



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: ZTA2023-02, A public hearing to discuss and take action on a proposal to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, and other administrative and clerical edits.

Applicant: Weber County
Agenda Date: Tuesday, December 5, 2023
File Number: ZTA2023-02

Staff Information

Report Presenter: Charlie Ewert
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Report Reviewer: RG

Applicable Ordinances

- Chapter 101-2 Definitions
- Chapter 104-2 Agricultural Zones
 - Section 104-2-3 Land Use Table
 - Section 104-2-4 Special Regulations
- Chapter 104-9 Forest Zones
 - Section 104-9-2 Permitted Uses
 - Section 104-9-3 Conditions Uses
 - Section 104-9-4 Minimum Lot Area, Width, and Yard Regulations
- Chapter 104-10 Shoreline Zone
 - Section 104-10-1 Purpose and Intent
 - Section 104-10-2 Permitted Uses
 - Section 104-10-3 Conditional Uses
 - Section 104-10-4 Area Regulations Building Site Area Required
 - Section 104-10-5 Front Yard Regulations
 - Section 104-10-6 Side and Rear Yard Regulations
 - Section 104-10-7 Special Provisions
- Chapter 108-21-1 Agritourism (ALL)

Legislative Decisions

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

Summary and Background

The county has received an application to amend the Shoreline Zone (S-1) to allow agritourism as a conditional use in the zone. In reviewing the request, the Ogden Valley Planning Commission became concerned with the significant flexibility of the currently codified Agritourism Ordinance, citing concerns about potential loopholes that could introduce undesirable land uses. The Ogden Valley Planning Commission is desirous to expand the allowance of the agritourism use into the S-1 zone, but only after tightening the language of the ordinance. They also would like to expand the use into the F-10 and F-40 zones.

As staff began assembling the amendments, other low-hanging ordinance revision opportunities arose that will help

make existing county code simpler and more easy to use by reformatting other sections of code to better follow newer formatting conventions adopted by the County. The attached ordinance includes those amendments as well.

After a review of the proposal in a public hearing on November 7, 2023, the Western Weber Planning Commission voted in favor of the changes proposed in the attached ordinance with minor modifications.

Likewise, after a review of the proposal in a public hearing on November 14, 2023, the Ogden Valley Planning Commission also voted in favor of the proposed changes, also with minor modifications.

The attached proposed ordinance includes both planning commission's requests for minor changes.

Policy Analysis

A complete policy analysis is provided in the attached planning commission staff report (Attachment B). It includes a review of relevant general plan provisions from both area's general plans.

Staff Recommendation

Staff recommends approval of the proposed ordinance.

Planning Commission Recommendation

On November 7, 2023, the Western Weber Planning Commission unanimously voted in favor of the proposed changes.

On November 14, 2023, the Ogden Valley Planning Commission unanimously voted in favor of the proposed changes.

Attachments

- A. Proposed Agritourism Amendments, and related (Redlined Copy).
- B. Planning Commission Staff Report.

WEBER COUNTY

ORDINANCE NUMBER 2023-_____

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO THE SHORELINE (S-1) ZONE TO ENABLE AGRITOURISM AS A CONDITIONAL USE.

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, those land use ordinances contain various zones, each with a specific purpose and intent, and each with a variety of uses; and

WHEREAS, Agritourism is a listed use, permitted by conditional use permit in certain zones, and regulated by specific regulations in the land use regulations; and

WHEREAS, Agritourism is not currently listed as allowed in the Shoreline (S-1) Zone; and

WHEREAS, The Board of Weber County Commissioners has received an application to amend the land use regulations to also allow agritourism to occur in the Shoreline (S-1) Zone; and

WHEREAS, After thorough consideration, the Ogden Valley Planning Commission desires specific changes to the agritourism regulations to avoid potential abuse and unintended consequences; and

WHEREAS, After thorough consideration, the Western Weber Planning Commission desires specific changes to the Agricultural Zones (A-1, A-2, A-3, and AV-3) to make certain types of agricultural sales permissible without the need for an Agritourism permit; and

WHEREAS, As part of a longstanding effort to reorganize the land use regulations to enhance efficiencies and application, both planning commissions are recommending approval of other land use regulation revisions as proposed herein; and

WHEREAS, on October 14, 2023, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on October 7, 2023, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on December 5, 2023, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein advance goals and objectives of the Ogden Valley General Plan; and

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

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

1 **TITLE 101 GENERAL PROVISIONS**

2 ...

3 **CHAPTER 101-2 DEFINITIONS**

4 **Sec 101-2-2 A Definitions**

5 ~~***Acreage, agri-tourism activity center.*** The term "agri-tourism activity center acreage" means the land~~
6 ~~area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism~~
7 ~~uses/activities. Activity center area consists of that impacted ground lying immediately adjacent to, in~~
8 ~~between, and within a reasonable distance around each use/activity. Distances greater than 300 feet in~~
9 ~~between uses/activities and their impacted grounds, represent a separation of activity centers.~~

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

11 ***Acreage, net developable.*** The phrase "net developable acreage" means the total acreage within a project
12 boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise
13 provided in this Land Use Code. When calculating net developable acreage, the area encumbered or
14 proposed to be encumbered by a street right-of-way or other required right-of-way providing primary access
15 to a lot is considered area unsuitable for development. The term "net developable area" shall have the
16 same meaning, unless the context clearly indicates otherwise.

17 ...

18 ***Agritourism.*** The term "agritourism" means a use, accessory to an agricultural use, which can provide a
19 means of diversifying agricultural income through broadening an agricultural operation's offerings with an
20 agriculture-oriented tourism attraction. An agritourism use provides product, activities, and other uses that
21 are clearly related and incidental to the agricultural operation to which it is accessory.

22 ~~***Agri-tourism.*** The term "agri-tourism" means an agricultural accessory use that can provide a means of~~
23 ~~diversifying a farm's income through broadening its offerings and adding value to its products. They operate~~
24 ~~during more than six (consecutive or non-consecutive) days per year and provide agriculturally related, and~~
25 ~~in some instances, non-agriculturally related products and activities that attract members of the public to~~
26 ~~the farm for retail, educational, recreational, and/or general tourism purposes.~~

27 ***Agritourism Events Facility.*** The term "agritourism events facility" means an agritourism use that provides
28 the opportunity for agritourists to rent an area that can act as a venue for events, including, but not limited
29 to, birthdays, weddings, family reunions, small scale fundraisers, or corporate picnics or outings that do not
30 constitute a special event as defined by Title 38.

31 ***Agritourism Farm Tour.*** The term "agritourism farm tour" means an agritourism use that offers
32 opportunities for the public to learn how a farm functions and where and how food, fiber, fuel, and other
33 agricultural products are produced. Farm tours frequently highlight the history of the subject farm and, in
34 general, educate the public about agricultural practices and technology.

35 ***Agritourism Fee Fishing.*** The term "agritourism fee fishing" means an agritourism use, approved by the
36 appropriate local, state and federal agency, which provides the opportunity for anglers to pay a fee for the
37 right to fish on a farm.

38 ***Agritourism Glamorous Camping.*** The term "agritourism glamorous camping" means an agritourism use
39 that provides the opportunity for agritourists to rent, on a nightly basis, fully furnished tents or rustic cabin
40 sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury hotel room.
41 Furnishings, amenities, and comforts may include but are not limited to luxurious decor, beds, linens, baths,
42 veranda, spa services, concierge, dining, and chef.

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

43 **Agritourism Health Farm.** The term "agritourism health farm" means a farm building designed for the
44 purpose of providing proactive health and wellness education or physical exercise and diet regimens that
45 can improve one's quality of life in a rural or spa-like environment. Health and wellness opportunities may
46 consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes/ and
47 consultations, organic cooking classes or workshops, yoga, meditation, and massage therapy.

48 **Agritourism Hunting Preserve.** The term "agritourism hunting preserve" means an agritourism use,
49 approved by the appropriate local, state and federal agency, which provides the opportunity for an individual
50 or group to pay a fee for the right to hunt on a farm.

51 ~~**Agritourism productive acreage.** The term "agritourism productive acreage" means agriculturally~~
52 ~~productive land area used for the combined purpose of cultivating agricultural products and hosting active~~
53 ~~tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching,~~
54 ~~hunting, horseback/sleigh/wagon rides etc.).~~

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

58 ...

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

66 ...

67 **Agricultural Produce Sales, Onsite.** The phrase "Onsite Agricultural Produce Sales" means farm-produce
68 sales that are part of an onsite agricultural operation. Offerings for sale must include agricultural products
69 and goods derived from the agricultural operation on which the store is located, and may only include other
70 farm-produce derived from other agricultural operations in Weber County. An Onsite Agricultural Produce
71 Sales operation does not consist of multiple vendors.

72 ...

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

79 ~~**Agro-ecology research and education center (AREC).** The term "agro-ecology research and education~~
80 ~~center (AREC)" means a facility designed for the purpose of providing academic training in the techniques~~
81 ~~of agro-ecology and sustainable agricultural systems. An AREC conducts (theoretical and applied) research~~
82 ~~and community outreach while offering academic education, practical experience/training and public~~
83 ~~service/instruction opportunities for audiences ranging from local school children to international agencies.~~
84 ~~Such a facility may afford meals and overnight lodging facilities for faculty, staff, and/or~~
85 ~~students/apprentices.~~

86 ...

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

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

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

95 ...

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

97 ***Dude ranch.*** The term "dude ranch" means a commercial vacation ranch operation that provides
98 activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and
99 which may also offer ~~short-term rental accommodations~~ a lodging house for guests engaged in these
100 activities.

101 ...

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

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

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

114 ~~***Farm tour, agri-tourism.*** The term "agri-tourism farm tour" means an agri-tourism use/ or activity that~~
115 ~~offers opportunities for the "non-farm" public to learn how a farm functions and where and /how food, fiber,~~
116 ~~fuel, and other agricultural products are produced and/or packaged. Farm tours frequently highlight the~~
117 ~~history of the subject farm and, in general, foster a broader understanding of the importance of agriculture~~
118 ~~and educate the public as to current agricultural practices and technology.~~

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

123 ...

124 **Sec 101-2-8 G Definitions**

125 ...

126 ~~***Glamorous camping (glamping), agri-tourism.*** The term "agri-tourism glamorous camping (glamping)"~~
127 ~~means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis,~~

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

128 ~~fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts~~
129 ~~offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited~~
130 ~~to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.~~

131 ...

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

133 ...

134 ~~**Harvest market, agri-tourism.** The term "agri-tourism harvest market" means an agri-tourism use/activity~~
135 ~~that provides the opportunity for customers to purchase a wide variety of farm products at one farm location.~~
136 ~~A harvest market does not consist of multiple farm vendors; however, it offers for sale, agricultural products~~
137 ~~and goods derived from the farm on which the harvest market is located as well as other commonly owned~~
138 ~~and/or independent or unaffiliated Weber County farms.~~

139 ...

140 ~~**Health farm, agri-tourism.** The term "agri-tourism health farm" means a farm building, including overnight~~
141 ~~lodging facilities, designed for the purpose of providing proactive health and wellness education and/or~~
142 ~~physical exercise and diet regimens that can, in a rural and spa-like environment, improve one's quality of~~
143 ~~life in a rural and spa-like environment. Health and wellness opportunities may consist of, but are not limited~~
144 ~~to, general and specialized exercise, wellness, and nutritional classes/consultations, organic cooking~~
145 ~~classes or /workshops, yoga, meditation, and massage therapy. A health farm may serve meals only when~~
146 ~~served to participating clientele.~~

147 ...

148 ~~**Hunting preserve, agri-tourism.** The term "agri-tourism hunting preserve" means an agri-tourism use or~~
149 ~~/activity, approved by the appropriate local, state and/or federal agency, which provides the opportunity for~~
150 ~~an individual or group to pay a fee for the right to hunt on a farm. A hunting preserve is a non-agriculturally~~
151 ~~related use unless provided as an accessory to a bona fide agricultural operation.~~

152 ...

153 **Sec 101-2-13 Loc - Lod Definitions**

154 ...

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

159 ~~**Lodging house/boardinghouse.** The term "lodging house/boardinghouse" means a building where~~
160 ~~lodging only is provided for compensation in five or more guest rooms, but not exceeding 15 persons.~~

161 ...

162 **Sec 101-2-14 M Definitions**

163 ...

164 ~~**Motor coach/caravan area, agri-tourism.** The term "agri-tourism motor coach/caravan area" means an~~
165 ~~area, within an approved agri-tourism operation, that provides individual sites for the temporary parking~~
166 ~~and occupation of recreational vehicles (i.e., motor coach, camper van, trailer, etc.).~~

167 ...

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

168 Sec 101-2-16 O Definitions

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

173 ...

174 Sec 101-2-17 P Definitions

175 ...

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

179 ...

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

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

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

199 ...

200 Sec 101-2-20 Sp Definitions

201 ...

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

207 ~~**Recreational vehicle/travel trailer.** The term "recreational vehicle/travel trailer" means a vehicular unit,~~
208 ~~other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use,~~

209 ~~which is either self-propelled or is mounted on or pulled by another vehicle including, but not limited to:~~
210 ~~travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.~~

211 ...

