



## Staff Report to the Weber County Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Public hearing to discuss, take comment on, and make decision on a proposed text amendment to Weber County's Land Use Code that repeals the County's planned residential unit development (PRUD) ordinance, and adopts a new master planned development (MPD) overlay zone in its place.

**Agenda Date:** Thursday, March 18, 2021

**Applicant:** Weber County

**File Number:** ZTA 2017-17

#### Staff Information

**Report Presenter:** Charlie Ewert  
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**Report Reviewer:** RG

### Applicable Ordinances

§101-2: Definitions  
§102-5-4: [Rezone] Application Requirements  
§104-[ALL], Zones  
§106-2: Subdivision Standards  
§108-3: Cluster Subdivisions  
§108-5: Planned Residential Unit Development (PRUD)

### Legislative Decisions

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

### Summary and Background

On March 20, 2018, the County Commission asked staff to rework the planned residential unit (PRUD) ordinance to allow more legislative flexibility in the decision-making process.

A PRUD is a flexible development tool that is currently listed as a conditional use in many zones. Under state law, a decision on a conditional use permit is an administrative decision in which there is not support for legislative-type discretion. In order to support legislative discretion a PRUD decision would need to be converted from an administrative decision to a legislative decision. This proposal provides for that by repealing the PRUD ordinance, and adopting a master planned development overlay zone in its place.

The proposed ordinance also resolves discrepancies and potential conflicts, and offers clerical edits in the following manner:

- The proposal turns the permitted and conditional use lists in the agricultural zones into a table so difference in the uses in each zones can be clearly compared. It combines all agricultural zones into one chapter similar to a recent ordinance in which all commercial zones were combined into one chapter. It also provides a supplemental regulations chapter, which is a list of regulations for certain uses that already exist, but were too wordy to include in the use table. The intent of this change is not to change the current policies, but to reorganize them in a manner that is easier for the public and the county to use.
- The proposal makes minor modifications to the cluster subdivision ordinance. It clarifies infrastructure requirements in a cluster subdivision, and ensures that pedestrian facilities are provided on both sides of a public street.

## Policy Analysis

### Policy Considerations:

The following is an analysis of the various development policy implications that run with the proposed ordinance.

The definition of “base density” is moved, but not changed. This move is for clarity purposes only.

The proposal amends most zones to remove PRUD from the list of conditional uses allowed. This eliminates the administrative nature of these types of decisions.

Currently, the information listed in the CVR-1 zone's site development standards section deviates from the conventional writing for site development standards in the other zones. The proposal provides a more conventional tabulated approach to site development standards in the CVR-1 zone. This is intended for clarity purposes only.

A major resource the county has used to offer flexibility to the development at Powder Mountain has been through the deviations allowed in the PRUD code. However, this is not necessary for their development as they already have special rules that govern them based on the DRR-1 zone and their development agreement. Requiring a PRUD in this zone is redundant and unnecessary. The proposal adds language to the DRR-1 zone to make it clear that the development agreement and master plan can be used to guide development in the zone instead of via PRUD.

Most of the proposed new master planned development overlay zone is already a part of the PRUD code. The proposal offers a few minor modifications to clarify the legislative nature of the overlay zone. It also offers better support for what to do if the master planned development overlay zone has any conflicts with other parts of the land use code, which we know to be very likely as the purpose of this code is to offer flexible deviation from other stricter regulations.

The proposal provides allowances for PRUDs approved prior to the adoption of this proposal. It also offers a simple method of amending those PRUDs provided that the amendment is small enough that it will not merit public outcry.

The proposal requires a master planned development to be designed to offer cluster elements as adopted in the new version of the cluster subdivision code. It explains that the applicability of standards of the cluster subdivision code can still be modified for a PRUD, but advocates for the general configuration of cluster-type developing. Given that adoption of a PRUD overlay zone is legislative the specific points of the cluster code can be waived as a part of the development agreement negotiation. This section also advocates for the overall development plan to have a quality transportation and land use component.

The proposal requires an overall development plan to include the developers proposed architectural design, off-street parking, and lighting plans.

The proposal requires the overall development plan to be planned around moderate and high risk geologic hazards. This is different than our current development regulations in which a developer may develop on a high risk area as long as proper mitigation has been provided.

The proposal offers use permissions and prohibitions in a master planned development. Specifically, it enables all the uses allowed in the underlying zone, allows some small neighborhood commercial to be developed regardless of whether the underlying zone allows it (if the development is at least 100 units or greater), and places permission and restrictions on nightly rental uses.

The proposal clarifies the area and density regulations in a master planned development. Under the current PRUD ordinance a PRUD has to contain at least 24 dwelling units and ten acres (four acres if in a residential zone). This section has been modified to allow a master planned development to contain a smaller acreage if there is over 100 acres and 90 percent of it is permanently preserved open space.

It is important to note that because a master planned development overlay zone will now become a legislative decision, this section constitutes a guideline for starting bonus density negotiation. It does not create a mandate for the County to offer a bonus, nor does it create a mandate to strictly comply with the bonus percentages of the table. It is merely a guide to document county priorities to help the developer know what can be reasonably expected as they engage the negotiation process.

The proposal clarifies the bonus density provisions. It still suggests that no bonus density should be offered in the Ogden Valley. As it relates to Western Weber, this section is carried over from the current PRUD ordinance with formatting changes. It also contains a few new bonus density offerings to encourage a developer to offer certain public benefits. The bonus percentages allowed have been changed for a number of them to better reflect the county's method of prioritization. Here is a list of the new offerings:

- HOA park and public park have been separated into two different offerings and the density percentages have been adjusted.
- Land for a public recreational or emergency services facility has been added. In the event there is significant development in an area already the County may want to award a bigger bonus for this offering so public funds do not have to be invested to create a new facility.
- The bonus percentage for development for excess sewer has been adjusted to offer a proportional bonus-to-excess-sewer-infrastructure ratio, all based on the development's base density.
- The bonus for agricultural land has been modified to meet the new definition of prime agricultural land and has been adjusted to reflect what is in the cluster code – except require at least 20 contiguous acres.

The proposal offers a provision for affordable housing bonus (again, the bonus would not be applicable to Ogden Valley, but it would not hurt for it to be considered in the valley). Given the public's response to affordable housing the Western Weber Futures open houses two springs ago, this subject will likely be controversial and uncomfortable. It offers 10 percent **free** density for affordable housing. The idea here is to encourage each PRUD development to contain affordable housing. The general plan's moderate income housing element explains that as the Western Weber area grows, the need for affordable housing will rise proportionately. What we are finding now is that due to the large acreage requirement for housing in Western Weber, the existence of affordable housing is nearly impossible. In addition to this, the Wasatch Front is experiencing significant growth in real estate values, creating an affordable housing crisis for those fixed income families or individuals. Offering some allowance for affordable housing in a community helps decrease the probability that Weber County is perpetrating exclusionary zoning practices, which has been directly addressed by the courts as a fair housing/reasonable accommodation/equal protection issue.

While encouraging affordable housing, this section also governs the location and screening of the affordable housing building(s). They will need to be centrally located in the interior of the PRUD and surrounded by other homes so as not to be located directly adjacent to existing housing or existing public rights-of-way.

It should be observed that no parameters are being prescribed for the building types or spread of affordable housing within the development, except that it cannot be taller than two stories. This is intentional to allow the developer to choose how to best accommodate for it (if the developer even chooses to do it). This will allow a developer, after County Commission approval, to locate all 10 percent in a small footprint, thereby realizing cost savings and freeing up land acreage that could otherwise be used for other housing/uses or open spaces.

Lines 592-894 show the current PRUD ordinance deleted from Title 108.

## Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. When used as intended this ordinance will not just comply with the general plan, it will **implement** it by providing a legal mechanism to enable sufficient flexibility from the strict requirements of current ordinances that may not, themselves, be the optimal implementation mechanism for the general plan. More specifically, this proposal assists the implementation of the following provisions of the general plans:

### Ogden Valley General Plan:

Community Character Vision:

*The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character.*

#### Land Use Vision:

*The Ogden Valley community desires a place where land uses support healthy physical, social, and economic interactions. Land uses in Ogden Valley should complement, not overwhelm or compete with, the rural character of the Valley, as defined in the Community Character element vision statement.*

Land Use Goal 1: A goal of Weber County is to reduce the overall amount and impact of future land development in the Ogden Valley planning area.

*Land Use Principle 1.1: In general, additional density should not be authorized in the Ogden Valley planning area above that allowed by current zoning. Minimal density bonuses (the exact amount to be determined by ordinance, master plan, development agreement, etc.) should only be allowed when they are granted to incentivize significant contribution to the advancement of the goals and principles found in this plan.*

*Land Use Implementation 1.1.2: Amend the Weber County Land Use Code to minimize the density bonuses available in resort areas and Planned Residential Unit Development (PRUD) in a manner that only allows minimal bonuses in order to leverage significant and meaningful advancement of the goals and principles of this plan.*

*Land Use Principle 1.5: Encourage new development to locate in areas where water and sewer service could be provided by a sewer system. Encourage clustered residential developments with smaller building lots and larger areas of open space for most subdivisions*

Residential Development Goal 1: A goal of Weber County is to provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in Ogden Valley.

*Residential Development Principle 1.1: Encourage residential development projects to incorporate a mix of housing sizes, types, and prices.*

*Residential Development Implementation 1.1.1: Revise Cluster Subdivision and PRUD ordinances to require a variety of housing types in development projects larger than [establish the unit size by ordinance]. Monitor the ordinance-established number and price variability in development projects to determine whether it is either overly burdensome on the development community or impractical in achieving the desired outcome of a mix of available housing types and price ranges, and adjust the unit threshold as necessary.*

Utilities and Public Services Goal 2: A goal of Weber County is to encourage alternatives to septic drainfield systems.

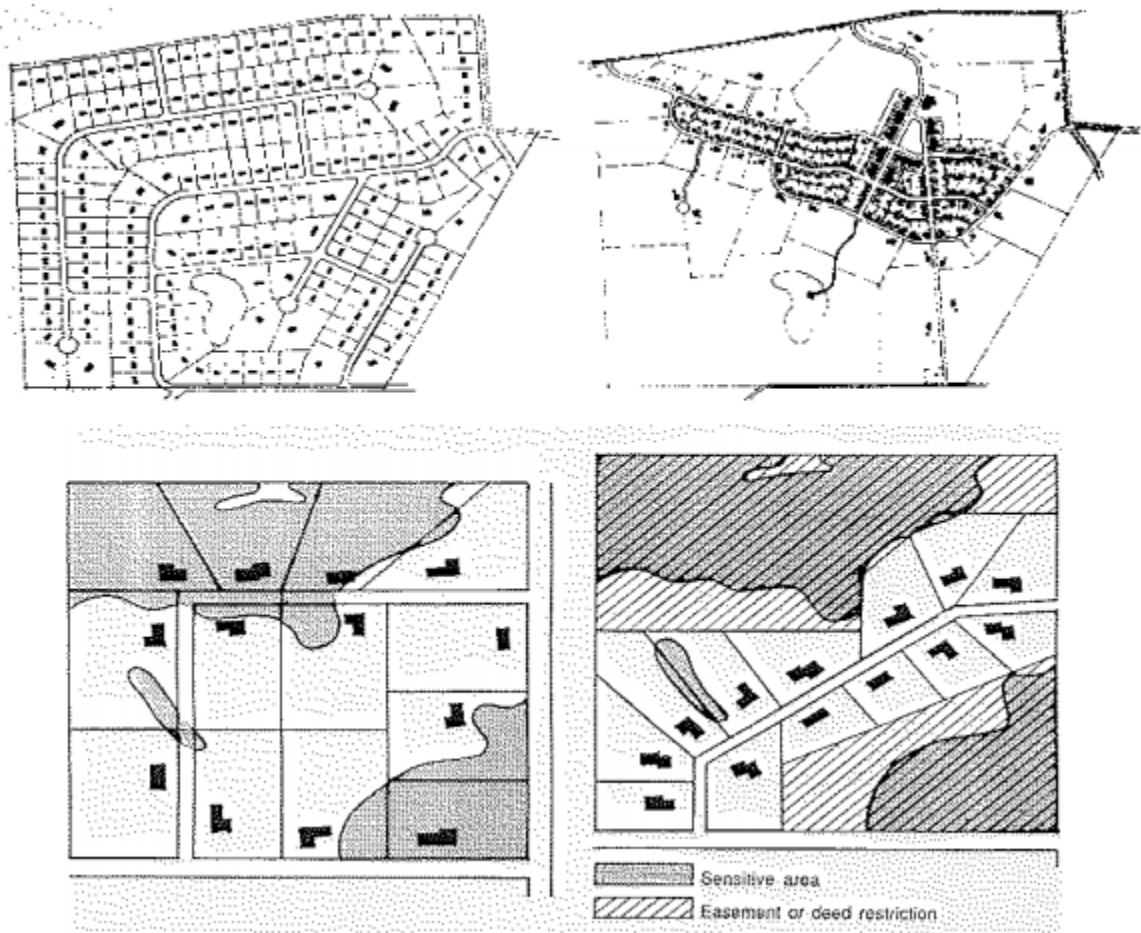
*Utilities and Public Services Principle 2.1: New developments in the village areas (reference Commercial Development Implementation 1.1.1) and the resort areas should connect to existing sewer facilities or provide limited-capacity sewage treatment facilities for identified service areas. The facilities should be designed to be expandable to accommodate additional development in the village or resort areas. New residential developments not proximate to existing sewer service areas should employ clustering and provide limited capacity advanced sewage treatment facilities.*

#### **West Central Weber General Plan:**

Policy: Pattern of Development: The existing one and two-acre zoning lends itself to a cluster subdivision pattern of development with preservation of open space. An increase in overall density is permitted in Weber County's current Cluster Subdivision Special Provision Ordinance (Chapter 22B) for preservation of open space; however, additional incentives are desired. It is anticipated that the open space and public space allocated as a result of incentive-based increased density should be useable, undeveloped, consolidated open space in the form of parks, natural areas, sensitive lands, agriculturally productive land, or other managed open space.

*Implementation Action: Create an overlay in all A-1, A-2, and A-3 zones in the West Central Weber County area. The intent is to encourage clustering, which is further explained in the following example on a 20 acre parcel.*

**Figure 3-1  
Comparison of Typical Subdivision and Cluster Subdivision Patterns**



### Past Action on this Item

On March 20, 2018 the Weber County Commission adopted a resolution indicating its intent to modify the PRUD ordinance to make it legislative instead of administrative. This resolution was intended to trigger the 'pending legislation' doctrine found in state code.

On June 27, 2018, the Ogden Valley Planning Commission made a favorable recommendation to the County Commission regarding the attached modifications to the PRUD ordinance.

On July 10, 2018, the Western Weber Planning Commission made a favorable recommendation to the County Commission regarding the attached modifications to the PRUD ordinance.

At the time both planning commissions considered the replacement overlay zone it was termed “PRUD Overlay Zone.” Staff is now recommending calling it the Master Planned Development Overlay Zone in order to create a clear distinction between the old and new.

### **Noticing Compliance**

A hearing for this item before the County Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

### **Staff Recommendation**

Staff recommends approval of the attached ordinance based on the following findings:

1. The changes are supported by the 2016 Ogden Valley General Plan and the 2003 West Central Weber General Plan.
2. The changes will provide needed support flexible and innovative development designs without locking the County in to vague administrative decision criteria.
3. The changes are necessary to provide clarity in the Land Use Code.
4. The clarifications will provide for a more efficient administration of the Land Use Code.
5. The changes are not detrimental to the general health and welfare of County residents.

### **Exhibits**

- A. Proposed PRUD Ordinance.

**WEBER COUNTY  
ORDINANCE 2020-TEMP\_MPD\_OVERLAY**

**ADOPTION OF A MASTER PLANNED DEVELOPMENT OVERLAY ZONE AND REPEAL OF  
PLANNED RESIDENTIAL UNIT DEVELOPMENT ORDINANCE**

**AN ORDINANCE REPEALING THE PLANNED RESIDENTIAL UNIT DEVELOPMENT  
(PRUD) ORDINANCE AND ADOPTING A MASTER PLANNED DEVELOPMENT (MPD)  
OVERLAY ZONE, AS WELL AS MINOR CLERICAL EDITS AND ADMINISTRATIVE CODE  
REVISIONS.**

**WHEREAS**, The Board of County Commissioners of Weber County (Board) has heretofore adopted land use regulations applicable to the unincorporated areas of the county; and

**WHEREAS**, The adopted land use regulations contain a provision for a planned residential unit development (PRUD) that the Board has determined results in ineffective and undesirable land use outcomes; and

**WHEREAS**, The BOARD is desirous to repeal the PRUD provisions and replace them with provisions that offer better legislative control over master planned communities; and

**WHEREAS**, The Board has determined that the ordinance contain herein provides a more effective means to ensure legislative control over a master planned development; and

**WHEREAS**, On June 27, 2018, the Ogden Valley Planning Commission made a favorable recommendation to the County Commission regarding the proposal to convert the PRUD ordinance to a more legislatively adopted overlay zoning ordinance;

**WHEREAS**, On July 10, 2018, the Western Weber Planning Commission made a favorable recommendation to the County Commission regarding the proposal to convert the PRUD ordinance to a more legislatively adopted overlay zoning ordinance;

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

**SECTION 1:**        **AMENDMENT** “Chapter 104-27 (Reserved)” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 104-27 (~~Reserved~~)Master Planned Development Overlay Zone MPDOZ

**SECTION 2:**        **ADOPTION** “Sec 104-27-1 Purpose And Intent” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-27-1 Purpose And Intent(*Added*)

- (a) **Purpose of master planned development.** Traditional development requirements and standards provide an important level of predictability in the outcome of various different developments produced by various different developers offering various different development products. Without them, the variability in each development is likely to create less organized development patterns of multiple smaller scale developments. The purpose and intent of a master planned development is to provide a developer with voluntary alternatives to the traditional development requirements and standards of a zone while also giving the community the benefit of removing the unpredictability of unspecified alternatives by requiring a complete land development plan that comprehensively addresses the alternative development requirements and standards.
- (b) **Purpose of master planned development overlay zone.** A master planned development overlay (MPDOZ) zone is intended to allow a legislatively adopted overlay zone that provides an avenue for the creation of a master planned development. The zone is intended to promote the diversification in the relationship of various uses and structures to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to encourage new and innovative concepts in the design of neighborhood and housing projects. To this end, the development should be planned and entitled as one complete land development plan, otherwise known as a master planned development. Phasing of the complete land development plan may occur over time if approved by the county commission and if in compliance with the entitlements of the complete land development plan.
- (c) **Deviations from requirements of underlying zone.** The application of a master planned development overlay zone to a particular property should give deference to the purpose and intent of the property's underlying zone. However, when applying this master planned development overlay zone, the approval of a master planned development may allow deviations from the purpose and intent of the underlying zone, and any standard therein, if the proposed master planned development substantially advances the implementation of a significant and meaningful general plan goal, principle, or implementation strategy. Unless explicitly specified otherwise in a development agreement or in the approved complete land development plan, development of a master planned development shall adhere to the applicable regulations, standards, and other provisions of this Land Use Code.
- (d) **Conflicts.** If any provision of an approved master planned development overlay zone or related development agreement creates an explicit conflict with any other part of this Land Use Code, the applicability of those other provisions shall be modified to the minimum extent that enables the master planned development overlay zone provisions to apply. An omission from a master planned development overlay zone shall not be construed to be an implicit conflict with any other part of this Land Use Code.

