

ORDINANCE 2021-

**AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING
ORDINANCE OF NORTH OGDEN CITY TITLE 11-25 DEVELOPMENT
CONSTRAINTS, ADDING A NEW CHAPTER 11-27 SENSITIVE LANDS
AND AMENDING 11-2 DEFINITIONS WITH ADDED AND AMENDED
DEFINITIONS**

WHEREAS; The City has sensitive lands that require special investigation prior to development; and

WHEREAS; The City is committed to providing safety regulations throughout North Ogden City; and

WHEREAS; The City desires to protect all residents from geologic and natural hazards and apply safety standards to all developments with the City; and

WHEREAS; The City General Plan element regarding natural hazards identifies the need for standards in North Ogden;

WHEREAS; The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and is recommending the adoption of these standards;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code 11-25 DEVELOPMENT CONSTRAINTS be amended and a new chapter 11-27 SENSITIVE LANDS be enacted. Further that 11-2 DEFINITIONS contain additional and amended definitions.

SECTION 1: Language to be amended:

11-25 DEVELOPMENT CONSTRAINTS

A. PURPOSE AND INTENT:

The purpose of this chapter is to establish minimum standards for grading and drainage to protect the health, safety, and welfare of citizens and property owners.

B. APPLICABILITY:

These standards shall apply to zones within North Ogden City. **Properties within the Sensitive Lands Overlay are subject to 11-27.**

C. Studios Required: Prior to any development or any grading activity within ~~this zoning district~~ **all zoning districts**, the developer or landowner shall provide site specific studies addressing the geomorphology, geology, faults, hydrology, slopes, soils, recharge, vegetation and wildlife, fire, and utility and parks constraints of the site. No development shall take place in any area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer's engineer, taking place that will

overcome or protect the area from the identified hazards **as approved by the City Engineer**. These measures must be acceptable to the city council. The city council shall not approve any development proposals until it receives a recommendation of the planning commission and city staff. However, if the city believes it is appropriate, the city may still conduct an independent review of the property. By submitting plans and specifications to the city, the developer agrees to allow the city's engineer, surveyor, or other agents onto the property to conduct further reviews.

1. ~~Determinations: The studies shall make the following determinations:~~
 - a. ~~Whether the site has constraints to development that are too hazardous to be developed and therefore should not be developed.~~
 - b. ~~What areas of the site can be developed if mitigating measures are taken and the identification of the mitigation measures.~~
 - c. ~~What areas of the site have no hazards to development.~~
2. ~~Sensitive Areas: Development in the sensitive areas shall take place only after the developer's engineer certifies and the city accepts the developer's engineer's conclusion, that development in such areas is safe. However, if the city believes it is appropriate, the city may still conduct an independent review of the property. By submitting plans and specifications to the city, the developer agrees to allow the city engineer, surveyor or other agents onto the property to conduct further reviews.~~
3. ~~Minimum Building Area Without Development Constraints:~~
 - a. ~~There shall be a minimum of ten thousand (10,000) square feet of buildable area on each lot or parcel.~~
 - b. ~~The entire building area shall be free of any development constraints. None of the development building area shall be located in an area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer's engineer, taking place that will overcome or protect the area from the identified hazards.~~
 - c. ~~Each development area must be a contiguous area not less than eighty feet (80') continuously in width and one hundred feet (100') continuously in depth.~~
 - d. ~~If the development area is not adjacent to the public street, it shall be accessible to the public street with an accessway that is a minimum of thirty feet (30') wide from the public street to the development area. The accessway shall be developed in conformance with the grading standards specified in this chapter.~~
4. ~~Development on natural slopes steeper than 20% shall be prohibited without a request for and approval of a variance submitted to the City including engineering recommendations from a certified and licensed engineer and subject to approval of the City Engineer. Any such approved variance,~~

~~including any additional engineering to accommodate slope development, shall become an enforceable requirement for any development, construction, excavation or other activity on any such slope.~~

- ~~a. Natural slope is considered to be existing undisturbed terrain.~~
- ~~b. These sloped areas shall remain undisturbed even though they may be part of a subdivision lot except as authorized by any approved variance permitting development or other construction activities on any natural slope in excess of 20%.~~
- ~~c. Any area of a lot in excess of 20% natural slope shall not be included when the minimum lot area is calculated for the zone in which the subdivision is to be developed if no variance to this slope restriction has been granted.~~
- ~~d. A Conditional Use Permit shall be required to cross these areas with street improvements.~~

*Adopted by Ord. 2002-16 on 10/8/2002
Amended by Ord. [2009-03](#) on 5/26/2009*

SECTION 2: Language to be added:

11-2: DEFINITIONS

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

AVERAGE SLOPE: Shall mean and be determined by the use of the following formula:

A.
$$S = \frac{.00229 (I) (L)}{A}$$

S = Average slope in percent.

.00229 = The conversion factor of square feet to acres.

A = Total number acres in the parcel.

I = Contour interval in feet. The contour interval may not exceed ten feet (10').

L = Summation of the length of all contour lines, in feet, within the parcel.

- B. In the determination of the average slope, the average (A) need not include any part of the site having a slope greater than twenty percent (20%). If such areas are excluded from determination of average slope, their acreage shall not be included as part of the total area of the project site for purposes of determining the number of dwelling units allowed, but may be included with individual building lots.