212 **Sec 101-2-20 S Definitions**

213 ...

214 ~~***Special occasion, agri-tourism.*** The term "agri-tourism special occasion" means an agri-tourism use/~~
215 ~~activity that provides the opportunity for agri-tourists to rent an area that can act as a venue for events,~~
216 ~~including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and/or corporate~~
217 ~~picnics/outings that do not constitute a special event as defined by title Title 38, special events~~

218 ...

219 **Sec 101-2-22 U Definitions**

220 ~~***U-pick operation, agri-tourism.*** The term "agri-tourism u-pick operation" means an agri-tourism~~
221 ~~use/activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from~~
222 ~~the plant grown on a farm location.~~

223 ...

224

225 **TITLE 104 ZONES**

226 ...

227 **CHAPTER 104-2 AGRICULTURAL ZONES**

228 ...

229 **Sec 104-2-3 Land Use Table**

230 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
 231 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
 232 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
 233 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.
 234

235 (a) **Accessory uses.** [Unless otherwise specified in this Land Use Code, A](#)n accessory use is prohibited
 236 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
Accessory building , accessory and incidental to the use of a main building.	P	P	P	P	
Accessory dwelling unit.	P	P	P	P	See Chapter 108-19 .
Accessory use , accessory and incidental to the main use.	P	P	P	P	
Agricultural Produce Sales, Onsite. The sales of agricultural products produced onsite, accessory to an agricultural operation.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-2-4. 5-acre use.
Custom exempt meat cutting , accessory to a residential use.	C	N	N	N	See Section 104-2-4. 5-acre use .
Family food production , accessory to a residential use.	P	P	P	P	See Section 104-2-4 .
Home occupation , accessory to a residential use.	P	P	P	P	See Chapter 108-13 .
Household pets , accessory to a residential use.	P	P	P	P	
Main building , designed or used to accommodate the main use.	P	P	P	P	
Parking lot , accessory to a main use allowed in the zone.	P	P	P	P	
Parking of large vehicle , accessory to residential use.	C	C	C	C	See Section 104-2-4. 5-acre use .
Parking of construction vehicle.	C	C	C	C	See Section 104-2-4. 5-acre use .
Sugar beet loading or collection station.	C	N	P	P	
Sugar beet dump site.	N	N	P	P	

Temporary building or use, accessory and incidental to onsite construction work.	P	P	P	P	
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237

	AV-3	A-1	A-2	A-3	Special Provisions
Agriculture.	P	P	P	P	
Agriculture, community-oriented. A crop production operation for use by the broader public, such as a community garden, rental row operation, or you-pick operation.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Agricultural experiment station.	P	P	P	P	
Aquaculture.	P	P	P	P	
Fruit or vegetable stand, for produce grown on the premises only.	P	P	P	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.	P	P	N	N	5-acre use.
Grain storage elevator.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	P	P	
Laboratory facility, for agricultural products and soils testing.	C	C	C	C	
Manure spreading, drying and sales.	N	N	N	C	

238 ...

239 **Sec 104-2-4 Special Regulations**

240 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due
241 to the nature of the use, each shall be further regulated as follows:

242 (a) Agricultural Produce Sales, Onsite. The sales of onsite agricultural produce shall be governed as
243 follows:

244 (1) Onsite. For the purposes of this use, “onsite” shall mean on the same lot or parcel, or on a parcel
245 that is part of a larger group of parcels, the agricultural operation thereon being under the same
246 ownership.

247 (2) Same owner/operator. The sales shall only be operated by the owner or manager of the onsite
248 agricultural operation.

249 (3) Limitation on items sold. Sales shall be limited to Agricultural Products, at least one of which
250 must be produced onsite and shall be continuously offered for sale during all times that offsite
251 produce is offered for sale.

252 (4) Allowed footprint. If sales occur within a building, the footprint of the building area used for sales
253 shall be limited to no more than 0.025 percent of the total area of the agricultural operation. If sales
254 occur outdoors, the footprint of the area used for sales shall be limited to no more than 1.0 percent
255 of the total area of the agricultural operation.

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

256 (5) **Setback requirement.** Except warehousing and storage, all sales activities shall be conducted at
257 a minimum distance from an adjoining property. That distance shall be the greater of:

258 a. 10 feet; or

259 b. One foot for every 200 square feet of footprint used for the sales activities, up to 100 feet.

260 ~~(a)~~(b) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
261 when in compliance with the following:

262 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
263 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

264 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40
265 head per acre of used land in the A-2 and A-3 zones.

266 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
267 parcel of land.

268 ~~(b)~~(c) **Animal feeding operation.** This use may include supplemental or full feeding. However, it is
269 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not produced on
270 the premises. The following additional standards apply for hog feeding:

271 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

272 (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as
273 required by the local health department.

274 ~~(c)~~(d) **Animal feeding operation, large concentrated.** A large concentrated animal feeding operation
275 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with another
276 zone in which this use is allowed. Additionally, the area of confinement devoted to the feeding of the
277 animals in any new large concentrated animal feeding operation shall be set back at least one quarter-
278 mile from every property boundary.

279 ~~(d)~~(e) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than
280 100 feet from a public street and not less than 25 feet from any side or rear lot line.
281 **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more
282 livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite,
283 completely enclosed within a building with no outdoor storage, and located on and with access directly
284 from a collector or arterial street.

285 (f) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more
286 than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not
287 less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
288

289 ~~(e)~~(g) **Family food production.**

290 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
291 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
292 turkeys, five ducks, five geese, or five pigeons.

293 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
294 40,000 square feet.

295 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
296 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
297 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
298 fowl may be kept per each additional acre greater than two.

299 ~~(f)~~(h) **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction
300 vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the same
301 lot or parcel on which it is parked, or the owner or operator's employee. This use shall:

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- 302 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- 303 (2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural
- 304 use;
- 305 (3) Include no more than one three-axle truck, and no pups.
- 306 ~~(g)~~(i) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound
- 307 GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt
- 308 from these restrictions.
- 309 ~~(h)~~(j) **Temporary building or use.** The building or use shall be removed upon completion or
- 310 abandonment of the construction work.
- 311 ...
- 312

313 **CHAPTER 104-~~813~~ FOREST RESIDENTIAL ZONES**

314 **Sec 104-~~138-1~~ Zone Character And ObjectivesPurpose and Intent**

315 The purpose of the forest residential zone is to provide area for residential development in a forest setting.

316 (a) The FR-1 zone is intended to provide at a low density development, as well as to protect as much as
317 possible the naturalistic environment of the development.

318 (a)(b) The FR-3 zone is intended to provide medium density residential uses of apartment clusters or
319 condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities
320 in the mountain areas of Weber County on the basis that such medium density multiple-family housing
321 is an integral and normal part of a recreational resort complex catering to the needs of both tourists and
322 permanent home ownership. This zone is intended to be used in mountain locations in areas associated
323 with major recreational resorts.

324 **Sec 104-13-2 (Reserved) Permitted Uses**

325 The following uses are permitted in the Forest Residential Zone FR-1:

- 326 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~
327 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
328 ~~incidental to a main use.~~
- 329 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 330 ~~(c) Agriculture.~~
- 331 ~~(d) Animals and fowl kept for family food production.~~
- 332 ~~(e) Cluster subdivision, in accordance with title 108, chapter 3.~~
- 333 ~~(f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less~~
334 ~~than 100 feet from a public street, and not less than 25 feet from any side or rear lot line, 40 feet from~~
335 ~~the residence and 75 from the nearest adjacent residence.~~
- 336 ~~(g) Greenhouse, noncommercial only.~~
- 337 ~~(h) Home occupations.~~
- 338 ~~(i) Horses for private use only, and provided that not more than two horses may be kept for each one acre~~
339 ~~of land exclusively devoted to the keeping of horses.~~
- 340 ~~(j) Household pets which do not constitute a kennel.~~
- 341 ~~(k) Single-family dwelling.~~
- 342 ~~(l) Temporary building for use incidental to construction work. Such building shall be removed upon the~~
343 ~~completion or abandonment of the construction work.~~
- 344 ~~(m) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.~~

345 **Sec 104-13-3 Conditional Uses**

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

- 348 ~~(a) Bed and breakfast dwelling, subject to the following standards:~~
 - 349 ~~(1) Two parking spaces shall be provided for the host family plus one space for each guest room;~~
 - 350 ~~(2) Proprietor or owner shall occupy the property;~~
 - 351 ~~(3) Meals shall only be served to overnight guests;~~
 - 352 ~~(4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per~~
353 ~~dwelling;~~
 - 354 ~~(5) Not more than two guests sleeping rooms per dwelling;~~
 - 355 ~~(6) Allowed only in existing dwellings with no exterior additions nor change in residential character;~~
356 ~~and~~
 - 357 ~~(7) Business license shall be obtained.~~
- 358 ~~(b) Bed and breakfast inn, subject to the following standards and criteria:~~
 - 359 ~~(1) Proprietor or owner shall occupy the premises;~~
 - 360 ~~(2) Not more than seven sleeping rooms per inn.~~

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- 361 ~~(3) The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in~~
362 ~~width;~~
363 ~~(4) The lot shall have frontage on a major street as shown on the county general plan (state highway~~
364 ~~or county major street);~~
365 ~~(5) The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose~~
366 ~~of a bed and breakfast inn;~~
367 ~~(6) The inn shall be at least 300 feet from the nearest existing dwelling;~~
368 ~~(7) Two parking spaces shall be provided for the host family plus one space for each guest sleeping~~
369 ~~room;~~
370 ~~(8) The guest parking shall be in the rear of the inn;~~
371 ~~(9) Meals shall be served to registered overnight guests only;~~
372 ~~(10) Signs are limited to one nameplate or one identification sign of not more than eight square feet in~~
373 ~~area;~~
374 ~~(11) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape~~
375 ~~plan shall be submitted with site plan;~~
376 ~~(12) The inn shall be of a historic period or other distinguishable architectural style or design so as not~~
377 ~~to resemble the modern block motel appearance;~~
378 ~~(13) A business license shall be obtained;~~
379 ~~(14) All units to be in one building together with owner's residence.~~
380 ~~(c) Church, synagogue or similar permanent building used for regular religious worship.~~
381 ~~(d) Educational institution, with five-acre minimum lot size.~~
382 ~~(e) Educational/institutional identification sign.~~
383 ~~(f) Golf course, except miniature golf.~~
384 ~~(g) Parking lot accessory to uses permitted in this zone.~~
385 ~~(h) Private park, playground or recreation area, but not including privately owned commercial amusement~~
386 ~~business.~~
387 ~~(i) Public building, public park, recreation grounds and associated buildings.~~
388 ~~(j) Ski resorts, including summer skateboard activities as an accessory use.~~
389 ~~(k) Water storage reservoir developed by a public agency.~~

390

391 **Sec 104-8-3 Land Use Table**

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

396 (a) **Accessory uses.** Unless otherwise specified in this Land Use Code, an accessory use is prohibited
 397 unless located on the same lot or parcel as the main use to which it is accessory.

	<u>FR-1</u>	<u>FR-3</u>	<u>Special Regulations</u>
Accessory building, accessory and incidental to the use of a main building.	P	P	
Accessory dwelling unit.	P	P	See Title 108, <u>Chapter 19</u>
Accessory use, accessory and incidental to the main use.	P	P	
Family food production, accessory to a residential use.	P	N	<u>See Section 104-8-4</u>
Home occupation, accessory to a residential use.	P	P	<u>See Chapter 108-13</u>
Household pets, accessory to a residential use.	P	P	-
Lockout sleeping room, accessory to a dwelling unit.	N	C	No more than two per dwelling unit.
Main building, designed or used to accommodate the main use.	P	P	
Parking lot, accessory to a main use allowed in the zone.	C	<u>P</u>	
Temporary building or use, accessory and incidental to onsite construction work.	P	P	<u>See Section 104-8-4</u>

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

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	FR-1	FR-3	Special Regulations
Agriculture.	P	N	
Greenhouse and nursery.	P	N	Onsite sales are limited to plants produced on the premises.

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

	FR-1	FR-3	Special Regulations
Animal grazing. Animal grazing, as defined in Section 101-2.	P	N	See Section 104-8-4
Apiary.	P	N	-
Aviary.	P	N	-
Corral, stable or building for keeping animals or fowl.	P	N	See Section 104-8-4
Stable for horses, noncommercial.	P	N	Horses shall be for noncommercial use only. No more than two horses shall be kept for each one acre of land used for the horses.

401 (d) [Commercial uses.](#) The following are uses that typically generate for-profit customer-oriented traffic to
402 the lot or parcel.

	FR-1	FR-3	Special Regulations
Conference or education center.	N	C	
Golf course, except miniature golf course.	C	N	
Ski resort.	C	N	-

403 (e) [Institutional uses.](#)

	FR-1	FR-3	Special Regulations
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Church, synagogue, or similar building used for regular religious worship.	C	N	
Public building.	C	C	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	C	N	Five acre minimum use in FR-1 Zone.

404 (f) Residential uses.

