kitchen ~~is~~ may be located within an accessory dwelling unit that
 753 complies with Chapter 108-19; or
- 754 (3) ~~When~~ ~~the~~ owner has signed and recorded a notarized covenant to run with the land, as
 755 prescribed by Weber County, which provides that it is prohibited to use the additional

Commented [E18]: Providing for second kitchens for owner-occupied STR and cleaning up other provisions.

756 kitchen for an additional dwelling unit. The covenant shall be recorded prior to the issuance
757 of a building permit. The owner may be released from this covenant at a later time by the
758 County upon recordation of a notice of release of covenant, provided the second kitchen is
759 then used in a manner otherwise allowed by this Land Use Code, as evidenced by the
760 issuance of a land use permit.

761 ...

762 Chapter 108-19 Accessory Dwelling Units

763 ...

764 Sec 108-19-2 Applicability

765 (a) **Applicability.** The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed
766 by the zone.

767 (b) **Ogden Valley detached Accessory Dwelling Unit.** In the Ogden Valley, an detached accessory
768 dwelling unit located in an accessory building shall only be allowed in one of the two following
769 circumstances:

770 (1) **Double acreage.** The lot has a base density, as defined in Chapter 101-2, of at least two. The
771 lot owner shall record a covenant that runs with the land and is between the lot owner and
772 the County. The covenant shall document the lot's calculated base density; the number of
773 dwelling units developed on the lot, including the detached accessory dwelling unit; the
774 number of residential development rightdwelling unit right subtracted from the base density
775 by any other means; and the number of residential development rightdwelling unit right
776 remaining for the property.

777 (2) **Transferable development right.** A landowner has successfully negotiated the reallocation of
778 a second residential development rightdwelling unit right from another lot or parcel, and is in
779 compliance with the following:

780 a. The reallocated residential development rightdwelling unit right may only be transferred
781 from a lot or parcel that:

782 i. Is located in one of the following zones: RE-15, RE-20, AV- 3, FV-3, and S-1; and

783 ii. Has an available residential development rightdwelling unit right. Available residential
784 development rightdwelling unit right are determined by the lot or parcel's base density
785 and adjusted for any previous residential development rightdwelling unit right
786 reduction or addition.

787 b. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each
788 covenant shall run with the land and be between the owner and the County. Each covenant
789 shall document the applicable lot or parcel's calculated base density; the number of
790 dwelling units developed on the lot or parcel, including the accessory dwelling unit, if
791 applicable; the number of residential development rightdwelling unit right subtracted
792 from, or added to, the base density by any means; and the number of residential
793 development rightdwelling unit right remaining for the lot or parcel.

794 ...

795 Sec 108-19-3 General Provisions

796 The following provisions shall apply:

797 (a) **Number of accessory dwelling units per parcel.** No more than one accessory dwelling unit
798 shall be allowed on a lot containing a single-family dwelling, unless explicitly specified

Commented [E19]: Amending the accessory dwelling unit code to provide consistent terms and reduce redundancies with other parts of this proposal.

- 799 otherwise in this Land Use Code.
- 800 (b) **Amenities.** An accessory dwelling unit shall contain sufficient amenities to be definable ~~by~~
 801 ~~Chapter 101-2~~ as a dwelling unit.
- 802 (c) **Parking.** Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall
 803 be on a hard-surfaced area prepared to accommodate vehicle parking.
- 804 (d) **Occupancy.** Either the accessory dwelling unit or the ~~primary single-family dwelling unit~~ shall be
 805 owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent.
 806 The non-owner-occupied unit is limited to no more than one family. ~~For the purposes of this~~
 807 ~~subsection (d), "owner-occupied dwelling unit" means a unit that is occupied by the owner for a~~
 808 ~~minimum of seven months of the calendar year, except that temporary leave for religious, military, or~~
 809 ~~other legitimate purposes qualifies as owner occupancy.~~
- 810 (e) **Relevant authority approvals.** The accessory dwelling unit shall comply with local regulations
 811 and ordinances for a single-family dwelling. Approval is required from the Fire Authority,
 812 Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building
 813 Official.

Commented [E20]: New definition for "primary dwelling"

814

815 **Sec 108-19-4 Standards And Requirements**

- 816 (a) **Standards same as single-family dwellings.** ~~The provisions of Subsection (c) of this section~~
 817 ~~notwithstanding, if~~ new construction for an accessory dwelling unit is proposed or will occur, the
 818 standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that
 819 an accessory dwelling unit shall not have more than one kitchen.
- 820 (b) **Size.** The size regulations for an accessory dwelling unit are as follows:
- 821 (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all
 822 levels when viewed from above, shall not be less than 400 square feet and shall not exceed
 823 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit ~~exceed 50~~
 824 ~~percent of the gross floor area of the single-family dwelling, or~~ be greater than 2,000 square
 825 feet. However, an accessory dwelling unit located entirely within a basement of a single-family
 826 dwelling may consume the entire basement area regardless of square footage.
- 827 (2) Except as provided in Subsection (b)(3) of this section, the height of a detached accessory
 828 building that houses an accessory dwelling unit shall be no greater than 35 feet.
- 829 (3) For a lot that has 20,000 square feet or less:
- 830 a. The height of a detached accessory building that houses an accessory dwelling unit shall be
 831 no greater than 90% of the height of the single-family dwelling.
- 832 a.b. The total area of the footprint of a detached accessory building that houses an accessory
 833 dwelling unit combined with the total area of the footprint of the single-family dwelling shall
 834 not cover more than 25 percent of the total lot area.
- 835 (c) **Relationship to the primary single-family dwelling; appearance.** The exterior design of an accessory
 836 dwelling unit, or the building that contains an accessory dwelling unit, shall compliment the
 837 primary single-family dwelling in a manner that preserves the appearance of the lot's single-family
 838 use.
- 839 (1) The exterior of the accessory dwelling unit shall either:
- 840 a. Conform to the primary single-family dwelling in architectural style and materials on all sides of
 841 the building and roof;

Commented [E21]: State code has made it so internal accessory dwelling units cannot be limited in size.

