

**ORDINANCE \_\_\_\_\_**

**An ordinance of Weber County amending the Zoning Ordinance by adding Chapter 46 (Agri-Tourism); and amending Chapter 1 (General Provisions); Chapter 5 (Agricultural A-1 Zone); Chapter 5B (Agricultural Valley AV-3 Zone); Chapter 6 (Agricultural A-2 Zone); Chapter 7 (Agricultural A-3 Zone); Chapter 12B (Forest Valley FV-3 Zone); Chapter 18C (Ogden Valley Architectural, Landscape and Screening Standards); Chapter 23 (Supplementary and Qualifying Regulations); Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations); Chapter 34 (Home Occupation - Short Term Vendors - Temporary Outdoor Sales - Farmers Markets); and Chapter 36 (Design Review).**

**WHEREAS**, The Ogden Valley General Plan states and affirms that residents of the Ogden Valley are proud of the Valley’s agricultural lands which are a “unique characteristic” that should be promoted; and

**WHEREAS**, The General Plan specifically refers to promoting working farms as an integral part of the Valley’s cultural heritage; and

**WHEREAS**, The General Plan guides Weber County to establish mechanisms by which open spaces and sensitive areas, such as agricultural lands, can be protected; and

**WHEREAS**, The General Plan further guides Weber County to discourage development within “prime agricultural land” by developing a means of compensating property owners for not developing these sensitive areas; and

**WHEREAS**, The General Plan directs the County to enhance quality recreation opportunities and expand recreational assets in the Valley so as to meet increased demand for facilities such as parks, campgrounds, and trails; and

**WHEREAS**, The Recreation Element of the Ogden Valley General Plan states that Weber County should encourage private business and entrepreneurs to meet the growing demand for recreational facilities (e.g., camping and boating) by developing additional recreation opportunities on private land; and

**WHEREAS**, The Plan declares that it will only be through the development of future facilities on private lands that recreational demands can be met in Ogden Valley; and

**WHEREAS**, The Recreation Element directs Weber County to adopt an open space program that includes the use of various policies and tools so as to protect as much open space as possible while maintaining the right for every property owner to receive a fair return on their real estate investment; and

**WHEREAS**, The West Central Weber County General Plan reports that there is little in the current zoning ordinance that offers a way to protect the rural quality and character of the area; and

**WHEREAS**, West Central Weber County General Plan states that residents, (97% of respondents) participating in the development of the Plan, expressed a desire to maintain rural character and agricultural land; and;

**WHEREAS**, The West Central Weber County General Plan states that open spaces and the dominant presence of agricultural uses and features such as the fields and pastures, barns, and outbuildings exemplify the rural lifestyle and atmosphere of western Weber County; and

**WHEREAS**, Residents living in the Western Township believe that preserving agriculture should be the County’s highest priority; and

**WHEREAS**, These residents wish to encourage and assist existing agricultural uses to remain in business; and

**WHEREAS**, The Western Weber Township and the Ogden Valley Township Planning Commissions provided appropriate notice, held public meetings on October 9, 2012 and October 23, 2012 respectively, and have unanimously recommended approval of the proposed Ordinance and other related amendments; and

**WHEREAS**, The Board of County Commissioners of Weber County, Utah, after appropriate notice, held a public hearing on December 4, 2012, to allow the general public to comment on the proposed Agri-tourism Ordinance and other related Zoning Ordinance amendments; and

**WHEREAS**, The Board of County Commissioners of Weber County, Utah, find that the proposed Ordinance and other related amendments comply with the goals and objectives of the West Central Weber County and Ogden Valley General Plans and will promote the general welfare of the residents of the County; and

**NOW THEREFORE**, The Board of County Commissioners of Weber County, State of Utah, ordains as follows:

Part 1 of 12

The Zoning Ordinance of Weber County is hereby amended, by adding Chapter 46; *Agri-tourism – Consumer Direct Sales, Education, Recreation, and Entertainment*, as presented below:

**CHAPTER 46**

**AGRI-TOURISM**  
Consumer-Direct Sales, Education, Recreation, and Entertainment

- 46-1 Purpose and Intent
- 46-2 Applicability
- 46-3 General Development Standards
- 46-4 Agricultural Operation Designation
- 46-5 Permitted Uses/Activities Table
- 46-6 Use/Activity Standards and Limitations
- 46-7 Signs

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**46-1 Purpose and Intent**

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

## 46-2 Applicability

The standards found in this Chapter shall apply to all agri-tourism applications/operations. Also, all agri-tourism operations are subject to Chapter 22C (Conditional Uses) of the Weber County Zoning Ordinance which regulates the Conditional Use Permit application and review process. This process may include, but is not limited to, a review by the Weber County Planning Division, Building Inspection Division, Engineering Division, and Sheriff's Office. Other review agencies may include the Weber-Morgan Health Department, Weber Fire District, Utah State University Cooperative Extension, and/or other various agencies. Agri-tourism events that operate outside of "normal day-to-day" hours and/or involve spectators in a number greater than that which can be served by existing facilities shall be subject to Title 20 of the Weber County Ordinance - Code (Special Events Ordinance). Other ordinances, codes and/or regulations may apply; therefore, it shall be the responsibility of the applicant to know and understand all applicable standards and agency requirements.

