



WESTERN WEBER TOWNSHIP PLANNING COMMISSION  
MEETING AGENDA

Tuesday, April 14, 2015  
5:00 P.M.

- *Pledge of Allegiance*
  - *Roll call*
1. Minute Approval: Approval of the March 10, 2015 meeting minutes
  2. Consent Agenda:
    - 2.1 CUP 2015-11: Consideration and action for a conditional use permit for the expansion of the Uintah Highlands Reservoir #3, located at 2450 East Jacqueline Drive, Blaine Brough, Authorized Applicant for Uintah Highlands Water and Sewer Improvement District
    - 2.2. LVW120914: Consideration and action final approval of Winslow Farr Jr. Farm Subdivision Phase 1 (14 Lots and 3 open space parcels), located at 2269 South 3500 West; Bob Favero, 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*

Minutes of the Western Weber County Planning Commission held February 10, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m., 2380 Washington Blvd., 1<sup>st</sup> Floor, Ogden, UT

**Present:** Jannette Borklund, Chair; Andrew Favero, Wayne Andreotti; Mark Whaley, John Parke, Roger Heslop

**Excused/Absent:** Ryan Judkins

**Staff Present:** Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner, Scott Mendoza, Principal Planner, Christopher Crockett, Legal Counsel, Kary Serrano, Secretary

- *Pledge of Allegiance*
- *Roll Call*

**1. Minutes:**

**1.1. Approval of the January 13, 2015 meeting minutes**

Chair Borklund declared the January 13, 2015 meeting minutes approved with the noted corrections.

Chair Borklund asked if any member had ex parte communications to declare. No ex parte communications were declared.

**Petitions, Applications and Public Hearings**

**2. Administrative Items**

**2.1. New Business**

- a. Consideration and action on preliminary approval of Winslow Farr Jr. Farm Subdivision (81 lots) and an Access Exception AE 2015-01 for lot 100 and lot 101 located at approximately 2269 South 3500 West; Bob Favero, Applicant**

Jim Gentry said that the applicant is requesting a preliminary approval of Winslow Farr Jr. Farm Subdivision (81 Lots), a cluster subdivision. The applicant is requesting a 25% bonus; 10% for doing a cluster subdivision, and he could get up to 15% bonus for having a one-acre community garden that is open to the public, and for the number of lots he is asking, he will need about 22% for the total density. The minimum frontage in a cluster subdivision is 60 feet with the setbacks being 20 feet on the front and rears with the sides a minimum of 8 feet. The proposed project will occupy 69,943 acres and consist of 81 lots, with 21,595 acres of open space which meets the requirements of 30%. The subdivision will be serviced by approximately 9,185 acres of public road improvements. Since the zoning requires 40,000 sq. ft. of area, 66.165 lots would be allowed on this property, plus the 25% bonus which would give them the requested 81 lots. The lots range from 13,000 sq. ft. to 25,000 sq. ft meeting lot area and frontage requirements of the cluster subdivision code. The code further requires a separation of these clusters with a strip of open space at least 75 ft. wide, and roads cannot be used as a separator.

Jim Gentry said that the applicant is required to install a solid board, chain link, or other non-climbable fence not less than 5 ft. in height, the irrigation ditches or canals which carry five second feet or more of water, for a fence shall be installed on both sides of existing irrigation ditches. The Weber County Engineer's Office has reviewed the project and all items need to be addressed prior to submitting for final approval. Taylor-West Weber Water gave preliminary approval with the condition that secondary water is provided by Hooper Irrigation and Weber Basin contract for the water rights. A capacity Assessment letter on the water system is required from the state prior to final approval from the Planning Commission. Central Weber Sewer will provide sewer services with the condition of annexation into the sewer district prior to final approval by the Planning Commission. The Fire District stated that the fire hydrant spacing is incorrect and corrections need to be made and resubmitted to the fire district. A second access is required when the number of homes reach 30. The applicant is requesting approval of Access Exception 2015-1 (AE 2015-1) for lots 100 and 101 to be accessed by a 30 foot easement from 3600 West. Since one new lot is being accessed by this right-of-way easement, approval needs to be granted for an access exception. Staff recommends granting preliminary approval subject to staff and other agency comments to include the approval of the Access Exception.

Commissioner Favero inquired if the lots 100 and 101 would become flag lots. Mr. Gentry replied they aren't flag lots because they don't have the stems; it's just an easement that will be going to those parcels.

Chair Borklund inquired with phase one being on one end and phase two being on the other end, would that be 30 homes that have separate access, because they could have 30 on each end and still not meet that access? Mr. Gentry responded that is correct and the Fire District would be watching that.

Chair Borklund inquired what if they approve this preliminary plan as it is, and those four lots showed up on Phase 5, and after they finish with Phase 1, would they have to come back for an amendment? Mr. Gentry replied no, they would just have to include it as part of the phase.

Bob Favero, applicant, who resides in Liberty, said that he needed to address a couple of things. The plans for this open space would have access from Farr Parkway and included is the 43,000 sq. ft. which makes it large enough for them to sell it to the owner of lot 100. He will increase it enough to make it 43,560 to have access. This particular lot may have to have a Homeowner's Association and if they do, it would be within that phase and not the whole project. The reason for this project is that his family and Gary's family have decided that now would be a good time to do something with the land; it would be easier if they did rather than leave it for their children to do. Their ground and Farr's ground is all spread out in long narrow strips and nobody could do anything with it because it didn't have any frontage for development. They decided to develop this property together, and create a large subdivision to make it work. They tried to accommodate the area with large open spaces, using the cluster ordinance, with some decent size lots that people could take care of, try to keep the rural feel, and have it marketable for people to buy. They will have curb, gutter, and sidewalk. It is a good compromise between the larger lots, and has smaller lots with plenty of open spaces and they are over four acres except for two.

Chair Borklund inquired on the Area D, do you need that for open space or would that be added to lot 100 or have that as the separation? Mr. Favero responded that there needs to be a separation and he will make sure that there is 75 ft. in that area to have a separation of clusters. These open spaces will have covenants on them by way of easements along those properties so that they will not be used for development in the future. In perpetuity these open spaces will always stay open and have some sort of operation with an agricultural use.

Chair Borklund inquired why phase one is on one end and phase two is on the other end. Mr. Favero replied that phase one is in this area because of more open space, traffic is on that road, and this has the entrance to the subdivision. This way they could wait later on to put a bridge in and that would be phase two.

Commissioner Andreotti asked on community gardens, how are they going to advertise about that garden so they get people to use it? Mr. Favero replied that it will take some amount of advertisement to people in the area. They plan to put a sign on the property and advertise it as a community garden. They plan to have an association, a group to manage and market that, and these people will have to pay fees to be able to pay for the water. He has done the research and found that this is a good thing and it builds community unity.

Chair Borklund said that this could work for Eagle Projects or 4H Projects and that could be a way to market it and get more people involved.

Commissioner Andreotti inquired if the water was pressurized. Mr. Favero responded yes it is.

Melissa Porter, who resides in Taylor, inquired with the Blue Acre Subdivision and Mallard Spring Subdivision doing one acre lots, why is this development being allowed to do smaller lots? The two subdivisions were not met with concerns, and that indicates what the community wants. This open space wouldn't be a concern if they were acre lots. Taylor is a great place to live in and these cluster subdivisions do not have that rural feel and don't fit in with the community. This also brings down the demographic of the area as well. Another concern is the roads are not prepared for the traffic increase that will happen and the infrastructure is not there to allow for this cluster subdivision. This would be setting precedence for the other parcels in the area.

Byron Bosshardt, who resides in Taylor, inquired that when staff indicated that it was 81 lots, between 13,000 to 25,000 feet, could they share how many quarter acre lots and one acre lots? It would help them understand in looking at the map; there seems to be a lot of small lots in there. Just from the demographics, Allen Estates has 30 lots and since 2008 only 3 homes have changed hands, Wally Acres has 26 lots and since 2008 7 homes have changed hands. There is an amount of turnover difference in that demographic from those that buy larger lots versus those

who buy smaller lots. He would prefer to have some CC&R's that are firm that establishes something that fits the Allen Estates model. A concern is the lighting and they don't want light pollution in that part of the county. Has the water for the additional open space taken into effect, and are there drainage ponds? Does the county have a plan to improve 2200 South all the way down because of the increase in traffic? Has the county taken into account the impact on the roads along the full length of 2200 South, between 3500 West and 4700 West?

Tony Cant, 2463 S 3500 W, representing the Cant Household, said their concerns pertain to the greeting space when they would prefer to have a larger per lot acreage. They don't need a community garden when they could have gardens on their acreage. He is a Certified Professional in Erosion Sediment Control (CPEST), and this is based on a hill so they need to make sure that the MS-4 can substantiate the runoff from this job site. They need to make sure that the storm water pollution plan is in place before any development goes into effect; because this being on a hill, they don't want any pollution coming off into the roadways, which could cause more traffic with trucks coming in and out on to 3500 West. They would like to see a half acre minimum. They would like a compromise and cluster housing is not a compromise, and having green space is not a benefit. They would like to see something in the middle that would benefit everyone.

Dustin Russell, 3998 W 2200 S, expressed his opinion that when he received the notice of landowners within 500 feet of the development and was advised of meeting. There is a low representation from the community, and that's because it is so rural with underdeveloped spaces. He supports what the other people have said and this is a rural area of Taylor, with lots of space, and it doesn't support cluster homes.

Chair Borklund inquired why cluster subdivision versus regular subdivision is proposed. Mr. Favero responded that they would have appreciated if there were half acre lots but there isn't any. If there had been a zone for half acre lots they would have taken that option. As to the homes in this area of what they expect and what are in their CC&R's, it would be similar to the Allen Subdivision. As to the storm water runoff, they will abide to whatever the County Engineer wants them to do. There is drainage ditch to the west and also along 3500 West which they've piped for the water coming down that hill going to the drain ditches on that site.

Byron Bosshardt asked how wide the roads are and who would be maintaining them. Bob Favero replied that they are 60 foot county roads and will be maintained by the county. There will be curb, gutter, and sidewalk along 2200 South along their subdivision and the interior roads will also have curb, gutter and sidewalk.

Kevin Roberts, 2411 S 3775 W, asked about the fencing. Bob Favero replied that the canals have to be fenced on both sides and it will be chain link fence. Jim Gentry added that it will be five feet, non-climbable small diamond chain link fence.

Kevin Roberts asked staff to clarify the half acre ordinance. Chair Borklund replied that this area is zoned A-1 which requires one acre lots. However, there is an ordinance that allows cluster subdivision which gives an option for small lots as long as there is open space within the project. Mr. Gentry added that the current zoning is 40,000 sq. ft. in the Western part which is slightly under an acre, and under the cluster proposal, it could go down to 6,000 sq. ft. This is just an option to get a variety of housing styles, and lot sizes in the community.