- 842 b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other
843 similarly styled agricultural outbuilding; or
- 844 c. Be designed by a licensed architect in a manner that provides the architectural features
845 of historic buildings from the general area.
- 846 (2) An accessory dwelling unit located in a building that is only connected to the single-family
847 dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a
848 part of the single-family dwelling provided that the distance between them is no greater than
849 15 feet.

850 ...

851 **Sec 108-19-5 Application and Procedure**

852 Approval of an accessory dwelling unit requires a land use permit. The application and review procedure
853 for a land use permit is as follows:

854 (a) **Application submittal requirements.**

- 855 (1) A completed application form signed by the property owner or assigned agent.
- 856 (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-
857 submittal review, does not constitute a complete application.
- 858 (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of
859 existing buildings and building entrances, any proposed building and its dimensions from buildings
860 and property lines, and the location of parking stalls.
- 861 ~~(4)~~ Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or
862 proposed uses.
- 863 ~~(4)~~(5) A statement of feasibility, also known as a "will-serve letter" from the entities/utlities
864 providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be
865 served by a well or septic system, the local health department.
- 866 ~~(5)~~(6) Written verification that the applicant is the owner of the property and has permanent
867 residency in the existing single-family dwelling where the request is being made. In order for an
868 accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge
869 that they are the owner-occupant and will remain an owner-occupant.

870 (b) **Review procedure.**

- 871 (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will
872 review the application to verify compliance with this chapter and any other relevant component of
873 this Land Use Code.
- 874 (2) Planning Division staff will route the application to the local fire authority, local health department,
875 the County Building Division, and any other relevant review department or agency for verification
876 of compliance, determination of need for land use permit application modifications, and for the
877 submittal of other applications or reviews necessary to obtain their approvals of an accessory
878 dwelling unit.
- 879 (3) If the land use permit application complies with relevant land use laws, and receives all required
880 department and agency approvals, a land use permit shall be issued. If the application requires
881 submittal of other applications or reviews necessary to attain the approvals of other required
882 departments or agencies, but otherwise complies with relevant land use laws, the application shall
883 be given conditional approval by Planning Division staff, conditioned on approval of other
884 reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.

Commented [E22]: Making sure water and sewer entities are involved in the decision making process from the beginning.

Commented [E23]: Moved this to the application process instead of review process.

885 (4) If the application does not comply, Planning Division staff shall notify the applicant using the
886 notification method typical for similar Planning Division correspondence. The applicant shall be
887 given the opportunity to revise the application to bring it into compliance. If the application cannot
888 be brought into compliance, the applicant may either withdraw the application, forfeiting the fee,
889 or pursue a final land use decision by the Planning Division, which shall be denial of the land use
890 application.

891 (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if
892 needed, prior to building or using any space as an accessory dwelling unit. The County may
893 combine the land use permit and building permit application process.

894 (6) If the accessory dwelling unit is rented, a business license is required. If the business license is
895 addressed to the site, it shall be reviewed as a home occupation business license, as provided in
896 Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite
897 shall not apply.

898 ...

899 **Chapter 108-21 Agri-Tourism**

900 ...

901 **Sec 108-21-3 General Development Standards**

902 The development standards imposed by this section do not alter, supersede or nullify any codes,
903 ordinances, statutes, or other applicable standards which may also regulate these same uses/activities.

904 (i) *Hours of operation.* Agri-tourism uses/activities, not including residential overnight lodging
905 accommodations and/or those conducted within a completely enclosed building, shall be limited to
906 operating during the daily hours of 8:00 a.m. and 10:00 p.m. The planning commission may consider
907 a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on
908 making observations that can only occur during hours otherwise not permitted.

909 (j) *Development agreement.* An agri-tourism operation shall, prior to the construction of any structure
910 intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial
911 development agreement, provided by Weber County, on all parcels utilized as part of an approved
912 agri-tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of
913 structures that qualify for an agricultural exemption are excepted from this standard when developed
914 in accordance with the requirements found in the Weber County Land Use Code.

915 ...

916 **Sec 108-21-5 Permitted Uses/Activities Table**

917 The following uses/activities have been determined desirable when thoughtfully incorporated into an
918 approved agri-tourism operation. As stated above, these uses/activities may be subject to other
919 requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this
920 chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable
921 standards. Those uses/activities marked with an asterisk (*) have additional design and/or limitation
922 standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable
923 standards. See section 108-21-7 for these specific design and/or limitation standards associated with each
924 use/activity marked with an asterisk (*).

925

	Farm Designations
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Attachment B – Proposed Code (no redlines)

WEBER COUNTY ORDINANCE 2022-___

ON ORDINANCE AMENDING THE COUNTY’S LAND USE CODE REGARDING SHORT TERM AND NIGHTLY RENTAL AND LODGING ACCOMODATIONS, AND PROVIDING OTHER ADMINISTRATIVE AND CLERICAL EDITS./

WHEREAS, the County has an interest in regulating short-term rental units in the unincorporated areas of the County to promote the orderly and regular development and use of property; and,

WHEREAS, State Code Section 59-12-602 (12) defines “short-term rental” as a lease or rental that is 30 days or less; and,

WHEREAS, the County wishes to comply with all appertaining State regulations and codes related to short-term rentals; and,

WHEREAS, residents of the County have a right to quiet use and enjoyment of their property, including short-term rentals and those properties nearby;

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

SECTION 1: AMENDMENT “Title 101 General Provisions” of the Weber County Code is hereby amended as follows:

...

Chapter 101-2 Definitions

...

Sec 101-2-2 Ab-Definitions

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

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

...

