



## Weber County Planning Division

To: Ogden Valley and Western Weber Planning Commissions  
From: Charles Ewert, AICP  
Date: November 10, 2014  
Subject: Weber County Land Use Code Revision Process: Main Use, Accessory Use, Main Building, Accessory Building

**Summary.** During routine workflow staff has discovered a point of conflict in the Land Use Code regarding how the definition of the main and accessory building works with the definition of main and accessory use. In essence, these definitions do not allow an *accessory building* on a lot or parcel that does not have a *main building*. However, the first thing listed in most zones is “accessory building or use customarily incidental to any permitted or conditional use.” This listed use implies that an *accessory building* can be allowed on a property without a *main building* as long as it is incidental to a *main use*. This conflict should be resolved.

Under existing ordinances, the impacts, aesthetics, allowed uses and form of an *accessory building* may not necessarily be all that different from a *main building*. However, a *main building* is required to be established and adhere to certain setback standards that are more restrictive than those for an *accessory building* before such an *accessory building* is established on any property. The only substantial difference between the two building types is the setback requirements. Uses of the buildings must comply with those uses listed in whatever zone the building is located.

In this memo the Planning Commission will find an analysis of this topic in the context of current general plans and the land use code. Of particular emphasis, staff analyzes and compares the intent and preferences of certain zones, the separation of incompatible land uses, and whether current codes and the general plans provide land owners/users sufficient motivations to establish or continue the preferred uses of the zone. This discussion has specific impact on open air agricultural uses, thus the analysis hones in on those uses.

This memo proposes a recommended ordinance change. In keeping with the status quo, the proposed changes only clarify the code in a manner that matches how the current administration already applies such concepts. The proposal does not speak to the higher-arching implications provided in the analysis. As the Planning Commission explores the higher-arching concepts more thoroughly it may be determined that current policy perspectives need to change. If that is the case, then the included proposal will need to change as well.

**Background.** This discussion was spearheaded by an applicant that desired to build an accessory building on his property. The property is a legal, subdivided, and conforming lot. The property is also vacant, with the exception of occasional agricultural uses. The property owner asserted that the structure would be accessory to the agricultural use.

The current land use code (LUC), under the definitions of *accessory building*, *main building*, *accessory use*, and *main use*, does not allow for this. It does not 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.

Staff has been able to find other means to help the gentleman get what he wants, but these other means tend



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to be more cumbersome for the land owner and County administration. This issue is coming before the Planning Commission for a determination of whether the code is providing desirable results.

As part of the discussion, the Planning Commission should evaluate which of the two conflicting provisions should prevail. Should accessory buildings incidental to a permitted or conditional use be allowed without a main building on the property? Or should a main building be required prior to the establishment of an accessory building?

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.

### Analysis.

There are two diverging schools of thought about how to approach this issue, and it is not as simple as it may seem. The first is that accessory buildings should be allowed to support main uses of land allowed by whatever zoning is in place on that land, with or without a main building. This is because some open air uses allowed in any given zone may necessitate a building that is not a main building, and should not be required to meet the main building setbacks.

For example, this issue is specifically troublesome for farmers who farm one piece of land and live on another. The farm may need an accessory building, such as a barn or silo – buildings that would be accessory to the use of the land as a farm. The placement of the barn or silo is important so as not to interfere with useable agricultural property. This is especially true of smaller acreage agricultural parcels, like the ones allowed in the one acre (A-1), two acre (A-2) and (A-3), and three acre zones (AV-3). Each of these zones require a 20 foot side setback for main buildings that are not residential buildings, but enables a 10 foot setback for accessory buildings with an additional reduction to a one foot setback if the accessory building is placed six feet behind the main building. This reduced setback may be desirable for a farmer that is trying to preserve as much land as possible for farm production purposes.

The second school of thought is that the adjacent land owners of smaller lots within a residential subdivision or neighborhood in a zone that also allows open air land uses may have a reasonable expectation for similar uses to be established on neighboring parcels. Allowing for accessory structures on vacant lots can create a built environment of shops and garages on properties in areas primarily built to provide residential uses. Those accessory structures interrupt the land uses typical of residential neighborhoods; they can quickly transition to unapproved nuisance uses that require difficult and costly enforcement measures to remove; and because they are owned by offsite land owners, can deteriorate in appearance, maintenance, and upkeep leading to additional nuisance issues requiring additional enforcement efforts. These neighborhoods may benefit from non residential uses being setback from their property at a greater distance, including agricultural buildings. (However, it should be noted that even if agricultural buildings are setback an additional amount, in accordance with the requirements of a main building, the agricultural use of the property, such as grazing, and plowing/planting/harvesting can still occur all the way to the property line. There is no protection of the adjacent residential uses from this.)



