

EXHIBIT K
(County's Vested Laws)

Part II Land Use Code

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Title 101 General Provisions

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State Law reference—County Land Use, Development, and Management Act, U.C.A. 1953, § 17-27a-101 et seq.; authority of county board of commissioners to enact land use ordinances and a zoning map for the use and development of land within the unincorporated area of the county, U.C.A. 1953, § 17-27a-501.

Chapter 101-1 Creation, Implementation, Amendment, And Effect

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Sec 101-1-1 Short Title

This title shall be known as the "Uniform Land Use Code of Weber County, Utah" and may be referred to as the "Land Use Code," "this Code," or the "LUC." The planning area planning commission or other entity designated herein shall be the land use authority, with due responsibility to administer the Land Use Code. Appeals from decisions of the land use authority will be heard by the appeal authority designated in this Land Use Code.

(Ord. of 1956, § 1-1; Ord. No. 2008-9; Ord. No. 2010-3; Ord. No. 2012-7, § 1(1-1), 5-1-2012; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec 101-1-2 Purpose

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Weber County, State of Utah,

including amongst other things, the lessening of congestion in the streets, or roads, securing from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the county's agricultural and other industries, and the protection of both urban and non-urban development.

(Ord. of 1956, § 1-2; Ord. No. 2008-9; Ord. No. 2010-3)

Sec 101-1-3 Interpretation

In interpreting and applying the provisions of this title, the requirements contained herein are declared to the minimum requirements for the purpose set forth. Specific uses listed as permitted or conditional uses in a zone are allowed; uses not listed are not allowed in that zone.

(Ord. of 1956, § 1-3; Ord. No. 2008-9; Ord. No. 2010-3)

Sec 101-1-4 Conflict

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinance or laws, but shall prevail notwithstanding such provisions which are less restrictive. Where a conflict exists between various provisions of this ordinance, the board of adjustment shall rule on which provision applies

(Ord. of 1956, § 1-4; Ord. No. 14-92; Ord. No. 2008-9; Ord. No. 2010-3; Ord. No. 2012-7, § 1(1-4), 5-1-2012)

Sec 101-1-5 Effect On Previous Ordinances And Maps

The existing ordinances of the county covering the zoning of areas and districts in the county, in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Land Use Code, including the attached maps, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Land Use Code, whether in the same or different language; and this Land Use Code shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use, buildings and structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

(Ord. of 1956, § 1-5; Ord. No. 2008-9; Ord. No. 2010-3)

Sec 101-1-6 Rules Of Construction

- (a) *Generally.* The words used in this Code shall be construed to effect the intended purposes. Definitions of various words and phrases used throughout the Code are provided in this title. Other definitions may be found in specific sections of the Code and apply only to that section or portion of the Code. All words or phrases not specifically defined shall be given their common and usual meanings as determined by general usage and standard dictionary references (Webster's Merriam Collegiate Dictionary, 11th edition, 2003).
- (b) *Usage; general rules of construction.* The following general rules of interpretation shall apply:
- (1) The present tense includes the future, and, where appropriate, the past.
 - (2) The singular number includes the plural, and vice versa. The male gender includes the female, and vice versa.

- (3) The word "shall" is mandatory; the word "may" is permissive.
- (4) Reference in one section of this Code to another section of this Code or the Weber County Code of Ordinances by section number shall include all subsections within that section.
- (5) Where appropriate to the context, words and terms defined in U.C.A. 1953, § 17-27a-103 shall apply here.
- (6) Where appropriate to the context, words not included herein but defined in Title 1 ("General Provisions") of the Weber County Code of Ordinances shall be construed as defined in title 1 ("General Provisions") of the Weber County Code of Ordinances.
- (7) Words not included herein but defined in the building code or other county codes shall be construed as defined therein.
- (8) References to the Ogden Valley area also include the Ogden Canyon area.
- (9) Some sections of this Code contain separate definitions sections intended primarily for use in connection with the relevant section or portion of the Code.
- (10) Determinations as to the meaning of a word or term shall be the responsibility of the planning director, whose decision may be appealed as provided herein.

Sec 101-1-7 (Reserved)

Editors note: This Section 101-1-7 Definitions was moved to Chapter 101-2 Definitions as a nonsubstantive formatting change. Any remaining references in this Land Use Code to Section 101-1-7 Definitions is referring to Chapter 101-2 Definitions. August 4, 2020.

Sec 101-1-8 Amendments To Code; Effect Of New Ordinances; Amendatory Language

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portion may be excluded from this Code by omission from reprinted pages.
- (b) Amendments to any of the provisions of this Code shall be made by amending the provisions by specific reference to the section of this Code in substantially the following language: "Section ____ of the Land Use Code of Weber County, Utah, is hereby amended to read as follows: ... (Set out new provisions in full)."
- (c) When the commission desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the commission desires to incorporate into the Code, a section in substantially the following language shall be made a part of the ordinance:

"Section ____ . It is the intention of the county commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Land Use Code of Weber County, Utah, and the sections of the Code and this ordinance may be renumbered to accomplish that intention."
- (d) All sections, articles, chapters or provisions of this Code desired to be repealed shall be specifically repealed by section or chapter number, as the case may be.
- (e) Where necessary to avoid a conflict with existing provisions of this Code, amending ordinances may be renumbered by the official codifier for the county to carry out the intent of the

commission, provided that no such numbering change shall be made without prior approval of the county.

Sec 101-1-9 Supplementation Of Code

- (a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the commission. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the commission during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code, and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ___ to ___" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted in the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec 101-1-10 Catchlines Of Sections

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Sec 101-1-11 Altering Code

It shall be unlawful for any person in the county to change or amend by additions or deletions, any part or portion of this Code, or to insert, or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby.

Sec 101-1-12 Severability Of Parts Of Code

It is hereby declared to be the intention of the county commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the county commission without incorporation in this Land Use Code of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

Sec 101-1-13 (Reserved)

Editor's note—Ord. No. 2019-14, Exh. A, adopted July 30, 2019, repealed § 101-1-13, which pertained to general penalty; continuing violations and derived from the original codification of this Code.

Sec 101-1-14 Certain Ordinances Not Repealed Or Affected By Adoption Of Code

- (a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:
- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
 - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness;
 - (3) Any contract or obligation assumed by the county;
 - (4) Any ordinance or resolution fixing the salary of any county officer or employee, unless superseded;
 - (5) Any ordinance or resolution establishing and/or prescribing employment, benefits, and/or personnel policies and procedures;
 - (6) Any right of franchise granted by the county to any person, firm, or corporation;
 - (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, widening, paving, widening, vacating, etc., any street or public way in the county;
 - (8) Any ordinance or resolution establishing and prescribing the street grades of any street in the county;
 - (9) Any appropriation ordinance;
 - (10) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;
 - (11) Any ordinance or resolution providing for local improvements and assessing taxes therefor;
 - (12) Any zoning ordinance or amendments thereto, and any ordinance establishing a board of zoning appeals or planning commission, including joint commissions;
 - (13) Any ordinance or resolution dedicating or accepting any subdivision plat or providing for subdivision regulations;
 - (14) Any ordinance or resolution describing or altering the boundaries of the county or annexing property to the county;
 - (15) The administrative ordinances or resolutions of the county not in conflict or inconsistent with the provisions of this Code;

- (16) Any ordinance levying or imposing taxes not included in this Code;
 - (17) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;
 - (18) Any ordinance or resolution of agreement with another political subdivision;
 - (19) Any provision regarding the title of an ordinance adopted by the county commission; and
 - (20) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.
- (b) Nor shall the repeal of any such ordinance or resolution be construed to revive any ordinance, resolution or part thereof that has been repealed or superseded by a subsequent ordinance or resolution which is repealed or superseded by this title. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Chapter 101-2 Definitions

[Sec 101-2-1 Applicability](#)

[Sec 101-2-2 A Definitions](#)

[Sec 101-2-3 B Definitions](#)

[Sec 101-2-4 C Definitions](#)

[Sec 101-2-5 D Definitions](#)

[Sec 101-2-6 E Definitions](#)

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[Sec 101-2-16 O Definitions](#)

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[Sec 101-2-22 U Definitions](#)

[Sec 101-2-23 V Definitions](#)

[Sec 101-2-24 W Definitions](#)

[Sec 101-2-25 X Definitions](#)

[Sec 101-2-26 Y Definitions](#)

[Sec 101-2-27 Z Definitions](#)

(Ord. of 1952, title 26, §§ 1-3, 3-1; Ord. of 1956, §§ 1-6, 36B-2; Ord. No. 9-65; Ord. No. 11-67; Ord. No. 4-71; Ord. No. 14-73; Ord. No. 7-75; Ord. No. 12-77; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 21-83; Ord. No. 24-85; Ord. No. 6-86; Ord. No. 15-86; Ord. No. 17-87; Ord. No. 2-89; Ord. No. 16-89; Ord. No. 15-90; Ord. No. 12-91; Ord. No. 16-91; Ord. No. 6-92; Ord. No. 10-92; Ord. No. 14-92; Ord. No. 2-93; Ord. No. 8-94; Ord. No. 95-19; Ord. No. 2000-15; Ord. No. 2000-24; Ord. No. 2001-8; Ord. No. 2001-13; Ord.

No. 2003-2, Ord. No. 2003-8; Ord. No. 2004-6; Ord. No. 2008-8; Ord. No. 2008-9; Ord. No. 2009-20; Ord. No. 2010-3; Ord. No. 2010-22, § 2, 9-14-2010; Ord. No. 2011-17, § 4, 10-11-2011; Ord. No. 2012-1, § 1, 1-3-2012; Ord. No. 2012-7, §§ 1(1-6), 4, 5-1-2012; Ord. No. 2012-10, § 101-1-7, 7-3-2012; Ord. No. 2012-19, pt. 2, 12-18-2012; Ord. No. 2013-16, pt. 2, 6-18-2013; Ord. No. 2013-31, § 3, 12-10-2013; Ord. No. 2014-6, § 2, 4-1-2014; Ord. No. 2014-7, § 2, 4-1-2014; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2015-8, Exh. A, 5-5-2015; Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2015-19, § 2, 12-1-2015; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-4, Exh. A2, 5-24-2016; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-11, Exh. A, 5-9-2017; Ord. No. 2017-12, Exh. A, 5-9-2017; Ord. No. 2017-13, Exh. A, 5-9-2017; Ord. No. 2017-16, Exh. A, 5-9-2017; Ord. No. 2017-24, Exh. B, 6-27-2017; Ord. No. 2017-31, Exh. A, 10-31-2017; Ord. No. 2018-2, Exhs. A, B, 2-6-2018; Ord. No. 2018-5, Exh. A, 5-1-2018; Ord. No. 2018-6, Exh. A, 5-8-2018; Ord. No. 2019-2, Exh. A, 2-5-2019; Ord. No. 2019-14, Exh. A, 7-30-2019; Ord. No. 2019-15, Exh. A, 8-6-2019)

Editors note: This chapter 101-2 Definitions was moved here from Section 101-1-7 as a nonsubstantive formatting change. Any remaining references in this Land Use Code to Section 101-1-7 Definitions is referring to the content of this chapter. August 4, 2020.

HISTORY

Amended by Ord. [2020-9](#) on 6/16/2020

Sec 101-2-1 Applicability

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

Sec 101-2-2 A Definitions

[Sec 101-2-2 Ab-Definitions](#)

[Sec 101-2-2 Ac-Definitions](#)

[Sec 101-2-2 Ag-Definitions](#)

[Sec 101-2-2 Ai-Definitions](#)

[Sec 101-2-2 Al-Definitions](#)

[Sec 101-2-2 Am Definitions](#)

[Sec 101-2-2 An-Definitions](#)

[Sec 101-2-2 Ap-Definitions](#)

[Sec 101-2-2 Au-Definitions](#)

[Sec 101-2-2 Av-Definitions](#)

Sec 101-2-2 Ab-Definitions

Abandonment. The term "abandonment" means to cease or discontinue a use or activity without intent to resume, 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. 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.

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.

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

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

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

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

Acreage unsuitable for development. The phrase "acreage unsuitable for development," means the area within a project that has extraordinary circumstances that under existing county, state, or federal laws render development on it very unlikely. The applicant bears the burden to prove an area does not meet this definition.

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

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. It, in a conducive agricultural setting, 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 nightly 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.

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with an onsite agricultural use.

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit.

Agriculture. The term "agriculture" means use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

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

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

Sec 101-2-2 Ai-Definitions

Airport hazard. The term "airport hazard" means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of an airport, or is otherwise hazardous to such landing, taking off or maneuvering of aircraft.

Sec 101-2-2 Al-Definitions

Alley. The term "alley" means a public thoroughfare less than 26 feet wide.

Sec 101-2-2 Am Definitions

Amusement park. The term "amusement park," also referred herein as a "carnival operations," means a facility, primarily located outdoors, that may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows, entertainment, restaurants, and souvenir or gift sales.

HISTORY

Adopted by Ord. [2022-20](#) on 8/16/2022

Sec 101-2-2 An-Definitions

Animal feeding operation. The term "animal feeding operation" means a lot or facility where the following conditions are met:

- (a) Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- (b) The area of confinement devoted to the feeding of the animals does not sustain grazing vegetation during the normal growing season for the purpose of feeding the confined animals.

Animal feeding operation, large concentrated. The term "large concentrated animal feeding operation" means the same as provided in the Large Concentrated Animal Feeding Operations Act of

State Code.

