



WESTERN WEBER TOWNSHIP PLANNING COMMISSION
MEETING AGENDA

Tuesday, March 10, 2015
5:00 P.M.

- *Pledge of Allegiance*
- *Roll call*
- 1. **Consent Agenda:**
 - 1.1 **LVB100114:** Consideration and action on final approval of Blue Acres Subdivision Phase 4, for 9 lots, located at approximately 4000 West 2000 South, Romney Buck, Applicant
- 2. **Administrative Items**
 - a. **New Business**
 - 1. **CUP 2015-07:** Consideration and action on a conditional use permit for an accessory apartment in the Residential Estates RE-15 Zone, located at approximately 2757 East 6425 South, Jonathan Vance, Applicant
- 3. **Legislative Items: Public Hearings**
 - a. **New Business:**
 - 1. **ZTA 2014-05:** Consideration and recommendation on a proposal to amend the Weber County Land Use Code to provide for the nonconforming designation of lots made smaller by right-of-way expansions, and to provide administrative clarifications related to those sections.
 - 2. **ZTA 2014-06:** Consideration and recommendation on a proposal 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.
- 4. **Public Comment for Items not on the Agenda**
- 5. **Remarks from Planning Commissioners**
- 6. **Planning Director Report**
- 7. **Adjourn**

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT
A pre-meeting will be held at 4:30 P.M. in Room 108. No decisions will be made in this meeting.
Work Sessions will be held in the Weber County Commission Chamber Break Out Room unless otherwise posted.*



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly hand written with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.



Staff Report for Western Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Blue Acres Subdivision Phase 4 (9 lots).
Agenda Date: Tuesday, March 10, 2015
Applicant: Romney Buck
File Number: LVB 1001

Property Information

Approximate Address: 4000 West 2200 South
Project Area: 10 acres
Zoning: Agricultural (A-1)
Existing Land Use: Residential
Proposed Land Use: Residential
Parcel ID: 15-078-0131
Township, Range, Section: T6N, R2W, Section 33

Adjacent Land Use

North: Residential	South: Agricultural
East: Agricultural	West: Residential

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767
Report Reviewer: JG

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)

Type of Decision

Administrative Decisions: When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

Background

The applicant is requesting final approval of Blue Acres Subdivision Phase 4 (9 lots), located at approximately 4000 West 2200 South in the A-1 Zone. The subdivision meets the area and lot width requirements of this zone. Each parcel will be from 40,000 square feet to a little over an acre in size. Curb, gutter, and sidewalk will be installed as part of this subdivision. The Wilson irrigation canal will have a five foot fence installed on the existing irrigation ditch.

The Engineering Division has noted corrections that need to be made on the improvement plans. A letter from Wilson Irrigation approving the plans is required. Hooper Irrigation has reviewed the plans and noted the corrections that need to be made. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines is required prior to final approval from the County Commission.

A final approval letter from Taylor-West Weber Water.

Central Weber Sewer will provide sewer services with the condition that the subdivision is annexed into the sewer district. Staff is unaware of the annexation status.

Summary of Planning Commission Considerations

- Does this subdivision meet the requirements of the Weber County Land Use Code?

The subdivision does meet the area and frontage requirements of the Land Use Code. The applicant is providing two stub roads; one to the south that will provide access to 30 plus acres of undeveloped land and could eventually tie into 2475 South in Hunter Place Subdivision, and the other stub could tie in to Winslow Farr Jr. Farm Cluster Subdivision to the east.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Central Weber Sewer District
 - Annexation into the sewer district
 - District impact fees
- Requirements of Taylor West Weber Water
 - Connect to Hooper Irrigation
 - Irrigation plans need to be approved by Hooper Irrigation
 - Impact fees
- Requirements of the Weber Fire District
 - Fire District Impact fees
- A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines
- All improvements need to be either installed or escrowed for prior to recording of the subdivision

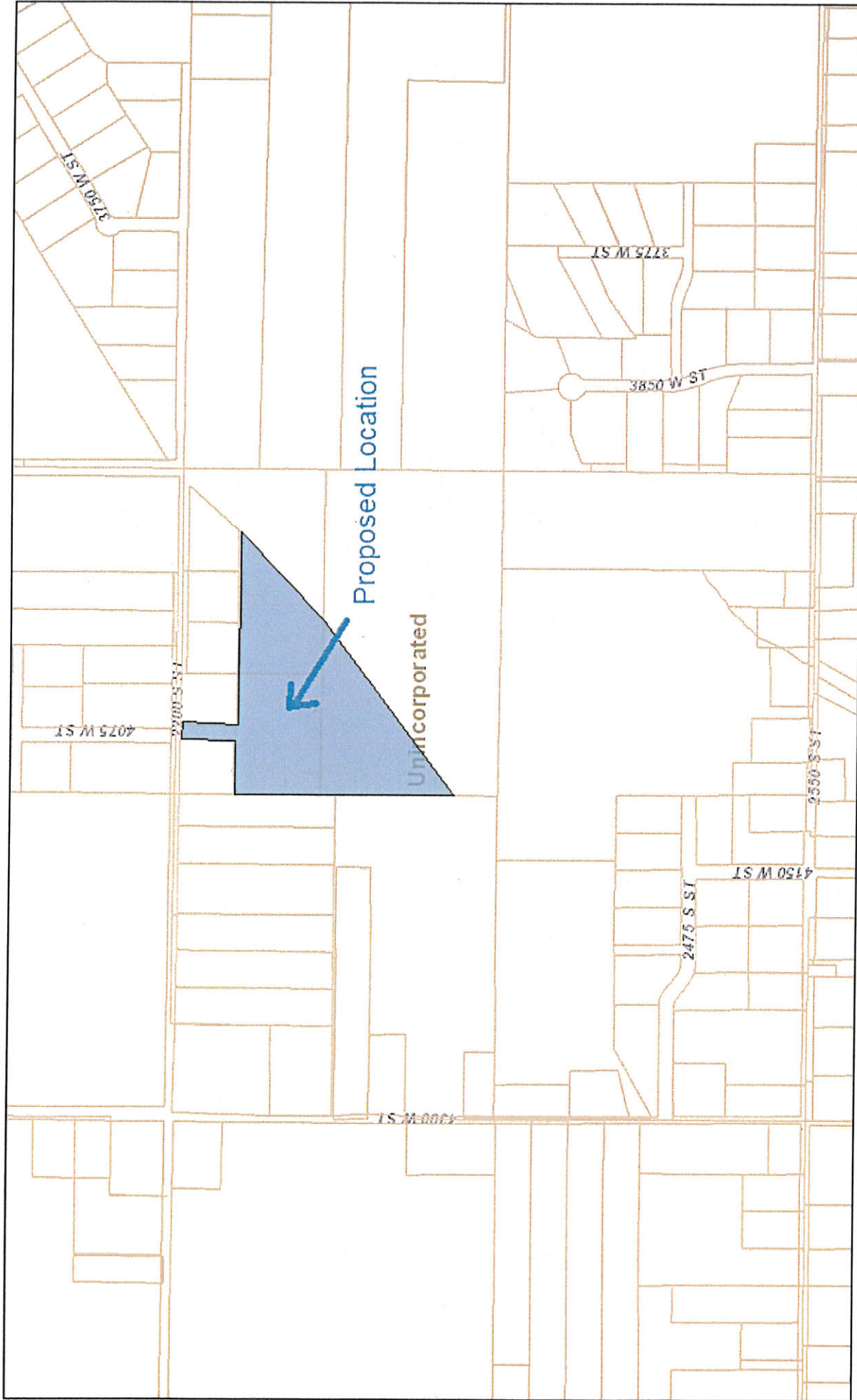
Staff Recommendation

Staff recommends final approval of Blue Acres Subdivision Phase 4 (9 lots), subject to staff and other agency's comments.

Exhibits

- A. Location map
- B. Subdivision plat

Blue Acres Phase 4



December 23, 2014

- Parcels
- Street Labels
- City Labels





Staff Report to the Western Weber Planning Commission
Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit for an accessory apartment in the Residential Estates RE-15 Zone.
Agenda Date: Tuesday, March 10, 2015
Applicant: Jonathan Vance
File Number: CUP 2015-07

Property Information

Approximate Address: 2757 East 6425 South, Ogden, UT
Project Area: 800 square feet
Zoning: Residential RE-15-Zone
Existing Land Use: Single Family Dwelling
Proposed Land Use: Adding an Accessory Apartment
Parcel ID: 07-226-0009
Township, Range, Section: T5N, R1W, Section 26

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Jim Gentry
 jgentry@co.weber.ut.us
 801-399-8767
Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 Zones Chapter 3 (Residential Estate RE-15)
- Weber County Land Use Code Title 108 Standards Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Standards Chapter 19 (Accessory Apartments)

Background

The applicant is requesting approval of a conditional use permit for an accessory apartment in the Residential RE-15 Zone at 2757 East 6425 South. As a conditional use, accessory apartments are permitted in any zone in which single-family residential dwelling units are allowed. The principal dwelling will be occupied by the owner of the premises. Two side by side parking spaces are provided for the accessory apartment.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed application meets these requirements.

22C-4. Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

- The apartment has a separate entrance to the side or rear of the home.
- The basement apartment meets the maximum size of 800 square feet allowed.
- The apartment contains two bedrooms, 1 bathroom, kitchen facilities, and a living room.
- The driveway and parking area are sufficient.
- The principal dwelling will be occupied by the owner of the premises.
- Two side by side parking stalls are provided for the accessory apartment.

Conformance to the General Plan

As a conditional use, accessory apartments are permitted in any zone in which single-family residential dwelling units are allowed. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Conditions of Approval

- Requirements of the Weber County Planning Division
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Division
- Requirements of the Weber County Fire District

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- The proposed use is allowed in the RE-15 Zone.
- The application meets the appropriate standards for accessory apartments.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Exhibits

- A. Application
- B. Location Map
- C. Site Plans

Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 2/13/15	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
---------------------------------------	-------------------	-----------------------------	--------------------------

Property Owner Contact Information

Name of Property Owner(s) Jonathan Vance	Mailing Address of Property Owner(s) 2757 E 6425 S. Ogden, UT 84403
Phone 801-686-4422	Fax
Email Address (required) jon.vance518@gmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)	Mailing Address of Authorized Person
Phone	Fax
Email Address	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name Vance Basement Apt.	Total Acreage	Current Zoning RE-15
Approximate Address 2757 E 6425 S. Ogden, UT 84403	Land Serial Number(s)	

Proposed Use
Basement Apartment.

Project Narrative

The intent of this project is to utilize an existing basement for the purpose of an accessory apartment (2 Bedrooms, Dining, Family room, kitchen, Full Bath, $\frac{1}{2}$ Entry Hallway) for a total of 800GSF. Access will be provided around the E. side of the home with parking designated on the E. RV parking pad. Accomodatio. will provided to tenants for rental periods of

not less than 30 days, but not likely to exceed a period of 18-24 months

Property Owner Affidavit

I (We), Jonathan Vance, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Jonathan Vance
(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20 _____.

(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

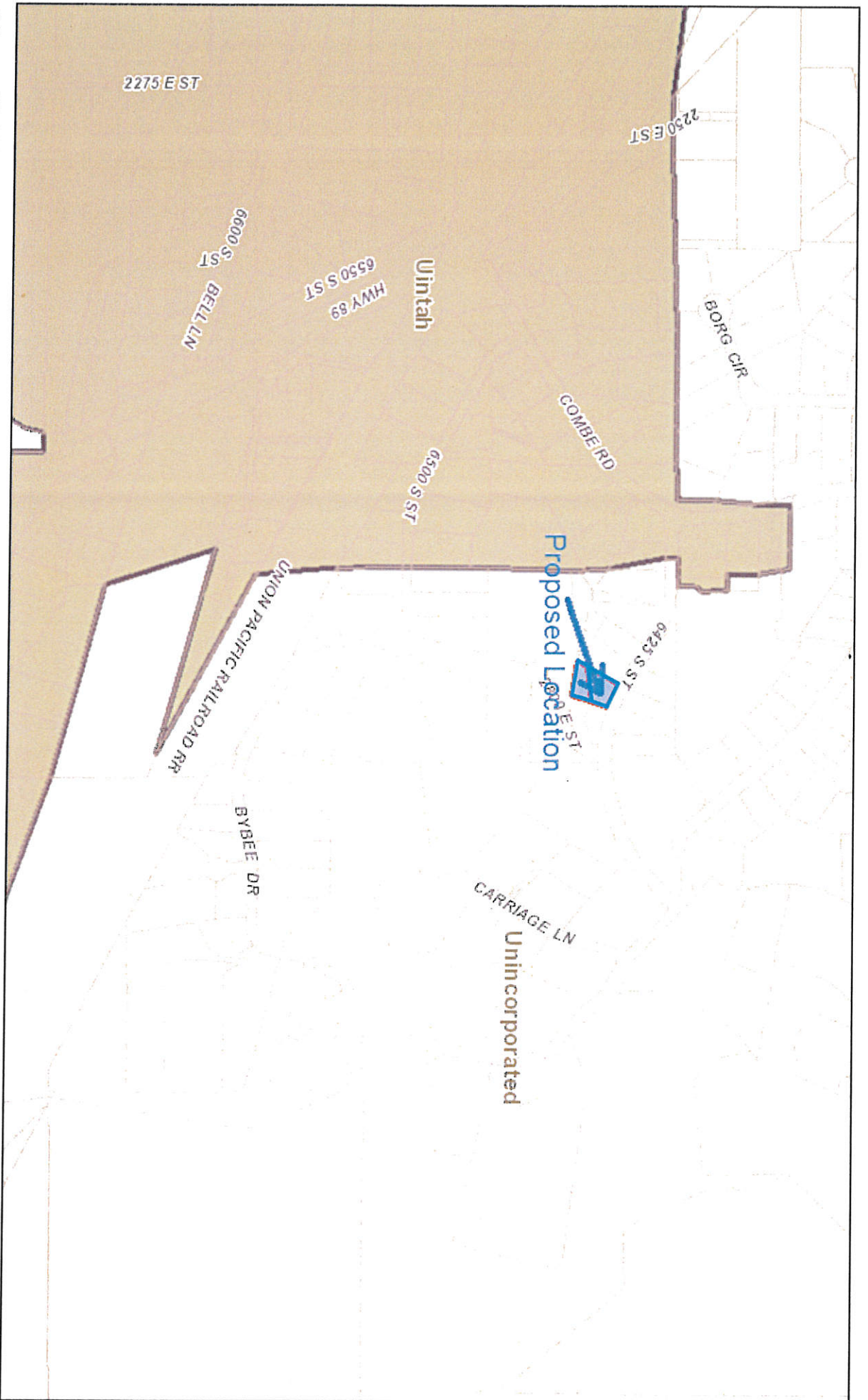
(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

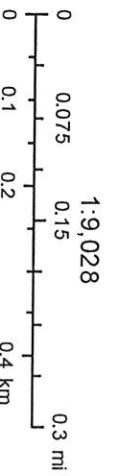
Location Map



February 24, 2015

Street Labels

City Labels





Apartment Entrance

2 CAR
Garage

35'