Sec 101-2-2 Ac-Definitions

Accessory dwelling unit. See dwelling unit, accessory.

Accessory dwelling unit, internal. See dwelling unit, internal accessory.

Accessory dwelling unit, detached. See dwelling unit, detached accessory.

Acreage, adjusted gross. The term "acreage, adjusted gross" means a total of all land area that lies within a project boundary and is classified as developable by this or any other county, state or federal law, ordinance or regulation.

...

Sec 101-2-2 Ag-Definitions

Agricultural arts center. The term "agricultural arts center" means a facility designed for the purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of concepts related to art, art history, and art theory. In a conducive agricultural setting, it acts as a venue for the community to experience, appreciate, and consume art in a variety of forms, including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not provide accommodation for overnight lodging farm-stays; however, it may serve meals when served to event participants and/or guests.

Agricultural land, prime. The term "prime agricultural land" means the area of a lot or parcel best suited for large-scale crop production. This area has soil types that have, or are capable of having, highest nutrient content and best irrigation capabilities over other soil types on the property, and are of a sufficient size and configuration to offer marketable opportunities for crop-production. Unless otherwise specified by this Land Use Code, actual crop production need not exist onsite for a property to be considered to contain prime agricultural land.

...

Sec 101-2-3 Ba Definitions

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

Base density. The term "base density" means the number of residential development rights allowed

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

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

...

Sec 101-2-3 Be Definitions

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

Bed and breakfast (B&B) farm dwelling, agri-tourism. The term "agri-tourism B&B farm dwelling" means an owner-occupied farm house further utilized for the purpose of providing overnight lodging accommodations and meals to overnight guests.

Bed and breakfast (B&B) farm retreat, agri-tourism. The term "agri-tourism B&B farm retreat" means an owner-occupied farm house further utilized for the purpose of providing overnight lodging accommodations as well as meals to overnight guests and the visiting day-use public within an internally incorporated dining area.

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

...

Sec 101-2-5 D Definitions

...

Day care (child) home. The term "day care (child) home" means an occupied residence where care, protection, and supervision are provided to no more than eight children at one time, including the caregiver's children under six years of age.

Density, base. See "base density."

Detached lockout. See "lockout, detached."

Development. The term "development" means all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development master plan. The term "development master plan" means a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include planned residential unit development, clustered subdivision and planned commercial development.

Development right. The term "development right" means the right to develop property.

Development right, residential. The term "residential development right" means the right to develop one residential dwelling unit in accordance with the lot development standards of the zone, development type, or definition of "base density" as provided herein.

Distillery. The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound, process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to others.

Duplex. See "dwelling, two family."

Dwelling. The term "dwelling" means a building or portion thereof, which is constructed in compliance with the County's adopted building codes and designed as a place for human habitation, except hotel, apartment hotel, boardinghouse, lodging house, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The term "dwelling" shall include manufactured home and modular home when the requirements of title 108, chapter 14 are met.

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

Dwelling, multiple-family. The term "multiple-family dwelling" means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels, but not including tourist courts.

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

Dwelling, single-family. The term "single-family dwelling" means a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit, unless specified otherwise by this Land Use Code.

Dwelling, two-family (duplex). The term "two-family dwelling" also referred to as a "duplex," means a building arranged or designed to be occupied by two families, the structure having only two dwelling units with approximately the same floor area.

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

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

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

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

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

...

Sec 101-2-7 F Definitions

...

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

Farm inn, agri-tourism. The term "agri-tourism farm inn" means a farm building designed for the purpose of providing overnight lodging accommodations as well as meals to overnight guests and the visiting day-use public within an internally incorporated dining area.

Farm stay, agri-tourism. The term "agri-tourism farm stay" means a general agri-tourism use/activity category that comprises a variety of overnight lodging accommodations made available at a working farm that is approved for an agri-tourism operation. A farm stay, for any group or individual, does not exceed 14 (consecutive or non-consecutive) calendar days per month; however, farm stays may serve as an interactive recreational activity that offers agri-tourists, including children, opportunities to participate in feeding animals, collecting eggs, and/or learning how a farm functions through practical day to day experience. A farm stay may also consist of a retreat or be described as a work exchange, where the guests, for recreational purposes, work in exchange for free or discounted accommodations.

Farm tour, agri-tourism. The term "agri-tourism farm tour" means an agri-tourism use/activity that offers opportunities for the "non-farm" public to learn how a farm functions and where/how food, fiber, fuel, and other agricultural products are produced and/or packaged.

Farm tours frequently highlight the history of the subject farm and in general, foster a broader understanding of the importance of agriculture and educate the public as to current agricultural practices and technology.

...

Sec 101-2-13 Loc - Lod Definitions

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-, 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 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/boardhouse. The term "lodging house/boardhouse" means a building where lodging only is provided for compensation in five or more guest rooms, but not exceeding 15 persons.

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

...

Sec 101-2-17 P Definitions

Parcel. The term "parcel" or "parcel of land" means a contiguous quantity of land in the possession of, or

owned by, or recorded as the property of the same claimant or person.

Play area, agri-tourism. The term "agri-tourism play area" means an area within an agri-tourism operation's activity center that is dedicated to open and informal play. The play area may include, but not be limited to, conventional and unconventional playground equipment.

Primary dwelling unit. See "dwelling unit, primary."

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

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Sec 101-2-19 R Definitions

Recreation facilities plan. The term "recreation facilities plan" means a document that describes, in general, the recreational facilities that are part of a development proposal. The plan is supplemental to an overall master plan and consists of, but is not limited to the following sections: an executive summary, list of facilities and their scale, facility orientation (i.e., public/private), phasing schedule and proposed recreational programs.

Recreation lodge. The term "recreation lodge" means a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms for short-term rental lodging, and facilities for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open year-round, offers summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based upon acreage and site plan review, and recommended by the planning commission. Limited day use may be allowed based upon site plan review and approval of the overall project as a conditional use by the planning commission.