	<u>FR-1</u>	<u>FR-3</u>	<u>Special Regulations</u>
Bed and breakfast dwelling.	C	N	See Section 104-8-4
Bed and breakfast inn.	C	C	See Section 104-8-4
Condominium rental apartment (condo-tel), or timeshare building.	N	C	
Dwelling, single-family.	P	P	
Dwelling, two-family.	N	P	
Dwelling, three-family.	N	P	
Dwelling, four-family.	N	P	
Dwelling, multi-family.	N	C	
Group dwelling.	N	C	See Section 108-7-11
Lodging house.	N	C	See Section 104-8-4
Recreation lodge.	N	C	
Residential facility for disabled persons.	P	P	See Section 108-7-13
Short-term rental.	N	P	See Title 108, Chapter 11

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

	<u>FR-1</u>	<u>FR-3</u>	<u>Special Regulations</u>
Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	
Public park, recreation grounds and associated buildings.	C	C	

407 (h) Utility uses.

	<u>FR-1</u>	<u>FR-3</u>	<u>Special Regulations</u>
Public utility substations.	C	C	-
Water storage reservoir, when developed by a utility service provider.	C	N	See Title 108, Chapter 10

408

409 ~~**Sec 104-13-4 Permitted Signs And Regulations**~~

410 ~~Signs shall meet requirements of chapter 32B, Valley Commercial Signs if located within the Ogden Canyon~~
 411 ~~or Ogden Valley area.~~

412 **Sec 104-8-4 Special Regulations**

413 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-8-3. Due
 414 to the nature of the use, each shall be further regulated as follows:

415 (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
 416 when in compliance with the following:

417 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
 418 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

419 (2) It shall not exceed a density of 40 head per acre of used land.

420 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
 421 parcel of land.

422 (a)(b) **Bed and breakfast dwelling.** This use is subject to the following:

423 (1) Two parking spaces shall be provided for the owner plus one space for each guest room;

424 (2) Proprietor or owner shall occupy the property;

425 (3) Meals shall only be served to overnight guests;

426 (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per
 427 dwelling;

428 (5) Not more than two guests sleeping rooms per dwelling;

429 (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
 430 and

431 (7) Business license shall be obtained.

432 ~~(b)~~(c) **Bed and breakfast inn or lodging house.** This use is subject to the following:

- 433 (1) Proprietor or owner shall occupy the premises.
- 434 (2) Two parking spaces shall be provided for the owner plus one space for each guest sleeping room.
- 435 (3) Meals shall be served to registered overnight guests only.
- 436 (4) Signs are limited to one nameplate or one identification sign.
- 437 (5) A business license shall be obtained.
- 438 (6) The following are additional standards applicable in the FR-1 zone:
 - 439 a. Not more than seven sleeping rooms allowed, with all located within the same building as the
 - 440 owner's residence.
 - 441 b. The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in
 - 442 width.
 - 443 c. The lot shall have frontage on a major street as shown on the county general plan (Arterial
 - 444 Street or Collector Street).
 - 445 d. The lot shall not be in a recorded subdivision unless the lot is specifically created for the
 - 446 purpose of a bed and breakfast inn.
 - 447 e. The inn shall be at least 300 feet from the nearest existing dwelling.
 - 448 f. The guest parking shall be in the rear of the inn.
 - 449 g. Signs are limited to one nameplate or one identification sign of not more than eight square feet
 - 450 in area.
 - 451 h. The site shall be landscaped to provide a visual and noise buffer to adjoining property; a
 - 452 landscape plan shall be submitted with site plan.
 - 453 i. The inn shall be of a historic period or other distinguishable architectural style or design so as
 - 454 not to resemble the modern block motel appearance.

455 (d) Corral, stable or building for keeping animals or fowl. This use shall be located no less than 100
456 feet from a public street and not less than 25 feet from any side or rear lot line.

457 (e) Family food production.

458 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
459 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
460 turkeys, five ducks, five geese, or five pigeons.

461 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
462 40,000 square feet.

463 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
464 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
465 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
466 fowl may be kept per each additional acre greater than two.

467 ~~(e)~~(f) **Group dwelling.** Group dwellings shall be considered as one building for the purpose of setback
468 requirements, with the entire group of dwellings as one unit requiring one front, one rear, and two side
469 yards as specified for dwellings. No two separate dwelling structures shall be closer than 30 feet.

470 (g) Lodging house. See bed and breakfast inn.

471 ~~(e)~~(h) **Temporary building or use.** The building or use shall be removed upon completion or
472 abandonment of the construction work.

473 **Sec 104-~~133~~-5 Site Development Standards**

474 The following site development standards apply to a lot or parcel in the Forest Residential Zones FR-1, and
475 FR-3, unless specified otherwise in this Land Use Code.

476

477

478 (a) Lot area:

<u>LOT AREA</u>	<u>FR-1</u>	<u>FR-3</u>	
		<u>Septic¹</u>	<u>Sewer²</u>
Single-Family Dwelling. The minimum Lot Area for a Single-Family Dwelling shall be:	1 acre	20,000 square feet ⁵	6,000 square feet ⁵
Non-Single-Family Dwelling. The minimum Lot Area for all Dwellings other than a Single-Family Dwelling:		20,000 square feet per building ^{3,5}	7,500 square feet per building ^{4,5}
Other main building. The minimum Lot Area for a main building other than a Dwelling:			

479

¹ For the purposes of this table, "septic" means an onsite individual wastewater system, such as a septic system.

480

² For the purposes of this table, "sewer" means an offsite community, group, or shared wastewater system, such as a community sewer system.

481

482

³ An additional 8,000 square feet of Lot area is required for each Dwelling Unit in excess of one per building, and there shall not be more than 4 dwelling units per net developable acre.

483

484

⁴ An additional 2,000 square feet of Lot area is required for each Dwelling Unit in excess of two per building, and there shall not be more than 20 dwelling units per net developable acre.

485

486

⁵ An additional 500 square feet of Lot Area is required for each rental or Lockout Sleeping Room, and there shall not be more than 40 rental or Lockout Sleeping Rooms per net developable acre if on sewer, or eight if on septic.

487

488 (b) Lot width:

<u>LOT WIDTH</u>	<u>FR-1</u>	<u>FR-3</u>
Minimum for all uses:	150 feet ¹	60 feet

489

¹ The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third as long as the required minimum lot width is provided when measured at a distance of 70 feet back from the front lot line in the FR-1 Zone.

490

491

492 (c) Yard setback:

493 (1) Front yard setback:

<u>YARD SETBACK</u>	<u>FR-1</u>	<u>FR-3</u>
Minimum front yard setback:	30 feet ¹	25 feet ¹

494

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

495 (2) Side yard setback:

<u>SIDE YARD SETBACK</u>	<u>FR-1</u>	<u>FR-3</u>
Main building:	20 feet	8 feet ¹
Accessory building:		8 feet, except one foot if located at least six feet in rear of main building.
Corner lot, side facing street:		20 feet

496

¹ The combination of the two required side yards shall not be less than 18 feet, plus one additional foot on each side for each foot of building height greater than 35 feet.

497

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498 (3) Rear yard setback:

<u>REAR YARD SETBACK</u>	<u>FR-1</u>	<u>FR-3</u>
Main building:	30 feet	30 feet
Accessory building:	10 feet	1 foot, except 8 feet when on a corner Lot and adjacent to the adjoining Lot's front-yard.

499 ~~(c)~~(d) Building height:

<u>BUILDING HEIGHT</u>	<u>FR-1</u>	<u>FR-3</u>
Minimum main building height:	1 story	
Maximum main building height:	35 feet	
Maximum accessory building height:	25 feet ¹	

500 ¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

501 ~~(d)~~(e) Lot coverage:

<u>LOT COVERAGE</u>	<u>FR-1</u>	<u>FR-3</u>
The maximum lot coverage of all buildings:	N/A	40 percent ¹

502 ¹ At least 40 percent of the lot shall be left in open green space.

503 ~~(e)~~(f) Floor to area ratio:

<u>FLOOR TO AREA RATIO</u>	<u>FR-1</u>	<u>FR-3</u>
The maximum ratio of total building floor-area to Lot area:	N/A	1:1

504
505 The following site development standards shall apply to the Forest Residential Zone FR-1:

Minimum lot area	1 acre
Minimum lot width	150 feet, except the width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up on one-third, provided the lot has the required lot width at a distance of 70 feet back from the front lot line
Minimum yard setbacks	
Front	30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width
Side	20 feet
Rear	

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Main building	30 feet
Accessory building	10 feet
Main building height	
Minimum	1-story
Maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings

506 ...

507

508 **CHAPTER 104-9 FOREST ZONES ~~F-5, F-10, AND F-40~~**

509 **Sec 104-9-1 Purpose**

- 510 (a) The intent of the forest zones is to protect and preserve the natural environment of those areas of the
511 county that are characterized by mountainous, forest or naturalistic land, and to permit development
512 compatible to the preservation of these areas.
- 513 (b) The objectives in establishing the forest zones are:
- 514 (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the
515 natural resources, vegetation and attractions;
- 516 (2) To reduce the hazards of flood and fire;
- 517 (3) To prevent sanitation and pollution problems and protect the watershed;
- 518 (4) To provide areas for private and public recreation and recreation resorts; and
- 519 (5) To provide areas for homes, summer homes, and summer camp sites.

520 **Sec 104-9-2 (Reserved) Permitted Uses**

521 ~~The following uses are permitted in Forest Zones F-5, F-10, and F-40:~~

- 522 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~
523 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
524 ~~incidental to a main use.~~
- 525 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 526 ~~(c) Agriculture.~~
- 527 ~~(d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.~~
- 528 ~~(e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to~~
529 ~~the animal. The keeping of animals and fowl for family food production. Golf course, except miniature~~
530 ~~golf courses.~~
- 531 ~~(f) Home occupations.~~
- 532 ~~(g) Household pets.~~
- 533 ~~(h) Private stables, not to exceed one horse per acre.~~
- 534 ~~(i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements~~
535 ~~of the Forest Campground Ordinance of Weber County; public buildings.~~
- 536 ~~(j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less~~
537 ~~than 180 days for recreational use only and not for longer term placement nor for full time living. The~~
538 ~~following additional conditions shall apply:~~
- 539 ~~(1) The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-~~
540 ~~40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster~~
541 ~~subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this~~
542 ~~chapter.~~
- 543 ~~(2) County environmental health department approval as to waste disposal by an approved septic tank~~
544 ~~and drain field with approved connection to the R.V., and a land use permit from the county planning~~
545 ~~commission for each unit, which shall expire after 180 days from date of issue, and including only~~
546 ~~the following accessory uses: not more than one storage shed of not more than 200 square feet~~
547 ~~per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck~~
548 ~~of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace;~~
549 ~~picnic table and chairs and tent type screens.~~

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550 ~~(3) A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or parcel as~~
 551 ~~qualified in subsection (f)(2) of this section containing a minimum area of two acres excluding land~~
 552 ~~known as common land and/or open space.~~

553 ~~(4) The following state and local division of health codes and requirements are complied with:~~

- 554 ~~a. International Utah Plumbing Code.~~
- 555 ~~b. Rules and regulations relating to public water supplies.~~
- 556 ~~c. Code of Waste Disposal Regulations.~~
- 557 ~~d. Code of Solid Waste Disposal Regulations.~~
- 558 ~~e. Recreation regulations.~~

559 ~~(k) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley~~
 560 ~~area.~~

561 ~~(l) Single family residences.~~

562 **Sec 104-9-3 Land Use Table Conditional Uses**

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

567 (a) Accessory uses. Unless otherwise specified in this Land Use Code, an accessory use is prohibited
 568 unless located on the same lot or parcel as the main use to which it is accessory.

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Accessory building , accessory and incidental to the use of a main building.	P	P	P	
Accessory dwelling unit.	P	P	P	See Title 108, <u>Chapter 19.</u>
Accessory use , accessory and incidental to the main use.	P	P	P	
Family food production , accessory to a residential use.	P	P	P	<u>See Section 104-9-4</u>
Home occupation , accessory to a residential use.	P	P	P	See <u>Chapter 108-13.</u>
Household pets , accessory to a residential use.	P	P	P	
Main building , designed or used to accommodate the main use.	P	P	P	

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Skeet or trap shooting , when accessory to a public or private camp.	C	C	C	
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569 (b) [Agricultural uses, non-animal.](#)

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Agriculture.	P	P	P	
<u>Aquaculture.</u>	<u>P</u>	<u>P</u>	<u>P</u>	-

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

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Animal grazing. Animal grazing, as defined in Section 101-2.	P	P	P	<u>See Section 104-9-4.</u>
<u>Apiary.</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Aquaculture, animal related.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Aviary.</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
Corral, stable or building for keeping animals or fowl.	P	P	P	<u>See Section 104-9-4.</u>

572 (d) [Commercial uses.](#) The following are uses that typically generate for-profit customer-oriented traffic to
573 the lot or parcel.

