



WESTERN WEBER COUNTY TOWNSHIP PLANNING COMMISSION

PLANNING MEETING AGENDA

July 12, 2011  
5:00 p.m.

**Pledge of Allegiance**

**Roll Call:**

1. Minutes: Approval of the June 14, 2011
2. Petitions, Applications and Public Hearings:  
Old Business:
  - 2.1. ZO-2010-10 Consideration and Action on an amendment to the Weber County Zoning Ordinance Chapter 29 (Board of Adjustment), Chapter 23 (Supplementary and Qualifying Regulations), and Chapter 31 (Administration)
3. Public Comments:
4. Planning Commissioner's Remarks:
5. Staff Communications:
  - 5.1. Planning Director's Report:
  - 5.2. Legal Counsel's Remarks:

**Adjourn:** Adjourn to the County Commission Chambers Break-Out Room for a Work Session

**Work Session Agenda Items:**

**WS.1. Discussion Agri-Tourism Ordinance**

**Adjournment**

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session may be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting*



**In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791**

**Present:** Doug Hansen, Chair; Andrew Favero; Wayne Andreotti; John Parke; Jannette Borklund; Brenda Meibos; Ryan Judkins

**Absent/Excused:**

**Staff Present:** Robert Scott, Director; Justin Morris, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

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***Pledge of Allegiance***

***Roll Call:***

Chair Hansen welcomed Ryan Judkins as the new Planning Commissioner to the meeting.

**1. Minutes:** Approval of the May 10, 2011

Chair Hansen declared the May 10, 2011 meeting minutes approved as written.

**2. Consent Agenda:**

**2.1. LVH040711:** Consideration and action for final approval of Herrick Heritage Subdivision (2 Lots), within the Agricultural A-1 Zone located at approximately 670 S 3600 W. (Rodney Herrick, Applicant)

**MOTION:** Commissioner Parke moved for approval of consent agenda item LVH0404711 with a recommendation of deferral of curb, gutter, and sidewalk. Commissioner Meibos seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (7-0)

**3. Petitions, Applications and Public Hearings:**

**New Business:**

**3.1. Election:** Election of Vice Chair for 2011

Rob Scott said the reason for an election is that Bruce Ferre was the Vice Chair and is no longer a Planning Commissioner, which leaves an opening for a Vice Chair.

Commissioner Parke nominated Brenda Meibos for Vice Chair. Commissioner Borklund seconded the motion.

Commissioner Judkins nominated Andrew Favero for Vice Chair. Commissioner Andreotti seconded the motion.

**VOTE:** There was a vote taken and Chair Hansen indicated that by a 4-3 vote, Commissioner Meibos would serve as Vice Chair for the rest of 2011.

**4. Public Comments:** There were no public comments.

**5. Planning Commissioner's Remarks:** Commissioner Parke asked when Staff would bring back the Cluster Subdivision Ordinance. Mr. Scott replied that it would probably be in a couple of months as they were focusing on the Agri-tourism Ordinance. Chair Hansen asked the status of the flood plain issues they talked about previously, which would be something to discuss after the FEMA study has been done. Mr. Scott replied that according to his information the FEMA study would be another year out. Commissioner Favero indicated that there was going to be just a recommendation later this fall. Commissioner Parke said according to minutes, they are looking to have preliminary information on that study in August 2011, for public review and comments with a six-month waiting period.

**6. Staff Communications:**

**6.1. Planning Director's Report:** Rob Scott said that it is nice to have a full commission and he is looking forward to working with everyone.

**6.2. Legal Counsel's Remarks:** Monette Hurtado said that she would pay attention to what they are doing and would be happy to help on the making of motions because findings are essential for the County Commission.

**Adjourn:** **Adjourn to the County Commission Chambers Break-Out Room for a Work Session**

**7. Work Session Agenda Items:****7.1. Presentation: Customer Service Strategy Presentation**

Rob Scott said staff has been working diligently trying to identify those things that would better assist and serve individuals and their needs. What they have identified is a Customer Service Strategy, everything from making amendments in the ordinances, establishing the criteria for decision-making, rezone, and those are the types of things. Some of the things are internal information that staff has been working on, such as updating all of our application forms and updating the website. Another item is our Frequently Asked Questions (FAQ's) that is on our website for people who have questions of interest. The other item that Justin is going to talk about is our application tracking software.

Rob Scott said that he and Justin went to an APA Conference in Nevada where they spent a lot of time talking to vendors about application tracking software. They put together a budget proposal including the minimum cost of application tracking software, which was around \$125 - \$150,000, and the county was not able to afford that. Justin along with Mike Tuttle from Engineering Department, on their own, worked aggressively developed an in-house system that is going to provide for application tracking. He turned over the time for Justin to talk about that.

Justin Morris reviewed the county's web site and went through the FAQ's that were divided into categories where they tried to make them as clear and concise as possible. He went through a couple of examples of the questions and the answers to those questions.

Justin Morris said that they looked for software for project tracking but because of the cost, the county would not pay for it, Mike Tuttle from Engineering and himself developed a crude demo, showed it to Rob who in turn gave his approval, and they made it their goal to work and complete this project. When an application comes in, a file is set up, they will snail mail that information to different reviewing agencies, such as various utility companies and they return copies either red line it and/or have written comments. The project manager, usually a planner, will review agency comments and requirements and communicate those to the applicant and usually their surveyor if it is something that their surveyor takes care of. They revise the application to address the agency comments, the agencies review those again, the applicant gets their engineer or surveyor to submit 10 or 12 paper copies via mail, and the process starts all over. Ultimately, the Project Manager compiles all the relevant information, prepares the staff report, and presents that to the decision makers such as the Planning Commissioners, the County Commissioners, the Board of Adjustment, or to Rob for administrative approval; that is the traditional way they handled various projects, such as subdivisions, ordinances, building permits, land use permits, etc.

When they were developing this project, they called it Miradi, which is Swahili for "Project." The process for Miradi is when an application is taken it allows for more collaboration with the various agencies. The application is entered into Miradi electronically and files are added to the project. When the project is created, they select the different reviewing agencies that they want to review the project, and they are instantly notified that there is a new project so they can take action. Right now, it is internal but in the next few weeks, it will be available for the public to use. Some of the features of Miradi are accountability, timeliness, organization, and cost savings. This was developed in-house which has saved not only the government but also private industries with the turnaround time for project and the amount of materials they have to do. All of our existing projects from 1949 to present will be in the system for us to build a search feature, where they can sort the data by project types or a generic search. This system was developed for in-house electronic collaborative reviewing where every user can know the status and history of a project.

Commissioner Andreotti asked if they have a management information system so you can actually track how much time you are saving; it is a powerful tool. What makes it a powerful tool is the information that it generates on cost savings; how much time you are cutting down on reviews, how much you are passing that information around, etc., You are going to find out that you are saving a lot of time and money.