Chair Borklund said that anyone is able to petition to rezone from A-1 to a different classification. Mr. Gentry added that the current plan calls for this to be low density, one acre lots, and a provision put in for a cluster subdivisions to go as small as 6,000 sq. ft. if they are on sewer, but they have to have open space. Anyone can come in and petition to amend the general plan and amend the zoning ordinances to allow for smaller lots. Currently the 2002 General Plan doesn't recommend it.

Bob Favero responded to a question raised as to the number of lots; he hadn't counted but knew that those under 15,000 sq. ft were only nine lots. The majority of them are from a half acre down to 15,000 sq. ft. so that would be a third to a half acre lots.

Byron Bosshardt suggested to Mr. Favero on the edge of that open space that he put in an easement or right-of-way so that someone could bike or walk to the back of that church as that would cut back on vehicle traffic. Mr. Favero

responded that he used to work for the state department of the church and they would not allow us to have access to the back of the building.

Judy Cant, 2463 S 3500 W, said their concern is the water runoff that goes down to her property and if it would flood her out so that needs to be taken into consideration. Chair Borklund replied that the runoff would have to be addressed through Engineering. Mr. Gentry added if they looked at the Engineering review, they are asking for storm water calculations, including detention/retention. They are also asking that they do the construction in phases. They have to submit a swift plan and water pollution plan as part of the construction. Mr. Favero added that there are storm drains throughout the project that will be emptied into the current drainages.

Chair Borklund said under state law if it meets the subdivision requirements of the county in terms of the zoning ordinance and the general plan, the Planning Commission has no ability to deny. However, they can table, they can ask for information, they can approve with conditions, or approve with staff's recommendations.

Jim Gentry informed the members about the notices; the notices are not just sent to people who live there, they are also sent to all the property owners that have vacant lots.

Chair Borklund said they can't act based on public clamor. They have to follow the general plan, the county zoning ordinance, and the cluster subdivision is an approved zoning ordinance. The question before this commission is do they grant them the density bonus of 25% to give them the 81 lots, or should they give them the 15% bonus for the Community Garden.

Commissioner Heslop said he liked the idea of the community garden and believes it would be beneficial. There seems to be a greater interest in having local home grown produce. From his respective, this would be an excellent thing if it's going to work. He would hate to see the bonus density change, because of all the planning journals and information they are receiving; he liked that portion of the plan.

Commissioner Parke inquired who is going to own and maintain the community garden; is there a backup plan, or does that refer back to the homeowner? Mr. Favero responded that it would depend on the Homeowner's Association as to what they would do with that. This garden is not just for the people that live there; it's for others that may come into the community from other areas. Where he lives, there are garden areas where people come and pick the produce and it is very successful for those who don't have the opportunity.

Chair Borklund said that this would be part of Phase 4 and it's not going to be developed until the later phases. Most of the people in that area have large enough lots and they have their own gardens; it's hard to know what would happen.

Commissioner Andreotti inquired as to how many times they have had an application for 30 homes with people in the audience saying they are eating up 130 acres and there needs to be something different. The general plan process has allowed for cluster subdivisions to save some green space, and they now have that here as another option. If they took these 66 acres and had half acre lots, there would be 132 houses out there. The cluster subdivision seems to fulfill a need in the community. As for the garden, there are some in urban areas and they work very well, and it seems this would be worth a try. They could have 66 homes, or they could have 132, but the applicant is asking for 81 homes.

Commissioner Parke said that this commission has wrestled with this cluster subdivision ordinance, and had problems with what had been presented to them. They should commend the applicant for having met with the vision of what the cluster subdivision should be, and is far better than what was presented in the past. He has met the requirement of the 10% for the cluster, and he is comfortable with the amount the applicant is asking for.

Commissioner Favero said that the idea of the community garden is a great opportunity if it's taken advantage of. It is a great scouting project or a school project. There are plenty of kids that are involved in FFA that could get involved and with the support of the community, it would be a great opportunity. This is just a matter of promotion and getting all the communities involved.

**MOTION:** Commissioner Heslop moved for preliminary approval of Winslow Farr Jr. Farm Subdivision (81 lots) and an Access Exception AE 2015-01 for lot 100 and lot 101 has existed prior to his lifetime. It meets the requirements of the Land Use Code including the Cluster Subdivision Ordinance, that a 25% bonus be granted, and that it meets the open space requirements. Commissioner Parke seconded.

**VOTE:** A vote was taken with Commissioner's Favero, Andreotti, Whaley, Parke, Heslop, and Chair Borklund voting aye. Motion Carried (6-0)

## 2.2. Large Lot Subdivision Concept Discussion – Scott Mendoza

Scott Mendoza said he had a conversation with the Ogden Valley Planning Commission. A resident came in about brainstorming ideas with rural as a center of that conversation. The idea that came about was being called an Estate Subdivision; the Ogden Valley General Plan talks about a large lot option as far as development goes. We are starting to think that it may be something along the lines of a subdivision, i.e., the Ogden Valley, with a three acre zone, that doesn't allow three acre lots, but it may resemble something more like an estate subdivision. Where it would be one home per three acres, there would be one home per six, nine, or ten acres. An incentive would be built into something like if you construct a drive-way system that could withstand the weight to accommodate an emergency vehicle. The county could incentivize development like this large lot option. It would incentivize in such a way that it wouldn't require the developer to have to develop the entire infrastructure of curb, gutter, and sidewalk.

Scott Mendoza said the idea would be to have some tubal fences that may be line with these longer driveways that may resemble a large driveway system. What they would end up with is not three acre lots, but maybe six, or ten acre lots. In the Western part of the county what you may end up with is one unit per acre, or maybe two, five or ten acres. The incentive would be that there would be fewer infrastructures. The driveway system would be private, the county wouldn't be obligated to maintain, the owners of the property would maintain those driveway systems. They are talking about easement properties, and once they are put in a subdivision like that, they couldn't be subdivided into more lots without the county holding the appropriate public meetings, relinquishing any rights that were put in place with the open space rights. This is just in the beginning stage of thought and they wanted to know if there was any interest from the Planning Commission. They will bring this back for more information for a decision.

Commissioner Favero inquired that if this was a large lot, 10-20 acres, with a house in the middle of it, and if this driveway that meets the standards for emergency equipment was not maintained? Would there be some sort of backlash to the county. Would there be some sort of backlash on whoever the providing entity is, whether it be Western Weber or Ogden Valley if an emergency vehicle couldn't get to the middle of this 20 acres because of some issue or problem. Scott Mendoza responded that he would talk to the County Attorney and get an opinion. Right now, these access exceptions do require a certain standard, and the Fire District reviews them. There are standards as far as compaction, when an access exceeds a certain length, it needs to be a certain width, and there needs to be turn around at the end.

Commissioner Favero asked if an applicant wanted to put a home in the middle of an undeveloped subdivision, they could put a home in the middle of a 20 acre property. They could plan it out so that at some point in time when it was a liability and was no longer a positive thing for a family, that road would be put in according to an engineer plan, that eventually it could be phased out over time. Essentially, that is what you are speaking of here. Scott Mendoza replied that if the large parcel ends up further subdivided, at some point the minimum lot size when it reaches five acres or less, it's going to have to be a subdivision lot. According to the rules in place, it's going to have frontage on a road, unless there is some other way to be platted.

Commissioner Favero said if he owned this large piece of property and wanted to build a home and have an estate for a period of time, he would need to meet the standards. But in the process he would also be planning ahead, and if decided that he wanted to subdivide it, he would come back in and subdivide it. Scott Mendoza replied that if he wanted to have one home site on a property, and then not after long you would start subdividing, this subdivision would not be for that type of situation, because once the subdivision is developed, those easements put in place would not allow that for that subdivision.

Commissioner Andreotti asked that he kind of struggled with the population growth for our area here, would this be a new zone? Director Wilkinson replied that this is a tool help out with what you are talking about, and what Mr. Mendoza is saying, they are essentially getting rid of a lot of that density within whatever area is being subdivided, in exchange for trying to decide some of that density and retiring it, they get reduction in the infrastructure costs.

Commissioner Andreotti said as to the Transfer Development Rights (TDR's), he has a five acre parcel, and he would give up four of his development rights; how would that feel? Scott Mendoza replied that what is going on in the Ogden Valley is very different from the Western part of the county. The largest concern in the Ogden Valley had to do with density, the overall numbers there, and the public there would like to lower the overall numbers that could be developed in the future. As far as TDR's, it would be interesting to see how the general plan goes that leads them in a direction of TDR's, transferring from somewhere to another designated area.

Commissioner Favero said if they have TDR's, then the cluster subdivision ordinance will then become diluted, because then they will be able to take property rights from somewhere, transfer them, and will be able to pack as many houses into a subdivision, but the right or the open space can be transferred somewhere else, unless that's incorrect. Scott Mendoza replied that the units would go to a designated receiving area, it may not be in a subdivision and the cluster subdivision may not be a receiving area. It may be a small area confined to the boundaries of the existing cities. It may not be in the rest of the county, and a transfer may go some place without sewer, and is already fairly urban.

Commissioner Favero said that there is other information that he feels they should be looking at and suggested putting this on hold for now. Commissioner Andreotti said that it would be okay to get the information now so they can think about it. Scott Mendoza replied that this is very early and they don't know if it's going to work or if it is something that the county would support.

3. **Public Comment for Items not on the Agenda:** There were no Public Comments.
4. **Remarks from Planning Commissioners:** There were no remarks from the Planning Commissioners.
5. **Planning Director Report:** Director Wilkinson indicated that he had the 2014 Summary of all the applications they received and the number of permits issued. He will be presenting a report to this Planning Commission of their work plan and things they are doing to comply with the general plan for next month. He was informed by Charles Ewert at the last meeting of the discussion about a potential update to the general plan. They had a discussion with the County Commission, and they are not opposed to that idea, but it's not going to be this year or the next year, because they want to see what is going to happen with the Ogden Valley General Plan, and see what is being implemented from that, and it may take a couple of years. The general plan states that when 500 houses are built, that would be the threshold and trigger a new general plan. There have been almost 400 houses built since 2003, and County Commission said that they were close, and they could expect some development in the next couple of years.
6. **Adjournment:** The meeting was adjourned at 6:35 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;  
Weber County Planning Commission





square feet and will be located along the north side of the water tank/reservoir. The property lies in the Residential Estates Zone (RE-20) which allows "Water storage reservoir developed by a public agency" only when authorized by a conditional use permit. Uintah Highlands Water and Sewer Improvement District has identified the need to increase their culinary water system by providing a water system built to current standards (see Exhibit A).

