

WEBER COUNTY ORDINANCE 2023-01

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

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

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

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

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

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

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

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Chapter 101-2 Definitions

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Sec 101-2-2 Ab-Definitions

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

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

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Sec 101-2-2 Ac-Definitions

Accessory dwelling unit. See dwelling unit, accessory.

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

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

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

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Sec 101-2-2 Ag-Definitions

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

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

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Sec 101-2-3 Ba Definitions

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

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

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

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Sec 101-2-3 Be Definitions

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

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

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

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

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

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Sec 101-2-5 D Definitions

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

Density, base. See "base density."

Detached lockout. See "lockout, detached."

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

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

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

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

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

Duplex. See "dwelling, two family."

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

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

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

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

front lot line.

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

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

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

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

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

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

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

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Sec 101-2-7 F Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Right, development. See "development right."

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

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Sec 101-2-20 Sh Definitions

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

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

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

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

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

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Sec 101-2-21 T Definitions

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

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

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

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

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Chapter 102-4 Permits Required And Enforcement

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Sec 102-4-3 Land Use Permit Revocation

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

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

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

Chapter 104-11 Commercial Valley Resort Recreation Zone

Sec 104-11-3 Permitted Uses

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

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

Sec 104-11-5 Additional Design Requirements

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

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

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

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

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

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

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

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Chapter 104-17 Forest Residential Zone

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Sec 104-17-2 Permitted Uses

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

(f) Household pets.

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

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

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

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

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Sec 104-17-3 Conditional Uses

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

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

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

(c) Educational/institutional identification sign.

(d) Group dwelling.

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

(f) Multiple-family dwelling.

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

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

(i) Public utility substations.

(j) Time share building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mixed bachelor, bachelorette and family	1 ¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.
Increased occupancy	If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

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383 Chapter 108-11 Short-Term Rentals

384 Sec 108-11-1 Purpose And Intent

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

392 Sec 108-11-2 Applicability

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

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

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

404 Sec 108-11-3 Prohibitions

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

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

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

Sec 108-11-4 Application Procedure

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

(a) **Application submittal requirements.**

- (1) Proof of ownership of the lot;
 - (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes the following:
 - a. Driveway;
 - b. Parking plan demonstrating compliance with the parking standards established in Section 108-11-8, and any other relevant parking standard found in Chapter 108-8;
 - c. Existing fencing or perimeter screening, if applicable;
 - d. Trash disposal and collection plan demonstrating compliance with the trash disposal and collection standards established in Section 108-11-8; and
 - e. Outdoor lighting plan showing compliance with Chapter 108-16, including the replacement of all nonconforming outdoor lighting on the property;
 - (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all areas allowed to be occupied or used by short-term rental occupants;
 - (4) Commitment to serve, also known as a will-serve letter, from the utilities providing culinary water and sanitary sewer services, or, if the short term rental will be served by a well or septic system, the local health department. The will-serve letter shall specify the maximum occupancy or number of sleeping rooms allowed to be associated with the short term rental use.
 - (5) Submission of a building permit and associated land use permit, unless no building modifications are required in order to attain compliance with building codes, in which case certificates of occupancy shall be submitted;
 - (6) Submission of the name and contact information associated with the individual or management company being designated as the Responsible Agent and any other back-up Responsible Agent, as required by Section 108-11-7;
 - (7) Signed acknowledgement by the owner and Responsible Agent that they have read this short-term rental ordinance and understand the licensing, operational standards, and violation and revocation provisions; and
 - (8) An application fee as set forth by the County.
- (b) **Complete Application Required.** A license shall not be issued unless each of the County's requirements are completed in full, as determined by the County Planning Department.