Animal grazing. The term "animal grazing" means the pasturing or ranging of animals for the purpose of grazing at an animal density that does not exceed the land's ability to perpetually sustain vegetation for grazing during the normal growing season.

Animal/veterinary hospital. The term "animal/veterinary hospital" means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.

Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.

HISTORY

Amended by Ord. [2022-06](#) on 2/1/2022

Sec 101-2-2 Ap-Definitions

Appeal authority. The term "appeal authority" means a person, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application or variance.

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

Sec 101-2-2 Au-Definitions

Automobile recycling (parts dismantling). The term "automobile recycling (parts dismantling)" a process carried out within a completely enclosed building, of systematically disassembling or dismantling automobile vehicles for their component parts which are cleaned, refurbished, catalogued, and shelf stored as inventory for the purpose of resale. It includes the storage, both inside and outside the building, of not more than 40 disused or damaged vehicles awaiting movement to within the building for disassembly. The process also includes the immediate removal from the site of the vehicle body hulk and other waste material.

Automobile repair/auto body shop (nonmechanical). The term "automobile repair/auto body shop (nonmechanical)" means any building, structure or premises used for the external/non-mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of external body repairs and/or painting of automotive vehicles within an enclosed structure.

Automobile repair shop (mechanical). The term "automobile repair shop (mechanical)" means any building, structure or premises used for the mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of mechanical repairs of automotive vehicles within an enclosed structure.

Automobile service station. The term "automobile service station" means any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing, of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for which all work takes place within an enclosed building or structure, but excluding body and fender work, engine overhauling, painting, welding, storage of autos not in operating condition, or other work involving the creation of a nuisance to adjacent property.

Sec 101-2-2 Av-Definitions

Average percent of slope. The term "average percent of slope" means the average percent of the slope of terrain of a given area. It shall be calculated as follows: $(0.00229 \times I \times L) / A = S$, where "S" is the average percent of slope, "I" is the contour interval in feet, "L" is the combined length of all contours within the given area in feet, and "A" is the acreage of the given area. As may be approved by the county engineer, alternative methods of calculating the average percent of slope are permissible provided the calculations render similar results and address the entire given area.

Sec 101-2-3 B Definitions

[Sec 101-2-3 Ba Definitions](#)

[Sec 101-2-3 Be Definitions](#)

[Sec 101-2-3 Bi Definitions](#)

[Sec 101-2-3 Bo Definitions](#)

[Sec 101-2-3 Br Definitions](#)

[Sec 101-2-3 Bu Definitions](#)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

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

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

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

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

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

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

Sec 101-2-3 BI Definitions

Block. See "street block."

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 101-2-3 Bo Definitions

Boardinghouse. See Lodginghouse.

Bona fide division or partition of agricultural land for agricultural purposes. The phrase "bona fide division or partition of agricultural land for agricultural purposes" means the division of agricultural land into lots or parcels of five acres or more in area whose principal use is the raising and grazing of animals or agriculture as that use is defined in the Land Use Code and provided that no dedication of any streets shall be required to serve any such lots or parcels of agricultural land; the agricultural parcels shall not be further divided into parcels of less than five acres without being subdivided in accordance with the subdivision regulations of the county; no dwellings shall be permitted unless all subdivision, zoning and health requirements are met.

Sec 101-2-3 Br Definitions

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

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

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

Sec 101-2-3 Bu Definitions

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

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

- (a) The average percent of slope within the buildable area as defined by this section shall be less than 25 percent;
- (b) The gross land area of the buildable area shall contain at least 3,000 square feet and be configured such that it can contain one 40-foot by 40-foot square;
- (c) It shall not contain any geologic or other environmental hazards, as determined by the county engineer;

- (d) It shall not contain any easements or setbacks; and
- (e) It shall be denoted on a subdivision plat as the only area in which building may take place on a lot or parcel.

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

Building area. See "Buildable area."

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

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

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

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

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

Sec 101-2-4 C Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditional use. See Use, conditional.

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

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

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

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

Condominium unit means a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a

building or a time period unit, as the context may require. A convertible space shall be treated as a unit in accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).

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

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

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

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

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

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

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

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

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

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

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

HISTORY

Amended by Ord. [2020-11](#) on 8/4/2020

Amended by Ord. [2020-27](#) on 12/22/2020

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 101-2-5 D Definitions

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

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

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

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

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

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

Density, base. See "base density."

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

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

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

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

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

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. This does not include a hotel or hotel room, condominium rental apartment (condo-tel), boardinghouse, lodginghouse, tourist court or apartment court.

Dwelling, four-family. The term "four-family dwelling," also referred to as a "quadplex," means a building arranged or designed to contain only four dwelling units with approximately the same floor area, and occupying one lot or parcel.

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

Dwelling, multiple-family. The term "multiple-family dwelling," also referred to as a "multi family dwelling," means a building or portion thereof arranged or designed to contain more than four dwelling units, including an apartment building and condominium building.

Dwelling, single-family. The term "single-family dwelling" means a building or portion thereof arranged or designed to exclusively contain only one dwelling unit, unless specified otherwise by this Land Use Code, and occupying one lot or parcel.

Dwelling, single-family attached. The term "single-family attached dwelling" means a building containing two or more dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate lot. This is traditionally known as a townhome or townhouse.

Dwelling, three-family. The term "three-family dwelling," also referred to as a "triplex," means a building arranged or designed to contain only three dwelling units with approximately the same floor area, and occupying one lot or parcel.

Dwelling, two-family. The term "two-family dwelling" also referred to as a "duplex," means a building arranged or designed to contain only two dwelling units with approximately the same floor area, and occupying one lot or parcel.

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, condominium. See "condominium dwelling unit."

Dwelling unit, townhome. See "single-family attached dwelling."

HISTORY

Amended by Ord. [2022-20](#) on 8/16/2022

Sec 101-2-6 E Definitions

Earth-toned. The term "earth-toned" means any local naturally occurring color originating from the earth, usually containing brown hues or tinted with gray.

Easement. The term "easement" means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

Educational institution. The term "educational institution" means a place where people of all ages gain an education, including preschools; elementary, middle, and high schools; and institutions of higher education.

Emergency services plan. The term "emergency services plan" means a document that describes, in general, the emergency facilities and level of staffing that are part of (or will provide services to) a proposed resort. 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 (e.g., fire/sheriff) and phasing schedule describing emergency personnel staffing and anticipated time and general location of facility construction if applicable.

Entertainment facility, indoor. The term "indoor entertainment facility" means an indoor facility providing entertainment for a fee, including such activities as dance halls, theatrical productions, bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; rinks, and racetracks; mini-golf course; coin or bill operated devices, membership sports and health clubs, swimming pools, riding academies, expositions, and game parlors.

Entertainment facility, outdoor. The term "outdoor entertainment facility" means an outdoor facility providing entertainment for a fee, including the same or similar activities as an indoor entertainment facility, and also including commercial facilities such as an arena; horse rides; tubing hill, or court or field sport oriented complex.

Estate lot. The term "estate lot" means a lot within a subdivision, intended for the use of a dwelling unit, that contains at least three acres.

HISTORY

Amended by Ord. [2020-20](#) on 12/8/2020

Amended by Ord. [2022-20](#) on 8/16/2022

Sec 101-2-7 F Definitions

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

Family food production. The term "family food production" means the keeping of 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 nightly accommodations as well as meals to overnight guests and the visiting day-use public within an internally incorporated dining area.

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

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

Fee fishing, agri-tourism. The term "agri-tourism fee fishing" means an agri-tourism use/activity, approved by the appropriate local, state and/or federal agency, which provides the opportunity for

anglers to pay a fee for the right to fish on a farm. Fee fishing is a non-agriculturally related use unless provided as an accessory to a bona fide aquaculture operation.

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

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

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

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

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

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

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 101-2-8 G Definitions

[Ga-Ge Definitions](#)

[Geologic And Geotechnical Definitions](#)

[Gf-Gz Definitions](#)

Ga-Ge Definitions

Garbage. The term "garbage" means household waste, food waste, and any other manner of refuse, rubbish, or trash.

Garage, private. The term "private garage" means a garage shall be considered part of a dwelling if the garage and dwelling have a roof and/or wall in common. Areas such as garages are not considered livable space. The term "private garage" means an accessory building designed or used for the storage of:

- (a) Single-family: Not more than four automobiles owned and used by the occupants of the building to which it is accessory and in which no business, commercial service or industry is carried on;

- (b) **Multiple-family:** Provided that on a lot occupied by a multiple-family dwelling, the private garage may be designed and used for the storage of 1½ times as many automobiles as there are dwelling units in the multiple-family dwelling.

Geologic And Geotechnical Definitions

Geologic and geotechnical terms.

Active fault. The term "active fault" means a seismic (earthquake) fault displaying evidence of greater than four inches of surface displacement along one or more of its traces during the Holocene time (approximately 10,000 years ago to the present).

Active landslide. The term "active landslide" means a landslide which is known to have moved or deformed and which has not been proven to be stable by a geotechnical investigation.

Aquifer. The term "aquifer" means a geological unit in which porous and permeable conditions exist or a geologic unit of stratified drift, and thus are capable of yielding usable amounts of water.

Aquifer recharge. The term "aquifer recharge" area means an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of deformation. See "zone of deformation."

Critical acceleration. The term "critical acceleration" means the minimum amount of ground acceleration during seismically induced ground movement required to induce liquefaction or other forms of ground disruption.

Critical facilities. The term "critical facilities" means:

- (a) Lifelines such as major communication, utility and transportation facilities and their connection to emergency facilities;
- (b) Essential facilities, such as:
 - (1) Hospitals and other medical facilities having surgery and emergency treatment areas;
 - (2) Fire and police stations;
 - (3) Tanks or other structures containing, housing, or supporting water or other fire suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures;
 - (4) Emergency vehicle shelters and garages;
 - (5) Structures and equipment in emergency-preparedness centers;
 - (6) Standby power generating equipment for essential facilities;
 - (7) Structures and equipment in government communication centers and other facilities required for emergency response;
- (c) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be dangerous to the safety of the general public if released; or
- (d) Special occupancy structures, such as:
 - (1) Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons);

- (2) Buildings for schools through secondary or day care centers (capacity greater than 50 students);
- (3) Buildings for colleges or adult education schools (capacity greater than 50 students);
- (4) Medical facilities with 50 or more resident incapacitated patients, but not included above;
- (5) Jails and detention facilities;
- (6) All structures with occupancy greater than 5,000 persons;
- (7) Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation;
- (8) Unique or large structures whose failure might be catastrophic, such as dams holding over ten acre-feet of water.

Debris flow. The term "debris flow" means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.

Engineering geologist. The term "engineering geologist" means a geologist who, through education, training and experience, is able to assure that geologic factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public. This person shall have:

- (a) At least a four-year degree in geology, engineering geology, or a related field from an accredited university;
- (b) At least three full years of experience in a responsible position in the field of engineering geology; and
- (c) A Utah State Professional Geologist's license.

Engineering geology. The term "engineering geology" means the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.

Fault. The term "fault" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (also see "active fault").

Fault scarp. The term "fault scarp" means a steep slope or cliff formed directly by movement along a fault.

Fault trace. The term "fault trace" means the intersection of the fault plane with the ground surface.

Fault zone. The term "fault zone" means a corridor of variable width along one or more fault traces.

Geotechnical report. The term "geotechnical report" means a technical report or study prepared by a geotechnical professional who is qualified in the field of expertise examined and analyzed in such a report. A person shall be considered "qualified" upon presentation of credentials providing recognition in the professional field, an academic degree from an accredited college or university in geology, geotechnics and/or geotechnical engineering.

Landslide. The term "landslide" means a general term for the down slope movement of a mass of soil, surficial deposits or bedrock.

Liquefaction. The term "liquefaction" means a process by which certain water saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure. Liquefaction potential categories depend on the probability of having an earthquake within a 100-year period that will be strong enough to cause liquefaction in those zones. High liquefaction potential means that there is a 50 percent probability of having an earthquake within a 100-year period that will be strong enough to cause liquefaction. Moderate means that the probability is between ten percent and 50 percent, low means that the probability is between five percent and ten percent, and very low means less than five percent.

Natural hazard. The term "natural hazard" means any hazard listed in section 108-22-2, including, but not limited to, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic subsidence, landslide and other hazards.

Natural hazard map. The term "natural hazard map" means any map that has been published by a qualified professional or applicable governmental agency, which contains the best available information, as determined by the county engineer, and which delineates a potential natural hazard.

Natural hazard study area. The term "natural hazard study area" means any area identified on any natural hazard map or within any natural hazard studies or reports as having potential for being a natural hazard. In addition, the county engineer has discretion to identify a natural hazard study area as a new hazard or potential hazard becomes known.

Rock fall. The term "rock fall" means the gravity-induced drop of a newly detached segment of bedrock or perched rock of any size from a cliff or steep slope.

Structure designed for human occupancy. The term "structure designed for human occupancy" means any residential dwelling or any other structure used or intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours per year.

Zone of deformation. The term "zone of deformation" means the zone along a fault in which natural soil and rock materials are disturbed as a result of movement along the fault.

Gf-Gz Definitions

Glamorous camping (glamping), agri-tourism. The term "agri-tourism glamorous camping (glamping)" means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis, fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

Glare. The term "glare" means light, originating from a direct artificial light source, or any light reflected off a reflective surface, that causes visual discomfort or reduced visibility.

