

Weber County Planning Division

MEMORANDUM

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

County Commissioners,

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

Section 108-11-3:

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

...

Section 108-11-4:

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

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

...

Section 108-11-5

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

...

Section 108-11-6

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

Section 108-11-7

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

...

Section 108-11-8:

(c) Occupancy

...

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

...

(j) Fire Safety

...

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

...

Section 108-11-10 Administrative Penalty

(Added language referencing State statute regarding maximum penalties)

Please feel free to contact me with any questions.

Best,

Bill Cobabe
801-399-8772
Weber County Planning Division

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

Attachment A: Redlined Draft Code

WEBER COUNTY ORDINANCE 2022-__

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

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

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

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

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

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

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

3 ...

4 **Chapter 101-2 Definitions**

5 ...

6 **Sec 101-2-2 Ab-Definitions**

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

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

13 ...

14 **Sec 101-2-2 Ac-Definitions**

15 **Accessory dwelling unit.** See dwelling unit, accessory.

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

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

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

21 ...

22 **Sec 101-2-2 Ag-Definitions**

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

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

36 ...

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

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

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

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

51 ...

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

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

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

60 **Bed and breakfast (B&B) farm retreat, agri-tourism.** The term "agri-tourism B&B farm retreat" means

61 an owner-occupied farm house further utilized for the purpose of providing overnight lodging
62 accommodations as well as meals to overnight guests and the visiting day-use public within an internally
63 incorporated dining area.

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

68 ...

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

70 ...

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

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

75 **Detached lockout.** See "lockout, detached."

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

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

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

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

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

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

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

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

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

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

104 front lot line.

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

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

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

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

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

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

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

126 ...

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

128 ...

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

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

134 **Farm stay, agri-tourism.** The term "agri-tourism farm stay" means a general agri-tourism use/activity
135 category that comprises a variety of overnight lodging accommodations made available at a working farm
136 that is approved for an agri-tourism operation. A farm stay, for any group or individual, does not exceed
137 14 (consecutive or non-consecutive) calendar days per month; however, farm stays may serve as an
138 interactive recreational activity that offers agri-tourists, including children, opportunities to participate in
139 feeding animals, collecting eggs, and/or learning how a farm functions through practical day to day
140 experience. A farm stay may also consist of a retreat or be described as a work exchange, where the guests,
141 for recreational purposes, work in exchange for free or discounted accommodations.

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

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

147 ...

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

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

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

158 **Lockout sleeping room.** The term "lockout sleeping room" means a sleeping room attached to a dwelling
159 unit which has separate or common access and toilet facilities but no cooking facilities except for the
160 allowance of a hotplate and/or a microwave, and which may be rented independently from the main
161 dwelling unit for short-term rental purposes. Unless specifically addressed otherwise in a development
162 agreement, a lockout sleeping room shall be considered one-fourth of a dwelling unit when calculating
163 density on a parcel of land.

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

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

167 ...

168 **Sec 101-2-17 P Definitions**

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

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

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

175 **Private access right-of-way.** The term "private access right-of-way" means an easement of not less than
176 50 feet wide reserved by dedication to the property or lot owners to be used as private access to serve
177 the lots platted within the subdivision and complying with the adopted street cross section standards of
178 the County and maintained by the property owners or other private agency.

179 ...

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

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

186 **Recreation lodge.** The term "recreation lodge" means a lodge constructed in a mountainous or forested
187 location, which may include up to 16 guest sleeping rooms for short-term rental lodging, and facilities
188 for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile
189 trails, ice skating and/or similar activities, and, if open year-round, offers summer recreation amenities

190 such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course,
191 putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be
192 included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be
193 permitted based upon acreage and site plan review, and recommended by the planning commission.
194 Limited day use may be allowed based upon site plan review and approval of the overall project as a
195 conditional use by the planning commission.

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

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

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

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

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

214 ...

215 **Resort (destination and recreation).** The term "resort (destination and recreation)" means a destination
216 and recreation resort is a destination place that attracts visitors throughout the year and provides areas and
217 facilities used for relaxation and/or recreation. The resort is entirely contiguous; it consists of at least
218 1,000 gross acres and is generally self-contained; therefore, capable of providing goods and services that
219 meet most needs of the visitor while remaining on or within the resort. These goods and services may
220 include, but not be limited to resort administration/operations, food, drink, lodging, sports,
221 entertainment, shopping, personal and healthcare/emergency facilities (e.g., market, open-air market,
222 restaurant, package liquor store, owner-occupied dwellings, short-term rentals, indoor/outdoor sports,
223 cultural events, performing arts, miscellaneous retail, athletic/wellness center and clinic).

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

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

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

228 ...

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

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

233 Distinguishing characteristics of a shopping center may, but need not, include common ownership of the

234 property upon which the center is located, common wall construction, and multiple occupant commercial use
235 of a single structure.

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

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

238 ...

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

240 ...

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

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

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

251 ...

252 **SECTION 2: AMENDMENT "Title 102 Administration" of the Weber County Code is hereby** 253 **amended as follows:**

254 ...

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

256 ...

257 **Sec 102-4-3 Land Use Permit Revocation**

258 As used in this section, the term "permit" shall mean a land use permit, conditional use permit, license, or
259 any other final written approval that is authorized by this Land Use Code. A permit may be revoked for
260 violation of any part of this Land Use Code related to the specific use or permit in accordance with the
261 following:

- 262 (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- 263 (b) The land owner and, if different, permittee shall be given a notice of the impending permit revocation
264 14 days prior to final revocation. The notice of the impending permit revocation shall specify the
265 violation, and inform the land owner and, if different, permittee of the right to request a hearing.
- 266 (c) The land owner and, if different, permittee shall have a right to a hearing with the land use authority
267 to show cause for why the permit should not be revoked, if a written request for such is submitted
268 prior to a final written revocation decision. If a hearing is requested, final revocation of the permit
269 shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land
270 use authority.
- 271 (d) Revocation of a permit is final upon the issuance of a final written decision. The final written
272 decision may be appealed pursuant to Title 102, Chapter 3.
- 273 (e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the
274 violation, as provided in this Land Use Code or any other applicable law.