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## 46-3 General Development Standards

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

1. **Primary Use:** Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism uses/activities shall be complimentary and clearly accessory to the primary agricultural use. To guarantee legitimacy and viability, an agri-tourism operation shall demonstrate that the subject property has been qualified under the Farmland Assessment Act or that the subject property is currently, or will be within the next growing season, producing an agricultural product in an amount that meets or exceeds the production requirement as established by the Farmland Assessment Act. A farmer, whose primary agricultural use is that of an apiary, shall be required to maintain two (2) hives per acre with a ten (10) hive minimum. No more than twenty (20) hives shall be necessary when a farm exceeds ten (10) acres.
2. **Lot of Record (Lawfully Created Lot):** Notwithstanding Title 26 of the Weber County Ordinances-Code, otherwise known as the Weber County Subdivision Ordinance, a landowner who meets the standards, as set forth by this Chapter, may develop an agri-tourism operation and its associated uses (excluding a single-family dwelling, B&B Farm Dwelling, and B&B Farm Retreat) as a Lot of Record. The parcel(s) shall be subject to the following:
  - a. The agri-tourism operation shall remain in compliance with approvals granted through further review and subsequent issuance of a Conditional Use Permit.
  - b. The parcel and/or combination of all individual parcels shall consist of an area that is not less than twice the "minimum lot area" that is required by the zone in which the agri-tourism operation is located. For example an agri-tourism operation that lies in a zone that requires three (3) acres as a "minimum lot area" shall be required to have at least a six (6) acre farm size. Parcels that are unable to meet this area requirement may pursue a legal (Lot of Record) status by demonstrating that the subject parcel(s) qualifies as Lot of Record through any other available means provided by the definition of a Lot of Record or by meeting the requirements of the Weber County Subdivision Ordinance.
3. **Narrative:** In addition to the requirements listed in Chapter 22C (*Conditional Uses*) of the Weber County Zoning Ordinance, all agri-tourism applications shall be accompanied by a concise narrative describing the farm and the overall vision for the proposed agri-tourism operation. The narrative shall include farm history, a description or plan for the general maintenance of its agricultural product(s), and proposals for the following:

- a. Offerings for agriculturally related and non-agriculturally related products and uses/activities.
  - b. Agriculturally related and non-agriculturally related types of facilities and equipment.
  - c. Time(s) of “normal day-to-day” operation as referenced in Title 20 (*Weber County Special Events Ordinance*); 20-1-2(C).
  - d. Anticipated number of daily patrons and employees.
  - e. Parking needs.
4. **Access:** Notwithstanding Section 23-30 (Access to a Lot/Parcel Using a Private Right-of-Way/Easement), of the Weber County Zoning Ordinance, an agri-tourism operation is not required to have frontage or access directly off of a public or privately dedicated roadway.
5. **General Site and Building Design/Layout:** An agri-tourism operation shall have a general design and layout that concentrates all “tourism” uses and activities into a distinct activity center(s). The area within a developed activity center or combined area of multiple activity centers, excluding Productive Agri-tourism Acreage, trail corridors, and/or a half (1/2) acre for a farmer’s residence and any uses confined thereto (e.g., home office, B&B, etc.), may consist of a total area that does not exceed twenty (20%) percent of a farm’s overall Gross Acreage. The remaining acreage, shown outside of all activity centers, shall be maintained in an agriculturally productive manner that is consistent with the farm’s main agricultural use(s). Acreage that is incapable of being agriculturally productive due to a topographic condition, physical constraint, and/or circumstance (e.g., wetlands, drainages, steep slopes, occupation by barn and/or farm equipment storage structure(s) etc.) that physically interferes with farm production may be kept in its natural, historic, or constructed state.

Newly constructed buildings and facilities intended for agri-tourism purposes and/or to serve agri-tourism needs, shall reflect an architectural vernacular that is consistent with the area’s rural character. Temporary sanitary facilities are discouraged; however, if found necessary, they shall be discretely incorporated into the agri-tourism operation and completely screened from street and adjacent property view.

6. **Ownership:** An agri-tourism operation may consist of multiple properties; however, all properties shall have identical and common ownership.
7. **Production:** An agri-tourism operation shall, with exception of the winter season, actively and continuously produce an agricultural product for sale and purchase. In the event that the agri-tourism operation’s agricultural productivity ceases or becomes improperly maintained, as determined by the Planning Commission, the right to operate an agri-tourism business under a Conditional Use Permit may be revoked.
8. **Agri-tourism Uses/Activities:** To ensure an appropriate balance and mixture of agriculturally related and non-agriculturally related uses/activities, it shall be required that a minimum of one-half (1/2) of all uses/activities be agriculturally related as defined in Chapter 1 (*General Provisions*) of the Weber County Zoning Ordinance. The method, by which measurements are made, shall be based on one (1) agriculturally related use/activity being equal to one (1) non-agriculturally related use/activity.

Uses/activities involving the sale of any products or goods shall be prohibited from selling motorized vehicles and/or equipment. Exceptions to this standard are made for the occasional sale of farm equipment personally owned by the farm owner and/or other farm equipment sales events approved through Title 20 of the Weber County Ordinance - Code (Special Events Ordinance).