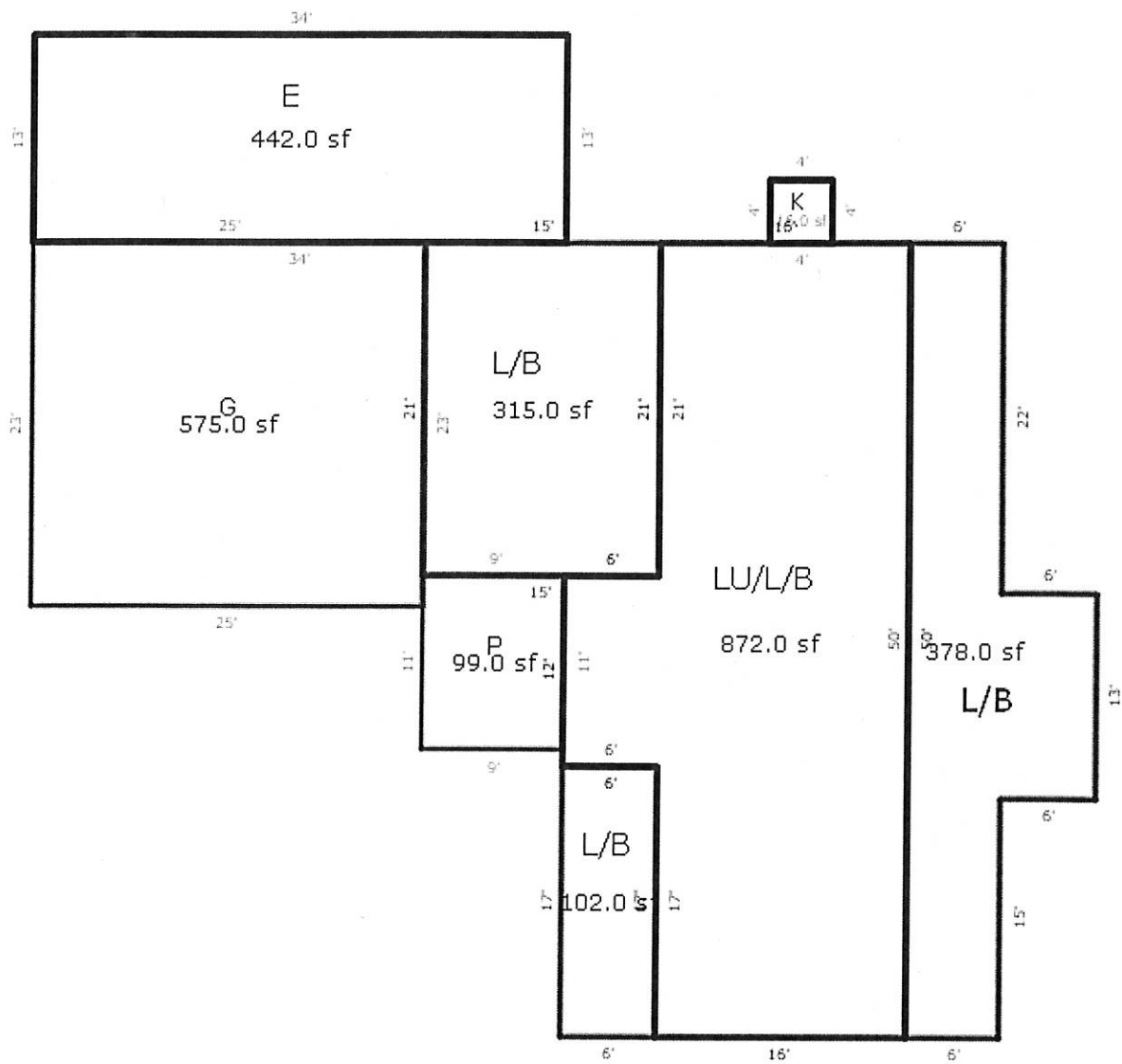
Additional
Parking

10'

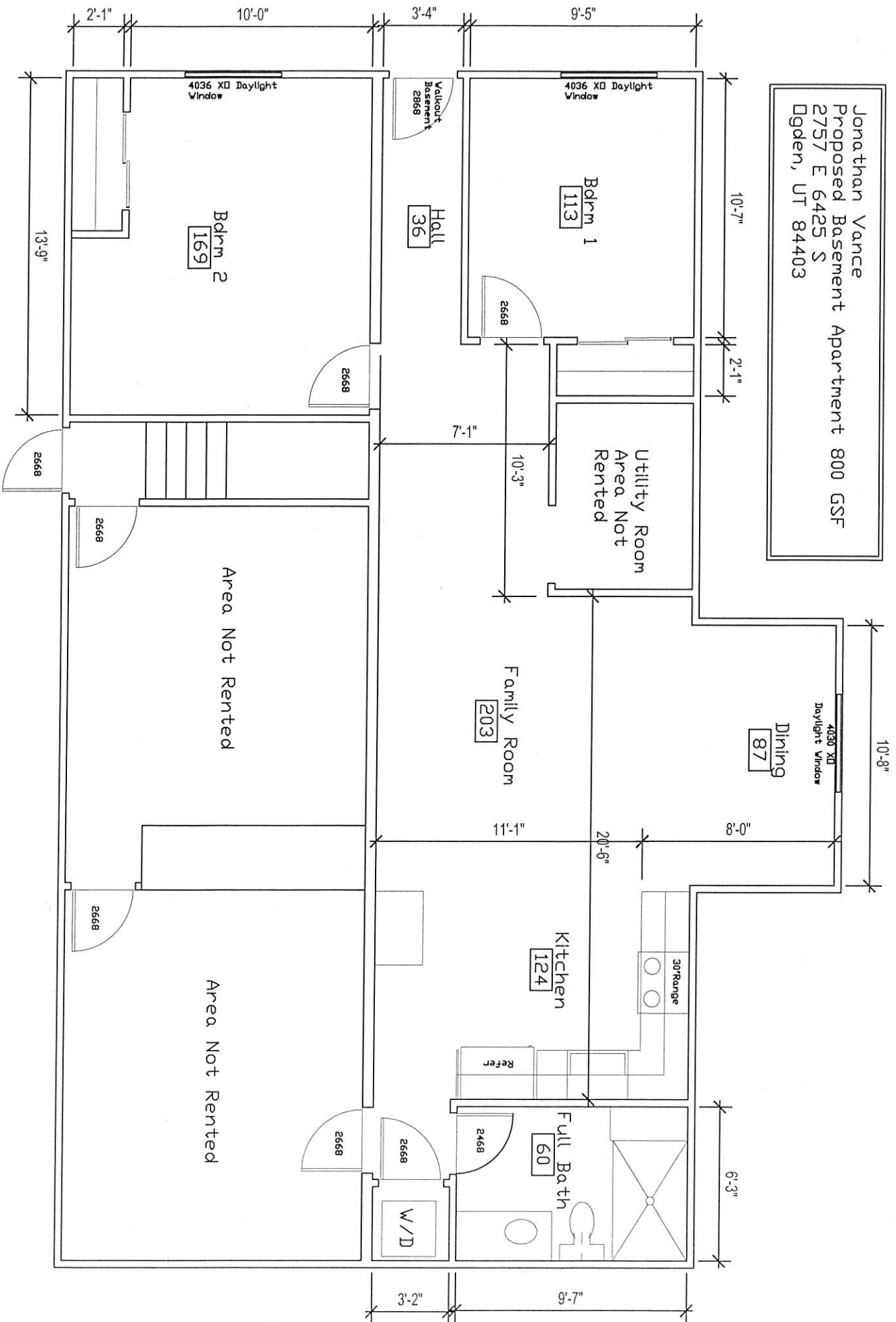
30'
Setback

Site Plan for
2757 E. 6425 S.

6475 South



Jonathan Vance
 Proposed Basement Apartment 800 GSF
 2757 E 6425 S
 Ogden, UT 84403



Storage
 Area Not Rented



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and recommendation on a proposal to amend the Weber County Land Use Code to provide for the nonconforming designation of lots made smaller by right-of-way expansions, and to provide administrative clarifications related to those sections.
Agenda Date:	Tuesday, March 10, 2015
Staff Report Date:	Thursday, February 12, 2015
Applicant:	Planning Division
File Number:	ZTA 2014-05

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 Title 101 (General Provisions) Section 7 (Definitions)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures and Nonconforming Uses/Parcels)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. With legislative actions it is required that the Planning Commission give a recommendation to the County Commission. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Background

The Engineering Department is currently working with the public along 3500 West and 12th Street to initiate a public right of way expansion of both roads. The expansions will take the front portions of the parcels that front these streets. The amount taken depends on a myriad of factors, such as the current right of way width, necessary road appurtenances, and proximity to intersections of streets and canals. A special ordinance is necessary that allows lots made noncompliant to current zoning standards to be considered a legal, nonconforming status. This will help clarify in the law that the current occupancy, use, and the right to initiate new uses, as may be allowed by the zone, may be continued on properties that drop below the zoning standards.

In the process of vetting language to enable this, staff found other areas of the code related to nonconforming parcels that need additional clarity. Under historic best management practices, and in model ordinances used throughout the country,

the nonconforming use and noncomplying structures ordinance is intended to ensure that the right to continue existing uses and structures are vested throughout time, and are protected from zoning changes or standards changes presented by new ordinances (often referred to as “grandfathered”). However, the original intent of such an ordinance is to make the changes or modifications of nonconforming uses and structures so restrictive that future land owners are more motivated to eliminate the nonconformity and comply with new ordinance standards (achieved by reconfiguring property and/or tearing down old structures). This intent was a method of advancing the purposes of new ordinances, which were presumably enacted to better the health, safety, and welfare of the public.

In Weber County, such restrictiveness has not prevailed. Even though the framework of Chapter 108-12 Noncomplying Structures and Nonconforming Uses/Parcels appears to follow the framework of historic model ordinances, the chapter has been amended to be more permissive regarding the modification of noncomplying structures. It has also been amended with provisions on how to treat nonconforming lots, giving leniency to those lots created in a manner that did not comply with previous subdivision codes. Essentially, what this does is gives a grant of amnesty from subdivision requirements for these lots. The County does this for three reasons:

1. It some cases it is difficult to determine what laws were in effect at the time, and whether they complied with state laws of the time.
2. It is difficult to tell whether the County has consistently and fairly applied those laws to all people/properties.
3. It is politically unpalatable to penalize a successor for violations that were created by a prior owner.

These provisions are not proposed to be removed, but they are being revised to provide clarity.

Policy Analysis

To provide for lots affected by public right-of-way expansions, Staff proposes the changes that can be found in the attached Exhibit A proposed code change, Section 108-12-15. Along with this new code section, a notice document has been created that will be recorded on the properties affected by right of way expansions. This notice will give current and future property owners notice of the new ordinance, and provide clarity in the record that their right to existing and new uses on the property will not be affected by the right of way expansion. This notice is provided in Exhibit B. The notice is not part of the text amendment.

Regarding unplatted properties, the changes proposed in Exhibit A, under Section 108-12-11, maintain the flexibility of the current ordinance whilst also providing clarifications. One primary difference in the proposal that deviates from the historic standard of practice is the modified definition of “Lot, nonconforming,” in Section 101-1-7. Current ordinance only lists that zoning area and zoning width standards may make a lot nonconforming. The new definition specifies that all applicable lot standards are to be considered when evaluating whether a lot is nonconforming. The significance of this change is this: lot standards may be found in various places in the code, including the zoning ordinance and the subdivision ordinance. If a lot is legally created or modified under the lot standards of any land use code requirement at the time and any of those lot standards are later changed, then the lot is considered nonconforming as it relates to the changed lot standard, whatever that standard may be. The proposed definition is no longer limiting to zoning area and zoning width standards.

Because this change parts ways with historic application of this ordinance, both within Weber County and elsewhere, staff consulted with the Weber County legal team and the Office of the Property Rights Ombudsman to ensure the philosophy is keeping with the goal of maintaining a supportable and defensible code.

This new distinction is only important inasmuch as nonconforming lots are treated differently from conforming lots. Staff has searched the code for all references to nonconforming lots and cannot find any reference that this change may negatively affect.

Conformance to the General Plan

Legislative decisions should be considered through the lens of policy perspectives provided in the General Plan. A review of the general plan documents returned little specificity on the subjects. However, the transportation element of both

townships' current general plans provide recommendations regarding sufficient vehicular transportation facilities¹, and this proposal helps support that.

Conditions of Approval

Not Applicable

Past Action on this Item

The Western Weber Planning Commission reviewed the proposal in a work session on November 18, 2014. The Ogden Valley Planning Commission reviewed the proposal in a work session on January 27, 2015. No action was taken in either meeting.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 in the following manners:

- Posted on the County's Official Website 10 days in advance of the hearing.
- Posted on the Utah Public Notice Website 10 days in advance of the hearing.
- Published in a local newspaper 10 days in advance of the hearing.

Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The additions will provide property owners affected by the expansion of a public right-of-way the protections of a nonconforming status that fall below zoning standards as a result of the expansion.
2. The additions provide property owners with an equitable balance to an issue caused by the County's acquisition of a portion of their land for public purposes.
3. The clarifications are not detrimental to the health, safety, and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission. A model motion is provided below.

Sample Motions

Sample Motion for a **Positive Recommendation** – "I move we forward a positive recommendation to the County Commission for the Zoning Text Amendment regarding lots made nonconforming by public right-of-way expansion, and other clarifications related to regulation of nonconforming lots, File #ZTA 2014-05, with the following findings:

1. All findings recommended by staff in the staff report dated February 12, 2015;
 - a. [as modified with these changes: _____]
2. ... List and additional findings to support the amendment, as may be deemed necessary."

Sample Motion for a **Negative Recommendation** – "I move we forward a negative recommendation to the County Commission for the Zoning Text Amendment regarding lots made nonconforming by public right-of-way expansion, and other clarifications related to regulation of nonconforming lots, File #ZTA 2014-05, with the following findings:

1. List any findings...

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change – Right of Way Expansions Causing Nonconforming Lots (Redlines).
- C. Code Change – Right of Way Expansions Causing Nonconforming Lots (Clean).
- D. Draft Notice of Legal-Nonconformance (for administrative use).
- E. Land Use Code Revision Process Flowchart

¹ For 1998 Ogden Valley General Plan, see Section 9.02. For the 2003 West Central Weber General Plan, see Section 3-1.

EXHIBIT A: SUMMARY, LIST, AND KEY TO PROPOSED CHANGES

1 The following code changes are being proposed due to several planned public right of way expansion
2 projects that may cause some lots to lose area and drop below the minimum lot standards of the
3 applicable zone. During routine review of related code sections, staff found the need for greater clarity
4 throughout, and are proposing such changes here.

5 This change addresses the following sections:

6 Sec 101-1-7. Definitions:

7 Lot, nonconforming

8 Lot of record (lawfully created lot)

9 Noncomplying structure

10 Nonconforming lot or parcel

11 Nonconforming sign

12 Sec. 108-12-10. Legal use of nonconforming lots

13 Related Additions, Corrections, and Clarifications:

14 Sec. 108-12. General Code Clarification.

15 Sec. 108-12-11. Subdivision Plat Requirements for Nonconforming Lots

16 Sec. 108-12-13. Setback requirements for nonconforming lots.

17 Sec. 108-12-14. Parcels previously combined

18

19 Key to changes:

20 Language that has been added is shown in blue underline.

21 ~~Language that has been moved to a new location is shown in green double strikeout.~~

22 ~~Language that has been deleted is shown in red strikeouts.~~

23 Language that has been moved from an old location is shown in green double underline.

**EXHIBIT B: CODE CHANGE – RIGHT OF WAY EXPANSIONS CAUSING
NONCONFORMING LOTS [REDLINED].**

All sections of code not specifically addressed herein shall remain unchanged.