Grade, finished. The term "finished grade," or any of its variations, means the final slope of the ground after being altered from natural grade.

Grade, natural. The term "natural grade," or any of its variations, means the slope of the ground as it existed immediately prior to any grading or recontouring done as part of or in anticipation of approval of a land use permit.

Gross acreage. See "acreage, gross."

Guest house. The term "guest house" means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold separate from the rental, lease or sale of the main dwelling.

Sec 101-2-9 H Definitions

Handicapped person (persons with a disability). The term "handicapped person (persons with a disability)" means a person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

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

Hazardous waste. The term "hazardous waste" means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transferred, disposed of, or otherwise managed.

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

Heliport. The term "heliport" means an area designed to be used for the landing or takeoff of helicopters, which may include terminal facilities and facilities for maintenance, loading and unloading, refueling, and storage. A heliport may operate as a private commercial business for use by those who have received permission from the owner/operator, but may not operate for use as a public heliport.

Historic site. The term "historic site" means a structure and/or a site in or on which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Home occupation. See title 108, chapter 13.

Homeowner's association. The term "homeowner's association" means a formally constituted private, non-profit corporation made up of the property owners and/or residents of a fixed area for the purpose of owning, operating, and maintaining various common properties and/or facilities.

Horse. The term "horse" means:

- (a) Horse, miniature, means defined by size as being less than 38 inches in height as measured from the withers, with three miniatures being equivalent to one standard horse.

- (b) **Horse, pony**, means defined by size as being less than 48 inches in height as measured from the withers, with two ponies being equivalent to one standard horse.
- (c) **Horse, standard**, means defined by size as being over 48 inches in height as measured from the withers.

Hospital or out-patient facility. The term "hospital or out-patient facility" means any building or portion thereof used for the accommodation and medical care, including surgical care, of the sick, injured or infirm persons and including sanitariums, alcohol or drug rehabilitation facilities, or institutions for the treatment of emotional illnesses.

Hotel. The term "hotel" means a building consisting of 16 or more sleeping units designed for temporary lodging for compensation, in which no provision is made for cooking in any individual room or suite, and may or may not provide meals.

Household pets. The term "household pets" means animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this title, and excluding exotic animals.

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

Sec 101-2-10 I Definitions

Impact fees. The term "impact fees" means a payment of money imposed upon new development activity as a condition of development approval in order to offset the financial burden for off-site impacts such as schools, provision of services, or infrastructure. (The term "impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.)

Important wildlife habitat. The term "important wildlife habitat" means the land and water base necessary to ensure the long-term survival of wildlife populations.

Independent living facility. The term "independent living facility" means specially planned, designed and managed multi-unit housing with self-contained living units. A retirement community for senior citizens, age 55 or older, designed to provide supportive environments, but also to accommodate an independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation and social/recreational activities, may be provided; however, no medical services are provided.

Inoperable or abandoned vehicle. The term "inoperable or abandoned vehicle" means any motor vehicle or trailer not currently registered and licensed in this state or another state; or any motor vehicle or trailer that cannot be operated in its existing condition because the parts necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged, deteriorated, or nonconforming.

Sec 101-2-11 J Definitions

Junk. The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood, building materials, plastics, or fiberglass which may have value secondhand but not in their present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof; waste paper products; unused or discarded building materials, machinery, machinery parts, or lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles or vehicle parts; or any other waste materials.

Junkyard. The term "junkyard" means the use of any lot, portion of lot, or tract of land for the storage of salvage materials, keeping or abandonment of junk, including but not limited to, scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

Sec 101-2-12 K Definitions

Kenel. The term "kennel" means the land or buildings used in the keeping of four or more dogs, at least four months old.

Sec 101-2-13 L Definitions

[Sec 101-2-13 La Definitions](#)

[Sec 101-2-13 Li Definitions](#)

[Sec 101-2-13 Loc - Lod Definitions](#)

[Sec 101-2-13 Lot Definitions](#)

Sec 101-2-13 La Definitions

Land use authority. The term "land use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Landscape plan. The term "landscape plan" means:

- (a) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (b) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (c) Number, type, maturity, and planted size of all landscape plantings; method of watering, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (d) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

HISTORY

Amended by Ord. [2021-17](#) on 5/25/2021

Sec 101-2-13 Li Definitions

Light, direct artificial. The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also [Section 108-16-9](#) for a graphic depiction.

Light pollution. The term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the nighttime sky; interferes with astronomical observations; interferes with the natural functioning of native wildlife, or disrupts the community character as defined in the applicable general plan for the area.

Light source, artificial. The term "artificial light source" means the part of a lighting device that

produces light. See also [Section 108-16-9](#) for a graphic depiction.

Light trespass. The term "light trespass" means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also [Section 108-16-11](#) for a graphic depiction.

Lighting, outdoor. The term "outdoor lighting" means the illumination of an outdoor area or object by any outdoor artificial light source.

Lighting, recreation facility. The term "recreation facility lighting" means outdoor lighting used to illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool, theater, amphitheater, arena, or any similar use intended for recreational activity. See also [Section 108-16-15](#) for a graphic depiction.

Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

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 sleeping room. The term "lockout sleeping room" means a sleeping room in a condominium dwelling unit or condominium rental apartment with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking interior access. In the Ogden Valle Destination and Recreation Resort Zone, the term "lockout sleeping room" means a sleeping room attached to a single-family dwelling, condominium dwelling unit, or, condominium rental apartment (condo-tel), with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.

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

Sec 101-2-13 Lot Definitions

Lot. The term "lot" means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Except when allowed otherwise in this Land Use Code, not more than one dwelling structure shall occupy any one lot.

Lot area. The term "lot area" means the area contained within the boundary of a lot.

Lot, corner. The term "corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

Lot coverage. The term "lot coverage" means the percentage of the lot area which is occupied by all building, and other covered structures and impervious surfaces.

Lot, double frontage. The term "double frontage lot" means any building lot which has both the front and rear yard lot line abutting a street.

Lot, flag. The term "flag lot" means an "L" shaped lot comprised of a narrow access strip connected to a street (staff portion) which opens into the lot area (flag portion).

Lot, frontage. The term "lot frontage," also referred to herein as "street frontage" or "street frontage of a lot," means the yard lot line abutting one side of a street right-of-way.

Lot, interior. The term "lot, interior" means any building lot other than a corner lot.

Lot, irregular shaped. The term "irregular shaped lot" means any building lot whose boundaries are:

- (a) Comprised of three or more than four lot lines;
- (b) A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
- (c) In which the rear lot line is not parallel to the front lot line.
- (d) Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same lot line and yard designation. If the angle is less than 135 degrees, the yard designation shall be determined to be different and the applicable yard requirements would apply.

Lot line adjustment. The term "lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. An amended plat is required to do a lot line adjustment.

Lot, lot line. The term "lot line lot" means the boundary of a lot traditionally prescribed with a front, a rear and two sides. Where two lot lines converge and the lot's line bearing changes, the interior angle of which will determine, if it is greater than 135 degrees, whether the lot line may continue with the same yard designation. When the interior angle is 135 degrees or less, then the lot lines designation shall be different.

Lot line, front. The term "front lot line" means the boundary line of the lot which abuts a public dedicated street or other legal access from which the front yard setback is measured and where ingress and egress generally is made to the lot.

Lot line, front for flag lot. The term "lot line, front for flag lot" means the front lot line of a flag lot which is the lot line parallel to a dedicated public street and at the end of the stem.

Lot line, rear. The term "rear lot line" means the boundary of a lot which is most distant from, and is most parallel to the front lot line; except that in the case of an irregular shaped lot, the rear lot line is the line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet.

Lot line, side, for corner lots. The term "side lot line for corner lots" means all interior lot lines for multi-frontage lots. For other corner lots, that interior lot line which has been designated as the side lot line by the lot owner previously demonstrated by placement of structures.

Lot line, side, for interior lots. The term "side lot line for interior lots" means those interior lines laying opposite each other, running between the front and rear lot lines.

Lot, nonconforming. The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the

zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

Lot, restricted. The term "restricted lot" means a lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section.

Lot of record. A lot of record is defined as any one of the following circumstances:

- (a) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (b) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (c) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- (d) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder on or before December 31, 1992, which complied with the zoning requirements in effect on the same date; or
- (e) A parcel or lot that was created in its current size and configuration and contained a lawfully permitted single-family dwelling prior to December 31, 1992; or
- (f) A parcel of real property that contains at least 100 acres; or
- (g) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record; or
- (h) A reconfigured parcel or lot that met any one of (a) through (g) of this definition prior to its reconfiguration, as long as:
 - (1) The reconfiguration did not make the parcel or lot more nonconforming;
 - (2) No new lot or parcel was created; and
 - (3) All affected property was outside of a platted subdivision.

Lot right-of-way. The term "lot right-of-way" means a strip of land of not less than 16 feet wide connecting a lot to a street for use as private access to that lot.

Lot width. The term "lot width" means the width of a lot as measured along a line that runs parallel to the front lot line and is at the minimum building setback applicable to the lot's zone.

HISTORY

Amended by Ord. [2022-09](#) on 3/29/2022

Amended by Ord. [2022-14](#) on 5/25/2022

Amended by Ord. [2022-20](#) on 8/16/2022

Sec 101-2-14 M Definitions

Master street plan. The term "master street plan" means the transportation, street, or road plan, with all associated maps, presented in the transportation section of the general plan for the relevant planning area.

Model home. The term "model home" means a residential dwelling built within a particular subdivision for the purpose of showing an example of possible dwellings to be built on individual lots within that

subdivision. A model home, meeting the requirements of title 108, chapter 7 of this Code may be furnished and utilized as a temporary real estate sales office.

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

Sec 101-2-15 N Definitions

Natural waterways. The term "natural waterways" means those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the county engineer and in which areas no buildings shall be constructed.

Net developable acreage. See "acreage, net developable."

Non-buildable area. The term "non-buildable area" means that area of a lot or parcel of land which has been determined unsuitable for construction of residential buildings and other structures for human occupancy because of extreme slope or identified potential geologic or other environmentally hazardous conditions.

Noncomplying structure. The term "noncomplying structure" means a structure that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

Nonconforming building or structure. The term "nonconforming building or structure" means a building or structure or portion thereof, lawfully existing at the time of the effective date of the ordinance from which this chapter is derived, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.

Nonconforming lot or parcel. See "Lot, nonconforming."

Nonconforming sign. See "Sign, nonconforming."

Nonconforming use. The term "nonconforming use" means a use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance regulation governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Non-developable area. The term "non-developable area" means an area where, due to topographic (e.g., over 30 percent slope), or hazardous conditions (e.g., earthquake, landslide), as defined by Weber County Ordinances, the land is not considered to be suitable for construction of residential, commercial or manufacturing buildings or structures.

Nursery. The term "nursery" means buildings, structures and/or facilities for the growth and sale of plants, landscaping equipment and wholesale and/or retail or commercial gardening supplies.

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

Sec 101-2-16 O Definitions

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

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

Open space, common area. The term "common area open space" means open space within or related to a development which is owned in common by the owner's association and is designed, maintained, and intended for the common use or enjoyment of the residents of the development.

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

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

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

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

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

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 101-2-17 P Definitions

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

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

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

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

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

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

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

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

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

Public utility substation. The term "public utility substation" has the same definition as the term "[utility](#)."

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 101-2-18 Q Definitions

Qualified professional. The term "qualified professional" means a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Quasi-public. The term "quasi-public" means the use of premises by a utility, the utility being available to the general public, such as utility substations and transmission lines (see also "utility"); also a permanently located building or structure, together with its accessory buildings and uses, commonly used for religious worship, such as churches and monasteries.

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 nightly accommodations, 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 nightly or weekly 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), all 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 visiting, as well as local 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.

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.

Residential facility for disabled persons. The term "residential facility for disabled persons" means a single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour-per-day basis by eight or fewer persons with a disability in a family type arrangement under the supervision of a house family or manager, and that:

- (a) Conforms to all applicable standards and requirements of the department of human services, and is operated by or operated under contract with that department; and
- (b) Is licensed or certified by the department of human services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
- (c) Is licensed or certified by the department of health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Residential facility for elderly persons. The term "residential facility for elderly persons" means a single-family or multifamily dwelling unit that meets the requirements of section 108-7-15 of the Land Use Code and U.C.A. 1953, § 17-27a-515, but does not include a health care facility as defined by U.C.A. 1953, § 26-21-2.

Residential facility for troubled youth. The term "residential facility for troubled youth" means a residential facility that is occupied on a 24-hour basis by no more than eight qualified youth in a family type arrangement that conforms with applicable standards of, and is inspected and licensed by the state department of human services, and is consistent with section 108-7-14 of the Land Use Code.

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, nightly 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.

Sec 101-2-20 S Definitions

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Sec 101-2-20 Sc Definitions

School. The term "school" means a public elementary or secondary school, charter, seminary, parochial school, or private educational institution having a curriculum similar to that ordinarily given in grades one through 12 in the public school system. The term "education institution" for the purpose of this title does not include post high school educational facilities.

Screen. The term "screen" means a wall, partition, fence or hedge for separation of one land use from another.

Screening. The term "screening" means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms, or other features. The term "screening" shall not include unusual features such as cars, machine parts, junk or other items not generally suited for landscaping or fencing materials.