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Zoning was originally conceived to separate incompatible uses. It appears that, historically, Weber County has not provided a clear separation between residential uses and other incompatible open air uses. In fact there is evidence in the General Plan(s) and existing code construction that there is an expectation in the agricultural zones and agricultural areas that residential and open air agricultural uses will be located in close proximity to each other.

In determining appropriate policy perspectives, staff and the Planning Commission(s) are supposed to be looking to, first, the general plan and, second, the intent of the zone for guidance. The following analysis takes a closer look at the general plan for both Western Weber and Ogden Valley, and follows with a review of the purpose and intent of specific zones.

*General Plan Analysis.* The Western Weber General Plan indicates that there is a strong desire to protect agricultural uses. The plan has a dichotomy though, wherein the folks in Western Weber appear to be reluctant to preserve agricultural areas. Instead, they desired to retain the opportunity to develop their agricultural lands in the future at the minimum zoning acreage (primarily one acre lot sizes for residential development). Additionally, the Western Weber County “Proposed Land Use Map”<sup>a</sup> designates the majority of Western Weber as “Residential/Agricultural.” This does not provide a clear preference on how to treat the issue at hand.

The Ogden Valley General Plan<sup>b</sup> establishes a goal to “promote agricultural land” with the following objectives:

1. Identify and promote prime agricultural land
2. Consider agricultural land in dedicated open space planning
3. Develop means to compensate property owners for the loss of development rights on agricultural land
4. Promote working farms as an integral part of the Valley’s cultural heritage.

However, like the Western Weber General Plan, this plan does not provide a clear preference on how to approach the conflicting adjacent land use issue.

*Ordinance Analysis.* Even though the general plans do not provide clear direction, the intent of certain zones do. Those zones listed below explicitly state that agricultural uses are desirable. In the A-1, A-2, A-3, and AV-3 zones it appears as if the language is attempting to protect agricultural uses from the affects of residential uses. In the RE-15 and RE-20 zones it appears the opposite is the case:

### **A-1:**

The purpose and intent:

The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.<sup>c</sup>

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<sup>a</sup> See the West Central Weber County General Plan, pg 33.

<sup>b</sup> See the Ogden Valley General Plan.

[http://www.co.weber.ut.us/mediawiki/index.php/Ogden\\_Valley\\_General\\_Plan](http://www.co.weber.ut.us/mediawiki/index.php/Ogden_Valley_General_Plan)

<sup>c</sup> See LUC §104-5-1



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The preferred use:

Agriculture is the preferred use in Agriculture Zone A-1. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.<sup>d</sup>

### **A-2:**

The purpose and intent:

The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural environment should be promoted and preserved.<sup>e</sup>

The preferred use:

Agriculture is the preferred use in Agriculture Zone A-2. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.<sup>f</sup>

### **A-3:**

The purpose and intent:

The purpose of the A-3 Zone is to designate farming areas where heavy agricultural pursuits can be permanently maintained.<sup>g</sup>

The preferred use:

Agriculture is the preferred use in Agriculture Zone A-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone.<sup>h</sup>

### **RE-15, RE-20**

The purpose and intent:

The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.<sup>i</sup>

The preferred use:

[Not listed, but inferred by the purpose and intent]

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<sup>d</sup> See LUC §104-5-2

<sup>e</sup> See LUC §104-7-1

<sup>f</sup> See LUC §104-7-2

<sup>g</sup> See LUC §104-8-1

<sup>h</sup> See LUC §104-8-2

<sup>i</sup> See LUC §104-3-1



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### AV-3

The purpose and intent:

The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.<sup>j</sup>

The preferred use:

Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.<sup>k</sup>

Accordingly, it appears that the agricultural zones that also allow residential uses are intended to protect and preserve agricultural properties/operations, while residential zones that also allow agricultural uses are intended to protect residential neighborhoods. This is keeping with the requirements of the subdivision code<sup>l</sup> which requires a note on every subdivision plat that states that:

Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Zoning Ordinance for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision.

These elements of the code speak purely to the intent of the zones. What they do not anticipate is that both residential uses and agricultural uses are allowed in all of these zones without a conditional use permit, or other mechanism to assist with the impacts of incompatible uses. What this means is that an owner of a lot that meets the minimum zone requirements in any of these zones are entitled to either uses without additional review for mitigation of impacts. The zones allow them, by right, to reside adjacent to each other – which in some cases will be in close proximity. Rather than regulating the separation of uses, these code references instead provide the public with ‘notice’ that there is no separation.

