

Chapter 104-2 Agricultural Zones AV-3

Sec 104-2-1 Purpose And Intent

Sec 104-2-2 Preferred Use

Sec 104-2-3 Land Use Table

Sec 104-2-4 Special Regulations

Sec 104-2-5 Site Development Standards

Sec 104-3 Irrigation

Sec 104-4 Existing Agriculture Uses, Operations, and Structures

Sec 104-2-1 Purpose And Intent

The AV-3 Zone is an Agricultural Zone intended to prioritize and sustain actively operating agricultural uses while allowing low-density rural residential development that is designed to preserve viable agricultural land, protect groundwater and irrigation systems, maintain functional open space, and reduce conflicts between farming and residential uses. Agriculture operations are protected under the Utah Right to Farm Act (**Utah Code Ann. § 17-41-403**).

Sec 104-2-2 Preferred Use

Agriculture is the preferred use in the agriculture zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

Sec 104-2-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

- a. **Accessory uses.** Unless otherwise specified in the Land Use Code, an accessory use is prohibited unless located on the same lot or parcel as its main use.

	AV-3	Special Provisions
Accessory building , accessory and incidental to the use of a main building.	P	

Accessory dwelling unit.	P	See Chapter 108-19 .
Accessory use , accessory and incidental to the main use.	P	
On-Farm Aggregation , Packing, Storage, and Distribution (CSA/Co-op Hub)		Accessory to an actively operating agricultural use; see Sec. 104-2-4.
Agricultural Produce Sales, Onsite. The sales of agricultural products produced onsite, accessory to an agricultural operation.	P	See Section 104-2-4 .
On-Farm Processing, By Right.	P	The on-site slaughter and processing of poultry and rabbits, and the slaughter and processing of livestock raised on the same parcel, for personal use or direct sale in compliance with state and federal law, shall be permitted by right on agricultural parcels. Firearms may be used for slaughter in accordance with State and Federal law.
Custom exempt meat cutting , accessory to an agriculture use.	C	See Section 104-2-4 . 5-acre use.
Family food production , accessory to a residential use.	P	See Section 104-2-4 . 2 animal units per acre
Home occupation , accessory to a residential use.	P	See Chapter 108-13 .
Household pets , accessory to a residential use.	P	
Main building , designed or used to accommodate the main use.	P	
On-Farm Worker Housing.	P	Housing units or structures provided for individuals employed in an on-site agricultural operation are permitted as an accessory agricultural use, subject to the standards of Sec. 104-2-4
On-Farm Renewable Energy Systems	P	Accessory to an actively operating agricultural use; see Sec. 104-2-4.
On-Farm Equipment Repair, Maintenance, and Fabrication	P	Accessory to an actively operating agricultural use; see Sec. 104-2-4.

Parking lot , accessory to a main use allowed in the zone.	P	
Parking of large vehicle , accessory to residential use.	P	This use shall be restricted to one vehicle, no greater than 24,000 pound GVW, which shall be parked at least 50 feet from a public street. Agricultural and recreational vehicles are exempt from these restrictions. See Section 104-2-4 .
Temporary building or use , accessory and incidental to onsite construction work.	P	

b. Agricultural uses, non-animal.

	AV-3	Special Provisions
	P	
Agriculture.	P	
Agriculture, community-oriented. A crop production operation for use by the broader public, such as a community garden, rental row operation, or you-pick operation.	P	
Agricultural experiment station.	P	
Aquaculture.	P	
Cannabis Production , as defined by state code.	C	Cannabis cultivation is permitted only by Conditional Use Permit and shall comply with all applicable state regulations. Industrial scale indoor grows are not permitted.
Farm Educational Activities (Low Intensity)	P	See Section 104-2-4
Small Farm Events (Low Frequency)	P	See Section 104-2-4
Fruit and vegetable storage for produce grown on premises.	P	
Grain storage elevator.	N	5-acre use.
Greenhouse and nursery. Sales must predominantly be plants produced on the premises.	P	Temporary or semi-permanent greenhouses, hoop houses, and high tunnels used solely for agricultural production are exempt from building permits and inspections.