**7.1. Information: American Planning Association Conference Report**

Rob Scott said the conference this year was in Boston Massachusetts. They went on a tour and what is unique about the city is the character that is oriented towards the history. What you see there is many open center spaces. Boston had an interstate that went right through the middle of the city and it created some challenging issues as far as dividing the city. What they actually did was bury the interstate right through the middle of Boston. An area that is two or three football

fields wide has now become an opportunity space. The interstate is down below, so they had to do something with the land above. In some instances, they put buildings there and other places they left it as open space with parks and such.

When the Boston Commons was initially established it was an area where the livestock was, but it has been turned into a park. Another session that he went to was green and sustainable comp plans. Planning is really about sustainability and throughout the years, there have been changes in terminology. A few years ago, it was called smart growth and now it is called sustainable development. Paul Farmer, the Executive Director of the APA said the motto of the American Planning Association is making great communities happen. For this to happen, they need to be sustainable and be able to go on. There was a poll taken on what people are concerned about relative to our environment; and the concerns of soil, toxins, waste, pollution, fresh water supply, air pollution, tropical forest, urban sprawl, and loss of open space were listed. Almost 60% of the people in the United States are concerned about these issues. One of the speakers there was from Shreveport Louisiana, said that over the past 50 years the Shreveport population has remained static. The boundary of the city and the amount of land used has doubled. When they talk about sustainability, if people have access to infrastructure, then they end up with a lot of misplaced growth and development.

There is a 3,000 acre planned unit development in Plymouth. Plymouth considers this particular development their additional neighborhood. It is so big they are entitled with over 2,000 units in just this one development. They have a million square feet of commercial that they are entitled to although you will see they have not built near that entitlement will allow them to do. They have designed their subdivision lots into the character of the landscape that is there called Pine Hills. They have designed their subdivisions, and have identified so many units, and when they get ready to actually construct, then they will go out onsite to do the surveys; identify the lots with the idea of placing the building with the most advantages location, from the standpoint of the views. There is unique signage and lighting placed there. They have a variety of housing types from single family to multi-family and various community centers within the development. They have these various different styles of housing types, and this has a unique design with an interior courtyard space where people are walking through and then go into the interior of the house. There are all kinds of open space throughout the entire interesting project.

Scott Mendoza said the Weber County General Plan mentions Transferable Development Rights (TDR's) and their potential use in Western Weber County. He went to a session called Urban Development Meets the New Agricultural. They had a case study from Solano California where the community got together; approximately 50 large landowners, the county, some consultants, and landowners all worked together. The consultants with the county's help educated the landowners on this new hybrid TDR Program. In this TDR program, they ended up working out a development agreement together where the people in the receiving area, all the large landowners agreed to a location that development would happen. When a developer went to the property owner where development would occur, they negotiated how many units would go with the sale of that land. The developer ended up knowing how many acres he got and how many units he would have to develop, which provided a lot of certainty for a developer. When the sale went through everyone benefited, they all received a portion of the sale, so it was an equally shared program.

He also went on the Boston Tour showed pictures of the open public gathering place. Some business people and the city got tired of looking at a seven story parking structure. What they all agreed to do was work on a project together, they took that parking structure down, and created a public gathering place, and below ground is a seven-story structure. What this has to do with planning is architecture. Architectural standards matter, you can see that standard in Boston by the signs and the lighting that are kept to a certain scale, color, and materials that are used. The John Hancock Tower has been the tallest building in Boston for more than 30 years. When the architect first came to build this building, he had some difficulties in putting this large building and competing with the surrounding architectural buildings like the Trinity Church next door. They decided to build a mirrored building because it would not compete but reflect the beauty around it. The lesson they learned was the type of windows that they put in the building ended up not working. This ended up being a huge project, replacing 10,344 windows at a cost of \$5 to \$7 million dollars. In addition, they learned once you got to on the 58<sup>th</sup> floor, they built it to sway so it wouldn't be too rigid, but what wound up happening was making the people very sick just to be in the building. They ended up adding two 300 ton weights that were put in big boxes on each side of the building, they were hooked with springs so when that building swayed, the weights would keep it somewhat still, and the added cost was another \$3 million dollars.

Chair Hansen said that what talked about last month was urban agricultural. In a magazine article, he read that many people in the cities are trying to find places to garden. One particular article was about a group trying to talk to the mayor of Summerville about using some vacant lots for agriculture. He was not onboard with them; he did not like their approach, so he planned a meeting to talk about it on a Red Sox game night assuming that no one would show up. They had about 500 people who showed up so the mayor was a little bit surprised. They had the meeting and eventually got what they were looking for. The conference was very interesting and a good learning experience.

8. **Adjourn:** The meeting was adjourned at 6:50 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning Commission



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Staff amendment to the Weber County Zoning Ordinance Chapter 29 (Board of Adjustment), Chapter 23 (Supplementary and Qualifying Regulations), and Chapter 31 (Administration)

**Agenda Date:** Tuesday, July 12, 2011

**Applicant:** Weber County Planning Staff

**File Number:** ZO-2010-10

### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

### Adjacent Land Use

<b>North:</b> Not Applicable	<b>South:</b> Not Applicable
<b>East:</b> Not Applicable	<b>West:</b> Not Applicable

### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
(801) 399-8765

**Report Reviewer:** JG

## Applicable Ordinances

- Weber County Zoning Ordinance Chapter 29 (Board of Adjustment)

## Background

The purpose and intent of Chapter 29 is to establish rules and procedures, consistent with Utah state code, which govern the Board of Adjustment in considering appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps, and variances from the requirements of the Weber County Zoning Ordinance.

The Planning Division, in administrating this ordinance has found that the ordinance is in need of updating. The proposed amendments to Chapter 29 (Board of Adjustment) are meant to simplify and clarify the existing language. There is a need to bring the criteria for appeals and variances from the Weber County Zoning Ordinance into conformance with Utah state code.

The Ogden Valley Planning Commission on March 1, 2011, the Western Weber Planning Commission on March 8, 2011, and the Board of Adjustment on March 31, 2011 previously made separate recommendations to the Planning Division in work sessions to amend Chapter 29. Staff has made changes based on these recommendations and is now proposing that the Planning Commission make a recommendation to the County Commission on the proposed amendments.

In the March 8th work session, the following policy questions were discussed:

1. Should the Board of Adjustment have more duties and powers than staff is proposing?
2. Which body (staff, planning commission or board of adjustment) should handle special exceptions?
3. If special exceptions are removed from Chapter 29, where in the Zoning Ordinance should they be relocated?
4. Are the existing criteria for special exceptions adequate?
5. How should notice for Board of Adjustment meetings be handled?
6. Should citizens from outside the unincorporated area of the County be allowed on the Board?

7. How should extensions be handled for Board decisions that have not been acted upon within the specified time frame?

Each of these questions is addressed in the proposed language amendments for Chapter 29. Recommendations from both Planning Commissions and the Board of Adjustment have been considered and incorporated as appropriate. Each section in Chapter 29 is addressed below with an explanation of the changes that were made. Please see Exhibit A for the specific language.