9. **Hours of Operation:** Agri-tourism uses/activities, not including: residential overnight accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00am and 10:00pm. The Planning Commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
  
10. **Development Agreement:** An agri-tourism operation shall, prior to the construction of any structure intended for the purpose of accommodating non-agricultural uses, record a Farm Stay and Commercial Development Agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation. One (1) single-family dwelling or farm house (per parcel) and/or any number of structures that qualify for an agricultural exemption are excepted from this standard when developed in accordance with the requirements found in the Weber County Zoning and Subdivision Ordinance.

**46-4 Agricultural Operation Designation**

The following establishes a categorical designation for agricultural operations based on acreage:

1. **Market Garden:** includes an agriculturally productive property consisting of three (3) acres or more, but fewer than five (5) acres.
2. **Family Farm:** includes an agriculturally productive property consisting of five (5) acres or more, but fewer than ten (10) acres.
3. **Small Farm:** includes an agriculturally productive property consisting of ten (10) acres or more, but fewer than twenty (20) acres.
4. **Medium Farm:** includes an agriculturally productive property consisting of twenty (20) acres or more, but fewer than forty (40) acres.
5. **Large Farm:** includes an agriculturally productive property consisting of forty (40) acres or more, but fewer than eighty (80) acres.
6. **Ranch:** includes an agriculturally productive property consisting of eighty (80) acres or more.

**46-5 Permitted Uses/Activities Table**

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this Chapter; therefore, it shall not be construed to mean that this Chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See Section 46-7 for these specific design and/or limitation standards associated with each use/activity marked with an asterisk (\*).

Uses/Activities	Farm Designations					
	Market Garden (3-<5 acres)	Family Farm (5-<10 acres)	Small Farm (10-<20 acres)	Medium Farm (20-<40 acres)	Large Farm (40-<80 acres)	Ranch (≥80 acres)
<b>Farm Stay (Residential and Overnight Accommodation) Uses/Activities</b>						

Agro-Ecology Research and Education Center (AREC)*		•	•	•	•	•
B&B Farm Dwelling (2 Room)*			•	•	•	•
B&B Farm Retreat (7 Room)*			•	•	•	•
B&B Farm Inn (16 Room)*				•	•	•
Glamorous Camping (Glamping)*				•	•	•
Carriage House*					•	•
Conference/Education Center*					•	•
Single-Family Dwelling; aka Farm House*	•	•	•	•	•	•
Health Farm*				•	•	•
Motor Coach/Caravan Area, Agri-tourism*				•	•	•
<b>Agriculturally Related Uses/Activities</b>						
Agro-Ecology Research and Education Center (AREC)*		•	•	•	•	•
Barn Dance		•	•	•	•	•
Community Garden/Rent –A-Row	•	•	•	•	•	•
Community Supported Agriculture	•	•	•	•	•	•
Corn Maze			•	•	•	•
Educational Classes	•	•	•	•	•	•
Farm Museum		•	•	•	•	•
Farm Tour	•	•	•	•	•	•
Fee Fishing (If Aquaculture)		•	•	•	•	•
Harvest-Market*	•	•	•	•	•	•
Multi-Farmer Open Air (Farmer's) Market, Agri-tourism*				•	•	•
Nursery (Plant Cultivation)	•	•	•	•	•	•
Petting Farm/Zoo	•	•	•	•	•	•
Sleigh/Hay Ride			•	•	•	•
Special Event; As Defined by Title 20-Weber County Special events Ordinance	•	•	•	•	•	•
Special Occasion, Agri-tourism			•	•	•	•
U-Pick Operation/Pumpkin Patch	•	•	•	•	•	•

Non-Agriculturally Related Uses/Activities						
Agri-Cultural Arts Center			•	•	•	•
Bakery/Café Featuring Farm Products*				•	•	•
Conference/Education Center*					•	•
Fee Fishing		•	•	•	•	•
Food Concessions Stand*			•	•	•	•
Gift Shop (Retail)*	•	•	•	•	•	•
Haunted House/Hay Stack/Farm			•	•	•	•
Hunting Preserve*						•
On-Farm Store/Retail Market, Agri-tourism*					•	•
Play Area, Agri-tourism		•	•	•	•	•
Restaurant Featuring Farm Products*				•	•	•
Special Event; As Defined by Title 20 - Weber County Special Events Ordinance	•	•	•	•	•	•
Health Farm*				•	•	•
Motor Coach/Caravan Area, Agri-tourism*				•	•	•
Value Added Product Processing*	•	•	•	•	•	•

#### 46-6 Use/Activity Standards and Limitations

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

##### 1. Farm Stay (Residential and Overnight Accommodation) Uses/Activities

- a. Agro-Ecology Research and Education Center (AREC)
  - i. An AREC shall be limited to providing nightly accommodations for faculty, staff, and/or students/apprentices only.

- ii. An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms that does not exceed two (2) rooms per one (1) Gross Acre.
  - iii. A lodging room may provide basic needs for up to a maximum of two (2) persons; however, each room shall be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a single-family dwelling.
  - iv. An AREC shall not be located closer than fifty (50ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than one hundred (100ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
  
- b. B&B Farm Dwelling (2 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Retreat, or Inn) Conference/Education Center, or Health Farm.
  - ii. A B&B Farm Dwelling shall be limited to a maximum of two (2) guest units/rooms.
  - iii. A B&B Farm Dwelling shall be subject to the Weber County Zoning and platting requirements of the Subdivision Ordinance.
  
