

**WEBER COUNTY
ORDINANCE 2020-9**

WHEREAS, the Weber County Land Use Code heretofore contained regulations governing agricultural buildings; and

WHEREAS, these regulations are not found to be in compliance with State Code; and

WHEREAS, the proposed amendments herein will bring the Land Use Code into compliance with State Code regarding agricultural building exemptions; and

WHEREAS, the proposed ordinance will support the continuation of existing agricultural operations;

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

SECTION 1: **ADOPTION** “Sec 108-7-34 Agricultural Building Exemption” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-7-34 Agricultural Building Exemption(*Added*)

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

SECTION 2: **AMENDMENT** “Sec 101-1-7 Definitions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-1-7 Definitions

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

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

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

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

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

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

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

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

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

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit. ~~This definition needs to be fulfilled in order to qualify for the agricultural building exemption.~~

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

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

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

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

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

Alley means a public thoroughfare less than 26 feet wide.

Animal/veterinary hospital.

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

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

Apartments, accessory. The term "apartments, accessory" means accessory apartments shall have a common wall and roof for at least 20 feet with the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and opens up into the common living space of the main home, can be closed off by a door. The accessory apartment opening into a garage or storage area doesn't meet the intent of the ordinance, and is not permitted. An accessory apartment doesn't constitute a dwelling unit.

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

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

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

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

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

Average percent of slope. The term "average percent of slope" means the average percent of the slope of terrain of a given area. It shall be calculated as follows:

$(0.00229 \times I \times L) / A = S$, where "S" is the average percent of slope, "I" is the contour interval in feet, "L" is the combined length of all contours within the given area in feet, and "A" is the acreage of the given area.

As may be approved by the county engineer, alternative methods of calculating the average percent of slope are permissible provided the calculations render similar results and address the entire given area.

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 nightly accommodations and meals to overnight guests.

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 nightly accommodations as well as meals to overnight guests and the visiting day-use public within an internally incorporated dining area.

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

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

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

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

Block means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

Boardinghouse. See Lodginghouse.

Bona fide division or partition of agricultural land for agricultural purposes means the division of agricultural land into lots or parcels of five acres or more in area whose principal use is the raising and grazing of animals or agriculture as that use is defined in the Land Use Code and provided that:

- (a) No dedication of any streets shall be required to serve any such lots or parcels of agricultural land.

- (b) The agricultural parcels shall not be further divided into parcels of less than five acres without being subdivided in accordance with the subdivision regulations of the county.
- (c) No dwellings shall be permitted unless all subdivision, zoning and health requirements are met.

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

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

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

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

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

- (a) The average percent of slope within the buildable area as defined by this section shall be less than 25 percent;
- (b) The gross land area of the buildable area shall contain at least 3,000 square feet and be configured such that it can contain one 40-foot by 40-foot square;
- (c) It shall not contain any geologic or other environmental hazards, as determined by the county engineer;
- (d) It shall not contain any easements or setbacks; and
- (e) It shall be denoted on a subdivision plat as the only area in which building may take place on a lot or parcel.

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

Building area. See "Buildable area."

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

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

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

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

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

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

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

Carriage house. The term "carriage house" means 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 .

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

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

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

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

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

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

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

Common open space. See Open space, common.

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

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

Conditional use. See Use, conditional.

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

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

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

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

Condominium unit means a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a unit in accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).

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

Conservation easement. The term "conservation easement" means:

- (a) An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition;
- (b) Retaining such areas as suitable habitat for fish, plants or wildlife; or
- (c) Maintaining existing land uses.

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

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

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

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

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

Cul-de-sac means a minor terminal street provided with a turnaround.

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

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

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

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

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

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

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

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

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

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

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

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

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, lodginghouse, 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 "dwelling, group" means two or more dwellings arranged around a court.

Dwelling, multiple-family. The term "dwelling, multiple-family" 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, single-family. The term "dwelling, single-family" means a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit.

Dwelling, two-family (duplex). The term "dwelling, two-family (duplex)" means a building arranged or designed to be occupied by two families, the structure having only two dwelling units.

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.