The proposal is not anticipated to negatively impact the adjacent property owners on a long term basis and will be beneficial to the residents of the Uintah Highlands area by providing adequate culinary water services to the property owners within the Uintah Highlands Water and Sewer Improvement District.

The Weber Fire District has had a chance to review the application and has made the following comments in Miradi regarding the proposal:

*"Weber Fire District does not have any concerns with this project. We would like to acknowledge that the increase in available water supply is a very positive thing for the growing community. From a fire-fighting standpoint, the added volume may someday be needed to combat a wildland interface fire or structure fire in the area. With larger residences being constructed, the demand for water for fire-fighting also increases. We encourage enhancements such as this for our community."*

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

## Analysis

**General Plan:** The Uintah Highlands Water and Sewer Improvement District has been identified as an established improvement district under State Law that provides for residential growth in the Uintah area of Weber County. During the 20 year planning period outlined in the Comprehensive Land Use Master Plan for the Southeast Planning Area, it was anticipated that a significant expansion of the existing services would be necessary to ensure adequate services within the adopted improvement district due to the existing reservoirs not adequately satisfying the immediate requirements placed on them. The proposed use supports the long-term goal and conforms to the Land Use Master Plan for the Southeast Planning Area by providing additional water storage to meet the demands of the existing water systems throughout developing areas. (see the 1970-1990 The Comprehensive Land Use Master Plan for the Southeast Planning Area Chapter 7 Public Utilities and Public Services).

**Zoning:** The subject property is located within the RE-20 Zone which is categorized as a "Residential Estates Zones". The purpose and intent of the Residential Estates Zones can be further described per LUC §104-3-1 as follows:

*"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."*

The applicable standards for a water storage reservoir per the RE-20 zone are as follows:

- Minimum yard setbacks:
  - Front: 30'
  - Side: 20'
- Main Building height:
  - Maximum: 35'

The additional standards for a water storage reservoir for all public utility substations as listed in LUC§108-10 and as follows:

- Public utility substations-Minimum lot area: None
- Minimum yard setbacks:
  - Rear: 5'
- Same-Street access:
  - Each public utility substation shall be located on a lot, which has adequate access from a street, alley, right-of-way, or easement.

The proposed use is conditionally allowed in the RE-20 zone and has been reviewed as a "Water storage reservoir" as well as "Public utility substations". The location and arrangement of public utility substations and structures must be in accordance with construction plans submitted to and approved by the planning commission. The minimum lot area is

waived for all public utility substations per LUC §108-10-2 and the rear yard requirements may be reduced in residential zones to 5' per LUC §108-10-3.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided a copy of the "Project Notification Form" as adequate proof of application through the State of Utah Division of Drinking Water as part of the proposed expansion. Prior to commencing work, Uintah Highlands Water and Sewer Improvement District will need to receive the approval from the applicable State and County agencies for the new culinary water tank/reservoir, waterlines and chlorine building. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

Design Review: The public nature of the proposed conditional use mandates a design review as outlined in LUC §108-1-2 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* As part of this consideration, the applicant has provided a detailed site plan (see Exhibit B "Sheet 3"). It is anticipated that the proposal will generate construction traffic during the removal and replacement of the water tank/reservoir; however, upon completion of the project, traffic congestion or delay is not expected. The contractor will be responsible to guarantee site materials are not tracked onto the County roadways, in order to provide safe vehicular traffic along Jacqueline Drive.
- *Considerations relating to landscaping.* Due to the existing terrain, the applicant will be utilizing the existing oak brush surrounding the site as a natural screening mechanism to ensure harmony with the adjacent surroundings. It is anticipated that some grading of the existing access road will take place to allow for construction equipment to mobilize on site. During the demolition process, there will be some clearing and grubbing of the existing vegetation but none so much that would require the removal of existing trees larger than 6" in diameter. All grubbed material will be hauled off site and disposed of. Erosion control mats with a native seed mix will be installed on the affected areas of disturbance once construction has been completed. A six foot chain link fence along with a 20' chain link access gate, both of which are proposed to be topped with razor or barbed wire, will be installed around the exterior of the culinary water tank/reservoir for security purposes (see Exhibit B "Sheet 3"). A condition of approval will be necessary if the Planning Commission feels that additional landscaping and screening is essential to conceal the area and preserve the rural, mountainous landscape.
- *Considerations relating to buildings and site layout.* The proposed chlorine building is 10' x 10' (see Exhibit B "Sheet 3" for location & "Sheet 12" for building details) and will be constructed on the north side of the new water tank/reservoir of 8"x4"x16" brown "Atlas" brick. The external surfaces are predominantly natural, muted earth tones and the metal roof will be dark green. It appears that the proposal meets the minimum requirements of LUC §108-1-4(4).
- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division including but not limited to providing a storm water pollution prevention plan. Prior to commencement of construction the following permits must be obtained through the Engineering Division: a storm water construction activity permit, an excavation permit for all work in the County right-of-way and a building permit prior to commencing construction. A condition has been made part of the Planning Division's recommendations to ensure that these requirements are met.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

## Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under "Criteria for Issuance of Conditional Use Permit", which states:

*Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present 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 Land Use Code and other applicable agency standards of use.*

The Planning Commission will need to determine if the request for the expansion of the Uintah Highlands Reservoir #3 has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the "Criteria for Issuance of Conditional Use Permit" and other applicable ordinances been met?

## Staff Recommendation

The Planning Division recommends approval of file# CUP 2015-11, a conditional use permit for the expansion of the Uintah Highlands Reservoir #3, to be located at approximately 2450 East Jacqueline Drive Ogden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. Prior to commencing work, Uintah Highlands Water and Sewer Improvement District will need to provide a copy of the approval received from the State of Utah Division of Drinking Water for the new culinary water tank/reservoir, waterlines and chlorine building.
2. Requirements of the Weber County Building Inspection Division.
3. Requirements and recommendations of the Weber Fire District.
4. Requirements of the Weber County Engineering Division.
5. Requirements of the Weber-Morgan Health Department.

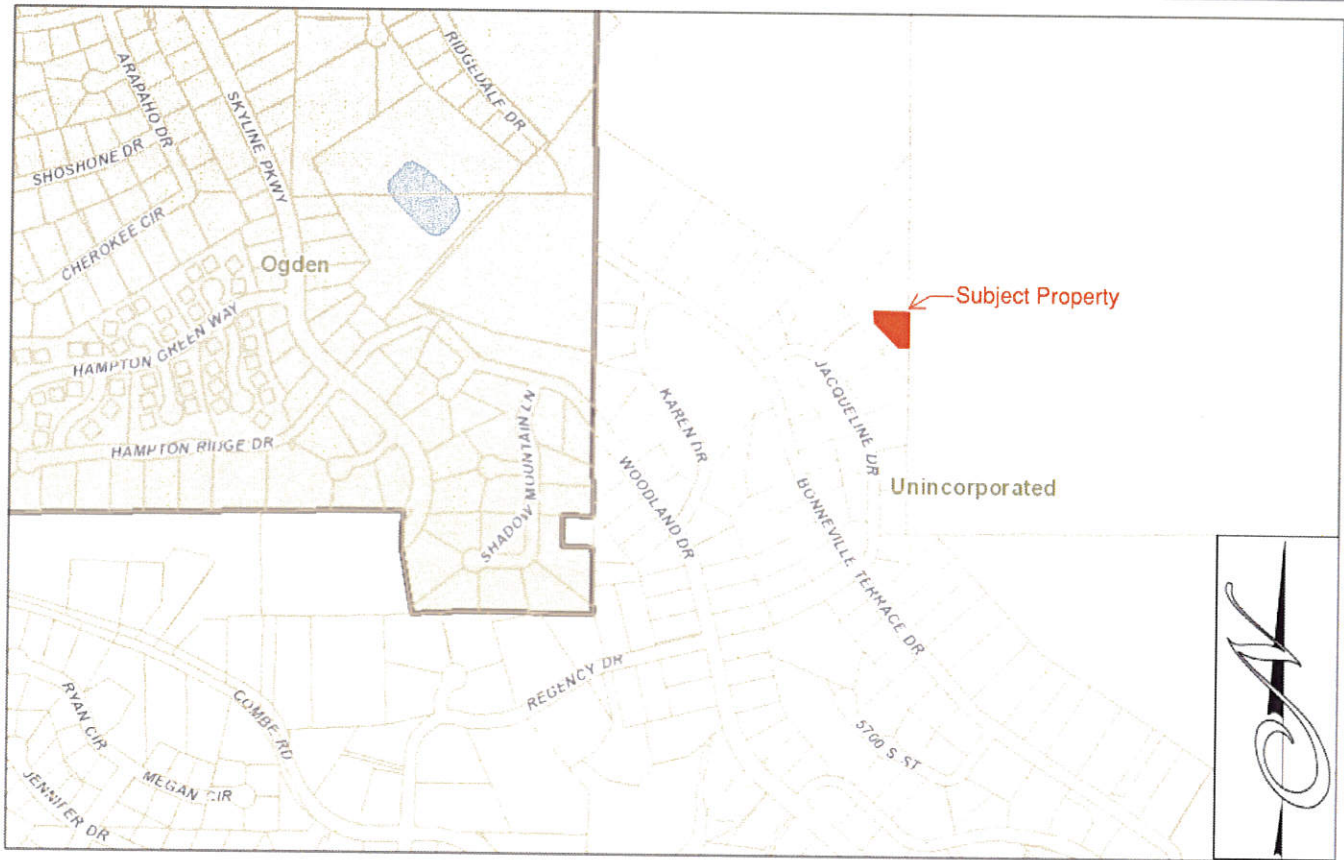
This recommendation is based on the following findings:

1. The proposed use conforms to the Weber County General Plan.
2. The proposed use will provide the needed water source to meet the demands the Uintah Highlands Water and Sewer District.
3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