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Agritourism.	C	<u>C</u>	<u>C</u>	<u>See Chapter 108-21.</u>
Campground and picnic area.	C	C	C	<u>See Title 108, Chapter 20.</u>
Conference/education center.	C	C	C	

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Forest industries. Production of forest products.	C	C	C	
Dude ranch.	C	C	C	
Golf course, except miniature golf course.	P	P	P	
Skeet or trap shooting range	N	N	C	
Ski resort.	C	C	C	

574 (e) [Institutional uses.](#)

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Cemetery.	C	C	C	
Church, synagogue or similar building used for regular religious worship.	C	C	C	

575 (f) [Residential uses.](#)

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Recreation lodge	C	C	C	
Single-family dwelling.	P	P	P	

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

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Recreational vehicle parking.	P	P	P	<u>See Section 104-9-4</u>
Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	C	-
Public campground and picnic area.	P	P	P	See <u>Title 108, Chapter 20.</u>

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Public park, recreation grounds and associated buildings.	P	P	P	
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578 (h) Utility uses.

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Hydro-electric dam.	C	C	C	
Public utility substations.	C	C	C	
Radio or television station or tower.	C	C	C	
Wastewater treatment or disposal facilities	C	C	C	
Water storage reservoir, when developed by a utility service provider.	C	C	C	<u>See Title 108, Chapter 10.</u>

579 (i) Other uses.

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Heliport.	N	N	C	<u>See Section 104-9-4</u>
Mines, quarries, gravel pits.	C	C	C	Compliance with the Weber County Excavation and Clean Fill Ordinance required.

- 580
- 581 ~~The following uses shall be permitted only when authorized by a conditional use permit obtained as~~
- 582 ~~provided in this Land Use Code:~~
- 583 ~~(a) Agri-tourism, in the Forest-5 Zone, subject to the requirements of the Weber County Agri-Tourism~~
- 584 ~~Ordinance.~~
- 585 ~~(b) Cemeteries. Churches.~~
- 586 ~~(c) Forest industries; production of forest products.~~
- 587 ~~(d) Dams.~~
- 588 ~~(e) Educational/Institutional identification sign.~~
- 589 ~~(f) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber~~
- 590 ~~County Excavation Ordinance.~~
- 591 ~~(g) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the requirements~~
- 592 ~~of the Forest Campground Ordinance of Weber County. Dude ranches.~~

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- 593 ~~(h) Public utility substations and transmission lines.~~
- 594 ~~(i) Radio and television towers.~~
- 595 ~~(j) Ski resorts.~~
- 596 ~~(k) Skeet and trap shooting ranges as an accessory use to public and/or private camps in the F-5 and F-~~
- 597 ~~40 Zones.~~
- 598 ~~(l) Skeet and trap shooting ranges in the F-40 Zones.~~
- 599 ~~(m) Water pumping plants and reservoirs.~~
- 600 ~~(n) Wastewater treatment or disposal facilities meeting the requirements of the Utah State Department of~~
- 601 ~~Environmental Quality Division of Water Quality but not including individual water disposal systems.~~
- 602 ~~(o) Recreation lodge.~~
- 603 ~~(p) Conference/education center.~~
- 604 ~~(q) Heliport in the F-40 Zone subject to the following standards:~~
- 605 ~~(1) A heliport must be located on a single parcel of record which is not less than 40 acres in area.~~
- 606 ~~(2) A heliport must be located at an elevation of at least 6,200 feet above sea level.~~
- 607 ~~(3) A heliport must be located at least 200 feet from any property line. The planning commission may~~
- 608 ~~grant exceptions to the setback requirement if it can be demonstrated that locating the heliport~~
- 609 ~~closer than 200 feet to the property line provides a more beneficial situation for purposes of safety,~~
- 610 ~~noise abatement, access, or other valid reasons as determined by the planning commission.~~
- 611 ~~(4) The heliport landing surface must be dust-proof and free from obstructions.~~
- 612 ~~(5) Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation~~
- 613 ~~Administration (FAA) is required, if necessary.~~

614 Sec 104-9-4 Special Regulations

615 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-9-3. Due

616 to the nature of the use, each shall be further regulated as follows:

- 617 (i) **Animal grazing.** No more than one horse or cow per acre of land exclusively devoted to the animal.
- 618 This use shall not include the supplementary or full feeding of the animals, except when in compliance
- 619 with the following:
- 620 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
- 621 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 622 (2) It shall not exceed a density of 40 head per acre of used land.
- 623 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
- 624 parcel of land.
- 625 (j) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100
- 626 feet from a public street and not less than 25 feet from any side or rear lot line.
- 627 (k) **Family food production.**
- 628 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
- 629 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
- 630 turkeys, five ducks, five geese, or five pigeons.
- 631 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
- 632 40,000 square feet.
- 633 ~~(4)~~(3) No more than six combined sets of Group A animals and sets of Group B animals or fowl
- 634 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 sets of Group A and sets of Group B animals or fowl may be kept per each additional acre greater than two.

(l) **Heliport.** This use shall comply with the following minimum standards:

- (1) It shall be located on a single parcel of record which is not less than 40 acres in area.
- (2) It shall be located at an elevation at least 6,200 feet above sea level.
- (3) It shall be located at least 200 feet from any property line. The Land Use Authority may grant exceptions to this setback 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 Land Use Authority.
- (4) The landing surface shall be dust proof and free from obstructions.
- (5) Prior to the issuance of a permit, written approval from the Federal Aviation Administration (FAA) is required, if necessary.

(m) **Recreational vehicle use.** No more than one recreational vehicle, or two if on a lot or parcel that is two acres or greater, shall be occupied on a lot or parcel for more than 180 days of any single calendar year. The recreational vehicle use shall be limited to recreational uses only and not for longer term placement or for full-time living. The use may be accompanied by no more than one storage shed no greater than 200 square feet and shall not include electrical or plumbing, one prepared recreational vehicle pad, one raised deck of no more than two feet in height adjacent to the recreational vehicle, one outdoor camp fireplace, and picnic table, chairs, tent-type screen. The following additional conditions shall apply:

- a. The lot shall meet minimum lot requirements as specified in this Land Use Code, or be a nonconforming lot as specified in Title 108, Chapter 12.
- b. Health department approval is required for waste disposal by an approved septic tank and drain field with approved connection to the recreation vehicle.

Sec 104-9-4-5 Site Development Standards ~~Minimum Lot Area, Width And Yard Regulations~~

~~The following minimum lot areas, widths, and yard regulations apply to the Forest Zones F-5, F-10, and F-40:~~

The following site development standards apply to a lot or parcel in the Forest Zone F-5, F-10, and F-40, unless specified otherwise in this Land Use Code.

~~(f)~~(g) **Lot area:**

<u>LOT AREA</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Minimum for all uses:	5 acres	10 acres	40 acres

~~(g)~~(h) **Lot width:**

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Minimum for all uses:	300 feet ¹	400 feet ¹	660 feet ¹

¹The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the required minimum lot width is provided when measured at a distance of 100 feet back from the front lot line in the F-5 Zone; 140 feet in the F-10 Zone.

(i) **Yard setback:**

- (1) **Front yard setback:**

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672

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Minimum front yard setback:	30 feet ¹	50 feet ¹	75 feet ¹

¹See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

673

(2) Side yard setback:

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Minimum for all uses:	20 feet	20 feet	40 feet

674

(3) Rear yard setback:

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Main building:	30 feet		
Accessory building:	10 feet		

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~~(H)~~(i) Building height:

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Minimum main building height:	1 story		
Maximum main building height:	35 feet		
Maximum accessory building height:	25 feet ¹		

¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

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678

	F-5 Zone	F-10 Zone	F-40 Zone
Area	5 acres	10 acres	40 acres
Width	300 ft.*	400 ft.*	660 ft*
**			
Yard, front	30 ft.+	50 ft.	75 ft.
Yard, side	20 ft.	20 ft.	40 ft.
Yard, rear	30 ft.	30 ft.	30 ft.

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1)*The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the required minimum lot width is provided back from the front lot line at a distance of 100 feet in the F-5 Zone; 140 feet in the F-10 Zone.			
2)**In the F-40 Zone where property lot lines follow a basic rectangular pattern based upon section lines or regular divisions of section lines, road frontage requirements may be reduced to a minimum of 100 feet for each lot, but this in no way permits a reduction in the minimum required lot width which must be maintained.			
3)+ In the F-5 Zone, front yard setbacks will be 50 feet on right-of-way of 80 feet or more.			
4) Main building maximum height	35 ft.	35 ft.	35 ft.
5) Accessory building height		25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings.	

679 ...
680

681 **CHAPTER 104-10 SHORELINE ZONE S-1**

682 **Sec 104-10-1 Purpose and Intent**

- 683 (a) The shoreline zone has been established as a district in which the primary use of the land is for farming
684 and for recreational purposes. In general, this zone covers the portion of the unincorporated area of
685 the county ~~which~~-that is occupied by Pineview Reservoir and shores adjacent thereto.
- 686 (b) This zone is characterized by farms and pasture lands situated adjacent to the shore of the Pineview
687 Reservoir and interspersed by dwellings, recreational camps, resorts and outdoor recreation facilities.
- 688 (c) The ~~purposes of~~objectives in establishing the Shoreline Zone S-1 are:
- 689 (1) To promote the use of the land for agriculture and for fish, wildlife and recreational purposes both
690 public and private;
- 691 (2) To facilitate the conservation of water and other natural resources;
- 692 (3) To reduce hazards from floods and fires;
- 693 (4) To preserve open space, natural scenic attractions, natural vegetation, and other natural features
694 within the zone;
- 695 (5) To ensure adequate provision for water supply, domestic sewage disposal and sanitation.
- 696 (d) In order to accomplish these objectives and purposes and to protect the essential characteristics of the
697 zone, the following regulations shall apply in the Shoreline Zone S-1.

698 **Sec 104-10-2 (Reserved) Permitted Uses**

699 ~~The following uses are permitted in the Shoreline Zone S-1:~~

- 700 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~
701 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
702 ~~incidental to a main use.~~
- 703 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 704 ~~(c) Agriculture, grazing and pasturing of animals.~~
- 705 ~~(d) Boating.~~
- 706 ~~(e) Cemeteries.~~
- 707 ~~(f) Fishing.~~
- 708 ~~(g) Golf courses, excluding miniature golf courses.~~
- 709 ~~(h) Home occupations.~~
- 710 ~~(i) Keeping of animals and fowl for family food production.~~
- 711 ~~(j) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements~~
712 ~~of the Forest Campground Ordinance of Weber County. Public buildings~~
- 713 ~~(k) Single family dwelling. Signs.~~
- 714 ~~(l) Water skiing and other water recreation activities.~~

715 **Sec 104-10-3 Land Use Table Conditional Uses**

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

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

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	<u>S-1</u>	<u>Special Regulations</u>
Accessory building , accessory and incidental to the use of a main building.	P	-
Accessory dwelling unit.	P	See Chapter 108-19.
Accessory use , accessory and incidental to the main use.	P	-
Family food production , accessory to a residential use.	P	See Section 104-10-4
Home occupation , accessory to a residential use.	P	See Chapter 108-13.
Household pets , accessory to a residential use.	P	-
Main building , designed or used to accommodate the main use.	P	-

722 (b) [Agricultural uses, non-animal.](#)

	<u>S-1</u>	<u>Special Regulations</u>
Agriculture.	P	-
<u>Aquaculture.</u>	<u>P</u>	-

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

	<u>S-1</u>	<u>Special Regulations</u>
Animal grazing. Animal grazing, as defined in Section 101-2.	P	See Section 104-10-4.
<u>Apiary.</u>	<u>P</u>	-
<u>Aquaculture, animal related.</u>	<u>P</u>	
Aviary.	P	-
<u>Corral, stable or building for keeping animals or fowl.</u>	<u>P</u>	See Section 104-10-4.

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

	<u>S-1</u>	<u>Special Regulations</u>
<u>Agritourism.</u>	<u>C</u>	<u>See Chapter 108-21.</u>
Golf course , except miniature golf course.	P	-

727 (e) Institutional uses.

	<u>S-1</u>	<u>Special Regulations</u>
Cemetery.	P	-
<u>Church, synagogue or similar building used for regular religious worship.</u>	<u>P</u>	-

728 (f) Residential uses.

	<u>S-1</u>	<u>Special Regulations</u>
Single-family dwelling.	P	-

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

	<u>S-1</u>	<u>Special Regulations</u>
Private park, playground or recreation area. No privately owned commercial amusement business.	C	-
Public campground and picnic area.	P	<u>See Chapter 108-20.</u>
Public park, recreation grounds and associated buildings.	P	-

731 (h) Utility uses.

	<u>S-1</u>	<u>Special Regulations</u>
Hydro-electric dam.	C	-
Public utility substations.	C	-
Radio or television station or tower.	C	-

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732 ~~The following uses shall be permitted only when authorized by a conditional use permit as provided in title~~
733 ~~108, chapter 4 of this Land Use Code:~~

734 ~~(1) Hydro electric dams.~~

735 ~~(2) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the~~
736 ~~requirements of the Forest Campground Ordinance of Weber County. Public utility substations and~~
737 ~~transmission lines.~~

738 ~~(3) Public utility substations.~~

739 ~~(4) Radio and television towers.~~

740 **Sec 104-10-74 Special Regulations Provisions**

741 ~~(b)~~(a) General use regulations. The above specified uses shall be permitted only under the following
742 conditions:

743 (1) Public health requirements concerning domestic water supply and sewage disposal shall comply
744 with provisions of section 108-7-9.