1 **PART II LAND USE CODE** ^[1]

2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS** ^[2]

13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

21 Sec. 101-1-9. Supplementation of Code.

22 Sec. 101-1-10. Catchlines of sections.

23 Sec. 101-1-11. Altering Code.

24 Sec. 101-1-12. Severability of parts of Code.

25 Sec. 101-1-13. General penalty; continuing violations.

26 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

27 ...

28 **Sec. 101-1-7. Definitions.**

29 ...

30 *Lot, nonconforming.* The term "nonconforming lot" means a lot or parcel [that complied](#)
31 [with lot standards in effect at the time of the lot's creation and, because of subsequent changes to](#)
32 [the Land Use Code, does not conform to the current lot standards. Applicable standards include](#)
33 [lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance,](#)
34 [and other lot standards of this Land Use Code.](#) ~~of land that has less than the required minimum~~
35 ~~area or width as established by the zone in which it is located and provided that such lot or parcel~~
36 ~~was of record as a legally created lot on the effective date of the ordinance from which this title is~~
37 ~~derived.~~

38 ...

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

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

47 [Nonconforming lot or parcel. See "Lot, nonconforming."](#)

48 [Nonconforming sign. See "Sign, nonconforming."](#)

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

54 ...

55 **Title 108 STANDARDS**

56 CHAPTER 1. - DESIGN REVIEW

57 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

58 CHAPTER 3. - CLUSTER SUBDIVISIONS

59 CHAPTER 4. - CONDITIONAL USES

60 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

[Page 2 of 12](#)

[DRAFT Version: 2/20/2015 5:31 PM](#)

- 61 CHAPTER 6. - TIME SHARE
- 62 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS
- 63 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS
- 64 CHAPTER 9. - MOTOR VEHICLE ACCESS
- 65 CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS AND STRUCTURES
- 66 CHAPTER 11. - RESERVED
- 67 CHAPTER 12. - NONCOMPLYING STRUCTURES ~~AND~~, NONCONFORMING USES ~~PARCELS, AND~~
68 ~~NONCONFORMING LOTS~~
- 69 CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S
70 MARKETS
- 71 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS
- 72 CHAPTER 15. - STANDARDS FOR SINGLE-FAMILY DWELLINGS
- 73 CHAPTER 16. - OGDEN VALLEY LIGHTING
- 74 CHAPTER 17. - OGDEN VALLEY PATHWAYS
- 75 CHAPTER 18. - DRINKING WATER SOURCE PROTECTION
- 76 CHAPTER 19. - ACCESSORY APARTMENTS
- 77 CHAPTER 20. - FOREST CAMPGROUNDS
- 78 CHAPTER 21. - AGRI-TOURISM
- 79 ...
- 80 CHAPTER 12. NONCOMPLYING STRUCTURES ~~AND~~ NONCONFORMING USES ~~PARCELS AND~~
81 ~~NONCONFORMING LOTS~~
-
- 82 Sec. 108-12-1. Purpose and intent.
- 83 Sec. 108-12-2. Maintenance, repairs, and alterations.
- 84 Sec. 108-12-3. Additions and enlargements.
- 85 Sec. 108-12-4. Alteration where parking insufficient.
- 86 Sec. 108-12-5. Moving noncomplying structures.
- 87 Sec. 108-12-6. Restoration of damaged buildings.
- 88 Sec. 108-12-7. One-year vacancy or abandonment.
- 89 Sec. 108-12-8. Change of use.
- 90 Sec. 108-12-9. Expansion of nonconforming use.
- 91 Sec. 108-12-10. Legal use of ~~parcels~~nonconforming lots.

92 [Sec. 108-12-11. Subdivision plat requirements for nonconforming lots, exceptions. ~~Parcels in areas subjected~~](#)
93 [to change in zoning.](#)

94 [Sec. 108-12-12. ~~Combining~~ Enlarging nonconforming ~~parcels~~lots.](#)

95 [Sec. 108-12-13. Setback requirements for nonconforming lots. ~~Small lots/parcels created prior to zoning.~~](#)

96 [Sec. 108-12-14. Parcels previously combined for tax purposes.](#)

97 [Sec. 108-12-15. Effect of Public Right of Way Expansion.](#)

98 **Sec. 108-12-1. Purpose and intent.**

99 The purpose and intent of this chapter is to provide standards for the development
100 and use of noncomplying structures ~~and~~, nonconforming uses, ~~and nonconforming~~
101 ~~lots~~ [parcels](#). These structures, uses, and ~~lots~~ [parcels](#) are considered legal, despite not
102 meeting the current requirements of the zone in which they are located.

103 **Sec. 108-12-2. Maintenance, repairs, and alterations.**

104 (a) Maintenance, repairs, and structural alterations may be made to noncomplying structures
105 on lots of record.

106 (b) Dwellings or other structures built on [lots or](#) parcels which were once legal, but have
107 since been ~~made illegal~~ [modified in a manner that is in violation of applicable laws](#), shall
108 not be issued land use or building permits, unless the structure is being strengthened or
109 restored to a safe condition, or the [lot or](#) parcel is made to conform to current zoning
110 regulations. In restoring the structure to a safe condition, no expansion of the structure is
111 allowed.

112 **Sec. 108-12-3. Additions and enlargements.**

113 (a) A structure which is occupied by a nonconforming use shall not be added to or expanded
114 in any manner, unless such expansion is made to conform to all yard and use regulations
115 of the zone in which the structure is located.

116 (b) A noncomplying structure (main or accessory) shall not be added to or enlarged in any
117 manner, unless such addition or enlargement conforms to all the regulations of the zone
118 in which it is located, or conforms to the reduced yard setbacks as allowed in section
119 108-12-13

120 (c) A legally constructed dwelling or other structure on a lot of record, which has yard
121 setbacks that are less than the required yard setbacks for the zone in which it is located,
122 shall be allowed to have an addition, provided that:

- 123 (1) The addition does not encroach into the required yard setbacks further than the
124 existing dwelling or other structure; and
- 125 (2) The addition is located completely on the same property as the existing structure
126 and does not encroach into a road right-of-way or on to adjacent property.
- 127 (d) A legally constructed dwelling or other structure on a lot of record, which is located within
128 a stream corridor setback (as defined by the Weber County Land Use Code
129 sections 108-7-23 and/or 104-28-2, ~~shall be allowed to have an addition(s)~~may be added
130 to or enlarged, provided that:
- 131 (1) The addition does not encroach into the stream corridor setback further than the
132 existing dwelling or other structure; and
- 133 (2) The addition meets the yard setback requirements of the zone in which it is
134 located or conforms to the reduced yard setbacks as allowed in section 108-12-
135 13; or
- 136 (3) The addition does not encroach into the required yard setbacks further than the
137 existing dwelling or other structure.

138 **Sec. 108-12-4. Alteration where parking insufficient.**

139 A structure lacking sufficient automobile parking space as required by this chapter
140 may be altered or enlarged, provided additional automobile parking space is supplied to
141 meet the requirements of the Weber County Land Use Code.

142 **Sec. 108-12-5. Moving noncomplying structures.**

143 A noncomplying structure shall not be moved in whole or in part to any other location
144 on a lot ~~or~~ parcel, unless every portion of such structure is made to conform to all
145 regulations of the zone in which it is located, or made to conform to the reduced yard
146 setbacks as allowed in section 108-12-13.

147 **Sec. 108-12-6. Restoration of damaged buildings.**

148 A noncomplying structure which is damaged or partially destroyed by fire, flood,
149 wind, earthquake, or other calamity, act of God, or the public enemy, may be restored and
150 the occupancy or use of such structure or part thereof, may be continued or resumed,
151 provided that such restoration is started within a period of one year, by obtaining a land use
152 permit, and is diligently pursued to completion.

153 **Sec. 108-12-7. One-year vacancy or abandonment.**

154 (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and
155 which is or hereafter becomes vacant and remains unoccupied for a continuous period of
156 one year, except for dwellings and structures to house animals and fowl, shall not
157 thereafter be occupied except by a use which conforms to the use regulations of the
158 zone in which it is located. Wherever a nonconforming use has been discontinued for a
159 period of one year, such use shall not thereafter be re-established and any future use
160 shall be in conformance with the current provisions of the Weber County Land Use Code.

161 (b) Any building or structure for which a valid building permit has been issued and actual
162 construction was lawfully begun prior to the date when the structure became
163 noncomplying, may be completed and used in accordance with the plans, specifications
164 and permit on which said building permit was granted. The term "actual construction" is
165 hereby defined to be the actual placing of construction materials in their permanent
166 position, fastened in a permanent manner, actual work in excavating a basement or the
167 demolition or removal of an existing structure begun preparatory to rebuilding; provided
168 that in all cases actual construction work shall be diligently carried on until the completion
169 of the building or structure involved.

170 **Sec. 108-12-8. Change of use.**

171 The nonconforming use of a legal structure may not be changed except to a
172 conforming use. Where such a change is made to a conforming use, the use shall not
173 thereafter be changed back to a nonconforming use.

174 **Sec. 108-12-9. Expansion of nonconforming use.**

175 A nonconforming use may be extended to include the entire floor area of the existing
176 legal structure in which it was conducted at the time the use became nonconforming,
177 provided, however, that a ~~certificate of occupancy~~[Land Use Permit](#) is first obtained for such
178 extension of use.

179 **Sec. 108-12-10. Legal use of ~~nonconforming lots~~[parcels](#).**

180 ~~_(a) — Any legally created lot and/or parcel of land, which existed prior to adoption of the~~
181 ~~Weber County Land Use Code/Zoning Map may apply to develop any of the permitted or~~
182 ~~conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or~~
183 ~~parcel of land is located. In Western Weber County, the 1962 ownership plats are used as~~
184 ~~the legal reference point, and in the Ogden Valley, the 1966 ownership plats are used as the~~
185 ~~legal reference point.~~

186 ~~(b) — Any legally created lot and/or parcel of land which existed prior to the adoption of the~~
187 ~~Weber County Land Use Code or an amendment to the Land Use Code, but which may now~~
188 ~~require a different lot area or lot width/frontage, may apply to develop any of the permitted or~~

189 conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or
190 parcel of land is located.

191 Development on a nonconforming lot is permitted. Development on a nonconforming lot
192 is limited to only those permitted and conditional uses allowed on the smallest minimum lot size
193 for the applicable zone. A new use on a nonconforming lot is prohibited if the proposed use
194 requires a lot size larger than the smallest lot size permitted in the zone. A legally established use
195 may continue on a nonconforming lot regardless of the lot size requirements of the use.

196 ...

197 **Sec. 108-12-11. ~~Parcels in areas subjected to change in zoning~~ Subdivision plat**
198 **requirements for nonconforming lots, exemptions.**

199 All lots and parcels shall be platted as part of a subdivision in conformance with the
200 requirements of Title 106 of this Land Use Code, unless otherwise exempted by State Code
201 or this Land Use Code. The platting of nonconforming lots, and the amendment to a platted
202 subdivision containing nonconforming lots are governed as follows:

203 (a) The following rules govern the treatment of unplatted lots: Any unplatted lot that was
204 created in conformance with the lot standards in effect at the time of the lot's creation
205 and, because of subsequent changes to the Land Use Code does not conform to the
206 current lot standards and, regardless of whether it conformed with the requirements of
207 the subdivision code in effect at that time, shall be governed as follows:

208 (1) If the existing lot can be defined as a Lot of Record, as defined in Section 101-1-7,
209 the lot shall be exempt from subdivision platting requirements.

210 (2) If the existing lot was created prior to July 1, 1992, contained a single family dwelling
211 unit constructed prior to July 1, 1992, and complied with the standards of the zone in
212 effect at the time of the lot's creation, but because of subsequent changes to these
213 codes does not conform to the current lot standards, the lot shall be exempt from
214 subdivision platting requirements, and is a nonconforming lot.

215 (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the
216 provisions of subsections (a)(1) or (a)(2), then the lot shall be platted in accordance
217 with Title 106 of this Land Use Code, and the following:

218 a. Required lot width and area standards may be reduced to the width and area of
219 the lot as it existed prior to July 1, 1992.

Comment [c1]: Added language to clarify what we really mean.

220 b. A lot that does not meet the minimum standards of the zone in effect at the time
221 of the lot's creation may be reconfigured in a configuration that complies with
222 those minimum lot standards, as long as the reconfiguration does not cause any
223 other lot to become nonconforming or more nonconforming.

224 c. Lot area and lot width may be further reduced to accommodate any right of way
225 dedication as may be required by Title 106 of this Land Use Code.

226 d. All such platted lots that do not conform to current zoning standards shall
227 hereafter be considered nonconforming lots.

228 e. No unplatted lot or parcel governed by this subsection shall be granted a land
229 use permit prior to subdivision platting.

230 (b) The following rules govern the treatment of platted lots: Any lot legally platted within the
231 bounds of a subdivision that was created in conformance with the lot standards of the
232 zoning code and subdivision code in effect at the time of its creation and, because of
233 subsequent changes to these codes does not conform to the current lot standards, may
234 be amended pursuant to the minimum lot standards in effect at the time of its creation,
235 provided the external subdivision boundaries of not change. The amendment shall not
236 create any new lot. An amended plat shall be required.

237 ~~Where lot area and/or frontage/width requirements have increased as a result of a change in~~
238 ~~zoning, the following shall apply:~~

239 ~~(1) — Parcels not meeting current zoning as to area and/or frontage/width~~
240 ~~requirements, but containing a single family dwelling which:~~

241 ~~a. — Were built on and created and recorded prior to July 1992 changes to~~
242 ~~the Utah Code, Subdivision Law and met area and frontage/width~~
243 ~~requirements for the zone in which they were created at the time they were~~
244 ~~created are considered nonconforming parcels; or~~

245 ~~b. — Were created and recorded with an existing single family dwelling~~
246 ~~after July 1992 changes to the Utah Code, Subdivision Law but prior to the~~
247 ~~change in zoning, and met area and frontage/width requirements for the zone~~
248 ~~in which they were created at the time they were created shall submit an~~
249 ~~application for subdivision approval;~~

250 ~~c. — Were part of a legal subdivision, but were further divided, and met the~~
251 ~~requirements of subsections (1)a or b of this section shall be subject to the~~
252 ~~note below.~~

Comment [c2]: Moved from within paragraph to here.

Comment [c3]: Moved from within paragraph to here.

Comment [c4]: Reworked the language to better reflect complimentary provisions in subsection (a) above.