275 ...
276 **SECTION 3: AMENDMENT “Title 104 Zones” of the Weber County Code is hereby as follows:**

277 ...
278 **Chapter 104-11 Commercial Valley Resort Recreation Zone**

279 ...
280 **Sec 104-11-3 Permitted Uses**

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

- 282 ...
- 283 (l) Restaurant: fast food, excluding those with drive-up windows.
 - 284 (m) Short-term rental, pursuant to Section 108-11.
 - 285 (n) Sporting goods store.
 - 286 (o) Sports clothing store.
 - 287 (p) Public and private swimming pools.
 - 288 (q) Vendor, short term.

289 ...
290 **Sec 104-11-5 Additional Design Requirements**

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

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

300
301 **Sec 104-11-6 Minimum Overall Project Development Area, Width, And Yard Regulations**

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

USE	AREA
Condominium rental apartment or other overnight lodging use	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.

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

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

306 ...

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

308 ...

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

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

311 (f) Household pets.

312 (g) Short-term rental, pursuant to Section 108-11.

313 (h) Single-family, two-family, three-family and four-family dwellings.

314 (i) Temporary building or use incidental to construction work. Such building or use to be removed upon
315 completion or abandonment of the construction work.

316 (j) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

317 ...

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

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

321 (a) Boardinghouse, lodginghouse, bed and breakfast inn, subject to requirements of section 104-
322 17-5(j).

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

324 (c) Educational/institutional identification sign.

325 (d) Group dwelling.

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

327 (f) Multiple-family dwelling.

328 (g) Private park, playground and/or recreation area, but not including privately owned commercial
329 amusement business.

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

331 (i) Public utility substations.

332 (j) Time share building.

- 333 (k) Recreation lodge.
- 334 (l) Conference/education center.
- 335 ...
- 336 **Chapter 104-22 Form Based Zone**
- 337 ...
- 338 **Sec 104-22-3 Land Use Table**
- 339 ...

<i>(i) Residential uses.</i>	G & I	V O I	M U C	M F R	S F R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
<i>Dwelling, single-family.</i> A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
<i>Dwelling, two-family.</i> A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<i>Dwelling, three-family.</i> A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<i>Dwelling, four-family.</i> A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<i>Dwelling, multi-family.</i> A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	
<i>Dwelling unit.</i> A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	
<i>Residential facility for elderly persons.</i>	P	P	P	P	P	P	P	P	P	N	
<i>Residential facility for handicapped persons.</i>	P	P	P	P	P	P	P	P	P	N	
<i>Residential facility for troubled youth.</i>	P	P	P	P	P	P	P	P	P	N	
<i>Short-term rental.</i> A short-term rental.	P	P	P	P	C	N	N	N	N	N	

Transient lodging. A hotel, motel, lodging house, condominium rental apartment (condo-tel), or timeshare condominium.	P	P	P	P	N	N	N	N	N	N	N	This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P	N	See Section 104-22-4 and Section 104-22-12.

340

341 ...

342 **Chapter 104-27 Master Planned Development Overlay Zone**

343 ...

344 **Sec 104-27-5 Use Permissions And Prohibitions**

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

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

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

363 ...

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

365 ...

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

Use	Permitted (P) Conditional (C)
-----	----------------------------------

367 ...

Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Short-term rental, pursuant to Section 108-11	P
Commercial Uses	
Bank/financial institution	P

368 ...

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

370 ...

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

372 ...

373 **Sec 108-7-25 (Repealed)**

374 ...

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

376 ...

377 **Sec 108-8-2 Parking Spaces For Dwellings**

378

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

Single-family dwelling	Two side-by-side parking spaces
Accessory dwelling unit	Two parking spaces in addition to any other required parking
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	

Mixed bachelor, bachelorette and family	1 ³ / ₄ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.
Increased occupancy	If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

381

382 ...

383 **Chapter 108-11 Short-Term Rentals**

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

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

392 **Sec 108-11-2 Applicability**

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

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

399 (b) **Licenses, land use permits, and other applicable law.** A short-term rental use requires a short
 400 term rental license, as provided herein, a commercial business license, as provided in Title
 401 14, and shall only be conducted in a residential unit with all appropriate land use permits,
 402 building permits, certificates of occupancy, and any other approval as required by this Land
 403 Use Code, other County codes, and State and Federal law.

404 **Sec 108-11-3 Prohibitions**

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

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

- 409 (b) **Accessory dwelling unit.** A short-term rental is not allowed in an accessory dwelling unit.
- 410 (c) **Restricted housing.** A short-term rental is not allowed in a dwelling unit that has been
411 reserved for workforce housing.
- 412 ~~(d) **Fractional ownership.** A short-term rental is not allowed in a dwelling unit held in fractional~~
413 ~~ownership, such as timeshare, cooperative ownership agreement, or similar.~~
- 414 ~~(e)~~(d) **Private covenants.** A short-term rental license is invalid if issued for any property that is
415 subject to private covenants that ~~prohibit restrict~~ the property's ~~use-availability~~ for short-term
416 rentals. This applies regardless of how the private covenants are labeled, and regardless of
417 whether or not the private covenants are enforced by a homeowners association or committee.