745 (2) No building or structure shall be constructed within the boundaries of any public reservoir as
746 determined by the public agency having jurisdiction or within the boundaries of any natural
747 waterway or watercourse as determined by the county engineer wherein no buildings or structures
748 shall be constructed or land subdivided. Where buildings are to be constructed within 50 feet of the
749 exterior boundaries of a flood channel existing at the effective date of the ordinance from which this
750 chapter is derived, adequate measures must be taken as determined by the Weber County
751 Engineer so as to protect the building or structure from damage due to floods and so as not to
752 increase the hazard to surrounding lands and buildings.

753 (3) The required yard space shall be kept free of debris, refuse or other inflammable material which
754 may constitute a fire hazard.

755 ~~(4) Maximum height: 35 feet.~~

756 (b) Specific use regulations. The uses listed below correspond with certain uses listed in the Land Use
757 Table in Section 104-10-3. Due to the nature of the use, each shall be further regulated as follows:

758 (1) Animal grazing. This use shall not include the supplementary or full feeding of the animals, except
759 when in compliance with the following:

760 a. It may only be carried on during times that are reasonable and necessary due to lack of natural
761 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

762 b. It shall not exceed a density of 25 head per acre of used land.

763 c. It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
764 parcel of land.

765 (2) Corral, stable or building for keeping animals or fowl. This use shall be located no less than
766 100 feet from a public street and not less than 25 feet from any side or rear lot line.

767 (3) Family food production.

768 a. As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one
769 goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants,
770 five turkeys, five ducks, five geese, or five pigeons.

771 b. No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less
772 than 40,000 square feet.

773 c. No more than six combined sets of Group A animals and sets of Group B animals or fowl may
774 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater
775 than two acres, except that an additional six combined sets of Group A and sets of Group B
776 animals or fowl may be kept per each additional acre greater than two.

777 **Sec 104-10-5 Site Development Standards ~~Front Yard Regulations~~**

778 [The following site development standards apply to a lot or parcel in the Shoreline zone, unless specified](#)
 779 [otherwise in this Land Use Code.](#)

780 ~~(j)~~(k) **Lot area:**

	S-1
Minimum for all uses:	5 acres

781 ~~(j)~~(l) **Lot width:**

	S-1
Minimum for all uses:	300 feet

782 **(m) Yard setback:**

783 (1) **Front yard setback:**

	S-1
Minimum front yard setback:	30 feet ¹

784 ¹See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

785 (2) **Side yard setback:**

	S-1
Minimum for all uses:	20 feet

786 (3) **Rear yard setback:**

	S-1
Main building:	30 feet
Accessory building:	10 feet

787 ~~(k)~~(n) **Building height:**

	S-1
Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet ¹

788 ¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

789 ~~**Sec 104-10-4 Area Regulations Building Site Area Required**~~

790 ~~The minimum lot and building site area shall be one recorded lot or parcel of land not less than five acres~~
791 ~~and a minimum width of 300 feet for each dwelling or use.~~

792 ~~**Sec 104-10-5 Front Yard Regulations**~~

793 ~~The following front yard regulations shall apply in the Shoreline Zone S-1:~~

794 ~~(a) 30 feet on streets of less than 80 feet in width;~~

795 ~~(b) 100 feet on streets and highways of 80 feet or more in width.~~

796 ~~**Sec 104-10-6 Side And Rear Yard Regulations**~~

797 ~~Side and rear yard regulations shall be the same as for Forest Residential Zone FR-1.~~

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799 **CHAPTER 104-13 (RESERVED) FOREST RESIDENTIAL ZONES**

800 ...

801 **CHAPTER 104-17 (RESERVED) FOREST RESIDENTIAL ZONE FR-3**

802 ...

803 **TITLE 108 STANDARDS**

804 ...

805 **CHAPTER 108-21 AGRITOURISM**

806 **Sec 108-21-1 Purpose And Intent**

807 The County desires to create a culture that supports and celebrates its agrarian heritage and open spaces
808 in the unincorporated areas. This chapter's purpose is to do this by providing owners of agricultural
809 operations the ability to generate additional income from land uses that are not otherwise allowed in the
810 zone, provided those uses are accessory, incidental, and inextricably related to the an onsite agricultural
811 operation. The intent of this chapter is to create allowances and regulations that govern agriculture-oriented
812 land uses that cater to tourists and other visitors coming to the site for recreational, educational,
813 gastronomical, or similar agriculture-oriented attraction.

814 ~~The purpose of this chapter is to provide support and economically feasible land use alternatives to local~~
815 ~~and enterprising farm owners who are devoted to their land and are committed to providing authentic,~~
816 ~~agriculturally related products and experiences to the public. Agriculture is a very important contributor to~~
817 ~~Utah's economy and, observably, an integral and indispensable part of Weber County's rich cultural~~
818 ~~heritage; therefore, it is the county's desire to create an environment in which agriculture is not only~~
819 ~~encouraged but can thrive. It is intended to benefit farm owners and the residents of Weber County through~~
820 ~~its ability to generate supplementary farm income while promoting the preservation of agricultural open~~
821 ~~space and significantly enhancing leisure, recreational, educational, and gastronomic opportunities for those~~
822 ~~in pursuit of such experiences in a rural farmland setting.~~

823 **Sec 108-21-2 Applicability and Qualifications**

824 (a) **Applicability.** The standards found in this chapter shall apply to all agritourism operations. Application
825 and review provisions for an agritourism conditional use permit are set forth in Title 108, Chapter 4 of
826 this Land Use Code. Any additional detail required by this chapter shall supplement the conditional use
827 permit application. An agritourism use that operates outside of approved hours of operation, or that
828 involves crowds in a number greater than that which can be served by existing facilities, shall obtain a
829 Special Event Permit pursuant to Title 38 of the Weber County Code.

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830 ~~agri-tourism applications/operations. Also, all agri-tourism operations are subject to title 108, chapter 4 of~~
831 ~~this Land Use Code (conditional uses) which regulates the conditional use permit application and review~~
832 ~~process. This process may include, but is not limited to, a review by the Weber County Planning Division,~~
833 ~~Building Inspection Division, Engineering Division, and Sheriff's Office. Other review agencies may include~~
834 ~~the Weber-Morgan Health Department, Weber Fire District, Utah State University Cooperative Extension,~~
835 ~~and/or other various agencies. Agri-tourism events that operate outside of normal day-to-day hours and/or~~
836 ~~involve spectators in a number greater than that which can be served by existing facilities shall be subject~~
837 ~~to title 38, special events. Other ordinances, codes and/or regulations may apply; therefore, it shall be the~~
838 ~~responsibility of the applicant to know and understand all applicable standards and agency requirements.~~

839 (b) **Primary use.** All agritourism operations shall clearly be accessory and incidental to a primary
840 agricultural use of the property. To this end, unless the agritourism use is a routine part of cultivating
841 or harvesting an agricultural product onsite, at no time shall the agritourism use occupy an area that is
842 larger than 20 percent of the agricultural operation's gross acreage, as described in Subsection (c) of
843 this Section 108-21-2. Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism
844 uses/activities shall be complementary and clearly accessory to the primary agricultural use. To
845 guarantee legitimacy and viability, an agri-tourism operation shall demonstrate that the subject property
846 has been qualified under the Farmland Assessment Act or that the subject property is currently, or will
847 be within the next growing season, producing an agricultural product in an amount that meets or
848 exceeds the production requirement as established by the Farmland Assessment Act. A farmer, whose
849 primary agricultural use is that of an apiary, shall be required to maintain two hives per acre with a ten-
850 hive minimum. No more than 20 hives shall be necessary when a farm exceeds ten acres.

851 (c) **Qualifications.** An agricultural operator seeking an agritourism permit shall demonstrate at the time of
852 application, as well as throughout the duration of the agritourism use, the following:

853 (1) **Ownership.** Demonstrate that the agricultural operator has owned the subject property for the last
854 two years.

855 (2) **Actively devoted to Agriculture.** Demonstrate that the agricultural operation's gross acreage has
856 been actively devoted to an agricultural use for at least the last two years. An agricultural
857 operation's gross acreage shall be determined to be the area actively devoted to an agricultural
858 use that is routinely maintained in an agriculturally productive manner, including barns and similar
859 buildings or structures intended to serve the agricultural operation, and including temporarily
860 nonproductive land if the land is temporarily nonproductive due to crop or animal rotation, crop
861 immaturity, or other similar accepted agricultural practices.

862 (3) **Minimum acreage.** Demonstrate that the agricultural operation's gross acreage is equal to or
863 greater than is required for the specific agritourism use or uses being pursued, as specified in
864 Section 108-21-4 and Section 108-21-5. However, if an apiary is the primary agricultural operation:

865 a. The subject property shall be at least ~~three~~two acres; and

866 b. The agritourism use associated with the apiary shall be limited to only that which is listed as
867 allowed for a Garden Operation, as specified in the Table in Section 108-21-5 herein.

868 (4) **Proof of production, if necessary.**

869 a. If not already obvious to the Land Use Authority, demonstrate:

870 1. That the agricultural operation's gross acreage being claimed to be actively devoted to an
871 agricultural use produces enough to meet or exceed 50 percent of either the production
872 levels reported in the current publication of the Utah Agricultural Statistics, or the current
873 crop budgets developed and published by Utah State University; or

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874 2. That 80 percent or more of the agricultural operation owner's income is derived from
875 agricultural products produced on the subject property.

876 b. This provision is not applicable for use in the Western Weber Planning Area.

877 (5) **Private covenants.** If the property is governed by private covenants that prohibit or restrict
878 agritourism, then any approval otherwise is void.

879 (6) **Modifications of applicability.** Land use authority may waive applicability if it advance an
880 agricultural operations ability to function.

881 ~~The agricultural operator has owned the subject property for the last two years.;~~

882 ~~—The agricultural operator has commercially sold an agricultural product that was produced on the~~
883 ~~subject property for greater than one year~~

884 ~~—The subject propertyQualified under the Farmland Assessment ActIs currently, or will be within~~
885 ~~the next growing season, producing an agricultural product in an amount that meets or exceeds~~
886 ~~the production requirement as established by the Farmland Assessment Act; or~~

887 (d) **Permit enforcement.** An agritourism permit includes all conditions of approval as may be applied by
888 the Land Use Authority. At no time shall an agritourism operation be conducted in a manner that
889 conflicts with the details of the agritourism permit application or the conditions of approval. If a condition
890 or finding of approval conflicts with any detail provided in the application, the condition or finding shall
891 prevail.

892 (e) **Supplemental application ~~A~~narrative.** In addition to the application requirements listed in ~~title-Title~~
893 108, ~~chapter-Chapter~~ 4 of this Land Use Code (~~conditional uses~~), all agritourism applications shall be
894 accompanied by a ~~detailed~~concise narrative describing the ~~farm~~agricultural operation and the overall
895 vision for the proposed agritourism operation. The narrative shall also include the following:

896 (1) **History.** ~~farm-The~~ history of the agricultural operation along with evidence that demonstrates the
897 operation meets the minimum qualifications herein.;

898 ~~—A description of the agricultural operation, its general functions, maintenance, product(s), and~~
899 ~~customer base. a description or plan for the general maintenance of its agricultural product(s);~~

900 (2) **Description of anticipated changes.** A description of any plans for changes to the agricultural
901 operation, its general functions, maintenance, product(s), and customer base.

902 (3) **Description of use's incidental and accessory nature.** A description of how the agritourism
903 operation is incidental and accessory to the agricultural operation, and a plan for how the owner
904 will ensure the agritourism operation remains incidental and accessory in perpetuity.

905 (4) **Description of new infrastructure and buildings.** A description of all intended new infrastructure,
906 including streets, driveways, parking lots, buildings, and utilities.

907 (5) **Description of operation.** An explanation or description of the agritourism operation including; ~~and~~
908 proposals for the following

909 ~~Offerings for agriculturally related and non-agriculturally related p~~

910 a. **Products.** Products that will be sold onsite.

911 b. **Activites.** ~~and uses/a~~ Activities offered onsite.

912 c. **Intended customer base and typical anticipated behavior.** The type of customer or clientele
913 base that is expected to patronize the operation, categorized based on the intensity of their

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914 visitation and the specific product or activity for which they are or will be visiting. For example,
915 the customer base for onsite produce sales may be the general public with customers coming
916 and going many hours throughout the day; the clientele for a barn dance might be a private
917 party of a specified number of people that come and go once on the day of the party; and the
918 customers or clientele for a lodging house might be pre-registered or reserved individuals or
919 small groups.

920 d. **Facilities and equipment.** Agriculturally related and non-agriculturally related types of facilities
921 and equipment to be used and their maintenance plan(s).

922 e. **Vehicle accommodations.** Traffic, circulation, and parking plan that accommodates the
923 parking needs of both employees and patrons.