Sec 101-2-20 Se Definitions

Seasonal work force housing plan. The term "seasonal work force housing plan" means a document that describes, in general, the seasonal workforce housing needs, facilities, housing development schedule and management strategy for 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, number of full-time equivalent employees, number of required housing units, number of on-site housing units, number of off-site housing units, unit types (e.g., single-family dwelling, multifamily dwelling, group dwelling, etc.) and a section describing the management plan that will guarantee that the units will be used for affordable workforce housing only and remain affordable in perpetuity.

Sec 101-2-20 Sn 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.

Sec 101-2-20 Si Definitions

Sign. The term "sign" means any object, device, display, or structure, or part thereof that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign, advertising. The term "advertising sign" means an off-premises sign 20 square feet or less in area.

Sign, animated. The term "animated sign" means a sign employing actual motion, the illusion of motion or light and/or color changes achieved through mechanical, electrical or electronic means.

Sign area. The term "sign area" means the area of a sign that is used for display purposes, including the minimum frame and supports. In computing sign area, only one side of back to back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign, athletic field scoreboard. The term "athletic field scoreboard sign" means a sign which is erected at a public or private park or public or private school for the purpose of providing game scores or other information about the game in progress. Advertising by the sign donor shall be limited to 50 percent of the total sign area.

Sign, banner. The term "banner sign" means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind.

Sign, billboard. The term "billboard sign" means a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. The term "billboard sign" means an off-premises sign larger than 20 square feet in area. Two or more separate advertising spaces structurally connected will be considered one sign.

Sign, business/commercial. The term "business/commercial sign" means any sign with wording, a logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service, profession, commodity, commercial event, or other commercial activity, or otherwise contains commercial speech.

Sign, campaign. The term "campaign sign" means a temporary sign soliciting support for a person running for public office or a sign supporting, defending or objecting to an issue or proposal being placed before the public.

Sign, canopy. The term "canopy sign" means a sign which is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. See definition for Marquee.

Sign, changeable copy. The term "changeable copy sign" means a non-electric sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

Sign, conservation property. The term "conservation property sign" means a sign that is placed on a parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an organization or government entity as authorized by U.C.A. 1953, § 57-18-3.

Sign, construction. The term "construction sign" means construction signs announcing the construction of a building or project naming owners, contractors, subcontractors and architects.

Sign, development. The term "development sign" means a temporary business sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and an address of the construction firms, architect and developer.

Sign, directional. The term "directional sign" means any sign located on private property at or near the public right-of-way, directing or guiding vehicular or pedestrian traffic onto the property and/or toward parking or other identified locations on the property.

Sign face. The term "sign face" means the area of a sign that is designed to present or convey a message or attract attention, exclusive of structural support members.

Sign, flat. The term "flat sign" means a sign erected parallel to and attached to or painted on the outside wall or window of a building and projecting not more than six inches from such wall or window.

Sign, floodlighted. The term "floodlighted sign" means a sign illuminated in the absence of daylight and by devices which reflect or project light upon it.

Sign, freestanding (pole sign). The term "freestanding sign" or "pole sign" means any sign supported by one or more poles or a support that is placed on or anchored in the ground and that is independent, unattached, or not braced from any building or other structure.

Sign, ground/monument. The term "ground/monument sign" means a free-standing ground sign mounted on a base but not attached to any building or wall.

Sign, identification and information. The term "identification and information sign" means an on-premises sign displayed to indicate the name or nature of a building or use, including all professional and business buildings, home occupations, apartment complexes, and public and semipublic buildings. Temporary and development signs are classified in this category only.

Sign, illuminated. The term "illuminated sign" means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign.

Sign, marquee. The term "marquee sign" means any sign attached to and made part of a marquee.

Sign, master entrance ground. The term "master entrance ground sign" means the primary sign used and approved, with a master sign plan, at the entrance of a multi-occupant commercial complex.

Sign, name plate. The term "name plate sign" means a sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises or indicated a home occupation legally existing on the premises.

Sign, nonconforming. The term "nonconforming sign" means a sign that legally existed at the time that it was installed under the regulations in effect at that time but does not conform to the current applicable regulations of the area in which it is located and has been maintained continuously since the time the applicable regulations changed to render it nonconforming.

Sign, occasion. The term "occasion sign" means a sign that is intended to support a business activity that is temporary in nature, e.g., construction, real estate, or temporary real estate sales office.

Sign, off-premises. The term "off-premises sign" means a sign, which directs attention to a use, project, commodity or service not related to the premises on which it is located.

Sign, pole. See Sign, freestanding.

Sign, political. The term "political sign" means a temporary sign making a statement either supporting, defending or objecting to an issue or proposal that is not being placed before the public.

Sign, projecting. The term "projecting sign" means any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Sign, property. The term "property sign" means a sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

Sign, public event. The term "public event sign" means a sign that is intended to support public events, e.g., religious, charitable, civic (youth soccer signup), or festive occurrences, or in celebration of some event of religious, national, state, or civic significance or in honor of a visit from a person or persons of note, i.e., public event banners, public event signs, and public event directional signs.

Sign, public necessity. The term "public necessity sign" means a sign installed by a governmental agency informing the public of any danger or hazard existing on or adjacent to the premises.

Sign, roof. The term "roof sign" means a sign erected partly or wholly on or over the roof of a building, but not including, ground signs that rest on or overlap a roof 12 inches or less.

Sign, rustic. The term "rustic sign" means a commercial freestanding or ground sign which is predominantly constructed of natural and/or natural appearing materials, such as brick, textured concrete, glass, natural or chiseled stone, rough hewn, antiqued, sandblasted or carved wood, or metal which is rust resistant, and anodized, stained, painted (natural earth tones) or otherwise treated to prevent reflective glares and includes appropriate landscaping in the overall design.

Sign, seasonal. The term "seasonal sign" means a sign that is intended to advertise a business activity for a designated amount of time, e.g., a farmer's market, Christmas tree lot, or fruit and vegetable stand.

Sign, service. The term "service sign" means a sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, sale of agricultural products produced upon the premises or other such pertinent facts.

Sign, special event. The term "special event sign" means a sign that is intended to support special events, i.e., special event banners, special event signs, and special event directional signs.

Sign, street banner. The term "street banner sign" means any banner sign which is stretched across and hung over a public right-of-way.

Sign, temporary. The term "temporary sign" means any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light

materials, with or without light frames, intended to be displayed for a short period of time. Examples of temporary signs include a grand opening banner; public event banner; political sign, real estate sign; special event sign.

Sign, wall. The term "wall sign" means a sign which is affixed to an exterior wall of a building or structure and which projects not more than 18 inches from the building or structure wall and which does not extend more than four feet above the parapet, eaves or building facade of the building on which it is located.

Sign, vehicle. The term "vehicle sign" means any sign permanently or temporarily attached to or placed on a vehicle or trailer.

Site plan. The term "site plan" means a plan/document or group of documents, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and primary site development features proposed for a specific parcel of land, including, but not limited to text, photographs, sketches, drawings, maps and other materials intended to present certain elements of the proposed development, including, but not limited to physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

Sec 101-2-20 SI Definitions

Slope. The term "slope" means the rate of rise or fall away from a horizontal plane, expressed as a percentage of the ratio of the vertical rise over the horizontal run. Unless specified otherwise in this Land Use Code, the term "slope" is referring to the slope of terrain.

Sec 101-2-20 Sm Definitions

Small subdivision. See "Subdivision, small."

Small wind energy system. The term "small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of utility power for an individual parcel.

Sec 101-2-20 So Definitions

Solar energy system, large. The term "large solar energy system" means a facility that converts sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity to be used offsite.

Solar energy system, small. The term "small solar energy system" means a facility that converts sunlight into electricity, clearly being an incidental and accessory use to the main use or structure on the lot or parcel and which only supplies power to other uses or structures on the same lot or parcel. Multiple adjacent lots or parcels developed together under common ownership or management shall be deemed the same parcel for the purposes of this definition.

Solid waste. The term "solid waste" means unwanted or discarded material including waste material including insufficient liquid content to be free flowing.

Solid waste disposal facility. The term "solid waste disposal facility" means a facility for the ultimate disposition of solid waste that will not be salvaged or recycled.

Solid waste transfer station. The term "solid waste transfer station" means a facility or site used for the temporary deposition and storage of solid waste until such waste is transported to a facility for treatment or disposal.

HISTORY

Amended by Ord. [2022-15](#) on 5/25/2022

Sec 101-2-20 Sp Definitions

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

Sec 101-2-20 St Definitions

Stable. The term "stable" means an accessory or main building for the keeping of horses, cattle and other farm animals.

Stable, private horse. The term "private horse stable" means a horse stable which is accessory to a residential dwelling unit or other main building, for the use of the owner/occupant, his friends and guests, not for the purpose of remuneration, hire or sale or any other commercial use nor use by an ad hoc informal association or group.

Stable, public horse. The term "public horse stable" means a stable where the general public may rent, lease, purchase, sale or board horses.

Stockyard. The term "stockyard" means a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens.

Story. The term "story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Stream. The term "stream" means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices.

Stream watercourses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt, but others would be exempt.

Stream corridor. The term "stream corridor" means the water's passageway defined by the stream's ordinary high water mark.

Street block. The term "street block," also referred to as "block," means land bounded on all sides by a street or lane that is open to use by the general public, or land which is designated as a block or street block on any recorded subdivision plat.

Street, collector. The term "collector street" means a street existing or proposed of considerable continuity which is the main means of access to the major street system.

Street major. The term "major street," means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, marginal access. The term "marginal access street," means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street or street-route, temporarily terminal. The terms "temporarily terminal street" or "temporarily terminal street-route" means a street, portion of a street, series of streets, or a street-route that has a single point of entry from the greater public street network, and is only intended to be terminal temporarily until it connects back into the greater public street system through future extension, as shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar legislatively adopted planning document.

Street, private. The term "private street" means a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the developer or other private agency.

Street, public. The term "public street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than 26 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

Street, standard residential. The term "standard residential street," means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Structural alterations. The term "structural alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure. The term "structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Structure, height of. The phrase "height of structure," or any of its variations, shall have the same meaning as "height of building" as defined in this section.

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Amended by Ord. [2022-04](#) on 1/18/2022

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 101-2-20 Su Definitions

Subdivision. The term "subdivision" means the same as defined in UCA Section 17-27a-103.

Subdivision, cluster. The term "cluster subdivision" means a subdivision of land that organizes lots that are typically smaller than the minimum area allowed by the zone into clusters of lots, and reserves other areas in the subdivision as open space.

Subdivision, small. The term "small subdivision" means:

- (a) A subdivision that has nine or fewer lots;
- (b) An amended subdivision that has nine or fewer lots; or
- (c) A final subdivision subdivision phase that has nine or fewer lots, which has a valid preliminary approval by the planning commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan.

Suitability determination. The term "suitability determination" means a study carried out under the direction of the planning commission to ascertain if a development at increased densities due to a density transfer from a sensitive area is compatible with development on surrounding or adjacent property.

Supermarket. The term "supermarket" means a store for the retail sale of food and household goods with additional services within the building, such as banking, dry cleaners, real estate sales office and insurance sales.

HISTORY

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 101-2-21 T Definitions

Tavern. The term "tavern" means any business establishment operating under the Class "C" beer license regulations of the county, where the main purpose is for the sale of beer and mix for drinks to public patrons and the revenue from the sale of beer and mix for drinks exceeds the revenue from the sale of food. The term "tavern" is inclusive of beer parlors and lounges. Such establishments shall be limited to two per lineal one-eighth of a mile distance.

Temporary real estate sales office. The term "temporary real estate sales office" means an office established within a model home or the garage area of a model home on a temporary basis.

Temporary use. The term "temporary use" means a prospective use, not to exceed six months, and not continuing a nonconforming use or building.

Tower. The term "tower" means a structure that is intended to support antennas for transmitting or receiving wireless signals including but not limited to television, cellular, radio, or telephone communication signals. A tower is also a "public utility substation" as defined in this section.

Traffic impact analysis (TIA). The term "traffic impact analysis (TIA)" means a traffic impact analysis specifically identifies the generation, distribution, and assignment of traffic to and from a proposed development. The purpose is to identify the traffic impacts that a proposed development will have on the existing road system network. It determines and makes recommendations of all improvements and/or mitigation measures necessary to:

- (a) Maintain, what the TIA considers to be, an adequate level of service (LOS) at study area intersections; and
- (b) Ensure safe pedestrian and vehicular ingress to and egress from the transportation system.

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.

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.

Transfer station. See definition of "Solid Waste Transfer Station."

Transportation plan. The term "transportation plan" means a document that describes, in general, the transportation elements that will be involved as 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, traffic impact analysis, list of facilities and modes of transportation, transportation orientation (i.e., public/workforce), phasing schedule and projected ridership.

Troubled youth. The term "troubled youth" means any individual, male or female, between the ages of ten and 18 years of age who by virtue of their arrest, detention or supervision by the state department of human services for offenses other than aggravated assaults, arson, or sex offenses generally and who do not suffer from psychiatric problems which would render them a danger to themselves or others, qualify for placement in homes for troubled youth as determined by the state department of human services.