**29-1. Purpose and Intent:** A purpose and intent statement which explains the Board of Adjustment's role was created for this chapter.

**29-2. Board Membership and Organization:** This section explains how the Board of Adjustment is organized and how members are appointed. Staff is recommending that only residents of unincorporated Weber County be allowed to serve on the Board of Adjustment (**Policy Question 6**).

**29-3. Duties and Powers of the Board: (Policy Question 1)** This section lists the duties and powers that the Board of Adjustment has been given. The existing ordinance has 12 duties and powers, but state code mentions only the two duties and powers that are proposed in the amended language, granting appeals and variances from the Zoning Ordinance requirements. Staff is recommending that the Zoning Ordinance language be consistent with state code.

Most of the existing duties and powers will be eliminated because they are redundant or the power to make the decision has been given to another group, like the Planning Commission, or located elsewhere in the Zoning Ordinance. For example, the Planning Commission can vary the number of parking stalls based on language from Chapter 24 (Parking) of the Zoning Ordinance, thus eliminating the need for the existing duty and power number 5.

**(Policy Questions 2, 3, and 4)** The special exceptions (existing duty and power 10a, 10b, and 11) for flag lots, private rights-of-way, and access at a location other than across the front lot line will be moved to Chapter 23 of the Zoning Ordinance. Staff is recommending that these special exceptions become administrative reviews handled by staff and appealable to the Board of Adjustment. The criteria for these uses are the same, but the organization and placement of the criteria within the sections has changed. Please see Exhibit B for the specific language.

By making these changes, the approval process for these uses will be cut in half. For example, a flag lot must first be approved by the Board of Adjustment, and then by the Planning Commission as a subdivision. This current process cuts efficiency and effectiveness, and puts the Board of Adjustment in the position of a land use authority, rather than as a quasi-judicial body. Staff reviews will save time and will allow the Planning Commission to focus on policy matters rather than administrative actions.

**29-4. Decision criteria and standards:** This section discusses the criteria and standards associated with appeals and variances from the Weber County Zoning Ordinance. The language for this section comes almost completely from Utah state code. This section now provides much more detail than was previously available. A 15-day appeal period is being proposed, as well as designating a review of the record as the standard of review.

**29-5. Procedure:** This section describes and clarifies the application process, notice to neighboring property owners, notices of decision, filing of minutes, expiration of approvals, and appeals of the Board's decisions. (**Policy Question 7**) Staff is recommending that no time extensions be given for variance approvals. Also, staff is proposing amendments to Chapter 31 Section 4 regarding the date of final decisions in order to clarify that decisions are final when the notice of decision has been issued (see Chapter 29 Section 5.3.A).

### Summary of Planning Commission Considerations

- Are the proposed amendments consistent with the purpose and intent statement in the ordinance?
- Are the proposed amendments clear and reasonable?

### Conformance to the General Plan

This is a legislative matter. The draft ordinance is consistent with both General Plans.

### Conditions of Approval

Not Applicable

## **Staff Recommendation**

Staff recommends that the Western Weber County Planning Commission recommend that the Weber County Commission adopt the amendments to Chapters 29, 23, and 31.

## **Exhibits**

- A. Weber County Zoning Ordinance Chapter 29 (Board of Adjustment) Proposed Amendments
- B. Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations) Proposed Amendments
- C. Weber County Zoning Ordinance Chapter 31 (Administration) Proposed Amendments

# Exhibit A

Revised: July 5, 2011

## CHAPTER 29

### BOARD OF ADJUSTMENT

- 29-1. Purpose and Intent**
- 29-12. Board Membership and Organization**
- 29-3. Duties and Powers of the Board**
- 29-4. Procedure Decision Criteria and Standards**
- 29-5. Procedure**

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#### **29-1. Purpose and Intent**

The purpose and intent of this chapter is to establish rules and procedures, consistent with Utah state code, which govern the Board of Adjustment in considering appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps, and variances from the requirements of the Weber County Zoning Ordinance. The Board of Adjustment serves as Weber County's final arbiter of issues involving the interpretation or application of the Weber County Zoning Ordinance.

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#### **29-12. Board Membership and Organization**

1. The Board of Adjustment shall consist of five (5) members and two (2) alternate members from the unincorporated area of Weber County.
  - A. Board members shall be appointed by a simple majority vote of the County Commission.
  - B. Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.
  - C. Any vacancy(s) occurring on the Board shall be filled via appointment by a simple majority vote of the County Commission. Any vacancy occurring because of resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.
2. The Board of Adjustment shall annually elect a Chairperson and Vice-Chairperson from its membership. Each officer shall hold office for a one year period and not longer than two years consecutively.
3. Members of the Board of Adjustment shall be subject to all applicable County ordinances regarding conflicts of interest and ethics. A violation of these provisions shall be grounds for removal from the Board of Adjustment. The County Commission may remove or replace any board member for cause. Removal or replacement of a board member requires a majority vote of the full County Commission in a public meeting.

~~The Board of Adjustment shall consist of five (5) members and two (2) alternate members who shall be appointed by the Board of County Commissioners. Each member and alternate member shall be appointed for a term of five (5) years and may be removed from membership for cause by the appointing authority upon written charges and after~~

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public hearing except that the first five (5) members so appointed One member shall be appointed to serve one (1) year, one member two (2) years, one member three (3) years, one member four (4) years and one member five (5) years. In the month of June each year one member shall be appointed for a five-year period to take the place of the member whose term shall next expire. Any vacancy occurring on the Board by reason of death, resignation, removal, or disqualification shall be promptly filled by the Board of County Commissioners for the unexpired term of the vacating member. Not fewer than three members of the Board of Adjustment shall be residents of the unincorporated area of Weber County.

### **29-2. ~~Organization~~**

The Board of Adjustment shall organize and elect from its members a chairman and vice chairman and adopt rules of procedure and regulations not inconsistent or in conflict with state laws or with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such time as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the Board and shall be a public record.

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### **29-3. Duties and Powers of the Board**

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In addition to any other powers given by State law or this Ordinance, upon the timely filing of an appeal, within 15 days, from the date of the final decision being appealed, after proper notice and Public Hearing, The Board of Adjustment shall have the following duties and powers:

1. To act as the appeal authority from decisions applying the Weber County Zoning Ordinance and Zoning Maps.
2. To hear and decide variances from the requirements of the Weber County Zoning Ordinance.