924 f. **Hours and visitor volume.** Hours of operation and number of patrons: ~~Time(s) of normal day-~~
925 ~~to-day-o~~

926 1. Normal and routine hours of operation, and anticipated events, dates, and times, or
927 examples of anticipated events, dates, and times, that operations may go beyond those
928 normal and routine hours. ~~as referenced in title 38, special events~~

929 2. Anticipated number of normal and routine daily patrons ~~and~~, employees, ~~and vehicles, and~~
930 anticipated number of patrons, employees, and vehicles at times or for events that go
931 beyond what is normal and routine.

932 3. For the purpose of this ~~paragraph~~ subsection, the phrase “normal and routine” means the
933 time or amount specified in the application, or if different, the approval. If the application or
934 approval does not specify:

935 i. As it relates to time, this shall mean the hours of operation specified in Section 108-
936 21-3.

937 ii. As it relates to patrons or employees, this phrase means 25 people or fewer, or ten or
938 fewer typical passenger vehicles onsite at any one time.

939 **Sec 108-21-3 General Development and Operational Standards**

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

943 ~~(b) **Lot of record (lawfully created lot).** Notwithstanding title 106, subdivisions, a landowner who meets~~
944 ~~the standards, as set forth by this chapter, may develop an agri-tourism operation and its associated~~
945 ~~uses (excluding a single family dwelling, B&B farm dwelling, and B&B farm retreat) as a lot of record.~~
946 ~~The parcel(s) shall be subject to the following:~~

947 ~~(1) The agri-tourism operation shall remain in compliance with approvals granted through further~~
948 ~~review and subsequent issuance of a conditional use permit.~~

949 ~~(2) The parcel and/or combination of all individual parcels shall consist of an area that is not less than~~
950 ~~twice the minimum lot area that is required by the zone in which the agri-tourism operation is~~
951 ~~located. For example an agri-tourism operation that lies in a zone that requires three acres as a~~
952 ~~minimum lot area shall be required to have at least a six-acre farm size. Parcels that are unable to~~
953 ~~meet this area requirement may pursue a legal (lot of record) status by demonstrating that the~~
954 ~~subject parcel(s) qualifies as lot of record through any other available means provided by the~~

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955 ~~definition of a lot of record or by meeting the requirements of the Weber County Subdivision~~
956 ~~Ordinance.~~

957 (a) **Access and frontage.** ~~Notwithstanding section 108-7-31 (access to a lot/parcel using a private right-~~
958 ~~of-way/easement), an~~ An agritourism operation shall provide customers access from an Arterial Street
959 or Collector Street. It is not required to have actual frontage on a street, but the access from the Arterial
960 Street or Collector Street to the operation shall be owned either in fee or by recorded easement by the
961 agricultural operation. The access from the public right-of-way to the operation shall meet the
962 requirements of Section 108-7-29 unless specified otherwise by the local fire authority. ~~-or access~~
963 ~~directly off of a public or privately dedicated roadway.~~ The Land Use Authority may allow access from
964 a Major Neighborhood Street or Minor Neighborhood Street as long as the street is public and as long
965 as the agritourism operation does not increase traffic beyond that which is typical for the type of street.
966 Evidence of this shall be submitted with the application.

967 (b) **General site and building design/layout.** An agritourism operation shall have a general ~~design and~~
968 ~~layout that concentrates all tourism uses~~ into distinct area, and activities into distinct activity center(s).
969 ~~The area within an developed activity center, or combined area of multiple activity centers, excluding~~
970 ~~productive agri-tourism acreage, trail corridors, and/or a half-acre for a farmer's residence and any uses~~
971 ~~confined thereto (i.e., home office, B&B, etc.), may consist of a total area that does~~ shall not exceed 20
972 percent of an farm's agricultural operation's overall gross acreage. The agricultural operation's gross
973 acreage shall be determined by the area that is routinely maintained in an agriculturally productive
974 manner, including barns and similar buildings or structures intended to serve the agricultural operation.
975 ~~The remaining acreage, shown outside of all activity centers, shall be maintained in an agriculturally~~
976 ~~productive manner that is consistent with the farm's main agricultural use(s). Acreage that is incapable~~
977 ~~of being agriculturally productive due to a topographic condition, physical constraint, and/or~~
978 ~~circumstance (i.e., wetlands, drainages, steep slopes, occupation by barn and/or farm equipment~~
979 ~~storage structure(s) etc.) that physically interferes with farm production may be kept in its natural,~~
980 ~~historic, or constructed state.~~ Newly constructed buildings and facilities intended for agri-tourism
981 purposes and/or to serve the agritourism needs operation shall reflect an architectural vernacular that
982 is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if
983 found necessary, they shall be discretely incorporated into the agritourism operation and completely
984 screened from street and adjacent property view.

985 (c) **Ownership.** An agricultural operation to which an agritourism operation is accessory may consist of
986 multiple properties; ~~however, all~~ All properties shall have identical and common ownership and shall
987 be contiguous except where contiguity is interrupted by a public street right-of-way.

988 (d) ~~**Production.** An agri-tourism operation shall, with exception of the winter season, actively and~~
989 ~~continuously produce an agricultural product for sale and purchase. In the event that the agri-tourism~~
990 ~~operation's agricultural operation's productivity ceases or becomes improperly maintained, as~~
991 ~~determined by the planning commission~~ Land Use Authority, the right to operate an agri-tourism
992 business operation's under a conditional use permit may be revoked.

993 ~~**Agri-tourism uses/activities.** To ensure an appropriate balance and mixture of agriculturally related~~
994 ~~and non-agriculturally related uses/activities, it shall be required that a minimum of one-half of all~~
995 ~~uses/activities be agriculturally related as defined in section 101-1-7 of this Land Use Code. The~~
996 ~~method, by which measurements are made, shall be based on one agriculturally related use/activity~~
997 ~~being equal to one non-agriculturally related use/activity. Uses/activities involving the sale of any~~
998 ~~products or goods shall be prohibited from selling motorized vehicles and/or equipment. Exceptions to~~
999 ~~this standard are made for the occasional sale of farm equipment personally owned by the farm owner~~
1000 ~~and/or other farm equipment sales events approved through title 38, special events.~~

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1001 ~~(e)(d)~~ **Hours of operation.** ~~Agri-tourism uses/activities, not~~ **Not** including residential overnight lodging
1002 accommodations, and unless specified otherwise in an approved application or other conditions of
1003 approval, and/or those conducted within a completely enclosed building, the hours of operation shall
1004 be limited to between operating during the daily hours of 8:00 a.m. and 8:00 p.m., except if the use or
1005 activity is restricted to an area of the property that is at least 500 feet from an existing dwelling unit
1006 located on another property. 10:00 p.m. The planning commission **The Land Use Authority** may, but is
1007 not obligated to, consider a variation to this **allow other hours of operation if the applicant can**
1008 demonstrate mitigation of detrimental effects. **standard upon finding that a proposed use/activity is**
1009 **reliant on and/or based on making observations that can only occur during hours otherwise not**
1010 **permitted.**

1011 ~~(f)~~ **Development agreement.** ~~An agri-tourism operation shall, prior to the construction of any structure~~
1012 ~~intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial~~
1013 ~~development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-~~
1014 ~~tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of~~
1015 ~~structures that qualify for an agricultural exemption are excepted from this standard when developed in~~
1016 ~~accordance with the requirements found in the Weber County Land Use Code.~~

1017 **Sec 108-21-4 Agricultural Operation Designation**

1018 This section ~~The following~~ establishes a categorical designation for agricultural operations based on
1019 acreage. In all cases, the minimum area of the affected Lot or Parcel shall meet the minimum area
1020 requirements of this Land Use Code:

1021 (a) **Garden agricultural operation.** A garden agricultural operation is when an agricultural operation's
1022 gross acreage, as described in Section 108-21-2(c)(2), is three acres or more, but fewer than nine
1023 acres in the Ogden Valley Planning Area, or two acres or more, but fewer than five acres in the Western
1024 Weber Planning Area.

1025 (b) **Small agricultural operation.** A small agricultural operation is when an agricultural operation's gross
1026 acreage, as described in Section 108-21-2(c)(2), is nine acres or more, but fewer than 20 acres in the
1027 Ogden Valley Planning Area, or five acres or more, but fewer than 20 acres in the Western Weber
1028 Planning Area.

1029 (c) **Medium agricultural operation.** A medium agricultural operation is when an agricultural operation's
1030 gross acreage, as described in Section 108-21-2(c)(2), is 20 acres or more, but fewer than 40 acres.

1031 (d) **Large agricultural operation.** A large agricultural operation is when an agricultural operation's gross
1032 acreage, as described in Section 108-21-2(c)(2), is 40 acres or more, but fewer than 80 acres.

1033 (e) **Ranch.** A ranch is when an agricultural operation's gross acreage, as described in Section 108-21-
1034 2(c)(2), is 80 acres or more.

1035 ~~(a) **Market gGarden agricultural operation** includes an agriculturally productive property consisting of~~
1036 ~~three acres or more, but fewer than five acres.~~

1037 ~~(b) **Family farm** includes an agriculturally productive property consisting of five acres or more, but fewer~~
1038 ~~than ten acres.~~

1039 ~~(c) **Small farm agricultural operation** includes an agriculturally productive property consisting of ten~~
1040 ~~acres or more, but fewer than 20 acres.~~

1041 ~~(d) **Medium agricultural operationfarm** includes an agriculturally productive property area consisting of~~
1042 ~~20 acres or more, but fewer than 40 acres.~~

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1043 ~~(e) **Large agricultural operation farm** includes an agriculturally productive property area consisting of 40~~
1044 ~~acres or more, but fewer than 80 acres.~~

1045 ~~(f) **Ranch** includes an agriculturally productive property area consisting of 80 acres or more.~~

1046 **Sec 108-21-5 Permitted Uses and /Activityies Table**

1047 If an applicant can demonstrate appropriate mitigation of detrimental effects, as specified in Chapter 108-
1048 4, the following uses and /activities ~~have been determined desirable when thoughtfully incorporated into~~
1049 ~~an approved~~ shall be allowed for an agritourism operation when marked with an "A" under their
1050 corresponding agricultural operation designation. The use is not allowed if marked with an "N."

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1051 ~~As stated above, these uses/activities may be subject to other requirements beyond those imposed by this~~
 1052 ~~chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements~~
 1053 ~~contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with~~
 1054 ~~an asterisk (*) have additional design and/or limitation standards beyond any provided within other specific,~~
 1055 ~~codes, ordinances, statutes, or other applicable standards. See section 108-21-7 for these specific design~~
 1056 ~~and/or limitation standards associated with each use/activity marked with an asterisk (*).~~

<u>USES OR ACTIVITIES</u>	<u>AGRICULTURAL OPERATION DESIGNATION</u>					<u>SPECIAL REGULATIONS</u>
	<u>Garden</u>	<u>Small</u>	<u>Medium</u>	<u>Large</u>	<u>Ranch</u>	
<u><i>Agricultural arts center:</i></u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u><i>Agricultural Product Processing and Packaging:</i></u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.</u>
<u><i>Agritourism Events Facility:</i></u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u><i>Agritourism Farm Tour:</i></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u><i>Agritourism Fee Fishing:</i></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u><i>Agritourism Health Farm:</i></u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Limited to wellness, nutrition, and cooking education, and exercise and yoga classes, and meditation, and massage therapy. A health farm may serve meals only when served to participating clientele.</u>
<u><i>Agritourism Hunting Preserve</i></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>See Section 108-21-7</u>
<u><i>Agritourism You-Pick Operation:</i></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u><i>Agro-ecology research and education center :</i></u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Lodging, if any, is limited to accommodations for faculty, staff, and students.</u>
<u><i>Barn dance:</i></u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u><i>Camping</i></u>	<u><i>Glamorous camping area:</i></u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>No more than two tents, cabins, recreational vehicles, or combination thereof, per each five acres of gross agricultural operation, and no more than six people per tent or cabin. Tent and cabin area shall be completely screened from the view of adjoining properties.</u>
	<u><i>Recreational Vehicle area:</i></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	

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<u>Conference or Education Center:</u>		<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Conferences and educational topics shall relate to agriculture, agritourism, vegetation management, or similar.</u>
<u>Day Camp</u>		<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>The camp shall be based on an agricultural theme and provide agriculturally related activities.</u>
<u>Dude Ranch</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	
<u>Educational classes:</u>		<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>All courses of study or subject matter shall incorporate and consist of an agricultural or ecological component related to an Agricultural Product produced onsite.</u>
<u>Farm museum:</u>		<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Farmers Market. A farmer's market where multiple agricultural operators may sell their products:</u>		<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Food Prep:</u>	<u>Bakery or café:</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product.</u>
	<u>Food concessions stand:</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
	<u>Restaurant:</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>At least one type of the onsite agricultural operation's products shall be continuously offered for sale.</u>
<u>Greenhouse or Nursery:</u>		<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Sales are limited to plants produced on the premises.</u>
<u>Lodging House:</u>	<u>with up to 2 guest rooms:</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>No more than two guest rooms per each acre of the agricultural operation's gross acreage as defined in Section 108-21-2(c)(2). <u>See Section 108-21-7</u></u>
	<u>with 3 to 7 guest rooms:</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	
	<u>with 8 to 16 guest rooms:</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	
<u>Petting zoo:</u>		<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Rental garden or garden row(s).</u>		<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Seasonal amusement such as haunted house, corn maze, hay stack slide or climbing area, and similar seasonal amusement uses:</u>		<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Sleigh or hay ride:</u>		<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	