Recreational resort. The term "recreational resort" means a planned development which may consist of a combination of short-term rental lodging facilities and/or rental units and/or owner occupied dwelling units, and may include such support facilities as restaurants, gift shops, and personal service facilities (e.g., beauty shop, barbershop, boutique, massage salon), the development of which is designed around a recreational theme and shall offer a variety of outdoor and/or indoor recreation facilities and activities on-site which are designed to attract vacationers as a site destination because of the recreational attractions, both on- and off-site, as well as offering an attractive, vacation-type atmosphere.

Recreational vehicle/travel trailer. The term "recreational vehicle/travel trailer" means a vehicular unit, other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle including, but not limited to: travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.

Rental, long-term. The term "long-term rental" means the rental of a dwelling unit for a time period no less than 30 days.

Rental, short-term. The term "short-term rental," also referred herein as an "STR," means the rental of a dwelling or portion thereof for a time period of less than 30 days.

Reserved future development area (RFDA). The term "reserved future development area (RFDA)" means areas within a described parcel of land and/or proposed irrevocable transfer of development right easement and/or a transferable development right site plan that has been reserved for future development.

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Resort (destination and recreation). The term "resort (destination and recreation)" means a destination and recreation resort is a destination place that attracts visitors throughout the year and provides areas and facilities used for relaxation and/or recreation. The resort is entirely contiguous; it consists of at least 1,000 gross acres and is generally self-contained; therefore, capable of providing goods and services that meet most needs of the visitor while remaining on or within the resort. These goods and services may include, but not be limited to resort administration/operations, food, drink, lodging, sports, entertainment, shopping, personal and healthcare/emergency facilities (e.g., market, open-air market, restaurant, package liquor store, owner-occupied dwellings, short-term rentals, indoor/outdoor sports, cultural events, performing arts, miscellaneous retail, athletic/wellness center and clinic).

Ridge line area. The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land located within 100 feet on both sides of the top, ridge, or crest.

Right, development. See "development right."

Right, residential development. See "residential development right."

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Sec 101-2-20 Sh Definitions

Shopping center. The term "shopping center" means a group of three or more separate commercial establishments which share the same site, with common facilities, including parking, ingress/egress, landscaping and pedestrian malls which function as a unit.

Distinguishing characteristics of a shopping center may, but need not, include common ownership of the property upon which the center is located, common wall construction, and multiple occupant commercial use of a single structure.

Shoreline. The term "shoreline" means the land and water interface of large water bodies.

Short-term rental. See "rental, short term."

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Sec 101-2-21 T Definitions

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Transfer company. The term "transfer company" means a company established to provide expert shipping services that include the shipping, receiving, inspection and temporary warehousing of commercial or household goods.

Transferable development right. The term "transferable development right," also known herein as TDR, means the removal of a development right from one lot or parcel that is then transferred to a different lot or parcel.

Transfer incentive matching unit (TIMU). The term "transfer incentive matching unit (TIMU)" means a discretionary development right, or fraction thereof, that may be granted by the county commission, after a recommendation from the planning commission, when a development right is transferred from an area within the Ogden Valley to a Destination and Recreation Resort Zone.

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SECTION 2: AMENDMENT "Title 102 Administration" of the Weber County Code is hereby amended as follows:

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Chapter 102-4 Permits Required And Enforcement

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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.

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SECTION 3: AMENDMENT "Title 104 Zones" of the Weber County Code is hereby as follows:

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Chapter 104-11 Commercial Valley Resort Recreation Zone

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Sec 104-11-3 Permitted Uses

The following uses are permitted in the Commercial Valley Resort Recreation Zone CVR-1:

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- (l) Restaurant: fast food, excluding those with drive-up windows.
- (m) Short-term rental, pursuant to Section 108-11.
- (n) Sporting goods store.
- (o) Sports clothing store.
- (p) Public and private swimming pools.
- (q) Vendor, short term.

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Sec 104-11-5 Additional Design Requirements

To meet the intent of this chapter the following design standards are required:

- (a) All projects shall consist of a minimum of ten percent commercial area.
- (b) Multiple or mixed uses shall be allowed in a single building. For example, a building housing condominium rental apartments may also include restaurants, gift shops and sports clothing stores.
- (c) In approving site plans, the land use authority shall find that proposed buildings and uses are sized in proportion to the recreational amenities for which they will provide goods and services. For example, a golf or ski resort may have a small grocery and sporting goods store, but neither should be sized to be an attraction independent of the provided recreational amenity. In other words, the recreational amenity remains the attraction.

Sec 104-11-6 Minimum Overall Project Development Area, Width, And Yard Regulations

- (a) **Area.** The following minimum overall project development area is required for the uses specified, but never less than two and one-half acres:

USE	AREA
Condominium rental apartment or other overnight lodging use	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Dwelling unit, if approved as part of a MPD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

- (b) **Width.** 150-foot minimum overall project development width is required, as measured at the yard setback and the street frontage.

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Chapter 104-17 Forest Residential Zone

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Sec 104-17-2 Permitted Uses

The following uses are permitted in the Forest Residential Zone FR-3:

- (f) Household pets.
- (g) Short-term rental, pursuant to Section 108-11.
- (h) Single-family, two-family, three-family and four-family dwellings.
- (i) Temporary building or use incidental to construction work. Such building or use to be removed upon completion or abandonment of the construction work.
- (j) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

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Sec 104-17-3 Conditional Uses

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

- (a) Boardinghouse, lodginghouse, bed and breakfast inn, subject to requirements of section 104-17-5(j).
- (b) Condominium rental apartment (condo-tel).
- (c) Educational/institutional identification sign.
- (d) Group dwelling.
- (e) Lockout sleeping room, maximum of two per dwelling unit.
- (f) Multiple-family dwelling.
- (g) Private park, playground and/or recreation area, but not including privately owned commercial amusement business.
- (h) Public buildings, public park, recreation grounds and associated buildings.
- (i) Public utility substations.
- (j) Time share building.
- (k) Recreation lodge.
- (l) Conference/education center.