418 **Sec 108-11-4 Application Procedure**

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

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

- 423 (1) Proof of ownership of the lot;
- 424 (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes
425 the following:
- 426 a. Driveway;
- 427 b. Parking plan demonstrating compliance with the parking standards established in Section
428 108-11-8, and any other relevant parking standard found in Chapter 108-8;
- 429 c. Existing fencing or perimeter screening, if applicable;
- 430 d. Trash disposal and collection plan demonstrating compliance with the trash disposal and
431 collection standards established in Section 108-11-8; and
- 432 e. Outdoor lighting plan showing compliance with Section 108-16, including the replacement of
433 all nonconforming outdoor lighting on the property;
- 434 (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all
435 areas allowed to be occupied or used by short-term rental occupants;
- 436 (4) Commitment to serve, also known as a will-serve letter, from the utilities providing culinary
437 water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or
438 septic system, the local health department. The will-serve letter shall specify the maximum
439 occupancy or number of sleeping rooms allowed to be associated with the short term rental use.
- 440 (5) Submission of a building permit and associated land use permit, unless no building modifications
441 are required in order to attain compliance with building codes, in which case certificates of
442 occupancy shall be submitted;
- 443 (6) Submission of the name and contact information associated with the individual or management
444 company being designated as the Responsible Agent and any other back-up Responsible Agent,
445 as required by Section 108-11-7;
- 446 (7) Signed acknowledgement by the owner and Responsible Agent that they have read this short-term
447 rental ordinance and understand the licensing, operational standards, and violation and revocation
448 provisions; and
- 449 (8) An application fee. ~~The payment of a partial application fee, or the submittal of plans for a pre-~~
450 ~~submittal review, does not constitute a complete application, as set forth by the County.~~

451 (b) Complete Application Required. A license shall not be issued unless each of the County's
452 requirements are completed in full, as determined by the County Planning Department.

453 ~~(b)~~(c) Review procedure.

454 (1) Staff review. Upon submittal of a complete short-term rental application, Planning Division staff
455 will review the application to verify compliance with this chapter and any other relevant
456 component of this Land Use Code.

457 (2) Agency reviews. Planning Division staff will route the application to the local Fire Authority, ~~and~~
458 ~~and~~ Building Official, ~~and any other relevant review department or agency~~ for verification of
459 compliance, determination of need for application modifications, and for the submittal of other
460 applications or reviews necessary to obtain their approval of a license, if applicable. The
461 accessory dwelling unit shall comply with local regulations and ordinances for a residential
462 dwelling. Approval is required from the aforementioned authorities, departments, and agencies.

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

467 ~~(c)~~(d) Conditions of approval. The Land Use Authority may apply conditions of approval based on the
468 standards listed in Section 108-4-5.

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

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

- 474 (1) License renewal application;
475 (2) Inspection report, if required by Section 108-11-5;
476 (3) Evidence of tax remittance from the year prior; and
477 (4) Any other documentation required by the County.

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

479 (a) **Initial property inspection.** Properties applying for their first short-term rental license shall be
480 inspected for compliance with the provisions of this chapter and other applicable sections of this Land
481 Use Code. The Planning Division shall have the option of designating a county inspector or may
482 allow a 3rd party building inspector, at the applicant's expense. Any code deficiencies applicable to
483 the structure at the year of construction and occupancy found during this initial inspection, as well as
484 any health, safety, and welfare issues identified during inspection, shall be resolved to the satisfaction
485 of the inspector prior to the issuance of a short-term rental license.

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

493 (c) **Property inspection after violation.** If the County receives complaint or notice of violation of any
494 applicable County regulations at any time, the Planning Division may request an inspection to

495 determine compliance with the regulations. Failure to allow the inspection and/or comply with the
496 results of the inspection may result in additional minor or major violations (see Sections 108-11-9
497 through 108-11-10, below)

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

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

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

504 (a) The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This
505 appointed ~~a~~ Agent may be the owner or designee, independent property manager, or a professional
506 property management company. The appointed ~~r~~ Responsible ~~a~~ Agent shall be on-call to manage the
507 property during any period within which the property is occupied. This ~~agent~~ Agent must be able to
508 respond, in person if needed, within 60 minutes to address any complaints that may arise from the
509 operation of the short-term rental. Designating one or more back-up agents is strongly advised to
510 ensure this responsibility is fulfilled. The failure of a Responsible Agent to respond constitutes a
511 major violation, pursuant to Section 108-11-9.

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

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

518 **Sec 108-11-8 Operating~~onal~~ Standards**

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

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

523 a. Short-Term Rental License number;

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

526 c. The property's maximum occupancy;

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

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

531 f. ~~Good neighbor~~ Generally applicable requirements regarding noise, parking, trash pickup, and
532 fire restrictions that will foster good neighbor relations;