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Store:	<u>Agricultural Produce Sales, Onsite:</u>	A	A	A	A	A	<u>The sales shall only be operated by the owner or manager of the onsite agricultural operation, and are limited to Agricultural Products, at least one of which must be produced onsite.</u>
	<u>Gift shop:</u>	A	A	A	A	A	
	<u>Market:</u>	N	N	N	A	A	<u>At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product. Products shall be limited to those commonly offered by a small grocer.</u>

1057

Uses/Activities	Farm Designations					
	Market Garden (3—<5 acres)	Family Farm (5—<10 acres)	Small Farm (10—<20 acres)	Medium Farm (20—<40 acres)	Large Farm (40—<80 acres)	Ranch (≥80 acres)
Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities						
Accessory dwelling unit*	•	•	•	•	•	•
Agro-ecology research and education center (AREC)*	•	•	•	•	•	•
B&B farm dwelling (2 room)*		•	•	•	•	•
B&B farm retreat (7 room)*	•	•	•	•	•	•
B&B farm inn (16 room)*				•	•	•
Glamorous camping (glamping)*	•	•	•	•	•	•
Conference/education center*			•	•	•	•
Single family dwelling; a.k.a. Farm house*	•	•	•	•	•	•
Health farm*			•	•	•	•

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Motor coach/caravan area, agri-tourism*
Agriculturally Related Uses/Activities						
Agro-ecology research and education center (AREC)*	
Barn dance	
Community garden/rent-a-row
Community supported agriculture
Corn maze		
Educational classes
Farm museum	
Farm tour
Fee fishing (if aquaculture)	
Harvest market*
Multi-farmer open air (farmer's) market, agri-tourism*				.	.	.
Nursery (plant cultivation)
Petting farm/zoo
Sleigh/hay ride		
Special event; as defined by title 38, special events
Special occasion, agri-tourism		
U-pick operation/pumpkin patch
Non-Agriculturally Related Uses/Activities						

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Agricultural arts center			•	•	•	•
Bakery/cafe featuring farm products*				•	•	•
Conference/education center*					•	•
Fee fishing		•	•	•	•	•
Food concessions stand*			•	•	•	•
Gift shop (retail)*	•	•	•	•	•	•
Haunted house/hay stack/farm			•	•	•	•
Hunting preserve*						•
On-farm store/retail market, agri-tourism*					•	•
Play area, agri-tourism		•	•	•	•	•
Restaurant featuring farm products*				•	•	•
Special event; as defined by title 38, special events	•	•	•	•	•	•
Health farm*				•	•	•
Motor coach/caravan area, agri-tourism*				•	•	•
Value added product processing*	•	•	•	•	•	•

1058 **Sec 108-21-6 Use/Activity Site Development Standards And Limitations Regulations**

1059 The following table contains certain uses listed in the Use- Table in Section 108-21-5. Each use shall comply
 1060 with the development standards provided in the table.

1061 ~~To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses~~
 1062 ~~listed below shall be subject to additional standards beyond any provided within other, expressed and/or~~
 1063 ~~unexpressed, codes, ordinances, statutes, rules, or requirements. The uses listed below correspond with~~
 1064 ~~certain uses listed in the Use or Activity Table in Section 108-21-5. Due to their nature, each shall be further~~
 1065 ~~regulated as follows. One or more of these additional standards and/or limitations, restrictions may be~~
 1066 ~~waived by the Planning Commission/Land Use Authority upon finding that either: a proposed use poses no~~
 1067 ~~detrimental effects to neighboring properties due to unique circumstances, or that a proposed use can be~~

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

1068 ~~mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions~~
1069 ~~that justify the use's or /activity's approval.~~

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

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		<u>SETBACK STANDARDS</u>		<u>MAXIMUM ALLOWED BUILDING FOOTPRINT</u>
		<u>From agricultural operation's exterior boundary</u>	<u>From existing dwelling on an adjacent lot</u>	
<u>Agroecology Research and Education Center:</u>		<u>100 feet¹</u>	<u>200 feet¹</u>	<u>Not applicable</u>
<u>Agricultural Product processing and packaging:</u>		<u>100 feet¹</u>	<u>200 feet¹</u>	<u>0.025 Percent of the agricultural operation's gross acreage.</u>
<u>Camping:</u>	<u>Glamorous camping area:</u>	<u>300 feet¹</u>	<u>500 feet¹</u>	<u>Not applicable</u>
	<u>Recreational Vehicle area:</u>			
<u>Conference or education center:</u>		<u>300 feet¹</u>	<u>500 feet¹</u>	<u>Not applicable</u>
<u>Educational classes:</u>		<u>100 feet¹</u>	<u>200 feet¹</u>	<u>Not applicable</u>
<u>Food Prep:</u>	<u>Bakery or café:</u>	<u>200 feet¹</u>	<u>400 feet¹</u>	<u>Not applicable</u>
	<u>Restaurant</u>			
<u>Market, farmers:</u>		<u>200 feet¹</u>	<u>400 feet¹</u>	<u>Not applicable</u>
<u>Lodging House:</u>	<u>2 guest rooms</u>	<u>100 feet¹</u>	<u>200 feet¹</u>	<u>Not applicable</u>
	<u>3 to 7 guest rooms</u>	<u>200 feet¹</u>	<u>400 feet¹</u>	
	<u>8 to 16 guest rooms</u>	<u>400 feet¹</u>	<u>600 feet¹</u>	
<u>Petting farm/zoo.</u>		<u>400 feet¹</u>	<u>600 feet¹</u>	<u>Not applicable</u>
<u>Store:</u>	<u>Agricultural Produce Sales, Onsite:</u>	<u>100 feet¹</u>	<u>200 feet¹</u>	<u>0.025 Percent of the agricultural</u>
	<u>Gift shop:</u>	<u>100 feet¹</u>	<u>200 feet¹</u>	

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

	<u>Market:</u>	<u>150 feet¹</u>	<u>300 feet¹</u>	<u>operation's gross acreage.</u>
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1071 ¹ The setback distances listed in this table shall be reduced by up to one-half when a six-foot high landscape
 1072 berm is installed that screens the potential visual or audible impacts to neighboring properties.

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1075 **Sec 108-21-7 Special Regulations.**

1076 The uses listed below correspond with certain uses listed in the Use Table in Section 108-21-5. Due to their
 1077 nature, each shall be further regulated as follows.

1078 **(a) Agricultural product processing and packaging.**

- 1079 a. Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy,
 1080 apiculture, aquaculture, and botanical products produced by the onsite agricultural operation.
- 1081 b. Agricultural Product processing and packaging shall be limited to an agricultural operation with
 1082 a gross area, as provided herein, of five acres or greater. The planning commission may allow
 1083 up to a two-acre reduction to this limitation if it is found that the Agricultural Product processing
 1084 and packaging will take place in a completely enclosed building and will emit no perceivable
 1085 smoke, dust, vibration, noise, or objectionable smell at the agricultural operation's property
 1086 boundary.

1087 **(b) Agritourism Hunting Preserve.**

- 1088 a. Limited to the Western Weber County Planning Area.
- 1089 b. Limited to upland game and waterfowl hunting only.
- 1090 c. Subject to Utah Division of Wildlife Resource standards.

1091 **(c) Lodging House.** For an agritourism operation, a Lodging House is governed as follows:

- 1092 (1) The Lodging House shall be owned and managed by the same owner or manager as the
 1093 agritourism operation.
- 1094 (2) The agritourism operator or manager shall be onsite at all times that Lodging House guests are
 1095 onsite.
- 1096 (3) No more than one Lodging House shall be operated on an agritourism operation.

1097 ~~**Farm stay (residential and overnight lodging accommodation) uses/activities.**~~

1098 ~~Agro-ecology research and education center (AREC).~~

1099 ~~An AREC shall be limited to providing overnight lodging accommodations for faculty, staff, and/or~~
 1100 ~~students/apprentices only.~~

1101 ~~An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms~~
 1102 ~~that does not exceed two rooms per one gross acre.~~

1103 ~~A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall~~
 1104 ~~be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a~~
 1105 ~~single-family dwelling.~~

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1106 ~~An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line~~
1107 ~~and in no case located closer than 100 feet to an existing dwelling on an adjacent lot/parcel. These~~
1108 ~~standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a~~
1109 ~~minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible~~
1110 ~~impacts to neighboring property.~~

1111 ~~B&B farm dwelling (two guest rooms).~~

1112

1113 ~~An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)~~
1114 ~~conference/education center, or health farm.~~

1115 ~~A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.~~

1116 ~~A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title~~
1117 ~~106, subdivision.~~

1118 ~~B&B farm retreat (seven guest rooms).~~

1119 ~~An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)~~
1120 ~~conference/education center, or health farm.~~

1121 ~~A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.~~

1122 ~~A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter~~
1123 ~~boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent~~
1124 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1125 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1126 ~~visual and/or audible impacts to neighboring property.~~

1127 ~~A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106,~~
1128 ~~subdivision.~~

1129 ~~B&B farm inn (16 guest rooms).~~

1130 ~~An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)~~
1131 ~~conference/education center, or health farm.~~

1132 ~~A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.~~

1133 ~~The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter~~
1134 ~~boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
1135 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1136 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1137 ~~visual and/or audible impacts to neighboring property.~~

1138 ~~Luxury camping (glamping).~~

1139 ~~Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does~~
1140 ~~not exceed two tents or cabins per five gross acres.~~

1141 ~~Occupancy shall not exceed six persons per tent or cabin.~~

1142 ~~Meals shall only be served to overnight guests.~~

1143 ~~Glamping area(s) shall be completely screened from street view.~~

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

1144 ~~Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter~~
1145 ~~boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
1146 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1147 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1148 ~~visual and/or audible impacts to neighboring property.~~

1149 ~~Accessory dwelling unit.~~

1150 ~~An agritourism operation may have one or more accessory dwelling units onsite. The number of~~
1151 ~~accessory dwelling units shall not exceed the following calculation: net developable acreage of the parcel~~
1152 ~~upon which an accessory dwelling unit is located, divided by the minimum lot area required by the zone in~~
1153 ~~which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot~~
1154 ~~area) × 20 percent = Maximum number of accessory dwelling units at an approved agri-tourism operation.~~

1155 ~~Meals shall only be served to overnight guests.~~

1156 ~~An accessory dwelling unit shall not be located closer than 150 feet to the agri-tourism operation's~~
1157 ~~exterior boundary, and in no case located closer than 300 feet from an existing dwelling on an adjacent~~
1158 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1159 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1160 ~~visual and/or audible impacts to neighboring property.~~

1161 ~~Conference/education center.~~

1162 ~~An agri-tourism operation shall be limited to one conference/education center.~~

1163 ~~A conference/education center shall be limited to a maximum of 20 guest units/rooms.~~

1164 ~~Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's~~
1165 ~~perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
1166 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1167 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1168 ~~visual and/or audible impacts to neighboring property.~~

1169 ~~Health farm.~~

1170 ~~An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or~~
1171 ~~hotel).~~

1172 ~~A health farm shall be limited to a maximum of ten guest units/rooms.~~

1173 ~~A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary~~
1174 ~~line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These~~
1175 ~~standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a~~
1176 ~~minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible~~
1177 ~~impacts to neighboring property.~~

1178 ~~Motor coach/caravan area.~~

1179 ~~A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number~~
1180 ~~of individual sites that does not exceed one site per five gross acres. In no case shall a motor~~
1181 ~~coach/caravan area or combination of areas exceed 20 sites.~~

1182 ~~A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's~~
1183 ~~perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
1184 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~

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- 1185 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1186 ~~visual and/or audible impacts to neighboring property.~~
- 1187 ~~Single-family dwelling; a.k.a. farm house.~~
- 1188 ~~An agri-tourism operation shall be limited to one single-family dwelling/farm house and is subject to the~~
1189 ~~Weber County zoning and platting requirements of title 106, subdivision.~~
- 1190 ~~Agriculturally related uses/activities.~~
- 1191 ~~Argo-ecology research and education center (AREC).~~
- 1192 ~~See section 108-21-6(a)(1).~~
- 1193 ~~Educational classes. All courses of study or subject matter shall incorporate and consist of an agricultural~~
1194 ~~and/or ecological component.~~
- 1195 ~~Harvest market. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.~~
- 1196 ~~Multi-farmer open air (farmer's) market.~~
- 1197 ~~The operation of a multi-farmer open air (farmer's) market shall be limited to the months of June through~~
1198 ~~December.~~
- 1199 ~~A multi-farmer open air (farmer's) market shall not be located closer than 200 feet to any agri-tourism~~
1200 ~~operation's perimeter boundary line, excepting the front property line, and in no case located closer than~~
1201 ~~300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-~~
1202 ~~half when a substantial natural landscape screen, standing at a minimum of six feet in height for a~~
1203 ~~majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.~~
- 1204 ~~Petting farm/zoo. Limited to parcels with access provided by a collector or arterial road when located~~
1205 ~~within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation~~
1206 ~~information.~~
- 1207 ~~Non-Agriculturally Related Uses/Activities.~~
- 1208 ~~Bakery/cafe featuring farm product(s).~~
- 1209 ~~Not less than one agricultural product, offered at a bakery/cafe featuring farm product(s), shall be~~
1210 ~~raised/cultivated and/or produced by the farm on which the bakery/cafe featuring farm product(s) is~~
1211 ~~operated.~~
- 1212 ~~A bakery/cafe shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary~~
1213 ~~line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling~~
1214 ~~on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural~~
1215 ~~landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to~~
1216 ~~mitigate potential visual and/or audible impacts to neighboring property.~~
- 1217 ~~Farm stay.~~
- 1218 ~~See section 108-21-6(a).~~
- 1219 ~~Gift shop (retail).~~
- 1220 ~~A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to the~~
1221 ~~following size standards:~~