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### **29-4 Procedure Decision Criteria and Standards**

1. Appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps
  - A. The Board of Adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Weber County Zoning Ordinance and Zoning Maps.
  - B. The Board of Adjustment may hear only those decisions in which the land use authority has applied the Weber County Zoning Ordinance or Zoning Maps to a particular application, person, or parcel.
  - C. The appellant has the burden of proof that the land use authority erred.
  - D. All appeals to the Board of Adjustment shall be filed with the Planning Division not more than 15 calendar days after the date of the written decision of the land use authority.
  - E. Appeals to the Board of Adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

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2. Variances from the requirements of the Weber County Zoning Ordinance
  - A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Zoning Ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Zoning Ordinance.
  - B. The Board of Adjustment may grant a variance only if the following 5 criteria are met:
    1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
      - a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
      - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
    2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
      - a. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
    3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
    4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
    5. The spirit of the land use ordinance is observed and substantial justice done.
  - C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
  - D. Variances run with the land.
  - E. The appeal authority may not grant a use variance.
  - F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
    1. Mitigate any harmful effects of the variance; or

2. Serve the purpose of the standard or requirement that is waived or modified.

~~1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance.~~

~~2. To hear and decide requests for decisions on special questions upon which such Board is authorized to pass.~~ 21-83

~~3. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.~~

~~4. To interpret the zoning map and zoning ordinance.~~

~~5. To reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship.~~

~~6. Where a zone boundary line divides a lot in single ownership at the time of the passage of this Ordinance, permit the extension of a use or building situation on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred (100) feet into the other portion of the lot in the more restricted zone.~~

~~7. Permit for a period not to exceed one (1) year in a residential zone a temporary building or use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.~~

~~8. To permit a nonconforming use to be changed to another use permitted in the same or a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the Board of Adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutant, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, display or use of illumination, general activity, probable duration of the proposed use, or other factors having a bearing on the harmonious relation to one use to another.~~

~~9. To permit the relocation on a lot of a nonconforming building or structures occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard and area requirements in the zone in which it is located.~~

~~10A. To permit as a special exception and subject to No. 12 below, the construction of a dwelling or a building upon a lot, which does not have frontage on a street but has access to said lot by a private right of way, where the Board of Adjustment considers it unfeasible or impractical to extend a street to provide access to such lot because of unusual topographic or property boundary conditions. Before approval by the Board of Adjustment to build on any private right of way, the land owner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the county to replace the private right of way as required access to additional lots.~~ 96-11, 96-43

~~10B. To permit Lots with Access Strips known as Flag Lots by Special Exceptions meeting the following criteria:~~

~~1. Lots not having frontage on a street as required by this ordinance, but having access to such street by means of fee title access strips may be approved as "Special Exceptions" by the Board of Adjustment in any zone, provided that:~~

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- A. — The Board of Adjustment determines that it is not feasible or desirable to extend a street to serve such lot or lots at that time. Criteria to be used in determining feasibility or desirability of a street shall include, but not be limited to, topography, boundaries, and/or an area in which a road would not open an area of 5 acres or more for development.
  - B. — The access strip shall have a minimum width of 20 ft., a maximum width of 30 ft., a maximum grade of 15%, and a minimum vertical clearance of 14.5 ft.
  - C. — The area of the access strip shall not be included within the minimum lot area requirement.
  - D. — The lot shall meet all minimum yard and area requirements of the zone in which it is located, exclusive of the access strip.
  - E. — Buildings shall be setback a minimum of 30 feet from any property line and 30 feet from the extension of the flag lot access strip. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the access strip which the building faces.
  - F. — The lot address shall be displayed in a prominently visible location at the street entrance to the access strip.
  - G. — Each lot shall access a street by means of its own access strip. Successive stacking of lots on the same access strip is not permitted.
  - H. — No building, structure or parking is allowed in the access strip which is to be used solely as access to the lot.
  - I. — The Board of Adjustment shall impose such other conditions to ensure safety accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.
  - J. — No access strip shall exceed 800 feet in length.
  - K. — A maximum of two flag lot access strips may be adjacent to each other.
  - L. — A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access strip at a maximum distance of 200 feet from the public street.
  - M. — A turn-around area be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface, capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
  - N. — Bridges, including decking and culverts shall be capable of supporting a minimum 20 ton weight capacity.
  - O. — Switchback turns in sloped areas shall have a minimum 75 foot radius.
  - P. — Road surfaces on private access ways shall have a minimum 12 foot finished road surface capable of supporting a 20 ton weight capacity with a surface approved by the County Engineer.
  - Q. — A fire hydrant or other suppression method MAY be required by the Fire Chief.
  - R. — The home location shall be shown on a plan submitted to the Fire District.
2. — No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision.
3. — The lot area exclusive of the access strip shall be a minimum of 3 acres.
4. — The flag lot shall meet the minimum lot width requirements for the zone in which the lot is located, at the end of the access strip.
5. — Application for subdivision shall be filed and recorded within 18 months of approval of Flag Lot. If not filed and recorded within 18 months, said Flag Lot approval shall expire and be null and void.
6. — No subdivision shall be vacated, re-subdivided or changed in order to meet the

Revised: July 5, 2011

~~requirements of this chapter.~~

~~2003-11~~

~~11. To allow by Special Exception access to lots at a location other than across the front lot line provided the following criteria are met:~~

~~1. Special circumstances are attached to the property covered by the application which does not generally apply to other property in the same zone.~~

~~2. Special or unique boundary conditions exist regarding the property for which an application has been submitted.~~

~~3. Topographic or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access.~~

~~4. The Board of Adjustment shall consider but not be limited to the following:~~

~~1. The access strip shall have a maximum grade of 15%.~~

~~2. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access at a maximum distance of 400 feet from the public street.~~

~~3. A turnout area be provided at the home location to allow firefighting equipment to turn around. This area must be a year round surface capable of supporting fire equipment (a minimum 45 foot radius if circular)~~

~~2002-7~~

~~4. Bridges including decking and culverts must be capable of supporting a minimum 20-ton weight capacity.~~

~~5. Switchback turns in sloped areas must have a minimum 75 foot radius.~~

~~6. Road surfaces on private access ways shall have a minimum 12 foot road surface width and be capable of supporting a 20,000 pound weight capacity with a surface approved by the County Engineer.~~

~~2002-7~~

~~7. A fire hydrant or other fire suppression method may be required by the fire district.~~

~~2002-7~~

~~8. The home location shall be shown on a plan submitted to the fire district.~~

~~96-43~~

~~12. In exercising the above mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:~~

~~1. The variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.~~

~~2002-7~~

~~2. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.~~

~~3. That because of said special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.~~

~~4. That the condition and/or circumstances are not considered to be economic hardships or self imposed hardships.~~

~~2002-7~~

~~13. The concurring vote of at least three (3) of the five (5) members of the Board shall be necessary to~~

Revised: July 5, 2011

reverse any order, requirement or determination of such administrative official, or to decide in favor of such applicant on any matter on which it is required to pass, or to affect any such variation or special exception to this Ordinance. \_\_\_\_\_ 98-26

14. \_\_\_\_\_ If an affirmative decision is made by the Board of Adjustment in exercising any of the powers listed in paragraphs 3, 4, 6, 9 and 10 of this Section, that approval shall be valid for a period of time not longer than 18 months from the date of the decision of the Board. Any interpretation or affirmative decision made in exercising any of the powers listed in paragraphs 5 or 7, shall be valid until an amendment to the Zoning Map or Ordinance is made which changes the conditions upon which the interpretation or decision was made.