This issue begs the question: is the County providing adequate separation of incompatible uses? Why does the Land Use Code indicate that agricultural uses are preferred in zones that allow for one acre – or even three acre – lot sizes? Are one to three acres lots sizes sufficient to support agricultural operations? What about other open air land uses? For example, as it stands, the current County Code enables suburban one acre lot sizes adjacent to agricultural operations in the A-1 and A-2 zones. The current County Code even allows agricultural operations to exist within these subdivisions. The Planning Commission(s) should evaluate and discuss whether greater separation is needed. This is a much higher reaching discussion than the topic at hand that may drive the need for a General Plan amendment and other ordinance revisions if the Planning Commissions do not feel existing ordinances are doing their job effectively.

**Proposal.** In keeping with the status quo, the following proposal is only intended to clarify the code in a manner that matches how the current administration already applies such concepts. The proposal does not

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<sup>j</sup> See LUC §104-6-1

<sup>k</sup> See LUC §104-6-2

<sup>l</sup> See LUC §26-1-9(B)(5)



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speak to the higher-arching implications provided in the above analysis. As the Planning Commission explores the higher-arching concepts more thoroughly it may be determined that current policy perspectives need to change. If that is the case, then the included proposal will need to change as well.

The proposal in Exhibit A will eliminate the code discrepancy by making it clear that accessory buildings may not stand alone on otherwise undeveloped property used for open-air uses.

With this proposal, the erection of a building intended to support an allowed open-air use of land may occur as long as it is identified as a main building, and setback from property lines in accordance with the standards for main buildings. 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. Otherwise, the building may be defined as another main building, and be required to adhere to main building setbacks.

The additional setback requirements of the main building will assist in protecting adjacent residential uses from agricultural operations, while still enabling agricultural uses to thrive.

This is a legislative consideration, and there is a lot of discretion that can go into the decision. The Planning Commission should determine whether the benefits of the proposal outweigh the consequences.

If the Planning Commission finds that the proposed change is undesirable, then some other modification to the code – or perhaps even the General Plan – should be provided. This issue may be bigger than the Planning Commission is prepared for at this time, and the Planning Commission may desire to defer discussion until the re-write of the use tables. A more thorough discussion may be held in context of these uses and their relationships to other uses at that time.

**Planning Commission Consideration.** 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 OR that purpose/intent should be changed to more accurately reflect current needs and desires.
2. Does the proposed change comply with the goals and objectives of the General Plan? You will need to dust off those general plans and refresh your knowledge of what is in them. 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?

**Attachments.** In the attached exhibits the planning Commission will find the documents as listed below. They are being provided for the Planning Commission's reference, and may prove useful during our discussion. It is not necessary to review all of them in their entirety unless there are questions this memo does not answer. At a minimum, the Planning Commission should peruse Exhibit A to review the proposed changes to the definitions section and the change to at least one of the zone's permitted uses (only one is necessary because it is substantially the same language throughout).

- Exhibit A: Proposed Code Change – Definition of Accessory Building, Main Building, Accessory Use, and Main Use, and Changes to Permitted and/or Conditional Uses in Each Zone.
- Exhibit B: Weber County Land Use Code Revision Process Workflow

## **Exhibit A: Code Change – Provisions for Main and Accessory Buildings, and Main and Accessory Uses, and Related Changes to Permitted and/or Conditional Uses in Each Zone.**

The following code changes are being proposed to clarify regulations regarding the allowance for main and accessory buildings, specifically as they are applied to open air main uses of land.

### **This change addresses the following sections:**

#### **Title 101 General Provisions**

Sec. 101-1-7. Definitions:

*Building, accessory*

*Building, main*

*Use, accessory*

*Use, main*

#### **Title 104 Zones**

Sec. 104-3-2. - Permitted uses.(RE-14 and RE-20)

Sec. 104-4-1. - Permitted uses (G)

Sec. 104-5-3. Permitted uses (A-1)

Sec. 104-6-3. - Permitted uses (AV-3)

Sec. 104-7-3. - Permitted uses (A-2)

Sec. 104-8-3. - Permitted uses (A-3)

Sec. 104-9-2. - Permitted uses (F-5, F-10, F-40)

Sec. 104-10-2. - Permitted uses (S-1)

Sec. 104-10-2. - Permitted uses (CVR-1)

Sec. 104-12-2. - Permitted uses (R-1-12, R-1-10)

Sec. 104-13-2. - Permitted uses (FR-1)