Earth-toned. The term "earth-toned" means any local naturally occurring color originating from the earth, usually containing brown hues or tinted with gray. Easement means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

Emergency services plan. The term "emergency services plan" means a document that describes, in general, the emergency facilities and level of staffing that are part of (or will provide services to) a proposed resort. The plan is supplemental to an overall master plan and consists of but is not limited to the following sections: an executive summary, list of facilities (e.g., fire/sheriff) and phasing schedule describing emergency personnel staffing and anticipated time and general location of facility construction if applicable.

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

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

Family food production. The term "family food production" means the keeping of not more than the following number of animals and fowl:

- (a) Group A.
 - (1) 2 pigs.
 - (2) 2 sheep.
 - (3) 2 cows.
 - (4) 2 goats.
- (b) Group B.
 - (1) 20 rabbits.
 - (2) 20 chickens.
 - (3) 20 pheasants.
 - (4) 10 turkeys.
 - (5) 10 ducks.
 - (6) 10 geese.
 - (7) 20 pigeons.

Provided however, that only two kinds of group B animals and fowl may be kept on parcels of less than 40,000 square feet and not more than three kinds of group A and B animals or fowl at any one time on parcels of less than two acres. An additional number of animals and fowl as listed above may be kept for each one acre in the parcel over and above the first 40,000 square feet up to a maximum of five times the number.

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Single-family: Not more than four automobiles owned and used by the occupants of the building to which it is accessory and in which no business, commercial service or industry is carried on;
- (b) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private garage may be designed and used for the storage of 1½ times as many automobiles as there are dwelling units in the multiple-family dwelling.

Geologic and geotechnical terms.

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

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

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

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

Area of deformation. See "zone of deformation."

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

Critical facilities. The term "critical facilities" means:

- (a) Lifelines such as major communication, utility and transportation facilities and their connection to emergency facilities;
- (b) Essential facilities, such as:
 - (1) Hospitals and other medical facilities having surgery and emergency treatment areas;
 - (2) Fire and police stations;
 - (3) Tanks or other structures containing, housing, or supporting water or other fire suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures;
 - (4) Emergency vehicle shelters and garages;
 - (5) Structures and equipment in emergency-preparedness centers;
 - (6) Standby power generating equipment for essential facilities;
 - (7) Structures and equipment in government communication centers and other facilities required for emergency response;
- (c) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be dangerous to the safety of the general public if released; or
- (d) Special occupancy structures, such as:
 - (1) Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons);
 - (2) Buildings for schools through secondary or day care centers (capacity greater than 50 students);
 - (3) Buildings for colleges or adult education schools (capacity greater than 50 students);
 - (4) Medical facilities with 50 or more resident incapacitated patients, but not included above;
 - (5) Jails and detention facilities;
 - (6) All structures with occupancy greater than 5,000 persons;
 - (7) Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation;
 - (8) Unique or large structures whose failure might be catastrophic, such as dams holding over ten acre-feet of water.

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

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

- (a) At least a four-year degree in geology, engineering geology, or a related field from an accredited university;
- (b) At least three full years of experience in a responsible position in the field of engineering

geology; and
(c) A Utah State Professional Geologist's license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gross acreage. See "acreage, gross."

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

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

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

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

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

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

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

Home occupation. See title 108, chapter 13.

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

Horse. The term "horse" means:

- (a) Horse, miniature, means defined by size as being less than 38 inches in height as measured from the withers, with three miniatures being equivalent to one standard horse.
- (b) Horse, pony, means defined by size as being less than 48 inches in height as measured from the withers, with two ponies being equivalent to one standard horse.
- (c) Horse, standard, means defined by size as being over 48 inches in height as measured from the withers.

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

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

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

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

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

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

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

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

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

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

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

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

Landscape plan. The term "landscape plan" means:

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

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

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

Light source, artificial. The term "artificial light source" means the part of a lighting device that produces light. See also section 108-16-9 for a graphic depiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

Lot, frontage. The term "frontage lot" means all the property fronting or abutting one side of the street and/or right-of-way. No lot shall utilize any part of the temporary end or dead end of a street for frontage. At no point shall the frontage be less than 50 feet, and shall meet the lot width at the front yard setback.