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

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

- 537 (2) **Street Addressing.** Each licensed short-term rental property shall have its assigned street address
538 posted externally in a conspicuous location where it can be easily viewed day or night from the
539 adjacent street or access way.
- 540 (b) **Advertising Requirements.** As provided in UCA 17-50-338, the following advertising requirements
541 are not intended to prohibit an individual from listing a property for short-term rental on any short-
542 term rental website. All advertising for a short-term rental property shall include the following
543 information in searchable plain text:
- 544 (1) The property’s short-term rental license number.
- 545 (2) The property’s maximum permitted occupancy.
- 546 (3) Maximum parking capacity, including the availability for parking of large vehicles or trailers.
- 547 (4) A digital link to the County’s short-term rental regulations.
- 548 (5) The following language shall be included verbatim in a prominent location of the advertisement:
549 “Any advertisement for a short-term rental property in unincorporated Weber County, Utah, that
550 does not provide a unique license number is unlikely to be a lawfully licensed ~~short~~-short-term
551 rental.”
- 552 (c) **Occupancy.**
- 553 (1) **Occupancy Limits.** The maximum occupancy for a short-term rental property shall be no more
554 than two people per bedroom, plus four people, for up to a maximum of 10 people per short-term
555 rental, and is subject to the following:
- 556 a. A property’s maximum occupancy may be reduced due to a property’s unique characteristics,
557 including but not limited to, parking constraints, septic/sewer system capacity; and
- 558 b. A greater maximum occupancy may be approved following additional review and approval of
559 applicable reviewing agencies and the provision of additional components that would
560 otherwise limit capacity including, but not limited to, fire suppression systems, parking
561 capacity, septic/sewer capacity, culinary water rights, and the number of available sleeping
562 rooms.
- 563 (2) **Single Contract.** With exception to condominiums approved to allow a short-term rental within a
564 lockout sleeping room, owners shall not concurrently rent individual rooms or areas to more than
565 one unrelated party for the same night or nights.
- 566 (3) **External sleeping accommodations prohibited.** All sleeping accommodations must be
567 maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted
568 and approved during the licensing process. External accommodations such as yurts, teepees, tents,
569 recreational vehicles/travel trailer, other temporary structures, or any similar accommodation may
570 not be used for sleeping accommodations or as a means to increase the maximum permitted
571 occupancy. Recreational vehicles belonging to renters may be brought onto sites large enough to
572 allow space for parking. Such parking shall be on improved, hard surface areas.
- 573 (4) **Duration.** No licensed short-term rental unit may be rented for less than three consecutive days,
574 with exception to property in the DRR-1 zone.
- 575 (d) **Parking.** In addition to the parking requirements for dwellings, as outlined by Section 108-8-2, the
576 following parking regulations are also required for all licensed short-term rental properties.
- 577 (1) ~~No less than~~ At least one parking space measuring a minimum of nine feet by 20 feet shall be
578 provided for each two sleeping rooms offered, but never less than two parking spaces.

- 579 (2) All vehicles of occupants and visitors of a short-term rental property shall be parked only within
580 the property's boundary lines and in accordance with the approved parking plan. Additionally, up
581 to, but no greater than, 25% of the property's front or side yard setbacks may be used for parking.
- 582 (3) No parking is allowed within the property's adjacent rights-of-way.
- 583 (4) No vehicles shall be parked on the lawn or landscaped areas of the property.
- 584 (5) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the
585 property.
- 586 (6) Trailers and oversized vehicles shall be parked in the locations designated on the approved
587 parking plan. Trailers and oversized vehicle parking shall be a minimum ten feet by 45 feet and
588 area for reasonable access and maneuvering to the space shall be provided.
- 589 (7) A map of the property, showing parking locations and property lines, shall be provided.
- 590 (e) ~~Noise. At no time shall the noise emanating from the property exceed 55 dB as measured from the~~
591 ~~property line.~~ Between the hours of 10:00 pm and 8:00 am, no sound exceeding 50 dB, and no
592 amplified or reproduced sound, shall be allowed as measured from the property line.
- 593 (f) **Nature of use.** The short-term rental shall remain consistent with the residential nature of the area. As
594 such, no ~~extensive~~ commercial operations shall be permitted in the home or on the property in
595 connection with the short-term rental. This shall include large events that exceed the normal
596 occupancy of the stated limit (see Section 108-11-8 (c) above) at any time on the property. Prohibited
597 uses/events shall include, but are not limited to, receptions, luncheons, weddings, retreats, and similar
598 commercial uses or events. Catering of food, erection and use of temporary shelters, tents, canopies,
599 and other similar structures, and outside employees and/or staff are expressly prohibited.
- 600 (g) **Trash disposal and collection.** All short-term rental properties shall provide a trash disposal and
601 collection plan at the time of license application to ensure that trash containers are not left outdoors
602 where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With
603 exception to the property's assigned trash pick-up day, trash containers must be stored behind the
604 property's front setback line ~~and must be shielded from the view of adjacent public rights-of-way and~~
605 positioned next to the house. All trash shall be placed within appropriate receptacles. The designated
606 responsible agent shall ensure that any trash generated that exceeds the typical pick-up schedule is
607 collected and removed from the property as needed. Properties with larger maximum permitted
608 occupancies may require the procurement of additional trash cans to accommodate the volume of
609 anticipated trash being generated.
- 610 (h) **Outdoor lighting.** Incorporated herein for all properties located in unincorporated Weber County
611 desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all
612 times comply with the exterior lighting requirements set forth in Section 108-16 of the Land Use
613 Code. All nonconforming outdoor lighting shall be replaced with conforming lighting prior to the
614 issuance of a short-term rental license.
- 615 (i) **Signage.** On-site signage intended to advertise the property as a short-term rental is not permitted
616 anywhere on the property or adjacent right-of-way.
- 617 (j) **Fire safety.**
- 618 (1) The property must have primary access along a public right-of-way or access easement that meets
619 the fire marshal's requirements for a fire access road.
- 620 (2) The property must have a fire prevention system as approved by the fire marshal.

- 621 (3) Outdoor fire pits must be permanently affixed ~~natural gas or propane gas fixtures~~with concrete or
622 hard-surface aprons, or as otherwise approved by the fire authority. Only natural gas or propane
623 gas fire pits are allowed within the Wildland-Urban Interface.
- 624 (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and
625 fire codes.
- 626 (5) Fire extinguishers must be placed in an approved location on each level of the property and
627 adjacent to outdoor fire pits.
- 628 (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.
- 629 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current
630 Wildland-Urban Interface code requirements.
- 631 (k) **Animals.**
- 632 (1) Animals shall be kept on leash while outdoors on the property.
- 633 (2) No animal shall be allowed to roam freely without supervision.
- 634 ~~(3) Only domestic pets shall be allowed at short term rental units, where allowed by the property-~~
635 ~~owner.~~