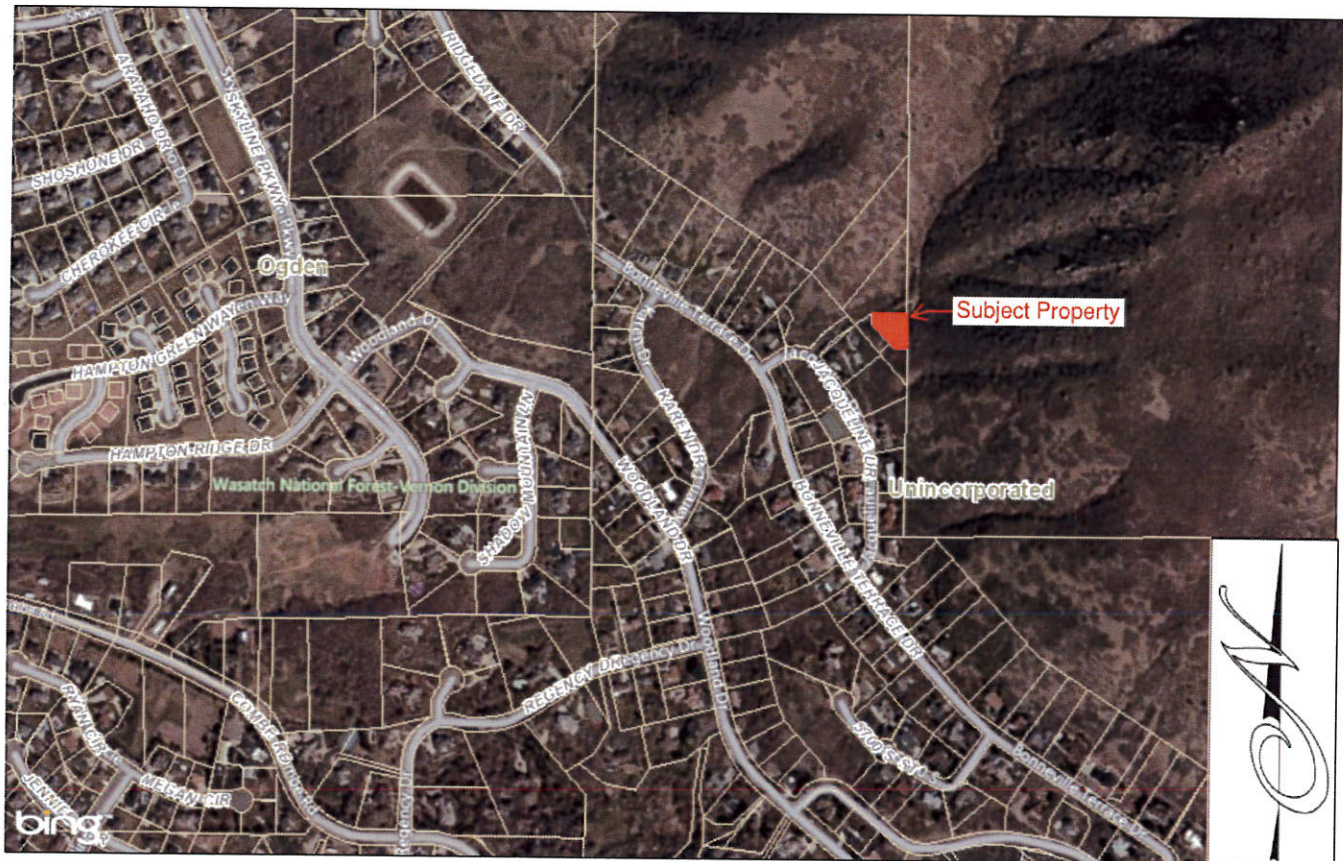
## Exhibits

- A. Application
- B. Project Plans

Map 1



Map 2



**Exhibit A: Application**

## 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<br>03/13/2015 | Fees (Office Use) | Receipt Number (Office Use) | File Number (Office Use) |
|--|-------------------|-----------------------------|--------------------------|

**Property Owner Contact Information**

|  |     |   |  |
|--|-----|---|--|
| Name of Property Owner(s)<br>Uintah Highlands Water and Sewer Improvement District |     | Mailing Address of Property Owner(s)<br>2401 E 6175 S<br>Ogden, UT 84403  |  |
| Phone<br>801-476-0945  | Fax |   |  |
| Email Address<br>uhid1@qwestoffice.net   |     | Preferred Method of Written Correspondence<br><input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail |  |

**Authorized Representative Contact Information**

|   |     |   |  |
|---|-----|---|--|
| Name of Person Authorized to Represent the Property Owner(s)<br>Blaine Brough |     | Mailing Address of Authorized Person<br>2401 E 6175 S<br>Ogden, UT 84403  |  |
| Phone<br>801-476-0945   | Fax |   |  |
| Email Address<br>uhid1@qwestoffice.net <i>matr@jonescivil.com</i>             |     | Preferred Method of Written Correspondence<br><input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail |  |

**Property Information**

|  |                                      |                         |
|--|--------------------------------------|-------------------------|
| Project Name<br>Reservoir #3 Rebuild           | Total Acreage<br>0.09                | Current Zoning<br>RE-20 |
| Approximate Address<br>2450 E Jacqueline Drive | Land Serial Number(s)<br>06-121-0018 |                         |

Proposed Use  
Culinary Water Reservoir

**Project Narrative**

The purpose of the project is to replace an existing water tank that is aged and in disrepair with a new circular concrete reservoir. The reservoir will be an enclosed tank, 48 feet in diameter and 16 feet tall with about half of the tank exposed. The new reservoir will have a volume of 200,000 gallons which replaces the existing 180,000 gallon tank. The construction will take place on property owned by the Improvement District and is anticipated to begin in May 2015 and be completed in September 2015. Project drawings as well as a geotechnical report are attached to this application. All slopes affected by the work will be re-vegetated with a native seed mix and slopes steeper than 3H:1V will have an erosion control mat installed. The site will be secured with a 6' tall security fence at the end of construction.

## Exhibit A: Application

### Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

Uintah Highlands Improvement District supplies culinary water to the residents of the Uintah Highlands area in Weber County. This project will serve the community by providing a new water tank to feed its water system built to current standards. It will replace an existing tank that is past its design life and in need of replacement.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

The project will replace an existing water tank so no additional traffic will be generated long term at the site. The project will also improve the aesthetics of the site by replacing the old tank with a new tank. The reservoir and chlorine building will be enclosed by a security fence and the building and reservoir will remained locked with an alarm system.

## Exhibit A: Application

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

All state and and regulations will be met and the project will not change the existing use of the site. In addition to this permit, applications have been submitted to the State Division of Drinking Water and the US Forest Service for approval.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

The use will not change from the existing use and will conform to the General Plan for Weber County.

**Exhibit A: Application**

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

- An existing water tank is located on the site and this project will not change the environment or ecology of the area. An increase in construction traffic will be present during the construction phase but once complete the district will only access the site periodically for routine maintenance. The site will be restored to the existing condition. No deterioration to the environment or pollutants that will have a detrimental effect are anticipated as a result of this project.

**Property Owner Affidavit**

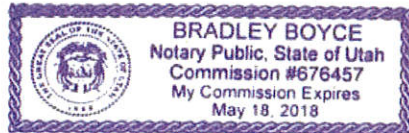
I (We), BLAINE BROUGHT, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Blaine Brought  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

State of Utah  
County of Weber

Subscribed and sworn to me this 13<sup>th</sup> day of March, 20 15.



Bradley Boyce  
\_\_\_\_\_  
(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.

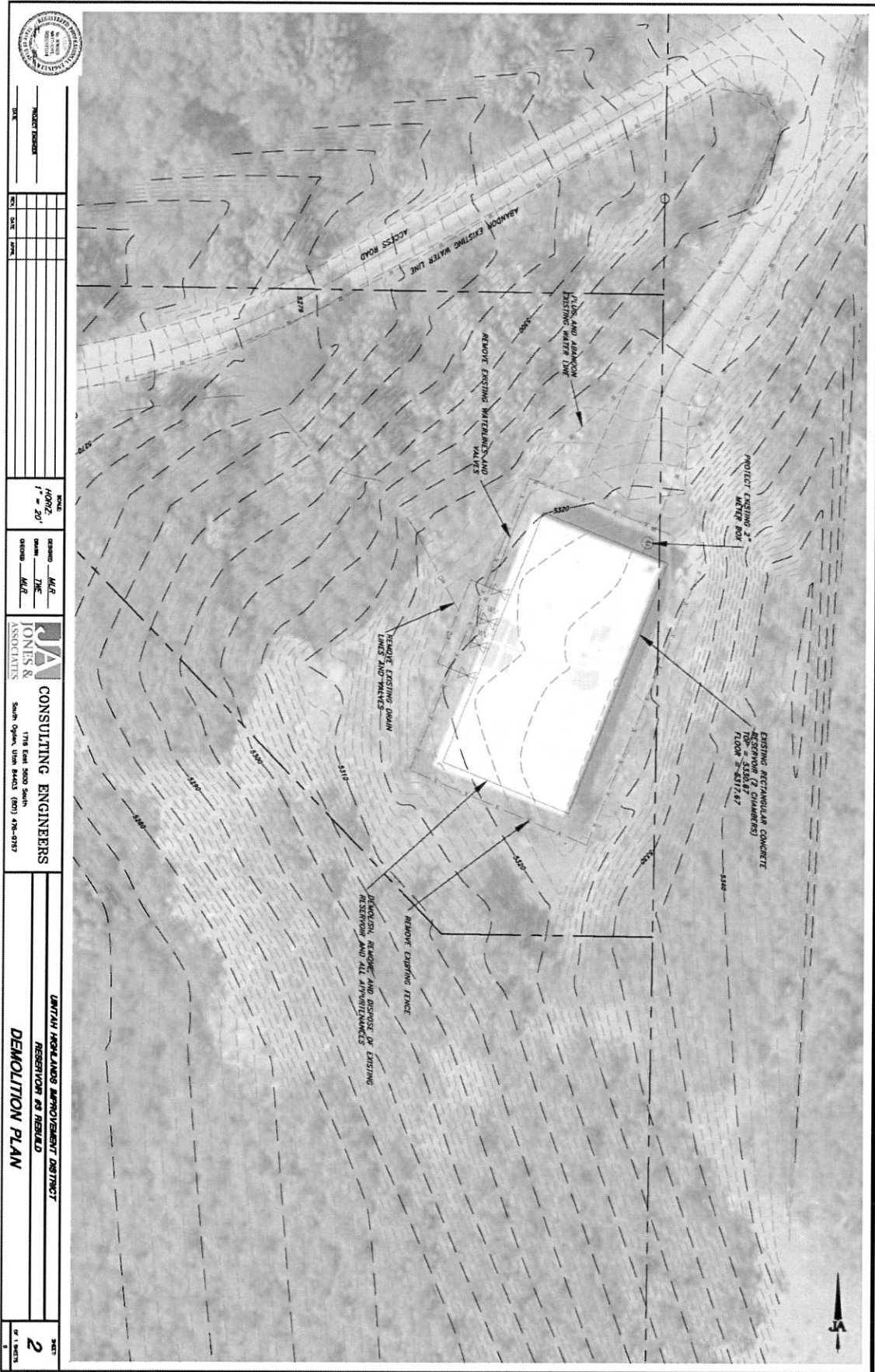
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(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)





|                |      |
|----------------|------|
| PROJECT NUMBER | DATE |
|                |      |

|     |      |    |
|-----|------|----|
| NO. | DATE | BY |
|     |      |    |
|     |      |    |

Scale  
 HORIZ. 1" = 20'  
 VERT. 1" = 20'