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Chapter 104-22 Form Based Zone

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Sec 104-22-3 Land Use Table

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(i) <i>Residential uses.</i>	G &I	V O C	M U C	M F R	S L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
<i>Dwelling, single-family.</i> A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	

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	See Section 104-22-4, and TDR requirements of 104-22-11
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	
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	
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. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily 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	P	C	N	N	N	N	N	N	
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.

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Chapter 104-27 Master Planned Development Overlay Zone

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Sec 104-27-5 Use Permissions And Prohibitions

- (a) **General uses.** All uses specified in the underlying zone are allowed in a master planned development, unless specifically prohibited in the development agreement.

- (b) **Other small-scale service uses.** If a master planned development contains 100 dwelling units or more, other uses not otherwise allowed in the underlying zone may be approved by the county commission, after receiving recommendation from the planning commission, provided that evidence demonstrates that those uses are necessary for the provision of small-scale local neighborhood services to the residents of the development and the immediate surrounding neighborhood. The county commission has legislative discretion to determine what a small-scale local neighborhood service is. The development agreement shall contain provisions for the proposed uses, ownership, operational characteristics, and physical design to assure compliance with this section.
- (c) **Short-term rentals.** Housing units to be used in whole or in part for short-term rentals shall only be allowed in neighborhoods that can support the transient use. Short-term rentals shall only be allowed when their existence substantially advances a general plan goal, principle, or implementation strategy. In the Western Weber Planning Area, short-term rentals require the owner of the property to reside and, for management purposes, be generally available onsite for the duration of the short-term rental. Master planned developments that permit short-term rentals shall be clearly declared and provided for in the development agreement.

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Chapter 104-29 Ogden Valley Destination And Recreation Resort Zone

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Sec 104-29-8 Land Uses

Use	Permitted (P) Conditional (C)
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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 Section 108-11	P
Commercial Uses	
Bank/financial institution	P

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SECTION 4: AMENDMENT “Title 108 Standards” of the Weber County Code is hereby as follows:

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Chapter 108-7 Supplementary and Qualifying Regulations

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Sec 108-7-25 (Repealed)

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Chapter 108-8 Parking And Loading Space, Vehicle Traffic And Access Regulations

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Sec 108-8-2 Parking Spaces For Dwellings

In all zones, the following number of parking spaces measuring no less than nine feet by 20 feet shall be 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.
Increased occupancy	If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

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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.

Sec 108-11-4 Application Procedure

Application for short-term rental business license. The application and review procedure for a short-term rental license shall include the requirements outlined in the business license procedure and as follows:

(a) Application submittal requirements.

- (1) Proof of ownership of the lot;
- (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes the following:
 - a. Driveway;

- b. Parking plan demonstrating compliance with the parking standards established in Section 108-11-8, and any other relevant parking standard found in Chapter 108-8;
 - c. Existing fencing or perimeter screening, if applicable;
 - d. Trash disposal and collection plan demonstrating compliance with the trash disposal and collection standards established in Section 108-11-8; and
 - e. Outdoor lighting plan showing compliance with Section 108-16, including the replacement of all nonconforming outdoor lighting on the property;
- (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all areas allowed to be occupied or used by short-term rental occupants;
 - (4) Commitment to serve, 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. The will-serve letter shall specify the maximum occupancy or number of sleeping rooms allowed to be associated with the short term rental use.
 - (5) Submission of a building permit and associated land use permit, unless no building modifications are required in order to attain compliance with building codes, in which case certificates of occupancy shall be submitted;
 - (6) Submission of the name and contact information associated with the individual or management company being designated as the Responsible Agent and any other back-up Responsible Agent, as required by Section 108-11-7;
 - (7) Signed acknowledgement by the owner and Responsible Agent that they have read this short-term rental ordinance and understand the licensing, operational standards, and violation and revocation provisions; and
 - (8) An application fee as set forth by the County.
- (b) ***Complete Application Required. A license shall not be issued unless each of the County's requirements are completed in full, as determined by the County Planning Department.***
 - (c) ***Review procedure.***
 - (1) Staff review. Upon submittal of a complete short-term rental 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) Agency reviews. Planning Division staff will route the application to the local Fire Authority and Building Official, for verification of compliance, determination of need for application modifications, and for the submittal of other applications or reviews necessary to obtain their approval of a license, if applicable. The accessory dwelling unit shall comply with local regulations and ordinances for a residential dwelling. Approval is required from the aforementioned authorities, departments, and agencies.
 - (3) License issuance. If the application complies with relevant land use laws and receives all required department and agency approvals, the license shall be issued after the initial property inspection, pursuant to Section 108-11-5, finds that the proposed short-term rental is in compliance with the requirements of this chapter.

- (d) **Conditions of approval.** The Land Use Authority may apply conditions of approval based on the standards listed in Section 108-4-5.
- (e) **Short-term rental business license required.** A short-term rental business license is required to operate a short-term rental on each property where a short-term rental is located.
- (f) **License Renewal.** Existing licensees must submit for license renewal and pay the required fee by no later than December 1st of each year, regardless of the date of the initial license issuance. Owners wishing to renew a license must provide the following:
 - (1) License renewal application;
 - (2) Inspection report, if required by Section 108-11-5;
 - (3) Evidence of tax remittance from the year prior; and
 - (4) Any other documentation required by the County.