**SECTION 3:**            **ADOPTION** “Sec 104-27-2 Applicability” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-27-2 Applicability(*Added*)

- (a) **Effective date.** The effective date of this chapter is March 26, 2021.
- (b) **Allowed zones.** A master planned development overlay zone may only be considered in the following zones:
  - (1) Residential estates zones;
  - (2) Agricultural and agricultural valley zones;
  - (3) Forest, forest residential, and forest valley zones;
  - (4) Single-family, two-family and three-family residential zones;



- (5) Commercial valley resort recreation zone; and
- (6) Residential manufactured home zone.
- (c) **Nonconforming PRUD.** The adoption of this ordinance also repeals an ordinance governing the creation of a planned residential unit development (PRUD). A planned residential unit development for which an application was submitted prior to the date specified in Subsection (a) of this section is hereby a nonconforming planned residential unit development, provided the County has not adopted new regulations governing a planned residential unit development after this effective date. A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimis decision. If it is determined to not be routine or uncontested, then the applicant shall pursue the creation and approval of a master planned development overlay zone pursuant to this chapter.
- (d) **Previously existing development agreements.** Nothing in this chapter shall be construed to inhibit the entitlements of an approved development agreement executed prior to the date specified in subsection (a) of this section.

**SECTION 4:       ADOPTION** “Sec 104-27-3 Application Requirements” of the Weber County County Code is hereby *added* as follows:

#### ADOPTION

Sec 104-27-3 Application Requirements(*Added*)

An application for a master planned development overlay zone and development agreement shall be submitted to the Planning Division in a form provided by the Planning Division, together with all accompanying documents, plans, and studies required by this chapter. The application shall contain authorization from all owners of land within the property’s legal description. The following are the minimum requirements necessary to submit a complete application:

- (a) A complete land development plan, complying with the requirements of Section 104-27-4, including the following:
  - (1) A map of the general configuration of the development, together with land tabulations detailing the proposed uses of land for all areas of the project, and proposed lot or parcel development standards;
  - (2) An open space preservation plan, showing proposed uses and parcel development standards;
  - (3) A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;
  - (4) Areas reserved for public uses such as schools and playgrounds, landscaping, and recreational facilities, if applicable;
  - (5) Proposed architectural design standards, including drawings and sketches demonstrating the proposed design, character, features, and color palette of the proposed development;
  - (6) A natural hazards map, if the development is in a natural hazards study area or a known natural hazard is present onsite;
  - (7) Any proposed mappable voluntary contributions, including those proposed in pursuit of density

bonuses; and

- (8) A development phasing plan, if applicable.
- (b) A narrative clearly explaining the desired development. The narrative shall also clearly address the considerations listed in [Section 104-27-4](#).
- (c) A list of development commitments or other offerings the applicant is prepared to make to the county, and a list detailing what the development needs from the county. This list will be the initial basis for development agreement negotiation.
- (d) Base density calculations, and a tabulation and explanation of requested bonus density.
- (e) The legal description for all properties to be included in the overlay zone and development agreement, together with a general vicinity map of the rezone boundary.
- (f) Additional information as may be necessary to assist in the county's determination regarding whether the proposed development and arrangement of uses provides for a better community outcome than developing the land using the traditional development requirements and standards of the applicable zone.
- (g) An application fee.

**SECTION 5:        ADOPTION** “Sec 104-27-4 General Requirments” of the Weber County County Code is hereby *added* as follows:

#### ADOPTION

Sec 104-27-4 General Requirments(*Added*)

- (a) **Rezone and development agreement required.** Approval of a master planned development overlay zone shall follow the provisions and requirements specified herein in addition to the rezone provisions of [Title 102, Chapter 5](#). Prior to the execution or validity of a master planned development overlay zone, a development agreement that is mutually agreeable between the developer and the county shall be prepared and readied, in compliance with [Title 102, Chapter 6](#), for execution upon, or simultaneous to, adoption of the master planned development overlay zone. The development agreement shall clearly document the county’s roles and responsibilities to the developer and the developer’s roles and responsibilities to the county, and shall, at a minimum, provide any other provision necessary to effectively execute the flexible provisions of this chapter, or any other provision as may be required by the county commission or county attorney’s office. Nothing in this chapter shall be construed to entitle approval of a master planned development overlay zone or associated development agreement.
- (b) **Complete land development plan.** The development agreement shall include an complete land development plan detailing the proposed development as specified herein. No changes or alterations to the approved complete land development plan shall be made without first obtaining an amendment to the development agreement, except for landscaping as provided in subsection (c) of this section. The complete land development plan shall provide a desirable layout or, if the specific layout is to be determined later, desirable standards for the following:
  - (1) **Cluster development.** All subdivisions within a master planned development overlay zone shall comply with [Title 108, Chapter 3](#), Cluster Subdivisions, except those lot development standards as listed in paragraph (4) of this subsection. The complete land development plan shall demonstrate that the development can feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements may be granted by the county commission, after recommendation from the planning commission, if the deviation

- offers a better community outcome or better contributes to the implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
- (2) **Land use configuration.** The complete land development plan shall show the general locations of proposed land uses, including open space areas, and offer a land use inventory specifying approximate land acreage per use.
  - (3) **Street configuration.** The complete land development plan shall show, at a minimum, the general location of existing or proposed streets in the development. Streets shall offer efficient and convenient connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use, and navigation throughout the development. Streets shall offer prioritization of non-motorized transportation. The complete land development plan shall show general location of streets stubbing into an adjacent vacant property in at least one location; and as otherwise required to comply with block-width or intersection distance requirements of this land use code. At least two points of access into the development are required if it contains more than 30 residences, or less if otherwise required by the local fire or emergency services authorities.
  - (4) **Lot development standards.** The complete land development plan shall propose lot or parcel area, lot or parcel width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all lots, parcels, and open space areas that will contain development or structures.
  - (5) **Architecture design.** The complete land development plan shall provide the general architectural design of buildings and the design's relationship to the site and to the development beyond the boundaries of the master planned development.
  - (6) **Off-street parking.** The complete land development plan shall provide for complete off-street parking standards in the event that the parking standards of this Land Use Code are insufficient to accommodate the flexible provisions of this overlay zone. The design of parking areas or parking lots shall prioritize the needs and use of non-motorized modes transportation.
  - (7) **Lighting.** The complete land development plan shall provide a lighting plan, or provisions for creating a lighting plan, that complies with all requirements of [Title 108, Chapter 16](#).
  - (8) **Natural hazards and other constraints.** The complete land development plan shall show consideration for natural hazards and other environmental constraints, such as floodplains, wetlands, waterways, sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is located in a natural hazards study area, as specified in [Title 108, Chapter 22](#), or if other environmental constraints exist onsite, a natural hazards map and environmental constraints map, if applicable, shall be included as part of the complete land development plan submittal.
- (c) **Landscaping plan.** The development agreement shall include a landscaping plan that meets or exceeds the landscaping requirements found elsewhere in this land use code.
- (1) **Landscape requirements.** The landscape requirements of [Title 108, Chapter 2](#) are hereby incorporated herein and applicable in all master planned development overlay zones.
  - (2) **Financial guarantee.** No money held in the financial guarantee for the completion of landscaping of any phase of a master planned development shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwelling lots. In the case of a single-family dwelling lot, that percentage of the guarantee that is equal to that area percentage of the phase that is the single-family dwelling lot, may be released upon completion of landscaping on that lot.
  - (3) **Modifying approved landscape plan.** The application of the development agreement's landscape plan may be modified during the land use permit or building permit review process, provided that a more site-specific landscape plan is submitted with the site plan and is stamped by a licensed landscape architect, who shall certify the following:
    - a. That the area of landscaping exceeds the approved landscape plan;
    - b. That the number and quality of plants exceed the approved landscape plan;
    - c. That the functional use of vegetation, such as shade from trees or site-screening from

- bushes, meet or exceed relevant landscaping requirements of the land use code and the intent of the approved landscape plan; and
- d. That the portion of landscaping per phase exceeds the portions per phase of the approved plan.

**SECTION 6:** **ADOPTION** “Sec 104-27-5 Use Permissions And Prohibitions” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-27-5 Use Permissions And Prohibitions(*Added*)

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

**SECTION 7:** **ADOPTION** “Sec 104-27-6 Area And Residential Density Regulations” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-27-6 Area And Residential Density Regulations(*Added*)

- (a) **Area and base density:** A development in a master planned development overlay zone shall contain at least 24 dwelling units and have an area sufficient to offer a base density, as defined in Section 101-2, of 24 dwelling units, but the area shall never be less than four acres in any residential zone and ten acres in all other allowed zones. The minimum number of dwelling units may be reduced to six if the master planned development contains a minimum area of 100 acres and provides a common open space easement, as defined in Section 101-2, over at least 90 percent of the master planned development's gross acreage. The development agreement shall memorialize and entitle the base density calculation.
- (b) **Bonus density.**
- (1) **Western Weber Planning Area bonus density.** An increased number of residential lots or units

in a master planned development may be allowed by awarding bonus density to those master planned developments within the Western Weber County Planning Area in exchange for meaningful public offerings. No more than 50 percent total bonus density shall be awarded to any master planned development.

a. ***Bonus density table.*** The following table offers a guide to assist in prioritizing bonus density based on a development's offerings. After receiving a recommendation from the Planning Commission, the County Commission has legislative authority to determine final bonus density awarded. At the County Commission's discretion, these may be in place of or in addition to the bonuses already available in the cluster subdivision code. Regardless, the development's offerings shall provide a public benefit proportionate to the final awarded bonus density. The development's bonus density offerings and the county's bonus density awards shall be clearly documented and tabulated in the development agreement:

<b>OFFERING</b>	<b>BONUS DENSITY</b>
<b><i>Roadway landscape design plan.</i></b> Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	15 percent.
<b><i>Public access.</i></b> A minimum of one approved public access to public lands:	5 percent.
<b><i>HOA park.</i></b> An HOA park, open to the general public:	5 percent.
<b><i>Public park.</i></b> A park donated to and with the consent of the county, local park district, or other county approved entity:	10 percent.
<b><i>Public building.</i></b> Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	10 percent.
<b><i>Excess sewer capacity.</i></b> Development of sewer infrastructure in excess of the capacity needs of the development:	3 percent for every 10 percent capacity increase over the development's base density.
<b><i>Prime agricultural land.</i></b> Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by <a href="#">Section 101-2</a> :	One percent per acre up to 50 percent.
<b><i>Historic preservation.</i></b> Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	5 percent.
<b><i>Wildlife habitat open space easement.</i></b> A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	15 percent.
<b><i>Small neighborhood commercial.</i></b> Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a master planned development with 100 or more dwelling units.	10 percent.

- b. ***Moderate income housing bonus.*** The master planned development's base density may be increased by ten percent, regardless of the awarded bonus density as may otherwise be offered, if the development complies with the following:
1. The ten percent additional density is permanently set aside for moderate income housing as defined by Utah State Code.
  2. The moderate income housing shall be located in the interior of the development and completely surrounded by other single-family dwelling units within the development, except that open space may abut a part provided the open space is large enough to offer a sufficient buffer from existing single-

family residential uses in the area. The moderate income housing shall be generally interspersed throughout the development, and the operations and maintenance of the grounds and exterior of the buildings shall be the responsibility of an HOA that applies to the entire development. This provision does not apply to a single-family dwelling or an accessory dwelling unit.

3. The development agreement shall offer an effective, efficient, and industry best-practice supported method for guaranteeing and enforcing perpetual affordability for moderate-income households. Any method used, such as a moderate-income housing deed restriction, shall limit the sale or rental of the moderate income housing to a household with an income at or below 80 percent of the county median income;
4. A final subdivision plat shall identify and label a lot or dwelling unit set aside for moderate-income housing, and provide a note on the final subdivision plat explaining the nature of the housing restriction and the method by which occupancy and moderate-income affordability will be regulated.

(2) **Ogden Valley Planning Area bonus density.** A master planned development overlay zone should create no new density entitlements in the Ogden Valley. A master planned development overlay zone may be designated as a receiving area for transferrable development rights or a similar density transfer program. The development agreement shall clearly specify the logistics of such a program.

**SECTION 8: REPEAL** “Chapter 108-5 Planned Residential Unit Development (PRUD)” of the Weber County County Code is hereby *repealed* as follows:

#### REPEAL

##### Sec 108-5-1 Definitions

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

*Common open space* means land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use and enjoyment of the residents of the PRUD.

*Common open space easement* means a required right of use granted to the county by the owner of a planned residential unit development, on and over land in a planned residential unit development designated as common open space, which easement guarantees to the county that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open green space purposes in accordance with the plans and specifications approved by the planning commission and county commission at the time of approval of the PRUD or as such plans are amended from time to time with the approval of the county commission.

*Planned residential unit development (PRUD)* means a development in which the regulations of the zone, in which the development is situated, are waived to allow flexibility and initiative in site, building design and location in accordance with an approved plan and imposed general requirements.

(Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

#### Sec 108-5-2 Purpose And Intent

- (a) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.
- (b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.

(Ord. of 1956, § 22D-2; Ord. No. 98-4)

#### Sec 108-5-3 Permitted Zones

A planned residential unit development shall be permitted as a conditional use in all forest, agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter set forth shall be applicable if any conflict exists.

(Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

#### Sec 108-5-4 Use Requirements

- (a) An overall development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common area and other open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.
- (b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.
- (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:
  - (1) That the area of landscaping area exceeds the approved landscape plan;
  - (2) That the number and quality of plants exceed the approved landscape plan;
  - (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;
  - and
  - (4) That all requirements of the Land Use Code have been met.

No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to



that portion of the phase represented by the dwelling, may be released.

- (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code.

(Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; Ord. No. 2014-18, Exh. A, 6-17-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-13, Exh. A, 9-27-2016)

#### Sec 108-5-5 Area And Residential Density Regulations

- (a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.
- (b) The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same zone in which the PRUD is located. Land used for schools, churches, other nonresidential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.
- (c) Notwithstanding section 108-5-5(b), the county may, at its discretion, allow for an increased number of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries:
  - (1) In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a maximum bonus density of ten percent based on an accumulation of any combination of the following:
    - a. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.
    - b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.
    - c. If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.
    - d. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density may be granted.
  - (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:
    - a. If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.
    - b. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (c)(2).

- c. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted.
  - d. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
  - e. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.
  - f. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:
    - 1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;
    - 2. Identify and label, on the final plat, the lots set aside as affordable housing lots; and
    - 3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.
  - g. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:
    - 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.
    - 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
    - 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.
    - 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.
    - 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.
  - h. If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.
  - i. If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.
  - j. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
  - k. If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.
- (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD

beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD and, when such determination justifies such inclusion, the planning commission shall allow the transfer of units. In making this determination, the planning commission shall be guided by the following factors:

- (1) The physical relationship of the proposed common areas to the developable areas of the PRUD shall be such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
- (2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be physically integrated into the development design.
- (3) The lands must be suitable for and possess the capability for housing development.
- (4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones and 30 percent or more in all other zones shall not be classified as developable land and shall not be considered when determining the number of allowable units in a proposed PRUD.

(Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15; Ord. No. 2016-13, Exh. A, 9-27-2016)

**Editor's note**—Ord. No. 2016-13, Exh. A, adopted Sept. 27, 2016, amended the catchline of § 108-5-5 from "Area regulations" to read as herein set out.

#### Sec 108-5-6 General Requirements

- (a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- (b) The property adjacent to the planned residential unit development shall not be detrimentally affected without the county imposing reasonable conditions or, in the absence of appropriate natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.
- (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- (d) The county commission may, at its discretion and after receiving a recommendation from the planning commission, consider and approve a plan that provides for ownership, preservation, maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows:
  - (1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures.
    - a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.
    - b. For open space dedicated as individually owned preservation parcels, the site plan shall

identify locatable building envelopes within which all existing and future buildings must be located.