- c. B&B Farm Retreat (7 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Retreat, or Inn) Conference/Education Center, or Health Farm.
  - ii. A B&B Farm Retreat shall be limited to a maximum of seven (7) guest units/rooms.
  - iii. A B&B Farm Retreat shall not be located closer than one hundred (100ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
  - iv. A B&B Farm Retreat shall be subject to the Weber County Zoning and platting requirements of the Subdivision Ordinance.
  
- d. B&B Farm Inn (16 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Retreat, or Inn) Conference/Education Center, or Health Farm.
  - ii. A B&B Farm Inn shall be limited to a maximum of sixteen (16) guest units/rooms.
  - iii. The B&B Farm Inn shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
  
- e. Luxury Camping (Glamping)
  - i. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two (2) tents or cabins per five (5) Gross Acres.
  - ii. Occupancy shall not exceed six (6) persons per tent or cabin.
  - iii. Meals shall only be served to overnight guests.
  - iv. Glamping area(s) shall be completely screened from street view.
  - v. Glamping areas shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards

may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

f. Carriage House

- i. Carriage Houses shall be limited to a number that does not exceed the following calculation:

$$\begin{aligned} & \text{Adjusted Gross Acreage of the parcel upon which a Carriage House(s) is located} \\ & \div \text{Minimum single-family dwelling area requirement set forth by the zone in which the parcel(s) is located} \\ & \times \text{Twenty (20\%) percent} \\ & = \text{Maximum number of Carriage Houses at an approved agri-tourism operation} \end{aligned}$$

- ii. Meals shall only be served to overnight guests.
- iii. A Carriage House shall consist of not more than eight hundred (800 sq.ft.) square feet, as measured by its footprint.
- iv. Carriage Houses shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

g. Conference/Education Center

- i. An agri-tourism operation shall be limited to one (1) Conference/Education Center.
- ii. A Conference/Education Center shall be limited to a maximum of twenty (20) guest units/rooms.
- iii. Conference/Education Centers shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

h. Health Farm

- i. An agri-tourism operation shall be limited to one (1) Health Farm or B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel).
- ii. A Health Farm shall be limited to a maximum of ten (10) guest units/rooms.
- iii. A Health Farm shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

i. Motor Coach/Caravan Area

- i. A Motor Coach/Caravan Area, approved as part of an agri-tourism operation, shall be limited to a number of individual sites that does not exceed one (1) site per five (5) Gross Acres. In no case shall a Motor Coach/Caravan Area or combination of areas exceed twenty (20) sites.
- ii. A Motor Coach/Caravan Area shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located

closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

- j. Single-Family Dwelling; aka Farm House
  - i. An agri-tourism operation shall be limited to one (1) single-family dwelling/farm house and is subject to the Weber County Zoning and platting requirements of the Subdivision Ordinance.

## **2. Agriculturally Related Uses/Activities**

- a. Argo-Ecology Research and Education Center (AREC)
  - i. See Section 46-6-1(a) above.
- b. Educational Classes
  - i. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.
- c. Harvest-Market
  - i. Limited to agricultural products as defined in Chapter 1 – General Provisions, of the Weber County Zoning Ordinance.
- d. Multi-Farmer Open Air (Farmer’s) Market
  - i. The operation of a Multi-farmer Open Air (Farmer’s) Market shall be limited to the months of June through December.
  - ii. A Multi-farmer Open Air (Farmer’s) Market shall not be located closer than two hundred (200ft.) feet to any agri-tourism operation’s perimeter boundary line, excepting the front property line, and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
- e. Petting Farm/Zoo
  - i. Limited to parcels with access provided by a collector or arterial road when located within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation information.

## **3. Non-Agriculturally Related Uses/Activities**

- a. Bakery/Café Featuring Farm Product(s)
  - i. Not less than one (1) agricultural product, offered at a Bakery/Café Featuring Farm Product(s), shall be raised/cultivated and/or produced by the farm on which the Bakery/Café Featuring Farm Product(s) is operated.

- ii. A Bakery/Café shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
  
- b. Farm Stay
  - i. See Section 46-6-1 above.
  
- c. Gift Shop (Retail)
  - i. A Gift Shop and its outdoor display area or Gift Shop area within a multi-use building shall be limited to the following size standards:
    1. Market Garden (3<5ac) - Two hundred (200) square feet maximum.
    2. Family Farm (5<10ac) - Two hundred (200) square feet maximum.
    3. Small Farm (10<20ac) - Two hundred (200) square feet maximum.
    4. Medium Farm (20<40ac) - Four hundred (400) square feet maximum.
    5. Large Farm (40<80ac) - Six hundred (600) square feet maximum.
    6. Ranch (>80ac) - Eight hundred (800) square feet maximum.
  
- d. Hunting Preserve
  - i. Limited to the Western Weber County Township.
  - ii. Limited to upland game and waterfowl hunting only.
  - iii. Subject to Utah Division of Wildlife Resource standards.
  
- e. Motor Coach/Caravan Area
  - i. See Section 46-6-1(i) above.
  