254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289

~~NOTE: No lot within a subdivision approved by the Planning Commission and County Commission and recorded in the County Recorder's Office in accordance with the provisions of the Subdivision Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in a any manner so as to create more lots than initially recorded without first obtaining the approval of the Land Use Authority. Therefore, an amended plat shall be required.~~

~~(2) — Parcels not meeting current zoning as to area and/or frontage/width requirements, containing a single family dwelling which:~~

- ~~a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law;~~
- ~~b. — Are able to obtain the additional area and frontage/width which would bring the lot into compliance with the area and frontage/width requirements for the zone in which they were created at the time they were created; and~~
- ~~c. — Complied with all other county ordinances when built;~~

~~may submit an application for subdivision approval provided they meet all other requirements of title 106, Subdivisions.~~

~~(3) — Parcels not meeting current zoning as to area and/or frontage/width requirements which:~~

- ~~a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and~~
- ~~b. — Met area and frontage/width requirements for the zone in which they were created at the time they were created;~~

~~may submit an application for subdivision approval provided they meet all other requirements of title 106.~~

~~(4) — Lots/parcels which are subject to subsections (1), (2), or (3) of this section, and have boundary descriptions that fall within a roadway, shall be allowed to develop with the lot/parcel area that remains after dedicating land for the roadway, as required by the Weber County Land Use Code.~~

~~(5) — Parcels that have been combined by the county recorder's office for tax purposes shall be allowed to separate one or more of the combined parcels on an approved and recorded form provided:~~

- ~~a. — The parcels that are being separated were originally created prior to July 1992 changes to the Utah Code, and Subdivision Law;~~

- 290 ~~b. The properties as configured prior to the combination met area and~~
 291 ~~frontage/width requirements for the zone in which they were created, or were~~
 292 ~~considered nonconforming parcels;~~
- 293 ~~e. The combination was done by the current owner or same owner acting as~~
 294 ~~trustee, and was done by a quit claim, combination form, or other instrument, which~~
 295 ~~states the consolidation of parcels is for tax purposes;~~
- 296 ~~d. No new lots are being created;~~
- 297 ~~e. The separation of parcels results in a configuration consistent with the~~
 298 ~~original parcels and conforms to the ordinance that was in place prior to the recording~~
 299 ~~of the combination form; and~~
- 300 ~~f. The separation of combined parcels authorized under this subsection does~~
 301 ~~not authorize a change in the configuration of an approved and recorded subdivision~~
 302 ~~or lots within such subdivision. A subdivision plat cannot be changed unless an~~
 303 ~~amended subdivision plat is prepared and recorded in accordance with Utah Code~~
 304 ~~and title 106 of the Land Use Code.~~

305 **Sec. 108-12-12. ~~Combining~~ Enlarging nonconforming ~~parcels~~ lots.**

306 A nonconforming lot may be reconfigured in a configuration that complies with the lot
 307 standards of the zone in effect as the time of the lot's creation, as long as the reconfiguration
 308 does not create any more lots than currently exist or cause any other lot to become
 309 nonconforming or more nonconforming to current lot standards. If the nonconforming lot is
 310 part of a platted subdivision an amended subdivision plat is required. ~~Parcels not meeting~~
 311 ~~current zoning as to area and frontage/width requirements that were legally created or made~~
 312 ~~legal through the provisions of this chapter, may be enlarged by combining adjoining parcels~~
 313 ~~provided that:~~

- 314
- 315 ~~(1) The combination is achieved by submitting a subdivision if any of the parcels~~
 316 ~~were part of a recorded subdivision or by combining parcels if they have metes~~
 317 ~~and bounds descriptions;~~
- 318 ~~(2) All adjoining parcels under common ownership, or brought under common~~
 319 ~~ownership after the date of the adoption of this section are merged to create the~~
 320 ~~largest lot possible;~~
- 321 ~~(3) The combination does not result in any illegal divisions of land; and~~

Comment [c5]: Reworded to say what we mean.

This section is slightly different than the new provisions of 108-12-11(a)(3)b. because this section applies to all nonconforming lots. 108-12-11(a)(3)b is exclusive to certain lots created before 1992 without an existing house on it.

322 ~~(4) Structures built on the newly created lot shall resemble the architectural style,~~
323 ~~height, size and mass of existing noncommercial structures on parcels within 500~~
324 ~~feet of the newly created lot, and meet all current setback and height~~
325 ~~requirements of the zone in which the combination is made.~~

326 **Sec. 108-12-13. Setback requirements for nonconforming lots.** ~~Small lots/parcels~~
327 ~~created prior to zoning.~~

328 A nonconforming lot ~~/parcel~~ that has a smaller width than is required for the zone in
329 which it is located may be developed in a manner that does not exceed the following allowed
330 reduction in side yard setbacks:

331 (1) A nonconforming lot's ~~/parcel's~~ actual width (v) may be divided by the current
332 required frontage/width (w) in order to formulate a ratio or proportional relation
333 (x). ~~(Formula: "v" divided by "w" equals "x.")~~

334 (2) The ratio may then be multiplied by the current zone's side yard setback
335 requirement (y) in order to establish a reduced setback (z). ~~(Formula: "x"~~
336 ~~multiplied by "y" equals "z.")~~

337 (3) The reduced side yard setback is subject to the conditions listed below.
338 ~~(Formula: $v \div w = x$. $x \times y = z$.)~~

339 a. Under no circumstances shall an interior lot ~~/parcel~~ be allowed to reduce
340 the side-yard setback requirement below five feet on one side and eight feet
341 on the other.

342 b. Under no circumstances shall a corner lot ~~/parcel~~ be allowed to reduce the
343 side-yard requirement below ten feet when the side yard fronts on a street.
344

345 **Sec. 108-12-14. Parcels previously combined for tax purposes.**

346 (a) ~~Parcels that have been combined by the county recorder's office for tax purposes shall be~~
347 ~~allowed to separate one or more of the combined parcels on an approved and recorded form~~
348 ~~provided if:~~

349 (1) ~~a.—The parcels that are being separated were originally created prior to July 1, 1992;~~
350 ~~changes to the Utah Code, and Subdivision Law;~~

351 (2) ~~b.—The properties as configured prior to the combination met area and frontage/width~~
352 ~~requirements for the zone in which they were created, or were considered~~
353 ~~nonconforming parcels~~ ~~lots;~~

- 354 (3) ~~e.—The combination was done by the current owner or same owner acting as trustee,~~
355 ~~and was done by a quit claim, combination form, or other instrument, which states the~~
356 ~~consolidation of parcels is for tax purposes;~~
- 357 (4) ~~d.—No new lots are being created; and~~
- 358 (5) ~~e.—The separation of parcels results in a configuration consistent with the original~~
359 ~~parcels and conforms to the ordinance that was in place prior to the recording of the~~
360 ~~combination form, and the resulting lots conform with the provisions of Section 108-12-~~
361 ~~11.; and~~
- 362 (b) ~~f.—The separation of combined parcels authorized under this sub~~Section does not authorize a
363 ~~change in the configuration of an approved and recorded subdivision or lots within such~~
364 ~~subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is~~
365 ~~prepared and recorded in accordance with Utah Code and title~~Any change to the configuration
366 ~~of a subdivision must comply with Title 106 of the Land Use Code, and any applicable state~~
367 ~~law.~~

368 **Sec. 108-12-15. Effect of Public Right of Way Expansion.**

- 369 (a) ~~Any structure that legally existed with conforming or nonconforming setback prior to the~~
370 ~~expansion of a public right of way where the expansion of such public right of way makes~~
371 ~~the structure noncomplying or more noncomplying to the setback requirements of this~~
372 ~~Land Use Code, shall be deemed a legal, noncomplying structure.~~
- 373 (b) ~~Any lot that legally existed in a conforming or nonconforming status prior to the~~
374 ~~expansion of a public right of way where the expansion of such public right of way makes~~
375 ~~the lot nonconforming or more nonconforming to the standards of this Land Use Code,~~
376 ~~shall be deemed a legal, nonconforming lot.~~
- 377 (c) ~~This section does not excuse or exempt any past or future action that creates or modifies~~
378 ~~a lot in a manner that is in violation of applicable laws.~~
- 379

EXHIBIT C: CODE CHANGE – RIGHT OF WAY EXPANSIONS CAUSING NONCONFORMING LOTS [CLEAN].

All sections of code not specifically addressed herein shall remain unchanged

1 PART II LAND USE CODE ^[1]

2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 Title 101 GENERAL PROVISIONS ^[2]

13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

21 Sec. 101-1-9. Supplementation of Code.

22 Sec. 101-1-10. Catchlines of sections.

23 Sec. 101-1-11. Altering Code.

24 Sec. 101-1-12. Severability of parts of Code.

25 Sec. 101-1-13. General penalty; continuing violations.

26 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

27 ...

28 **Sec. 101-1-7. Definitions.**

29 ...

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

35 ...

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

40

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

42 *Nonconforming sign.* See "Sign, nonconforming."

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

48 ...

49 **Title 108 STANDARDS**

50 CHAPTER 1. - DESIGN REVIEW

51 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

52 CHAPTER 3. - CLUSTER SUBDIVISIONS

53 CHAPTER 4. - CONDITIONAL USES

54 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

55 CHAPTER 6. - TIME SHARE

56 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

57 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

- 58 CHAPTER 9. - MOTOR VEHICLE ACCESS
- 59 CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS AND STRUCTURES
- 60 CHAPTER 11. - RESERVED
- 61 CHAPTER 12. - NONCOMPLYING STRUCTURES, NONCONFORMING USES, AND NONCONFORMING LOTS
- 62 CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S
- 63 MARKETS
- 64 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS
- 65 CHAPTER 15. - STANDARDS FOR SINGLE-FAMILY DWELLINGS
- 66 CHAPTER 16. - OGDEN VALLEY LIGHTING
- 67 CHAPTER 17. - OGDEN VALLEY PATHWAYS
- 68 CHAPTER 18. - DRINKING WATER SOURCE PROTECTION
- 69 CHAPTER 19. - ACCESSORY APARTMENTS
- 70 CHAPTER 20. - FOREST CAMPGROUNDS
- 71 CHAPTER 21 - AGRI-TOURISM

72 ...

73 **CHAPTER 12. NONCOMPLYING STRUCTURES, NONCONFORMING USES, AND NONCONFORMING LOTS**

- 74 Sec. 108-12-1. Purpose and intent.
- 75 Sec. 108-12-2. Maintenance, repairs, and alterations.
- 76 Sec. 108-12-3. Additions and enlargements.
- 77 Sec. 108-12-4. Alteration where parking insufficient.
- 78 Sec. 108-12-5. Moving noncomplying structures.
- 79 Sec. 108-12-6. Restoration of damaged buildings.
- 80 Sec. 108-12-7. One-year vacancy or abandonment.
- 81 Sec. 108-12-8. Change of use.
- 82 Sec. 108-12-9. Expansion of nonconforming use.
- 83 Sec. 108-12-10. Legal use of nonconforming lots.
- 84 Sec. 108-12-11. Subdivision plat requirements for nonconforming lots, exceptions.
- 85 Sec. 108-12-12. Enlarging nonconforming lots.
- 86 Sec. 108-12-13. Setback requirements for nonconforming lots.
- 87 Sec. 108-12-14. Parcels previously combined for tax purposes.
- 88 Sec. 108-12-15. Effect of Public Right of Way Expansion.

89 **Sec. 108-12-1. Purpose and intent.**

90 The purpose and intent of this chapter is to provide standards for the development
91 and use of noncomplying structures, nonconforming uses, and nonconforming lots. These
92 structures, uses, and lots are considered legal, despite not meeting the current requirements
93 of the zone in which they are located.

94 **Sec. 108-12-2. Maintenance, repairs, and alterations.**

95 (a) Maintenance, repairs, and structural alterations may be made to noncomplying structures
96 on lots of record.

97 (b) Dwellings or other structures built on lots or parcels which were once legal, but have
98 since been modified in a manner that is in violation of applicable laws, shall not be issued
99 land use or building permits, unless the structure is being strengthened or restored to a
100 safe condition, or the lot or parcel is made to conform to current zoning regulations. In
101 restoring the structure to a safe condition, no expansion of the structure is allowed.

102 **Sec. 108-12-3. Additions and enlargements.**

103 (a) A structure which is occupied by a nonconforming use shall not be added to or expanded
104 in any manner, unless such expansion is made to conform to all yard and use regulations
105 of the zone in which the structure is located.

106 (b) A noncomplying structure (main or accessory) shall not be added to or enlarged in any
107 manner, unless such addition or enlargement conforms to all the regulations of the zone
108 in which it is located, or conforms to the reduced yard setbacks as allowed in section
109 108-12-13

110 (c) A legally constructed dwelling or other structure on a lot of record, which has yard
111 setbacks that are less than the required yard setbacks for the zone in which it is located,
112 shall be allowed to have an addition, provided that:

113 (1) The addition does not encroach into the required yard setbacks further than the
114 existing dwelling or other structure; and

115 (2) The addition is located completely on the same property as the existing structure
116 and does not encroach into a road right-of-way or on to adjacent property.

117 (d) A legally constructed dwelling or other structure on a lot of record, which is located within
118 a stream corridor setback (as defined by the Weber County Land Use Code
119 sections 108-7-23 and/or 104-28-2, may be added to or enlarged, provided that:

- 120 (1) The addition does not encroach into the stream corridor setback further than the
121 existing dwelling or other structure; and
- 122 (2) The addition meets the yard setback requirements of the zone in which it is
123 located or conforms to the reduced yard setbacks as allowed in section 108-12-
124 13; or
- 125 (3) The addition does not encroach into the required yard setbacks further than the
126 existing dwelling or other structure.

127 **Sec. 108-12-4. Alteration where parking insufficient.**

128 A structure lacking sufficient automobile parking space as required by this chapter
129 may be altered or enlarged, provided additional automobile parking space is supplied to
130 meet the requirements of the Weber County Land Use Code.

131 **Sec. 108-12-5. Moving noncomplying structures.**

132 A noncomplying structure shall not be moved in whole or in part to any other location
133 on a lot or parcel, unless every portion of such structure is made to conform to all regulations
134 of the zone in which it is located, or made to conform to the reduced yard setbacks as
135 allowed in section 108-12-13.

136 **Sec. 108-12-6. Restoration of damaged buildings.**

137 A noncomplying structure which is damaged or partially destroyed by fire, flood,
138 wind, earthquake, or other calamity, act of God, or the public enemy, may be restored and
139 the occupancy or use of such structure or part thereof, may be continued or resumed,
140 provided that such restoration is started within a period of one year, by obtaining a land use
141 permit, and is diligently pursued to completion.

142 **Sec. 108-12-7. One-year vacancy or abandonment.**

- 143 (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and
144 which is or hereafter becomes vacant and remains unoccupied for a continuous period of
145 one year, except for dwellings and structures to house animals and fowl, shall not
146 thereafter be occupied except by a use which conforms to the use regulations of the
147 zone in which it is located. Wherever a nonconforming use has been discontinued for a
148 period of one year, such use shall not thereafter be re-established and any future use
149 shall be in conformance with the current provisions of the Weber County Land Use Code.
- 150 (b) Any building or structure for which a valid building permit has been issued and actual
151 construction was lawfully begun prior to the date when the structure became

152 noncomplying, may be completed and used in accordance with the plans, specifications
153 and permit on which said building permit was granted. The term "actual construction" is
154 hereby defined to be the actual placing of construction materials in their permanent
155 position, fastened in a permanent manner, actual work in excavating a basement or the
156 demolition or removal of an existing structure begun preparatory to rebuilding; provided
157 that in all cases actual construction work shall be diligently carried on until the completion
158 of the building or structure involved.