(2) *Ownership.*

- a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium Ownership Act, or § 57-8a-101 et seq., the Community Association Act.
- b. Other open space parcels, consisting of five acres or more, may be owned individually.
  1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.
  2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same PRUD.
  3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:
    - i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and
    - ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.
    - iii. A notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

(3) *Preservation.*

- a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.
- b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).
- c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:
  1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;
  2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;
  3. Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and
  4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.
- e. The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

(4) *Guarantee of open space improvements.*

- a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.
- b. The county shall require an applicant to deposit a financial guarantee for all open space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete all improvements according to the approved phasing component of an open space preservation plan.

(5) *Maintenance.* The open space parcel owner, whether an individual or an association, shall use, manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement executed under subsection (3).

(Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15; Ord. No. 2016-13, Exh. A, 9-27-2016)

Sec 108-5-7 Submission Of Application

- (a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.
- (b) Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

(Ord. of 1956, § 22D-7; Ord. No. 2016-13, Exh. A, 9-27-2016)

Sec 108-5-8 Planning Commission Consideration

In considering the proposed planned residential unit development, the planning commission shall consider:

- (a) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
- (b) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- (c) The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.
- (d) Lighting and the size, location, design, and quality of signs.
- (e) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general

- plan proposals of the county as being a desirable future residential density.
- (f) The demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

(Ord. of 1956, § 22D-8; Ord. No. 98-4; Ord. No. 2016-13, Exh. A, 9-27-2016)

#### Sec 108-5-9 Planning Commission Action

The planning commission, after considering applicable codes and any anticipated detrimental effects, may recommend an approval, recommend an approval with conditions, or recommend denial of the PRUD to the county commission.

(Ord. of 1956, § 22D-9; Ord. No. 98-4; Ord. No. 2016-13, Exh. A, 9-27-2016)

#### Sec 108-5-10 County Commission Action

The county commission, after holding a public meeting, may approve or disapprove the application for a PRUD. If approving an application, the county commission may attach conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county commission, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in which it is proposed.

(Ord. of 1956, § 22D-10; Ord. No. 98-4; Ord. No. 2016-13, Exh. A, 9-27-2016)

#### Sec 108-5-11 Land Use Permit Issuance

The planning division shall not issue any land use permit for any proposed building, structure, or use within the project unless such building, structure, or use complies with the approved plans and any conditions imposed. Approved development plans shall be filed with the planning division, building inspector and county engineer.

(Ord. of 1956, § 22D-11; Ord. No. 2016-13, Exh. A, 9-27-2016)

**Editor's note**—Ord. No. 2016-13, Exh. A, adopted Sept. 27, 2016, amended the catchline of § 108-5-11 from "Building permit issuance" to read as herein set out.

#### Sec 108-5-12 Time Limit

Unless substantial action has been taken, leading toward completion of a PRUD or an approved phase thereof, within a period of 18 months from the date of approval, the approval shall expire unless an extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located. Reserved open space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project.

(Ord. of 1956, § 22D-12; Ord. No. 98-4; Ord. No. 2016-13, Exh. A, 9-27-2016)

### ~~Chapter 108-5 Planned Residential Unit Development (PRUD) (Repealed)~~

#### ~~Sec 108-5-1 Definitions (Repealed)~~

#### ~~Sec 108-5-2 Purpose And Intent (Repealed)~~

#### ~~Sec 108-5-3 Permitted Zones (Repealed)~~

#### ~~Sec 108-5-4 Use Requirements (Repealed)~~

~~See 108-5-5 Area And Residential Density Regulations (Repealed)~~

~~See 108-5-6 General Requirements (Repealed)~~

~~See 108-5-7 Submission Of Application (Repealed)~~

~~See 108-5-8 Planning Commission Consideration (Repealed)~~

~~See 108-5-9 Planning Commission Action (Repealed)~~

~~See 108-5-10 County Commission Action (Repealed)~~

~~See 108-5-11 Land Use Permit Issuance (Repealed)~~

~~See 108-5-12 Time Limit (Repealed)~~

**SECTION 9:**        **ADOPTION** “Chapter 108-5 (Reserved)” of the Weber County County Code is hereby *added* as follows:

#### ADOPTION

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

**SECTION 10:**        **AMENDMENT** “Sec 102-5-4 Application Requirements” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 102-5-4 Application Requirements

- (a) A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.
- (b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:
  - (1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
  - (2) A proposed rezone to any zone may be required to be accompanied by a concept development plan, may be required in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan.
  - (3) Letters of feasibility from the appropriate state or county agencies for water and wastewater.
  - (4) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
  - (5) The applicant shall provide a narrative addressing the following information:
    - a. How is the change in compliance with the general plan?
    - b. Why should the present zoning be changed to allow this proposal?
    - c. How is the change in the public interest?
    - d. What conditions and circumstances have taken place in the general area since the general plan was adopted to warrant such a change?

- e. How does this proposal promote the health, safety and welfare of the inhabitants of the county?
- f. Project narrative describing the project vision.
- (c) Destination and recreation resort zone supplementary requirements.
  - (1) Due to the anticipated scale and potential impact of a destination and recreation resort on the county and other surrounding areas, additional information, shall be required to accompany any application submitted for consideration of a destination and recreation resort zone approval. The additional information shall consist of the following:
    - a. Concept development plan showing sensitive land areas as described/mapped in [Title 104, Chapter 28](#), Ogden Valley Sensitive Lands Overlay [Districts Zone](#).
    - b. Traffic impact analysis.
    - c. Cost benefit analysis.
    - d. Recreation facilities plan.
    - e. Seasonal workforce housing plan.
    - f. Emergency services plan including a letter of feasibility from the Weber fire district and Weber County sheriff's office.
    - g. Letter of feasibility from the electrical power provider.
    - h. Density calculation table showing proposed density calculations.
    - i. Thematic renderings demonstrating the general vision and character of the proposed development.
  - (d) All documents submitted as part of the application shall be accompanied by a corresponding PDF formatted file.

(Ord. of 1956, § 35-4; Ord. No. 2009-29)

**SECTION 11: AMENDMENT** “Sec 104-1-1 Establishment Of Zones” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-1-1 Establishment Of Zones

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

Residential Estates Zone	RE-15
Residential Estates Zone	RE-20
Gravel Zone	G
Agricultural Zone	A-1
Agricultural Zone	A-2
Agricultural Zone	A-3
Agricultural Valley Zone	AV-3
Forestry Zone	F-5
Forestry Zone	F-10
Forestry Zone	F-40



Forest Valley Zone	FV-3
Shoreline Zone	S-1
Commercial Valley Resort Recreation Zone	CVR-1
Residential Zone	R-1-12
Residential Zone	R-1-10
Forest Residential Zone	FR-1
Residential Zone	R-2
Residential Zone	R-3
Forest Residential Zone	FR-3
Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6
Commercial Zone (Neighborhood)	C-1
Commercial Zone (Limited)	C-2
Commercial Zone (Business District)	C-3
Commercial, Valley Zone	CV-1
Commercial, Valley Zone	CV-2
Manufacturing Zone	M-1
Manufacturing Zone	M-2
Manufacturing Zone	M-3
Manufacturing Valley	MV-1
Open Space Zone	O-1
<u>Master Planned Development Overlay Zone</u>	<u>MPDOZ</u>
Ogden Valley Sensitive Lands Overlay <u>Zone</u> <del>Distriets</del>	SLOZ <del>D</del>
Ogden Valley Destination and Recreation Resort Zone	DRR-1
Large Solar Energy System Overlay Zone	SOZ

(Ord. of 1956, § 2-1; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09; Ord. No. 2019-2, Exh. A, 2-5-2019)

**SECTION 12:** AMENDMENT “Chapter 104-2 (Reserved)” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 104-2 (~~Reserved~~) Agricultural Zones

**SECTION 13:**        **ADOPTION** “Sec 104-2-1 Purpose And Intent\*” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-2-1 Purpose And Intent\*(*Added*)

- (a) The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:
  - (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
  - (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
  - (3) Direct orderly low-density residential development in a continuing rural environment.
- (b) The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.
- (c) The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

**SECTION 14:**        **ADOPTION** “Sec 104-2-2 Preferred Use\*” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-2-2 Preferred Use\*(*Added*)

Agriculture is the preferred use in all agricultural zones. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

**SECTION 15:**        **ADOPTION** “Sec 104-2-3 Land Use Table\*” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-2-3 Land Use Table\*(*Added*)

The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

- (a) *Accessory uses.* An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Accessory building</b> , accessory and incidental to the use of a main building.	P	P	P	P	-
<b>Accessory dwelling unit.</b>	P	P	P	P	See <a href="#">Chapter 108-19</a> .
<b>Accessory use</b> , accessory and incidental to the main use.	P	P	P	P	-
<b>Custom exempt meat cutting</b> , accessory to a residential use.	C	N	N	N	See <a href="#">Section 104-2-4</a> , 5-acre use.
<b>Family food production</b> , accessory to a residential use.	P	P	P	P	See <a href="#">Section 104-2-4</a> .
<b>Home occupation</b> , accessory to a residential use.	P	P	P	P	See <a href="#">Chapter 108-13</a> .
<b>Household pets</b> , accessory to a residential use.	P	P	P	P	-
<b>Main building</b> , designed or used to accommodate the main use.	P	P	P	P	-
<b>Parking lot</b> , accessory to a main use allowed in the zone.	P	P	P	P	-
<b>Parking of large vehicle</b> , accessory to residential use.	C	C	C	C	See <a href="#">Section 104-2-4</a> , 5-acre use.
<b>Parking of construction vehicle.</b>	C	C	C	C	See <a href="#">Section 104-2-4</a> , 5-acre use.
<b>Sugar beet loading or collection station.</b>	C	N	P	P	-
<b>Sugar beet dump site.</b>	N	N	P	P	-
<b>Temporary building or use</b> , accessory and incidental to onsite construction work.	P	P	P	P	-

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

	<u>AV-3</u>	<u>A-1</u>	<u>A-2</u>	<u>A-3</u>	<u>Special Provisions</u>
<b>Agriculture.</b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<b>Agricultural experiment station.</b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<b>Aquaculture.</b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<b>Fruit or vegetable stand, for produce grown on the premises only.</b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<b>Fruit and vegetable storage and packing plant, for produce grown on premises.</b>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>5-acre use.</u>
<b>Grain storage elevator.</b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>5-acre use.</u>
<b>Greenhouse and nursery. Sales are limited to plants produced on the premises.</b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<b>Laboratory facility, for agricultural products and soils testing.</b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<b>Manure spreading, drying and sales.</b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	-

(c) ***Animal-related noncommercial uses.*** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Apiary.</b>	P	P	P	P	-
<b>Aviary.</b>	P	P	P	P	-
<b>Chinchilla raising.</b>	P	P	P	P	-
<b>Corral, stable or building for keeping animals or fowl.</b>	P	P	P	P	See <a href="#">Section 104-2-4.</a>
<b>Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.</b>	P	P	P	P	5-acre use.
<b>Dairy or creamery.</b>	N	N	N	P	5-acre use.
<b>Dog breeding, dog kennels, or dog training school.</b>	C	C	C	N	See <a href="#">Section 104-2-4.</a> 2-acre use.
<b>Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.</b>	P	P	P	P	5-acre use.
<b>Farm for the raising and grazing of horses, cattle, sheep or goats.</b>	P	P	P	P	See <a href="#">Section 104-2-4.</a> 5-acre use.
<b>Fur farm.</b>	N	N	N	P	5-acre use.
<b>Hog farm, small.</b>	P	P	P	P	See <a href="#">Section 104-2-4.</a> 5-acre use.
<b>Hog farm, large.</b>	N	N	N	C	See <a href="#">Section 104-2-4.</a> 5-acre use.
<b>Livestock feed or sales yard.</b>	N	N	N	C	-
<b>Stable, noncommercial.</b> Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	-
<b>Slaughterhouse.</b>	N	N	N	C	-
<b>Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.</b>	C	C	C	C	5-acre use.
<b>Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.</b>	C	C	C	C	-

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

	<u>AV-3</u>	<u>A-1</u>	<u>A-2</u>	<u>A-3</u>	<u>Special Provisions</u>
<b>Agri-tourism.</b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	See <a href="#">Chapter 108-21</a> .
<b>Airport.</b>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	-
<b>Animal hospital or clinic.</b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	-
<b>Campground and picnic area.</b>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	See <a href="#">Chapter 108-20</a> .
<b>Cannabis production establishment, as defined by state code.</b>	<u>N</u>	<u>N</u>	<u>P</u>	<u>C</u>	See <a href="#">Section 108-7-34</a> .
<b>Child day care.</b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<b>Circus or transient amusement.</b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<b>Equestrian training and stable facilities.</b> No more than ten horses per acre of land used for horses.	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>5-acre use.</u>
<b>Golf course, except miniature golf course.</b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<b>Golf driving range.</b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>5-acre use.</u>
<b>Greenhouse and nursery.</b> Sales are limited to plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care, and the growing and sale of sod.	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	-
<b>Gun club.</b>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>5-acre use.</u>
<b>Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.</b>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	-
<b>Outdoor recreation club activities, for horse riding, bow and arrow shooting, snowmobiling, etc.</b>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	-
<b>Stables.</b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>5-acre use.</u>
<b>Skeet shooting range.</b>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>5-acre use.</u>
<b>Turf horse jumping course.</b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	-

(e) Institutional uses.

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Dog pound.</b>	N	N	N	P	5-acre use.
<b>Cemetery.</b>	P	P	P	P	-
<b>Convalescent or rest home.</b>	P	P	P	P	-
<b>Correctional institution.</b>	N	N	C	C	-
<b>Church, synagogue or similar building used for regular religious worship.</b>	P	P	P	P	-
<b>Educational/institutional identification sign.</b>	C	C	C	C	-
<b>Hospital.</b>	N	N	N	P	5-acre use.
<b>Public building.</b>	P	P	P	P	-
<b>Public park, recreation grounds and associated buildings.</b>	P	P	P	P	-
<b>Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.</b>	P	P	P	P	-
<b>Public storage facilities</b> developed by a public agency.	C	C	C	C	See <a href="#">Chapter 108-10</a> .
<b>Sanitarium.</b>	N	N	C	P	-
<b>School bus-parking</b> , provided the vehicle is parked at least 30 feet from a public street.	C	C	C	C	-

(f) **Residential uses.**

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Residential facility for elderly persons.</b>	P	P	P	P	See <a href="#">Section 108-7-15</a> .
<b>Residential facility for handicapped persons.</b>	P	P	P	P	See <a href="#">Section 108-7-13</a> .
<b>Residential facility for troubled youth.</b>	C	C	C	C	See <a href="#">Section 108-7-14</a> .
<b>Single-family dwelling.</b>	P	P	P	P	-
<b>Two-family dwelling.</b>	N	P	NP	NP	2-acre use.

(g) **Recreational noncommercial uses.** The following are recreational uses that are typically owned or operated by a nonprofit or governmental entity.

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Campground and picnic area.</b>	N	N	C	C	See <a href="#">Chapter 108-20</a> .
<b>Equestrian training and stable facilities, noncommercial.</b> No more than five horses per acre.	C	C	N	N	5-acre use.
<b>Private park, playground or recreation area.</b> No privately owned commercial amusement business.	P	P	P	P	-

(h) Utility uses.

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Public utility substations.</b>	C	C	C	C	-
<b>Radio or television station or tower.</b>	C	C	C	C	-
<b>Wastewater treatment or disposal facilities.</b>	C	C	C	C	-
<b>Small wind energy system.</b>	C	C	C	C	-

(i) Other uses.

	AV-3	A-1	A-2	A-3	Special Regulations
<b>Mines, quarries, gravel pits,</b> when in compliance with the Weber County Excavation and Clean Fill Ordinance.	N	N	C	C	-

(j) Development types.

	AV-3	A-1	A-2	A-3	Special Regulations
<b>Cluster subdivision.</b>	P	P	P	P	See <a href="#">Chapter 108-3</a> .

**SECTION 16: ADOPTION** “Sec 104-2-4 Special Regulations \*” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 104-2-4 Special Regulations \*(*Added*)



The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-5-3. Due to the nature of the use, each shall be further regulated as follows:

- (a) Corral, stable or building for keeping animals or fowl. This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (b) Custom exempt meat cutting. This use shall be limited to animals that are part of one or more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, completely enclosed within a building with no outdoor storage, and located on and with access directly from a collector or arterial street.
- (c) Dog breeding, dog kennels, or dog training school. This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (d) Family food production.
  - (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.
  - (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.
  - (3) No more than six combined Group A animals and sets of Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined Group A and sets of Group B animals or fowl may be kept per each additional acre greater than two.
- (e) Hog farm.
  - (1) Hog farm, small. This use is limited to not more than ten hogs, more than 16 weeks old. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises.
  - (2) Hog farm, large. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises. All pens and housing for hogs shall be concrete and maintained in a sanitary manner. Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.
- (f) Raising and grazing of horses, cattle, sheep or goats. This use shall not include the supplementary or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or slaughterhouse except when in compliance with the following:
  - (1) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;
  - (2) It may only be carried on during the period of September 15 through April 15;
  - (3) It shall not closer than 300 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and
  - (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.
- (g) Parking of construction vehicle. The off-site for-profit nonagricultural use of the construction vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the same lot or parcel on which it is parked, or the owner or operator's employee. This use shall:
  - (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
  - (2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural use;
  - (3) Include no more than one three-axle truck, and no pups.
- (h) Parking of large vehicle. This use shall be restricted to one vehicle, no greater than 24,000 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt from these restrictions.
- (i) Temporary building or use. The building or use shall be removed upon completion or abandonment of the construction work.