Laboratory facility, for agricultural products and soils testing.	C	
Commercial manure processing.	N	<p>Drying, importation, or sale conducted as a principal use is prohibited.</p> <p>The on-site generation, storage, composting, and land application of manure produced on the same parcel, when conducted in accordance with customary agricultural practices, IS permitted, as is the sale of compost generated from on site waste.</p>

c. **Animal-related noncommercial uses.** The following are animal-related uses that do not generate customer-oriented traffic to the lot or parcel.

	AV-3	Special Provisions
Animal grazing. Animal grazing	P	See Section 104-2-4.
Animal feeding operation. An animal feeding operation	P	See Section 104-2-4. 5-acre use.
Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.	N	See Section 104-2-4. 5-acre use.
Apiary.	P	
Aquaculture	P	
Aviary.	P	
Barn, stable or building for keeping animals or fowl.	P	<p>Buildings for keeping animals or fowl are subject to accessory building setback requirements</p> <p>See Section 104-2-4.</p>
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	Farmstead dairy processing, including the production of milk, cheese, butter, yogurt, and similar products from milk produced on the same parcel, is permitted as an accessory agricultural use, subject to compliance with applicable state and federal health regulations.

Dog breeding, dog kennels, or dog training school.	P	This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line. See Section 104-2-4. 3-acre use.
Stable for horses.	P	Horses may be kept for personal use or limited boarding, provided the parcel complies with the following standards: Livestock density shall not exceed one (1) horse per one-quarter (¼) acre of land used for horses, with a minimum of one (1) acre required to keep horses. Manure shall be managed to prevent excessive odor, flies, runoff, or accumulation. Areas used primarily for feeding or manure storage shall not be located within thirty (30) feet of any existing dwelling on an adjoining parcel.
Slaughterhouse.	N	See Custom Meat Processing

d. **Commercial uses.** The following are uses that typically generate customer-oriented traffic to the lot or parcel.

	AV-3	Special Provisions
Agri-tourism.	C	See Chapter 108-21.
Airport.	N	
Animal hospital or clinic.	P	Veterinary clinics and animal hospitals are permitted as accessory or small-scale uses, provided they primarily serve local needs and do not generate excessive traffic, noise, or nuisance impacts.

Campground and picnic area.	N	See Chapter 108-20 .
Child day care.	C	Casual, occasional, or cooperative care of children, including care provided by neighbors, friends, or family, is permitted . In-home day care or childcare operated for profit or as a regular business activity is permitted only by Conditional Use Permit.
Circus or transient amusement.	N	
Equestrian training, breeding, and stable facilities.	P	Two-Acre Use. Livestock density shall not exceed one (1) horse per one-quarter (¼) acre of land used for horses, with a minimum of one (1) acre required to keep horses.
Golf course , except miniature golf course.	N	
Golf driving range.	N	5-acre use.
Greenhouse and nursery. Sales are limited to plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care, and the growing and sale of sod.	P	
Gun club.	N	5-acre use.
Horse racing and training track , cutter racing track, including indoor concessions as an accessory use.	N	
Outdoor recreation club activities , for horse riding, bow and arrow shooting, snowmobiling, etc.	N	

Skeet shooting range.	N	
Turf horse jumping course.	P	

e. Institutional uses.

	AV-3	Special Provisions
	N	5-acre use.
Dog pound.	P	
Cemetery.	N	
Convalescent or rest home.	N	
Correctional institution.	N	
Church, synagogue or similar building used for regular religious worship.	P	
Educational/institutional identification sign.	C	See Chapter 110 Signs
Hospital.	N	
Public building.	P	
Public park, recreation grounds and associated buildings.	P	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	P	
	N	
	N	
School bus-parking, provided the vehicle is parked at least 30 feet from a public street.	P	

f. Residential uses.