DESIGNED BY: M/G  
 DRAWN BY: T/C  
 CHECKED BY: M/G

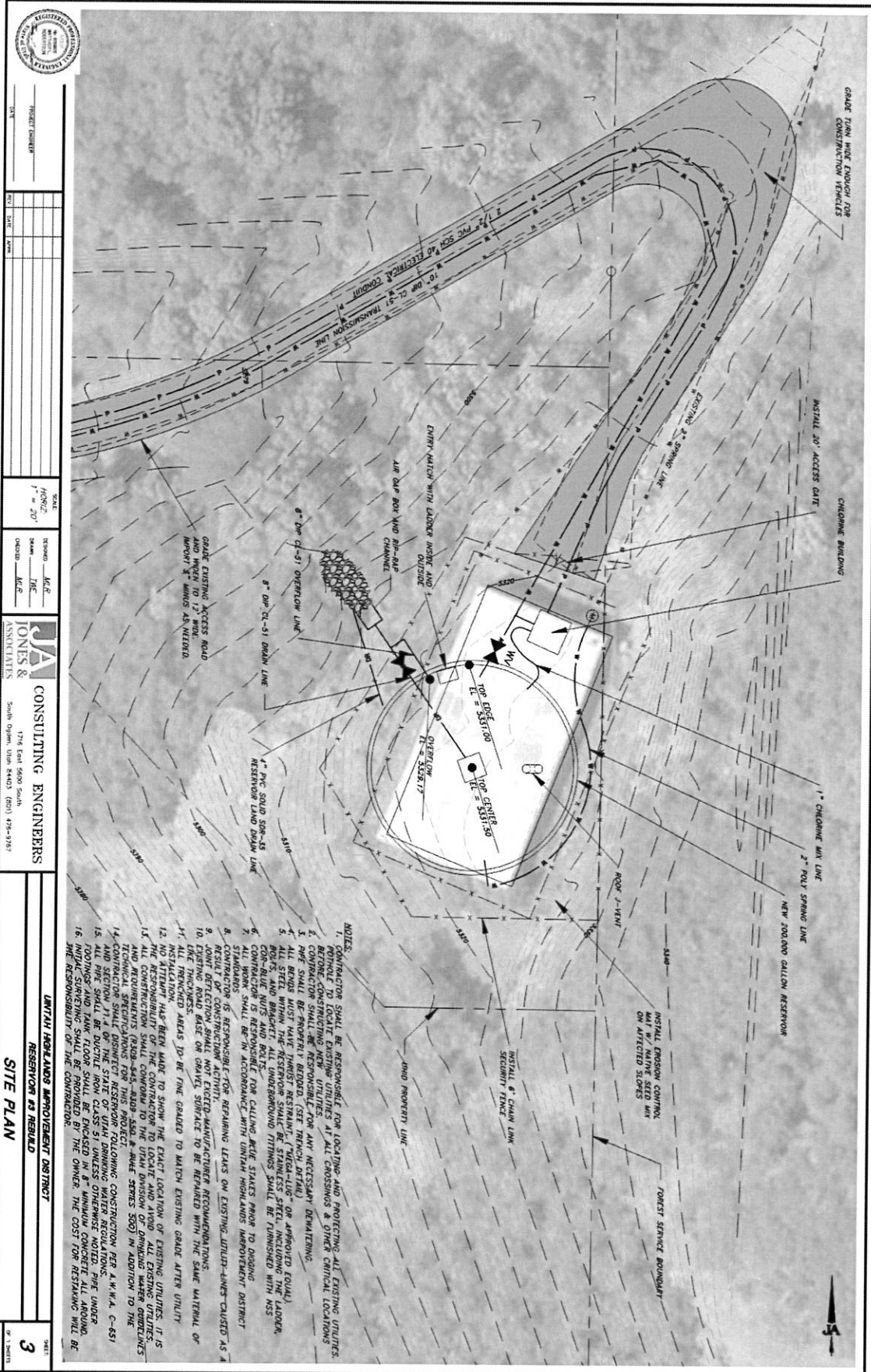


**CONSULTING ENGINEERS**  
 17th East 5000 South  
 Suite 1000, Fort Lauderdale, FL 33309  
 (954) 478-0787

LANTANA HIGHLANDS IMPROVEMENT DISTRICT  
 RESERVOIR NO. 2  
**DEMOLITION PLAN**

SHEET  
**2**  
 OF 1 SHEETS

Exhibit B: Site Plan



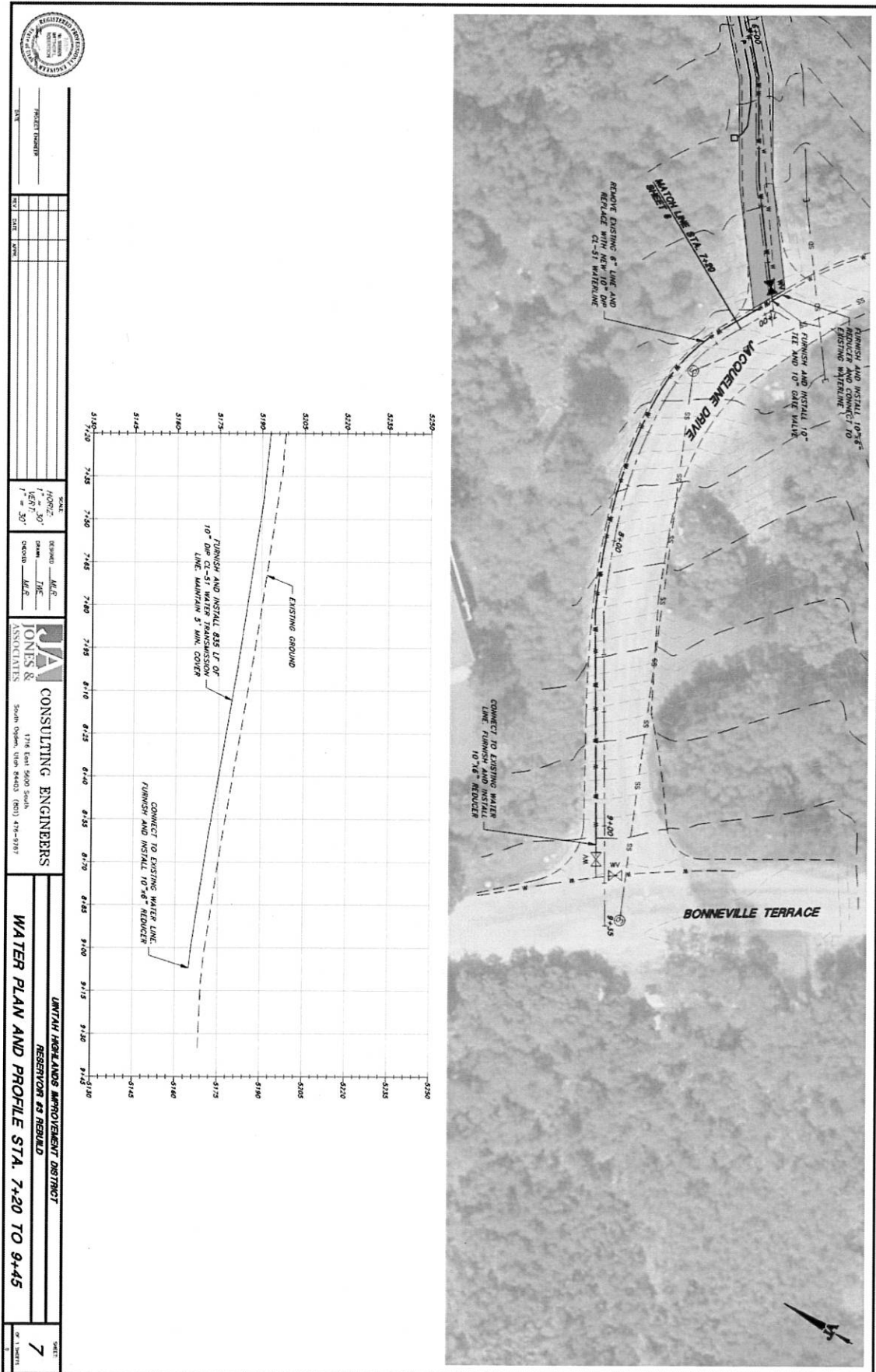
|                |      |
|----------------|------|
| PROJECT NUMBER | DATE |
| SCALE          | DATE |
| DESIGNED BY    | DATE |
| CHECKED BY     | DATE |
| APPROVED BY    | DATE |