**SECTION 17: AMENDMENT** “Sec 104-2-5 Site Development Standards” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-2-5 Site Development Standards

The following site development standards apply to a lot or parcel in the agricultural zones, unless specified otherwise in this Land Use Code.

(a) Lot area:

	AV-3	A-1	A-2	A-3
Minimum for single-family dwelling:	3 acres	40,000 square feet	40,000 square feet	2 acres
<u>Minimum for other use:</u>			<u>2 acres</u>	
<u>Minimum for 2-acre use:</u>			<u>2 acres</u>	
<u>Minimum for 5-acre use:</u>	<u>5 acres</u>	<u>5 acres</u>	<u>5 acres</u>	<u>5 acres</u>

(b) Lot width:

	AV-3	A-1	A-2	A-3
Minimum lot width:	<u>150 feet</u>	150 feet	150 feet	<u>150 feet</u>
<u>Minimum for 2 and 5-acre use:</u>	<u>300 feet</u>	<u>300 feet</u>	<u>300 feet</u>	<u>300 feet</u>

(c) Yard setback:

(1) Front yard setback:

	AV-3	A-1	A-2	A-3
Minimum front yard setback:	30 feet	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>

(2) Side yard setback:

	AV-3	A-1	A-2	A-3
<u>Minimum for dwelling:</u>	<u>10 feet with total width of 2 side yards not less than 24 feet</u>			
<u>Minimum for other main building:</u>	<u>20 feet</u>			
<u>Minimum for side facing street on corner lot:</u>	<u>20 feet</u>			
<u>Minimum for accessory building:</u>	<u>10 feet except 1 foot if located at least 6 feet in rear of main building</u>			
<u>Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials: See <a href="#">Section 108-7-16</a>.</u>				

(3) Rear yard setback:

	AV-3	A-1	A-2	A-3
<u>Main building:</u>	30 feet			
<u>Accessory building:</u>	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot			

(d) Building height:

	AV-3	A-1	A-2	A-3
<u>Minimum main building height:</u>	1 story			
<u>Maximum main building height:</u>	35 feet			
<u>Maximum accessory building height:</u>	25 feet unless meeting requirements of Section 108-7-16, Large accessory buildings			

**SECTION 18:** **REPEAL** “Chapter 104-5 Agricultural Zone A-1” of the Weber County County Code is hereby *repealed* as follows:

**REPEAL**

Sec 104-5-1 Purpose And Intent

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

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

(Ord. of 1956, § 5-1; Ord. No. 7-76)

Sec 104-5-2 Agriculture Preferred Use

Agriculture is the preferred use in Agriculture Zone A-1. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

(Ord. of 1956, § 5-1a; Ord. No. 7-76; Ord. No. 6-80)

Sec 104-5-3 Permitted Uses

The following uses are permitted in Agriculture Zone A-1:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19. Agriculture, agricultural experiment station; apiary; aviary; aquarium.

- (c) Animals or fowl kept for family food production as an accessory use.
- (d) Cemetery; chinchilla raising, convalescent or rest home.
- (e) Church, synagogue or similar building used for regular religious worship.
- (f) Cluster subdivision in accordance with this Land Use Code.
- (g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (h) Fruit or vegetable stand for produce grown on the premises only.
- (i) Golf course, except miniature golf course.
- (j) Greenhouse, and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (k) Home occupations.
- (l) Household pets.
- (m) Parking lot accessory to uses allowed in this zone.
- (n) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (o) Private stables; horses for private use only, provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (p) Public building; public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (q) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (r) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (s) Single-family dwelling.
- (t) Sugar beet loading or collection station.
- (u) Temporary buildings or use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5-2; Ord. No. 7-76; Ord. No. 12-91; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

#### Sec 104-5-4 Permitted Uses Requiring Two Acres Minimum Lot Area

The following uses requiring two acres minimum lot area are permitted: Two-family dwelling.

(Ord. of 1956, § 5-3; Ord. No. 7-76)

#### Sec 104-5-5 Permitted Uses Requiring Five Acres Minimum Lot Area

The following uses requiring two acres minimum lot area are permitted:

- (a) Dairy farm and milk processing and sale provided at least 50 percent of milk processed and sold is produced on the premises.
- (b) Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
- (c) Fruit and vegetable storage and packing plant for produce grown on premises.
- (d) The keeping and raising of not more than ten hogs, more than 16 weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
- (e) The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse shall:
  - (1) Not exceed a density of 25 head per acre of used land;
  - (2) Be carried on during the period of September 15 through April 15 only;
  - (3) Be not closer than 300 feet to any dwelling, public or semi-public building on an adjoining

- parcel of land; and
- (4) Not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.

(Ord. of 1956, § 5-4; Ord. No. 9-65; Ord. No. 7-76; Ord. No. 2008-31)

#### Sec 104-5-6 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) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (b) Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of two acres and not exceeding ten dogs of more than ten weeks old, per acre, at any time; provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (c) Child day care.
- (d) Circus or transient amusement.
- (e) Educational/institutional identification sign.
- (f) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
- (g) Planned residential unit development in accordance with title 108, chapter 5.
- (h) Private park, playground or recreation grounds and buildings not open to the general public and to which no admission charge is made, but not including private owned commercial amusement business.
- (i) Private equestrian training and stable facilities on a minimum of five acres of land and at a density of not more than ten horses per acre.
- (j) Public equestrian training and stable facilities on a tract of land with a minimum of ten acres in area and at a density of not more than five horses per acre.
- (k) Public storage facilities developed by a public agency and meeting requirements of title 108, chapter 10.
- (l) Public utility substations.
- (m) Radio or television station or tower.
- (n) Raising and slaughtering of rabbits limited to a maximum of 500 rabbits at any one time.
- (o) School bus-parking, provided the vehicle is parked at least 30 feet from a public street.
- (p) Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five acres.
- (q) The overnight parking of not more than one vehicle other than an automobile, light truck or recreational vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least 50 feet from a public street.
- (r) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
- (s) Wastewater treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- (t) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- (u) Laboratory facility for agricultural products and soils testing.
- (v) Small wind energy system.

(Ord. of 1956, § 5-5; Ord. No. 3-72; Ord. No. 16-72; Ord. No. 7-76; Ord. No. 11-77; Ord. No. 4-79; Ord. No. 7-81; Ord. No. 3-84; Ord. No. 10-87; Ord. No. 30-85; Ord. No. 6-92; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 97-8; Ord. No. 99-9; Ord. No. 2008-8; Ord. No. 2008-31; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2012-19, pt. 3(§ 5-5), 12-18-2012)

Sec 104-5-7 Site Development Standards

The following site development standards apply to the A-1 zone:

(a) Lot area:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum lot area:	40,000 square feet	As specified by the use

(b) Lot width:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum lot width:	150 feet	150 feet

(c) Yard Setbacks:

(1) Front yard setbacks:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum front yard setback	30 feet	30 feet

(2) Side yard setback:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum for dwelling	10 feet with total width of 2 side yards not less than 24 feet	
Minimum for other main building	20 feet on each side	20 feet on each side
Minimum for accessory building	10 feet except 1 foot if located at least 6 feet in rear of main building	
Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials	See section 108-7-16.	
Minimum for side facing street on corner lot	20 feet	20 feet

(3) Rear yard setback:

	PERMITTED USES AND CONDITIONAL USES	PERMITTED USES REQUIRING 2 AND 5 ACRES
Main building	30 feet	30 feet
Accessory building	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot	

(d) Building height:

	PERMITTED USES AND CONDITIONAL USES	PERMITTED USES REQUIRING 2 AND 5 ACRES
Minimum main building height	1 story	1 story
Maximum main building height	35 feet	35 feet
Maximum accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings	

*Editors note: the formatting of this section is different than that found in the adopting ordinance. Inconsistencies or errors resulting from reformatting are to be resolved using the formatting of the adopting ordinance.*

#### Sec 104-5-8 Sign Regulations

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

(Ord. of 1956, § 5-7; Ord. No. 7-76)

~~Chapter 104-5 Agricultural Zone A-1 (Repealed)~~

~~See 104-5-1 Purpose And Intent (Repealed)~~

~~See 104-5-2 Agriculture Preferred Use (Repealed)~~

~~See 104-5-3 Permitted Uses (Repealed)~~

~~See 104-5-4 Permitted Uses Requiring Two Acres Minimum Lot Area (Repealed)~~

~~See 104-5-5 Permitted Uses Requiring Five Acres Minimum Lot Area (Repealed)~~

~~See 104-5-6 Conditional Uses (Repealed)~~

~~See 104-5-7 Site Development Standards (Repealed)~~

~~See 104-5-8 Sign Regulations (Repealed)~~

**SECTION 19:** **REPEAL** “Chapter 104-6 Agricultural Valley AV-3 Zone” of the Weber County County Code is hereby *repealed* as follows:

## REPEAL

### Sec 104-6-1 Purpose And Intent

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

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

(Ord. of 1956, § 5B-1)

### Sec 104-6-2 Agriculture Preferred Use

Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

(Ord. of 1956, § 5B-1a)

### Sec 104-6-3 Permitted Uses

The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets which do not constitute a kennel.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only and provided that not more than two horses may be kept for each 20,000 square feet of area devoted exclusively to the keeping of the horses.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Temporary buildings for use incidental to construction work. Such building shall be removed upon



completion or abandonment of the construction work.

(Ord. of 1956, § 5B-2; Ord. No. 2015-7, Exh. A, 5-5-2015)

#### Sec 104-6-4 Permitted Uses Requiring Five Acres Minimum Lot Area

The following uses requiring five acres minimum lot area are permitted in the Agricultural Valley, AV-3 Zone:

- (a) Dairy farm and milk processing and sale provided at least 50 percent of milk processed and sold is produced on the premises.
- (b) Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
- (c) Fruit and vegetable storage and packing plant for produce grown on premises.
- (d) The keeping and raising of not more than ten hogs more than 16 weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
- (e) The raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse shall:
  - (1) Not exceed a density of 25 head per acre of used;
  - (2) Be carried on during the period of September 15 through April 15 only;
  - (3) Be not closer than 200 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and
  - (4) Not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.

(Ord. of 1956, § 5B-3)

#### Sec 104-6-5 Conditional Uses

The following uses shall be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

- (a) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (b) Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of three acres and not exceeding ten dogs of more than ten weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
  - (1) Animal hospital or clinic, or dog training school on a minimum of three acres and not exceeding ten dogs of more than ten weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
  - (2) Dog breeding and dog kennels on a minimum of two acres, on a legal nonconforming lot, as an accessory use to a single family dwelling, limited to ten dogs of more than ten weeks old. Any building or enclosure for the dogs shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence.
- (c) Child day care.
- (d) Circus or transient amusement.
- (e) Custom exempt meat cutting limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game:
  - (1) Located on and with access directly from a collector or arterial road;
  - (2) The operation shall be located within a completely enclosed building with no outdoor storage;

- (3) Accessory to a dwelling;
- (4) Located on a five-acre parcel.
- (f) Educational/institutional identification sign.
- (g) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
- (h) Laboratory facility for agricultural products and soils testing.
- (i) Petting zoo where accessed by a collector road as shown on the county road plan.
- (j) Planned residential unit development in accordance with title 108, chapter 4 of this Land Use Code.
- (k) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.
- (l) Private equestrian training and stable facilities on a minimum of five acres of land and at a density of not more than ten horses per acre of land devoted exclusively to the keeping of the horses.
- (m) Public equestrian training and stable facilities on a tract of land with a minimum of ten acres in area and at a density of not more than five horses per acre.
- (n) Public storage facilities developed by a public agency and meeting requirements of title 108, chapter 10.
- (o) Public utility substations.
- (p) Radio or television station or tower.
- (q) Raising and slaughtering of rabbits limited to a maximum of 500 rabbits at any one time.
- (r) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- (s) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (t) Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five acres.
- (u) Sugar beet loading or collection station.
- (v) The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence, provided that the vehicle is parked at least 50 feet from a public street.
- (w) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
- (x) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- (y) Small wind energy system.

(Ord. of 1956, § 5B-4; Ord. No. 99-9; Ord. No. 2007-2; Ord. No. 2008-8; Ord. No. 2008-31; Ord. No. 2010-20; Ord. No. 2012-10, § 5B-4, 7-3-2012; Ord. No. 2012-19, pt. 4(§ 5B-4), 12-18-2012)

#### Sec 104-6-6 Site Development Standards

The following site development standards shall apply to the Agricultural Valley, AV-3 Zone:

	<b>Permitted and Conditional Uses</b>	<b>Permitted Uses Requiring 5 Acres Minimum</b>
Minimum lot area		
Single-family dwelling	3 acres	
Other	3 acres	5 acres
Minimum lot width	150 feet	300 feet
Minimum yard setbacks		
Front	30 feet	30 feet
Side		
Dwelling	10 feet with total width of 2 side yards not less than 24 feet	
Other main building	20 feet each side	20 feet each side
Accessory building	10 feet except 1 foot if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials.	See section 108-7-16	
Side, facing street	20 feet	20 feet
Rear		
Main building	30 feet	30 feet
Accessory building	1 ft. except 10 ft. where accessory building on a corner lot rears on side yard of an adjacent lot	
Main building height		
Minimum	1 story	1 story
Maximum	35 feet	35 feet
Accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings.	

(Ord. of 1956, § 5B-5; Ord. No. 8-2002; Ord. No. 2009-14)

Sec 104-6-7 Permitted Signs

The height, size and location of permitted commercial signs shall be in accordance with the regulations set forth in title 110, chapter 2, Ogden Valley Signs.

(Ord. of 1956, § 5B-6)

~~Chapter 104-6 Agricultural Valley AV-3 Zone (Repealed)~~

~~See 104-6-1 Purpose And Intent (Repealed)~~

~~See 104-6-2 Agriculture Preferred Use (Repealed)~~

~~See 104-6-3 Permitted Uses (Repealed)~~

~~See 104-6-4 Permitted Uses Requiring Five Acres Minimum Lot Area (Repealed)~~

~~See 104-6-5 Conditional Uses (Repealed)~~

~~See 104-6-6 Site Development Standards (Repealed)~~

~~See 104-6-7 Permitted Signs (Repealed)~~

**SECTION 20:**        **REPEAL** “Chapter 104-7 Agricultural A-2 Zone” of the Weber County County Code is hereby *repealed* as follows:

## REPEAL

Sec 104-7-1 Purpose And Intent

The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

(Ord. of 1956, § 6-1; Ord. No. 7-76)

Sec 104-7-2 Agriculture Preferred Use

Agriculture is the preferred use in Agriculture Zone A-2. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

(Ord. of 1956, § 6-1a; Ord. No. 7-76)

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (c) Animals or fowl kept for family food production as an accessory use.
- (d) Cannabis production establishment, as defined by state code, but restricted to a cannabis cultivation facility only. Compliance with Section 108-7-34 is required.
- (e) Cemetery,
- (f) Chinchilla raising.
- (g) Convalescent or rest home
- (h) Church, synagogue or similar building used for regular religious worship.
- (i) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (j) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less

than 100 feet from a public street and not less than 25 feet from any rear or side lot line.

- (k) Fruit or vegetable stand for produce grown on the premises only.
- (l) Golf course, except miniature golf course.
- (m) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (n) Home occupations—with no visiting clientele.
- (o) Household pets.
- (p) Parking lot accessory to uses allowed in this zone.
- (q) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (r) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- (s) Public building.
- (t) Public park, recreation grounds and associated buildings.
- (u) Public school.
- (v) Privateprivate education institution having a curriculum similar to that ordinarily given in public schools.
- (w) Single-family dwelling.
- (x) Sugar beet loading or collection station and dump sites.
- (y) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 6-2; Ord. No. 7-76; Ord. No. 96-35; Ord. No. 2015-7, Exh. A, 5-5-2015)

#### Sec 104-7-4 Permitted Uses Requiring Five Acres Minimum Lot Area

The following uses requiring five acres minimum lot area are permitted in the Agriculture Zone A-2:

- (a) Dairy farm and milk processing and sale provided at least 50 percent of milk processed and sold is produced on the premises.
- (b) Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
- (c) Fur farm.
- (d) Golf driving range.
- (e) Grain storage elevators.
- (f) The keeping and raising of not more than ten hogs more than 16 weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
- (g) Public stables.
- (h) The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse shall:
  - (1) Not exceed a density of 40 head per acre of used land;
  - (2) Be carried on during the period of September 15 through April 15 only;
  - (3) Be not closer than 200 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
  - (4) Not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.

(Ord. of 1956, § 6-3; Ord. No. 9-65; Ord. No. 7-76; Ord. No. 8-84; Ord. No. 2008-31)

#### Sec 104-7-5 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) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (b) Airports, private and commercial.
- (c) Animal hospital or clinic; dog breeding, dog kennels, or dog training school, on a minimum of two acres and not exceeding ten dogs of more than ten weeks old, per acre, at any time; provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (d) Child day care.
- (e) Circus or transient amusement.
- (f) Commercial campgrounds and picnic areas meeting the requirements of title 108, chapter 20 (forest campgrounds).
- (g) Correctional institution.
- (h) Educational/institutional identification sign.
- (i) Gun club; greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide, and insecticide products, tools for garden and lawn care and the growing and sale of sod.
- (j) Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.
- (k) Mines, quarries, gravel pits in accordance with Weber County Excavation and Clean Fill Ordinance.
- (l) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
- (m) Planned residential unit development in accordance with title 108, chapter 4 of this Land Use Code.
- (n) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.
- (o) Private equestrian training and stable facilities on a minimum of five acres of land and at a density of not more than ten horses per acre.
- (p) Public storage facilities developed by a public agency and meeting requirements of title 108, chapter 10.
- (q) Public utility substations.
- (r) Radio or television station or tower.
- (s) Raising and slaughtering of rabbits limited to a maximum of 500 rabbits at any one time.
- (t) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.
- (u) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (v) Rodeo grounds.
- (w) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (x) Skeet shooting range; sanitariums.
- (y) Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five acres.
- (z) The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least 50 feet from a public street.
- (aa) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
- (ab) Turf horse jumping course.
- (ac) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- (ad) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- (ae) Commercial soil composting, manufacture, and sales on a minimum of ten acres.
- (af) Laboratory facility for agricultural products and soils testing.