- f. On-Farm Store/Retail Market
  - i. Not less than one (1) agricultural product, offered at an On-Farm Store/Retail Market, shall be raised/cultivated and/or produced by the farm on which the On-Farm Store/Retail Market is operated.
  - ii. An On-Farm Store/Retail Market and its outdoor display area or On-Farm Store/Retail Market area within a multi-use building shall be limited to the following size standards:
    1. Large Farm (40<80ac) -Six hundred (600) square feet maximum.
    2. Ranch (>80ac) -Eight hundred (800) square feet maximum.
  - iii. Products made available at an On-Farm Store/Retail Market shall be limited to those commonly offered by a small-scale neighborhood grocer.
  - iv. An On-Farm Store/Retail Market shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

- g. Restaurant Featuring Farm Product(s)
  - i. Not less than one (1) agricultural product, offered at a Restaurant Featuring Farm Product(s), shall be raised/cultivated and/or produced by the farm upon which the Restaurant Featuring Farm Product(s) is operated.
  - ii. A Restaurant shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half (1/2) when a substantial natural landscape screen, standing at a minimum of six (6) feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
  
- h. Value Added Product Processing and Packaging (VAPPP)
  - i. VAPPP shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm upon which the processing and packaging is taking place.
  - ii. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations and parcels consisting of five (5) acres or more. The Planning Commission may allow up to a two (2) acre reduction to this limitation if it is found that the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's property boundary.
  - iii. A VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:
    - 1. Market Garden (3<5ac) - Two hundred (200) square feet maximum.
    - 2. Family Farm (5<10ac) - Two hundred (200) square feet maximum.
    - 3. Small Farm (10<20ac) - Two hundred (200) square feet maximum.
    - 4. Medium Farm (20<40ac) - Four hundred (400) square feet maximum.
    - 5. Large Farm (40<80ac) - Six hundred (600) square feet maximum.
    - 6. Ranch (>80ac) - Eight hundred (800) square feet maximum.
  - iv. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
  - v. The structure in which VAPPP takes place shall in no case be located closer than two hundred (200ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.

**46-7 Signs**

Signs shall be regulated according to the requirements found in Chapter 32 (Signs) or Chapter 32B (Ogden Valley Signs) of the Weber County Zoning Ordinance.

## Part 2 of 12

**Chapter 1 (General Provisions) of the Weber County Zoning Ordinance is hereby amended as follows:**

**Accessory Dwelling Unit (ADU):** An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The ADU is located in designated areas when constructed on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, an ADU is not, by any means, sold/conveyed separately from the main house. The right to construct an ADU does not constitute a Transferable Development Right. See also Carriage House.

**Acreage, Productive Agri-tourism:** 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, Agri-tourism Activity Center:** 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 three hundred (300) feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

**Agriculture:** 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-Cultural Arts Center:** 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 Agri-Cultural Arts Center does not provide accommodation for nightly farm-stays; however, it may serve meals when served to event participants and/or guests.

**Agri-Tourism:** 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. Agri-tourism businesses are permitted conditionally in designated zones, excepting those areas within residential subdivisions that are dedicated for the purpose of open space or common area. They operate during more than six (6) (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. Educational and recreational agri-tourism activities/uses may include but not be limited to, educational activities, nightly accommodations, entertainment opportunities, and/or outdoor recreation (e.g., farm tours, farm/cooking/ecological classes, farm-stays, corn mazes, and special occasions including weddings and family reunions, special events including harvest festivals and musical events, U-pick operations, agriculturally related competitions, and other similar events). Consumer-direct sales of farm products may include but not be limited to, open-air or farmers markets, on-farm produce stands, and Value Added Product Processing and Packaging and retail sales facilities (e.g., process pumpkins grown on-premise, into pumpkin pies).

**Agro-Ecology Research and Education Center (AREC):** 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.

**B&B Farm Dwelling, Agri-tourism:** An owner-occupied farm house further utilized for the purpose of providing nightly accommodations and meals to overnight guests.

**B&B Farm Retreat, Agri-tourism:** 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.

**Farm Inn, Agri-tourism:** 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.

**Motor Coach/Caravan Area, Agri-tourism:** 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.).

**Carriage House:** An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The Carriage House may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, a Carriage House may not, by any means, be sold separately from the main house. The right to construct a Carriage House does not constitute a Transferable Development Right. See also Accessory Dwelling Unit.

**Conference/Education Center:** 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.

**Health Farm, Agri-tourism:** 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.

## **LOT OF RECORD (LAWFULLY CREATED LOT)**

A Lot of Record is defined as any one of the following circumstances:

- 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
- 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
- A parcel/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
- A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992 which complied with the zoning requirements in effect at the time of its creation and has undergone and successfully completed the Weber County subdivision process; or
- A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992 which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or
- A parcel/lot that is the subject of a land division where Weber County, in compliance with Utah State Code, has expressly approved the division in anticipation of further land use approvals conditioned upon and as authorized by the Weber County Zoning Ordinance; or
- 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.

There are parcels/lots within Weber County that, may have been created and subsequently recorded in the office of the Weber County Recorder, but were not lawfully created in accordance with Utah State Code or Weber County Ordinances/Policy as described herein. Weber County is not able to issue a Land Use Permit and/or Building Permit for such parcels/lots.

**Product, Agricultural:** 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:** 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:** 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.

**Use/Activity, Agriculturally Related:** 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:** 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.