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

- 637 (a) **Complaints.** The following sets the minimum requirements for short-term rental complaint resolution.
- 638 (1) **Making an initial complaint.** An initial complaint concerning the use or occupancy of a licensed
639 short-term rental unit may be made to the County or designee by a means as established by the
640 Planning Division. Anonymous complaints will not be processed.
- 641 (2) **Notification to ~~Responsible~~ Agent.** When a complaint concerning a short-term rental has been
642 received, contact to the responsible agent will be attempted by a County designee using the
643 telephone number on file with the County. If the ~~Responsible~~ Agent does not respond to the
644 County designee within sufficient time for the responsible agent to address the complaint within
645 the timeframe specified in Section 108-11-7, this constitutes a major violation as provided in
646 Subsection (b) of this section.
- 647 (3) **Attempt to resolve complaint.** The Responsible Agent is required to make an attempt to resolve
648 the issue within 60 minutes of receiving notification of the complaint. The Responsible Agent
649 shall promptly notify the County or ~~its~~ designee if the Agent believes a complaint has been
650 successfully resolved. If the County or designee does not receive notification from the
651 Responsible Agent that a complaint has been successfully resolved within the 60 minute
652 timeframe, it shall be presumed that the complaint has not been successfully resolved.
- 653 (4) **Contacting law enforcement.** If a complaint involves the immediate health and safety of any
654 person or property, or if, despite good faith efforts, the problem that was the subject of a
655 complaint cannot be resolved, the Responsible Agent shall immediately contact law enforcement,
656 and follow any direction(s) given by any law enforcement official.
- 657 (5) **County investigation.** The County shall investigate a formal complaint received, in order to
658 determine if it is a substantiated complaint that represents a documented violation of any
659 provision(s) of this Chapter.
- 660 (b) **Violations.** For the purposes of this chapter violations for licensed short-term rental properties shall
661 be classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental
662 properties shall be classified as an Unlicensed Violation.

- 663 (1) **Minor ~~vi~~olations.** A ~~mi~~Minor ~~vi~~olation shall be any violation of the short-term rental
664 operational standards as provided in Section 108-11-8.
- 665 a. Owners will be given one warning following their first ~~mi~~Minor ~~vi~~olation within each
666 calendar year. If this warning is subject to a static and prevailing concern, owners shall be
667 given three calendar days to correct the issue or the warning will become a documented
668 ~~mi~~Minor ~~vi~~olation.
- 669 b. After three ~~mi~~Minor ~~vi~~olations within 12 consecutive months, the owner shall be issued a
670 ~~mi~~Major ~~vi~~olation on the fourth and subsequent occurrences.
- 671 c. Each ~~mi~~Minor ~~vi~~olation shall be subject to an administrative penalty as provided in Section
672 108-11-10.
- 673 (2) **Major ~~vi~~olation.** A ~~mi~~Major ~~vi~~olation shall consist of the failure of the ~~re~~ponsible ~~ag~~ent to
674 perform their responsibilities as provided in this chapter, or the fourth and subsequent ~~mi~~Minor
675 ~~vi~~olations within a 12 month consecutive time frame.
- 676 a. Owners will be given one warning in the event of a responsible agent failing to perform their
677 responsibilities within each calendar year.
- 678 b. Each major violation shall be subject to administrative penalties as provided in Section 108-
679 11-10.
- 680 (3) **Unlicensed violation.** An unlicensed violation is committed upon the rental of an unlicensed
681 property on a short-term basis. Owners will be given one warning. Each violation thereafter shall
682 be subject to administrative penalties as provided in Section 108-11-10.

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

- 684 (a) Any person found in violation of any provision(s) of this Chapter is liable for an administrative
685 penalty in the form of a monetary fine based on the property's average nightly rate, not to exceed the
686 maximum allowed by state statute. The average rental rate of the property shall be determined
687 through the advertised nightly rental rate. Each day a violation remains unresolved shall carry a ~~daily~~-
688 cumulative administrative penalty and monetary fine as follows:
- 689 (1) Minor violations. Monetary fines shall be 50 percent of the advertised nightly rental rate up to the
690 maximum state allowance on the date/s of the violation.
- 691 (2) Major violations. Monetary fines shall be 100 percent of the lease/rental agreement in place at the
692 time of the violation, based on the advertised nightly rental rate on the date/s of the violation up
693 to the maximum state allowance.
- 694 (3) Unlicensed violations. Monetary fines shall be 200 percent of the advertised nightly rental rate on
695 the date(s) of the violation up to the maximum state allowance.
- 696 (b) In the event the County cannot determine the average nightly rental rate of a specific rental, the
697 average rental rate of the violation dates within the planning area shall be used.

698 **Sec 108-11-11 License Revocation**

- 699 (a) **Revocation due to minor violations.**
- 700 (1) If a short-term rental unit has four minor violations within three consecutive months, or six minor
701 violations within twelve consecutive months, the short-term rental license shall be revoked in
702 accordance with the provisions of Section 102-4-3.
- 703 (2) If a short-term rental license is revoked due to an accumulation of minor violations, for a
704 minimum of one year following the revocation, the County shall not accept an application for a
705 new license for the same short-term vacation rental property; with the exception that a new

706 application by a new property owner, proven to be unaffiliated with the property owner whose
707 license was revoked, may be considered.

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

709 (1) If a short-term rental unit has two major violations within three consecutive months, or four major
710 violations within twelve consecutive months, the short-term rental license shall be revoked in
711 accordance with the provisions of Section 102-4-3.

712 (2) If a short-term rental license is revoked due to major violations, for a minimum of two years
713 following the revocation, the County shall not accept an application for a new license for the
714 same short-term vacation rental property; with the exception that a new application by a new
715 property owner, proven to be unaffiliated with the property owner whose license was revoked,
716 may be considered.

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

719 ...

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

721 ...