(ag) Small wind energy system.

(Ord. of 1956, § 6-1; Ord. No. 3-72; Ord. No. 7-76; Ord. No. 11-77; Ord. No. 7-81; Ord. No. 18-84; Ord. No. 30-85; Ord. No. 16 86; Ord. No. 12-91; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-35; Ord. No. 96-42; Ord. No. 97-8; Ord. No. 2008-31; Ord. No. 2009-14; Ord. No. 2009-14; Ord. No. 2012-19, pt. 5(§ 6-4), 12-18-2012)

Sec 104-7-6 Site Development Standards

The following site development standards apply to the A-2 zone:

(a) Lot area:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum for single-family dwelling:	40,000 square feet	Not applicable
Minimum for other use:	2 acres	5 acres

(b) Lot width:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum lot width:	150 feet	300 feet

(c) Yard Setbacks:

(1) Front yard setbacks:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum front yard setback	30 feet	30 feet

(2) Side yard setback:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum for dwelling	10 feet with total width of 2 side yards not less than 24 feet	
Minimum for other main building	20 feet on each side	20 feet on each side
Minimum for accessory building	10 feet except 1 foot if located at least 6 feet in rear of main building	
Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials	See section 108-7-16.	
Minimum for side facing street on corner lot	20 feet	20 feet

(3) Rear yard setback:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Main building	30 feet	30 feet
Accessory building	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot	

(d) Building height:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 2 AND 5 ACRES</b>
Minimum main building height	1 story	1 story
Maximum main building height	35 feet	35 feet
Maximum accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings	

*Editors note: the formatting of this section is different than that found in the adopting ordinance. Inconsistencies or errors resulting from reformatting are to be resolved using the formatting of the adopting ordinance.*

Sec 104-7-7 Permitted Signs

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

(Ord. of 1956, § 6-6; Ord. No. 7-76)

~~Chapter 104-7 Agricultural A-2 Zone (Repealed)~~

~~Sec 104-7-1 Purpose And Intent (Repealed)~~



~~See 104-7-2 Agriculture Preferred Use (Repealed)~~

~~See 104-7-3 Permitted Uses (Repealed)~~

~~See 104-7-4 Permitted Uses Requiring Five Acres Minimum Lot Area (Repealed)~~

~~See 104-7-5 Conditional Uses (Repealed)~~

~~See 104-7-6 Site Development Standards (Repealed)~~

~~See 104-7-7 Permitted Signs (Repealed)~~

**SECTION 21:**        **REPEAL** “Chapter 104-8 Agricultural Zone A-3” of the Weber County County Code is hereby *repealed* as follows:

## REPEAL

Sec 104-8-1 Purpose And Intent

The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

(Ord. of 1956, § 7-1)

Sec 104-8-2 Agriculture Preferred Use

Agriculture is the preferred use in Agriculture Zone A-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone.

(Ord. of 1956, § 7-1a; Ord. No. 6-80)

Sec 104-8-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station, apiary; aviary.
- (d) Animals or fowl kept for food production as an accessory use; animal hospital or clinic, dog breeding, dog kennel, dog training school, provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (e) Cemetery, chinchilla raising, convalescent or rest home.
- (f) Church, synagogue, or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (h) Corral, stable, or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery with no retail shop operation.

- (l) Home occupations.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only, and provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building, public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Single-family dwelling.
- (s) Sugar beet loading or collection station and dump sites.
- (t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 7-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

#### Sec 104-8-4 Permitted Uses Requiring Five Acres Minimum Lot Area

The following uses requiring five acres minimum lot area are permitted in the Agriculture Zone A-3:

- (a) Dairy or creamery.
- (b) Dairy farm and milk processing and sale provided at least 50 percent of milk processed and sold is produced on the premises.
- (c) Dog pound.
- (d) Farms devoted to the hatching, raising, fattening, slaughtering, dressing and marketing of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver hatched or raised on the premises.
- (e) Fur farm.
- (f) Golf driving range.
- (g) Grain storage elevators.
- (h) The keeping and raising of not more than ten hogs, more than 16 weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
- (i) Public stables.
- (j) The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary of full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse, shall:
  - (1) Not exceed a density of 40 head per acre of used land;
  - (2) Be carried on during the period of September 15 through April 15 only;
  - (3) Be not closer than 200 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
  - (4) Not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.
- (k) Riding academies.
- (l) Sanitariums and hospitals.

(Ord. of 1956, § 7-3)

#### Sec 104-8-5 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) Agri-tourism; meeting the requirements of title 108, chapter 21.

- (b) Airports, private and commercial.
- (c) Cannabis production establishment, as defined by state code, in compliance with Section 108-7-34.
- (d) Child day care.
- (e) Circus or transient amusements.
- (f) Commercial campgrounds and picnic areas meeting the requirements of title 108, chapter 20.
- (g) Commercial soil composting manufacture and sale.
- (h) Correctional institution.
- (i) Educational/institutional identification sign.
- (j) Hog ranch, provided that no person shall feed any hogs any market refuse, home refuse, garbage or offal other than that produced on the premises, all pens and housing for hogs shall be concrete and maintained in a sanitary manner and drainage structures and disposal of animal waste shall be provided and properly maintained as required by the building inspector and health officer.
- (k) Horse racing and training track, cutter-racing track, including indoor concessions as an accessory use.
- (l) Livestock feed or sales yard.
- (m) Manure spreading, drying and sales.
- (n) Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.
- (o) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
- (p) Planned residential unit development in accordance with title 108, chapter 5.
- (q) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.
- (r) Public storage facility developed by a public agency and meeting requirements of title 108, chapter 10.
- (s) Public utility substations.
- (t) Radio or television station or tower.
- (u) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.
- (v) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (w) Rodeo grounds.
- (x) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (y) Slaughterhouse.
- (z) Stockyards.
- (aa) The overnight parking or not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence, provided that the vehicle is parked at least 50 feet from a public street.
- (ab) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
- (ac) Turf horse jumping course.
- (ad) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- (ae) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- (af) Gun club with five-acre minimum parcel.
- (ag) Skeet Shooting Range with 5 acre minimum parcel.
- (ah) Laboratory facility for agricultural products and soils testing.
- (ai) Small wind energy system.

Sec 104-8-6 Site Development Standards

The following site development standards apply to the A-3 zone:

- (a) Lot area:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 5 ACRES</b>
Minimum lot area:	2 acres	5 acres

(b) Lot width:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 5 ACRES</b>
Minimum lot width:	150 feet	300 feet

(c) Yard Setbacks:

(1) Front yard setbacks:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 5 ACRES</b>
Minimum front yard setback	30 feet	30 feet

(2) Side yard setback:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 5 ACRES</b>
Minimum for dwelling	10 feet with total width of 2 side yards not less than 24 feet	
Minimum for other main building	20 feet on each side	20 feet on each side
Minimum for accessory building	10 feet except 1 foot if located at least 6 feet in rear of main building	
Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials	See section 108-7-16.	
Minimum for side facing street on corner lot	20 feet	20 feet

(3) Rear yard setback:

	<b>PERMITTED USES AND CONDITIONAL USES</b>	<b>PERMITTED USES REQUIRING 5 ACRES</b>
Main building	30 feet	30 feet
Accessory building	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot	

(d) Building height:

	PERMITTED USES AND CONDITIONAL USES	PERMITTED USES REQUIRING 5 ACRES
Minimum main building height	1 story	1 story
Maximum main building height	35 feet	35 feet
Maximum accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings	

*Editors note: the formatting of this section is different than that found in the adopting ordinance. Inconsistencies or errors resulting from reformatting are to be resolved using the formatting of the adopting ordinance.*

Sec 104-8-7 Sign Regulations

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

(Ord. of 1956, § 7-6)

~~Chapter 104-8 Agricultural Zone A-3 (Repealed)~~

~~Sec 104-8-1 Purpose And Intent (Repealed)~~

~~Sec 104-8-2 Agriculture Preferred Use (Repealed)~~

~~Sec 104-8-3 Permitted Uses (Repealed)~~

~~Sec 104-8-4 Permitted Uses Requiring Five Acres Minimum Lot Area (Repealed)~~

~~Sec 104-8-5 Conditional Uses (Repealed)~~

~~Sec 104-8-6 Site Development Standards (Repealed)~~

~~Sec 104-8-7 Sign Regulations (Repealed)~~

**SECTION 22: AMENDMENT** “Sec 104-3-5 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-3-5 Conditional Uses

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

- (a) Child day care or nursery.
- (b) Educational/institutional identification sign.
- (c) Private park, playground or recreation grounds and buildings not open to the general public and to

which no admission is made but not including privately owned commercial amusement business. ~~Planned residential unit development in accordance with title 108, chapter 5 of this Land Use Code.~~

- (d) Public utility substation.
- (e) Residential facilities for handicapped persons meeting the requirements of section 108-7-13 of this Land Use Code.
- (f) Residential facility for elderly persons meeting the requirements of section 108-7-15 of this Land Use Code.
- (g) Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.
- (h) Small wind energy system.

(Ord. of 1956, § 3-5; Ord. No. 3-72; Ord. No. 7-76; Ord. No. 2-79; Ord. No. 28-82; Ord. No. 16-86; Ord. No. 12-91; Ord. No. 14-92; Ord. No. 9-93; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-35; Ord. No. 96-42; Ord. No. 2008-8; Ord. No. 2009-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2011-2, § 3-5, 1-18-2011)

**SECTION 23: AMENDMENT** “Sec 104-9-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

##### Sec 104-9-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in this Land Use Code:

- (a) Agri-tourism, in the Forest-5 Zone, subject to the requirements of the Weber County Agri-Tourism Ordinance.
- (b) Cemeteries. Churches.
- (c) Forest industries; production of forest products.
- (d) Dams.
- (e) Educational/Institutional identification sign.
- (f) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber County Excavation Ordinance.
- ~~(g) Planned Residential Unit Development in accordance with this Land Use Code.~~
- (h) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County. Dude ranches.
- (i) Public utility substations and transmission lines.
- (j) Radio and television towers.
- (k) Ski resorts.
- (l) Skeet and trap shooting ranges as an accessory use to public and/or private camps in the F-5 and F-10 Zones.
- (m) Skeet and trap shooting ranges in the F-40 Zones.
- (n) Water pumping plants and reservoirs.
- (o) Wastewater treatment or disposal facilities meeting the requirements of the Utah State Department of Environmental Quality Division of Water Quality but not including individual water disposal systems.
- (p) Recreation lodge.
- (q) Conference/education center.
- (r) Heliport in the F-40 Zone subject to the following standards:
  - (1) A heliport must be located on a single parcel of record which is not less than 40 acres in area.

- (2) A heliport must be located at an elevation of at least 6,200 feet above sea level.
- (3) A heliport must be located at least 200 feet from any property line. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the property line provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.
- (4) The heliport landing surface must be dust-proof and free from obstructions.
- (5) Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.

(Ord. of 1956, § 8-4; Ord. No. 3-72; Ord. No. 16-72; Ord. No. 6-88; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-21; Ord. No. 2000-10; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2012-1, § 2, 1-3-2012; Ord. No. 2013-33, pt. 1, 12-17-2013; Ord. No. 2014-14, 5-20-2014)

**SECTION 24:            AMENDMENT** “Sec 104-11-4 Conditional Uses” of the Weber County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 104-11-4 Conditional Uses

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in title 108, chapter 4 of this Land Use Code:

- (a) Beer parlor, sale of draft beer.
- (b) Bed and breakfast inn.
- (c) Bed and breakfast hotel.
- (d) Recreation lodge.
- (e) Dry cleaning pickup station.
- (f) Dwelling unit, when a part of a recreation resort development.
- (g) Recreation resort complex.
- (h) Horse rentals (up to ten horses per acre, if stabled), horse feed store and haystack yard.
- (i) Indoor facilities for rental to clubs, private groups, parties and organizational groups for recreation activities, including dancing.
- (j) Liquor store.
- (k) Medical/dental office.
- (l) Outfitters base camp.
- (m) Pet grooming and supply store.
- (n) Public utility substations.
- (o) Real estate office.
- (p) Ski equipment, snowmobile, boat, and bicycle rentals.
- (q) Outdoor skating rink (ice or roller).
- (r) Skateboarding course.
- (s) Snowmobile and Nordic ski trails.
- (t) Equestrian trails.
- (u) Public parks.
- (v) Golf courses, including miniature golf as part of a recreation resort.
- (w) Conference/education center.
- (x) Condominium rental apartment, including lockout rooms.
- (y) Gazebo, pavilion.

- (z) Time share condominiums including lockout rooms.
- (aa) Travel agency.
- ~~(ab) Planned residential unit development (PRUD) as part of a recreation resort complex subdivision, where part of a PRUD in a recreation resort complex.~~
- (ac) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.
- (ad) Residential property rental and management agency for recreation resort complexes.
- (ae) Off road vehicle and recreation equipment sales and service, and rental.
- (af) Service stations.
- (ag) Ski resort and ski schools.
- (ah) Hotel/motel, including lockout rooms.
- (ai) Restaurants, including those with drive-up windows.
- (aj) Accessory uses to the above listed.
- (ak) Brewpub.
- (al) Reception/banquet facilities.

(Ord. of 1956, § 9C-4; Ord. No. 2001-16; Ord. No. 2006-20; Ord. No. 2006-24; Ord. No. 2013-31, § 2, 12-10-2013; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2015-19, § 1, 12-1-2015)

**SECTION 25: AMENDMENT** “Sec 104-11-6 Minimum Lot Area, Width And Yard Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-11-6 Minimum ~~Lot Area, Width And Yard Regulations~~ 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: ~~A minimum of a 2.5 acre site, with the following minimum area requirement for uses within that site:~~

USE	AREA
<u>Condominium rental apartment or other lodging use that provides nightly or longer lodging:</u>	<u>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.</u>
<u>Dwelling unit, if approved as part of a PRUD overlay zone:</u>	<u>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.</u>
<u>Lockout sleeping room:</u>	<u>500 square feet of overall net developable area.</u>
<u>Other uses:</u>	<u>None.</u>

- ~~(b) Condominium rental apartments, dwellings, multifamily dwellings, and/or other uses providing nightly or longer term lodging, per building 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units. Lockout sleeping room, 500 square feet. Other uses: none.~~
- (c) **Width.** 150-foot-foot minimum frontage overall project development width is required, as measured at



the yard setback and the street frontage.

- (d) **Yard setback.** The minimum yard setbacks from the overall project development boundary are as follows:-

YARD	SETBACK
Front:	30 feet
Side:	20 feet minimum, except as otherwise required by this or any other county ordinance.
Rear:	20 feet minimum, except as otherwise required by this or any other county ordinance.

- (e) ~~Front: 30 feet minimum.  
Side: 20 feet minimum, except as otherwise required by this or any other county ordinance. Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~
- (f) **Building height.** The maximum height for a building shall be 50 feet. ~~Conditional use permit is required if over 25 feet in height.~~

(Ord. of 1956, § 9C-6; Ord. No. 2006-24)

**SECTION 26: AMENDMENT** “Sec 104-12-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-12-3 Conditional Uses

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

- (a) Educational/institutional identification sign.
- ~~(b) Planned residential unit development in accordance with title 108, chapter 5 of this Land Use Code.~~
- (c) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (d) Public utility substations.
- (e) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (f) Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.

(Ord. of 1956, § 10-3; Ord. No. 3-72; Ord. No. 16-86; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 2009-15; Ord. No. 2010-20)

**SECTION 27: AMENDMENT** “Sec 104-13-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-13-3 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) Bed and breakfast dwelling, subject to the following standards:
  - (1) Two parking spaces shall be provided for the host family plus one space for each guest room;
  - (2) Proprietor or owner shall occupy the property;
  - (3) Meals shall only be served to overnight guests;
  - (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
  - (5) Not more than two guests sleeping rooms per dwelling;
  - (6) Allowed only in existing dwellings with no exterior additions nor change in residential character; and
  - (7) Business license shall be obtained.
- (b) Bed and breakfast inn, subject to the following standards and criteria:
  - (1) Proprietor or owner shall occupy the premises;
  - (2) Not more than seven sleeping rooms per inn.
  - (3) The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in width;
  - (4) The lot shall have frontage on a major street as shown on the county general plan (state highway or county major street);
  - (5) The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose of a bed and breakfast inn;
  - (6) The inn shall be at least 300 feet from the nearest existing dwelling;
  - (7) Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
  - (8) The guest parking shall be in the rear of the inn;
  - (9) Meals shall be served to registered overnight guests only;
  - (10) Signs are limited to one nameplate or one identification sign of not more than eight square feet in area;
  - (11) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan;
  - (12) The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
  - (13) A business license shall be obtained;
  - (14) All units to be in one building together with owner's residence.
- (c) Church, synagogue or similar permanent building used for regular religious worship.
- (d) Educational institution, with five acre minimum lot size.
- (e) Educational/institutional identification sign.
- (f) Golf course, except miniature golf.
- (g) Parking lot accessory to uses permitted in this zone.
- ~~(h) Planned residential unit development in accordance with title 108, chapter 5 of this Land Use Code.~~
- (i) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (j) Public building, public park, recreation grounds and associated buildings.
- (k) Public utility substations.
- (l) Ski resorts, including summer skateboard activities as an accessory use.
- (m) Water storage reservoir developed by a public agency.