	AV-3	Special Provisions
--	-------------	---------------------------

Residential facility for elderly persons.	P	See Section 108-7-15 .
Residential facility for handicapped persons.	P	See Section 108-7-13 .
Residential facility for troubled youth.	N	See Section 108-7-14 .
Single-family dwelling.	P	
Two-family dwelling.	P	A two-family dwelling may be permitted on a lot or parcel only where two (2) development units are lawfully available and assigned to the parcel, and where construction of the two-family dwelling does not increase the total number of development units beyond those otherwise permitted

g. **Recreational noncommercial uses.** The following are recreational uses that are typically owned or operated by a nonprofit or governmental entity.

	AV-3	Special Provisions
Campground and picnic area.	N	See Chapter 108-20 .

h. **Utility uses.**

	AV-3	Special Provisions
Public utility substations.	C	Approval shall consider siting, scale, public necessity, and compatibility with surrounding use
Radio or television station or tower.	C	Approval shall consider siting, scale, public necessity, and compatibility with surrounding use
Wastewater treatment or disposal facilities.	C	Approval shall consider siting, scale, public necessity, and compatibility with surrounding use
Small wind energy system.	C	Approval shall consider siting, scale, public necessity, and compatibility with surrounding use

i. **Other uses.**

	AV-3	Special Regulations
Mines, quarries, gravel pits, when in compliance with the Weber County	N	

Excavation and Clean Fill Ordinance.

j. Development types.

	AV-3	Special Regulations
Cluster subdivision.	P	See Chapter 108-3 .

Sec 104-2-4 Special Regulations

Where a use is listed in Sec. 104-2-4, the standards of Sec. 104-2-4 shall control, and any conflicting setback, density, or operational standards elsewhere in this chapter shall not apply.

General Operational Standards.

All permitted and conditional uses within the Agricultural Zones shall:

- (1) Provide sufficient on-site parking and circulation to prevent obstruction of public roads or unsafe traffic conditions;
- (2) Comply with applicable state and local health department requirements for sanitation, wastewater disposal, and food handling where applicable; and
- (3) Be operated in a manner that does not create recurring and demonstrable traffic hazards, road obstruction, or public safety risks on adjacent public roads.

Where a use results in recurring and documented public safety hazards, the city may require reasonable mitigation measures necessary to address the identified hazard, consistent with applicable law.

Farm Educational Activities (Low Intensity)

Examples

- Farm tours (by appointment or limited hours)
- School field trips
- Demonstration days

- Agricultural workshops

Permitted as accessory to an active agricultural operation, subject to:

- Maximum group size (e.g., 30–50)
- Parking on improved surface

- Bathroom compliance

Small Farm Events (Low Frequency)

A. Small Farm Gatherings (Permitted)

- ≤50 attendees
- ≤12 events/year
- Daytime only
- No amplified outdoor music

- Onsite parking required

B. Large Event Venues (Conditional see Agritourism Code)

- 100+ attendees
- Frequent weddings
- Permanent event structures

- Commercial catering traffic

Agricultural Processing – Clarification The washing, sorting, grading, cutting, milling, pressing, bottling, packaging, cooling, storing, or otherwise preparing agricultural products for market shall be considered an accessory agricultural use when such activities are subordinate to and support agricultural production occurring on the same parcel or on contiguous parcels operated as a single agricultural operation.

Agricultural processing shall not be conducted at a scale or intensity that converts the parcel into a primary manufacturing, warehousing, or industrial facility independent of agricultural production.

Agricultural processing may include value-added products derived primarily from agricultural products produced on the parcel, including preserves, dried goods, juices, extracts, confections, baked goods, dairy products, and similar farm-derived products.

Agricultural Accessory Use Eligibility Accessory agricultural uses permitted under this section, including but not limited to agricultural processing, aggregation, worker housing, and on-farm education, shall be allowed only on parcels containing an actively operating agricultural use as defined in this title.

On parcels utilizing such accessory agricultural uses, agricultural production shall remain the principal land use activity.