22-85, 96-3

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## 29-45. Procedure

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

### 1. Application and Notice.

A. Any person or entity wishing to petition the Board of Adjustment for an appeal or interpretation of the Zoning Ordinance or Zoning Maps, or for a variance from the requirements of the Zoning Ordinance may commence such action by completing the proper application and submitting it to the Weber County Planning Division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.

B. After a complete application has been submitted and accepted, the Planning Division shall prepare a staff report with a recommendation to the Board of Adjustment, schedule a meeting of the Board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.

### 2. Meeting.

A. The Board of Adjustment shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three (3) of the five (5) Board members is required to decide in favor of the request.

### 3. Decision and Minutes.

A. Decisions of the Board of Adjustment shall be final at the time a notice of decision is issued. After the Board of Adjustment has made a decision, a notice of decision shall be prepared by the Planning Division and sent to the appellant in accordance with Chapter 31 Section 4 of the Weber County Zoning Ordinance. This notice acts as the Board's written decision on an appeal, variance, or interpretation request.

B. The minutes of all meetings of the Board of Adjustment shall be prepared and filed in the Weber County Planning Division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

4. Expiration.

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

5. Appeal of Decision.

- A. Appeals from decisions of the Board of Adjustment are made directly to the District Court as designated in Utah state code.

~~Each appeal to the Board shall be on a form provided by the Board and all information called for by such form shall be furnished by the appellant. Before making its decision, the Board shall hold a hearing upon the appeal. Notice of the time and place of such hearing shall be sent by mail to the appellant, to the owners of all property contiguous to the property with which the appeal is concerned and of all properties opposite said property measured at right angles to the intervening street or streets, and to the Planning Commission and the Building Inspector, at least five (5) days previous to the day fixed for the hearing. Such notice shall contain the name of the appellant, the time and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the special exception or other question or variance for which the appellant appeals. Before any appellant shall be entitled to any hearing or decision, he shall pay to the Board the expenses of the appeal, including the sending of notices, as fixed by the Board, such payment or the estimated amount of same to be paid with the filing of the appeal. The Board may give notice to other interested persons and organizations.~~

~~The hearing may be adjourned from time to time, and if the time and place of the adjourned meeting be publicly announced at the hearing at the time of the adjournment, no further notice of such adjourned meeting shall be required.~~

~~2. — Each appeal, filed in proper form with the required dates, shall be numbered serially, docketed, and shall be placed upon the calendar of the Board and shall be heard in the order in which they appear on the calendar, unless advanced for hearing by order of the Board for good cause shown. The calendar of cases to be heard shall be posted in the office of the Board five days before the meeting at which the hearing is scheduled.~~

~~3. — A Letter or Decision or any other action of the Board shall be sent to the applicant informing him/her that the minutes of such meeting are available at the Planning Commission Office upon the Board's approval of the minutes. The minutes shall contain findings as the basis for the Board's decision or action and the vote of each member of the Board, those absent being so marked.~~

~~22-85, 2002-~~

**SUPPLEMENTARY AND QUALIFYING REGULATIONS**

2009-14

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23-30.	<u>Access to a Lot/Parcel Using a Private Right-of-Way</u>	
23-31.	<u>Access to a Lot/Parcel at a Location Other than Across the Front Lot Line</u>	

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**23-28. Access Strip/Private Right-of-Way Standards**

1. In order to provide for safe and consistent access to lots/parcels using flag lot access strips and private rights-of-way as the primary access, the following standards shall be met:

A. Design standards.

1. The access strip/right-of-way shall have a minimum width of 20 feet and a maximum width of 30 feet.
2. The access strip/right-of-way shall have a maximum grade of 15%.
3. The access strip/right-of-way shall have a minimum vertical clearance of 14.5 feet.
4. The finished road surface on the access strip/right-of-way shall be approved by the County Engineering Division. It shall be a minimum of 12 feet wide and shall be capable of supporting a 20-ton weight capacity.

5. A minimum turnout measuring at least 10 feet by 30 feet shall be provided adjacent to the traveled surface of the access strip/right-of-way at a maximum distance of 200 feet from the public street.
6. No building, structure, or parking is allowed within the access strip/right-of-way.
7. Bridges, including decking and culverts shall be capable of supporting a minimum 20-ton weight capacity.
8. Switchback turns in sloped areas shall have a minimum 75 foot radius.
9. Water and sewer lines located within the access strip/right-of-way require written approval from the agencies providing such services.

B. Safety standards.

1. The lot address shall be displayed in a prominently visible location at the street entrance to the access strip/right-of-way.
2. A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
3. A fire hydrant or other suppression method may be required by the Fire District.
4. The home location shall be shown on a plan submitted to the Fire District.
5. The Planning Division may impose other conditions to ensure safety, accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.

C. Lot/parcel standards. Lots/Parcels using a flag lot access strip or a private right-of-way as the primary Access shall meet the following standards:

1. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
2. The area of the access strip/right-of-way shall not be included within the minimum lot/parcel area requirement.
3. Buildings shall be set back a minimum of 30 feet from any property line and 30 feet from the end of the access strip/right-of-way.
4. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.
5. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the access strip which the building faces.

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**23-29. Flag Lots**

1. The Planning Division shall determine whether or not it is feasible or desirable to extend a street to serve a lot or lots at the current time, rather than approving a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five (5) acres or more for development.
2. The lot area exclusive of the access strip shall be a minimum of 3 acres.
3. Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
4. No access strip shall exceed 800 feet in length.
5. A maximum of two flag lot access strips may be located adjacent to each other.
6. No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

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

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way/easement may be allowed to use the private right-of-way/easement as the primary access in zones which allow single family dwellings, subject to meeting the following criteria:

1. The Planning Division determines that it is unfeasible or impractical to extend a street to serve such lot or lots at the current time, Criteria to be used in determining whether or not it is unfeasible or impractical to extend a street include unusual or unstable topographic conditions or unusual property boundary conditions.
  2. Legal access to the lot must be proven prior to any approvals for use of the private right-of-way being granted.
  3. The land owner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the county to replace the private right-of-way as required access to additional lots.
- 

**23-31. Access to a Lot/Parcel at a Location Other than Across the Front Lot Line**

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access in zones which allow single family dwellings, subject to the following criteria:

1. The Planning Division determines that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access,
2. Legal access to the lot/parcel must be proven prior to any approvals for use of the private access being granted.

CHAPTER 31

**ADMINISTRATION**

2009-28, 2010-20

- 31-1. Purpose and Intent
- 31-2. Administrative Authority
- 31-3. Fees for Processing Applications
- 31-4. Notice of Decision
- 31-5. Hearing and Publication Notice for County Commission
- 31-6. Permits and Licensing
- 31-7. Appeals
- 31-8. Temporary Exceptions
- 31-9. Penalties
- 31-10. Validity

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**31-1 Purpose and Intent**

The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by the Weber County Zoning Ordinance.