(Ord. of 1956, § 12-3; Ord. No. 3-72; Ord. No. 19-77; Ord. No. 15-86; Ord. No. 9-90; Ord. No. 14-92; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-23; Ord. No. 2003-2; Ord. No. 2010-20)

**SECTION 28:            AMENDMENT** “Sec 104-14-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

## AMENDMENT

### Sec 104-14-3 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) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (b) Bed and Breakfast dwelling subject to the following standards:
  - (1) Two parking spaces shall be provided for the host family plus one space for each guest room;
  - (2) Proprietor or owner shall occupy the property;
  - (3) Meals shall only be served to overnight guests;
  - (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
  - (5) Not more than two guests sleeping rooms per dwelling;
  - (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
  - (7) Business license shall be obtained.
- (c) Bed and breakfast inn subject to the following standards and criteria:
  - (1) Proprietor or owner shall occupy the premises;
  - (2) Not more than seven sleeping rooms per inn;
  - (3) The lot shall be at least three acres in area with frontage on a public street of at least 250 feet in width;
  - (4) The lot shall have frontage on a major street as shown on the county master plan (state highway or county major street);
  - (5) The inn shall be at least 300 feet from the nearest existing dwelling;
  - (6) Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
  - (7) The guest parking shall be in the rear of the Inn;
  - (8) Meals shall be served to registered overnight guests only;
  - (9) Signs are limited to one name plate or one identification sign of not more than eight square feet in area;
  - (10) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan.
  - (11) The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
  - (12) A business license shall be obtained;
  - (13) All units to be in one building together with owner's residence.
- (d) Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75 participants and not more than four events held per calendar month, and only when conducted as an accessory use to an approved bed and breakfast inn.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Educational/institutional identification sign.
- (h) Golf course, except miniature golf.
- (i) Parking lot accessory to uses permitted in this zone.
- ~~(j) Planned residential unit development in accordance with title 108, chapter 5 of the Land Use Code.~~
- (k) Private park, playground or recreation area, but not including privately owned commercial amusement business.
  - (l) Public building, public park, recreation grounds and associated buildings.
- (m) Public utility substations.
- (n) Recreation lodge.

- (o) Ski resorts, including summer skateboard activities as an accessory use.
- (p) Water pumping plants and reservoirs.
- (q) Recreation lodge.
- (r) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.

(Ord. of 1956, § 12B-3; Ord. No. 2003-2; Ord. No. 2004-9; Ord. No. 2007-7; Ord. No. 2010-20; Ord. No. 2012-19, pt. 7(§ 12B-3), 12-18-2012)

**SECTION 29:**        **AMENDMENT** “Sec 104-15-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-15-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code.

- (a) Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- (b) Educational/institutional identification signs.
- ~~(c) Planned residential unit development, in accordance with title 108, chapter 5 of this Land Use Code.~~
- (d) Private park, playground, or recreation area, but not including privately owned commercial amusement business.
- (e) Public utility substations.
- (f) Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.

(Ord. of 1956, § 13-3; Ord. No. 3-72; Ord. No. 7-78; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 2010-20)

**SECTION 30:**        **AMENDMENT** “Sec 104-16-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-16-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108 of this Land Use Code.

- (a) Bachelor and/or bachelorette dwelling with 25 or more dwelling units.
- (b) Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- (c) Day care center.
- (d) Educational/institutional identification signs.
- (e) Group dwellings with 25 or more dwelling units in accordance with section 108-7-11 of this Land Use Code.

- (f) Multiple-family dwelling with 25 or more dwelling units.
- (g) Nursing home.
- ~~(h) Planned residential unit development, in accordance with title 108, chapter 5 of this Land Use Code.~~
- (i) Private park, playground, or recreation area, but not including privately owned commercial amusement business.
- (j) Public utility substations.
- (k) Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.

(Ord. of 1956, § 14-3; Ord. No. 3-72; Ord. No. 7-78; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 2010-20)

**SECTION 31:        AMENDMENT** “Sec 104-17-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

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) Nightly rental.
- ~~(h) Planned residential unit development in accordance with title 108, chapter 5.~~
- (i) Private park, playground and/or recreation area, but not including privately owned commercial amusement business.
- (j) Public buildings, public park, recreation grounds and associated buildings.
- (k) Public utility substations.
- (l) Time share building.
- (m) Recreation lodge.
- (n) Conference/education center.

(Ord. of 1956, § 15-3; Ord. No. 6-89; Ord. No. 9-81; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-29; Ord. No. 2010-20)

**SECTION 32:        AMENDMENT** “Sec 104-19-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-19-2 Permitted Uses

The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Manufactured home (double wide or wider) in an approved manufactured home subdivision, ~~or manufactured home PRUD.~~ ~~(A S~~ single wide ~~s~~ with or without ~~a~~ room expansions ~~s~~ or extensions ~~s~~ ~~are~~ ~~is~~ prohibited.)
- (c) Temporary building or use incidental to construction work. Such building shall be removed within six months upon completion or abandonment of the construction work.

(Ord. of 1956, § 17B-2; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 33:            AMENDMENT** “Sec 104-19-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-19-3 Conditional Uses

- (a) Manufactured home subdivision in accordance with the site development standards prescribed by the Weber County Subdivision Ordinance.
- ~~(b) Manufactured home PRUD in accordance with the site development standards and planned residential unit development chapter of this Land Use Code.~~
- (c) Public utility substations.

(Ord. of 1956, § 17B-3; Ord. No. 96-42)

**SECTION 34:            AMENDMENT** “Sec 104-19-4 Site Development Standards” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-19-4 Site Development Standards

The following site development standards apply to the Residential Manufactured Home Zone RMH-1-6:

- (a) *Minimum area:* ~~four acres for manufactured home PRUD.~~ Four acres for manufactured home subdivision.
- (b) *Minimum lot size:* 6,000 square feet for interior lots; 7,000 square feet for corner lots.
- (c) *Minimum lot width:* 60 feet for interior lots. 70 feet for corner lots.
- (d) *Minimum yard setbacks.*
  - (1) Front: 15 feet, except for lots on the periphery of a manufactured home subdivision abutting a different land use. In such cases, a greater setback may be required as part of the conditional use permit review of the subdivision.
  - (2) Side:
    - a. Manufactured home: five feet each side, from property line to support post of awning ten feet from property line to side of manufactured home. For lots on the periphery of a manufactured subdivision abutting a different land use a greater setback may be required as part of conditional use permit review.
    - b. Accessory building: five feet.

- (3) Side facing street on corner lot: 15 feet.
- (4) Rear:
  - a. Manufactured home: 15 feet.
  - b. Accessory building: one foot except five feet where accessory building rears on side yard of adjacent lot.
- (e) *Lot coverage.* No main structure or accessory structures shall cover more than 60 percent of the lot area.
- (f) *Main building height.*
  - (1) Minimum: one story.
  - (2) Maximum: one story or 14 feet.
- (g) *Accessory building height:* 25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings.

(Ord. of 1956, § 17B-4; Ord. No. 2002-8; Ord. No. 2009-14)

**SECTION 35:        AMENDMENT** “Sec 104-19-5 Special Provisions For Manufactured Home Subdivisions And PRUDs” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-19-5 Special Provisions For Manufactured Home Subdivisions ~~And PRUDs~~

- (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and anchored to a permanent concrete foundation constructed to county standards.
- (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home. Said spaces shall be located in an area that could be covered by a carport or within which a garage could legally be built. Required parking spaces may be in tandem but may not be located in the front yard setback.
- (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted to be located in a manufactured home subdivision.
- (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.
- (e) A land use permit and a building permit shall be required before a manufactured home is located on a lot in a manufactured home subdivision ~~or PRUD.~~
- (f) Each manufactured home shall meet construction standards as defined herein and as specified by the Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

(Ord. of 1956, § 17B-5)

**SECTION 36:        AMENDMENT** “Chapter 104-28 Ogden Valley Sensitive Lands Overlay Districts” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Chapter 104-28 Ogden Valley Sensitive Lands Overlay ~~Districts~~Zone

**SECTION 37:            AMENDMENT** “Sec 104-29-2 Development Standards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-29-2 Development Standards

- (a) *General design and layout.* A destination and recreation resort shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multifamily dwellings.
- (b) *Minimum area.* The minimum area requirement for a Destination and recreation resort shall be 1,000 contiguous acres located within the Ogden Valley. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.
- (c) *Maximum permitted units.* Current zoning is not considered when determining the maximum number of dwelling units allowed within a destination and recreation resort zone. The maximum number of units allowed within the zone (resort) shall be dependent upon; (1) an applicant's willingness to acquire and/or transfer development rights to the resort; (2) an applicant's desire to accrue additional discretionary units in the form of transfer incentive matching units (TIMUs) and/or density bonus units (DBUs); and (3) an applicant's ability to demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning.
  - (1) The preservation of open space and the maintenance of the Ogden Valley's rural character and its natural systems are very important goals, therefore, it shall be required that an applicant make an initial transfer of development rights, to the resort, from elsewhere within the valley. This initial transfer will establish a base number of units, referred to as transferred base units (TBUs), that may be used in a request to receive additional transfer incentive matching units (TIMUs) and/or density bonus units (DBUs). These units, requested in addition to the TBUs, are an alternative source of development rights and are considered to be performance based units that may be awarded through a resort's voluntary participation in the transfer incentive and bonus unit options listed below. These options are intended to provide flexibility and the voluntary means of increasing resort development rights through thoughtful and effective mitigation of resort development impacts and supporting Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs, the units transferred to the resort shall be from an elevation of 6,200 feet and below unless located within an important wildlife habitat area and/or ridgeline area as defined by the Weber County Zoning Ordinance. Units transferred from an elevation above of 6,200 feet are permitted; however, those units, excepting those located with an important wildlife area and/or ridgeline area, shall not be eligible to receive TIMUs and/or DBUs. Refer to sections 104-29-3, 104-29-4 and 104-29-5 of this chapter for transferable development right eligibility and procedures for calculating and transferring units to a destination and recreation resort zone.
  - (2) In the event that a previously approved master planned resort makes application to become (or makes application to amend) a destination and recreation resort zone, the resort may retain the remaining dwelling unit rights associated with a previously approved and executed zoning development agreement given that the resort can meet all other requirements of this chapter and demonstrate a substantial public benefit while exhibiting an exceptional vision and development plan superior to that allowed by current or conventional zoning. If a previously



approved master planned resort chooses to increase densities beyond what remains as part of a previously approved and executed zoning development agreement, the resort shall be obligated to acquire and incorporate additional contiguous acreage into its boundary and/or acquire additional density in the form of transferable development rights, transfer incentive matching units and/or density bonus units.

- a. Density related to additional acreage, brought into the resort, shall be calculated in conformance with the standards found in section 104-29-4, with the exception of those in subsections 104-29-4(a)(6) and (7).
- b. Density related to additional acreage, brought into the resort, which is the subject of a previously approved master plan, zoning development agreement and/or other agreement with Weber County, relating to (or calculating) density, shall be calculated consistent with terms and conditions set forth in the previously approved master plan or agreement. Other (density and non-density) terms and conditions may, at the discretion of the Ogden Valley Planning Commission and Weber County Commission, be altered, modified or otherwise amended and included in any rezone approval in order to promote the health, safety and welfare of the residents of Weber County.
- c. Density related to transferable development rights shall be calculated in conformance with the standards found in sections 104-29-3 through 104-29-6.

(d) *Transfer incentive matching units.* Each transferred base unit (TBU) that qualifies to receive transfer incentive matching units shall only be applied to one of the following six categories:

- (1) For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or other parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39, and 2200 North Street) surrounding the Reservoir, Weber County may match that number at a rate ranging from 0.0—2.0 units to each transferred unit depending upon the percentage of units transferred as shown in the table below. To be eligible to receive the matching units associated with these parcels, the transferring parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element and shall be subject to the following table:

Percentage of Units Transferred from Parcel	Match
Less than 40%	0.0
40% to 55%	1.25
56% to 70%	1.5
71% to 85%	1.75
86% to 100%	2.0

- (2) For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline of Pineview Reservoir, Weber County may match that number at a rate of three units to each transferred unit. To be eligible to receive the matching units associated with these parcels, the following two conditions must be met:
  - a. All units, except one unit for every five acres within the parcel, shall be transferred.
  - b. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element.
- (3) For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within the important wildlife area, as shown on the adopted Ogden Valley Sensitive Lands Map, Weber County may match that number at a rate of 2.0 units to each transferred unit.
- (4) For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within a ridge line area that skylines as viewed from any scenic corridor at a

distance of less than 2.5 miles, (as described in the adopted Ogden Valley Sensitive Lands Ordinance), Weber County may match that number at a rate of 2.0 units to each transferred unit.

- (5) For every unit transferred to a resort from an area not previously listed but lying below an elevation of 5,500 feet, Weber County may match that number at a rate of 1.5 units to each transferred unit.
  - (6) For every unit transferred to a resort from any other areas within Ogden Valley, with the exception of units transferred from an elevation of 6,200 feet and above, Weber County may match that number at a rate of 1.0 unit to each transferred unit.
- (e) *Density bonus units.* Any bonus units awarded by Weber County shall be calculated by multiplying the total of all TBUs plus the number of transfer incentive units earned, by a bonus percentage that is based upon an accumulation of each of the listed bonus options. The maximum bonus percentage shall not exceed 60 percent.
- (1) Develop a resort that can demonstrate (based upon substantial evidence and by means of a professional and empirical study) how it meets the purpose and intent of this chapter (e.g., utilize sustainable design practices that mitigate development impacts, preserve open space and convey a sense of stewardship for the land, contribute to the surrounding community's character and economic well-being, diversify and enhance quality public recreational opportunities); up to a ten percent bonus may be granted.
  - (2) Develop a resort that can demonstrate, (based upon substantial evidence and by means of a professionally prepared traffic impact analysis) that, due to proposed transferring of development rights to the resort, an 80 percent reduction in (potential) future traffic congestion throughout the Ogden Valley and/or at key intersections such as the SR39/SR158 (spillway) intersection, SR158/Highway 162 (Eden four-way stop) intersection and the SR39/Highway 166 (Huntsville Crossroads) intersection will occur; up to a ten percent bonus may be granted.
  - (3) For an additional ten percent or more of conservation open space preserved within the resort in excess of the minimum required by this chapter; up to a one-time maximum of five percent bonus may be granted.
  - (4) Provide a developed and (public land agency) approved access to public lands; up to a five percent bonus may be granted.
  - (5) Preservation of an Ogden Valley agricultural parcel (within or outside of the resort boundary) through the recordation of an agricultural preservation easement and agricultural preservation plan proposed by the developer and approved by Weber County in consultation with the Utah State Agriculture Extension Office; up to a ten percent bonus may be granted for parcels containing 50 acres or more; however, a 20 percent bonus may be granted for preserving an agricultural parcel containing 100 acres or more.
  - (6) Preservation of an Ogden Valley historical site (within or outside of the resort boundary) through the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by Weber County in consultation the Utah State Historic Preservation Office; up to a 20 percent bonus may be granted.
  - (7) Establishment, promotion and implementation of an innovative program or project that substantially furthers Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan; up to a 30 percent bonus may be granted.
  - (8) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local sewer, cemetery or other district, for the perpetual location and operation of a public facility; up to a five percent bonus may be granted.
  - (9) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local park or other county-approved entity, for the perpetual location and operation of a public cultural or recreational facility; up to a 20 percent bonus may be granted.
- (f) [*Calculating maximum permitted units.*] The following formula demonstrates how to calculate the maximum permitted units at a destination and recreation resort:

Applicant's initial Transfer of Base Units (TBUs)  
 + Transfer Incentive Matching Units (TIMUs) Awarded by Weber County  
 × Density Bonus Unit (DBUs) Percentage Awarded by Weber County

= Maximum Permitted Units

(1) The maximum number of permitted units shall diminish as development occurs at a rate of one unit per one residential lot/unit developed and a rate of one unit for every 5,000 square feet of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation.

(g) *Buffer area.* A buffer area, approved by the Ogden Valley Planning Commission, shall be provided at the perimeter of the resort boundary where commercial and/or multifamily buildings and associated parking are proposed to lie within close proximity to lands that are not a part of the resort, except where at the location of the use the developer (as defined in the applicable zoning development agreement) owns at least 200 feet of property extending from the resort boundary or where the developer has received approval from the owner of any property within 200 feet of the resort boundary. The following minimum standards shall apply:

- (1) DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.
- (2) DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one unit per three acres: A minimum width of 100 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.
- (3) DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer required.
- (4) No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.