HISTORY

Amended by Ord. [2022-15](#) on 5/25/2022

Sec 101-2-22 U Definitions

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

Use/activity, agriculturally related. The term "agriculturally related use/activity" means a use or activity that is part of a specific agri-tourism operation's total offerings and is primarily tied to that farm operation's agricultural products, buildings and/or equipment. Such agriculturally related uses/activities may include, but are not limited to, petting farm/zoos, corn mazes, pumpkin patches, barn dances, sleigh/hay rides, and educational activities, such as farm tours, food preparation or ecological classes.

Use/activity, non-agriculturally related. The term "non-agriculturally related use/activity" means a use or activity that is part of a specific agri-tourism operation's total offerings but is not tied to farming or that farm operation's agricultural products, buildings and/or equipment.

Use. The term "use" means an activity conducted on a parcel.

Use, accessory. The term "accessory use" means a use of land or structure, or portion thereof, customarily incidental and subordinate to the main use of the land or structure and located on the same lot or parcel with the principal use.

Use, conditional. The term "conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Use, main. The term "main use" means the principal purpose for which a lot, parcel or structure is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this Land Use Code. Dwellings on parcels meeting the definition of an "agricultural parcel" shall be the main use.

Use, permitted. The term "permitted use" means any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.

Utility. The term "utility" means utility facilities, lines, and rights of way related to the provision, distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-public."

Sec 101-2-23 V Definitions

Value added product processing and packaging. The term "value added product processing and packaging" means the process by which consumer appeal and/or the economic value of a raw agricultural commodity is increased. This process includes changing the physical state or form of a raw agricultural commodity (e.g., pumpkin) into a final retail product (e.g., pumpkin pie). Value added product processing and packaging is a non-agriculturally related use.

Variance. The term "variance" means a relaxation, by the board of adjustment, of the dimensional regulations of the Land Use Code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant or previous owners, a literal enforcement of the Code would result in unnecessary and undue hardship, other than an economic nature or self-imposed hardship. A self-imposed hardship created by a previous owner is considered to run with the land.

Sec 101-2-24 W Definitions

Water, irrigation. The term "irrigation water" means water usually delivered by a non-pressurized pipe or ditch system that is typically used for crop irrigation, but which may also be used for irrigation of other vegetation.

Water, secondary. The term "secondary water" means water delivered by a pressurized water delivery system that is used for crop or landscape irrigation and not treated for culinary drinking water purposes.

Water service provider. The term "water service provider" means a person or entity who owns or operates a public water system, as defined by UCA 19-4-102, or a person or entity that supplies secondary water to more than one lot.

Weeds. The term "weed" means any undesirable plant that the Utah Commissioner of Agriculture designates as noxious, and also including all green debris, such as, but not limited to, poison ivy, thistles, sticker plants, dyers woad, medusa-head rye, leafy spurge, purple loosestrife and other vegetation commonly considered weeds. It also includes untrimmed grasses, but does not include crops grown as a source of food, income, or feed for livestock.

Workforce housing. The term "workforce housing" means moderate income housing, as defined by UCA 17-27a-103. It shall also mean housing that is:

- (a) Occupied or reserved for occupancy by a household in which at least one member is a governmental agency's full time employee;
- (b) For a household that earns less than 100 percent of the median gross income for households of the same size in the specific planning area; and
- (c) Located within two miles of the primary place of work for the governmental agency's full time employee.

HISTORY

Amended by Ord. [2021-17](#) on 5/25/2021

Amended by Ord. [2022-20](#) on 8/16/2022

Sec 101-2-25 X Definitions

(Reserved)

Sec 101-2-26 Y Definitions

Yard. The term "yard" means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by permanently parked vehicles, buildings or structures except as otherwise

provided herein.

Yurt. The term "yurt" means a circular structure which consists of a fabric cover, tension band, and wood frame that includes a lattice wall, radial rafters, and a framed door. Yurts are accessory to parks, single-family dwellings, agri-tourism, and ski resorts.

Sec 101-2-27 Z Definitions

(Reserved)

Title 102 Administration

[Chapter 102-1 General Provisions](#)

[Chapter 102-2 Planning Commission](#)

[Chapter 102-3 Board Of Adjustment](#)

[Chapter 102-4 Permits Required And Enforcement](#)

[Chapter 102-5 Rezoning Procedures](#)

[Chapter 102-6 Development Agreements](#)

Chapter 102-1 General Provisions

[Sec 102-1-1 Purpose And Intent](#)

[Sec 102-1-2 Planning Director Authority](#)

[Sec 102-1-3 Fees For Processing Applications](#)

[Sec 102-1-4 Notice Of Decision](#)

[Sec 102-1-5 Reserved](#)

[Sec 102-1-6 Permits And Licensing](#)

[Sec 102-1-7 Appeals](#)

[Sec 102-1-8 Temporary Exceptions](#)

[Sec 102-1-9 Penalties](#)

Sec 102-1-1 Purpose And Intent

The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by this Land Use Code.

(Ord. of 1956, § 31-1; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-1), 5-1-2012)

Sec 102-1-2 Planning Director Authority

- (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an application for an administrative approval. Administrative approval can be given for the following applications:
- (1) Site plan approval, when required by this Land Use Code, for which the land use authority is not otherwise specified by this Land Use Code;
 - (2) Design review for buildings under 10,000 square feet and which impact an area of less than one acre, as provided in section 108-1-2;
 - (3) Home occupation, as provided in section 108-13-2;
 - (4) Building parcel designation, as provided in section 108-7-33;
 - (5) Small subdivisions, as provided in section 106-1-8(f) of this Land Use Code; and
 - (6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, and access to a lot/parcel at a location other than across the front lot line, as provided in title 108, chapter 7 of this Land Use Code.

- (b) The planning director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in this Land Use Code or if any of the required findings are not supported by evidence in the record as determined by the director. At the discretion of the planning director, the planning commission can hear the request for an administrative approval.
- (c) The planning director approval process includes public notice and comment from adjacent property owners, when required by this Land Use Code or state code.

(Ord. of 1956, § 31-2; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2011-17, § 3, 10-11-2011; Ord. No. 2012-7, § 7(31-2), 5-1-2012; Ord. No. 2016-17, Exh. A, 11-8-2016)

Editor's note—Ord. No. 2016-17, Exh. A, adopted Nov. 8, 2016, amended the catchline of § 102-1-2 to read as herein set out. Said catchline formerly read "Administrative authority."

Sec 102-1-3 Fees For Processing Applications

- (a) Fees for processing applications shall be established by ordinance.
- (b) Applications except subdivisions that have been deemed complete and have not been acted on by the appropriate board shall expire after six months. The applicant will have to submit a new application and fees to restart the process.

(Ord. of 1956, § 31-3; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-3), 5-1-2012)

Sec 102-1-4 Notice Of Decision

After reviewing the evidence and considering the application, the land use authority, as designated by this Land Use Code, shall make its findings and decision. It shall then send a notice of decision to the applicant at the address or e-mail address given in the application. A notice of decision can be a written notice of decision, a copy of the written administrative approval signed by the planning director or designee, or a copy of the approved minutes. A decision by the land use authority is final at the time the notice of decision is sent. If a notice of decision is not sent, and the decision was made in a meeting where minutes are kept, the decision shall be final on the date the minutes from the meeting are approved by the land use authority. The planning division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Unless the land use authority's final decision specifies otherwise, the land use authority's decision is subject to requirements and conditions stated in the staff report and, if applicable, listed in the meeting minutes.

(Ord. of 1956, § 31-4; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-4), 5-1-2012; Ord. No. 2016-17, Exh. A, 11-8-2016)

Sec 102-1-5 Reserved

HISTORY
Amended by Ord. [2020-16](#) on 9/22/2020

Sec 102-1-6 Permits And Licensing

All departments, officials, and public employees of the county, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

(Ord. of 1956, § 31-6, Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-6), 5-1-2012)

Sec 102-1-7 Appeals

Appeals from administrative decisions shall be submitted to the planning division not more than 15 calendar days after the date of the written notice of decision in accordance with section 102-3-5. Appeals from administrative decisions shall be heard by the board of adjustment.

(Ord. of 1956, § 31-7; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-7), 5-1-2012)

Sec 102-1-8 Temporary Exceptions

The county commission has the authority to grant, by motion, temporary exceptions from any term or condition of this Land Use Code for a period not to exceed three months in duration. Time may be extended for an additional three months by the county commission, for a total duration for any one tract of land not to exceed six months. The granting of a temporary exception may be made by the county commission with or without a recommendation from the planning commission. Such temporary exceptions may be granted upon the county commission determining that such a temporary exception is justified because of some extraordinary, or emergency situation, or act of God situation, and that the health, safety, convenience, order, and welfare of the inhabitants of the county will not be substantially affected, if such temporary exception is granted.

(Ord. of 1956, § 31-8; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-8), 5-1-2012)

Sec 102-1-9 Penalties

Any person, firm, or corporation who intentionally violates this chapter shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued, or permitted. Any person, firm, or corporation that violates the provisions of this chapter shall be guilty of a misdemeanor and punishable as provided by law.

(Ord. of 1956, § 31-9; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-9), 5-1-2012)

Chapter 102-2 Planning Commission

[Sec 102-2-1 Purpose And Intent](#)

[Sec 102-2-2 Planning Area Boundaries](#)

[Sec 102-2-3 Planning Commission Membership And Organization](#)

[Sec 102-2-4 Powers And Duties Of The Planning Commission](#)

[Sec 102-2-5 Decision Of The Planning Commission](#)

[Sec 102-2-6 Meetings](#)

[Sec 102-2-7 \(Reserved\)](#)

[Sec 102-2-8 Appointment Of Planning Commission Members](#)

[Sec 102-2-9 Jurisdiction](#)

[Sec 102-2-10 Policies And Procedures](#)

State Law reference—County planning commission, U.C.A. 1953, § 17-27a-301 et seq.

Sec 102-2-1 Purpose And Intent

This chapter outlines the planning area boundaries of the two planning commissions. It also outlines the planning commission's organization, membership, and powers and duties.

(Ord. of 1956, § 45-1; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec 102-2-2 Planning Area Boundaries

The unincorporated county is divided into two planning areas. The mountain area facing west from Mount Ogden except for the Ogden Canyon shall be the Western Weber County Planning Area. All of the unincorporated area of the county, facing east of Mount Ogden including the Ogden Canyon, shall be the Ogden Valley Planning Area.

(Ord. of 1956, § 45-2; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 102-2-2 from "Township boundaries" to read as herein set out.

Sec 102-2-3 Planning Commission Membership And Organization

- (a) The planning commission shall consist of seven members.
 - (1) Members shall be nominated by the county commission and each person nominated shall be appointed by a simple majority vote of the county commission.
 - (2) Commission members shall serve for a term of four years, and expiration of terms shall be staggered so that an overlapping of terms occurs.
 - (3) Any vacancy on the planning commission shall be filled via appointment by a simple majority vote of the county commission. Any vacancy occurring because of death, resignation, removal or disqualification shall be filled by the county commissioners for the unexpired term of such member.
 - (4) The members of the planning commission shall regularly attend meetings and public hearings of the planning commission.
 - (5) Each member of the planning commission shall be a registered voter residing within the planning area of the planning commission to which they are appointed.
- (b) The planning commission shall annually elect a chairperson and a vice-chairperson from its membership. Each officer shall hold office for a one year period and not longer than two consecutive years.
- (c) Members of the planning commission shall be subject to the county's officers and employees ethics act and all applicable county ordinances regarding conflicts of interest or ethics. A violation of such provisions shall be grounds for removal from the planning commission. The county commission may remove or replace any commission member for cause after a public meeting and a majority vote of the full county commission.

(Ord. of 1956, § 45-3; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec 102-2-4 Powers And Duties Of The Planning Commission

The planning commission shall have such powers and duties as are or may be prescribed by the Utah Code and as provided in the Ordinances of Weber County.

- (a) The planning commission shall review the general plans and make recommendations to the county commission, as deemed necessary, to keep the general plan current with changing conditions, trends, and planning needs of the county.
- (b) The planning commission shall be an advisory board to the county commission, and shall make recommendations regarding:
 - (1) Amendments to changes in zoning map.
 - (2) Land Use Code text amendments.

- (c) The planning commission shall approve applications as prescribed in this chapter.
- (d) The planning commission may recommend to the legislative body:
 - (1) To support or oppose a proposed incorporation of an area located within the planning commission's planning area; or
 - (2) To file a protest to a proposed annexation of an area located within the planning commission's planning area.
- (e) The planning commission shall adopt rules and regulations, consistent with state codes and county ordinances, for conducting its business and may amend such rules from time to time. Such rules may include polices and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the commission.
- (f) The planning commission, in exercise of its power, shall seek to cooperate with other governmental entities and their planning commissions and shall seek to develop compatible plans for the future development of the county.
- (g) Other recommendations as designated by the county commission or the Utah Code.

(Ord. of 1956, § 45-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec 102-2-5 Decision Of The Planning Commission

The decisions of the planning commission shall take effect on the date of the meeting or hearing where the decision is made. The notice of decision shall reflect the decision date.

(Ord. of 1956, § 45-5)

Sec 102-2-6 Meetings

A quorum of four planning commissioners is needed to conduct the business of the planning commission. Each meeting of the planning commission shall be held in the following manner:

- (a) The planning commission shall meet in the county commission chambers or in some other specified location as may be designated by the chairperson and at such intervals as may be necessary to orderly and properly transact the business of the planning commission.
- (b) Meetings shall be held in accordance with the open meetings law and be properly noticed consistent with state code.
- (c) The minutes of all meetings of the planning commission shall be prepared and filed in the office of the planning division. All records are public records and shall be available for public review and access in accordance with the Government Records and Access Management Act (U.C.A. 1953, § 63G-2-101 et seq.).