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

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

- (a) Comprised of three or more than four lot lines;
- (b) A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
- (c) In which the rear lot line is not parallel to the front lot line.

Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same lot line and yard designation. If the angle is less than 135 degrees, the yard designation shall be determined to be different and the applicable yard requirements would apply.

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

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

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

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

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

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

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

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

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

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

- (a) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (b) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (c) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- (d) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder 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
- (e) A parcel or lot that was created in its current size and configuration and contained a lawfully permitted single-family dwelling prior to July 1, 1992; or
- (f) 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.

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

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

Model home. The term "model home" means a residential dwelling built within a particular subdivision for the purpose of showing an example of possible dwellings to be built on individual lots within that subdivision. A model home, meeting the requirements of title 108, chapter 7 of this Code may be furnished and utilized as a temporary real estate sales office.

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

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

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

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

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

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

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

Nonconforming sign. See "Sign, nonconforming."

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

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

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

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

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

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

Open space, common area. The term "open space, common area" means open space within or related to a development, which is not held in individually owned lots or dedicated for public use, but which is owned in common by the owner's association and is designed, maintained, and intended for the common use or enjoyment of the residents of the development.

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

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

Overlay district. The term "overlay district" means a zone or district that encompasses one or more underlying zones with additional requirements or special regulations. These special requirements shall take precedence over the provisions of the underlying zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Screening.

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

Seasonal work force housing plan. The term "seasonal work force housing plan" means a document that describes, in general, the seasonal workforce housing needs, facilities, housing development schedule and management strategy for a development proposal. The plan is supplemental to an overall master plan and consists of, but is not limited to the following sections: an executive summary, number of full-time equivalent employees, number of required housing units, number of on-site housing units, number of off-site housing units, unit types (e.g., single-family dwelling, multifamily dwelling, group dwelling, etc.) and a section describing the management plan that will guarantee that the units will be used for affordable workforce housing only and remain affordable in perpetuity.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign, pole. See Sign, freestanding.

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

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

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

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

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

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

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

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

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

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

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

Sign, temporary. The term "temporary sign" means any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without light frames, intended to be displayed for a short period of time. Examples of temporary signs include a grand opening banner; public event banner; political sign, real estate sign; special event sign.

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

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

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

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

Small subdivision. See "Subdivision, small."

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

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

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

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

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

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

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

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

Story. The term "story" means the space within a building included between the surface of any floor and the surface of the ceiling next above.

Stream. The term "stream" means:

- (a) Those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water yearround.
- (b) This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices.
- (c) Stream watercourses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt, but others would be exempt.

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

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

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

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

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

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

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

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

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

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

- (a) The term "subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- (b) The term "subdivision" includes:
 - (1) The division or development land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.
 - (2) Except as provided in subsections (c) and (d) of this definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 - (3) Except as provided in subsections (c) and (d) of this definition, and where this Land Use Code provides the requirement, the term "subdivision" includes a requirement to plat an individual parcel that exists as a result of a past subdivision of land that was created without a subdivision plat.
 - (4) Except as provided in subsections (c) and (d) of this definition, and where this

Land Use Code provides the requirement, the term "subdivision" includes a requirement to plat the resulting parcel when two or more parcels are combined together as one.

- (c) The term "subdivision" does not include:
- (1) A bona fide division or partition of agricultural land for agricultural purposes;
 - (2) A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not violate applicable land use ordinances;
 - (3) A recorded document, executed by the owner of record:
 - a. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
 - (4) A bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
 - a. An electrical transmission line or a substation;
 - b. A natural gas pipeline or a regulation station; or
 - c. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
 - (5) A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a. No new dwelling lot or housing unit will result from the adjustment; and
 - b. The adjustment will not violate any applicable land use ordinance;
 - (6) A bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or
 - (7) A parcel boundary adjustment.
- (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

Subdivision, cluster. The term "cluster subdivision" means a subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the Land Use Code and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low density character for the residential lots in the subdivision.