159 **Sec. 108-12-8. Change of use.**

160 The nonconforming use of a legal structure may not be changed except to a
161 conforming use. Where such a change is made to a conforming use, the use shall not
162 thereafter be changed back to a nonconforming use.

163 **Sec. 108-12-9. Expansion of nonconforming use.**

164 A nonconforming use may be extended to include the entire floor area of the existing
165 legal structure in which it was conducted at the time the use became nonconforming,
166 provided, however, that a Land Use Permit is first obtained for such extension of use.

167 **Sec. 108-12-10. Legal use of nonconforming lots.**

168

169 Development on a nonconforming lot is permitted. Development on a nonconforming lot
170 is limited to only those permitted and conditional uses allowed on the smallest minimum lot size
171 for the applicable zone. A new use on a nonconforming lot is prohibited if the proposed use
172 requires a lot size larger than the smallest lot size permitted in the zone. A legally established use
173 may continue on a nonconforming lot regardless of the lot size requirements of the use.

174 ...

175 **Sec. 108-12-11. Subdivision plat requirements for nonconforming lots,**
176 **exemptions.**

177 All lots and parcels shall be platted as part of a subdivision in conformance with the
178 requirements of Title 106 of this Land Use Code, unless otherwise exempted by State Code
179 or this Land Use Code. The platting of nonconforming lots, and the amendment to a platted
180 subdivision containing nonconforming lots are governed as follows:

181 (a) The following rules govern the treatment of unplatted lots: Any unplatted lot that was
182 created in conformance with the lot standards in effect at the time of the lot's creation
183 and, because of subsequent changes to the Land Use Code does not conform to the

184 current lot standards and, regardless of whether it conformed with the requirements of
185 the subdivision code in effect at that time, shall be governed as follows:

186 (1) If the existing lot can be defined as a Lot of Record, as defined in Section 101-1-7,
187 the lot shall be exempt from subdivision platting requirements.

188 (2) If the existing lot was created prior to July 1, 1992, contained a single family dwelling
189 unit constructed prior to July 1, 1992, and complied with the standards of the zone in
190 effect at the time of the lot's creation, but because of subsequent changes to these
191 codes does not conform to the current lot standards, the lot shall be exempt from
192 subdivision platting requirements, and is a nonconforming lot.

193 (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the
194 provisions of subsections (a)(1) or (a)(2), then the lot shall be platted in accordance
195 with Title 106 of this Land Use Code, and the following:

196 a. Required lot width and area standards may be reduced to the width and area of
197 the lot as it existed prior to July 1, 1992.

198 b. A lot that does not meet the minimum standards of the zone in effect at the time
199 of the lot's creation may be reconfigured in a configuration that complies with
200 those minimum lot standards, as long as the reconfiguration does not cause any
201 other lot to become nonconforming or more nonconforming.

202 c. Lot area and lot width may be further reduced to accommodate any right of way
203 dedication as may be required by Title 106 of this Land Use Code.

204 d. All such platted lots that do not conform to current zoning standards shall
205 thereafter be considered nonconforming lots.

206 e. No unplatted lot or parcel governed by this subsection shall be granted a land
207 use permit prior to subdivision platting.

208 (b) The following rules govern the treatment of platted lots: Any lot legally platted within the
209 bounds of a subdivision that was created in conformance with the lot standards of the
210 zoning code and subdivision code in effect at the time of its creation and, because of
211 subsequent changes to these codes does not conform to the current lot standards, may
212 be amended pursuant to the minimum lot standards in effect at the time of its creation,
213 provided the external subdivision boundaries of not change. The amendment shall not
214 create any new lot. An amended plat shall be required.

215

216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245

Sec. 108-12-12. Enlarging nonconforming lots.

A nonconforming lot may be reconfigured in a configuration that complies with the lot standards of the zone in effect as the time of the lot's creation, as long as the reconfiguration does not create any more lots than currently exist or cause any other lot to become nonconforming or more nonconforming to current lot standards. If the nonconforming lot is part of a platted subdivision an amended subdivision plat is required.

Sec. 108-12-13. Setback requirements for nonconforming lots..

A nonconforming lot that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the following allowed reduction in side yard setbacks:

- (1) A nonconforming lot's actual width (v) may be divided by the current required frontage/width (w) in order to formulate a ratio or proportional relation (x). (Formula: "v" divided by "w" equals "x".)
- (2) The ratio may then be multiplied by the current zone's side yard setback requirement (y) in order to establish a reduced setback (z). (Formula: "x" multiplied by "y" equals "z".)
- (3) The reduced side yard setback is subject to the conditions listed below.
 - a. Under no circumstances shall an interior lot be allowed to reduce the side-yard setback requirement below five feet on one side and eight feet on the other.
 - b. Under no circumstances shall a corner lot be allowed to reduce the side-yard requirement below ten feet when the side yard fronts on a street.

Sec. 108-12-14. Parcels previously combined for tax purposes.

246 (a) Parcels that have been combined by the county recorder's office for tax purposes shall be
247 allowed to separate one or more of the combined parcels on an approved and recorded form if:

248 (1) The parcels that are being separated were originally created prior to July 1, 1992;

249 (2) The properties as configured prior to the combination met area and frontage/width
250 requirements for the zone in which they were created, or were considered
251 nonconforming lots;

252 (3) The combination was done by the current owner or same owner acting as trustee, and
253 was done by a quit claim, combination form, or other instrument, which states the
254 consolidation of parcels is for tax purposes;

255 (4) No new lots are being created; and

256 (5) The separation of parcels results in a configuration consistent with the original parcels
257 and conforms to the ordinance that was in place prior to the recording of the combination
258 form, and the resulting lots conform with the provisions of Section 108-12-11.

259 (b) The separation of combined parcels authorized under this Section does not authorize a change
260 in the configuration of an approved and recorded subdivision or lots within such subdivision.
261 Any change to the configuration of a subdivision must comply with Title 106 of the Land Use
262 Code, and any applicable state law.

263 **Sec. 108-12-15. Effect of Public Right of Way Expansion.**

264 (a) Any structure that legally existed with conforming or nonconforming setback prior to the
265 expansion of a public right of way where the expansion of such public right of way makes
266 the structure noncomplying or more noncomplying to the setback requirements of this
267 Land Use Code, shall be deemed a legal, noncomplying structure.

268 (b) Any lot that legally existed in a conforming or nonconforming status prior to the
269 expansion of a public right of way where the expansion of such public right of way makes
270 the lot nonconforming or more nonconforming to the standards of this Land Use Code,
271 shall be deemed a legal, nonconforming lot.

272 (c) This section does not excuse or exempt any past or future action that creates or modifies
273 a lot in a manner that is in violation of applicable laws.
274



Weber County

**Notice of Effect
Public Right of Way Expansion of Street Name**

Legal Description

SEE EXHIBIT A

RE: Potential Nonconformity on Land Due to the Expansion of the Street Name Right of Way, as part of Project Number and Description.

The parcel of land with the Land Serial Number # _____ is currently zoned ZONE (ZONE SYMBOL).

This notice is intended to document how the above specified right of way expansion project affects the subject property. If the property legally existed in a conforming or legal nonconforming status prior to the expansion of the public right of way, and the expansion of the public right of way has made the lot or parcel nonconforming or more nonconforming to the lot standards of the subject property's zone, the property shall be deemed legal, even though nonconforming. Any further development of it shall be allowed pursuant to and in compliance with Weber County Code §108-12, and other applicable local, state, and federal laws. The same consideration will be given for structures affected by the expansion of a public right of way; if the setbacks are made noncomplying or more noncomplying the structure shall be deemed legal, even though noncomplying.

Note: This notice does not excuse or exempt any past or future action that creates or modifies a lot, parcel, or structure in a manner that is in violation of applicable laws.

_____ Dated this ____ day of _____, 20____

Sean Wilkinson
Planning Director

STATE OF UTAH)
 :SS
COUNTY OF WEBER)

On the _____ day of _____, 20____, personally appeared before me _____ the signer(s) of the foregoing instrument, who duly acknowledged to me that he/she/they executed the same.

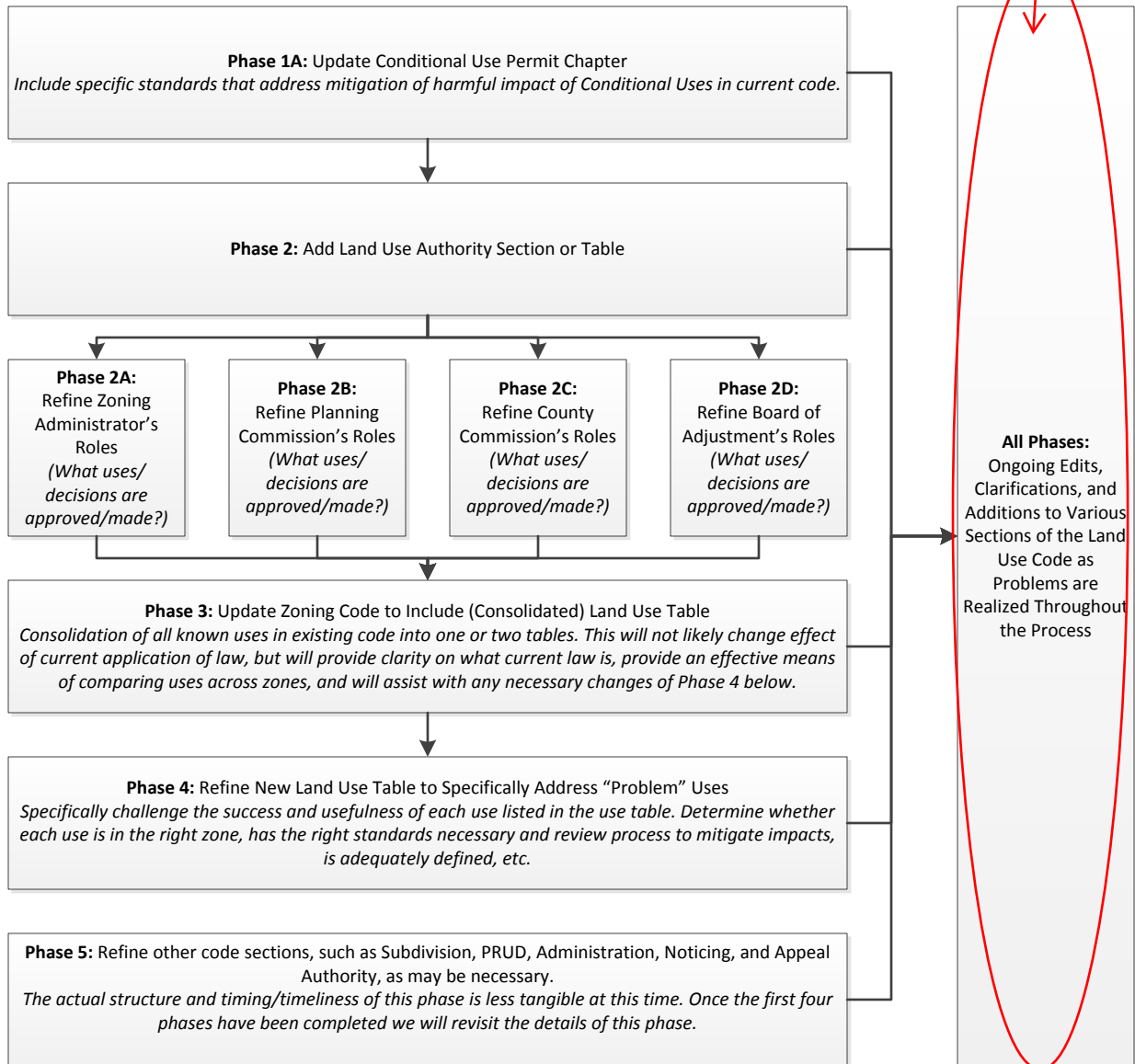
Notary Public

Residing at _____

Weber County Land Use Code Revision Process Workflow

The proposed edits fall here

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.





Staff Report to the Western Weber Planning Commission
Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and recommendation on a proposal 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, March 10, 2015

Staff Report Date: Thursday, February 13, 2015

Applicant: Planning Division

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

- Title 101 General Provisions
- Title 104 Zones
 - Chapter 3 (RESIDENTIAL ESTATES RE-15 and RE-20), Section 2 (Permitted Uses)
 - Chapter 4 (GRAVEL ZONE G), Section 1 (Permitted Uses)
 - Chapter 5 (AGRICULTURAL ZONE A-1), Section 3 (Permitted Uses)
 - Chapter 6 (AGRICULTURAL VALLEY AV-3 ZONE), Section 3 (Permitted Uses)
 - Chapter 7 (AGRICULTURAL A-2 ZONE), Section 3 (Permitted Uses)
 - Chapter 8 (AGRICULTURAL ZONE A-3), Section 3 (Permitted Uses)
 - Chapter 9 (FOREST ZONES F-5, F-10, AND F-40), Section 2 (Permitted Uses)
 - Chapter 10 (SHORELINE ZONE S-1), Section 2 (Permitted Uses)
 - Chapter 11 (COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1), Section 4 (Permitted Uses)
 - Chapter 12 (SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10), Section 2 (Permitted Uses)
 - Chapter 13 (FOREST RESIDENTIAL ZONE FR-1), Section 2 (Permitted Uses)
 - Chapter 14 (FOREST VALLEY ZONE FV-3), Section 2 (Permitted Uses)
 - Chapter 15 (TWO-FAMILY RESIDENTIAL ZONE R-2), Section 2 (Permitted Uses)
 - Chapter 16 (MULTIPLE-FAMILY RESIDENTIAL ZONE R-3), Section 2 (Permitted Uses)
 - Chapter 17 (FOREST RESIDENTIAL ZONE FR-3), Section 2 (Permitted Uses)
 - Chapter 18 (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP), Section 2 (Permitted Uses)
 - Chapter 19 (RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6), Section 2 (Permitted Uses)
 - Chapter 20 (COMMERCIAL ZONES C-1, C-2, C-3), Section 5 (Uses)
 - Chapter 21 (COMMERCIAL VALLEY ZONES CV-1 and CV-2), Section 5 (Uses)
 - Chapter 22 (MANUFACTURING ZONE M-1), Section 2 (Permitted Uses)
 - Chapter 23 (OGDEN VALLEY MANUFACTURING ZONE MV-1), Section 2 (Permitted Uses)

- Chapter 25 (MANUFACTURING ZONE M-3), Section 2 (Permitted Uses)
- Chapter 26 (OPEN SPACE ZONE O-1), Section 2 (Permitted Uses)
- Chapter 29 (OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1), Section 8 (Land Uses)

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

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.” In essence, 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 section.

This conflict has caused confusion for administration of the code.

Policy Analysis

As an interpretive guide, the Planning Commission should know that the difference between a main building and an accessory building is not necessarily based on the specific use of the building as provided in the listed permitted or conditional uses of the zones; it is based on whether the use of the building can be identified as incidental and accessory to the use of another building. If it cannot be, then it is a main building; the use of which must comply with the allowed permitted and conditional uses listed in the zone chapters.