Sec 108-11-5 Property Inspection

- (a) **Initial property inspection.** Properties applying for their first short-term rental license shall be inspected for compliance with the provisions of this chapter and other applicable sections of this Land Use Code. The Planning Division shall have the option of designating a county inspector or may allow a 3rd party building inspector, at the applicant's expense. Any code deficiencies applicable to the structure at the year of construction and occupancy found during this initial inspection, as well as any health, safety, and welfare issues identified during inspection, shall be resolved to the satisfaction of the inspector prior to the issuance of a short-term rental license.
- (b) **License renewal property inspection.** The County, at its discretion, may require that a property be inspected prior to the renewal of an existing license. The Planning Division shall have the option of designating a county inspector or a third-party building inspector, at the applicant's expense. Should the property fail the inspection, the owner shall have 90 days to bring their property into compliance or the license will be suspended. A license may be immediately suspended if life/safety concerns arise during the inspection. If a license is suspended, the property owner must rectify the concerns that led to the suspension prior to the license reinstatement.
- (c) **Property inspection after violation.** If the County receives complaint or notice of violation of any applicable County regulations at any time, the Planning Division may request an inspection to determine compliance with the regulations. Failure to allow the inspection and/or comply with the results of the inspection may result in additional minor or major violations (see Sections 108-11-9 through 108-11-10, below)

Sec 108-11-6 Applicable Taxes And Remittance

An owner of a short-term rental is responsible for collecting and remitting all applicable state and local taxes, either through a third-party agency or individually. Owners who fail to collect and remit applicable taxes shall not be eligible for annual license renewal. The County reserves the right to conduct routine tax audits to verify appropriate tax remittance of any short-term rental at any time, or prior to license renewal.

Sec 108-11-7 Responsible Agent

- (a) The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This appointed Agent may be the owner or designee, independent property manager, or a professional property management company. The appointed Responsible Agent shall be on-call to manage the property during any period within which the property is occupied. This Agent must be able to respond, in person if needed, within 60 minutes to address any complaints that may arise from the

operation of the short-term rental. Designating one or more back-up agents is strongly advised to ensure this responsibility is fulfilled. The failure of a Responsible Agent to respond constitutes a major violation, pursuant to Section 108-11-9.

- (b) A Responsible Agent is not required to, and should not, place themselves in a situation that could cause them physical harm in order to attempt to address a complaint.
- (c) The owner shall notify the Planning Division within seven calendar days of a modification to the appointed Responsible Agent and shall provide name, address, and telephone number of any newly appointed agent. It is the owner's responsibility to update this information throughout the term of the license.

Sec 108-11-8 Operating Standards

- (a) **Information Dissemination Requirements.** The owner shall post the following information in a prominent and visible location on the property:
 - (1) **Internal posting.** Each licensed short-term rental property shall have the following information posted in a conspicuous location where it can be easily viewed by tenants:
 - a. Short-Term Rental License number;
 - b. Contact information for the owner and responsible agent, including a phone number for 24-hour response to emergencies;
 - c. The property's maximum occupancy;
 - d. The property-specific parking plan including the maximum number of vehicles allowed to be parked on the property, the location of parking for large vehicles or trailers, the prohibition of parking in the public right-of-way, and all other applicable parking rules;
 - e. Map and description of the location/s of fire extinguishers and emergency egress routes;
 - f. Generally applicable requirements regarding noise, parking, trash pickup, and fire restrictions that will foster good neighbor relations;
 - g. Current fire restriction information, as disseminated through the Weber County Fire District website; and
 - h. Any other information deemed necessary by the reviewing agencies to ensure the public's health and safety.
 - (2) **Street Addressing.** Each licensed short-term rental property shall have its assigned street address posted externally in a conspicuous location where it can be easily viewed day or night from the adjacent street or access way.
- (b) **Advertising Requirements.** As provided in UCA 17-50-338, the following advertising requirements are not intended to prohibit an individual from listing a property for short-term rental on any short-term rental website. All advertising for a short-term rental property shall include the following information in searchable plain text:
 - (1) The property's short-term rental license number.
 - (2) The property's maximum permitted occupancy.
 - (3) Maximum parking capacity, including the availability for parking of large vehicles or trailers.
 - (4) A digital link to the County's short-term rental regulations.

- (5) The following language shall be included verbatim in a prominent location of the advertisement:
“Any advertisement for a short-term rental property in unincorporated Weber County, Utah, that does not provide a unique license number is unlikely to be a lawfully licensed short-term rental.”

(c) **Occupancy.**

- (1) **Occupancy Limits.** The maximum occupancy for a short-term rental property shall be no more than two people per bedroom, plus four people, for up to a maximum of 10 people per short-term rental, and is subject to the following:
- a. A property’s maximum occupancy may be reduced due to a property’s unique characteristics, including but not limited to, parking constraints, septic/sewer system capacity; and
 - b. A greater maximum occupancy may be approved following additional review and approval of applicable reviewing agencies and the provision of additional components that would otherwise limit capacity including, but not limited to, fire suppression systems, parking capacity, septic/sewer capacity, culinary water rights, and the number of available sleeping rooms.
- (2) **Single Contract.** With exception to condominiums approved to allow a short-term rental within a lockout sleeping room, owners shall not concurrently rent individual rooms or areas to more than one unrelated party for the same night or nights.
- (3) **External sleeping accommodations prohibited.** All sleeping accommodations must be maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted and approved during the licensing process. External accommodations such as yurts, teepees, tents, recreational vehicles/travel trailer, other temporary structures, or any similar accommodation may not be used for sleeping accommodations or as a means to increase the maximum permitted occupancy. Recreational vehicles belonging to renters may be brought onto sites large enough to allow space for parking. Such parking shall be on improved, hard surface areas.
- (4) **Duration.** No licensed short-term rental unit may be rented for less than three consecutive days, with exception to property in the DRR-1 zone.

(d) **Parking.** In addition to the parking requirements for dwellings, as outlined by Section 108-8-2, the following parking regulations are also required for all licensed short-term rental properties.