**Harvest-Market, Agri-tourism:** 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.

**U-Pick Operation, Agri-tourism:** 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.

**Play Area, Agri-tourism:** 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.

**On-Farm Store/Retail Market, Agri-tourism:** 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.

**Farm Stay, Agri-tourism:** 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 fourteen (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:** 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:** 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.

**Glamorous Camping (Glamping), Agri-tourism:** 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 décor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

**Hunting Preserve, Agri-tourism:** 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.

**Special Occasion, Agri-tourism:** 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 20 – Weber County Special Events Ordinance.

**Value Added Product Processing and Packaging:** 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.

## Part 3 of 12

**Chapter 5 (Agricultural Zone A-1) of the Weber County Zoning Ordinance is hereby amended to include agri-tourism as a new use within Section 5-5:**

### 5-5. Conditional Uses

The following uses shall be permitted only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance:

1. Agri-tourism; meeting the requirements of Chapter 46 (Agri-Tourism) of the Weber County Zoning Ordinance.
2. Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of two acres and not exceeding 10 dogs of more than 10 weeks old, per acre, at any time; provided any building or enclosure for animas shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
3. Child day care.
4. Circus or transient amusement.
5. Educational/Institutional Identification Sign.
6. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
7. Planned Residential Unit Development in accordance with Chapter 22D of this Zoning Ordinance.
8. Private park, playground or recreation grounds and buildings not open to the general public and to which no admission charge is made, but not including private owned commercial amusement business.
9. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than 10 horses per acre.
10. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre.

11. Public storage facilities developed by a public agency and meeting requirements of Chapter 26 of this Zoning Ordinance.
12. Public Utility Substations.
13. Radio or television station or tower.
14. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time.
15. School Bus-parking, provided the vehicle is parked at least 30 feet from a public street.
16. Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.
17. The overnight parking of not more than one vehicle other than an automobile, light truck or recreational vehicle, of not more than twenty-four thousand (24,000) lbs. net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.
18. The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five (5) acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
19. Wastewater treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
20. Residential facility for troubled youth subject to the requirements listed in Chapter 23-14.
21. Laboratory facility for agricultural products and soils testing.
22. Small Wind Energy System.

## Part 4 of 12

**Chapter 5B (Agricultural Valley – 3 Zone AV-3) of the Weber County Zoning Ordinance is hereby amended to include agri-tourism as a new use within Section 5B-4:**

### **5B-4. Conditional Uses**

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance.

1. Agri-Tourism; meeting the requirements of Chapter 46 (Agri-Tourism) of the Weber County Zoning Ordinance.
2. Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.

- 2a. Animal hospital or clinic, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
- 2b. Dog breeding and dog kennels on a minimum of two (2) acres, on a legal non-conforming lot, as an accessory use to a single family dwelling, limited to 10 dogs of more than 10 weeks old. Any building or enclosure for the dogs shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence.
3. Child day care.
4. Circus or transient amusement.
5. Custom Exempt Meat Cutting limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game:
  - A. located on and with access directly from a collector or arterial road
  - B. the operation shall be located within a completely enclosed building with no outdoor storage
  - C. accessory to a dwelling
  - D. located on a 5 acre parcel
6. Educational/Institutional identification sign.
7. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
8. Laboratory facility for agricultural products and soils testing.
9. Petting Zoo where accessed by a collector road as shown on the County road plan.
10. Planned Residential Unit Development in accordance with Chapter 22C of this Zoning Ordinance.
11. Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.
12. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses.
13. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre.
14. Public storage facilities developed by a public agency and meeting requirements of Chapter 26 of this Zoning Ordinance.
15. Public Utility Substations.
16. Radio or television station or tower.
17. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time.
18. Residential facility for troubled youth subject to the requirements listed in Chapter 23-14.
19. School bus parking, provided the vehicle is parked at least 30 feet from a public street.

20. Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.
21. Sugar beet loading or collection station.
22. The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.
23. The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five (5) acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
24. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
25. Small Wind Energy System.

## Part 5 of 12

**Chapter 6 (Agricultural Zone A-2) of the Weber County Zoning Ordinance is hereby amended to include agri-tourism as a new use within Section 6-4:**

### **6-4. Conditional Uses**

The following uses shall be permitted only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance.

1. Agri-tourism; meeting the requirements of Chapter 46 (Agri-Tourism) of the Weber County Zoning Ordinance.
2. Airports, private and commercial.
3. Animal hospital or clinic; dog breeding, dog kennels, or dog training school, on a minimum of two acres and not exceeding 10 dogs of more than 10 weeks old, per acre, at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
4. Child day care
5. Circus or transient amusement
6. Commercial campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County.
7. Correctional institution.
8. Educational/Institutional Identification Sign.
9. Gun Club; Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide, and insecticide products, tools for garden and lawn care and the growing and sale of sod.

10. Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.
11. Mines, quarries, gravel pits in accordance with Weber County Excavation and Clean Fill Ordinance.
12. Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
13. Planned Residential Unit Development in accordance with Chapter 22C of this Zoning Ordinance.
14. Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.
15. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than 10 horses per acre.
16. Public storage facilities developed by a public agency and meeting requirements of Chapter 26 of this Zoning Ordinance.
17. Public Utility Substations.
18. Radio or television station or tower.
19. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time.
20. Residential Facilities for Handicapped Persons meeting the requirements of Chapter 23-13 of this Ordinance.
21. Residential Facility for Elderly Persons meeting the requirements of Chapter 23-15 of this Ordinance.
22. Rodeo grounds.
23. School bus parking, provided the vehicle is parked at least 30 feet from a public street.
24. Skeet shooting range; sanitariums.
25. Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.
26. The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.
27. The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five (5) acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
28. Turf horse jumping course.
29. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
30. Residential facility for troubled youth subject to the requirements listed in Chapter 23-14.
31. Commercial soil composting, manufacture, and sales on a minimum of 10 acres.
32. Laboratory facility for agricultural products and soils testing.
33. Small Wind Energy System.

## Part 6 of 12

**Chapter 7 (Agricultural Zone A-3) of the Weber County Zoning Ordinance is hereby amended to include agri-tourism as a new use within Section 7-4:**

### **7-4. Conditional Uses**

The following uses shall be permitted only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance.

1. Agri-tourism; meeting the requirements of Chapter 46 (Agri-Tourism) of the Weber County Zoning Ordinance.
2. Airports, private and commercial.
3. Child day care.
4. Circus or transient amusements.
5. Commercial campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County.
6. Commercial soil composting manufacture and sale.
7. Correctional institution.
8. Educational/Institutional Identification Sign.
9. Hog ranch provided that no person shall feed any hogs any market refuse, home refuse, garbage or offal other than that produced on the premises, all pens and housing for hogs shall be concrete and maintained in a sanitary manner and drainage structures and disposal of animal waste shall be provided and properly maintained as required by the Building Inspector and Health Officer.
10. Horse racing and training track, cutter-racing track, including indoor concessions as an accessory use.
11. Livestock feed or sales yard.
12. Manure spreading, drying and sales.
13. Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.
14. Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
15. Planned Residential Unit Development in accordance with Chapter 22D of this Zoning Ordinance.
16. Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.
17. Public storage facility developed by a public agency and meeting requirements of Chapter 26 of this Zoning Ordinance.
18. Public Utility Substations.
19. Radio or television station or tower.
20. Residential Facilities for Handicapped Persons meeting the requirements of Chapter 23-13 of this Ordinance.

21. Residential Facility for Elderly Persons meeting the requirements of Chapter 23-15 of this Ordinance.
22. Rodeo grounds.
23. School bus parking, provided the vehicle is parked at least 30 feet from a public street.
24. Slaughterhouse.
25. Stockyards.
26. The overnight parking or not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.
27. The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five (5) acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
28. Turf horse jumping course.
29. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
30. Residential facility for troubled youth subject to the requirements listed in Chapter 23-14.
31. Gun Club with 5 acre minimum parcel.
32. Skeet Shooting Range with 5 acre minimum parcel.
33. Laboratory facility for agricultural products and soils testing.
34. Small Wind Energy System.

## Part 7 of 12

**Chapter 12B (Forest Valley-3 Zone FV-3) of the Weber County Zoning Ordinance is hereby amended to include agri-tourism as a new use within Section 12B-3:**

### **12B-3. Conditional Uses**

The following uses shall be permitted only when authorized by a Conditional Use permit obtained as provided in Chapter 22C:

1. Agri-tourism; meeting the requirements of Chapter 46 (Agri-Tourism) of the Weber County Zoning Ordinance.
2. Bed and Breakfast dwelling subject to the following standards :
  - A. Two parking spaces shall be provided for the host family plus one space for each guest room;
  - B. Proprietor or owner shall occupy the property;
  - C. Meals shall only be served to overnight guests;

- D. Signs are limited to a nameplate identification sign not exceeding 2 sq. ft. in area per dwelling;
  - E. Not more than 2 guests sleeping rooms per dwelling;
  - F. Allowed only in existing dwellings with no exterior additions nor change in residential character;
  - G. Business license shall be obtained.
3. Bed and Breakfast Inn subject to the following standards and criteria:
- A. Proprietor or owner shall occupy the premises;
  - B. Not more than seven (7) sleeping rooms per inn;
  - C. The lot shall be at least three (3) acres in area with frontage on a public street of at least two hundred fifty (250) feet in width;
  - D. The lot shall have frontage on a major street as shown on the County Master Plan (State Highway or County Major Street);
  - E. The Inn shall be at least 300 ft. from the nearest existing dwelling;
  - F. Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
  - G. The guest parking shall be in the rear of the Inn;
  - H. Meals shall be served to registered overnight guests only;
  - I. Signs are limited to one name plate or one identification sign of not more than 8 sq. ft. in area;
  - J. The site shall be landscaped to provide a visual and noise buffer to adjoining property; A Landscape Plan shall be submitted with Site Plan.
  - K. The Inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
  - L. A business license shall be obtained;
  - M. All units to be in one building together with owner's residence.
- 3b. Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75 participants and not more than 4 events held per calendar month, and only when conducted as an accessory use to an approved bed and breakfast inn.
- 4. Church, synagogue or similar permanent building used for regular religious worship.
  - 5. Conference/Education Center.
  - 6. Educational Institution.
  - 7. Educational/Institutional Identification Sign.
  - 8. Golf course, except miniature golf.
  - 9. Parking lot accessory to uses permitted in this zone.
  - 10. Planned Residential Unit Development in accordance with Chapter 22D of this Zoning Ordinance.
  - 11. Private park, playground or recreation area, but not including privately owned commercial amusement business.
  - 12. Public building, public park, recreation grounds and associated buildings.
  - 13. Public Utility Substations.
  - 14. Recreation Lodge.
  - 15. Ski resorts, including summer skateboard activities as an accessory use.