Sec. 104-14-2. - Permitted uses (FV-3)

Sec. 104-15-2. - Permitted uses (R-2)

Sec. 104-16-2. - Permitted uses (R-3)

Sec. 104-17-2. - Permitted uses (FR-3)

Sec. 104-18-2. - Permitted uses (RMHP)

Sec. 104-19-2. - Permitted uses (RMH-1-6)

Sec. 104-20-5. - Uses (C-1, C-2, C-3)  
Sec. 104-21-5. - Uses (CV-1, CV-2)  
Sec. 104-22-2. - Permitted uses (M-1)  
Sec. 104-23-2. - Permitted uses (MV-1)  
Sec. 104-25-2. - Permitted uses (M-3)  
Sec. 104-26-2. - Permitted uses (O-1)  
Sec. 104-29-8. - Land uses (DRR-1)

Key to reading changes:

- Language that has been added is shown in blue underline.
- ~~Language that has been deleted is shown in red strikeouts.~~
- ~~Language that has been moved to a new location is shown in green double knockout.~~
- Language that has been moved from an old location is shown in green double underline.
- Three periods in a row [...] indicate that there is more to the section that is not being addressed with this change.

1 **PART II LAND USE CODE** <sup>11</sup> 

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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**

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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 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;~~

50 (2)

~~Customarily found in connection with a main building or use;~~

52 (3)

~~Which is subordinate in area, extent or purpose [c1] to the main building or main~~  
54 ~~use served.~~

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**

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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

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**

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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**

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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**

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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**

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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**

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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 [designed or used to accommodate the main use to which the premises are](#)  
139 [devoted; and accessory uses customarily incidental to a main use;](#)  
140 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.  
141

142 ...

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

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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**

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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**

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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

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179 ...

### 180 **Sec. 104-11-4. - Conditional uses**<sup>[c2]</sup>.

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

- 183 (1) Beer parlor, sale of draft beer.
- 184 (2) Bed and breakfast inn.
- 185 ...
- 186 (34) Restaurants, including those with drive-up windows.
- 187 (35) [Accessory building incidental to the use of a main building; main building](#)  
188 [designed or used to accommodate the main use to which the premises are](#)  
189 [devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~](#)  
190 [uses to the above listed.](#)
- 191 ...

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

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193 ...

### 194 **Sec. 104-12-2. - Permitted uses.**

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

- 196 (1) [Accessory building incidental to the use of a main building; main building](#)  
197 [designed or used to accommodate the main use to which the premises are](#)  
198 [devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~](#)  
199 [buildings and uses customarily incidental to any permitted use.](#)
- 200 (2) Agriculture.

201 (3) Church, synagogue or similar building used for regular religious worship.  
202 ...

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

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204 ...

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

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

- 207 (1) [Accessory building incidental to the use of a main building; main building](#)  
208 [designed or used to accommodate the main use to which the premises are](#)  
209 [devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~](#)  
210 [building or accessory use customarily incidental to a permitted use.](#)  
211 (2) Agriculture.  
212 (3) Animals and fowl kept for family food production.  
213 ...

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

---

215 ...

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

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

- 218 (1) [Accessory building incidental to the use of a main building; main building](#)  
219 [designed or used to accommodate the main use to which the premises are](#)  
220 [devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~](#)  
221 [building or accessory use customarily incidental to a permitted use.](#)  
222 (2) Agriculture.  
223 (3) Animals and fowl kept for family food production.  
224 ...

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

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226 ...

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

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

- 229 (1) [Accessory building incidental to the use of a main building; main building](#)
- 230 [designed or used to accommodate the main use to which the premises are](#)
- 231 [devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~](#)
- 232 [buildings and uses customarily incidental to any permitted use.](#)
- 233 (2) Agriculture.
- 234 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 235 ...

## 236 CHAPTER 16. MULTIPLE-FAMILY RESIDENTIAL ZONE R-3

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237 ...

### 238 Sec. 104-16-2. - Permitted uses.

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

- 240 (1) [Accessory building incidental to the use of a main building; main building](#)
- 241 [designed or used to accommodate the main use to which the premises are](#)
- 242 [devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~](#)
- 243 [buildings and uses customarily incidental to any permitted use.](#)
- 244 (2) Agriculture.
- 245 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 246 ...

## 247 CHAPTER 17. FOREST RESIDENTIAL ZONE FR-3

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248 ...