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

- (a) A subdivision consisting of three or fewer lots and for which no streets will be created or realigned;
- (b) An amended subdivision consisting of five or fewer lots and for which no streets will be created or realigned; or
- (c) A subdivision phase consisting of five or fewer lots, which has a valid preliminary approval by the planning commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The county commission will have to accept the roads and the financial guarantee, unless under \$25,000.00.

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

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

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

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

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

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

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

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

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

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

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

Transportation plan. The term "transportation plan" means a document that describes, in general, the transportation elements that will be involved as part of a development proposal. The plan is supplemental to an overall master plan and consists of but is not limited to the following sections: an executive summary, traffic impact analysis, list of facilities and modes of transportation, transportation orientation (i.e., public/workforce), phasing schedule and projected ridership.

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

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

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

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

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

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

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

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

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

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

Public utility substation. The phrase "public utility substation" means an unattended building or structure designed for the provision of services of a public or quasi-public utility, excluding utility transportation lines and incidental supports and their rights-of-way.

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

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

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

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

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

(Ord. of 1952, title 26, §§ 1-3, 3-1; Ord. of 1956, §§ 1-6, 36B-2; Ord. No. 9-65; Ord. No. 11-67; Ord. No. 4-71; Ord. No. 14-73; Ord. No. 7-75; Ord. No. 12-77; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 21-83; Ord. No. 24-85; Ord. No. 6-86; Ord. No. 15-86; Ord. No. 17-87; Ord. No. 2-89; Ord. No. 16-89; Ord. No. 15-90; Ord. No. 12-91; Ord. No. 16-91; Ord. No. 6-92; Ord. No. 10-92; Ord. No. 14-92; Ord. No. 2-93; Ord. No. 8-94; Ord. No. 95-19; Ord. No. 2000-15; Ord. No. 2000-24; Ord. No. 2001-8; Ord. No. 2001-13; Ord. No. 2003-2; Ord. No. 2003-8; Ord. No. 2004-6; Ord. No. 2008-8; Ord. No. 2008-9; Ord. No. 2009-20; Ord. No. 2010-3; Ord. No. 2010-22, § 2, 9-14-2010; Ord. No. 2011-17, § 4, 10-11-2011; Ord. No. 2012-1, § 1, 1-3-2012; Ord. No. 2012-7, §§ 1(1-6), 4, 5-1-2012; Ord. No. 2012-10, § 101-1-7, 7-3-2012; Ord. No. 2012-19, pt. 2, 12-18-2012; Ord. No. 2013-16, pt. 2, 6-18-2013; Ord. No. 2013-31, § 3, 12-10-2013; Ord. No. 2014-6, § 2, 4-1-2014; Ord. No. 2014-7, § 2, 4-1-2014; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2015-8, Exh. A, 5-5-2015; Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2015-19, § 2, 12-1-2015; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-4, Exh. A2, 5-24-2016; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-11, Exh. A, 5-9-2017; Ord. No. 2017-12, Exh. A, 5-9-2017; Ord. No. 2017-13, Exh. A, 5-9-2017; Ord. No. 2017-16, Exh. A, 5-9-2017; Ord. No. 2017-24, Exh. B, 6-27-2017; Ord. No. 2017-31, Exh. A, 10-31-2017; Ord. No. 2018-2, Exhs. A, B, 2-6-2018; Ord. No. 2018-5, Exh. A, 5-1-2018; Ord. No. 2018-6, Exh. A, 5-8-2018; Ord. No. 2019-2, Exh. A, 2-5-2019; Ord. No. 2019-14, Exh. A, 7-30-2019; Ord. No. 2019-15, Exh. A, 8-6-2019)

SECTION 2: **ADOPTION** "Sec 108-7-34 Agricultural Building Exemption" of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-7-34 Agricultural Building Exemption(*Added*)

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

SECTION 3: **EFFECTIVE DATE** This Ordinance shall be in full force and effect 15 days after the required approval and publication according to law.


PASSED AND ADOPTED BY THE WEBER COUNTY ^{Commission} ~~COUNCIL~~
June 16, 2020.

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jim "H" Harvey	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Scott Jenkins	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest


Gage Froerer, Board of
Commissioners Chair, Weber County


for Ricky Hatch, CPA, Clerk/Auditor
Weber County