If agricultural production ceases for a period exceeding twelve (12) consecutive months, any accessory agricultural uses dependent upon active agricultural production shall terminate unless otherwise permitted under this title.

Lawful Firearm Discharge The lawful discharge of firearms in compliance with applicable state law shall not be prohibited solely by virtue of zoning within the Agricultural Zones. Nothing in this title shall be interpreted to restrict hunting, predator control, pest control, animal slaughter, or other lawful firearm use conducted in accordance with state law and generally accepted agricultural practices.

This provision does not exempt any person from compliance with applicable state safety requirements or other independently applicable laws.

Agricultural Ponds and Water Impoundments.

Ponds, reservoirs, and other water impoundments constructed for agricultural purposes, including irrigation storage, livestock watering, wildlife habitat enhancement, or other agricultural management functions, are permitted as part of an actively operating agricultural use.

Such facilities shall comply with applicable state water rights laws and dam safety regulations where required, but shall not be classified as ornamental water features, recreational amenities, or commercial improvements solely due to their presence within the Agricultural Zone.

Nothing in this section shall exempt a property owner from compliance with independently applicable safety, water rights, or environmental regulations.

The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due to the nature of the use, each shall be further regulated as follows:

1. Agricultural Produce Sales, Onsite. The sales of onsite agricultural produce shall be governed as follows:

Definition of Onsite. For purposes of this section, “onsite” means:

on the same lot or parcel; or on contiguous parcels operated as a single agricultural operation under common ownership or management.

Operator. Onsite agricultural produce sales shall be operated by: the owner, lessee, or manager of the agricultural operation.

Limitation on items sold. Retail sales conducted onsite shall be limited to:

- agricultural products produced on the parcel;
- agricultural products produced locally; and
- goods customarily incidental to the production, processing, or sale of agricultural products.

At least one agricultural product produced on the parcel shall be offered for sale during periods when retail sales are conducted.

Sales Area and Scale. Retail sales areas shall remain clearly accessory to the agricultural use and shall not be expanded or operated in a manner that converts the site into a primary retail or commercial operation.

Setbacks. Except for warehousing and storage, retail sales activities shall be conducted no closer than twenty-five (25) feet from any adjoining property line.

Small, low-intensity farm stands of two hundred (200) square feet or less located adjacent to a public roadway may be permitted within the front setback, provided they do not create traffic, safety, or nuisance impacts.

2. Animal grazing and Pasture Use. Animal grazing is a permitted agricultural use.

Feeding Area: The area within a lot where livestock are provided feed or supplements, or where livestock congregate for feeding, as evidenced by manure accumulation, soil disturbance, etc. A feeding area may exist anywhere within a fenced enclosure and is not defined by the location of fencing.

Supplemental Feeding. Supplemental feeding of grazing animals, including hay or other feed, is permitted as part of normal agricultural and pasture management practices, including seasonal feeding, winter feeding, drought response, rotational grazing, and soil protection.

Management Standard. Grazing and feeding practices shall be managed to:

- prevent excessive manure accumulation;
- prevent soil degradation or runoff beyond the parcel; and
- avoid persistent odor, fly, or nuisance impacts detectable at the property line.

Setbacks for Manure Storage and Feeding Areas used primarily for feeding, or manure storage shall not be located feet within Thirty (30) feet of any existing dwelling, public, or semi-public building on an adjoining parcel.

Density. Livestock shall be maintained in a manner that prevents persistent overgrazing, erosion, or discharge of manure or sediment beyond the property line. Where a verified complaint is received, the city may require the property owner to demonstrate compliance through an approved conservation plan, pasture management plan, or other documentation prepared in consultation with NRCS, USU Extension, or a qualified agricultural professional.

3. Animal Feeding Operations

Animal Feeding Operation. An animal feeding operation is a use in which animals are primarily confined and fed for extended periods rather than grazed or pastured.

Feeding Restrictions. Animals shall not be fed untreated garbage, household refuse, or offal, except as otherwise permitted by state or federal law.