(Ord. of 1956, § 45-6)

Sec 102-2-7 (Reserved)

Sec 102-2-8 Appointment Of Planning Commission Members

Appointment preference shall be given to encourage geographic representation on each planning area planning commission.

(Code 1985, § 6-21-2, Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 102-2-8 from "Appointment of township planning commission members" to read as herein set out.

Sec 102-2-9 Jurisdiction

Upon the appointment of all members of a planning area planning commission, the planning commission shall immediately begin to exercise the powers and perform the duties as provided for in the state code.

(Code 1985, § 6-21-3; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec 102-2-10 Policies And Procedures

The board of county commissioners shall adopt such policies and procedures as it deems necessary to provide for:

- (a) The planning division support staff;
- (b) The funding of necessary and reasonable expenses of the planning commissions;
- (c) The planning commissions will be governed by Utah law, county ordinances and the county planning commission rules of procedure and ethical conduct. If conflicts exist, state law and county ordinances will prevail over the county planning commission rules of procedure and ethical conduct; and
- (d) Any other purposes considered necessary to the functioning of the planning commissions.

(Code 1985, § 6-21-5; Ord. No. 2015-22, Exh. A, 12-22-2015)

Chapter 102-3 Board Of Adjustment

[Sec 102-3-1 Purpose And Intent](#)

[Sec 102-3-2 Board Membership And Organization](#)

[Sec 102-3-3 Duties And Powers Of The Board](#)

[Sec 102-3-4 Decision Criteria And Standards](#)

[Sec 102-3-5 Procedure](#)

Sec 102-3-1 Purpose And Intent

The purpose and intent of this chapter is to establish rules and procedures, consistent with state code, which govern the board of adjustment in considering appeals from decisions applying and interpreting this Land Use Code and Zoning Maps, and variances from the requirements of this Land Use Code. The board of adjustment serves as the county's final arbiter of issues involving the interpretation or application of this Land Use Code.

(Ord. No. 2012-7, § 6(29-1), 5-1-2012)

Sec 102-3-2 Board Membership And Organization

- (a) The board of adjustment shall consist of five members and two alternate members from the unincorporated area of the county.
 - (1) Board members shall be appointed by a simple majority vote of the county commission.
 - (2) Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.

(3) Any vacancy occurring on the board shall be filled via appointment by a simple majority vote of the county commission. Any vacancy occurring because of resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.

- (b) The board of adjustment shall annually elect a chairperson and vice-chairperson from its membership. Each officer shall hold office for a one-year period and not longer than two years consecutively.
- (c) Members of the board of adjustment shall be subject to all applicable county ordinances regarding conflicts of interest and ethics. A violation of these provisions shall be grounds for removal from the board of adjustment. The county commission may remove or replace any board member for cause. Removal or replacement of a board member requires a majority vote of the full county commission in a public meeting.

(Ord. of 1956, §§ 29-1, 29-2; Ord. No. 2012-7, § 6(29-2), 5-1-2012)

Sec 102-3-3 Duties And Powers Of The Board

The board of adjustment shall have the following duties and powers:

- (a) To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.
- (b) To hear and decide variances from the requirements of the Land Use Code.

(Ord. of 1956, § 29-3; Ord. No. 21-83; Ord. No. 22-85; Ord. No. 96-3; Ord. No. 96-11; Ord. No. 96-43; Ord. No. 98-26; Ord. No. 2002-7; Ord. No. 2003-11; Ord. No. 2012-7, § 6(29-3), 5-1-2012)

Sec 102-3-4 Decision Criteria And Standards

- (a) Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.
 - (1) The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.
 - (2) The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.
 - (3) The appellant has the burden of proof that the land use authority erred.
 - (4) All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.
 - (5) Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.
- (b) Variances from the requirements of the Land Use Code.
 - (1) Any person or entity desiring a waiver or modification of the requirements of the Land Use Code as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a variance from the terms of the Land Use Code.
 - (2) The board of adjustment may grant a variance only if the following five criteria are met:

- a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.
 1. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 1. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest.
 - e. The spirit of the land use ordinance is observed and substantial justice done.
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - (4) Variances run with the land.
 - (5) The appeal authority may not grant a use variance.
 - (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.

(Ord. No. 2012-7, § 6(29-4), 5-1-2012)

Sec 102-3-5 Procedure

The board of adjustment shall adopt rules and regulations, consistent with Utah state code and Weber County ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

(a) *Application and notice.*

- (1) Any person or entity wishing to petition the board of adjustment for an appeal or interpretation of the Land Use Code or Zoning Maps, or for a variance from the requirements of the Land Use Code may commence such action by completing the proper application and submitting it to the county planning division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.
- (2) After a complete application has been submitted and accepted, the planning division shall prepare a staff report to the board of adjustment, schedule a meeting of the board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.

(b) *Meeting.* The board of adjustment shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three of the five board members is required to decide in favor of the request.

(c) *Decision and minutes.*

- (1) After the board of adjustment has made a decision, a notice of decision shall be prepared by the planning division, signed by the board of adjustment chair or the chair's designee, and sent to the appellant in accordance with section 102-1-4. This notice acts as the board's written decision for an appeal, variance, or interpretation request. Decisions of the board of adjustment shall be final at the time a notice of decision is issued.
- (2) The minutes of all meetings of the board of adjustment shall be prepared and filed in the county planning division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

(d) *Expiration.*

- (1) If the board has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.
- (2) If the board has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the conditions upon which the interpretation or decision was made.

(e) *Appeal of decision.* Appeals from decisions of the board of adjustment are made directly to the district court as designated in the state code.

(Ord. of 1956, § 29-4; Ord. No. 22-85; Ord. No. 2002-7; Ord. No. 2012-7, § 6(29-5), 5-1-2012)

Chapter 102-4 Permits Required And Enforcement

[Sec 102-4-1 Purpose And Intent](#)

[Sec 102-4-2 Land Use Permit Required](#)

[Sec 102-4-3 Land Use Permit Revocation](#)

[Sec 102-4-4 Code Enforcement](#)

[Sec 102-4-5 Building Permit Required](#)

[Sec 102-4-6 Permits To Comply With Ordinance](#)

[Sec 102-4-7 Powers And Duties Of Building Official](#)

Editor's note—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended ch. 4 in its entirety to read as herein set out, including removing, reorganizing, renumbering and enacting entirely new provisions. Former ch. 4, §§ 102-4-1—102-4-7, pertained to land use permit, building permit and certificate of occupancy. Prior legislative history has been retained as applicable in the history notes following sections; see the Code Comparative Table for a detailed analysis of the changes enacted by Ord. No. 2015-13.

Sec 102-4-1 Purpose And Intent

The purpose of this chapter is to establish the requirements for land use permits from the planning division and building permits from the building division. This chapter identifies the responsibilities for enforcing the requirements of this Land Use Code and the penalties for violating this Land Use Code.

(Ord. of 1956, § 30-1; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2019-14, Exh. A, 7-30-2019)

Sec 102-4-2 Land Use Permit Required

- (a) In order to verify compliance with applicable regulations, all land uses that require a land use permit or conditional use permit by this Land Use Code are prohibited until a land use permit or conditional use permit has received final written approval from the appropriate land use authority.
- (b) No structure, including agricultural structures, shall be constructed, changed in use, or altered, as regulated by this Land Use Code, until and unless a land use permit or, if applicable, a conditional use permit, has received final written approval from the appropriate land use authority.
- (c) No application for permits or approvals governed by this Land Use Code shall be approved for any lot or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as part of the application, are resolved, unless approval of the application will resolve all of the existing violations.

(Ord. of 1956, § 30-4; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)

Sec 102-4-3 Land Use Permit Revocation

A land use permit or conditional use 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) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.
- (c) In the event compliance cannot be attained 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.
- (d) 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.

- (e) 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.
- (f) 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.

(Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec 102-4-4 Code Enforcement

(a) General penalty; continuing violations.

- (1) In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use Code" means:
 - a. Doing an act that is prohibited or made or declared unlawful, an offense, or a misdemeanor by the Land Use Code or by rule or regulation authorized by the Land Use Code;
 - b. Failure to perform an act that is required to be performed by the Land Use Code or by rule or regulation authorized by the Land Use Code; or
 - c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or unlawful by the Land Use Code or by rule or regulation authorized by the Land Use Code.
- (2) In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use Code" does not include the failure of a county government officer or county government employee to perform an official duty unless this Land Use Code specifically provides that failure to perform the duty is to be punishable as provided in this section.
- (3) Unless more specifically provided for in this Land Use Code, the violation of any provision of this Land Use Code may be punished as a class C misdemeanor or by imposition of a civil penalty, or both.
- (4) If prosecuted as a misdemeanor, each day any violation of this Land Use Code continues shall constitute a separate offense. Any violation of this Land Use Code that constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the county for such purposes, or addressed through any other lawful action.
- (5) The imposition of a criminal or civil penalty under the provisions of this Land Use Code shall not prevent the revocation or suspension of any license, franchise, or permit issued or granted under the provisions of this Land Use Code.
- (6) The provisions of this Land Use Code may also be enforced and violations punished by any of the following methods:
 - a. To remedy a violation of this Land Use Code, the county may order discontinuance of the use of any land, body of water, or building; the removal of any building, addition, or other structure; the discontinuance of any work being done; or any lawful act.
 - b. Specific provisions of this Code may provide for additional remedies.

- (b) *Authorization of code enforcement official, powers and duties.* The county's planning director or designee is designated as the code enforcement official and is, empowered, and directed to enforce this Land Use Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided by law. The county's code enforcement official is hereby authorized empowered, and directed to make inspection of properties within the unincorporated area of the county to determine whether there is any violation of this Land Use Code. This authorization extends to all methods of inspection allowed under the state and federal constitutions.
- (c) *Notice of violation, time to comply.* When a violation is found, before taking any other enforcement action the code enforcement official shall serve notice of the violation in writing to the owner or occupant of the land. The notice shall:
- (1) Be delivered personally or by certified mail to the owner or occupant at the last known post office address as disclosed by the records of the county recorder or assessor;
 - (2) State the specific code or codes being violated and explain the nature and extent of the violation; and
 - (3) State that the owner or occupant, as the case may be, shall correct or remove the violation no later than 14 days after notice of the violation has been delivered personally or mailed.
- (d) *Alternative time to comply.* Within the 14 days as specified in section 102-4-4(c), the owner or occupant may arrange an alternative remedial schedule with the Code enforcement official. The alternative remedial schedule shall be no greater than is reasonable and necessary given the extent of the violation and the owner or occupant's ability to cure.
- (e) *Single notice sufficient.* One notice shall be deemed sufficient on any lot or parcel of property and the subsequent lapse of the notice period shall empower the county to take other and further action as may be lawful.
- (f) *Administrative citation and fines.* After issuance of a notice of violation, as specified in Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative citation and fine may be issued for any violation of this code.
- (1) The fine schedule is as follows:
 - a. First administrative citation: \$100.00 per violation per day.
 - b. Second administrative citation: \$200.00 per violation per day.
 - c. Third or subsequent administrative citation: \$400.00 per violation per day.
 - (2) An additional administrative citation specified by this section 102-4-4(f) occurs in circumstances when an earlier administrative citation has:
 - a. Not been resolved to the satisfaction of the code enforcement official for a period of 60 days from the date of the previous administrative citation; or
 - b. Been resolved to the satisfaction of the code enforcement official but the same violation reoccurs within 12 months of the first administrative citation.
 - (3) If a property owner or occupant fails to pay a fine issued under this section, the county may take reasonable steps to collect the fine. If the fine remains unpaid, the county may petition the applicable court for a judgment against the owner or occupant in the amount of the unpaid fine. If the county also files a petition under section 102-4-4(g), the two petitions may be combined into one action.

- (g) *Abatement.* If a property owner or occupant fails to correct or remove the violation from the property after receiving an administrative citation, the county may petition the applicable court for a judicial order enabling the county to remove some or all violations from the property and ordering the property owner or occupant to pay all costs associated with correcting the violation. If any violation of this Land Use Code constitutes a nuisance under the provisions of State Law, the county may take any action as authorized by law in addition to any other penalty imposed pursuant to this section.
- (h) *Judgment lien.* Once a judicial order has been obtained under this section, ordering a property owner or occupant to pay fines or abatement costs, the code enforcement official shall record a judgment lien against any real property owned by the responsible party, to the extent allowed by law.
- (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and penalties, including the county's cost for abatement if applicable, and the terms of the judicial order are deemed satisfied, the code enforcement official shall record a notice of satisfaction of judicial order and shall release the lien as required by law.
- (j) *Appeals.* A violation determination under this section shall only be appealable to district court.

(Ord. of 1956, § 30-5; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2019-14, Exh. A, 7-30-2019)

Sec 102-4-5 Building Permit Required

Building permits, as specified by the county, are required for any construction, alteration, repair, removal, or occupancy of any structure. Construction shall not be commenced, except after the issuance of a written permit by the county building official.

(Ord. of 1956, § 30-2; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)

Sec 102-4-6 Permits To Comply With Ordinance

The building official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration is in violation of any provision of this Land Use Code; nor shall any county official grant any permit or license for the use of any building or land if such use would be in violation of this Land Use Code.