(c) **Review procedure.**

- (1) Staff review. Upon submittal of a complete short-term rental application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
 - (2) Agency reviews. Planning Division staff will route the application to the local Fire Authority and Building Official, for verification of compliance, determination of need for application modifications, and for the submittal of other applications or reviews necessary to obtain their approval of a license, if applicable. The short-term rental shall comply with local regulations and ordinances for a residential dwelling. Approval is required from the aforementioned authorities, departments, and agencies.
 - (3) License issuance. If the application complies with relevant land use laws and receives all required department and agency approvals, the license shall be issued after the initial property inspection, pursuant to Section 108-11-5, finds that the proposed short-term rental is in compliance with the requirements of this chapter.
- (d) **Conditions of approval.** The Land Use Authority may apply conditions of approval based on the standards listed in Section 108-4-5.
- (e) **Short-term rental business license required.** A short-term rental business license is required to operate a short-term rental on each property where a short-term rental is located.
- (f) **License Renewal.** Existing licensees must submit for license renewal and pay the required fee by no later than December 1st of each year, regardless of the date of the initial license issuance. Owners wishing to renew a license must provide the following:
- (1) License renewal application;
 - (2) Inspection report, if required by Section 108-11-5;
 - (3) Evidence of tax remittance from the year prior; and
 - (4) Any other documentation required by the County.

Sec 108-11-5 Property Inspection

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

results of the inspection may result in additional minor or major violations (see Sections 108-11-9 through 108-11-10, below).

Sec 108-11-6 Applicable Taxes And Remittance

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

Sec 108-11-7 Responsible Agent

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

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

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

Sec 108-11-8 Operating Standards

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

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

- a. Short-Term Rental License number;
- b. Contact information for the owner and responsible agent, including a phone number for 24-hour response to emergencies;
- c. The property's maximum occupancy;
- d. The property-specific parking plan including the maximum number of vehicles allowed to be parked on the property, the location of parking for large vehicles or trailers, the prohibition of parking in the public right-of-way, and all other applicable parking rules;
- e. Map and description of the locations of fire extinguishers and emergency egress routes;
- f. Generally applicable requirements regarding noise, parking, trash pickup, and fire restrictions that will foster good neighbor relations;
- g. Current fire restriction information, as disseminated through the Weber County Fire District website; and
- h. Any other information deemed necessary by the reviewing agencies to ensure the public's health and safety.

(2) **Street Addressing.** Each licensed short-term rental property shall have its assigned street address posted externally in a conspicuous location where it can be easily viewed day or night from the adjacent street or access way.

(b) **Advertising Requirements.** As provided in UCA 17-50-338, the following advertising requirements are not intended to prohibit an individual from listing a property for short-term rental on any short-term rental website. All advertising for a short-term rental property shall include the following information in searchable plain text:

(1) The property's short-term rental license number.

(2) The property's maximum permitted occupancy.

(3) Maximum parking capacity, including the availability for parking of large vehicles or trailers.

(4) A digital link to the County's short-term rental regulations.

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

(c) **Occupancy.**

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

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

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

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

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

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

(1) At least one parking space measuring a minimum of nine feet by 20 feet shall be provided for each two sleeping rooms offered, but never less than two parking spaces.

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

- (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and fire codes.
- (5) Fire extinguishers must be placed in an approved location on each level of the property and adjacent to outdoor fire pits.
- (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.
- (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current Wildland-Urban Interface code requirements.

(k) ***Animals.***

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

Sec 108-11-9 Complaints And Violations

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

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

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

- (1) ***Minor Violations.*** A Minor Violation shall be any violation of the short-term rental operational standards as provided in Section 108-11-8.
 - a. Owners will be given one warning following their first Minor Violation within any consecutive 12 months. If this warning is subject to a static and prevailing concern, owners shall be given three calendar days to correct the issue or the warning will become a documented Minor Violation.

- b. After three Minor Violations within 12 consecutive months, the owner shall be issued a Major Violation on the fourth and subsequent occurrences.
- c. Each Minor Violation shall be subject to an administrative penalty as provided in Section 108-11-10.

(2) **Major Violation.** A Major Violation shall consist of the failure of the Responsible Agent to perform their responsibilities as provided in this chapter, or the fourth and subsequent Minor Violations within a 12 month consecutive time frame.

- a. Owners will be given one warning in the event of a responsible agent failing to perform their responsibilities within each calendar year.
- b. Each major violation shall be subject to administrative penalties as provided in Section 108-11-10.