If a building is defined as a main building it has to meet stricter setback requirement than a building defined as an accessory building. These requirements depend on the zone. This is an important distinction, because open-air uses of land typically rely on greater amounts of unobstructed land area. A main building may also be subject to more specific architectural and site design requirements if it is used to accommodate commercial uses, industrial uses, manufacturing uses, public uses, quasi-public uses, or recreation resort uses.¹

This topic is primarily focused on uses of property that are open-air uses of land that have not otherwise had buildings established on them. One of the primary open-air uses of land in Weber County is agriculture. It will be in the best interest of those agricultural users and agriculture-adjacent land owners for the ordinances to be clarified in a manner that clearly sets forth the expectations.

With the proposal found in Exhibit B, staff are providing a way to allow a “main building designed or used to accommodate the main use to which the premises are devoted,” which for certain types of open-air land uses may in fact look and act like an accessory building, but for the purposes of establishing required setbacks a applicable design standards, is regulated like a main building. Thus, with this addition it is possible for open-air land uses to have a “main building” as an “accessory use” of land. After a “main building” is established, the owner may establish an “accessory building” – at the reduced accessory building setback – as long as the accessory building is incidental and accessory to the use of the main building.

¹ See LUC §108-1-2 and LUC §108-2-3 for applicability requirements for Design Review and Ogden Valley Architectural, Landscape, and Screening Design Standards.

As the Planning Commission hears and considers each proposed change there are several things to be looking for:

1. Does the proposed change comply with the purpose and/or intent of the specific code section or relevant zone? Every change should comply with that purpose/intent.
2. Does the proposed change comply with the goals and objectives of the General Plan? The General Plan should act as a guide to vet land use ordinance decisions.
3. Does the proposed change promote the health, safety, and welfare of the community?
4. Does the proposed change provide equitable balance between land use rights and the public good?

Conformance to the General Plan

The attached proposal generally follows how the current administration is applying the land use code. It simply clarifies the approach. Support for it can be loosely found in both general plans. Providing a code that enables support buildings for open-air land uses promotes those potential land uses.

In Western Weber County the primary open-air land use is agriculture. The West Central Weber County General Plan indicates the desire to protect and promote agricultural uses/lands through agricultural protection and preservation efforts.² The plan's Future Land Use Map (aka "proposed land use map") also depicts large quantities of land intended to support agricultural uses.³

In the Ogden Valley the primary open air land use may be threefold: agriculture, general open space, and recreation; each having their own unique needs for support buildings, as may be allowed by code. The Ogden Valley General Plan supports the use of land for agriculture,⁴ and also sets forth policies and implementation strategies intended to "protect open land and encourage the creation of new recreation facilities..."⁵

Conditions of Approval

Not Applicable

Past Action on this Item

The Western Weber Planning Commission reviewed the proposal in a work session on December 9, 2014. The Ogden Valley Planning Commission reviewed the proposal in a work session on January 27, 2015. No formal action was taken in either meeting.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The changes are necessary to provide an appropriate level of support for open-air uses of land.
2. The clarification will provide for a more efficient administration of code.
3. The changes comply with the intent of the land use code.
4. The changes are supported by the General Plan(s).
5. The clarifications are not detrimental to the health, safety, and welfare of County residents.

² See West Central Weber County General Plan (2003), Pg. 2-16.

³ See West Central Weber County General Plan (2003), Map 2-4.

⁴ See Ogden Valley General Plan (1998), Pg 25

⁵ See Ogden Valley General Plan Recreation Element (2005), Pg. 143

The Planning Commission's decision should be made as a recommendation to the County Commission. A model motion is provided below.

Sample Motions

Sample Motion for a **Positive Recommendation** – “I move we forward a positive recommendation to the County Commission for the Zoning Text Amendment regarding regulations and permissions of main buildings and accessory buildings, and main uses and accessory uses, File #ZTA 2014-06, with the following findings:

1. Example: All findings recommended by staff in the staff report dated February 13, 2015;
 - a. [as modified with these changes:_____]
2. ... List and additional findings to support the amendment, as may be deemed necessary.”

Sample Motion for a **Negative Recommendation** – “I move we forward a negative recommendation to the County Commission for the Zoning Text Amendment regarding regulations and permissions of main buildings and accessory buildings, and main uses and accessory uses, File #ZTA 2014-06, with the following findings:

1. List any findings...

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change – Regulations and Permissions of Main Buildings and Accessory Buildings, and Main Uses and Accessory Uses [Redlined].
- C. Code Change – Regulations and Permissions of Main Buildings and Accessory Buildings, and Main Uses and Accessory Uses [Clean].
- D. Land Use Code Revision Process Flowchart.

EXHIBIT B: CODE CHANGE – REGULATIONS AND PERMISSIONS OF MAIN BUILDINGS AND ACCESSORY BUILDINGS, AND MAIN USES AND ACCESSORY USES [REDLINED].

1 **PART II LAND USE CODE**

2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS**

13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

22 Sec. 101-1-9. Supplementation of Code.

23 Sec. 101-1-10. Catchlines of sections.

24 Sec. 101-1-11. Altering Code.
25 Sec. 101-1-12. Severability of parts of Code.
26 Sec. 101-1-13. General penalty; continuing violations.
27 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

28 ...

29 **Sec. 101-1-7. Definitions.**

30 ...

31 *Building, accessory.* The term "building, accessory" means ~~a subordinate structure~~
32 ~~detached from but located on the same lot as the main structure, the use of which is incidental~~
33 ~~and accessory to that of the main structure. A main building is required prior to an accessory~~
34 ~~building; a detached subordinate building located on a lot or parcel with a main building the use of~~
35 ~~which is incidental to the use of the main building.~~

36 ...

37 *Building, main.* The term "main building" means ~~the principal building or one of the~~
38 ~~principal buildings located on a lot or parcel designed or used to accommodate the primary use to~~
39 ~~which the premises are devoted. Where a permissible use involves more than one structure~~
40 ~~designed or used for the primary purpose, as in the case of apartment groups, each such~~
41 ~~permitted building on one lot as defined by this Title shall be deemed a main building; the~~
42 ~~main/principal building and/or structure or one of the main/principal buildings and/or structures~~
43 ~~housing the main/principal use upon the lot.~~

44 ...

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

- 48 (1) ~~Incidental to and on the same lot as a main use;~~
49
50 (2) ~~Customarily found in connection with a main building or use;~~
51
52 (3) ~~Which is subordinate in area, extent or purpose to the main building or main use~~
53 ~~served.~~
54

55 ...

56 *Use, main.* The term "main use" means the principal ~~purpose for which a lot, parcel or~~
57 ~~structure is designed, arranged or intended, or for which it is occupied or maintained as allowed~~
58 ~~by the provisions of this Land Use Code, use of land or structures, as distinguished from an~~
59 ~~accessory use.~~ Dwellings on parcels meeting the definition of an "agricultural parcel" shall be the
60 main use.

61 ...

62 **Title 104 ZONES**

63 CHAPTER 1. - IN GENERAL

64 CHAPTER 2. - (RESERVED)

65 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

66 CHAPTER 4. - GRAVEL ZONE G

67 CHAPTER 5. - AGRICULTURAL ZONE A-1

68 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

69 CHAPTER 7. - AGRICULTURAL A-2 ZONE

70 CHAPTER 8. - AGRICULTURAL ZONE A-3

71 CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40

72 CHAPTER 10. - SHORELINE ZONE S-1

73 CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1

74 CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10

75 CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1

76 CHAPTER 14. - FOREST VALLEY ZONE FV-3

77 CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2

78 CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3

79 CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3

80 CHAPTER 18. - RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP

81 CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6

82 CHAPTER 20. - COMMERCIAL ZONES C-1, C-2, C-3

83 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2

84 CHAPTER 22. - MANUFACTURING ZONE M-1

85 CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1

[Page 3 of 16](#)

Main/Accessory Building/Use [DRAFT Version](#): 3/2/2015 12:23 PM

- 86 CHAPTER 24. - MANUFACTURING ZONE M-2
- 87 CHAPTER 25. - MANUFACTURING ZONE M-3
- 88 CHAPTER 26. - OPEN SPACE ZONE O-1
- 89 CHAPTER 27. - NATURAL HAZARDS OVERLAY DISTRICTS
- 90 CHAPTER 28. - OGDEN VALLEY SENSITIVE LANDS OVERLAY DISTRICTS
- 91 CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1
- 92 ...

93 **CHAPTER 3. RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

94 ...

95 **Sec. 104-3-2. - Permitted uses.**

96 The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

- 97 (1) [Accessory building incidental to the use of a main building; main building](#)
- 98 [designed or used to accommodate the main use to which the premises are](#)
- 99 [devoted; and accessory uses customarily incidental to a main use;](#)
- 100 ~~Accessory building or use customarily incidental to a permitted or conditional use;~~
- 101 (2) Agriculture and agricultural experiment station;
- 102 ...

103 **CHAPTER 4. GRAVEL ZONE G**

104 **Sec. 104-4-1. - Permitted uses.**

105 In Gravel Zone G, no building, structure, or land shall be used, and no building or
106 structure shall be erected which is arranged, intended or designed to be used for other than one
107 or more of the following uses:

108 ...

- 109 (4) [Accessory building incidental to the use of a main building; main building](#)
- 110 [designed or used to accommodate the main use to which the premises are](#)
- 111 [devoted; and accessory uses customarily incidental to a main use;](#)

112 **CHAPTER 5. AGRICULTURAL ZONE A-1**

113 ...

114 **Sec. 104-5-3. Permitted uses.**

115 The following uses are permitted in Agriculture Zone A-1:

- 116 (1) ~~Accessory building incidental to the use of a main building; main building~~
117 ~~designed or used to accommodate the main use to which the premises are~~
118 ~~devoted; and accessory uses customarily incidental to a main use.~~ ~~Accessory~~
119 ~~building or use customarily incidental to any permitted or conditional use.~~
120 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
121 ...

122 **CHAPTER 6. AGRICULTURAL VALLEY AV-3 ZONE**

123 ...

124 **Sec. 104-6-3. - Permitted uses.**

125 The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- 126 (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~
127 ~~use.~~ ~~Accessory building incidental to the use of a main building; main building~~
128 ~~designed or used to accommodate the main use to which the premises are~~
129 ~~devoted; and accessory uses customarily incidental to a main use;~~
130 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
131 ...

132 **CHAPTER 7. AGRICULTURAL A-2 ZONE**

133 ...

134 **Sec. 104-7-3. - Permitted uses.**

135 The following uses are permitted in the Agriculture Zone A-2:

- 136 (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~
137 ~~use.~~ ~~Accessory building incidental to the use of a main building; main building~~
138

139 | [designed or used to accommodate the main use to which the premises are](#)
140 | [devoted; and accessory uses customarily incidental to a main use;](#)

141 | (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.

142 | ...

143 | **CHAPTER 8. AGRICULTURAL ZONE A-3**

144 | ...

145 | **Sec. 104-8-3. - Permitted uses.**

146 | The following uses are permitted in the Agriculture Zone A-3:

147 | (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~
148 | ~~use.~~ [Accessory building incidental to the use of a main building; main building](#)
149 | [designed or used to accommodate the main use to which the premises are](#)
150 | [devoted; and accessory uses customarily incidental to a main use;](#)

151 | (2) Agriculture, agricultural experiment station, apiary; aviary.

152 | ...

153 | **CHAPTER 9. FOREST ZONES F-5, F-10, AND F-40**

154 | ...

155 | **Sec. 104-9-2. - Permitted uses.**

156 | The following uses are permitted in Forest Zones F-5, F-10, and F-40:

157 | (1) Agriculture.

158 | ...

159 | (7) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within
160 | the Ogden Valley area.

161 | (8) [Accessory building incidental to the use of a main building; main building](#)
162 | [designed or used to accommodate the main use to which the premises are](#)
163 | [devoted; and accessory uses customarily incidental to a main use.](#) ~~Accessory~~
164 | ~~buildings and uses customarily incidental to the primary use.~~

165 | (9) Single-family residences.

166 | ...

167 **CHAPTER 10. SHORELINE ZONE S-1**

168 ...

169 **Sec. 104-10-2. - Permitted uses.**

170 The following uses are permitted in the

- 171 (1) Accessory building incidental to the use of a main building; main building
172 designed or used to accommodate the main use to which the premises are
173 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~
174 ~~buildings, structures and uses customarily incidental to a permitted use.~~
175 (2) Agriculture, grazing and pasturing of animals.
176 (3) Boating.
177 ...

178 **CHAPTER 11. COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

179 ...

180 **Sec. 104-11-3. - Permitted uses.**

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

- 182 (1) Accessory building incidental to the use of a main building; main building designed
183 or used to accommodate the main use to which the premises are devoted; and
184 accessory uses customarily incidental to a main use;
185 ~~(1)~~(2) Art gallery.
186 ~~(2)~~(3) Bank.
187 ~~(3)~~(4) Bookstore/newsstand.
188 ~~(4)~~(5) Beauty shop/barbershop.
189 ~~(5)~~(6) Day spa/fitness center.
190 ~~(6)~~(7) Deli/small grocery store.
191 ~~(7)~~(8) Florist shop.
192 ~~(8)~~(9) Gift shop, boutique.
193 ~~(9)~~(10) Music and video store.
194 ~~(10)~~(11) Restaurants, excluding those with drive-up windows.
195 ~~(11)~~(12) Restaurant: fast food, excluding those with drive-up windows.
196 ~~(12)~~(13) Sporting goods store.
197 ~~(13)~~(14) Sports clothing store.
198 ~~(14)~~(15) Public and private swimming pools.
199 ~~(15)~~(16) Vendor, short term.
200

Comment [c1]: This is a small policy shift. Eliminating this line defaults access bldgs. and uses to a permitted use regardless of whether or not the main use is permitted or conditional. The idea here is that the main use may require heightened CUP review, but the accessory and incidental buildings may not. A land owner will still be required to amend their site plan to show the new proposed accessory building, and architectural review is still required for certain uses, but approval of the site plan change and architectural design will be done by staff.

201 **Sec. 104-11-4. - Conditional uses.**

202 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
203 provided in [title 108](#), chapter 4 of this Land Use Code.

- 204 | ~~(16)~~(17) Beer parlor, sale of draft beer.
205 | ~~(17)~~(18) Bed and breakfast inn.
206 | ...
207 | (34) Restaurants, including those with drive-up windows.
208 | ~~(35) — Accessory uses to the above listed.~~
209 | ...

210 **CHAPTER 12. SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

211 ...

212 **Sec. 104-12-2. - Permitted uses.**

213 The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- 214 | (1) ~~Accessory building incidental to the use of a main building; main building~~
215 | ~~designed or used to accommodate the main use to which the premises are~~
216 | ~~devoted; and accessory uses customarily incidental to a main use; Accessory~~
217 | ~~buildings and uses customarily incidental to any permitted use.~~
218 | (2) Agriculture.
219 | (3) Church, synagogue or similar building used for regular religious worship.
220 | ...

221 **CHAPTER 13. FOREST RESIDENTIAL ZONE FR-1**

222 ...