Waste and Drainage Management. Feeding operations shall provide and maintain waste handling and drainage systems sufficient to prevent unsanitary conditions, runoff, or discharge beyond the parcel, in compliance with applicable Utah Department of Agriculture requirements.

Species-Specific Standards. Facilities used for the confinement or feeding of hogs shall be constructed and managed to maintain sanitary conditions and prevent odors, vectors, or waste discharge, using materials and methods approved by the Utah Department of Agriculture

Relationship to Grazing. This subsection applies to concentrated feeding or confinement operations and does not apply to grazing, pasture-based feeding, or seasonal supplemental feeding conducted as part of normal agricultural practices.

4. Family Food Production

The keeping of livestock and poultry for family food production is a permitted use. Provided such animals are maintained in accordance with generally accepted agricultural practices and in a manner that does not create a documented adverse impact to adjacent parcels, including but not limited to sustained off-site odors, runoff, or unsanitary conditions, where in accordance with the Utah Right to Farm Act (**Utah Code Ann. § 17-41-403**). Additionally, the keeping of livestock or poultry is permitted for educational purposes associated with youth agricultural programs such as, but not limited to, 4-H and Future Farmers of America.

5. On-Farm Worker Housing

- (a) On-farm worker housing shall be accessory to and dependent upon an actively operating agricultural use and shall not be considered a dwelling unit or development unit for purposes of density or subdivision.
- (b) Occupancy shall be limited to persons employed in the on-site agricultural operation and their immediate dependents.
- (c) On-farm worker housing shall not be used as a short-term rental, vacation rental, or lodging available to the general public.
- (d) The housing shall be served by lawfully available water and wastewater systems and shall comply with all applicable health department requirements.
- (e) If the agricultural operation ceases for a period exceeding twelve (12) consecutive months, the on-farm worker housing shall be removed, converted to non-habitable use, or otherwise brought into compliance with applicable residential zoning standards.

6. On-Farm Equipment Repair and Fabrication

The repair, maintenance, and fabrication of equipment, implements, structures, or infrastructure used primarily for the on-site agricultural operation is permitted as an accessory agricultural use. Such activities shall not operate as a general commercial repair or fabrication business serving off-site customers.

7. On-Farm Aggregation, Packing, Storage, and Distribution

The aggregation, washing, sorting, packing, cooling, storage, and distribution of agricultural products is permitted as an accessory agricultural use when conducted in support of an actively operating agricultural operation on the parcel.

Agricultural products processed, stored, or distributed under this subsection may include products produced on the parcel and products produced by other farms located within Weber County or within a reasonable local service area.

This use shall not be operated or expanded in a manner that converts the site into a primary warehousing, freight, or regional distribution facility.

Operations shall be conducted in a manner that does not create excessive traffic, noise, odor, or nuisance impacts beyond the property line.

Retail sales to the general public, if any, shall comply with the Onsite Agricultural Produce Sales standards of this section.

8. On-Farm Education and Demonstration

Educational classes, workshops, demonstrations, and instructional activities directly related to agricultural production, land stewardship, or food production are permitted as an accessory agricultural use when conducted in support of an actively operating agricultural operation on the parcel.

This use shall not be operated as a commercial event venue and shall be conducted in a manner that does not create excessive traffic, noise, parking demand, or nuisance impacts beyond the property line.

Activities involving paid admission, large events, or regularly scheduled gatherings of a scale inconsistent with accessory use shall comply with the applicable agritourism or event standards, if any, or require Conditional Use Permit approval where required.

9. On-Farm Renewable Energy Systems

Solar energy systems, battery storage systems, small-scale wind systems, and bioenergy systems are permitted as an accessory agricultural use when primarily intended to serve the energy needs of the on-site agricultural operation.

Such systems shall not be constructed or operated as a primary commercial power generation facility intended principally for off-site energy sales.

