



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request to set the date of May 5, 2015 (at 10:00am) for a public hearing to consider and take action on a request to amend the Weber County Land Use Code to provide clarifications in the regulations and permissions of main buildings and accessory buildings, and main uses and accessory uses.

Agenda Date: Tuesday, April 21, 2015

Applicant: Weber County

File Number: ZTA 2014-06

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

North: Not Applicable	South: Not Applicable
East: Not Applicable	West: Not Applicable

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: SW

Applicable Ordinances

Weber County Land Use Code §101-1-7, §104-3-2, §104-4-1, §104-5-3, §104-6-3, §104-7-3, §104-8-3, §104-8-3, §104-9-2, §104-10-2, §104-10-2, §104-11-4, §104-12-2, §104-13-2, §104-14-2, §104-15-2, §104-16-2, §104-17-2, §104-18-2, §104-19-2, §104-20-5, §104-21-5, §104-22-2, §104-23-2, §104-25-2, §104-26-2, §104-29-8.

Background

The current land use code (LUC), under the definitions of “accessory building,” “main building,” “accessory use,” and “main use,” does not appear to allow an “accessory building” to be placed on a lot that does not have a “main building.” What this means is that any “main use” of property that is an open air use of property (i.e., agriculture, agritourism, golf course, public and private park, reservoir, mining operations, parking lot, etc.) may not have an “accessory building” to support the use unless and until a “main building” has been established. To complicate this, most zones list “accessory building or use customarily incidental to any permitted or conditional use” as a permitted use in the zone, leading one to think that an “accessory building” can be established without a “main building,” despite the directive in the definitions.

Historically, this conflict has caused confusion for administration of the code. It has resulted in land owners having to go to extravagant ends to establish simple incidental support buildings on their property. For example, a farmer may have been required to build a dwelling unit on his farm before he could build a barn or other accessory building.

This land use code amendment will provide clarification that incidental buildings intended to support an existing permitted use on a property are permitted. Such buildings will be considered a “main building” for the purposes of setback requirements, but will not require any other “main buildings” to be established. If at some point in the future the land owner builds another building that can be defined as a “main building,” then the first building may be re-determined to be an “accessory building.”