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1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

1222 ~~a. Hunting preserve.~~

1223 ~~(a) Hunting preserve.~~

1224 ~~b.a. Limited to the Western Weber County Planning Area.~~

1225 ~~c.a. Limited to upland game and waterfowl hunting only.~~

1226 ~~(b) Subject to Utah Division of Wildlife Resource standards.~~

1227 ~~(1) Motor coach/caravan area.~~

1228 ~~a. See section 108-21-6(a)(1).~~

1229 ~~(2) On-farm store/retail market.~~

1230 ~~a. Not less than one agricultural product, offered at an on-farm store/retail market, shall be~~
 1231 ~~raised/cultivated and/or produced by the farm on which the on-farm store/retail market is~~
 1232 ~~operated.~~

1233 ~~b. An on-farm store/retail market and its outdoor display area or on-farm store/retail market area~~
 1234 ~~within a multi-use building shall be limited to the following size standards:~~

1235

1.	Large farm (40<80 ac)	600 square feet maximum.
2.	Ranch (>80 ac)	800 square feet maximum.

1236 ~~c. Products made available at an on-farm store/retail market shall be limited to those commonly~~
 1237 ~~offered by a small-scale neighborhood grocer.~~

1238 ~~d. An on-farm store/retail market shall not be located closer than 150 feet to any agri-tourism~~
 1239 ~~operation's perimeter boundary line, excepting the front property line, and in no case located~~
 1240 ~~closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be~~
 1241 ~~reduced by up to one-half when a substantial natural landscape screen, standing at a minimum~~
 1242 ~~of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible~~
 1243 ~~impacts to neighboring property.~~

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- ~~(3) Restaurant featuring farm product(s)-~~
- ~~a. Not less than one agricultural product, offered at a restaurant featuring farm product(s), shall be raised/cultivated and/or produced by the farm upon which the restaurant featuring farm product(s) is operated.~~
- ~~b. A restaurant shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.~~
- ~~c. Value added Agricultural product processing and packaging (VAPPP).~~
- ~~d. VAPPP Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm produced by the onsite agricultural operation. upon which the processing and packaging is taking place.~~
- ~~e. VAPPP, related to the products listed immediately above, Agricultural Product processing and packaging shall be limited to and agricultural operation with a gross area, as provided herein, of five acres or greater. agri-tourism operations and parcels consisting of five acres or more. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the Agricultural Product processing and packaging VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the agricultural operation'ssubject farm's property boundary.~~
- ~~f. An Agricultural Product processing and packagingVAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:~~

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

- ~~g. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.~~
- ~~h. The structure building in which VAPPP takes place shall in no case be located closer than 200 feet to an existing single family dwelling on an adjacent lot/parcel.~~

ATTACHMENT A: PROPOSED ORDINANCE - AGRITOURISM

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS _____TH DAY OF _____, 202____.

AYE NAY ABSENT ABSTAIN

Gage Froerer
Jim "H" Harvey
Sharon Arrington Bolos

Presiding Officer

Attest

Gage Froerer, Chair

Ricky D. Hatch, CPA, Clerk/Auditor



Staff Report to the Western Weber and Ogden Valley Planning Commissions

Weber County Planning Division

Synopsis

Application Information

Application Request: ZTA2023-02, A public hearing to discuss and take action on a proposal to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones.

Applicant: Weber County

Agenda Date: Tuesday, November 7, 2023

File Number: ZTA2023-02

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

- Chapter 101-2 Definitions
- Chapter 104-2 Agricultural Zones
 - Section 104-2-3 Land Use Table
 - Section 104-2-4 Special Regulations
- Chapter 104-9 Forest Zones
 - Section 104-9-2 Permitted Uses
 - Section 104-9-3 Conditions Uses
 - Section 104-9-4 Minimum Lot Area, Width, and Yard Regulations
- Chapter 104-10 Shoreline Zone
 - Section 104-10-1 Purpose and Intent
 - Section 104-10-2 Permitted Uses
 - Section 104-10-3 Conditional Uses
 - Section 104-10-4 Area Regulations Building Site Area Required
 - Section 104-10-5 Front Yard Regulations
 - Section 104-10-6 Side and Rear Yard Regulations
 - Section 104-10-7 Special Provisions
- Chapter 108-21-1 Agritourism (ALL)

Legislative Decisions

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

Summary and Background

The county has received an application to amend the Shoreline Zone (S-1) to allow agritourism as a conditional use in the zone. In reviewing the request, the Ogden Valley Planning Commission became concerned with the significant flexibility of the currently codified Agritourism Ordinance, citing concerns about potential loopholes that could introduce undesirable land uses. The Ogden Valley Planning Commission seemed desirous to expand the allowance of the agritourism use into the S-1 zone, but only after tightening the language of the ordinance.

From the inception of the Agritourism Ordinance in 2012, an agritourism operation has been required to obtain a conditional use permit. The Agritourism Ordinance was initially adopted during a relatively transitional time as it relates to the county's understanding of conditional use permits. At the time, conditional use permits were understood

ATTACHMENT B: PLANNING COMMISSION STAFF REPORT

as being fairly discretionary in nature. With this discretion, it seemed as if the county had wider flexibility when approving or denying a conditional use permit. This perception was based on longstanding practices prior to the mid-2000's.

Since then, however, the county has become more aware of court rulings which strip most of the discretionary decision-making out of the issuance of conditional use permits. Simply stated, a conditional use permit is a permitted use with conditions. As a result, in 2015 the county updated its Conditional Use Permit Ordinance to omit the discretionary language and focus decisions on objective facts and written standards. Changes to the Agritourism Ordinance were not proposed at the time, and thus the more flexible-appearing ordinance language is still present in codified code.

According to state code, if more than one reasonable interpretation of the code can be made, the county must read the code in a manner that favors the landowner. This means that flexible code language will always be required to be read in favor of the landowner, giving credence to the Ogden Valley Planning Commission's concern about potential unintended loopholes.

After review of the ordinance amendments suggested by the Ogden Valley Planning Commission, the Western Weber Planning Commission seemed tentatively in support of tightening the ordinance language. However, there was discussion about concerns over making the ordinance too restrictive to those farmers who want a simple alternative to earning supplemental farm income. To provide for this concern, staff is suggesting the addition of a couple of by-right permitted uses into the agricultural zones that allow certain types of sales to occur on farm-property without the need to obtain a conditional use permit for an agritourism operation. This should simplify access to those uses.

Staff is recommending approval of the attached ordinance amendments. In addition to amending the Agritourism Ordinance and inserting it into the S-1 zone, staff is recommending inserting agritourism into the Forest Zones (F-10 and F-40 zones). Staff is also recommending taking this opportunity to standardize the formatting of the S-1, F-5, F-10, F-40, FR-1, and FR-3 zones to add clarity and better match the formatting, administration, and efficiencies of other zones in the Land Use Code.

Policy Analysis

Policy Considerations:

Staff analysis of the ordinance is substantially provided in the comment bubbles in the right-hand column of the attached Exhibit A.

Review guidance.

When reviewing the proposed amendments, staff recommends the planning commissioners prioritize their review accordingly:

- Start review on line 799. Lines 799 – 1253 pertain directly to regulations specific to agritourism. It offers the substance of the proposed amendments.
 - As can be reviewed in staff's corresponding comments, these changes are intended to tighten the language of these regulations so they provide a more predictable outcome.
 - As you review these lines, if there is any term used that you do not fully understand, it may be better defined in the definitions portion of the proposal on lines 1 – 222.
 - Ogden Valley Planning Commission: The yellow highlights indicate a change a general change in response to some of the discussion in your most recent work session. I rewrote the qualifications section to provide the desirable components of the Agricultural Assessment Act without directly referencing the Act. This way the County Code will not change if the Act changes in the future.
- Then direct your review specifically to the table on line 721 – 722 (Section 104-10-3(d)). This table pertains to uses allowed in the Shoreline (S-1) Zone. Adding the agritourism use to this table is the applicant's actual request.
- Following that, take a glance at the table on line 568 – 569 (Section 104-9-3(l)). In this table you will see that agritourism is being added to the F-10 and F-40 zones.
- From there you may desire to review the proposed changes to the definitions (lines 1 – 222) more

ATTACHMENT B: PLANNING COMMISSION STAFF REPORT

thoroughly to ensure they meet your expectations.

The above encompass all of the proposed changes pertaining to agritourism. Following that review, you may desire to look over the rest of the proposed changes. Perhaps in the following order:

- Review the tables on lines 235 – 237, then lines 242 – 259. These lines pertain to adding new allowed uses to the agricultural zones. As previously mentioned, these new uses were requested by the Western Weber Planning Commission, but serve to help resolve a concern also expressed in the Ogden Valley Planning Commission work sessions. The concern revolved around ensuring minor agriculturally related commercial uses are allowed in a manner that does not involve the more cumbersome conditional use permit of the agritourism use.
- From there, feel free to peruse the proposed reorganization of the FR-1, FR-3, F-5, F-10, and F-40 Zones. These amendments are not intended to change the substance of any regulation that currently exists. Rather, they are intended to organize, reformat, and clarify the existing regulations by assembling them into a consist format. In doing so, staff had to make a few judgment calls when the current regulations do not seem to provide cohesion. The changes, you will see, are in blue underline. Please review at your convenience to ensure staff did not miss anything or misunderstand anything.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2022, the Western Weber General Plan was adopted after a significant public involvement process. In 2016, the Ogden Valley General Plan was adopted, also after a significant public involvement process.

The proposed amendments helps implement numerous goals and objectives of each general plan including the following:

Ogden Valley:

- **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; ...*
- *“Residents generally support the continuation of viable agricultural operations in Ogden Valley as one of the most significant contributions to the rural character of the Valley.” (p. 5)*
- **Dark Sky Preservation Principle 1.2:** *Promote [...] and encourage astro-, agri-, and ecotourism development.*
- **Land Use Goal 2:** *A goal of Weber County is to support continued agricultural operations in Ogden Valley.*
- **Resource Management Vision:** *The Ogden Valley community desires responsible and sustainable growth while conserving the natural and social character of Ogden Valley. With this vision, Weber County in Ogden Valley is prepared to shape its future by preserving character; promoting sustainability; supporting agriculture, wildlife, habitat, and scenic vistas; and recognizing the importance of management of public lands.*

Western Weber:

- **COMMUNITY CHARACTER PRINCIPLE 2.1:** *Encourage open space preservation of crop producing lands in both agricultural and, where appropriate, residential areas.*
- **Community Character Action Item 2.1.2:** *Support existing and future agritourism operations as a means to supplement farm income.*
- **Community Character Action Item 2.1.3:** *Explore other means by which local agricultural operations may remain financially feasible, such as expanding onsite land-use allowances that will help supplement farm income, provided the uses are not disharmonious to surrounding land uses.*
- **COMMUNITY CHARACTER PRINCIPLE 2.2:** *Provide support for the importance of local food production and local farm-to-table benefits for Weber County’s food economy in support of local farms and reduced environmental impacts.*
- **Community Character Action Item 2.2.1:** *Pursue opportunities to support and create farm-to-table*

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operations such as farmer's markets and roadside produce stands in appropriate areas. When determining appropriate areas, evaluate whether there are local food deserts that might be best served by one of these operations.

Staff Recommendation

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

Model Motion

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

Motion for positive recommendation **as-is:**

I move we forward a positive recommendation to the County Commission for File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, as provided in Exhibit A.

I do so with the following findings:

Example findings:

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

Motion for positive recommendation **with changes:**

I move we forward a positive recommendation to the County Commission for File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

- 1. Example: In Section 104-12-3(f), remove short-term rentals as a permitted use.*
- 2. Example: On line number [____], it should read: [_____ desired edits here _____].*
- 3. Etc.*

I do so with the following findings:

Example findings:

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

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Motion to **table**:

I move we **table** action on File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, as provided in Exhibit A, to [provide a date certain], so that:

Examples of reasons to table:

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

Motion to recommend **denial**:

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, **as provided in Exhibit A. I do so with the following findings:**

Examples findings for denial:

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

Exhibits

- A. Proposed Agritourism Amendments, and related (Redlined Copy).
- B. Proposed Agritourism Amendments, and related (Blacklined Copy).