**JA CONSULTING ENGINEERS**  
 1718 East 8400 South  
 South Ogden, Utah 84403 (801) 278-9387

UTAH HIGHLANDS IMPROVEMENT DISTRICT  
 RESERVOIR #3 RENEWAL  
**SITE PLAN**  
 SHEET 3 OF 3 SHEETS

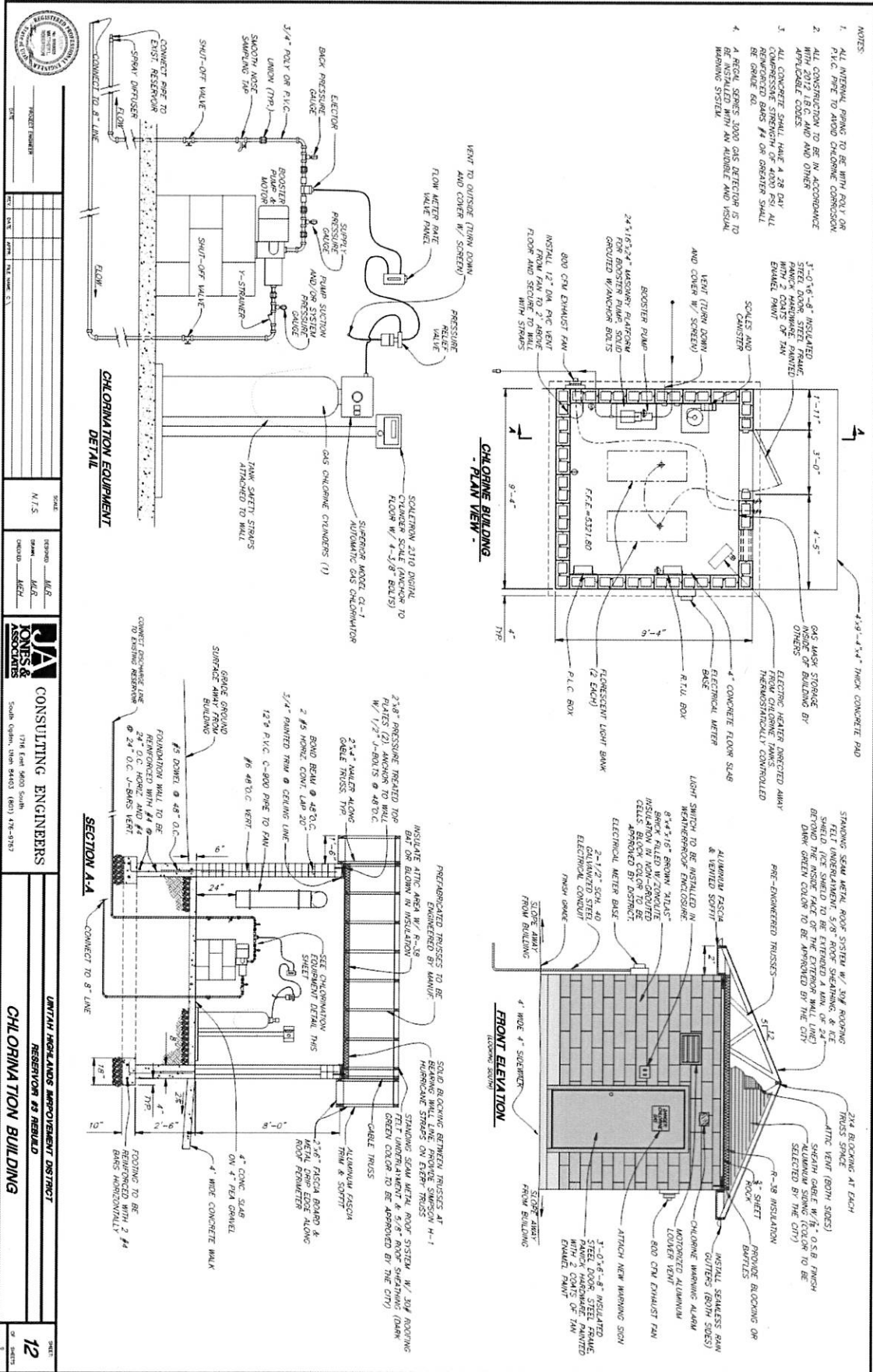
- NOTES:**
1. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING UTILITIES. REFERENCE TO LOCATE EXISTING UTILITIES. ALL ALL CROSSINGS & OTHER CRITICAL LOCATIONS BEFORE CONSTRUCTING NEW UTILITIES.
  2. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY NECESSARY DEMARCATIONS.
  3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH UTAH HIGHLANDS IMPROVEMENT DISTRICT STANDARDS.
  4. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING LEAKS ON EXISTING UTILITY-LINES CAUSED AS A RESULT OF CONSTRUCTION.
  5. JOINT DETECTION SHALL NOT EXCEED MANUFACTURER RECOMMENDATIONS.
  6. EXISTING ROAD BASE OR GRAVEL SURFACE TO BE REPAIRED WITH THE SAME MATERIAL OF INSTALLATION.
  7. ALL TRENCHED AREAS TO BE FINE GRADED TO MATCH EXISTING GRADE AFTER UTILITY INSTALLATION.
  8. NO ATTEMPT HAS BEEN MADE TO SHOW THE EXACT LOCATION OF EXISTING UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND VERIFY ALL EXISTING UTILITIES. ALL REQUIREMENTS (R308-545, R308-548, R308-550, R308-552, R308-553) IN ADDITION TO THE TECHNICAL SPECIFICATIONS FOR THIS PROJECT.
  9. ALL FOOTINGS AND TANK FLOOR SHALL BE ENCASED IN 8" MINIMUM CONCRETE ALL AROUND. THE RESPONSIBILITY OF THE CONTRACTOR.
  10. ALL WORK SHALL BE IN ACCORDANCE WITH UTAH HIGHLANDS IMPROVEMENT DISTRICT STANDARDS.
  11. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING LEAKS ON EXISTING UTILITY-LINES CAUSED AS A RESULT OF CONSTRUCTION.
  12. JOINT DETECTION SHALL NOT EXCEED MANUFACTURER RECOMMENDATIONS.
  13. EXISTING ROAD BASE OR GRAVEL SURFACE TO BE REPAIRED WITH THE SAME MATERIAL OF INSTALLATION.
  14. ALL TRENCHED AREAS TO BE FINE GRADED TO MATCH EXISTING GRADE AFTER UTILITY INSTALLATION.
  15. NO ATTEMPT HAS BEEN MADE TO SHOW THE EXACT LOCATION OF EXISTING UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND VERIFY ALL EXISTING UTILITIES. ALL REQUIREMENTS (R308-545, R308-548, R308-550, R308-552, R308-553) IN ADDITION TO THE TECHNICAL SPECIFICATIONS FOR THIS PROJECT.
  16. ALL FOOTINGS AND TANK FLOOR SHALL BE ENCASED IN 8" MINIMUM CONCRETE ALL AROUND. THE RESPONSIBILITY OF THE CONTRACTOR.

# Exhibit B: Water line Profile



|   |      |
|---|------|
|  |      |
| PROJECT NUMBER  |      |
| DATE  |      |
| REV   | DATE |
| 1   |      |
| 2   |      |
| 3   |      |
| 4   |      |
| 5   |      |
| 6   |      |
| 7   |      |
| 8   |      |
| 9   |      |
| 10  |      |
| 11  |      |
| 12  |      |
| 13  |      |
| 14  |      |
| 15  |      |
| 16  |      |
| 17  |      |
| 18  |      |
| 19  |      |
| 20  |      |
| 21  |      |
| 22  |      |
| 23  |      |
| 24  |      |
| 25  |      |
| 26  |      |
| 27  |      |
| 28  |      |
| 29  |      |
| 30  |      |
| 31  |      |
| 32  |      |
| 33  |      |
| 34  |      |
| 35  |      |
| 36  |      |
| 37  |      |
| 38  |      |
| 39  |      |
| 40  |      |
| 41  |      |
| 42  |      |
| 43  |      |
| 44  |      |
| 45  |      |
| 46  |      |
| 47  |      |
| 48  |      |
| 49  |      |
| 50  |      |
| 51  |      |
| 52  |      |
| 53  |      |
| 54  |      |
| 55  |      |
| 56  |      |
| 57  |      |
| 58  |      |
| 59  |      |
| 60  |      |
| 61  |      |
| 62  |      |
| 63  |      |
| 64  |      |
| 65  |      |
| 66  |      |
| 67  |      |
| 68  |      |
| 69  |      |
| 70  |      |
| 71  |      |
| 72  |      |
| 73  |      |
| 74  |      |
| 75  |      |
| 76  |      |
| 77  |      |
| 78  |      |
| 79  |      |
| 80  |      |
| 81  |      |
| 82  |      |
| 83  |      |
| 84  |      |
| 85  |      |
| 86  |      |
| 87  |      |
| 88  |      |
| 89  |      |
| 90  |      |
| 91  |      |
| 92  |      |
| 93  |      |
| 94  |      |
| 95  |      |
| 96  |      |
| 97  |      |
| 98  |      |
| 99  |      |
| 100   |      |

# Exhibit B: Chlorination Building Plans



|                |      |
|----------------|------|
| PROJECT NUMBER | DATE |
|                |      |

|          |        |
|----------|--------|
| SCALE    |        |
| N.T.S.   |        |
| DESIGNED | M.A.C. |
| DRAWN    | M.C.Z. |
| CHECKED  | M.C.Z. |

**JONES & ASSOCIATES**

**CONSULTING ENGINEERS**

1714 East 98th Street  
 South Gate, California 90260 (909) 749-9193

**UNTAH HIGHLANDS AMBUSHMENT DISTRICT**

**RESERVOIR #3 REBUILD**

**CHLORINATION BUILDING**

|      |  |
|------|--|
| DATE |  |
|      |  |

**12**

OF SHEETS



**Staff Report for Western Weber County Planning Commission**  
*Weber County Planning Division*

## Synopsis

### Application Information

**Application Request:** Consideration and action on final approval of Winslow Farr Jr. Farm Subdivision Phase 1 (14 Lots and 3 open space parcels).  
**Agenda Date:** Tuesday, April 14, 2015  
**Applicant:** Bob Favero  
**File Number:** LVW 120914

### Property Information

**Approximate Address:** 2269 South 3500 West  
**Project Area:** 13 acres  
**Zoning:** Agricultural (A-1)  
**Existing Land Use:** Residential/ Agricultural  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-078-0011 and 15-078- 0015  
**Township, Range, Section:** T6N, R2W, Section 28

### Adjacent Land Use

|                           |                            |
|---------------------------|----------------------------|
| <b>North:</b> Residential | <b>South:</b> Agricultural |
| <b>East:</b> Agricultural | <b>West:</b> 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)
- Weber County Land Use Code Title 108 (Zones) Chapter 3 (Cluster Subdivision)

## 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 Phase 1 of Winslow Farr Jr. Farm Subdivision (14 lots), located at approximately 3500 West 2269 South in the A-1 Zone. The minimum frontage in a cluster subdivision is 60 feet with the setbacks being 20 feet on the front and rears with the sides a minimum of 8 feet. Dwellings are allowed to be 40 feet in height. This subdivision was approved with curb, gutter, and sidewalk.

An Access Exception 2015-1 (AE 2015-1) was granted for lots 100 and 101 to be accessed by a 30 foot easement from 3600 West. Lot 101 has a home located on the property and is currently being accessed on a 16.5 foot right of way easement from 3500 West. There is an out building located on the property line that will have to be removed. The existing easement will be vacated from 3500 West to what is being shown as 3600 West.

Irrigation ditches or canals that carry five second feet or more of water is required to install a solid board, chain link, or other non-climbable fence not less than five feet in height. Where phase 1 abuts the canal, fencing will be required.

The Weber County Engineer's Office has reviewed the project and has a number of items on the construction drawings that need to be corrected.

Taylor-West Weber Water has given final approval with the condition that secondary water is provided by Hooper Irrigation and a Weber Basin contract for the water rights. A final approval letter from Hooper Irrigation is required. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission.

Central Weber Sewer will provide sewer services with the condition that the property is annexed into the sewer district and all plans are approved by the district. The applicant has submitted the application and drawings for annexation in to the sewer district.

The Fire District has approved the proposed location of the fire hydrant spacing. As phases of this development are done, a second access is required when the number of homes reach 30.

The applicant needs to show that there will be a 75 foot open space separation between Lot 100 and lot 503 in phase 5.