16. Water pumping plants and reservoirs.
17. Recreation Lodge.
18. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.

## Part 8 of 12

**Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Design Standards), Section 18C-3, is hereby amended by clarifying that agri-tourism is an agriculturally related use that is exempt from the requirements of Chapter 18C as follows:**

### **18C-3. Applicability**

The Architectural, Landscape and Screening Design Standards, as set forth in this ordinance, shall apply to all commercial, industrial, manufacturing, public or quasi-public uses. It shall apply to multi-family dwellings of three (3) or more units, including townhouses, condominiums, apartments and Bed and Breakfast Inns. Single family residential use and its approved accessory uses, agricultural uses, including agri-tourism, parking or vehicular uses which are under, on, or within buildings, and parking areas serving single-family and duplex uses shall be exempt.

Yurts are exempt from the requirements of 18C-4B, but shall meet all other requirements of Chapter 18C. Yurts shall only be allowed in zones wherein their use is provided for as a Conditional Use in accordance with Chapter 22 C.

## Part 9 of 12

**Chapter 23 (Supplementary & Qualifying Regulations), Section 23-30, is hereby amended by adding new language that addresses access standards and related criteria for agri-tourism operations as follows:**

### **23-30. Access to a Lot/Parcel Using a Private Right-of-Way or Access Easement**

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

1. Criteria
  - a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
  - b. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
  - c. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions
2. Conditions
  - a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and

- b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

## Part 10 of 12

**Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), Section 24-6, is hereby amended by clarifying that agri-tourism is an agriculturally related use that is exempt from certain standards as follows:**

### **24-6. Parking Lot Design and Maintenance**

1. Parking Space Location. Parking space(s) as required by this Chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than five hundred feet there from.
2. Public Parking Lot Standards. Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses including, but not limited to a fair, festival, short term vendor, park & ride lots, and legitimate agricultural uses and agriculturally related uses including, but not limited to a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the Planning Commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

3. Maximum Yard Area to be Used for Parking and Vehicle Access Lanes. For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple family dwellings and non residential uses in a residential zone, not more than fifty percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
4. Additional Provisions. The design and maintenance of off-street parking facilities shall be subject to the following provisions:
  - A. Each parking space shall encompass not less than one hundred eighty (180) square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.
  - B. Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
    1. up to and including four (4) dwelling units, sixteen (16) feet.
    2. five (5) or more dwelling units, one (1) twenty-four (24) foot two-way access right-of-way or two (2) sixteen (16) foot one-way access rights-of-way.

3. a greater size of access right-of-way shall be required as deemed necessary by the Planning Commission especially in cases where access right-of-way will create corner lots from otherwise interior lots
- C. All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
  - D. Lighting and signs shall conform to the requirements set forth in this Zoning Ordinance.
  - E. Parking requirements for dwellings will be located on the same lot with the dwelling.
  - F. All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of storm water onto adjacent properties.

## Part 11 of 12

**Chapter 34 (Home Occupation, Short Term Vendors, Temporary Outdoor Sales, and Farmers Markets), Section 34-5, is hereby amended by permitting farmers markets at approved agri-tourism operations as follows:**

### **34-5. Farmer's Markets**

A farmer's market consists of a group of local farmers and other vendors who gather to sell fresh produce, other food products, and craft items on a commercially zoned property, at a public park, or an approved agri-tourism operation. A farmer's market may function June through October; however a farmer's market, approved as a part of an agri-tourism operation, may function June through December.

An application for a farmer's market, that is a part of an agri-tourism operation, shall be subject to a Conditional Use Permit review as well as Chapter 46 (Agri-tourism) of the Weber County Zoning Ordinance. An application for a farmer's market, located on a commercially zoned property or within a public park shall be subject to the following requirements:

- A. A design review application.
- B. Site plan.
- C. Required application fees. (Fees are the same for Design Review application for a home occupation with visiting clientele).
- D. Water and sanitation facility plans to be approved by the Health Department.
- E. The property owner(s) shall sign the application.
- F. The vendors at these markets are limited to local farmers/growers selling products from their own farms or gardens, crafters selling their own crafts and food vendors.
- G. A building permit for temporary power.
- H. All vendors planning to sell or dispense food or beverages at public events shall have permits from the Health Department prior to the start of the event.

- I. A land use permit shall be obtained for a farmer's market.

**Part 12 of 12**

**Chapter 36 (Design Review), Section 36-3, is hereby amended by exempting agri-tourism operations from landscaping requirements as follows:**

**36-3 Exceptions**

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this Chapter are met.

Agricultural uses, including agri-tourim, shall be exempt from meeting the landscaping requirements as set forth in Section 36-4-3.

Passed, adopted and a synopsis ordered published this 18th day of December, 2012 by the Board of County Commissioners of Weber County, Utah.

Commissioner Gibson	Voting _____
Commissioner Zogmaister	Voting _____
Commissioner Dearden	Voting _____

\_\_\_\_\_  
Kerry W. Gibson

ATTEST:

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