(Ord. of 1956, § 30-6; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)

Sec 102-4-7 Powers And Duties Of Building Official

It shall be the duty of the building official to inspect or cause to be inspected all setbacks of buildings in the course of construction or repair. The building official shall assist in the enforcement of all provisions of this chapter. The building official shall not issue any permit unless the plans of, and for, the proposed erection, construction, reconstruction, alteration and use fully conform to this Land Use Code.

(Ord. of 1956, § 30-7; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)

Chapter 102-5 Rezoning Procedures

[Sec 102-5-1 Purpose And Intent](#)

[Sec 102-5-2 Development To Be In Conformance To The General Plan](#)

[Sec 102-5-3 Reserved](#)

- [Sec 102-5-4 Application Requirements](#)
- [Sec 102-5-5 Concept Development Plan](#)
- [Sec 102-5-6 Rezone Procedure](#)
- [Sec 102-5-7 Approved Development Proposals](#)
- [Sec 102-5-8 Development Agreement](#)
- [Sec 102-5-9 Rezone Expiration And Reversion](#)
- [Sec 102-5-10 Disconnect From Incorporated Cities](#)

Sec 102-5-1 Purpose And Intent

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the county.

(Ord. of 1956, § 35-1; Ord. No. 2009-29; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec 102-5-2 Development To Be In Conformance To The General Plan

Rezoning of property should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's Land Use Code by complying with the county's general plans.

(Ord. of 1956, § 35-2; Ord. No. 2009-29)

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Sec 102-5-3 Reserved

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Sec 102-5-4 Application Requirements

- (a) A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.
- (b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:
 - (1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
 - (2) A proposed rezone may be required to be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan may be required.
 - (3) A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.
 - (4) If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.
 - (5) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.

(6) The applicant shall provide a narrative addressing the following information:

- a. How is the change in compliance with the general plan?
- b. Why should the present zoning be changed to allow this proposal?
- c. How is the change in the public interest?
- d. What conditions and circumstances have taken place in the general area since the general plan was adopted to warrant such a change?
- e. How does this proposal promote the health, safety and welfare of the inhabitants of the county?
- f. Project narrative describing the project vision.

(c) Destination and recreation resort zone supplementary requirements.

(1) Due to the anticipated scale and potential impact of a destination and recreation resort on the county and other surrounding areas, additional information, shall be required to accompany any application submitted for consideration of a destination and recreation resort zone approval. The additional information shall consist of the following:

- a. Concept development plan showing sensitive land areas as described/mapped in [Title 104, Chapter 28](#), Ogden Valley Sensitive Lands Overlay Zone.
- b. Traffic impact analysis.
- c. Cost benefit analysis.
- d. Recreation facilities plan.
- e. Seasonal workforce housing plan.
- f. Emergency services plan including a letter of feasibility from the Weber fire district and Weber County sheriff's office.
- g. Letter of feasibility from the electrical power provider.
- h. Density calculation table showing proposed density calculations.
- i. Thematic renderings demonstrating the general vision and character of the proposed development.

(d) All documents submitted as part of the application shall be accompanied by a corresponding PDF formatted file.

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

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Amended by Ord. [2021-6](#) on 3/23/2021

Amended by Ord. [2022-09](#) on 3/29/2022

Sec 102-5-5 Concept Development Plan

(a) A concept development plan may be required to be submitted with a rezoning application to any zone, as provided in Section 102-5-6. The concept development plan shall supply sufficient information about the development to assist the Planning Commission and County Commission

in making a decision on the rezoning application. Information supplied shall include text and illustration identifying or showing:

- (1) Inventory of general land use types located within the project and the surrounding area.
 - (2) Approximate locations and arrangements of buildings, structures, facilities and open space.
 - (3) Architectural rendering of proposed buildings, structures, facilities and open space within the project.
 - (4) Access and traffic circulation patterns and approximate location of parking.
 - (5) A written description explaining how the project is compatible with surrounding land uses.
 - (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
 - (7) Existing and proposed infrastructure.
 - (8) Project density and mass/scale in comparison to the existing developed area adjacent to the proposed rezone.
 - (9) Legal description of the property being proposed for rezone.
- (b) The applicant/owner, and any assignee or successor in interest, is required to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use, building arrangement, etc., will not be approved nor will building permits be issued by the county until such plan is amended by the county commission after recommendation of the planning commission. Minor changes may be approved by the planning director. If the county denies such changes or amendments and/or the concept plan is abandoned, the county may institute steps to revert the zoning to its former or other appropriate zone. The information shown on the concept plan may vary in detail depending on the size of projects.

(Ord. of 1956, § 35-5; Ord. No. 2009-29; Ord. No. 2017-14, Exh. A, 5-9-2017)

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Amended by Ord. [2022-09](#) on 3/29/2022

Sec 102-5-6 Rezone Procedure

- (a) **Preapplication meeting; concept plan requirement.** Prior to submittal of a rezone application, the applicant shall attend a pre-application meeting in which the proposal is discussed with County planning staff. After the pre-application meeting, the Planning Director or designee may require a concept development plan to be submitted with the application. After application submittal, if no concept plan was previously required, the Planning Director or designee, the Planning Commission, or the County Commission may require a concept development plan or any other information to address emerging impacts.
- (b) **Application process.** When a rezoning application meets the requirements outlined in 102-5-4 of this Chapter, and when the application is deemed complete by the Planning Director or designee, the application will be processed in the following manner:
- (1) **Planning Commission review and recommendation.** Upon receiving a recommendation from staff regarding an amendment to the zoning map, the Planning Commission shall review the amendment and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications, or denial of the

proposed amendment and shall submit its recommendation to the County Commission for review and decision.

- (2) **County Commission review and decision.** Upon receiving a recommendation from the Planning Commission regarding an amendment to the zoning map, the County Commission shall schedule and hold a public hearing to review and make a decision on the application. Following the public hearing the County Commission may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the Planning Commission's recommendation, the County Commission may, but is not obligated to, remand the amendment to the Planning Commission with a request for another recommendation with additional or specific considerations.
- (3) **Decision criteria.** A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:
 - a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
 - b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.
 - c. The extent to which the proposed amendment may adversely affect adjacent property.
 - d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.
 - e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
 - f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.
- (4) **Supplementary approval considerations for a destination and recreation resort zone.** The Planning Commission and County Commission are also encouraged to consider the following factors, among other factors they deem relevant, when making an amendment to the DRR-1 zone:
 - a. Whether a professional and empirical study has provided substantial evidence determining that the proposed resort is viable and contributes to the surrounding community's economic well-being.
 - b. Whether the natural and developed recreational amenities, provided by the resort, will constitute a primary attraction and provide an exceptional recreational experience by enhancing public recreational opportunities.
 - c. Whether the proposed resort's seasonal workforce housing plan will provide a socially, economically, and environmentally responsible development.
- (5) **One-year period before reapplication if denied.** Where a rezoning application has been denied, the County shall not accept a substantially similar zoning amendment application within one (1) year of a denial unless there is a substantial change of

conditions since the earlier application. A new application, with the applicable fee, shall be required and processed in accordance with the procedure outlined in this section.

- (c) **Application expiration.** Rezoning applications shall expire 18 months after submittal, if not acted upon. The Planning Director may extend the expiration date for six months for just cause.
- (d) **Notice.** The first public hearing regarding the rezone shall be noticed as required by State Code, and mailed to the owner of record of each parcel within 500 feet of the boundary of the area proposed to be rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public hearing.

(Ord. of 1956, § 35-6; Ord. No. 2009-29; Ord. No. 2015-22, Exh. A, 12-22-2015)

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 102-5-7 Approved Development Proposals

After rezoning is granted, applications for development within the rezoned area shall be reviewed as required by the Land Use Code. The development plans shall be consistent with the approved concept development plan or development agreement, if applicable.

(Ord. of 1956, § 35-7; Ord. No. 2009-29)

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Amended by Ord. [2022-09](#) on 3/29/2022

Sec 102-5-8 Development Agreement

The county commission may require an applicant, at the time of zoning approval, to enter into a zoning development agreement as outlined in Chapter 102-6.

(Ord. of 1956, § 35-8; Ord. No. 2009-29)

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Sec 102-5-9 Rezone Expiration And Reversion

- (a) Unless authorized otherwise in an adopted development agreement, a rezone that is approved based on a concept development plan, as provided in Section 102-5-5, shall by default expire after three years of no substantial construction action toward installing the improvements depicted in the development plan. For the purpose of this section, "substantial construction action" shall mean the actual installation, inspection, and acceptance by the County Engineer of a subdivision or development improvement, as provided in Title 106, Chapter 4.
- (b) A request for an extension, if applicable, shall be submitted to the Planning Division in writing with a new rezone fee. After receiving recommendation from the Planning Commission, the County Commission may extend the rezone expiration timeframe if the County Commission determines that nothing has substantially changed since the original approval that would alter the outcome of a resubmittal of the same rezone application and concept development plan.

- (c) Upon expiration, the zone shall immediately and automatically revert back to the zone or zones that existed prior to the rezone approval.
- (d) The concept plan, and the expiration and zone reversion, shall be specified in the ordinance that adopts the rezone, and the ordinance shall be recorded to the title of the property.
- (e) Nothing in this part shall be construed to limit the County Commission's legislative authority to rezone the property in the future.
- (f) This section shall not affect a rezone that is not conditioned on a concept development plan.

HISTORY

Amended by Ord. [2020-16](#) on 9/22/2020

Amended by Ord. [2020-16](#) on 9/22/2020

Amended by Ord. [2022-09](#) on 3/29/2022

Sec 102-5-10 Disconnect From Incorporated Cities

Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county planning division. Prior to any disconnection, the subject property needs to comply with its current city zoning and approved site plan.

(Ord. of 1956, § 35-10; Ord. No. 2009-29)

Chapter 102-6 Development Agreements

[Sec 102-6-1 Purpose And Intent](#)

[Sec 102-6-2 Applicability](#)

[Sec 102-6-3 Minimum Requirements](#)

[Sec 102-6-4 Development Agreement Procedures](#)

[Sec 102-6-5 Effect Of Approval](#)

[Sec 102-6-6 Binding Nature Of Development Agreements](#)

[Sec 102-6-7 Expenses](#)

[Sec 102-6-8 Enforcement](#)

[Sec 102-6-9 Modification Or Suspension To Comply With State Or Federal Laws](#)

[Sec 102-6-10 Noncompliance](#)

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-1 Purpose And Intent

The purpose of this chapter is to provide procedures and minimum standards for the review, consideration, and possible approval of development agreements by the County Commission. A development agreement may only be approved, if in the opinion of the County Commission, such development agreement is found:

- (a) To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the county's existing land use ordinances; or
- (b) To advance the policies of the county.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-2 Applicability

- (a) Unless expressly required elsewhere in this Land Use Code, a development agreement is an optional land use regulatory tool that may be used, at the discretion of the County Commission.
- (b) All persons entering into a development agreement with the county must have a legal or equitable interest in the property that is the subject of the development agreement.
- (c) The county commission may require additional provisions and requirements depending on the nature and scope of the parcel(s) affected and the particular purposes and intent(s) of the development agreement.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-3 Minimum Requirements

All development agreements entered into by the county shall, at a minimum, comply with the following standards:

- (a) Be in writing.
- (b) Provide an accurate legal description of the subject property and the names of all legal and equitable owners.
- (c) Provide a concept plan including, but not limited to, the location and arrangement of all allowed uses, traffic circulation patterns, buildings, and all required dedications and improvements
- (d) Provide the terms of the agreement, including any extension requirement(s).
- (e) Identify all allowed uses for the subject property and the procedures required for the approval of each use.
- (f) Identify development standards that will be implemented, including the timing and obligations associated with the provision of necessary infrastructure and services.
- (g) Provide for the provision and installation of required public infrastructure and services.
- (h) Provide a listing of all features and facilities being voluntarily provided to the county, or other public or private agency.
- (i) Provide a description of any reservation or dedication of lands for public purposes.
- (j) Identify enforcement mechanisms determined necessary to ensure compliance.
- (k) Provide for the recording of the approved development agreement in the office of the Weber County recorder.
- (l) Include any requirements and conditions identified by the County Commission determined necessary to advance the interests of the county or to protect the public health, safety, and welfare, of the county and its residents.
- (m) Include a clause that states that in the event a development agreement is terminated as a result of noncompliance by the subject property owner, the subject property shall revert to the zoning district designation that existed prior to the enactment of the development agreement.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-4 Development Agreement Procedures

- (a) The County Commission, as the legislative body, shall consider a development agreement at a regular commission meeting. If a development agreement contains any provision proposing to amend the county general plan or land use ordinance, including zoning designation of the subject property, the procedures of the county required for a general plan or land use ordinance amendment shall be followed, including complying with all noticing and public hearing requirements.
- (b) After consideration of materials, the Commission may approve or deny the proposed development agreement, with or without requirements and conditions and with necessary findings. If approved, the county commission chair, on behalf of the county, and the applicant shall sign and execute the development agreement, as approved.
- (c) Within fourteen (14) business days of signature by the County Commission Chair and the applicant, the development agreement shall be recorded in the Office of the County Recorder. The recorded agreement constitutes the official document of the county.
- (d) The County Commission, in considering a development agreement, may request a recommendation of the Planning Commission on planning concerns, allowed uses, or other development matters that may be associated with the proposed development agreement.
- (e) In reviewing a proposed development agreement, the County Commission may consider, but shall not be limited to considering, the following:
 - (1) Public impacts and benefits.
 - (2) Adequacy in the provision of all necessary public infrastructure and services.
 - (3) Appropriateness and adequacy of environmental protection measures.
 - (4) Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-5 Effect Of Approval

- (a) An approved and recorded development agreement shall be controlling for the subject property, and shall modify the county's land use ordinances to the extent specifically identified by the development agreement.
- (b) Only those county land use ordinance provisions specifically identified by the development agreement shall be modified. All other land use ordinance requirements shall remain in full force and effect.
- (c) A development agreement shall not prevent the county from applying any new provisions or regulations to the subject property that do not conflict with those contained within the development agreement.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-6 Binding Nature Of Development Agreements

All development agreements shall be binding on the county, the applicant, and on all successors and assigns for the term of the agreement.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-7 Expenses

The county may require the applicant to reimburse the county for all reasonable expenses incurred by the county related to the preparation and adoption of a development agreement.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-8 Enforcement

Violation of a development agreement by an applicant or developer shall constitute a violation of this Land Use Code. The county may utilize all legally available enforcement mechanisms necessary to achieve compliance with this chapter and a development agreement including, but not limited to, the withholding of necessary land use approvals or permits.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-9 Modification Or Suspension To Comply With State Or Federal Laws

In the event that federal or state laws or regulations prevent or preclude compliance with one or more provisions of the agreement, such provisions of the agreement shall be suspended, as may be necessary to comply with the specific laws or regulations preventing or precluding compliance with the agreement.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Sec 102-6-10 Noncompliance

In the event a development agreement is terminated as a result of noncompliance by the subject property owner, the subject property shall revert to the zoning designation that existed prior to the enactment of the development agreement.