(3) **Unlicensed violation.** An unlicensed violation is committed upon the rental of an unlicensed property on a short-term basis. Owners will be given one warning. Each violation thereafter shall be subject to administrative penalties as provided in Section 108-11-10.

Sec 108-11-10 Administrative Penalty

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

Sec 108-11-11 License Revocation

(a) Revocation due to minor violations.

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

(b) Revocation due to major violations.

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

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

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

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Chapter 108-15 Standards For Single-Family Dwellings

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Sec 108-15-2 Other Standards And Requirements

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

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

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

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

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

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Chapter 108-19 Accessory Dwelling Units

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Sec 108-19-2 Applicability

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

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

(1) **Double acreage.** The lot has a base density, as defined in Chapter 101-2, of at least two. The lot owner shall record a covenant that runs with the land and is between the lot owner and the County. The covenant shall document the lot's calculated base density; the number of dwelling units developed on the lot, including the detached accessory dwelling unit; the number of residential development rights subtracted from the base density by any other means; and the number of residential development rights remaining for the property.

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

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

- i. Is located in one of the following zones: RE-15, RE-20, AV- 3, FV-3, and S-1; and
- ii. Has an available residential development right. Available residential development rights are determined by the lot or parcel's base density and adjusted for any previous residential development right reduction or addition.

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

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Sec 108-19-3 General Provisions

The following provisions shall apply:

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

Sec 108-19-4 Standards And Requirements

- (a) ***Standards same as single-family dwellings.*** The provisions of Subsection (c) of this section notwithstanding, if new construction for an accessory dwelling unit is proposed or will occur, the standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory dwelling unit shall not have more than one kitchen.
- (b) ***Size.*** The size regulations for an accessory dwelling unit are as follows:
 - (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all levels when viewed from above, shall not be less than 400 square feet and shall not exceed 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit be greater than 2,000 square feet. However, an accessory dwelling unit located entirely within a basement of a single-family dwelling may consume the entire basement area regardless of square footage.
 - (2) Except as provided in Subsection (b)(3) of this section, the height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 35 feet.
 - (3) For a lot that has 20,000 square feet or less:

- a. The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 90% of the height of the single-family dwelling.
- b. The total area of the footprint of a detached accessory building that houses an accessory dwelling unit combined with the total area of the footprint of the single-family dwelling shall not cover more than 25 percent of the total lot area.
- (c) ***Relationship to the primary dwelling; appearance.*** The exterior design of an accessory dwelling unit, or the building that contains an accessory dwelling unit, shall compliment the primary dwelling in a manner that preserves the appearance of the lot's single-family use.
- (1) The exterior of the accessory dwelling unit shall either:
- a. Conform to the primary dwelling in architectural style and materials on all sides of the building and roof;
- b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or
- c. Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.
- (2) An accessory dwelling unit located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a part of the single-family dwelling provided that the distance between them is no greater than 15 feet.

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Sec 108-19-5 Application and Procedure

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

(a) *Application submittal requirements.*

- (1) A completed application form signed by the property owner or assigned agent.
- (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
- (4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.
- (5) A statement of feasibility, also known as a will-serve letter from the utilities providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or septic system, the local health department.
- (6) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) *Review procedure.*

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

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Chapter 108-21 Agri-Tourism

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Sec 108-21-3 General Development Standards

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

- (i) *Hours of operation.* Agri-tourism uses/activities, not including residential overnight lodging accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00 a.m. and 10:00 p.m. The planning commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
- (j) *Development agreement.* An agri-tourism operation shall, prior to the construction of any structure intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of structures that qualify for an agricultural exemption are excepted from this standard when developed in accordance with the requirements found in the Weber County Land Use Code.

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Sec 108-21-5 Permitted Uses/Activities Table

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

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

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

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

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

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

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

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903 PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS
904 ON THIS 10th DAY OF January, 2023
905

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	✓			
Jim "H" Harvey	✓			
Sharon Arrington Bolos	✓			

906
907 Presiding Officer Attest

908
909 Gage
Gage Froerer, Board of Commissioners
Chair, Weber County

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