223 **Sec. 104-13-2. - Permitted uses.**

224 The following uses are permitted in the Forest Residential Zone FR-1:

- 225 | (1) ~~Accessory building incidental to the use of a main building; main building~~
226 | ~~designed or used to accommodate the main use to which the premises are~~
227 | ~~devoted; and accessory uses customarily incidental to a main use; Accessory~~
228 | ~~building or accessory use customarily incidental to a permitted use.~~
229 | (2) Agriculture.
230 | (3) Animals and fowl kept for family food production.

231 ...

232 **CHAPTER 14. FOREST VALLEY ZONE FV-3**

233 ...

234 **Sec. 104-14-2. - Permitted uses.**

235 The following uses are permitted in the Forest Valley Zone FV-3:

- 236 (1) Accessory building incidental to the use of a main building; main building
237 designed or used to accommodate the main use to which the premises are
238 devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~
239 ~~building or accessory use customarily incidental to a permitted use.~~
240 (2) Agriculture.
241 (3) Animals and fowl kept for family food production.
242 ...

243 **CHAPTER 15. TWO-FAMILY RESIDENTIAL ZONE R-2**

244 ...

245 **Sec. 104-15-2. - Permitted uses.**

246 The following uses are permitted in the Two-Family Residential Zone R-2:

- 247 (1) Accessory building incidental to the use of a main building; main building
248 designed or used to accommodate the main use to which the premises are
249 devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~
250 ~~buildings and uses customarily incidental to any permitted use.~~
251 (2) Agriculture.
252 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
253 ...

254 **CHAPTER 16. MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

255 ...

256 **Sec. 104-16-2. - Permitted uses.**

257 The following uses are permitted in the Multiple-Family Residential Zone R-3:

[Page 9 of 16](#)

Main/Accessory Building/Use [DRAFT Version](#): 3/2/2015 12:23 PM

- 258 (1) Accessory building incidental to the use of a main building; main building
259 designed or used to accommodate the main use to which the premises are
260 devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~
261 ~~buildings and uses customarily incidental to any permitted use.~~
262 (2) Agriculture.
263 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
264 ...

265 **CHAPTER 17. FOREST RESIDENTIAL ZONE FR-3**

266 ...

267 **Sec. 104-17-2. - Permitted uses.**

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

- 269 (1) Accessory building incidental to the use of a main building; main building
270 designed or used to accommodate the main use to which the premises are
271 devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~
272 ~~building or accessory use customarily incidental to a use permitted in the zone.~~
273 (2) Cluster subdivision in accordance with title 108, chapter 3.
274 ...

275 **CHAPTER 18. RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP**

276 ...

277 **Sec. 104-18-2. - Permitted uses.**

278 The following uses are permitted in the RMHP Zone:

- 279 (1) Accessory building incidental to the use of a main building; main building
280 designed or used to accommodate the main use to which the premises are
281 devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~
282 ~~building and use customarily incidental to any permitted use.~~
283 (2) Mobile/manufactured home park, trailer court, overnight recreational vehicle park,
284 provided such park, or court meet the requirements and standards prescribed in
285 the county mobile home park ordinance.
286 ...

287 **CHAPTER 19. RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

288 ...

289 **Sec. 104-19-2. - Permitted uses.**

290 The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

- 291 (1) ~~Accessory building incidental to the use of a main building; main building~~
 292 ~~designed or used to accommodate the main use to which the premises are~~
 293 ~~devoted; and accessory uses customarily incidental to a main use. Accessory~~
 294 ~~building and use customarily incidental to any permitted use.~~
 295 (2) Manufactured home (double wide or wider) in an approved manufactured home
 296 subdivision or manufactured home PRUD. (Single wides with or without room
 297 expansions or extensions are prohibited.)
 298 ...

299 **CHAPTER 20. COMMERCIAL ZONES C-1, C-2, C-3**

300 ...

301 **Sec. 104-20-5. - Uses.**

302 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses
 303 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided
 304 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

	C-1	C-2	C-3
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use; Accessory buildings and uses customarily incidental to a permitted use	P	P	P
Air conditioning, sales and service	N	N	P

305 ...

306 **CHAPTER 21. COMMERCIAL VALLEY ZONES CV-1 and CV-2**

307 ...

308 **Sec. 104-21-5. - Uses.**

309 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses
310 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided
311 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" shall not be allowed in that zone.

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use. Accessory buildings and uses customarily incidental to a permitted or conditional uses	P	P
Animal hospital	N	C

312 ...

313 **CHAPTER 22. MANUFACTURING ZONE M-1**

314 ...

315 **Sec. 104-22-2. - Permitted uses.**

316 The following uses are permitted in the Manufacturing Zone M-1:

- 317 (1) [Accessory building incidental to the use of a main building; main building](#)
- 318 [designed or used to accommodate the main use to which the premises are](#)
- 319 [devoted; and accessory uses customarily incidental to a main use.](#)~~Accessory~~
- 320 ~~uses and buildings customarily incidental to a permitted use.~~
- 321 (2) Any permitted use in a C-3 Zone except dwelling units.
- 322 (3) Agriculture.

323 ...

324 **CHAPTER 23. OGDEN VALLEY MANUFACTURING ZONE MV-1**

325 ...

326 **Sec. 104-23-2. - Permitted uses.**

327 The following uses are permitted in the MV-1, Ogden Valley Light Manufacturing Zone:

- 328 (1) Accessory building incidental to the use of a main building; main building
- 329 designed or used to accommodate the main use to which the premises are
- 330 devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~
- 331 ~~uses and buildings customarily incidental to a permitted use.~~
- 332 (2) Agricultural implement repair.

333 ...

334 **CHAPTER 24. MANUFACTURING ZONE M-2**

335 ...

336 **Sec. 104-24-2. - Permitted uses.**

337 The following uses are permitted in the M-2 Zone:

- 338 (1) Any permitted use in an M-1 Zone.
- 339 (2) Building material sale yard, blacksmith shop.
- 340 (3) Contractors equipment storage yard.

341 ...

Comment [c2]: The M-1 zone allows accessory buildings, main buildings, and accessory uses (see line 299 above).

342 **CHAPTER 25. MANUFACTURING ZONE M-3**

343 ...

344 **Sec. 104-25-2. - Permitted uses.**

345 The following uses are permitted in the M-3 Zone:

- 346 (1) Any permitted use in an M-2 Zone except dwelling units.
- 347 ~~(2)~~ Accessory uses and buildings customarily incidental to a permitted use.
- 348 ~~(3)~~(2) Laboratories.
- 349 ~~(4)~~(3) Machine shop.
- 350 ~~(5)~~(4) Office, business, professional and governmental.
- 351 ~~(6)~~(5) Public buildings and utilities.
- 352 ~~(7)~~(6) Warehouse.
- 353 ~~(8)~~(7) Welding shop.

Comment [c3]: This is already provided for in line 328, which references line 320. Line 320 refers to line 299.

354 ...

355 **Sec. 104-25-3. - Conditional uses.**

356 The following uses shall be permitted only when authorized by a conditional use permit as provided in title
357 108, chapter 4 of this Land Use Code:

- 358 (1) Any conditional use in an M-2 Zone.
359 ~~(2) Accessory uses and buildings customarily incidental to a conditional use.~~
360 ~~(3)(2)~~ Aircraft engine testing, including jet, missile and chemical engines.
361 ~~(4)(3)~~ Blast furnace.
362 ~~(5)(4)~~ Feed, cereal or flour mill.
363 ~~(6)(5)~~ Forage plant or foundry.
364 ~~(7)(6)~~ Manufacture, processing, refining, treatment, distillation, storage or compounding
365 of the following: Acid, ammonia, bleaching powder and chlorine; fireworks or
366 explosives, asphalt, chemicals of an objectionable or dangerous nature,
367 creosote, disinfectants or insecticides; bones, coal or wood, fertilizer, gas, glue,
368 size or gelatin, ore, potash, proxylin, rubber of guttapercha, plastic, tallow, grease
369 or lard, tar, roofing or waterproofing materials, furs, wool, hides.
370 ~~(8)(7)~~ Ore beneficiation, smelting, or refining of materials, steel or iron mills, mines,
371 quarries; gravel pits.
372 ~~(9)(8)~~ Petroleum refining.
373 ~~(10)(9)~~ Manufacturing, fabrication, assembly, canning, processing, treatment, or storage
374 of the following:
375 a. Acetylene gas, aircraft, airplanes and parts, automobiles and parts; alcohol.
376 b. Brick, brass.
377 c. Candles, cans, celluloid, cement, copper.
378 d. Dyestuff.
379 e. Emery cloth, excelsior.
380 f. Feathers, felt, fiber, fish, film.
381 g. Glass, glucose, gypsum.
382 h. Hair, hardware.
383 i. Ink, iron.
384 j. Lamp black, linoleum, line.
385 k. Meats, machinery, mail, matches.
386 l. Oil, oilcloth, oiled rubber goods, oxygen.
387 m. Paper, paint, pulp, pickles, pottery, plaster of Paris.
388 n. Shoe polish, stove polish, shoddy, soap and detergents, soda, starch,
389 sauerkraut, salt, steel, shellac.
390 o. Turpentine, tile, terra cotta.
391 p. Vinegar, varnish.
392 q. Yeast.
393 ~~(11)(10)~~ Metals and metal products extraction, treatment and processing including the
394 extraction, processing and manufacturing of magnesium chloride, magnesium,
395 potassium, sodium, lithium, boron, bromine and their salts or chemical
396 derivatives.
397 ~~(12)(11)~~ Missiles and missile parts.

Comment [c4]: This is a small policy shift. Eliminating this line defaults access bldgs. and uses to a permitted use regardless of whether or not the main use is permitted or conditional. The idea here is that the main use may require heightened CUP review, but the accessory and incidental buildings may not. A land owner will still be required to amend their site plan to show the new proposed accessory building but approval of the site plan change will be done by staff. This provision is only applicable to the M-3 zone because this specific regulation is only in the M-3 zone.

- 398 | ~~(13)~~(12) Large scale photovoltaic solar energy systems designed to produce energy for
- 399 | wholesale purposes.
- 400 | ~~(14)~~(13) Public utility substations.
- 401 | ~~(15)~~(14) Private recreation areas.
- 402 | ~~(16)~~(15) Railroad yards, shop or roundhouse; rock crusher.
- 403 | ~~(17)~~(16) Site leveling and preparation for future development.
- 404 | ~~(18)~~(17) Space craft and space craft parts.
- 405 | ~~(19)~~(18) Storage of petroleum.

406 | **CHAPTER 26. OPEN SPACE ZONE O-1**

407 | ...

408 | **Sec. 104-26-2. - Permitted uses.**

409 | The following uses are permitted in the Open Space Zone O-1.

- 410 | (1) Accessory building incidental to the use of a main building; main building
- 411 | designed or used to accommodate the main use to which the premises are
- 412 | devoted; and accessory uses customarily incidental to a main use;
- 413 | ~~(1)~~(2) Agriculture.
- 414 | ~~(2)~~(3) Botanical or zoological garden.
- 415 | ~~(3)~~(4) Cemetery.
- 416 | ~~(4)~~(5) Conservation areas: botanical or zoological.
- 417 | ~~(5)~~(6) Fishing ponds; private or public.
- 418 | ~~(6)~~(7) Golf course, except miniature golf courses.
- 419 | ~~(7)~~(8) Horse raising, provided conducted in a pasture of at least five acre size and with
- 420 | a maximum density of two horses per acre.
- 421 | ~~(8)~~(9) Private park, playground or recreation area.
- 422 | ~~(9)~~(10) Public park, public recreation grounds and associate buildings, but not including
- 423 | privately owned commercial amusement business.
- 424 | ~~(10)~~(11) Public service buildings.
- 425 | ~~(11)~~(12) Wildlife sanctuaries.

Comment [c5]: This is a small policy shift. It coincides with the change on line 412. Accessory or incidental buildings in the O-1 zone can be approved after site plan review and approval by staff rather than by the Planning Commission. Review the permitted and conditional uses listed in this zone to determine whether this shift is acceptable.

426 | **Sec. 104-26-3. - Conditional uses.**

427 | The following uses shall be permitted only when authorized by a conditional use permit as provided in title

428 | 108, chapter 4 of this Land Use Code:

- 429 | (1) Golf driving range in conjunction with a golf course.
- 430 | ~~(2) — Main and accessory buildings and uses customarily incidental to any permitted~~
- 431 | ~~use.~~
- 432 | ~~(3)~~(2) Public utility substations.

433 | ...

434 **CHAPTER 29. OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

435 ...

436 **Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
<i>Residential Uses</i>	
Single-family dwelling	P

437 ...

Water pumping plants and reservoirs	C
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P

438

EXHIBIT C: CODE CHANGE – REGULATIONS AND PERMISSIONS OF MAIN BUILDINGS AND ACCESSORY BUILDINGS, AND MAIN USES AND ACCESSORY USES [CLEAN].

1 **PART II LAND USE CODE**

2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS**

13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory
21 language.

22 Sec. 101-1-9. Supplementation of Code.

23 Sec. 101-1-10. Catchlines of sections.

24 Sec. 101-1-11. Altering Code.
25 Sec. 101-1-12. Severability of parts of Code.
26 Sec. 101-1-13. General penalty; continuing violations.
27 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

28 ...

29 **Sec. 101-1-7. Definitions.**

30 ...

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

34 ...

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

40 ...

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

44 ...

45 ...

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

50 ...

51 **Title 104 ZONES**

52 CHAPTER 1. - IN GENERAL

53 CHAPTER 2. - (RESERVED)

54 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

- 55 CHAPTER 4. - GRAVEL ZONE G
- 56 CHAPTER 5. - AGRICULTURAL ZONE A-1
- 57 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE
- 58 CHAPTER 7. - AGRICULTURAL A-2 ZONE
- 59 CHAPTER 8. - AGRICULTURAL ZONE A-3
- 60 CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40
- 61 CHAPTER 10. - SHORELINE ZONE S-1
- 62 CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1
- 63 CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10
- 64 CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1
- 65 CHAPTER 14. - FOREST VALLEY ZONE FV-3
- 66 CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2
- 67 CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3
- 68 CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3
- 69 CHAPTER 18. - RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP
- 70 CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6
- 71 CHAPTER 20. - COMMERCIAL ZONES C-1, C-2, C-3
- 72 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2
- 73 CHAPTER 22. - MANUFACTURING ZONE M-1
- 74 CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1
- 75 CHAPTER 24. - MANUFACTURING ZONE M-2
- 76 CHAPTER 25. - MANUFACTURING ZONE M-3
- 77 CHAPTER 26. - OPEN SPACE ZONE O-1
- 78 CHAPTER 27. - NATURAL HAZARDS OVERLAY DISTRICTS
- 79 CHAPTER 28. - OGDEN VALLEY SENSITIVE LANDS OVERLAY DISTRICTS
- 80 CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

81 ...

82 **CHAPTER 3. RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

83 ...

84 **Sec. 104-3-2. - Permitted uses.**

85 The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

86 (1) Accessory building incidental to the use of a main building; main building
87 designed or used to accommodate the main use to which the premises are
88 devoted; and accessory uses customarily incidental to a main use;

89 (2) Agriculture and agricultural experiment station;

90 ...