Installation and operation shall comply with applicable building, electrical, fire, and safety codes and shall be designed and maintained to prevent nuisance impacts beyond the property line. **Any nonoperational energy systems must be removed.**

10. Other use Barns, Stables, and Animal Shelters. buildings used for the keeping or sheltering of animals or fowl are permitted when accessory to a residential or agricultural use, subject to the following:

- (a) Buildings for keeping animals or fowl are subject to accessory building setback requirements;
- (b) Structures used primarily for feeding or manure storage shall not be located within Thirty (30) feet of any existing dwelling on an adjoining parcel; and
- (c) Manure and waste shall be managed to prevent odor, runoff beyond the property line

Custom exempt meat cutting. The on-site slaughter and processing of livestock, poultry, or rabbits raised on the same parcel, or on other parcels within Weber County, is permitted as an accessory agricultural use, provided that:

- (a) Processing is conducted in compliance with applicable state and federal law;
 - (b) Processing occurs within an enclosed structure or approved mobile facility;
 - (c) No outdoor storage of carcasses, offal, or waste is permitted;
 - (d) The use does not operate as a continuous or high-volume commercial slaughter or processing facility; and
 - (e) Operations do not create unreasonable odor, noise, or nuisance impacts beyond the property line.
- (f) Outdoor composting of animal remains using established, science-based composting practices is permitted, provided it does not result in persistent odors, attraction of vermin, runoff, or other nuisance conditions beyond the property line.

This use is not required to be accessory to a dwelling and shall not be limited to parcels with access from a collector or arterial street.

Dog breeding, dog kennels, or dog training school. Dog breeding, boarding, kennels, or training facilities may be permitted subject to the following standards:

- (a) The number of dogs over ten (10) weeks of age shall not exceed ten (10) dogs per acre at any time;
- (b) Any building, run, or enclosure used for housing or training dogs shall be located no closer than one hundred (100) feet from a public street and fifty (50) feet from any side or rear property line; and
- (c) Operations shall be conducted in a manner that prevents excessive noise, odor, or nuisance impacts beyond the property line.

Facilities exceeding these thresholds may require Conditional Use Permit approval.

Parking and Storage of Commercial and Large Vehicles

Parking and storage of commercial or large vehicles and equipment is permitted when accessory to an allowed use on the parcel, subject to the following standards. Agricultural vehicles and equipment used in connection with an agricultural operation are permitted and shall not be subject to the standards in this section.:

- (a) Vehicles and equipment shall be primarily used in connection with an allowed agricultural, residential, or construction activity occurring on the same lot or parcel;
- (b) The parcel shall not be used as a commercial vehicle yard, fleet storage area, or equipment staging area for off-site operations;
- (c) No more than two (2) commercial or large vehicles not including farm implements may be stored on a parcel at any one time, unless otherwise permitted;
- (d) Vehicles with a gross vehicle weight rating (GVWR) greater than 24,000 pounds shall be parked no closer than fifty (50) feet from any public street

Temporary construction use Temporary buildings, vehicles, or equipment associated with permitted construction activity may be located on the parcel during active construction and shall be removed upon completion or abandonment of the work.

Family Child Care (Small).

A state-licensed family child care facility operated within a dwelling unit is permitted in the Agricultural Zones. Such use shall comply with all applicable state licensing requirements and shall not be subject to additional local density restrictions.

Outdoor play areas shall be located and supervised to prevent unreasonable noise or nuisance impacts to adjoining properties.

Group or Large Family Child Care.

Child care facilities exceeding the capacity of a small state-licensed family child care shall require approval of a Conditional Use Permit.

In evaluating such applications, the city may consider:

- (1) Traffic safety and circulation;
- (2) Adequacy of on-site parking;
- (3) Outdoor play area location and buffering; and
- (4) Compatibility with surrounding uses.

Sec 104-2-5 Site Development Standards

- a. The following site development standards apply to a lot or parcel in the agricultural zones, unless specified otherwise in this Land Use Code.