- (1) At least one parking space measuring a minimum of nine feet by 20 feet shall be provided for each two sleeping rooms offered, but never less than two parking spaces.
- (2) All vehicles of occupants and visitors of a short-term rental property shall be parked only within the property’s boundary lines and in accordance with the approved parking plan. Additionally, up to, but no greater than, 25% of the property’s front or side yard setbacks may be used for parking.
- (3) No parking is allowed within the property’s adjacent rights-of-way.
- (4) No vehicles shall be parked on the lawn or landscaped areas of the property.
- (5) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the property.

- (6) Trailers and oversized vehicles shall be parked in the locations designated on the approved parking plan. Trailers and oversized vehicle parking shall be a minimum ten feet by 45 feet and area for reasonable access and maneuvering to the space shall be provided.
- (7) A map of the property, showing parking locations and property lines, shall be provided.
- (e) **Noise.** Between the hours of 10:00 pm and 8:00 am, no sound exceeding 50 dB, and no amplified or reproduced sound, shall be allowed as measured from the property line.
- (f) **Nature of use.** The short-term rental shall remain consistent with the residential nature of the area. As such, no commercial operations shall be permitted in the home or on the property in connection with the short-term rental. This shall include large events that exceed the normal occupancy of the stated limit (see Section 108-11-8 (c) above) at any time on the property. Prohibited uses/events shall include, but are not limited to, receptions, luncheons, weddings, retreats, and similar commercial uses or events. Catering of food, erection and use of temporary shelters, tents, canopies, and other similar structures, and outside employees and/or staff are expressly prohibited.
- (g) **Trash disposal and collection.** All short-term rental properties shall provide a trash disposal and collection plan at the time of license application to ensure that trash containers are not left outdoors where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With exception to the property's assigned trash pick-up day, trash containers must be stored behind the property's front setback line and positioned next to the house. All trash shall be placed within appropriate receptacles. The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-up schedule is collected and removed from the property as needed. Properties with larger maximum permitted occupancies may require the procurement of additional trash cans to accommodate the volume of anticipated trash being generated.
- (h) **Outdoor lighting.** Incorporated herein for all properties located in unincorporated Weber County desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all times comply with the exterior lighting requirements set forth in Section 108-16 of the Land Use Code. All nonconforming outdoor lighting shall be replaced with conforming lighting prior to the issuance of a short-term rental license.
- (i) **Signage.** On-site signage intended to advertise the property as a short-term rental is not permitted anywhere on the property or adjacent right-of-way.
- (j) **Fire safety.**
- (1) The property must have primary access along a public right-of-way or access easement that meets the fire marshal's requirements for a fire access road.
 - (2) The property must have a fire prevention system as approved by the fire marshal.
 - (3) Outdoor fire pits must be permanently affixed with concrete or hard-surface aprons, or as otherwise approved by the fire authority. Only natural gas or propane gas fire pits are allowed within the Wildland-Urban Interface.
 - (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and fire codes.
 - (5) Fire extinguishers must be placed in an approved location on each level of the property and adjacent to outdoor fire pits.

- (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.
- (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current Wildland-Urban Interface code requirements.

(k) **Animals.**

- (1) Animals shall be kept on leash while outdoors on the property.
- (2) No animal shall be allowed to roam freely without supervision.

Sec 108-11-9 Complaints And Violations

(a) **Complaints.** The following sets the minimum requirements for short-term rental complaint resolution.

- (1) **Making an initial complaint.** An initial complaint concerning the use or occupancy of a licensed short-term rental unit may be made to the County or designee by a means as established by the Planning Division. Anonymous complaints will not be processed.
- (2) **Notification to Responsible Agent.** When a complaint concerning a short-term rental has been received, contact to the responsible agent will be attempted by a County designee using the telephone number on file with the County. If the Responsible Agent does not respond to the County designee within sufficient time for the responsible agent to address the complaint within the timeframe specified in Section 108-11-7, this constitutes a major violation as provided in Subsection (b) of this section.
- (3) **Attempt to resolve complaint.** The Responsible Agent is required to make an attempt to resolve the issue within 60 minutes of receiving notification of the complaint. The Responsible Agent shall promptly notify the County or its designee if the Agent believes a complaint has been successfully resolved. If the County or designee does not receive notification from the Responsible Agent that a complaint has been successfully resolved within the 60 minute timeframe, it shall be presumed that the complaint has not been successfully resolved.
- (4) **Contacting law enforcement.** If a complaint involves the immediate health and safety of any person or property, or if, despite good faith efforts, the problem that was the subject of a complaint cannot be resolved, the Responsible Agent shall immediately contact law enforcement, and follow any direction(s) given by any law enforcement official.
- (5) **County investigation.** The County shall investigate a formal complaint received, in order to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Chapter.

(b) **Violations.** For the purposes of this chapter violations for licensed short-term rental properties shall be classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental properties shall be classified as an Unlicensed Violation.

- (1) **Minor Violations.** A Minor Violation shall be any violation of the short-term rental operational standards as provided in Section 108-11-8.
 - a. Owners will be given one warning following their first Minor Violation within each calendar year. If this warning is subject to a static and prevailing concern, owners shall be given three calendar days to correct the issue or the warning will become a documented Minor Violation.

- b. After three Minor Violations within 12 consecutive months, the owner shall be issued a Major Violation on the fourth and subsequent occurrences.
 - c. Each Minor Violation shall be subject to an administrative penalty as provided in Section 108-11-10.
- (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. Each day a violation remains unresolved shall carry a cumulative administrative penalty and monetary fine 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 lease/rental agreement in place at the time of the violation, based on 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 planning 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 vacation rental property; with the exception that a new application by a new property owner, proven to be unaffiliated with the property owner whose license was revoked, may be considered.
- (b) **Revocation due to major violations.**

- (1) If a short-term rental unit has two major violations within three consecutive months, or four major 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 major violations, for a minimum of two years following the revocation, the County shall not accept an application for a new license for the same short-term vacation rental property; with the exception that a new application by a new property owner, proven to be unaffiliated with the property owner whose license was revoked, may be considered.
- (c) **Revocation process.** In addition to the process explained herein, license revocation shall follow the procedure specified in Section 102-4-3.