The County Surveyors have a number of issues with the final plat, including the lot numbering and streets that just have names.

### **Summary of Planning Commission Considerations**

- Does this subdivision meet the requirements of the Land Use Code including the Cluster Subdivision Ordinance?

### **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**

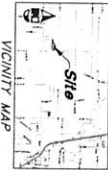
- Requirements of the Weber County Engineering Division.
- Requirements of the Central Weber Sewer District.
  - Annexation into the sewer district
  - District impact fees
- Requirements of Taylor West Weber Water.
  - Connect to Hooper Irrigation
    - Irrigation plans need to be approved by Hooper Irrigation.
  - Impact fees
- Requirements of the Weber Fire District.
  - Fire District Impact fees
- Fencing of the irrigation ditch.
- 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.
- Lot 100 and Lot 101 have a building that is on those two property lines that needs to be removed or moved.
- Curb, gutter, and sidewalks are to be installed as part of this subdivision.
- Vacating the access easement from 3500 West to 3600 West (across open space A, and Lots 110 and 113).

### **Staff Recommendation**

Staff recommends that the Planning Commission grants final approval of Winslow Farr Jr. Farm Subdivision (14 lots plus 3 open space parcels), subject to staff and other agency comments.

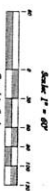
### **Exhibits**

- A. Location map
- B. Subdivision plat



**MAPS/STATE**

This subdivision map was prepared by Mr. Bob Fowers for the purpose of recording the same in the public records of the State of Utah. The plat is subject to the provisions of the Utah Subdivision Map Act, Chapter 2, of the Utah Code, and the provisions of the Utah Subdivision Map Act, Chapter 2, of the Utah Code, and the provisions of the Utah Subdivision Map Act, Chapter 2, of the Utah Code.



# Winslow Farr Jr. Farm - Phase 1

A part of Section 28, T6N, R2W, S184M U.S. Survey  
Weber County, Utah  
March 2015

**OWNER'S DEDICATION**

We, the undersigned, Owners of the herein described tract of land, hereby set apart and dedicate the same into the public use and control of Weber County, Utah, all those parts or portions of said tract of land that are shown on this map and are to be used for the purposes of a park, playground, sports field, and other recreational purposes. We, the undersigned, do hereby dedicate to the public use and control of Weber County, Utah, all those parts or portions of said tract of land that are shown on this map and are to be used for the purposes of a park, playground, sports field, and other recreational purposes. We, the undersigned, do hereby dedicate to the public use and control of Weber County, Utah, all those parts or portions of said tract of land that are shown on this map and are to be used for the purposes of a park, playground, sports field, and other recreational purposes.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Bob Fowers - Owner  
Guy Furr - Owner

**ACKNOWLEDGMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by Guy Furr.

\_\_\_\_\_  
Notary Public, commissioned in Utah.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by Bob Fowers.

\_\_\_\_\_  
Notary Public, commissioned in Utah.

**CEMENTED CORNER DATA**

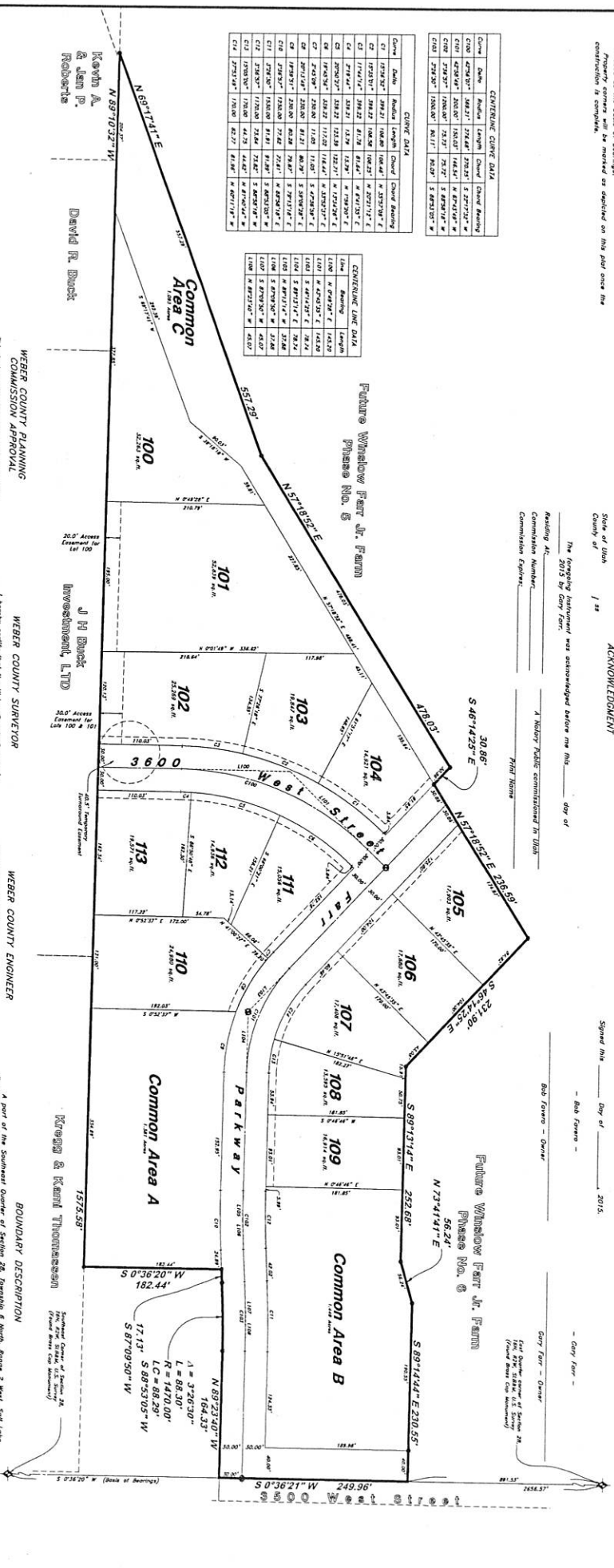
| Corner | Date    | Angle | Length | Chord | Chord Bearing |
|--------|---------|-------|--------|-------|---------------|
| C1     | 1/20/20 | 90.00 | 10.00  | 10.00 | N 89°31'41"E  |
| C2     | 1/20/20 | 90.00 | 10.00  | 10.00 | S 89°31'41"E  |
| C3     | 1/20/20 | 90.00 | 10.00  | 10.00 | E 89°31'41"E  |
| C4     | 1/20/20 | 90.00 | 10.00  | 10.00 | N 89°31'41"E  |

**CORNER DATA**

| Corner | Date    | Angle | Length | Chord | Chord Bearing |
|--------|---------|-------|--------|-------|---------------|
| C1     | 1/20/20 | 90.00 | 10.00  | 10.00 | N 89°31'41"E  |
| C2     | 1/20/20 | 90.00 | 10.00  | 10.00 | S 89°31'41"E  |
| C3     | 1/20/20 | 90.00 | 10.00  | 10.00 | E 89°31'41"E  |
| C4     | 1/20/20 | 90.00 | 10.00  | 10.00 | N 89°31'41"E  |

**CENTRILINE DATA**

| Line | Point | Angle | Length |
|------|-------|-------|--------|
| 100  | A     | 90.00 | 100.00 |
|      | B     | 90.00 | 100.00 |
| 101  | A     | 90.00 | 100.00 |
|      | B     | 90.00 | 100.00 |



**WEBER COUNTY PLANNING COMMISSION APPROVAL**

This is to certify that this subdivision plat was approved by the Weber County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chairman, Weber County Planning Commission

**WEBER COUNTY SURVEYOR**

I hereby certify that the Weber County Surveyor's office has reviewed the subdivision plat and the accompanying plat, and for having with approval of this plat by the Weber County Surveyor's office, the same is hereby approved and recorded as shown on the attached plat and plat cover sheet.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Weber County Surveyor

**WEBER COUNTY ENGINEER**

I hereby certify that the required public improvements and drainage for this subdivision plat have been provided for and that the same are shown on the attached plat and plat cover sheet.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Weber County Engineer

**BOUNDARY DESCRIPTION**

A part of the Southwest Quarter of Section 28, Township 6 North, Range 2 West, Salt Lake Meridian, containing 80.135 acres (approx. 0.912727) more or less, being the portion of the land owned by the heirs of the late Mrs. Mary Ann Winslow, deceased, and being the portion of the land owned by the heirs of the late Mrs. Mary Ann Winslow, deceased, and being the portion of the land owned by the heirs of the late Mrs. Mary Ann Winslow, deceased.

**WEBER COUNTY COMMISSION ACCEPTANCE**

This is to certify that this subdivision plat, the subdivision plat cover sheet, and the subdivision plat cover sheet, have been approved and recorded as shown on the attached plat and plat cover sheet.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chairman, Weber County Commission

**WEBER-MORGAN HEALTH DEPARTMENT**

I hereby certify that the public health requirements for this subdivision plat have been provided for and that the same are shown on the attached plat and plat cover sheet.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Director - Weber-Morgan Health Department

**WEBER COUNTY ATTORNEY**

I have examined the proposed plat and the subdivision plat, and find that the same comply with the provisions of the Utah Subdivision Map Act, Chapter 2, of the Utah Code, and the provisions of the Utah Subdivision Map Act, Chapter 2, of the Utah Code.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