Lot area:

Minimum for single-family dwelling:

Minimum for other use:

3 acres

Minimum for 2-acre use [[see Section 104-2-4](#)]:

Minimum for 5-acre use [[see Section 104-2-4](#)]:

5 acres

Lot width:

AV-3

Minimum lot width:

150 feet

Minimum for 2 and 5-acre use [[see Section 104-2-4](#)]:

300 feet

b. Yard setback:

1. Front yard setback:

AV-3

Minimum front yard setback:

30 feet

2. Side yard setback:

AV-3

Minimum for dwelling:

10 feet with total width of 2 side yards not less than 24 feet

Minimum for other main building:

20 feet

Minimum for side facing street on corner lot:

20 feet

Minimum for accessory building:

10 feet except 1 foot if located at least 6 feet in rear of main building

Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials: See [Section 108-7-16](#).

3. Rear yard setback:

	AV-3
Main building:	30 feet
Accessory building:	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot

d. Building height:

	AV-3
Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet unless meeting requirements of Section 108-7-16 , Large accessory buildings

Section 104-3-1 Agricultural Irrigation Conditions and Development Responsibility

1. Lawful agricultural irrigation practices existing prior to subdivision or development approval, including surface irrigation runoff, tailwater, seepage, and return flows, are presumed lawful conditions of the area.
2. New development shall be designed to reasonably accommodate such existing irrigation conditions. Failure of a property owner to mitigate known irrigation conditions shall not create liability for upstream or adjacent irrigators engaged in lawful agricultural practices.
3. Where development alters drainage patterns, concentrates runoff, or obstructs established irrigation overflow paths, the developer or property owner shall bear responsibility for mitigation necessary to prevent property damage.
4. Nothing in this section shall be construed to shield any person from liability for negligent or unlawful diversion of water.

Section 104-3-2 . Recorded Notice

Subdivision plats subject to this Chapter shall include a recorded notice acknowledging the presence of irrigation infrastructure and lawful agricultural irrigation conditions.

Section 104-4 Existing Agricultural Uses, Operations, and Structures

A. Purpose.

The purpose of this section is to recognize and protect lawful agricultural uses, agricultural operations, and agricultural structures that existed prior to the effective date of incorporation of Ogden Valley City or prior to the effective date of any subsequently adopted land use regulation that would otherwise render such use or structure nonconforming or noncomplying, while preserving the City's authority to regulate future expansion, enlargement, reconstruction, and changes in use in the interest of public health, safety, and welfare.

B. Applicability.

This section applies to agricultural uses, agricultural operations, agricultural structures, and agricultural improvements located within Ogden Valley City that were lawfully existing on January 1, 2026, or on the effective date of incorporation of Ogden Valley City, whichever is earlier.

C. Existing Agricultural Uses.

1. Any lawful agricultural use or agricultural operation existing on the date identified in Subsection B, and continuously maintained thereafter, shall be deemed a lawful existing **nonconforming use** and may continue, notwithstanding the adoption or amendment of any provision of this title that would otherwise prohibit, restrict, or limit that use.
2. Protected agricultural uses may include, as applicable and as actually existing on the applicable benchmark date:
 - a. cultivation and crop production;
 - b. grazing and pasturing;
 - c. livestock keeping and husbandry;
 - d. accessory agricultural activities customarily incidental to the operation; and
 - e. similar bona fide agricultural activities lawfully conducted on the property.

D. Existing Agricultural Structures and Improvements.

1. Any lawful agricultural structure or agricultural improvement existing on the date identified in Subsection B shall be deemed a lawful existing **noncomplying structure** or improvement and may remain, notwithstanding the adoption or amendment of any setback, yard, height, location, area, or similar dimensional requirement of this title. Utah law defines a noncomplying structure as one that legally existed before the current land use designation and later became out of compliance because of changed setback, height, or similar dimensional regulations.
2. Protected structures and improvements may include, as applicable and as actually existing on the applicable benchmark date:
 - a. barns;
 - b. sheds;
 - c. corrals;
 - d. pens;
 - e. stables;
 - f. loafing sheds;

- g. riding arenas;
- h. feed storage areas;
- i. fencing;
- j. irrigation-related agricultural improvements; and
- k. other agricultural outbuildings or improvements customarily associated with a lawful agricultural operation.