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Chapter 108-15 Standards For Single-Family Dwellings

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Sec 108-15-2 Other Standards And Requirements

The following standards and requirements shall be met for the use of a single-family dwelling:

- (d) A single-family dwelling, together with its accessory buildings, shall have only one kitchen except:
- (1) When otherwise specifically allowed by this Land Use Code;
 - (2) That a single additional kitchen may be located within an accessory dwelling unit that complies with Chapter 108-19; or
 - (3) When the owner has signed and recorded a notarized covenant to run with the land, as prescribed by Weber County, which provides that it is prohibited to use the additional kitchen for an additional dwelling unit. The covenant shall be recorded prior to the issuance of a building permit. The owner may be released from this covenant at a later time by the County upon recordation of a notice of release of covenant, provided the second kitchen is then used in a manner otherwise allowed by this Land Use Code, as evidenced by the issuance of a land use permit.

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Chapter 108-19 Accessory Dwelling Units

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Sec 108-19-2 Applicability

- (a) **Applicability.** The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.
- (b) **Ogden Valley detached accessory dwelling unit.** In the Ogden Valley, a detached accessory dwelling unit shall only be allowed in one of the two following circumstances:
- (1) **Double acreage.** The lot has a base density, as defined in Chapter 101-2, of at least two. The lot owner shall record a covenant that runs with the land and is between the lot owner and the County. The covenant shall document the lot's calculated base density; the number of dwelling units developed on the lot, including the detached accessory dwelling unit; the number of residential development rights subtracted from the base density by any other

means; and the number of residential development rights remaining for the property.

- (2) **Transferable development right.** A landowner has successfully negotiated the reallocation of a second residential development right from another lot or parcel, and is in compliance with the following:
- a. The reallocated residential development right may only be transferred from a lot or parcel that:
 - i. Is located in one of the following zones: RE-15, RE-20, AV- 3, FV-3, and S-1; and
 - ii. Has an available residential development right. Available residential development rights are determined by the lot or parcel's base density and adjusted for any previous residential development right reduction or addition.
 - b. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units developed on the lot or parcel, including the accessory dwelling unit, if applicable; the number of residential development rights subtracted from, or added to, the base density by any means; and the number of residential development rights remaining for the lot or parcel.

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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) **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 single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory dwelling unit shall not have more than one kitchen.
- (b) **Size.** The size regulations for an accessory dwelling unit are as follows:

- (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all levels when viewed from above, shall not be less than 400 square feet and shall not exceed 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit be greater than 2,000 square feet. However, an accessory dwelling unit located entirely within a basement of a single-family dwelling may consume the entire basement area regardless of square footage.
- (2) Except as provided in Subsection (b)(3) of this section, the height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 35 feet.
- (3) For a lot that has 20,000 square feet or less:
 - a. The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 90% of the height of the single-family dwelling.
 - b. The total area of the footprint of a detached accessory building that houses an accessory dwelling unit combined with the total area of the footprint of the single-family dwelling shall not cover more than 25 percent of the total lot area.
- (c) **Relationship to the primary dwelling; appearance.** The exterior design of an accessory dwelling unit, or the building that contains an accessory dwelling unit, shall compliment the primary dwelling in a manner that preserves the appearance of the lot's single-family use.
 - (1) The exterior of the accessory dwelling unit shall either:
 - a. Conform to the primary dwelling in architectural style and materials on all sides of the building and roof;
 - b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or
 - c. Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.
 - (2) An accessory dwelling unit located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a part of the single-family dwelling provided that the distance between them is no greater than 15 feet.

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Sec 108-19-5 Application and 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.
- (3) If the land use permit application complies with relevant land use laws, and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning Division staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.
- (4) If the application does not comply, Planning Division staff shall notify the applicant using the notification method typical for similar Planning Division correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.
- (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory dwelling unit. The County may combine the land use permit and building permit application process.
- (6) If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

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Chapter 108-21 Agri-Tourism

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Sec 108-21-3 General Development Standards

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 uses/activities.

- (i) *Hours of operation.* Agri-tourism uses/activities, not including residential overnight lodging accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00 a.m. and 10:00 p.m. The planning commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
- (j) *Development agreement.* An agri-tourism operation shall, prior to the construction of any structure

intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of structures that qualify for an agricultural exemption are excepted from this standard when developed in accordance with the requirements found in the Weber County Land Use Code.

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Sec 108-21-5 Permitted Uses/Activities Table

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See section 108-21-7 for these specific design and/or limitation standards associated with each use/activity marked with an asterisk (*).

Uses/Activities	Farm Designations					
	Market Garden (3 —<5 acres)	Family Farm (5— <10 acres)	Small Farm (10 —<20 acres)	Medium Farm (20 —<40 acres)	Large Farm (40 —<80 acres)	Ranch (=80 acres)
Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities						

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Sec 108-21-6 Use/Activity Standards And Limitations

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

(a) *Farm stay (residential and overnight lodging accommodation) uses/activities.*

(1) *Agro-ecology research and education center (AREC).*

- a. An AREC shall be limited to providing overnight lodging accommodations for faculty, staff, and/or students/apprentices only.

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PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS

ON THIS ____ DAY OF _____, 20__.

AYE

NAY

ABSENT

ABSTAIN

Gage Froerer

Jim "H" Harvey

Scott K. Jenkins

Presiding Officer

James H. Harvey, Board of Commissioners Chair, Weber County

Attest

Ricky D. Hatch, CPA, Clerk/Auditor Weber County