

## **Chapter 104-14 Forest Valley Zone FV-3**

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#### **Sec 104-14-1 Zone Character And Objectives**

The purpose of the Forest Valley Zone, FV-3 is to provide areas for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

#### **Sec 104-14-2 Permitted Uses**

The following uses are permitted on all lots of one (1) acre or more:

- a. 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.
- b. Accessory dwelling unit, in compliance with Chapter 108-19.
- c. Agriculture.
- d. Animals and fowl kept for family food production.
- e. Cluster subdivision, in accordance with title 108, chapter 3.
- f. Barn, stable or building for keeping animals or fowl.
- g. Greenhouses.
- h. Home occupations meeting the requirements of Section 108-13
- i. Horses for private use only, and provided that not more than two horses may be kept for each one acre of land exclusively devoted to the keeping of horses.
- i. Household pets which do not constitute a kennel.
- j. Single-family dwelling.
- k. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- l. Residential facilities for elderly persons meeting the requirements of Section 108-7-13.
- m. Residential facilities for persons with disabilities meeting the requirements of Section 108-7-13.

Agriculture	P	Meeting the requirements of Title 104, Chapter 4 and its special use regulations 104-2-4
Agri-tourism	P	meeting the requirements of title 108, chapter 21
Bed and Breakfast Dwelling	P	<ol style="list-style-type: none"> <li>1. Two parking spaces shall be provided for the host family plus one space for each guest room;</li> <li>2. Proprietor or owner shall occupy the property;</li> <li>3. Meals shall only be served to overnight guests;</li> <li>4. Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;</li> <li>5. Not more than two guests sleeping rooms per dwelling;</li> <li>6. Allowed only in existing dwellings with no exterior additions nor change in residential character;</li> <li>7. Business license shall be obtained.</li> </ol>

The following uses require a minimum lot size of three (3) acres:

		Special Provisions
Bed and Breakfast Inn	C	<ol style="list-style-type: none"> <li>1. Proprietor or owner shall occupy the premises;</li> <li>2. Not more than seven sleeping rooms per inn;</li> <li>3. The lot shall be at least three acres in area with at least 250 feet frontage on a public street;</li> <li>4. The lot shall have frontage on a major street as shown on the county master plan (state highway</li> </ol>

		<p>or county major street), , or, once adopted, the relevant city master plan or source that identifies allowable streets;;</p> <ol style="list-style-type: none"> <li>5. The inn shall be at least 300 feet from the nearest existing dwelling;</li> <li>6. Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;</li> <li>7. The guest parking shall be in the rear of the Inn;</li> <li>8. Meals shall be served to registered overnight guests only;</li> <li>9. Signs are limited to one name plate or one identification sign of not more than eight square feet in area;</li> <li>10. The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan.</li> <li>11. The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;</li> <li>12. A business license shall be obtained;</li> <li>13. All units to be in one building together with owner's residence.</li> </ol>
Church, synagogue or similar permanent building used for regular religious worship	P	
Educational Institution	C	
Educational Institution Identification sign	P	

Parking lot accessory to uses permitted in this zone	C	
Private park, playground or recreation area, but not including privately owned commercial amusement business	C	
Public building, public park, recreation grounds and associated buildings.	C	
Public utility substations	P	Must be enclosed or shielded from view and blend with the natural landscape of the surroundings as to not stand out from the area or buildings around it.
Stable Horses	P	<p>Horses may be kept for personal use or limited boarding, provided the parcel complies with the following standards:</p> <p>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.</p> <p>Manure shall be managed to prevent excessive odor, flies, runoff, or accumulation.</p> <p>Areas used primarily for feeding or manure storage shall not be located within thirty (30) feet of any existing dwelling on an adjoining parcel.</p>
Water pumping plants and reservoirs.	P	Must be enclosed or shielded from view and blend with the natural landscape of the surroundings as to not stand out from the area or buildings around it.
Recreation lodge	C	

Waste water treatment or disposal facilities	C	Must meet the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.
Small Events	P	Small commercial events, such as weddings, family reunions, business retreats and art/cooking classes, are not to exceed 75 participants and not more than four events held per calendar month, and must receive a business license.

**Sec 104-14-3 Permitted Signs And Regulations**

All signs will comply with Title 110 Signs

**Sec 104-14-4 Special 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:

***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.

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- **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.

### ***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.

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.

### **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; and

**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 Forest Valley

Zone. 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 104-14-5 Site Development Standards**

The following site development standards shall apply to the Forest Valley Zone, FV-3:

Minimum lot area	3 acres
Minimum lot width	150 feet except the width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up on one-third provided the lot has the required lot width at a distance of 70 feet back from the front lot line
Minimum yard setbacks	
Front	30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width
Side	20 feet, except 30 feet on side facing street on corner lot
Rear	
Main building	30 feet
Accessory building	10 feet
Main building height	
Minimum	1 story
Maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings

# Section 104-6 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 Planning Director 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.