### 249 Sec. 104-17-2. - Permitted uses.

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

- 251 (1) [Accessory building incidental to the use of a main building; main building](#)
- 252 [designed or used to accommodate the main use to which the premises are](#)
- 253 [devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~](#)
- 254 [building or accessory use customarily incidental to a use permitted in the zone.](#)
- 255 (2) Cluster subdivision in accordance with title 108, chapter 3.
- 256 ...

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

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258 ...

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

260 The following uses are permitted in the RMHP Zone:

261 (1) [Accessory building incidental to the use of a main building; main building](#)  
262 [designed or used to accommodate the main use to which the premises are](#)  
263 [devoted; and accessory uses customarily incidental to a main use.](#) ~~Accessory~~  
264 ~~building and use customarily incidental to any permitted use.~~

265 (2) Mobile/manufactured home park, trailer court, overnight recreational vehicle park,  
266 provided such park, or court meet the requirements and standards prescribed in  
267 the county mobile home park ordinance.

268 ...

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

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270 ...

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

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

273 (1) [Accessory building incidental to the use of a main building; main building](#)  
274 [designed or used to accommodate the main use to which the premises are](#)  
275 [devoted; and accessory uses customarily incidental to a main use.](#) ~~Accessory~~  
276 ~~building and use customarily incidental to any permitted use.~~

277 (2) Manufactured home (double wide or wider) in an approved manufactured home  
278 subdivision or manufactured home PRUD. (Single wides with or without room  
279 expansions or extensions are prohibited.)

280 ...

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

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282 ...

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

284 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses  
 285 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided  
 286 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
<a href="#">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;</a> <del>Accessory buildings and uses customarily incidental to a permitted use</del>	P	P	P
Air conditioning, sales and service	N	N	P

287 ...

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

289 ...

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

291 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses  
 292 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided  
 293 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
<a href="#">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;</a> <del>Accessory buildings and uses customarily incidental to a permitted or conditional uses</del>	P	P
Animal hospital	N	C

294 ...

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

---

296 ...

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

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

- 299 | (1) [Accessory building incidental to the use of a main building; main building](#)  
300 | [designed or used to accommodate the main use to which the premises are](#)  
301 | [devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~](#)  
302 | [uses and buildings customarily incidental to a permitted use.](#)
- 303 | (2) Any permitted use in a C-3 Zone except dwelling units.
- 304 | (3) Agriculture.
- 305 | ...

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

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307 ...

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

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

- 310 | (1) [Accessory building incidental to the use of a main building; main building](#)  
311 | [designed or used to accommodate the main use to which the premises are](#)  
312 | [devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~](#)  
313 | [uses and buildings customarily incidental to a permitted use.](#)
- 314 | (2) Agricultural implement repair.
- 315 | ...

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

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317 ...

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

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

- 320 | (1) Any permitted use in an M-1 Zone.[c3]
- 321 | (2) Building material sale yard, blacksmith shop.
- 322 | (3) Contractors equipment storage yard.

323 ...

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

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325 ...

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

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

- 328 (1) Any permitted use in an M-2 Zone except dwelling units.
- 329 ~~(2) Accessory uses and buildings customarily incidental to a permitted use. [c4]~~
- 330 ~~(3)~~(2) Laboratories.
- 331 ~~(4)~~(3) Machine shop.
- 332 ~~(5)~~(4) Office, business, professional and governmental.
- 333 ~~(6)~~(5) Public buildings and utilities.
- 334 ~~(7)~~(6) Warehouse.
- 335 ~~(8)~~(7) Welding shop.
- 336 ...

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

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338 ...

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

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

- 341 (1) Accessory building incidental to the use of a main building; main building
- 342 designed or used to accommodate the main use to which the premises are
- 343 devoted; and accessory uses customarily incidental to a main use;
- 344 ~~(+)~~(2) Agriculture.
- 345 ~~(2)~~(3) Botanical or zoological garden.
- 346 ~~(3)~~(4) Cemetery.
- 347 ~~(4)~~(5) Conservation areas: botanical or zoological.
- 348 ~~(5)~~(6) Fishing ponds; private or public.
- 349 ~~(6)~~(7) Golf course, except miniature golf courses.
- 350 ~~(7)~~(8) Horse raising, provided conducted in a pasture of at least five acre size and with
- 351 a maximum density of two horses per acre.
- 352 ~~(8)~~(9) Private park, playground or recreation area.

353 | ~~(9)~~(10) Public park, public recreation grounds and associate buildings, but not including  
 354 | privately owned commercial amusement business.  
 355 | ~~(10)~~(11) Public service buildings.  
 356 | ~~(11)~~(12) Wildlife sanctuaries.  
 357 | ...

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

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359 | ...

360 | **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

362

## 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.