91 **CHAPTER 4. GRAVEL ZONE G**

92 **Sec. 104-4-1. - Permitted uses.**

93 In Gravel Zone G, no building, structure, or land shall be used, and no building or
94 structure shall be erected which is arranged, intended or designed to be used for other than one
95 or more of the following uses:

96 ...

97 (4) Accessory building incidental to the use of a main building; main building
98 designed or used to accommodate the main use to which the premises are
99 devoted; and accessory uses customarily incidental to a main use;

100 **CHAPTER 5. AGRICULTURAL ZONE A-1**

101 ...

102 **Sec. 104-5-3. Permitted uses.**

103 The following uses are permitted in Agriculture Zone A-1:

104 (1) Accessory building incidental to the use of a main building; main building
105 designed or used to accommodate the main use to which the premises are
106 devoted; and accessory uses customarily incidental to a main use;

107 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
108 ...

109 **CHAPTER 6. AGRICULTURAL VALLEY AV-3 ZONE**

110 ...

111 **Sec. 104-6-3. - Permitted uses.**

112 The following uses are permitted in the Agricultural Valley, AV-3 Zone:

113 (1) Accessory building incidental to the use of a main building; main building
114 designed or used to accommodate the main use to which the premises are
115 devoted; and accessory uses customarily incidental to a main use;

116 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.

117 ...

118 **CHAPTER 7. AGRICULTURAL A-2 ZONE**

119 ...

120 **Sec. 104-7-3. - Permitted uses.**

121 The following uses are permitted in the Agriculture Zone A-2:

122
123 (1) Accessory building incidental to the use of a main building; main building
124 designed or used to accommodate the main use to which the premises are
125 devoted; and accessory uses customarily incidental to a main use;

126 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.

127 ...

128 **CHAPTER 8. AGRICULTURAL ZONE A-3**

129 ...

130 **Sec. 104-8-3. - Permitted uses.**

131 The following uses are permitted in the Agriculture Zone A-3:

- 132 (1) Accessory building incidental to the use of a main building; main building
133 designed or used to accommodate the main use to which the premises are
134 devoted; and accessory uses customarily incidental to a main use;
135 (2) Agriculture, agricultural experiment station, apiary; aviary.
136 ...

137 **CHAPTER 9. FOREST ZONES F-5, F-10, AND F-40**

138 ...

139 **Sec. 104-9-2. - Permitted uses.**

140 The following uses are permitted in Forest Zones F-5, F-10, and F-40:

- 141 (1) Agriculture.
142 ...
143 (7) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within
144 the Ogden Valley area.
145 (8) Accessory building incidental to the use of a main building; main building
146 designed or used to accommodate the main use to which the premises are
147 devoted; and accessory uses customarily incidental to a main use;
148 (9) Single-family residences.
149 ...

150 **CHAPTER 10. SHORELINE ZONE S-1**

151 ...

152 **Sec. 104-10-2. - Permitted uses.**

153 The following uses are permitted in the

- 154 (1) Accessory building incidental to the use of a main building; main building
155 designed or used to accommodate the main use to which the premises are
156 devoted; and accessory uses customarily incidental to a main use;
157 (2) Agriculture, grazing and pasturing of animals.
158 (3) Boating.
159 ...

160 **CHAPTER 11. COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

161 ...

162 **Sec. 104-11-3. - Permitted uses.**

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

- 164 (1) Accessory building incidental to the use of a main building; main building designed
- 165 or used to accommodate the main use to which the premises are devoted; and
- 166 accessory uses customarily incidental to a main use;
- 167 (2) Art gallery.
- 168 (3) Bank.
- 169 (4) Bookstore/newsstand.
- 170 (5) Beauty shop/barbershop.
- 171 (6) Day spa/fitness center.
- 172 (7) Deli/small grocery store.
- 173 (8) Florist shop.
- 174 (9) Gift shop, boutique.
- 175 (10) Music and video store.
- 176 (11) Restaurants, excluding those with drive-up windows.
- 177 (12) Restaurant: fast food, excluding those with drive-up windows.
- 178 (13) Sporting goods store.
- 179 (14) Sports clothing store.
- 180 (15) Public and private swimming pools.
- 181 (16) Vendor, short term.

182

183 **Sec. 104-11-4. - Conditional uses.**

184 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
185 provided in [title 108](#), chapter 4 of this Land Use Code.

- 186 (17) Beer parlor, sale of draft beer.
- 187 (18) Bed and breakfast inn.
- 188 ...
- 189 (34) Restaurants, including those with drive-up windows.

190 ...

191 **CHAPTER 12. SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

192 ...

193 **Sec. 104-12-2. - Permitted uses.**

194 The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- 195 (1) Accessory building incidental to the use of a main building; main building
196 designed or used to accommodate the main use to which the premises are
197 devoted; and accessory uses customarily incidental to a main use;
198 (2) Agriculture.
199 (3) Church, synagogue or similar building used for regular religious worship.
200 ...

201 **CHAPTER 13. FOREST RESIDENTIAL ZONE FR-1**

202 ...

203 **Sec. 104-13-2. - Permitted uses.**

204 The following uses are permitted in the Forest Residential Zone FR-1:

- 205 (1) Accessory building incidental to the use of a main building; main building
206 designed or used to accommodate the main use to which the premises are
207 devoted; and accessory uses customarily incidental to a main use;
208 (2) Agriculture.
209 (3) Animals and fowl kept for family food production.
210 ...

211 **CHAPTER 14. FOREST VALLEY ZONE FV-3**

212 ...

213 **Sec. 104-14-2. - Permitted uses.**

214 The following uses are permitted in the Forest Valley Zone FV-3:

- 215 (1) Accessory building incidental to the use of a main building; main building
216 designed or used to accommodate the main use to which the premises are
217 devoted; and accessory uses customarily incidental to a main use;
218 (2) Agriculture.
219 (3) Animals and fowl kept for family food production.
220 ...

221 **CHAPTER 15. TWO-FAMILY RESIDENTIAL ZONE R-2**

222 ...

223 **Sec. 104-15-2. - Permitted uses.**

224 The following uses are permitted in the Two-Family Residential Zone R-2:

- 225 (1) Accessory building incidental to the use of a main building; main building
- 226 designed or used to accommodate the main use to which the premises are
- 227 devoted; and accessory uses customarily incidental to a main use;
- 228 (2) Agriculture.
- 229 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 230 ...

231 **CHAPTER 16. MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

232 ...

233 **Sec. 104-16-2. - Permitted uses.**

234 The following uses are permitted in the Multiple-Family Residential Zone R-3:

- 235 (1) Accessory building incidental to the use of a main building; main building
- 236 designed or used to accommodate the main use to which the premises are
- 237 devoted; and accessory uses customarily incidental to a main use;
- 238 (2) Agriculture.
- 239 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 240 ...

241 **CHAPTER 17. FOREST RESIDENTIAL ZONE FR-3**

242 ...

243 **Sec. 104-17-2. - Permitted uses.**

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

- 245 (1) Accessory building incidental to the use of a main building; main building
- 246 designed or used to accommodate the main use to which the premises are
- 247 devoted; and accessory uses customarily incidental to a main use.
- 248 (2) Cluster subdivision in accordance with title 108, chapter 3.
- 249 ...

250 **CHAPTER 18. RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP**

251 ...

252 **Sec. 104-18-2. - Permitted uses.**

253 The following uses are permitted in the RMHP Zone:

- 254 (1) Accessory building incidental to the use of a main building; main building
- 255 designed or used to accommodate the main use to which the premises are
- 256 devoted; and accessory uses customarily incidental to a main use.
- 257 (2) Mobile/manufactured home park, trailer court, overnight recreational vehicle park,
- 258 provided such park, or court meet the requirements and standards prescribed in
- 259 the county mobile home park ordinance.
- 260 ...

261 **CHAPTER 19. RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

262 ...

263 **Sec. 104-19-2. - Permitted uses.**

264 The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

- 265 (1) Accessory building incidental to the use of a main building; main building
- 266 designed or used to accommodate the main use to which the premises are
- 267 devoted; and accessory uses customarily incidental to a main use.
- 268 (2) Manufactured home (double wide or wider) in an approved manufactured home
- 269 subdivision or manufactured home PRUD. (Single wides with or without room
- 270 expansions or extensions are prohibited.)
- 271 ...

272 **CHAPTER 20. COMMERCIAL ZONES C-1, C-2, C-3**

273 ...

274 **Sec. 104-20-5. - Uses.**

275 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses
276 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided
277 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

	C-	C-	C-
--	----	----	----

	1	2	3
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P	P	P
Air conditioning, sales and service	N	N	P

278 ...

279 **CHAPTER 21. COMMERCIAL VALLEY ZONES CV-1 and CV-2**

280 ...

281 **Sec. 104-21-5. - Uses.**

282 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses
 283 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided
 284 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" shall not be allowed in that zone.

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P	P
Animal hospital	N	C

285 ...

286 **CHAPTER 22. MANUFACTURING ZONE M-1**

287 ...

288 **Sec. 104-22-2. - Permitted uses.**

289 The following uses are permitted in the Manufacturing Zone M-1:

- 290 (1) Accessory building incidental to the use of a main building; main building
- 291 designed or used to accommodate the main use to which the premises are
- 292 devoted; and accessory uses customarily incidental to a main use;
- 293 (2) Any permitted use in a C-3 Zone except dwelling units.
- 294 (3) Agriculture.
- 295 ...

296 **CHAPTER 23. OGDEN VALLEY MANUFACTURING ZONE MV-1**

297 ...

298 **Sec. 104-23-2. - Permitted uses.**

299 The following uses are permitted in the MV-1, Ogden Valley Light Manufacturing Zone:

- 300 (1) Accessory building incidental to the use of a main building; main building
- 301 designed or used to accommodate the main use to which the premises are
- 302 devoted; and accessory uses customarily incidental to a main use.
- 303 (2) Agricultural implement repair.
- 304 ...

305 **CHAPTER 24. MANUFACTURING ZONE M-2**

306 ...

307 **Sec. 104-24-2. - Permitted uses.**

308 The following uses are permitted in the M-2 Zone:

- 309 (1) Any permitted use in an M-1 Zone.
- 310 (2) Building material sale yard, blacksmith shop.
- 311 (3) Contractors equipment storage yard.
- 312 ...

313 **CHAPTER 25. MANUFACTURING ZONE M-3**

314 ...

315 **Sec. 104-25-2. - Permitted uses.**

316 The following uses are permitted in the M-3 Zone:

- 317 (1) Any permitted use in an M-2 Zone except dwelling units.
- 318 (2) Laboratories.
- 319 (3) Machine shop.
- 320 (4) Office, business, professional and governmental.
- 321 (5) Public buildings and utilities.
- 322 (6) Warehouse.
- 323 (7) Welding shop.

324 ...

325 **Sec. 104-25-3. - Conditional uses.**

326 The following uses shall be permitted only when authorized by a conditional use permit as provided in title
327 108, chapter 4 of this Land Use Code:

- 328 (1) Any conditional use in an M-2 Zone.
- 329 (2) Aircraft engine testing, including jet, missile and chemical engines.
- 330 (3) Blast furnace.
- 331 (4) Feed, cereal or flour mill.
- 332 (5) Forage plant or foundry.
- 333 (6) Manufacture, processing, refining, treatment, distillation, storage or compounding
334 of the following: Acid, ammonia, bleaching powder and chlorine; fireworks or
335 explosives, asphalt, chemicals of an objectionable or dangerous nature,
336 creosote, disinfectants or insecticides; bones, coal or wood, fertilizer, gas, glue,
337 size or gelatin, ore, potash, proxylin, rubber of guttapercha, plastic, tallow, grease
338 or lard, tar, roofing or waterproofing materials, furs, wool, hides.
- 339 (7) Ore beneficiation, smelting, or refining of materials, steel or iron mills, mines,
340 quarries; gravel pits.
- 341 (8) Petroleum refining.
- 342 (9) Manufacturing, fabrication, assembly, canning, processing, treatment, or storage
343 of the following:
 - 344 a. Acetylene gas, aircraft, airplanes and parts, automobiles and parts; alcohol.
 - 345 b. Brick, brass.
 - 346 c. Candles, cans, celluloid, cement, copper.
 - 347 d. Dyestuff.
 - 348 e. Emery cloth, excelsior.
 - 349 f. Feathers, felt, fiber, fish, film.
 - 350 g. Glass, glucose, gypsum.
 - 351 h. Hair, hardware.
 - 352 i. Ink, iron.
 - 353 j. Lamp black, linoleum, line.
 - 354 k. Meats, machinery, mail, matches.
 - 355 l. Oil, oilcloth, oiled rubber goods, oxygen.
 - 356 m. Paper, paint, pulp, pickles, pottery, plaster of Paris.

- 357 n. Shoe polish, stove polish, shoddy, soap and detergents, soda, starch,
- 358 sauerkraut, salt, steel, shellac.
- 359 o. Turpentine, tile, terra cotta.
- 360 p. Vinegar, varnish.
- 361 q. Yeast.
- 362 (10) Metals and metal products extraction, treatment and processing including the
- 363 extraction, processing and manufacturing of magnesium chloride, magnesium,
- 364 potassium, sodium, lithium, boron, bromine and their salts or chemical
- 365 derivatives.
- 366 (11) Missiles and missile parts.
- 367 (12) Large scale photovoltaic solar energy systems designed to produce energy for
- 368 wholesale purposes.
- 369 (13) Public utility substations.
- 370 (14) Private recreation areas.
- 371 (15) Railroad yards, shop or roundhouse; rock crusher.
- 372 (16) Site leveling and preparation for future development.
- 373 (17) Space craft and space craft parts.
- 374 (18) Storage of petroleum.

375 **CHAPTER 26. OPEN SPACE ZONE O-1**

376 ...

377 **Sec. 104-26-2. - Permitted uses.**

378 The following uses are permitted in the Open Space Zone O-1.

- 379 (1) Accessory building incidental to the use of a main building; main building
- 380 designed or used to accommodate the main use to which the premises are
- 381 devoted; and accessory uses customarily incidental to a main use;
- 382 (2) Agriculture.
- 383 (3) Botanical or zoological garden.
- 384 (4) Cemetery.
- 385 (5) Conservation areas: botanical or zoological.
- 386 (6) Fishing ponds; private or public.
- 387 (7) Golf course, except miniature golf courses.
- 388 (8) Horse raising, provided conducted in a pasture of at least five acre size and with
- 389 a maximum density of two horses per acre.
- 390 (9) Private park, playground or recreation area.
- 391 (10) Public park, public recreation grounds and associate buildings, but not including
- 392 privately owned commercial amusement business.
- 393 (11) Public service buildings.
- 394 (12) Wildlife sanctuaries.

395 **Sec. 104-26-3. - Conditional uses.**

396 The following uses shall be permitted only when authorized by a conditional use permit as provided in title
 397 108, chapter 4 of this Land Use Code:

398 (1) Golf driving range in conjunction with a golf course.

399 (2) Public utility substations.

400 ...

401 **CHAPTER 29. OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

402 ...

403 **Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
<i>Residential Uses</i>	
Single-family dwelling	P
...	
Water pumping plants and reservoirs	C
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P

405

Exhibit D: Land Use Code Revision Process Flowchart

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

The proposed edits fall here