HISTORY

Adopted by Ord. [2020-16](#) on 9/22/2020

Title 103 (Reserved)

Title 104 Zones

- [Chapter 104-1 In General](#)
- [Chapter 104-2 Agricultural Zones](#)
- [Chapter 104-3 Residential Estates Zones RE-15 And RE-20](#)
- [Chapter 104-4 Gravel Zone G](#)
- [Chapter 104-5 \(Reserved\)](#)
- [Chapter 104-6 \(Reserved\)](#)
- [Chapter 104-7 \(Reserved\)](#)
- [Chapter 104-8 \(Reserved\)](#)
- [Chapter 104-9 Forest Zones F-5, F-10, And F-40](#)
- [Chapter 104-10 Shoreline Zone S-1](#)
- [Chapter 104-11 Commercial Valley Resort Recreation Zone CVR-1](#)
- [Chapter 104-12 Single-Family Residential Zones R-1-12, R-1-10](#)
- [Chapter 104-13 Forest Residential Zone FR-1](#)
- [Chapter 104-14 Forest Valley Zone FV-3](#)
- [Chapter 104-15 Two-Family Residential Zone R-2](#)
- [Chapter 104-16 Multiple-Family Residential Zone R-3](#)
- [Chapter 104-17 Forest Residential Zone FR-3](#)
- [Chapter 104-18 Residential Mobile/Manufactured Home Park Zone RMHP](#)
- [Chapter 104-19 Residential Manufactured Home Zone RMH-1-6](#)
- [Chapter 104-20 Commercial Zones C-1, Cv-1, C-2, Cv-2, And C-3](#)
- [Chapter 104-21 Manufacturing Zones MV-1, M-1, M-2, And M-3](#)
- [Chapter 104-22 Form-Based Zone FB](#)
- [Chapter 104-23 \(Reserved\)](#)
- [Chapter 104-24 \(Reserved\)](#)
- [Chapter 104-25 \(Reserved\)](#)
- [Chapter 104-26 Open Space Zone O-1](#)
- [Chapter 104-27 Master Planned Development Overlay Zone MPDOZ](#)
- [Chapter 104-28 Ogden Valley Sensitive Lands Overlay Zone](#)
- [Chapter 104-29 Ogden Valley Destination And Recreation Resort Zone DRR-1](#)
- [Chapter 104-30 Large Solar Energy System Overlay Zone SOZ](#)

Chapter 104-1 In General

- [Sec 104-1-1 Establishment Of Zones](#)
- [Sec 104-1-2 Boundaries Of Zones](#)
- [Sec 104-1-3 Rules Of Interpretation For Land Use Tables Or Lists Of Uses](#)
- [Sec 104-1-4 Area Requirements For Parcels Split By Zone Boundaries](#)

Sec 104-1-1 Establishment Of Zones

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

ZONE DISTRICTS	ZONE NAME
Residential Estates Zone	RE-15
Residential Estates Zone	RE-20
Gravel Zone	G
Agricultural Zone	A-1
Agricultural Zone	A-2
Agricultural Zone	A-3

Agricultural Valley Zone	AV-3
Forestry Zone	F-5
Forestry Zone	F-10
Forestry Zone	F-40
Forest Valley Zone	FV-3
Shoreline Zone	S-1
Commercial Valley Resort Recreation Zone	CVR-1
Residential Zone	R-1-12
Residential Zone	R-1-10
Forest Residential Zone	FR-1
Residential Zone	R-2
Residential Zone	R-3
Forest Residential Zone	FR-3
Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6
Commercial Zone, Neighborhood	C-1
Commercial Zone, Community	C-2
Commercial Zone, Regional	C-3
Commercial Valley Zone, Neighborhood	CV-1
Commercial Valley Zone, Community	CV-2
Manufacturing Zone, Light	M-1
Manufacturing Zone, Medium	M-2
Manufacturing Zone, Heavy	M-3
Manufacturing Zone, Valley	MV-1
Form-Based Zone	FB
Open Space Zone	O-1
Master Planned Development Overlay Zone	MPDOZ
Ogden Valley Sensitive Lands Overlay Zone	SLOZ
Ogden Valley Destination and Recreation Resort Zone	DRR-1
Large Solar Energy System Overlay Zone	SOZ

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

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Amended by Ord. [2022-04](#) on 1/18/2022

Sec 104-1-2 Boundaries Of Zones

- (a) The boundaries of each of the said zones are hereby established as described herein or as shown on the maps entitled "Zoning Map of Weber County", which map or maps are attached and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as if fully described and detailed herein.
- (b) Where uncertainty exists as to the boundary of any zone, the following rules shall apply:
 - (1) Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
 - (2) Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
 - (3) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
 - (4) Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map. .

Editors Note: Ord. No. 2022-06 consolidated the text that was in Section 104-1-3 Rules or Ordinance And Maps into this Section 104-1-2 Boundaries Of Zones, and changed Section 104-1-3 to Rules of Interpretation.

(Ord. of 1956, § 2-2; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

HISTORY

Amended by Ord. [2022-06](#) on 2/1/2022

Sec 104-1-3 Rules Of Interpretation For Land Use Tables Or Lists Of Uses

The Land Use Table or list of permitted uses and conditional uses of each zone are plenary. As such, the following rules of interpretation apply:

- (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an allowed use in that zone.
- (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional uses shall not be construed in any manner as an allowed use in the zone.
- (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or conditional uses that is not specifically listed in another zone's Land Use Table or list of permitted or conditional uses is not permitted in the other zone.

Editors Note: Ord. No. 2022-06 consolidated the text that was in this section, which was named Section 104-1-3 Rules or Ordinance And Maps, into Section 104-1-2 Boundaries Of Zones, and changed this Section 104-1-3 to Rules of Interpretation.

(Ord. of 1956, § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

Amended by Ord. [2022-06](#) on 2/1/2022

Sec 104-1-4 Area Requirements For Parcels Split By Zone Boundaries

The more restrictive zone is the zone which has the larger area requirement.

- (a) Where a parcel that is split by a zone boundary contains at least two-thirds of the area required for a lot in the more restrictive zone, the area from the less restrictive zone can be used to meet the total area requirement for the more restrictive zone.
- (b) Where a parcel that is split by a zone boundary contains less than two-thirds of the area required for a lot in the more restrictive zone, the home must be built in the less restrictive zone. The parcel area in the more restrictive zone can be used to meet area requirements in the less restrictive zone.

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

Chapter 104-2 Agricultural Zones

[Sec 104-2-1 Purpose And Intent](#)

[Sec 104-2-2 Preferred Use](#)

[Sec 104-2-3 Land Use Table](#)

[Sec 104-2-4 Special Regulations](#)

[Sec 104-2-5 Site Development Standards](#)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 104-2-1 Purpose And Intent

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

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-2-2 Preferred Use

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

Sec 104-2-3 Land Use Table

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

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

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

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

	AV-3	A-1	A-2	A-3	Special Provisions
Agriculture.	P	P	P	P	

Agricultural experiment station.	P	P	P	P	
Aquaculture.	P	P	P	P	
Fruit or vegetable stand , for produce grown on the premises only.	P	P	P	P	
Fruit and vegetable storage and packing plant , for produce grown on premises.	P	P	N	N	5-acre use.
Grain storage elevator.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	P	P	
Laboratory facility , for agricultural products and soils testing.	C	C	C	C	
Manure spreading, drying and sales.	N	N	N	C	

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

	AV-3	A-1	A-2	A-3	Special Provisions
Animal grazing. Animal grazing, as defined in Section 101-2.	P	P	P	P	See Section 104-2-4. 5-acre use.
Animal feeding operation. An animal feeding operation, as defined in Section 101-2.	N	N	N	C	See Section 104-2-4. 5-acre use.
Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.	N	N	N	C	See Section 104-2-4. 5-acre use.
Apiary.	P	P	P	P	
Aquaculture, animal related.	P	P	P	P	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	See Section 104-2-4.
Dairy farm , including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	C	C	C	N	See Section 104-2-4. 2-acre use.
Stable for horses, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	
Slaughterhouse.	N	N	N	C	

Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.

C C C C

5-acre use.

Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.

C C C C

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

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

(e) **Institutional uses.**

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

(f) **Residential uses.**

	AV-3	A-1	A-2	A-3	Special Provisions
Residential facility for elderly persons.	P	P	P	P	See Section 108-7-15 .
Residential facility for handicapped persons.	P	P	P	P	See Section 108-7-13 .
Residential facility for troubled youth.	C	C	C	C	See Section 108-7-14 .
Single-family dwelling.	P	P	P	P	
Two-family dwelling.	N	P	N	N	2-acre use.

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

	AV-3	A-1	A-2	A-3	Special Provisions
Campground and picnic area.	N	N	C	C	See Chapter 108-20 .
Equestrian training and stable facilities, noncommercial. No more than five horses	C	C	N	N	5-acre use.

Private park, playground or recreation area. No privately owned commercial amusement business.

P P P P

(h) **Utility uses.**

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

(i) **Other uses.**

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

(j) **Development types.**

	AV-3	A-1	A-2	A-3	Special Regulations
Cluster subdivision.	P	P	P	P	See Chapter 108-3 .

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021
Amended by Ord. [2022-06](#) on 2/1/2022

Sec 104-2-4 Special Regulations

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

- (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except when in compliance with the following:
 - (1) It may only be carried on during times that are reasonable and necessary due to lack of natural growing feed as a result of seasonal changes or extreme and temporary meteorological events.
 - (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones.
 - (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining parcel of land.

- (b) **Animal feeding operation.** This use may include supplemental or full feeding. However, it is prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the premises. The following additional standards apply for hog feeding:
- (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.
 - (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.
- (c) **Animal feeding operation, large concentrated.** A large concentrated animal feeding operation shall not be located within a half-mile of a zone boundary, unless the boundary is shared with another zone in which this use is allowed. Additionally, the area of confinement devoted to the feeding of the animals in any new large concentrated animal feeding operation shall be set back at least one quarter-mile from every property boundary.
- (d) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (e) **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, completely enclosed within a building with no outdoor storage, and located on and with access directly from a collector or arterial street.
- (f) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (g) **Family food production.**
- (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.
 - (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.
 - (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined sets of Group A and sets of Group B animals or fowl may be kept per each additional acre greater than two.
- (h) **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the same lot or parcel on which it is parked, or the owner or operator's employee. This use shall:
- (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
 - (2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural use;
 - (3) Include no more than one three-axle truck, and no pups.
- (i) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt from these restrictions.

(j) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of the construction work.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Amended by Ord. [2022-06](#) on 2/1/2022

Sec 104-2-5 Site Development Standards

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

(a) Lot area:

	AV-3	A-1	A-2	A-3
Minimum for single-family dwelling:		40,000 square feet	40,000 square feet	
Minimum for other use:	3 acres			2 acres
Minimum for 2-acre use [see Section 104-2-4] :		2 acres	2 acres	
Minimum for 5-acre use [see Section 104-2-4] :	5 acres	5 acres	5 acres	5 acres

(b) Lot width:

	AV-3	A-1	A-2	A-3
Minimum lot width:	150 feet	150 feet	150 feet	150 feet
Minimum for 2 and 5-acre use [see Section 104-2-4] :	300 feet	300 feet	300 feet	300 feet

(c) Yard setback:

(1) Front yard setback:

	AV-3	A-1	A-2	A-3
Minimum front yard setback:	30 feet	30 feet	30 feet	30 feet

(2) Side yard setback:

	AV-3	A-1	A-2	A-3
Minimum for dwelling:	10 feet with total width of 2 side yards not less than 24 feet			
Minimum for other main building:	20 feet			
Minimum for side facing street on corner lot:	20 feet			
Minimum for accessory building:	10 feet except 1 foot if located at least 6 feet in rear of main building			