(h) *Site development standards.*

(1)	<i>Minimum lot area</i>		
	a.	Single-family residential/main building	None
	b.	Two, three, four and multifamily, commercial and mixed use structure	None
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
	d.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
(2)	<i>Minimum lot width</i>		
	a.	Single-family residential/main building	None
	b.	Two, three, four and multifamily, commercial and mixed use structure	None
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure

	d.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
		1. Single, two, three and four-family dwelling	None (0 feet)
		2. Accessory building related to the above	None (0 feet)
		3. Multifamily, commercial and mixed use structure	None (0 feet)
		4. Accessory building related to the above	None (0 feet)
		5. Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
		6. Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
	b.	Side yard	
		1. Single, two, three and four-family dwelling	5 feet
		2. Accessory building	8 feet, except 3 feet when located at least 10 feet from the rear of the dwelling
		3. Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel sides on an existing parcel in a commercial zone, lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
		4. Accessory building	None (0 feet); exception is the same as above
		5. Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
		6. Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
	c.	Rear yard	
		1. Single, two, three and four-family dwelling	10 feet
		2. Accessory building	3 feet, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot
			None (0 feet); except where a destination and

	3.	Multifamily, commercial and mixed use structure	recreation resort parcel rears on an existing parcel in a commercial zone lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
	4.	Accessory building	None (0 feet); exception is the same as above
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
	6.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
(4)	<i>Maximum building height</i>		
	a.	Single, two, three and four-family dwelling	35 feet
	b.	Multifamily, commercial and mixed use structure	55 feet at elevations lower than 6,200 feet above sea level. 75 feet at elevations of at least 6,200 feet above sea level.
	c.	Public utility substation	35 feet, unless otherwise provided in Section 108-7-5: Exceptions to height limitations
	d.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County

- (i) *Open space.* A minimum of 60 percent of the net developable acreage, owned by the resort and located within the destination and recreation resort zone, shall be designated as open space. A portion of that open space shall consist of conservation open space in an amount equal to or greater than 30 percent of the resort's net developable acreage. The area designated as conservation open space shall be encumbered by an irrevocable conservation easement meeting the general/applicable requirements described in section 104-29-6 of this chapter and shall be granted prior to beginning any construction within an overall subdivision phase. The minimum number of acres encumbered by each easement shall be equal to or greater than the number of acres involved in each subdivision phase until the total number, of required conservation open space acres, is met. Areas dedicated (platted and recorded) as open space within residential and nonresidential subdivisions may count towards the minimum open space requirement.
- (j) *Alternative development standards. After recommendation from the planning commission, the county commission may approve alternative development standards than those found in this section provided the alternative standards are part of a legislatively approved development agreement with a master plan and assist with the implementation of the agreement or master plan.*

(Ord. of 1956, § 44-2; Ord. No. 2016-4, Exh. B2, 5-24-2016; Ord. No. 2017-2, Exh. A1, 1-24-2017; Ord. No. 2017-11, Exh. A, 5-9-2017; Ord. No. 2018-6, Exh. A, 5-8-2018)

**SECTION 38: AMENDMENT** “Sec 104-29-8 Land Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-29-8 Land Uses

Use	Permitted (P) Conditional (C)
<b>Residential Uses</b>	
Single-family dwelling; including not more than two lockout sleeping rooms per dwelling	P
Two-family dwelling (aka Duplex)	P
Three-family dwelling	P
Four-family dwelling	P
Multi-family dwelling	P
Recreation lodge	P
Condominium dwelling unit and/or condominium rental apartment (condo-tel); including not more than two lockout sleeping rooms per unit or apartment.	P
Private residence club	P
Townhome	P
Residential facility for persons with a disability meeting the requirements of section 108-7-13	P
Timeshare/fractional ownership unit	P
Hotel	P
Bed and breakfast dwelling/B&B inn/B&B hotel	P
Accessory dwelling unit	P
Workforce housing/dormitory/residence hall	P
Hostel	P
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
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

<b>Commercial Uses</b>		
Bank/financial institution		P
Bakery		P
Drinking establishment		P
Grocer/neighborhood market		P
Delicatessen		P
Boutique (gift, flower, antique, clothing, jewelry)		P
Fueling station/gas station		P
Conference/education center		P
Wellness center (i.e., spa, fitness, etc.)		P
Art gallery and studios		P
Book store		P
Beauty/barber shop		P
Short-term vendor		P
Package liquor Store		P
Private club		P
Restaurant; excluding drive-thru window		P
Sporting goods/clothing store; including rental		P
<b>Other Uses</b>		
Arts theater and performance facility/auditorium/amphitheater		P
Agriculture		P
Childcare facilities		P
Church/place of worship		P
Clinic/medical facility		P
Community center		P
Developed recreation facility (i.e., swimming, golf course, ice skating, skate park, playground, tubing hill, tennis, etc.)		P
Dude ranch; including horse rental		P
Equestrian center		P
Gun club/skeet/sporting clay		C
Heliport, subject to the following standards:		C
1.	A heliport must be located at an elevation of at least 6,200 feet above sea level.	
	A heliport must be located at least 200 feet from any resort boundary, except where the developer (as defined in the applicable zoning development	

2.	agreement) owns at least 200 feet of property extending from the resort boundary at the planned location of the heliport or where the developer has received approval from the owner of any property within 200 feet of the resort boundary at the planned location of the heliport. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the resort boundary provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.	
3.	The heliport landing surface must be dust-proof and free from obstructions.	
4.	Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.	
	Home occupation; with no visiting clientele	P
	Home occupation; with visiting clientele	C
	Horses for private use, provided that not more than two are kept for each one acre of land exclusively devoted to the keeping of horses	P
	Trails (nordic, hiking, biking, equestrian)	P
	Laundromat	P
	Museums	P
	Nordic center	P
	Office; professional and resort administrative	P
	Office supply/shipping service	P
	Parking areas and structures	P
	Parks and playgrounds	P
	Pharmacy	P
	Public building	P
	Public utility substation and structure	C
	Real estate office	P
	Recreation centers	P
	Recreation vehicle storage	P
	School; public or private school having a similar curriculum as a public school	P
	Ski area and associated facilities; including lifts	P
	Ski lodge and associated services	P
	Small wind energy system; meeting the requirements of section 108-7-24	C
	Solar energy installation; meeting the requirements of section 108-7-27	P
	Telecommunications tower	C
	Yurt	P
	Cluster subdivision excluding bonus density; meeting the requirements of title 108,	P



chapter 3	
<del>PRUD excluding bonus density; meeting the requirements of title 108, chapter 5</del>	Pursuant to chapter 5
Welcome/information center	P
Wastewater treatment facility; meeting the requirements of the state division of water quality	C
Water pumping plants and reservoirs	C
Accessory dwelling unit; accounting for one dwelling unit at a rate of 1:1	P
Greenhouse, nursery, or farm	P
Transit facility	P
Second kitchen	P
Corral, stable, or building for keeping of animals or fowl	P
Household pets	P
Private stable	P
Educational facility	P
Liquor, wine, and beer manufacturing, bottling, blending, distilling, packaging, sales, and related activities	P
Temporary building or use incidental to construction work. Such building shall be removed upon completion or abandonment of construction work	P
Grazing and pasturing animals	P
Detached lockouts	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P

(Ord. No. 2012-1, § 4, 1-3-2012; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2016-4, Exh. B2, 5-24-2016)

**SECTION 39: AMENDMENT** “Sec 106-2-2 Street And Alley Widths, Cul-De-Sacs, Easements” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-2 Street And Alley Widths, Cul-De-Sacs, Easements

- (a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets except that private streets improved to county public street standards may be permitted in ~~planned residential unit developments or~~ condominium developments. Mountain land subdivisions in high mountain areas of the county for seasonal recreation and summer homes shall have private streets built

to county private street standards for such subdivisions except that the county may require public dedication for major or loop road access purposes.

- (b) Major and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, major or collector streets shall be provided as required by the planning commission, with minimum widths of 80 or 100 feet for major streets and 66 feet for collector streets.
- (c) Standard residential streets shall have a minimum width of 60 feet, except that minor terminal streets and loop streets or minor private streets and private access rights-of-way in summer home subdivisions may have widths of not less than 50 feet.
- (d) Minor terminal streets (cul-de-sacs) proposed in the subdivision of flat land where topography presents no barriers to development, shall have a maximum length of 650 feet to the beginning of the turnaround and may serve a maximum of 14 lots. Minor terminal streets (cul-de-sacs) proposed in the subdivision of foothill or mountainous lands where topography dictates or limits the options in road design to a considerable extent, the planning commission will establish a maximum length based upon each individual situation. As a guide for design, a maximum length of 2,000 feet to the beginning of the turnaround is established. Each cul-de-sac shall be terminated by a turnaround of not less than 100 feet diameter in subdivisions below elevation 4,900 feet and of not less than 110 feet diameter in subdivisions above elevation 4,900 feet. If surface water drainage is into the turnaround, due to the grade of the street, if necessary, catchbasins and drainage easements shall be provided.
- (e) Where a street is designated to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end conditions exists.
- (f) Marginal access streets of not less than 40 feet in width shall be required paralleling all limited access major streets, unless the subdivision is so designed that lots back onto such major streets.
- (g) Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.
- (h) Standard street sections. All proposed streets, whether public or private shall conform to the county street cross-section standards as recommended by the planning commission and adopted by the county commission.
- (i) Street grades. Except where due to special circumstances, street grades over sustained length shall not exceed the following percentages: on major public streets, eight percent; on collector streets, ten percent; on minor streets, 12 percent; on private streets, 15 percent. All street grades shall be reviewed and approved by the county fire district and county engineer.
- (j) Alleys shall have a minimum width of 20 feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.
- (k) Protection strips. Where subdivision streets parallel contiguous property of other owners, the subdivider may establish a protection strip of not less than one foot in width located within the road right-of-way and lying next to the adjacent property. The said strip shall be deemed part of the dedicated right-of-way, provided that an agreement with the county and approved by the county attorney has been made by the subdivider. A land owner choosing to access property across the protection strip shall make payment to the original developer in an amount equal to the fair cost of the street improvements, plus the value of one-half the land in the street at the time of the agreement. This agreement shall expire ten years from the date the agreement was signed and shall become void.

(Ord. of 1952, title 26, § 2-2)

**SECTION 40: AMENDMENT** “Sec 108-3-4 Residential Cluster Subdivision Design And Layout Standards, Generally” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

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

- (a) **Overall configuration.** A cluster subdivision's general design shall concentrate residential building lots, with their adjoining street rights-of-way and any approved alternative access, if applicable, together in accordance with the following:
- (1) **In all zones.** In all zones, a cluster of residential lots, as defined in [Section 101-1-72](#), shall be designed to avoid, to the extent possible, lands that have characteristics generally valuable for preservation or conservation, including but not limited to viewsheds, ridgelines, canyons, waterways, stands or groupings of mature vegetation, wildlife habitat, and other sensitive ecology identified as being of importance by the applicable general plan or some other land preservation or conservation plan adopted by the county, state, or federal government and that is applicable within the county. Preservation or conservation shall be tailored to execute the goals, objectives, or policies of the relevant plan. The application shall provide sufficient detailed information to clearly verify compliance.
  - (2) **In agricultural zones.** In an agricultural zone, only one cluster of residential lots is allowed unless more are necessary to avoid development on prime agricultural land, as defined in [Section 101-1-72](#), or sensitive lands as provided in [Section 108-3-5\(b\)\(4\)](#). The cluster or clusters of residential lots shall be organized in a manner that supports viability of crop production on the open space lands including optimizing ease of access and maneuverability, to and on the open space lands, of large equipment commonly used to support crop production. A cluster of residential lots shall be configured to support the required open space design and layout standards of this chapter. Subdivision phasing that avoids this requirement shall not be allowed.
- (b) **Street configuration.** Streets shall have logical and efficient connections, with block lengths or intersection distances no less than provided in [Section 106-2-3](#).
- (1) **Western Weber Planning Area streets.** In the Western Weber Planning Area, streets shall generally follow existing street grid design.
    - a. Section line streets are mandatory and shall not be waived except where the County Engineer and Planning Director can mutually determine that no street is reasonably practical on the particular section line due to topographic, environmental, or other unique characteristics of the area; and when not in conflict with a planned street as shown in a general plan, small area plan, master streets plan, or similar adopted planning document.
    - b. When practicable, quarter section lines shall denote the general location of other through streets. ~~current parcel configuration~~
      1. The planning commission may waive this requirement for the following:
        - i. Environmental constraints exist that render a through-street, or a stubbed-street that will become a through-street, unreasonable and unnecessary; or
        - ii. Agricultural open space that is or would otherwise be permanently preserved as provided in this Land Use Code would be interrupted by the street in a manner that creates a hardship for crop production.
      2. In allowing a waiver under this subsection the planning commission may require the street to be placed in another location to offer optimal compensation for the lack of the connection required herein.

c. If the configuration of the subject parcel or parcels, or other parcels in the area, do not make a section line or quarter section line street possible, a through-street, or stubbed-street that will become a through-street in the future, shall be located as closely parallel to the section line as otherwise reasonably possible.

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

the lack of the connection required herein.

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

**SECTION 41: AMENDMENT** “Sec 108-3-5 Open Space Preservation Plan” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-3-5 Open Space Preservation Plan

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

(1) ***Initial open space preservation plan approval.*** An open space preservation plan shall accompany an application for preliminary subdivision approval or an application for an open space preservation plan amendment. Preliminary subdivision approval constitutes approval of the open space plan. A final plat shall comply with the approved open space plan.

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

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

(1) An overall cluster subdivision map identifying all open space areas and open space area amenities.

(2) An open space site plan that:

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

(3) A narrative describing all proposed open space parcels, their proposed method of ownership, their proposed method of maintenance, their proposed uses, and any proposed building envelopes.

(4) The phasing of open space parcels and their relationship to the overall subdivision phasing plan, if any.

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

minimum required by this chapter is exempt from these standards.

- (1) **Minimum required open space area.** A cluster subdivision requires a minimum percentage of its net developable acreage, as defined in [Section 101-1-72](#), to be preserved as open space, as follows:

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

- (2) **Non-agricultural preservation open spaces.** In all nonagricultural zones, and except as provided otherwise in parts (4) or (5) of this subsection (c), open space parcels shall preserve, to the extent possible, lands that have characteristics generally valuable for preservation or conservation, including but not limited to viewsheds, ridgelines, waterways, stands or groupings of mature vegetation, wildlife habitat, and other sensitive ecology. Open space parcels shall be organized into one contiguous open space area, except contiguity may be interrupted if preservation or conservation of those characteristics is best accomplished by allowing the interruption. The applicant bears the burden of proving the social or environmental value of the preservation or conservation based on specific objectives found in the general plan or based on objectives of some other land preservation or conservation plan, or other preservation or conservation policy as adopted by the county, state, or federal government, and applicable within the county.

- (3) **Agricultural open spaces to be contiguous and useful.** In all agricultural zones, open space parcels shall be arranged to create future long-term agricultural opportunities in the following ways:
- a. By creating parcels of a sufficient size and configuration to support large-scale crop-producing operations. The area or areas of the subdivision that contains prime agricultural land, as defined by [Section 101-1-72](#), shall first and foremost be used to satisfy the open space requirements of this chapter. Only then may any portion of the prime agricultural land be used for other development purposes.
  - b. Open space parcels shall be organized into one contiguous open space area. Contiguity may only be interrupted if preservation of long-term agricultural opportunities is best accomplished by allowing the interruption. The applicant bears the burden of proving this based on soil sampling, irrigation capabilities, parcel boundary configuration, and industry best practices.
  - c. The exterior boundary of a contiguous open space area that is intended to satisfy the open space requirements of this chapter shall be configured so a 50-foot-wide farm implement can reach all parts of the area with three or more passes or turns. Generally, this requires the area to be at least 450 feet wide in any direction at any given point to be considered contiguous. This three turn standard may be reduced by the planning commission for portions of the parcel affected by the following:
    1. The configuration of the existing exterior boundary of the proposed subdivision makes it impossible;
    2. A street required by [Section 108-3-4](#) constrains the width of the parcel or bisects what would otherwise be one contiguous open space area if the street

- did not exist; ~~or~~
3. Natural features, or permanent man-made improvements onsite that cannot be moved or realigned, cause an interruption to crop producing capabilities; ~~or~~
  4. Due to existing or reasonably anticipated future conditions, not offering the reduction will inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved agricultural parcels.
- d. Open space area necessary to meet the requirements of part (4) or (5) of this subsection, or open space areas never previously used for crop-production that currently contain areas valuable for preservation or conservation as specified in part (2) of this subsection may be exempt from this part provided they comply with those applicable parts.
- (4) ***Small open space parcels within a cluster of residential lots.*** In order to maximize the contiguous open space acreage as required in part (2) and (3) of this subsection, an open space parcel or portion thereof that is located within a cluster of residential lots, as defined in ~~s~~[Section 101-1-72](#), or that interrupts contiguity of a cluster of residential lots and is not intended to satisfy part (2), (3), or (5) of this subsection (c), shall be constrained in area and width to provide the minimum acreage and width reasonably necessary for the functionality, operation, and maintenance of the intended open space use. The open space preservation plan shall offer sufficient information regarding the use and any proposed structures to allow the planning commission to verify compliance. See also part (6) and part (8) of this subsection (c) for additional applicable area and coverage regulations.
- (5) ***Sensitive lands requirements.*** Cluster subdivisions in or on sensitive lands shall be governed as follows:
- a. Lands that can be mitigated such as floodplain and wetlands are considered developable for the purpose of calculating net developable acreage, as defined in ~~S~~[Section 101-1-72](#).
  - b. Acreage consumed by a lake, floodway within a river corridor, or a naturally occurring pond area is acreage unsuitable for development, as otherwise defined in ~~S~~[Section 101-1-72](#). When any of these is offered as a community amenity on an open space parcel with public access and a blanket public access easement, the subdivision shall receive 25 percent of the acreage credited to the net developable acreage for the purpose of calculating base density.
  - c. Regardless of developability, the following areas shall be located within a cluster subdivision's open space area:
    1. Areas designated as floodplain, as defined by the Federal Emergency Management Agency or other qualified professional determined appropriate by the county engineer; and
    2. Rivers and streams, with and including their designated river or stream corridor setbacks, as defined by the Weber County Land Use Code.
- (6) ***Open space parcel area.*** The minimum area for an open space parcel located within a cluster subdivision is as follows:
- a. ***Common area.*** An open space parcel designated as common area is not subject to minimum area requirements.
  - b. ***Park area.*** An open space parcel conveyed to a local park district shall be of a sufficient size to adequately accommodate park infrastructure, amenities, and parking.
  - c. ***Individually owned open space parcel area.*** An open space parcel designated as an individually owned preservation parcel shall contain an area of not less than five acres and shall be part of a contiguous area of open space consisting of not less than ten acres in total; and shall be in compliance with the following:
    1. The ten acre minimum contiguous area does not need to be platted in the same subdivision.