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

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

724 (d) A single-family dwelling, together with its accessory buildings, shall have only one kitchen except:

725 (1) When otherwise specifically allowed by this Land Use Code;

726 (2) That a single additional kitchen may be located within an accessory dwelling unit that
727 complies with Chapter 108-19; or

728 (3) When the owner has signed and recorded a notarized covenant to run with the land, as
729 prescribed by Weber County, which provides that it is prohibited to use the additional
730 kitchen for an additional dwelling unit. The covenant shall be recorded prior to the issuance
731 of a building permit. The owner may be released from this covenant at a later time by the
732 County upon recordation of a notice of release of covenant, provided the second kitchen is
733 then used in a manner otherwise allowed by this Land Use Code, as evidenced by the
734 issuance of a land use permit.

735 ...

736 **Chapter 108-19 Accessory Dwelling Units**

737 ...

738 **Sec 108-19-2 Applicability**

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

741 (b) **Ogden Valley detached accessory dwelling unit.** In the Ogden Valley, a detached accessory dwelling
742 unit shall only be allowed in one of the two following circumstances:

743 (1) **Double acreage.** The lot has a base density, as defined in Chapter 101-2, of at least two. The
744 lot owner shall record a covenant that runs with the land and is between the lot owner and
745 the County. The covenant shall document the lot's calculated base density; the number of
746 dwelling units developed on the lot, including the detached accessory dwelling unit; the

747 number of residential development rights subtracted from the base density by any other
748 means; and the number of residential development rights remaining for the property.

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

752 a. The reallocated residential development right may only be transferred from a lot or parcel
753 that:

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

755 ii. Has an available residential development right. Available residential development
756 rights are determined by the lot or parcel's base density and adjusted for any previous
757 residential development right reduction or addition.

758 b. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each
759 covenant shall run with the land and be between the owner and the County. Each covenant
760 shall document the applicable lot or parcel's calculated base density; the number of
761 dwelling units developed on the lot or parcel, including the accessory dwelling unit, if
762 applicable; the number of residential development rights subtracted from, or added to, the
763 base density by any means; and the number of residential development rights remaining for
764 the lot or parcel.

765 ...

766 **Sec 108-19-3 General Provisions**

767 The following provisions shall apply:

768 (a) **Number of accessory dwelling units per parcel.** No more than one accessory dwelling unit
769 shall be allowed on a lot containing a single-family dwelling, unless explicitly specified
770 otherwise in this Land Use Code.

771 (b) **Amenities.** An accessory dwelling unit shall contain sufficient amenities to be definable as a
772 dwelling unit.

773 (c) **Parking.** Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall
774 be on a hard-surfaced area prepared to accommodate vehicle parking.

775 (d) **Occupancy.** Either the accessory dwelling unit or the primary dwelling shall be owner-occupied.
776 While away, the owner shall not offer the owner- occupied dwelling unit for rent. The non-owner-
777 occupied unit is limited to no more than one family.

778 (e) **Relevant authority approvals.** The accessory dwelling unit shall comply with local regulations
779 and ordinances for a single-family dwelling. Approval is required from the Fire Authority,
780 Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building
781 Official.

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

783 (a) **Standards same as single-family dwellings.** The provisions of Subsection (c) of this section
784 notwithstanding, if new construction for an accessory dwelling unit is proposed or will occur, the
785 standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that
786 an accessory dwelling unit shall not have more than one kitchen.

787 (b) **Size.** The size regulations for an accessory dwelling unit are as follows:

788 (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all
789 levels when viewed from above, shall not be less than 400 square feet and shall not exceed

790 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit be greater
791 than 2,000 square feet. However, an accessory dwelling unit located entirely within a basement
792 of a single-family dwelling may consume the entire basement area regardless of square
793 footage.

794 (2) Except as provided in Subsection (b)(3) of this section, the height of a detached accessory
795 building that houses an accessory dwelling unit shall be no greater than 35 feet.

796 (3) For a lot that has 20,000 square feet or less:

797 a. The height of a detached accessory building that houses an accessory dwelling unit shall be
798 no greater than 90% of the height of the single- family dwelling.

799 b. The total area of the footprint of a detached accessory building that houses an accessory
800 dwelling unit combined with the total area of the footprint of the single-family dwelling shall
801 not cover more than 25 percent of the total lot area.

802 (c) ***Relationship to the primary dwelling; appearance.*** The exterior design of an accessory dwelling
803 unit, or the building that contains an accessory dwelling unit, shall compliment the primary dwelling
804 in a manner that preserves the appearance of the lot's single-family use.

805 (1) The exterior of the accessory dwelling unit shall either:

806 a. Conform to the primary dwelling in architectural style and materials on all sides of the building
807 and roof;

808 b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other
809 similarly styled agricultural outbuilding; or

810 c. Be designed by a licensed architect in a manner that provides the architectural features
811 of historic buildings from the general area.

812 (2) An accessory dwelling unit located in a building that is only connected to the single-family
813 dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a
814 part of the single-family dwelling provided that the distance between them is no greater than
815 15 feet.

816 ...

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

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

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

821 (1) A completed application form signed by the property owner or assigned agent.

822 (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-
823 submittal review, does not constitute a complete application.

824 (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of
825 existing buildings and building entrances, any proposed building and its dimensions from buildings
826 and property lines, and the location of parking stalls.

827 (4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or
828 proposed uses.

829 (5) A statement of feasibility, also known as a will-serve letter from the utilites providing culinary
830 water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or
831 septic system, the local health department.

832 (6) Written verification that the applicant is the owner of the property and has permanent residency in
833 the existing single-family dwelling where the request is being made. In order for an accessory
834 dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they
835 are the owner-occupant and will remain an owner-occupant.

836 (b) *Review procedure.*

837 (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will
838 review the application to verify compliance with this chapter and any other relevant component of
839 this Land Use Code.