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**31-2 Administrative Authority**

The Planning Director, or designee, is authorized to deny, approve, or approve with conditions an application for an administrative approval. Administrative approval can be given for the following applications: site plans with buildings under 10,000 square feet located on a parcel less than one acre in size, home occupations with or without visiting clientele, combining of lots within an approved subdivision which meet ordinance requirements, and minor subdivisions as defined by the subdivision definition. The Planning Director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in this ordinance or if any of the required findings are not supported by evidence in the record as determined by the Director. At the discretion of the Planning Director, the Planning Commission can hear the request for an administrative approval.

The administrative approval process includes public notice and comment from adjacent property owners, as required by state code.

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**31-3 Fees for Processing Applications**

Fees for processing applications shall be established by ordinance.

Applications except subdivisions that have been deemed complete and have not been acted on by the appropriate board shall expire after six-months. The applicant will have to submit a new application and fees to restart the process.

**31-4 Notice of Decision**

After hearing the evidence and considering the application, the approving authority (Planning Commission, Board of Adjustment, and County Commission on land use applications) shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A Notice of Decision can be either a written notice or a copy of the approved minutes. A decision by the approving authority is final ~~until the time for appeal expires~~ at the time the notice of decision is issued. If a notice of decision is not sent, the decision shall be effective final on the date the minutes from the meeting are approved by the approving authority. The Planning Division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

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**31-5 Hearing and Publication Notice for County Commission**

Before finally adopting any such legislative amendment, the Board of County Commissioners shall hold a public hearing thereon, at least fourteen (14) days notice of the time and place of which shall be given as per state code. The unanimous vote of the full body of the County Commission is required to overturn the recommendation of the Planning Commission, if there was a unanimous vote of the Planning Commission in favor or denial of the petition.

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**31-6 Permits and Licensing**

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

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**31-7 Appeals**

All appeals shall be filed within 15 days from the date of the ~~written~~ notice of decision.

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**31-8 Temporary Exceptions**

The Weber County Commission has the authority to grant, by motion, temporary exceptions from any term or condition of the Weber County Zoning Ordinance for a period of not to exceed three (3) months in duration. Time may be extended for an additional three (3) months by the County Commission, for a total duration for any one tract of land not to exceed six (6) months. The granting of a temporary exception may be made by the County Commission with or without a recommendation from the Planning Commission. Such temporary exceptions may be granted upon the County Commission determining that such a temporary exception is justified because of some extraordinary, or emergency situation, or act of God situation, and that the health, safety, convenience, order, and welfare of the inhabitants of Weber County will not be substantially affected, if such temporary exception is granted.

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**31-9 Penalties**

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

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**31-10 Validity**

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

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## Weber County

Weber County Planning Division  
www.co.weber.ut.us/planning\_commission  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401-1473  
Voice: (801) 399-8791  
Fax: (801) 399-8862

July 5, 2011

To: Western Weber County Township Planning Commission

From: Weber County Planning Division

Re: Work-session, scheduled for July 12, 2011, to discuss the proposed agri-tourism ordinance.

Dear Commissioner,

Enclosed you will find a draft copy of the new agri-tourism ordinance. The last time that we discussed this ordinance we were successful in identifying and addressing several policy questions which resulted in this current draft.

The work-session discussion, scheduled for July 12, 2011 will give the Planning Staff an opportunity to briefly present this draft and ask for further direction.

Overall, we will try to complete the following:

1. Review and summary of comments received at the previous work-session held May 10, 2011.
2. Presentation of recent updates to the current draft of the agri-tourism ordinance.
3. Ask and receive direction on recently identified policy questions.

We look forward to meeting with you to discuss agri-tourism and its possible future role as an agricultural/open space preservation tool in Weber County.

Sincerely,

  
Scott Mendoza  
Weber County Planning Division

Enc.

## CHAPTER 46

## AGRI-TOURISM

Consumer-Direct Sales, Education, Recreation, and Entertainment

- 46-1 Definitions *(To be moved to Chapter 1)*
- 46-2 Purpose and Intent
- 46-3 General Development Standards
- 46-4 Agricultural Operation Designation
- 46-5 Permitted Uses/Activities Table
- 46-6 Use/Activity Standards and Limitations
- 46-7 Sign Regulations *(To be moved to Chapter 32B)*

### 46-1. Definitions *(To be moved to Chapter 1 – General Provisions)*

**Note:** The symbol (~) indicates an existing definition.

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

**Acreage, Productive Agri-tourism:** Agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active “tourism” attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.)

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

**Agri-Tourism:** An agricultural use that can provide a means of diversifying a farm’s offerings and add value to products that are already produced on a farm. Agri-tourism businesses operate during more than six (6) (consecutive or inconsecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities, that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes. Educational and recreational agri-tourism activities/uses may include but not be limited to, educational activities nightly accommodations, entertainment opportunities, and/or outdoor recreation (e.g., farm tours, farm/cooking/ecological classes, farm-stays, corn mazes, and special occasions including weddings and family reunions, special events including harvest festivals and musical events, U-pick operations, agriculturally related competitions, and other similar events). Consumer-direct sales of farm products may include but not be limited to, open-air or farmers markets, on-farm produce stands, and on-farm product processing and retail sales facilities.

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

**~Conference/Education Center:** A facility ~~which has been planned, developed and constructed~~ 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. ~~of a company's, corporations, or governmental agency's employees, for example, by scheduling~~ A conference/education center may provide office facilities and schedule a range of uses business related and/or leisure activities such as (e.g., training workshops, seminars, retreats and similar type meetings). ~~Such a facility may serve meals and be used for offer day use only and/or may be planned with overnight lodging facilities not exceeding twenty (20) guest rooms.~~

**Wellness Retreat:** A facility designed for the purpose of providing proactive health and wellness education and/or treatment regimens that improve one's quality of life through enhancing physical, mental, and spiritual health in a rural or natural and spa-like environment. Education and treatment opportunities may consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes/consultations; organic cooking classes/workshops; yoga; meditation; cranial sacral, reiki, massage, and diet therapy. Such a facility may serve meals, when consisting of ingredients produced on the premises, and offer day use and/or overnight lodging facilities not exceeding twelve (12) guest rooms.

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

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

**Product, Non-Agriculturally Related:** Any item that is sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from the specific farm's operation. Such items may include, but are not limited to, novelty t-shirts or other clothing, crafts and/or knick-knacks imported from other counties, states or countries.

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

**Use/Activity, Non-Agriculturally Related:** A use or activity that is part of a specific agri-tourism operation's total offerings but is not tied to farming or that farm operation's agricultural products, buildings and/or equipment. Such non-agriculturally related uses/activities may include, but are not limited to, amusement rides/play area, bakery featuring farm products, café featuring farm products, gift shops, restaurants featuring farm products, concerts, non-agriculturally related festivals and sporting events, residences and all other overnight accommodations.