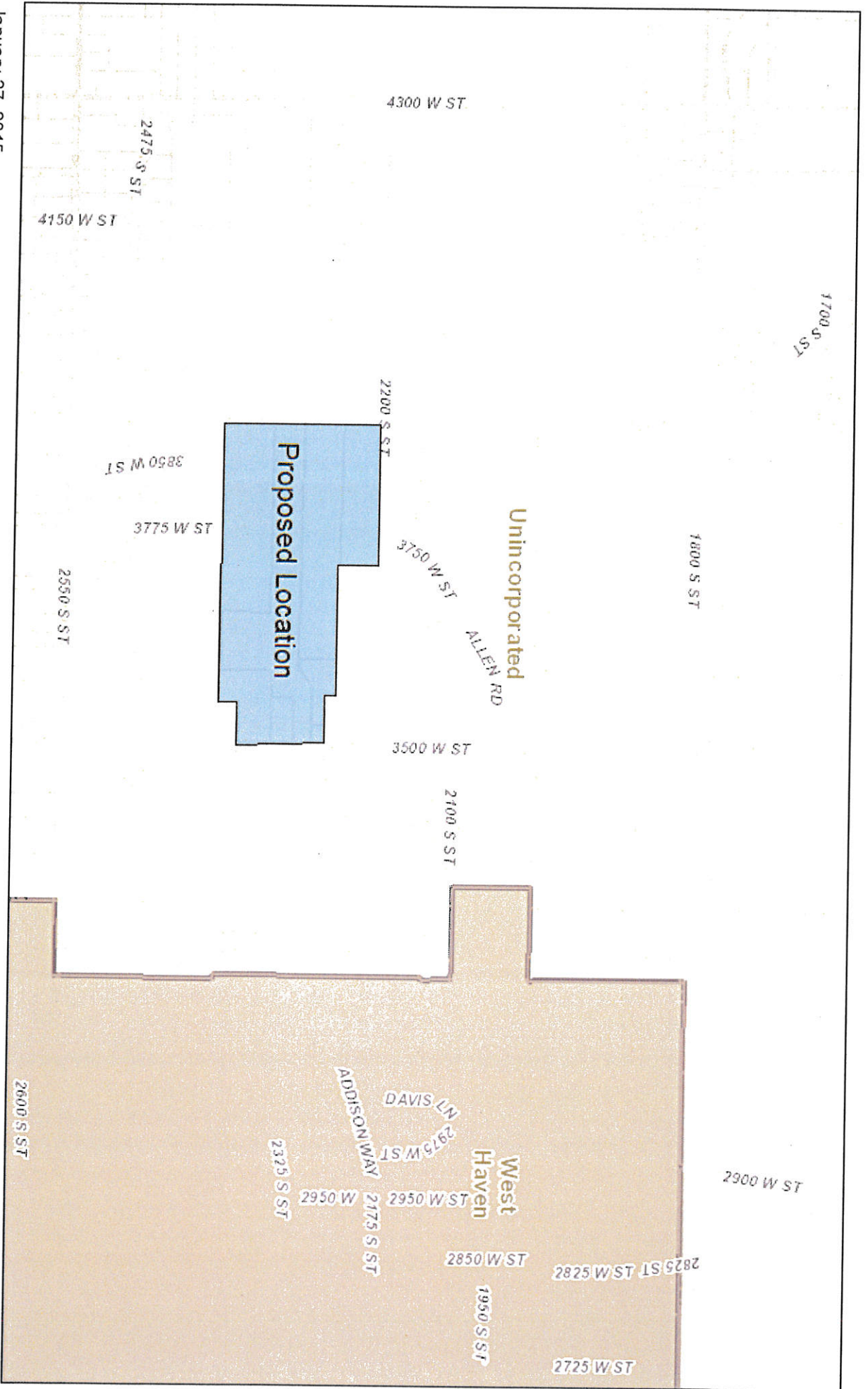
\_\_\_\_\_  
Weber County Attorney

**TENTATIVE FINAL**

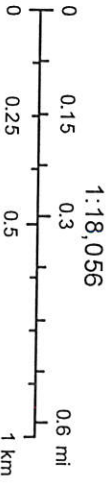
**WEBER COUNTY RECORDS**

RECORDED  
DATE  
BY

# Proposed Location



January 27, 2015  
Street Labels  
City Labels







## 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, April 14, 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

|               |                |               |                |
|---------------|----------------|---------------|----------------|
| <b>North:</b> | Not Applicable | <b>South:</b> | Not Applicable |
| <b>East:</b>  | Not Applicable | <b>West:</b>  | 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. In 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 facilities<sup>1</sup>, 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
- 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 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

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

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. In 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 facilities<sup>1</sup>, 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

<sup>1</sup> 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 <sup>[1]</sup>**

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 <sup>[2]</sup>**

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)



- 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 thereafter be considered nonconforming lots.

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

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

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

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.

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

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.~~  
253

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

261  
262  
263 ~~(2) — Parcels not meeting current zoning as to area and/or frontage/width~~  
264 ~~requirements, containing a single family dwelling which:~~

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

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

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

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

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

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

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

288 ~~a. — The parcels that are being separated were originally created prior to July~~  
289 ~~1992 changes to the Utah Code, and Subdivision Law;~~

b. ~~The properties as configured prior to the combination met area and frontage/width requirements for the zone in which they were created, or were considered nonconforming parcels;~~

e. ~~The combination was done by the current owner or same owner acting as trustee, and was done by a quit claim, combination form, or other instrument, which states the consolidation of parcels is for tax purposes;~~

d. ~~No new lots are being created;~~

e. ~~The separation of parcels results in a configuration consistent with the original parcels and conforms to the ordinance that was in place prior to the recording of the combination form; and~~

f. ~~The separation of combined parcels authorized under this subsection does not authorize a change in the configuration of an approved and recorded subdivision or lots within such subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is prepared and recorded in accordance with Utah Code and title 106 of the Land Use Code.~~

#### Sec. 108-12-12. **Combining Enlarging nonconforming parcels 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. **Parcels not meeting current zoning as to area and frontage/width requirements that were legally created or made legal through the provisions of this chapter, may be enlarged by combining adjoining parcels provided that:**

- ~~(1) The combination is achieved by submitting a subdivision if any of the parcels were part of a recorded subdivision or by combining parcels if they have metes and bounds descriptions;~~
- ~~(2) All adjoining parcels under common ownership, or brought under common ownership after the date of the adoption of this section are merged to create the largest lot possible;~~
- ~~(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 <sup>[1]</sup>**

---

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 <sup>[2]</sup>**

---

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.

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

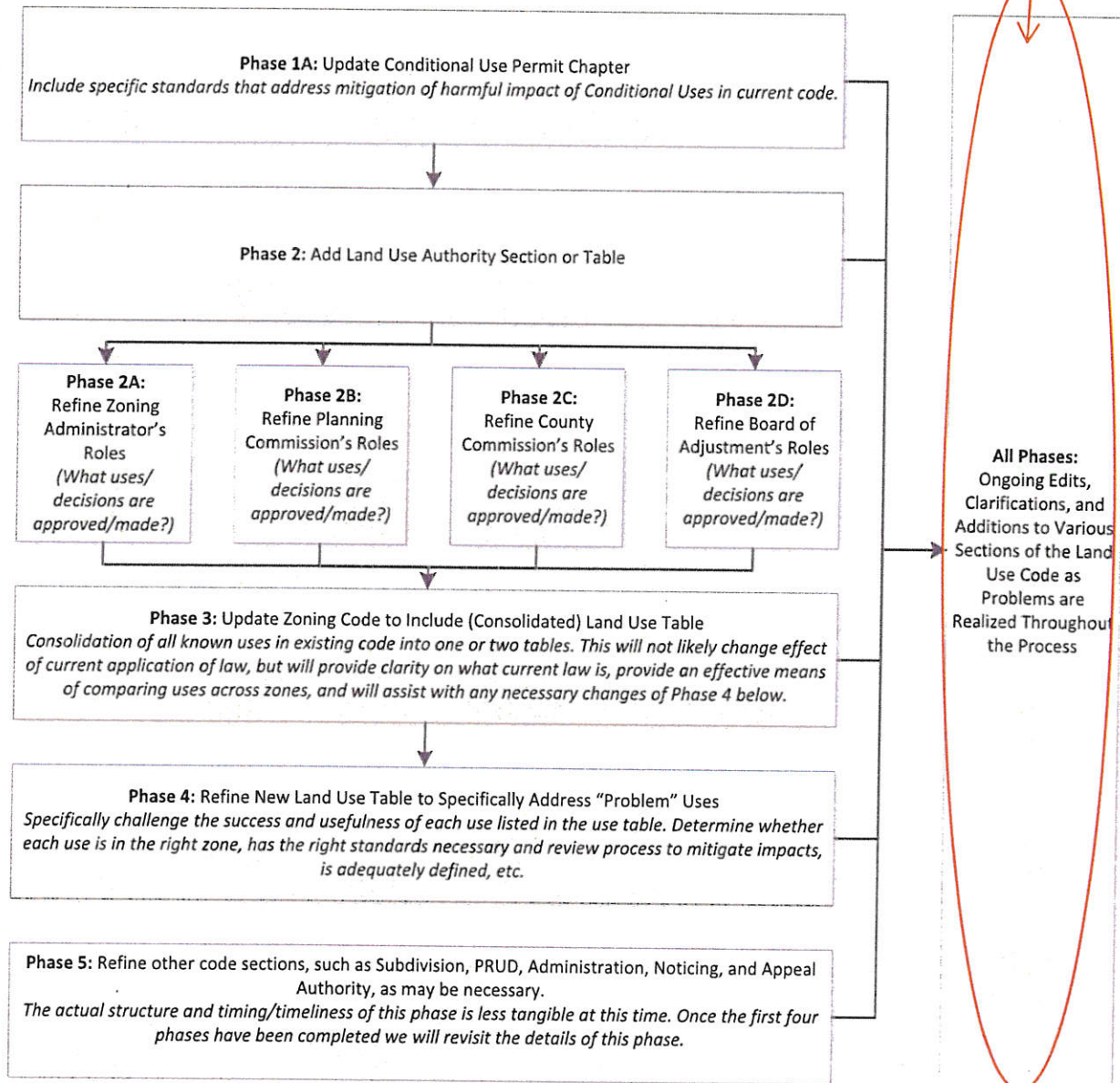
\_\_\_\_\_

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, April 14, 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

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

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. 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.<sup>1</sup>

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.

---

<sup>1</sup> 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.<sup>2</sup> The plan's Future Land Use Map (aka "proposed land use map") also depicts large quantities of land intended to support agricultural uses.<sup>3</sup>

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,<sup>4</sup> and also sets forth policies and implementation strategies intended to "protect open land and encourage the creation of new recreation facilities..."<sup>5</sup>

### **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.

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

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

<sup>4</sup> See Ogden Valley General Plan (1998), Pg 25

<sup>5</sup> 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.

- 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.<sup>1</sup>

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.

<sup>1</sup> 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.<sup>2</sup> The plan's Future Land Use Map (aka "proposed land use map") also depicts large quantities of land intended to support agricultural uses.<sup>3</sup>

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,<sup>4</sup> and also sets forth policies and implementation strategies intended to "protect open land and encourage the creation of new recreation facilities..."<sup>5</sup>

## 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.

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

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

<sup>4</sup> See Ogden Valley General Plan (1998), Pg 25

<sup>5</sup> 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  
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)
- 49 ~~Incidental to and on the same lot as a main use;~~
- 50 (2)
- 51 ~~Customarily found in connection with a main building or use;~~
- 52 (3)
- 53 ~~Which is subordinate in area, extent or purpose to the main building or main use~~  
 54 ~~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**

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

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 |
|--|-----|-----|-----|
| <u>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.</u> <del>Accessory buildings and uses customarily incidental to a permitted use</del> | 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    |
| <u>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;</u> <del>Accessory buildings and uses customarily incidental to a permitted or conditional uses</del> | 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)<br>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, proxylon, 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)<br>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