840 (2) Planning Division staff will route the application to the local fire authority, the County Building
841 Division, and any other relevant review department or agency for verification of compliance,
842 determination of need for land use permit application modifications, and for the submittal of other
843 applications or reviews necessary to obtain their approvals of an accessory dwelling unit.

844 (3) If the land use permit application complies with relevant land use laws, and receives all required
845 department and agency approvals, a land use permit shall be issued. If the application requires
846 submittal of other applications or reviews necessary to attain the approvals of other required
847 departments or agencies, but otherwise complies with relevant land use laws, the application shall
848 be given conditional approval by Planning Division staff, conditioned on approval of other
849 reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.

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

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

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

863 ...

864 **Chapter 108-21 Agri-Tourism**

865 ...

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

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

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

874 (j) *Development agreement.* An agri-tourism operation shall, prior to the construction of any structure
875 intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial

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

880 ...

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

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

890

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						

891 ...

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

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

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

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

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

904 ...

905

906 **PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS**
 907 **ON THIS ____ DAY OF _____, 20__.**

908

AYE

NAY

ABSENT

ABSTAIN

Gage Froerer

Jim "H" Harvey

Scott K. Jenkins

909

910 Presiding Officer

Attest

911

912

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

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

Attachment B – Proposed Code (no redlines)

WEBER COUNTY ORDINANCE 2022-___

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

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

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

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

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

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



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

...

Chapter 101-2 Definitions

...

Sec 101-2-2 Ab-Definitions

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

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

...

Sec 101-2-2 Ac-Definitions

Accessory dwelling unit. See dwelling unit, accessory.

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

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

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

...

Sec 101-2-2 Ag-Definitions

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

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

...

Sec 101-2-3 Ba Definitions

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

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



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

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

...

Sec 101-2-3 Be Definitions

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

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

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

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

...

Sec 101-2-5 D Definitions

...

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

Density, base. See "base density."

Detached lockout. See "lockout, detached."

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

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



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

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

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

Duplex. See "dwelling, two family."

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

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

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

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

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

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

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

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

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

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

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

...



Sec 101-2-7 F Definitions

...

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

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

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

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

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

...

Sec 101-2-13 Loc - Lod Definitions

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

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

Lockout sleeping room. The term "lockout sleeping room" means a sleeping room attached to a dwelling unit which has separate or common access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or a microwave, and which may be rented independently from the main dwelling unit for short-term rental purposes. Unless specifically addressed otherwise in a development agreement, a lockout sleeping room shall be considered one-fourth of a dwelling unit when calculating density on a parcel of land.

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

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

...

Sec 101-2-17 P Definitions

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



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

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

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

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

...

Sec 101-2-19 R Definitions

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

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

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

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

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

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

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



...

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

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

Right, development. See "development right."

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

...

Sec 101-2-20 Sh Definitions

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

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

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

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

...

Sec 101-2-21 T Definitions

...

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

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

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

...

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



...

Chapter 102-4 Permits Required And Enforcement

...

Sec 102-4-3 Land Use Permit Revocation

As used in this section, the term "permit" shall mean a land use permit, conditional use permit, license, or any other final written approval that is authorized by this Land Use Code. A permit may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:

- (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- (b) The land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
- (c) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
- (d) Revocation of a permit is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to Title 102, Chapter 3.
- (e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.

...

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

...

Chapter 104-11 Commercial Valley Resort Recreation Zone

...

Sec 104-11-3 Permitted Uses

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

...

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



...

Sec 104-11-5 Additional Design Requirements

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

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

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

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

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

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

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Chapter 104-17 Forest Residential Zone

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Sec 104-17-2 Permitted Uses

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



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

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Sec 104-17-3 Conditional Uses

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

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

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Chapter 104-22 Form Based Zone

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Sec 104-22-3 Land Use Table

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



Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	See Section 104-22-4, and TDR requirements of 104-22-11
Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	N	
Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	P	N	
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	P	N	
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	P	N	
Short-term rental. A short-term rental.	P	P	P	P	C	N	N	N	N	N	N	
Transient lodging. A hotel, motel, lodging house, condominium rental apartment (condo-tel), or timeshare condominium.	P	P	P	P	N	N	N	N	N	N	N	This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P	N	See Section 104-22-4 and Section 104-22-12.

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Chapter 104-27 Master Planned Development Overlay Zone

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Sec 104-27-5 Use Permissions And Prohibitions

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



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

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Chapter 104-29 Ogden Valley Destination And Recreation Resort Zone

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Sec 104-29-8 Land Uses

Use	Permitted (P) Conditional (C)
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Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Short-term rental, pursuant to Section 108-11	P
Commercial Uses	
Bank/financial institution	P

...

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



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Chapter 108-7 Supplementary and Qualifying Regulations

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Sec 108-7-25 (Repealed)

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

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Sec 108-8-2 Parking Spaces For Dwellings

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

Single-family dwelling	Two side-by-side parking spaces
Accessory dwelling unit	Two parking spaces in addition to any other required parking
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.
Increased occupancy	If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

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Chapter 108-11 Short-Term Rentals



Sec 108-11-1 Purpose And Intent

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

Sec 108-11-2 Applicability

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

- (a) **Approval required.** Except where specifically allowed otherwise in this Land Use Code, it is unlawful for an owner to rent any property for a time period of less than 30 days within the unincorporated area of Weber County without short-term rental approval pursuant to this chapter.
- (b) **Licenses, land use permits, and other applicable law.** A short-term rental use requires a short term rental license, as provided herein, a commercial business license, as provided in Title 14, and shall only be conducted in a residential unit with all appropriate land use permits, building permits, certificates of occupancy, and any other approval as required by this Land Use Code, other County codes, and State and Federal law.