**Mini-Market:** An agri-tourism use/activity that provides the opportunity for customers to purchase a wide variety of farm products at one farm location. A mini-market, offers for sale, agricultural products derived from the farm on which the mini-market is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.

**U-Pick Operation:** An agri-tourism use/activity that provides the opportunity for customers to pick or harvest their own fruits and vegetables directly from the plant grown on a farm location.

**Play Area, Agri-tourism:** A land area within an agri-tourism operation that is dedicated to open and informal play. The play area may include but not be limited to, conventional playground equipment (e.g., slides, swings, climbing wall, etc.) and unconventional playground equipment (e.g., inflatable play area, sand/corn kernel box, tractor tires, and straw bale mountain).

**Sign, Seasonal Farm:** kldfjajfljaskjflksdjf

Farm Stay: A general agri-tourism use/activity category that is comprised of a variety of overnight accommodations made available at a working farm that is approved for an agri-tourism operation. A farm stay may be an interactive activity that offers agri-tourists, including children, opportunities to participate in feeding animals, collecting eggs, and/or learning how a farm functions through practical experience. A farm stay may also offer peaceful retreats for individuals and/or couples. For accommodations, guests generally pay rates similar to area bed & breakfasts or vacation rentals, although pricing may vary considerably. The term "farm stay" can also be described as a work exchange agreement, where the guest works a set number of hours per day/week in exchange for free or discounted accommodations.

Farm Tour: 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: An agri-tourism use/activity, approved by the appropriate state and/or federal agency, that 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.

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

**Special Occasion, Agri-tourism:** An agri-tourism use/activity including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and corporate picnics/outings that do not constitute a Special Event as defined by Title 20 – Weber County Special Events Ordinance.

#### 46-2 Purpose and Intent

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

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#### 46-3 General Development Standards

The requirements imposed by this Chapter do not alter, supersede or nullify any requirements contained in other codes, ordinances, statutes, or applicable standards which may also regulate these same uses/activities. The following standards shall apply to all agri-tourism applications/operations:

1. **Applicability:** Agri-tourism operations are subject to Chapter 22C of the Weber County Zoning Ordinance which regulates the Conditional Use Permit application and review process. This process may include, but is not limited to, a review by the Weber County Planning Division, Building Inspection Department, Engineering Department, and Sheriff's Office. Other review agencies may include the Weber-Morgan Health Department, Weber Fire District, and/or miscellaneous state and/or federal agencies. Agri-tourism events that operate outside of "normal day-to-day" hours and/or involve spectators in a number equal to or greater than that which can be served by existing facilities shall be subject to Title 20 of the Weber County Ordinance-Code (Special Events Ordinance). Other ordinances, codes and/or regulations may apply; therefore, it shall be the responsibility of the applicant to know and understand all applicable agency requirements.
2. **Primary Use:** Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism uses/activities shall be complimentary and accessory to the primary agricultural use.
3. **Narrative:** In addition to the requirements listed in Chapter 22C-*Conditional Uses*, all agri-tourism applications shall be accompanied by a concise narrative describing the farm and the overall vision of the proposed agri-tourism operation. The narrative shall include farm history and proposals for the following:
  - a. Offerings for agriculturally related and non-agriculturally related products and uses/activities.
  - b. Agriculturally related and non-agriculturally related types of facilities and equipment.
  - c. Time(s) of "normal day-to-day" operation as referenced in Title 20 – Weber County Special Events Ordinance; 20-1-2(C).
  - d. Anticipated number of daily patrons and employees.
  - e. Parking needs.
4. **General Design and Layout:** An agri-tourism operation shall have a general design and layout that concentrates all "tourism" uses and activities into a distinct activity center(s). The area within a developed activity center or any combination of activity centers, excluding Productive Agri-tourism Acreage and a half (1/2) acre for a farm house and any uses confined thereto (e.g., home office, B&B, etc.), may consist of a total area that does not exceed twenty (20%) percent of a farm's overall Gross Acreage. The remaining acreage shall be maintained in a manner that is consistent with the farm's main agriculturally productive use(s). Newly constructed buildings, intended for agri-tourism purposes, shall reflect an architectural vernacular that is consistent with the area's rural character.

5. **Ownership:** An agri-tourism operation may consist of multiple properties; however, all properties shall have identical and common ownership.
  6. **Production:** An agri-tourism operation shall, with exception of the winter season, actively and continuously produce an agricultural product for sale and purchase. To ensure viability, it shall be demonstrated that the product(s) have been successfully grown and/or raised for a period of not less than one (1) year prior to making application for an agri-tourism operation. In the event that the agri-tourism operation's main, agriculturally productive, use ceases or becomes improperly maintained, as determined by the Planning Commission, the right to operate an agri-tourism business under a Conditional Use Permit may be revoked.
  7. **Uses/Activities and Products:** One-half (1/2) Seventy-five (75%) percent of all uses/activities and products, made available at an agri-tourism operation, shall be agriculturally related as defined in Chapter 1 – *General Provisions*, of the Weber County Zoning Ordinance. One-half (1/2) of all agriculturally related products shall be raised/cultivated and/or produced by the farm on which the agri-tourism business is operated. Activities shall be measured on a one-to-one basis. The method by which products will be measured shall be in units of volume, rounded to the nearest cubic foot, based on simple measurements of a products public display area.
  8. **Hours of Operation:** Agri-tourism uses/activities, not including: residential overnight accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00am and 10:00pm. The Planning Commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
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#### 46-4 Agricultural Operation Designation

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

1. **Market Garden:** includes an agriculturally productive property consisting of three (3) acres or more; however, less than five (5) acres.
  2. **Family Farm:** includes an agriculturally productive property consisting of five (5) acres or more; however, less than ten (10) acres.
  3. **Small Farm:** includes an agriculturally productive property consisting of ten (10) acres or more; however, less than twenty (20) acres.
  4. **Medium Farm:** includes an agriculturally productive property consisting of twenty (20) acres or more; however, less than forty (40) acres.
  5. **Large Farm:** includes an agriculturally productive property consisting of forty (40) acres or more; however, less than eighty (80) acres.
  6. **Ranch:** includes an agriculturally productive property consisting of eighty (80) acres or more.
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#### 46-5 Permitted Uses/Activities Table

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this Chapter; therefore, is shall not be construed in any manner that this Chapter alters, supersedes or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those

uses/activities marked with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See Section 46-6 for specific design and/or limitation standards associated with each use/activity marked with an asterisk (\*).