2. Each individually owned open space parcel shall be provided clear and perpetual legal access from a public or private street right-of-way.
  3. Drainage detention or retention facilities intended to accommodate subdivision improvements may be located on an individually owned preservation parcel and counted toward the subdivision's overall open space area, but the acreage of the facility shall not be included as part of the parcel's agricultural use, and the acreage of the facility shall be in addition to, not a part of, the minimum parcel area requirement.
- d. **Estate lot area.** Up to 80 percent of an estate lot, as defined in [Section 101-1-72](#), may count towards the open space acreage requirement provided the following standards are applied:
1. The area of the lot designated as open space shall contain an area of not less than five acres and shall be part of a contiguous area of open space consisting of not less than ten acres in total.
  2. The estate lot shall contain a survey-locatable building envelope on the recorded plat that shares a common boundary with a neighboring residential lot, or in the case of a neighboring estate lot, shares a common boundary with the neighboring estate lot's building envelope.
  3. Drainage detention or retention facilities intended to accommodate subdivision improvements may be located on an estate lot and counted toward the subdivision's overall open space area, but the acreage of the facility shall not be included as part of the lot's agricultural use, and the acreage of the facility shall be in addition to, not a part of, the minimum parcel area requirement.
- (7) **Parcel width, frontage, and access.** Open space parcels located within a cluster subdivision are not subject to frontage requirements and do not have a minimum width standard. [Section 106-2-4\(c\)](#) notwithstanding, all open space parcels without street frontage shall be provided an access easement, recordable at the time of plat recordation, across other parcels and connecting to a public or private street.
- (8) **Parcel coverage.**
- a. Coverage of common area or open space parcels under five acres by any roofed structures or any structures or facilities that require a building permit shall not exceed ten percent of the total parcel area.
  - b. Coverage of individually owned preservation parcels by roofed structures or any structures or facilities that require a building permit shall not exceed two and a half percent of the total parcel area.
  - c. Coverage of the open space area of an estate lot of five and one-quarter acres or greater by roofed structures or any structures or facilities that require a building permit shall not exceed two and a half percent of the lot's platted open space preservation easement area.
- (9) **Open space lot or parcel ownership.**
- a. **Common area parcel.** An open space parcel that is common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8a-101 et seq., the Community Association Act.
  - b. **Park parcel.** An open space parcel may be owned by a local park district.
  - c. **Individually owned open space parcel.** An open space parcel may be owned as an individually owned preservation parcel by any person, regardless of whether the person owns a residential lot within the subdivision. In order to keep an individually owned preservation parcel from becoming uncondusive to multiple-acreage preservation uses, an individually owned preservation parcel shall not be sectioned into sub-areas less than five acres by fencing or other physical barriers unless the sectioning



is intended for the rotation of grazing animals provided consistent rotation occurs for the purpose of vegetation regrowth. The planning commission may modify this requirement for uses that support the longevity of the preservation, maintenance, and large-acreage use of the parcel.

- d. **Estate lot.** An estate lot, as defined in [Section 101-1-72](#), may be owned by any person. In order to keep an estate parcel from becoming uncondusive to multiple-acreage preservation uses, the preserved open space area shall not be sectioned into sub-areas less than five acres by fencing or other physical barriers unless the sectioning is intended for the rotation of grazing animals provided consistent rotation occurs for the purpose of vegetation regrowth. The planning commission may modify this requirement for uses that support the longevity of the preservation, maintenance, and large-acreage use of the parcel.

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

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

(f) **Preservation.**

(1) Open space parcels shall be permanently preserved in a manner that is consistent with the approved open space preservation plan.

(2) Language shall be included in the dedication of the subdivision plat that substantially reads as follows; final language is subject to approval from the county surveyor and county attorney:

... and additionally dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan; ...

(3) An agreement, in a form acceptable to the county attorney, shall be recorded with the final plat to the title of all open space preservation parcels, including estate lots, that details the open space preservation plan and any related conditions of approval necessary to execute the open space preservation plan. The approved site plan shall be included in the agreement. If the plat recordation is also the means of conveyance of any open space parcel, the agreement shall also specify the name and tax notification mailing address if the new owner.

(4) If a cluster subdivision contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.

(5) If a cluster subdivision contains an individually owned preservation parcel or estate lot with an open space area, the applicant shall:

a. Identify all open space preservation areas on the final plat with a unique hatch or shading;

b. Further identify each individually owned preservation parcel with a unique identifying letter;

c. For an estate lot, delineate on the plat with survey locatable bearings and calls the area of the lot being preserved as open space.

(6) The planning commission may impose any additional conditions and restrictions it deems necessary to reasonably ensure maintenance of the open space and adherence to the open space

preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

- (7) A violation of the open space plan or any associated conditions or restrictions shall constitute a violation of this Land Use Code.

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

**SECTION 42:**        **AMENDMENT** “Sec 108-3-7 Lot Development Standards” of the Weber County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-3-7 Lot Development Standards

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

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

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

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

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

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

Building	Height
Dwelling:	40 feet
Accessory building:	30 feet

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

**SECTION 43:            AMENDMENT** “Sec 101-2-3 B Definitions” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 101-2-3 B Definitions

***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 nightly accommodations and meals to overnight guests.

***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 nightly accommodations as well as meals to overnight guests and the visiting day-use public within an internally incorporated dining area.

***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 dwelling units allowed in an area. For development types that permit more dwelling units than otherwise provided by the zone, the base density shall be calculated as the net developable acreage, 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, then 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 grade. The portion below the natural grade shall not be counted as part of the building height.

**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 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.

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

**Block.** The term "block" means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

**Boardinghouse.** See Lodginghouse.

**Bona fide division or partition of agricultural land for agricultural purposes.** The phrase "bona fide division or partition of agricultural land for agricultural purposes" means the division of agricultural land into lots or parcels of five acres or more in area whose principal use is the raising and grazing of animals or agriculture as that use is defined in the Land Use Code and provided that:

- (a) No dedication of any streets shall be required to serve any such lots or parcels of agricultural land.
- (b) The agricultural parcels shall not be further divided into parcels of less than five acres without being subdivided in accordance with the subdivision regulations of the county.
- (c) No dwellings shall be permitted unless all subdivision, zoning and health requirements are met.

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

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

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

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

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

- (a) The average percent of slope within the buildable area as defined by this section shall be less than 25 percent;
- (b) The gross land area of the buildable area shall contain at least 3,000 square feet and be configured such that it can contain one 40-foot by 40-foot square;
- (c) It shall not contain any geologic or other environmental hazards, as determined by the county engineer;
- (d) It shall not contain any easements or setbacks; and
- (e) It shall be denoted on a subdivision plat as the only area in which building may take place on a lot or parcel.

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

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

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

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

**Building, main.** The term "main building" means the principal building or one of the principal buildings located on a lot or parcel designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this title shall be deemed a main building.

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

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

**SECTION 44:            AMENDMENT** "Sec 101-2-4 C Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-4 C Definitions

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

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

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

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

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

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

***Cluster of residential lots.*** The phrase "cluster of residential lots" means a grouping of residential lots, as provided title 108 chapter 3 of this Land Use Code, that are contiguous and uninterrupted by other nonresidential parcels except parcels required for a street and other allowed access or as otherwise allowed by this Land Use Code.

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

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

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

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

***Community center.*** The term "community center" means a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

***Compatible.*** The term "compatible" means capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

***Complete street.*** The term "complete street" means a transportation facility that is planned, designed, operated, and maintained to provide safe, convenient, and inviting mobility for all users of the facility, including pedestrians, bicyclists, transit vehicles, and motorists.

***Conditional use.*** See Use, conditional.

***Condominium.*** The term "condominium" means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

***Condominium dwelling unit.*** The term "condominium dwelling unit" means an individual living/dwelling unit located within a residential condominium project.

***Condominium project.*** The term "condominium project" means a real estate condominium project, a plan or project whereby two or more units, whether contained existing or proposed apartment, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered, for sale. The term "condominium project" shall also mean the property where the context so requires.

**Condominium rental apartment (condo-tel).** The term "condominium rental apartment (condo-tel)" means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit.

**Condominium unit** means a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a unit in accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).

**Conference/education center.** The term "conference/education center" means a facility designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. A conference/education center may provide office facilities and schedule a range of business related and/or leisure activities (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and offer day use and/or overnight lodging facilities.

**Conservation easement.** The term "conservation easement" means: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses.

**Convalescent home.** The term "convalescent home" means a facility for the care of children, the aged, infirm, or convalescent of any age. See also Nursing home.

**Convenience store.** The term "convenience store" means any retail establishment offering for sale prepackaged food products, household items, and other goods which are commonly associated, may be in conjunction with gasoline sales, and having a gross floor area of less than 5,000 square feet.

**Corral.** The term "corral" means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.

**Cost benefit analysis (CBA).** The term "cost benefit analysis" (CBA) means a formal discipline used to help appraise, assess, or evaluate the desirability of a project or proposal. The CBA shall itemize, quantify, consider and weigh the total expected (tangible and intangible) costs against the total expected (tangible and intangible) benefits of one or more actions in order to demonstrate the viability, efficiency and compatibility of a particular proposal.

**County health officer.** The term "county health officer" means the administrative and executive officer of the county health department and local registrar of vital statistics or his duly authorized representatives.

**Cross-access.** The term "cross-access" means a logical, convenient, and safe two-way vehicle and pedestrian ingress and egress between a lot or parcel and an adjoining lot or parcel.

**Cross-access easement.** The term "cross-access easement" means an easement for the purpose of cross-access on a lot or parcel that contains or will contain a cross-access.

**Cul-de-sac** The term "cul-de-sac" means a minor terminal street provided with a turnaround.

**Custom exempt meat cutting.** The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

**SECTION 45:            AMENDMENT** “Sec 101-2-5 D Definitions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-5 D Definitions

***Dairy.*** The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

***Dark sky.*** The term "dark sky" means a nighttime sky that is substantially free of interference from artificial light.

***Day care.*** The term "day care" means the supervision of children, unaccompanied by parent or guardian, or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term "day care" is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

***Day care (adult) facility.*** The term "day care (adult) facility" means any building or structure used for the purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or emotionally disabled adults for periods of less than eight hours per day.

***Day care (child) center.*** The term "day care (child) center" means a building or structure, other than an occupied residence, where care, protection and supervision are provided.

***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." The term "base density" means the number of dwelling units allowed in an area. For development types that permit more dwelling units than otherwise provided by the zone, the base density shall be calculated as the net developable acreage, 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, then 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.~~

***Detached lockout.*** In the Ogden Valley Destination and Recreation Resort Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) 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 a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A detached lockout is accessory to the main use and shall not be sold independently from the main unit. Unless specifically addressed in the development agreement for the specific Ogden Valley Destination and [Recreation] Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density on a parcel of land.

***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.

**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, lodginghouse, 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.**

**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, 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.

**SECTION 46:            AMENDMENT** "Sec 101-2-7 F Definitions" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 101-2-7 F Definitions

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

**Family food production.** The term "family food production" means the keeping of ~~not more than the following number of~~ animals ~~and/or fowl for the purpose of producing food for the family living on the property.~~ ~~Group A. 2 pigs. 2 sheep. 2 cows. 2 goats. Group B. 20 rabbits. 20 chickens. 20 pheasants. 10 turkeys. 10 ducks. 10 geese. 20 pigeons. Provided however, that only two kinds of group B animals and fowl may be kept on parcels of less than 40,000 square feet and not more than three kinds of group A and B animals or fowl at any one time on parcels of less than two acres. An additional number of animals and fowl as listed above may be kept for each one acre in the parcel over and above the first 40,000 square feet up to a maximum of five times the number.~~

**Farm inn, agri-tourism.** The term "agri-tourism farm inn" means a farm building designed for the purpose of providing nightly 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 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.

**Fee fishing, agri-tourism.** The term "agri-tourism fee fishing" means an agri-tourism use/activity, approved by the appropriate local, state and/or federal agency, which provides the opportunity for anglers to pay a fee for the right to fish on a farm. Fee fishing is a non-agriculturally related use unless provided as an accessory to a bona fide aquaculture operation.

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

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

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

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

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

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

**SECTION 47:            AMENDMENT** "Sec 101-2-16 O Definitions" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 101-2-16 O Definitions

**On-farm store/retail market, agri-tourism.** The term "agri-tourism on-farm store/retail market" means an agri-tourism use/activity that provides the opportunity for a farmer to sell retail quantities of agriculturally related products and, in some cases, non-agriculturally related products directly to the consumer or agri-tourist.

**Open space.** The term "open space" means an area which offers amenities such as, but not limited to, undeveloped land, trails, parks, and associated facilities, open space may be owned publically and/or privately.

**Open space, common area.** The term "common area open space, ~~common area~~" means open space within or related to a development, ~~which is not held in individually owned lots or dedicated for public use, but~~ which is owned in common by the owner's association and is designed, maintained, and intended for the common use or enjoyment of the residents of the development.

**Open space, conservation.** The ~~term phrase~~ "conservation open space, ~~conservation~~" means an undisturbed, public or private use, area that is undeveloped and permanently preserved in order to maintain scenic qualities and habitat values. Conservation open space is intended to preserve natural resources and/or to buffer natural areas including open or wooded lands, wetlands, lakes and watercourses. Typical conservation open space uses and/or designations include: vacant land, scenic viewsheds, agriculture, watershed protection zones, groundwater recharge areas, wildlife habitat and non-motorized trails/pathways including associated maintenance and signage.

**Open space easement, common area.** The phrase "common area open space easement" means a required right of use easement granted to the county on and over land designated as common area open space in a master planned development, planned residential unit development, or similar type of planned development, which guarantees to the county that the designated common area open space is permanently reserved for access, parking, recreation, and open green space purposes, in accordance with the plans and specifications approved by the approval authority at the time of the development's approval, or as such plans are amended from time to time.

**Ordinary high water mark.** The term "ordinary high water mark" means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

**Outdoor Storage.** The term "outdoor storage" means items for sale, storage, or display outside a completely enclosed building for a period greater than 24 hours, which are for or associated with a commercial or manufacturing use, or are stored at a commercial or manufacturing facility.

**Overlay ~~district~~zone.** The term "overlay ~~district~~zone" means a zone ~~or district~~ that overlays and encompasses one or more underlying zones, and applies with additional requirements or special regulations beyond those applicable in the underlying zone or zones. These ~~special~~additional requirements or special regulations shall take precedence over the provisions of the underlying zone.

**SECTION 48:            AMENDMENT** "Sec 101-2-17 P Definitions" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

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.

**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 unto the subdivider 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 subdivider or other private agency.

**Private residence club.** The term "private residence club" means a club (equity or non-equity) made up of members that typically pay a one-time upfront membership fee and annual dues in order to receive benefits and privileges such as gaining access to a variety of luxury homes around the world. These homes can be booked based on availability and reservation priorities.

**Product, agricultural.** The term "agricultural product" means any raw product which is derived from agriculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock, aquaculture products, water plants, horticultural specialties, and other similar products that can be broadly classified as a food, fiber, fuel, or a raw material group. Specific foods may include cereals, fruits, vegetables, and meat. Fibers may include cotton, wool, hemp, silk and flax. Raw materials may include lumber and other plant products.

**Product, agriculturally related.** The term "agriculturally related product" means any item that is sold at a specific farm, approved for agri-tourism, which attracts customers and promotes the sale of agricultural products. Such items may include, but are not limited to, all agricultural products, baked goods, cheese, ice cream and ice cream based desserts and beverages, jams, honey, and other food stuffs or products that feature ingredients produced on a specific farm, approved for agri-tourism, or other farm located within Weber County. Additional agriculturally related products may consist of, but are not limited to, gift items, clothing and other items that directly promote the specific farm and/or the agriculture industry in Weber County.

**Product, non-agriculturally related.** The term "non-agriculturally related product" means any item that is sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from that farm's operation or other farm located in Weber County. Non-agriculturally related products may include, but are not limited to, novelty t-shirts or other clothing, crafts, knick-knacks and/or products imported from other counties, states or countries.

**Protection strip.** The term "protection strip" means a line that acts as an encumbrance by which certain land, lying adjacent to a dedicated road right-of-way or other transportation facility, has restricted access. The protection strip, having no specific width, shall be shown on a subdivision plat as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access across it until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. The protection strip shall expire after ten years in accordance with a separately written and recorded agreement.

**Public.** The term "public" means buildings or uses owned or operated by a branch of the government or governmental entity and open to the public, such as libraries, schools, parks, other than private facilities.

**Public utility substation.** The term "public utility substation" has the same definition as the term "utility."

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Gage Froerer	_____	_____	_____	_____
Jim "H" Harvey	_____	_____	_____	_____
Scott K. Jenkins	_____	_____	_____	_____
Presiding Officer			Attest	

\_\_\_\_\_  
Gage Froerer, Board of Commissioners  
Chair, Weber County

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