Sec 108-11-3 Prohibitions

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

- (a) **Building not approved for residential occupancy.** A short-term rental is not allowed in any building unless it has received approval for a residential use, and has a certificate of occupancy.
- (b) **Accessory dwelling unit.** A short-term rental is not allowed in an accessory dwelling unit.
- (c) **Restricted housing.** A short-term rental is not allowed in a dwelling unit that has been reserved for workforce housing.
- (d) **Private covenants.** A short-term rental license is invalid if issued for any property that is subject to private covenants that prohibit the property's availability for short-term rentals. This applies regardless of how the private covenants are labeled, and regardless of whether or not the private covenants are enforced by a homeowners association or committee.

Sec 108-11-4 Application Procedure

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

(a) Application submittal requirements.

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



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



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

Sec 108-11-5 Property Inspection

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

Sec 108-11-6 Applicable Taxes And Remittance

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

Sec 108-11-7 Responsible Agent

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



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

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

Sec 108-11-8 Operating Standards

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



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

(c) **Occupancy.**

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

- a. A property’s maximum occupancy may be reduced due to a property’s unique characteristics, including but not limited to, parking constraints, septic/sewer system capacity; and
- b. A greater maximum occupancy may be approved following additional review and approval of applicable reviewing agencies and the provision of additional components that would otherwise limit capacity including, but not limited to, fire suppression systems, parking capacity, septic/sewer capacity, culinary water rights, and the number of available sleeping rooms.

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

- (3) **External sleeping accommodations prohibited.** All sleeping accommodations must be maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted and approved during the licensing process. External accommodations such as yurts, teepees, tents, recreational vehicles/travel trailer, other temporary structures, or any similar accommodation may not be used for sleeping accommodations or as a means to increase the maximum permitted occupancy. Recreational vehicles belonging to renters may be brought onto sites large enough to allow space for parking. Such parking shall be on improved, hard surface areas.

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

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

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



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



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

(k) **Animals.**

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

Sec 108-11-9 Complaints And Violations

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

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

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

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



- b. After three Minor Violations within 12 consecutive months, the owner shall be issued a Major Violation on the fourth and subsequent occurrences.
 - c. Each Minor Violation shall be subject to an administrative penalty as provided in Section 108-11-10.
- (2) **Major Violation.** A Major Violation shall consist of the failure of the Responsible Agent to perform their responsibilities as provided in this chapter, or the fourth and subsequent Minor Violations within a 12 month consecutive time frame.
- a. Owners will be given one warning in the event of a responsible agent failing to perform their responsibilities within each calendar year.
 - b. Each major violation shall be subject to administrative penalties as provided in Section 108-11-10.
- (3) **Unlicensed violation.** An unlicensed violation is committed upon the rental of an unlicensed property on a short-term basis. Owners will be given one warning. Each violation thereafter shall be subject to administrative penalties as provided in Section 108-11-10.

Sec 108-11-10 Administrative Penalty

- (a) Any person found in violation of any provision(s) of this Chapter is liable for an administrative penalty in the form of a monetary fine based on the property's average nightly rate, not to exceed the maximum allowed by state statute. The average rental rate of the property shall be determined through the advertised nightly rental rate. Each day a violation remains unresolved shall carry a cumulative administrative penalty and monetary fine as follows:
- (1) Minor violations. Monetary fines shall be 50 percent of the advertised nightly rental rate up to the maximum state allowance on the date/s of the violation.
 - (2) Major violations. Monetary fines shall be 100 percent of the lease/rental agreement in place at the time of the violation, based on the advertised nightly rental rate on the date/s of the violation up to the maximum state allowance.
 - (3) Unlicensed violations. Monetary fines shall be 200 percent of the advertised nightly rental rate on the date(s) of the violation up to the maximum state allowance.
- (b) In the event the County cannot determine the average nightly rental rate of a specific rental, the average rental rate of the violation dates within the planning area shall be used.

Sec 108-11-11 License Revocation

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



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

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Chapter 108-15 Standards For Single-Family Dwellings

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Sec 108-15-2 Other Standards And Requirements

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

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

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Chapter 108-19 Accessory Dwelling Units

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Sec 108-19-2 Applicability

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



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

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

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Sec 108-19-3 General Provisions

The following provisions shall apply:

- (a) **Number of accessory dwelling units per parcel.** No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.
- (b) **Amenities.** An accessory dwelling unit shall contain sufficient amenities to be definable as a dwelling unit.
- (c) **Parking.** Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall be on a hard-surfaced area prepared to accommodate vehicle parking.
- (d) **Occupancy.** Either the accessory dwelling unit or the primary dwelling shall be owner-occupied. While away, the owner shall not offer the owner- occupied dwelling unit for rent. The non-owner-occupied unit is limited to no more than one family.
- (e) **Relevant authority approvals.** The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

Sec 108-19-4 Standards And Requirements

- (a) **Standards same as single-family dwellings.** The provisions of Subsection (c) of this section notwithstanding, if new construction for an accessory dwelling unit is proposed or will occur, the standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory dwelling unit shall not have more than one kitchen.
- (b) **Size.** The size regulations for an accessory dwelling unit are as follows:



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

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Sec 108-19-5 Application and Procedure

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

(a) **Application submittal requirements.**

- (1) A completed application form signed by the property owner or assigned agent.
- (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
- (4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.



- (5) A statement of feasibility, also known as a will-serve letter from the utilities providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or septic system, the local health department.
- (6) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) **Review procedure.**

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

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Chapter 108-21 Agri-Tourism

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Sec 108-21-3 General Development Standards

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

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



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

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Sec 108-21-5 Permitted Uses/Activities Table

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

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

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

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

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

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

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

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PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS



ON THIS ____ DAY OF _____, 20__.

AYE

NAY

ABSENT

ABSTAIN

Gage Froerer

Jim "H" Harvey

Scott K. Jenkins

Presiding Officer

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

Attest

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