Uses/Activities	Farm Designations					
	Market Garden (3-<5 acres)	Family Farm (5-<10 acres)	Small Farm (10-<20 acres)	Medium Farm (20-<40 acres)	Large Farm (40-<80 acres)	Ranch (≥80 acres)
<b>Farm Stay (Residential and Overnight Accommodation) Uses/Activities</b>						
B&B Dwelling (2 Room)*			•	•	•	•
B&B Hotel (20 Room)*					•	•
B&B Inn (7 Room)*				•	•	•
Campground*					•	•
Carriage House*					•	•
<u>Conference/Education Center*</u>					•	•
PRUD (Residential Farm Community)*					•	•
Single Family Dwelling; aka Farm House	•	•	•	•	•	•
<u>Wellness Retreat*</u>				•	•	•
<b>Agriculturally Related Uses/Activities</b>						
Barn Dance		•	•	•	•	•
Community Garden/Rent-A-Row			•	•	•	•
Community Supported Agriculture	•	•	•	•	•	•
Corn Maze				•	•	•
Educational Classes	•	•	•	•	•	•
Farm Museum		•	•	•	•	•
Farm Product Processing and Packaging*		•	•	•	•	•
Farm Tour	•	•	•	•	•	•
Fee Fishing		•	•	•	•	•
Mini-Market*	•	•	•	•	•	•
Multi-Farmer Open Air (Farmer's) Market*				•	•	•
Nursery (Plant Cultivation)	•	•	•	•	•	•
On-Farm Store/Retail Shop* <b>Define</b>					•	•
Petting Farm/Zoo		•	•	•	•	•
Seasonal Product Stand* <b>Define</b>			•	•	•	•
Sleigh/Hay Ride			•	•	•	•
Special Event; As Defined by Title 20-Weber County Special events Ordinance	•	•	•	•	•	•
Special Occasion, Agri-tourism				•	•	•
U-Pick Operation/Pumpkin Patch	•	•	•	•	•	•
<b>Non-Agriculturally Related Uses/Activities</b>						
Bakery Featuring Farm Products*				•	•	•
Café Featuring Farm Products*				•	•	•
<u>Conference/Education Center*</u>					•	•
Fee Fishing		•	•	•	•	•
Food Concessions*	•	•	•	•	•	•

Gift Shop (Retail)*					•	•
Haunted House/Hay Stack/Farm			•	•	•	•
Hunting Preserve*						•
Play Area, Agri-tourism		•	•	•	•	•
Restaurant Featuring Farm Products*				•	•	•
Special Event; As Defined by Title 20 - Weber County Special Events Ordinance	•	•	•	•	•	•
Wellness Retreat*				•	•	•

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

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

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

- a. B&B Dwelling (2 Guest Room)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Meals shall only be served to overnight guests.
  - iii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the B&B Dwelling is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
- b. B&B Hotel (20 Guest Room)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Meals shall only be served to overnight guests.
  - iii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the B&B Hotel is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
  - iv. The B&B Hotel shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
- c. B&B Inn (7 Guest Room)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Meals shall only be served to overnight guests.
  - iii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the B&B Inn is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
  - iv. The B&B Inn shall in no case be located closer than three hundred (300ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
- d. Campground

- i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Campgrounds are subject to the Weber County Forest Campground Ordinance.
    - iii. Campgrounds shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
    - iv. Campgrounds shall be completely screened from street view or located no closer than five hundred (500ft.) feet to any existing property line.
  - e. Carriage House
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Carriage Houses shall be limited to a number that does not exceed the following calculation:
 
$$\begin{array}{l} \text{Adjusted Gross Acreage of the parcel upon which a Carriage House(s) is located} \\ \div \text{Minimum area requirement set forth by the zone in which the parcel(s) is located} \\ \times \text{Twenty (20\%) percent} \\ = \text{Maximum number of Carriage Houses at an approved agri-tourism operation} \end{array}$$
    - iii. A Carriage House shall consist of not more than eight hundred (800 sq.ft.) square feet, as measured by its footprint.
  - f. Conference/Education Center
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. The Conference/Education Center shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
  - g. PRUD (Residential Farm Community)
    - i. PRUD's are subject to Chapter 22D – Planned Residential Unit Development of the Weber County Zoning Ordinance and the Weber County Subdivision Ordinance.
    - ii. PRUD's approved as part of an agri-tourism operation shall be limited to a number of units that does not exceed thirty (30%) percent of the number of units otherwise permitted by the zone in which the PRUD is located and the Weber County Subdivision Ordinance.
    - iii. Development Agreement? (Agreement Content: \*Under what circumstances should an Ag-tourism PRUD be allowed to re-develop without the main agricultural component?)
  - h. Wellness Retreat
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the Wellness Retreat is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
    - iii. The wellness retreat shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
- 2. Agriculturally Related Uses/Activities
  - a. Farm Product Processing and Packaging (Define/"Value Added")
    - i. Processing and packaging shall be limited to agricultural products that have been raised/cultivated and/or produced by the farm on which the processing and packaging is taking place.
    - ii. Consumer direct (retail) sales of processed and packaged products shall be made from a farm designation that qualifies for a retail sales outlet.
  - b. Mini-Market

- i. The parcel on which the Mini Market is located shall have frontage and/or access directly off of a main road as indicated by colored, bold lines on the Ogden Valley Transportation Element Map or the Western Weber County Transportation Plan.
  - ii. Limited to agricultural products as defined in Chapter 1 – General Provisions, of the Weber County Zoning Ordinance.
  - iii. One-half (1/2) of all agricultural products shall be raised/cultivated and/or produced by the farm on which the Mini-Market is operated.
- c. On-Farm Store/Retail Shop (**Define**)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. The parcel on which the On-Farm Store/Retail Shop is located shall have frontage and/or access directly off of a main road as indicated by colored, bold lines on the Ogden Valley Transportation Element Map or the Western Weber County Transportation Plan.
- d. Seasonal Product Stand (**Define**)
  - i. Christmas trees, wreaths, corn stalks, pumpkins....

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

- a. Bakery Featuring Farm Products
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Menu items shall consist of ingredients (agricultural products) derived from the farm on which the Bakery is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
- b. Café Featuring Farm Products
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Menu items shall consist of ingredients (agricultural products) derived from the farm on which the Café is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
- c. Conference/Education Center
  - i. See Section 46-6-1(e) above.
- d. Food Concessions
  - i. Limited as an accessory use to one or more main agri-tourism uses/activities.
- e. Gift Shop (Retail)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. A Gift Shop shall consist of not more than eight hundred (800 sq.ft.) square feet, as measured by its footprint.
- f. Hunting Preserve
  - i. Limited to the Western Weber County Township.
  - ii. Limited to upland game and waterfowl hunting only.
  - iii. Subject to Utah Division of Wildlife Resource standards.
- g. Restaurant Featuring Farm Products
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. The parcel on which the Restaurant is located shall have frontage and/or access directly off of a main road as indicated by colored, bold lines on the Ogden Valley Transportation Element Map or the Western Weber County Transportation Plan.
  - iii. Menu items shall consist of ingredients (agricultural products) derived from the farm on which the Restaurant is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
- h. Wellness Retreat

- i. See Section 46-6-1(h) above.

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46-7 Signs

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