E. Continuation; Maintenance; Repair; Replacement in Kind.

1. A protected agricultural use, operation, structure, or improvement may be continued, maintained, repaired, and replaced in kind in the same general location and to substantially the same extent as existed on the applicable benchmark date.
2. Ordinary maintenance, repair, and replacement in kind shall not be considered an unlawful expansion or enlargement under this section, provided the work does not:
 - a. materially increase the degree of noncompliance;
 - b. materially enlarge the footprint of a noncomplying structure;
 - c. materially intensify the use beyond the historical scope of the operation; or
 - d. create a new or additional violation of this title.

F. No Automatic Right to Expand or Intensify.

1. This section protects the continuation of an existing lawful agricultural use, operation, structure, or improvement, but does not create a right to:
 - a. expand the use onto additional land area not devoted to that use on the applicable benchmark date;
 - b. construct a new agricultural structure that did not exist on the applicable benchmark date;
 - c. enlarge an existing agricultural structure in a manner that increases or creates noncompliance;
 - d. change to a more intensive agricultural or nonagricultural use; or
 - e. increase livestock numbers beyond the historical scale of the operation existing on the applicable benchmark date, except as may be approved under this title.
2. For purposes of this section, "historical scale of the operation" may account for normal and customary seasonal variation, ordinary fluctuations in herd size, crop rotation, and similar operational characteristics, so long as the operation remains substantially consistent with the nature and intensity of the agricultural use lawfully existing on the applicable benchmark date.

G. Evidence of Protected Status.

1. A property owner asserting protection under this section shall have the burden of demonstrating that the agricultural use, operation, structure, or improvement:
 - a. lawfully existed on the applicable benchmark date; and
 - b. has been continuously maintained, except for ordinary seasonal or temporary interruptions customary in agriculture.
2. Evidence may include, without limitation:
 - a. aerial photographs;
 - b. tax or assessor records;

- c. permits or approvals;
- d. water records;
- e. agricultural records;
- f. business records;
- g. affidavits or declarations;
- h. historical photographs; and
- i. other substantial evidence reasonably relied upon by the Zoning Administrator.

H. Administrative Determination.

1. Upon request of a property owner or upon initiation by the City in connection with enforcement or land use review, the Zoning Administrator may issue a written determination regarding whether a claimed agricultural use, operation, structure, or improvement qualifies for protection under this section.
2. The written determination shall identify, to the extent reasonably ascertainable:
 - a. the nature of the protected use, operation, structure, or improvement;
 - b. the basis for the determination; and
 - c. any reasonable conditions necessary to distinguish permitted continuation from unlawful expansion or intensification.
3. A determination under this section may be appealed to the City's appeal authority in the manner provided elsewhere in this code and by Utah law.

I. Abandonment or Discontinuance.

1. A protected agricultural use shall lose its protected status if abandoned or discontinued in accordance with applicable Utah law or other applicable provisions of this code governing nonconforming uses.
2. A protected agricultural structure or improvement shall lose its protected status if voluntarily removed, intentionally demolished, or abandoned and not thereafter maintained as a usable agricultural structure or improvement, subject to applicable Utah law.

J. Health and Safety Regulations.

Nothing in this section shall prevent the City from enforcing generally applicable building, fire, floodplain, drainage, sanitation, nuisance, or other health and safety regulations, provided the City shall not use such regulations to terminate a protected agricultural use, operation, structure, or improvement except as authorized by Utah law. Utah law allows municipalities to regulate these preexisting rights but not simply extinguish them because a new zoning rule was later adopted.

K. Relationship to Other Provisions.

In the event of a conflict between this section and another provision of this title, this section shall control with respect to the continued lawful existence of an agricultural use, agricultural operation, agricultural structure, or agricultural improvement qualifying for protection under this section.