BUILDABLE LAND: That land within a lot or development site, no part of which has slope exceeding twenty percent (20%).

DEVELOPMENT SITE: Shall mean and include the total perimeters of a subdivision or a planned unit development, or a tract, lot or parcel of land intended to be used as commercial, industrial or institutional use.

GROSS ACREAGE: The total area of the development, including all rights of way and other nonresidential uses.

IMPERVIOUS MATERIALS: Materials that are impenetrable by moisture.

NATURAL OPEN SPACE: Areas of any parcel of land that includes hillsides, sagebrush, or natural vegetation.

NATURAL TRAIL: A natural trail is an unimproved, or semi-improved backcountry trail that connects natural areas and mountain recreation areas.

NATURAL VEGETATION: This term shall include orchards, indigenous trees, shrubs, grass and perennial growth.

NET COMMERCIAL ACREAGE: All land within a development site devoted exclusively to a commercial land use.

NET RESIDENTIAL ACREAGE: All land within a development site devoted exclusively to a residential land use.

TRAIL HEADS: Trailheads and trails can include drinking fountains, scenic viewpoints, fitness stations, directional signs, restroom facilities, and parking.

SECTION 3: Language to be amended:

11-2: DEFINITIONS

OPEN SPACE: Any parcel or area of land or water unimproved or improved only with landscaping, boweries, picnic tables, playground equipment, trails, **trail heads**, walking paths, plazas, or other improvements typically associated with outdoor recreation and set aside, dedicated, designated or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space. **Open space also includes natural open space.**

PARK: A public or private parcel of land ~~developed~~ **designed to function** and used for passive or active recreation **or natural open space.**

SECTION 4: Language to be added:

11-27 SENSITIVE AREA OVERLAY ZONE SA

11-27-1: PURPOSE AND INTENT

11-27-2: SCOPE AND APPLICATION

11-27-3: DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

- 11-27-4: DEVELOPMENT STANDARDS
- 11-27-5: REVIEW AND APPROVAL PROCEDURE
- 11-27-6: ISSUANCE OF BUILDING PERMITS
- 11-27-7: APPENDIX A

11-27-1: PURPOSE AND INTENT

A. Certain areas of the City are characterized by slope, vegetation, drainage, rock outcroppings, geologic conditions, and other physical factors which, if disturbed for the purposes of development, can cause physical damage to public or private property or both. Therefore, the development of such areas and adjacent land requires special care on the part of the public and private sectors.

The standards, guidelines and criteria established by this Chapter shall include, but not be limited to the following:

1. The protection of the Public from natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
2. The minimization of the threat and consequential damages from fire in hillside areas by establishing fire protection measures.
3. The preservation of natural features, wildlife habitat and open space.
4. The preservation of public access to mountain areas and natural drainage channels.
5. The retention of natural topographic features such as drainage channels, streams, ridgelines, rock outcroppings, vistas, trees, and other natural plant formations.
6. The preservation and enhancement of visual and environmental quality by use of natural vegetation and the prohibition of excessive excavation and terracing.
7. The assurance of an adequate transportation system for the total hillside area to include consideration of the approved Transportation Plan of the City. This system design will consider densities and topography with minimal cuts, fills and other visible scars.
8. The establishment of on-site traffic facilities that ensure ingress and egress for vehicles including emergency vehicles into all developed areas at any time.
9. The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and will preserve open space and natural landscape.

11-27-2: SCOPE AND APPLICATION

- A. Creation: There is hereby created a Sensitive Area Overlay Zone consisting of those areas shaded on the zoning map of the City.

- B. Jurisdiction Of Sensitive Area Overlay Zone: The provisions of this Chapter shall apply to all lands in the City which lie within the area designated on the Zoning Map as identified as the North Ogden City Sensitive Area Overlay Zone. No building or structure may be erected or reconstructed on land which is designated on the Zoning Maps of the City as sensitive area, nor shall such land be subdivided, graded or otherwise disturbed for purposes of development or subdivision, unless such construction, subdivision or disturbance is undertaken in accordance with this Chapter.

- C. Effect Of Provisions: The regulations of this Chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the use district in which the land is located and/or general provisions applicable to all zones. However, in the event of conflict between such additional provisions and the provisions of this Chapter, the more restrictive provisions shall apply.

- D. Application To Previous Development: The provisions of this Chapter shall have no application to any development or other construction project which has been granted preliminary approval prior to the effective date hereof.

11-27-3:DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

A. Single-Family Dwelling Units:

- 1. Minimum Lot Size: The minimum lot size with respect to lots upon which single-family detached dwelling units are located in subdivisions or otherwise shall be determined by reference to the following table:

Average Slope Of Development Site	Minimum Lot Size	Minimum Lot Width
0-10%	Same as underlying zone	Same as underlying zone
10.01-20%	15,000 sq. ft. or same as underlying zone whichever is greater	At least 100' at front setback line
20.01+%	Not permitted	Not permitted

- 2. Planned Unit Development : The maximum density with respect to dwelling units per gross acre for dwelling units in a planned unit development shall be the same as that allowed for single-family detached dwellings as found in 11-11-4.

3. **Maximum Impervious Material Coverage:** The maximum impervious material coverage that shall be allowed upon lots which single-family dwelling units are located shall be thirty percent (30%) of the total lot area or seven thousand five hundred (7,500) square feet, whichever is smaller, including accessory buildings, patios, and driveways; provided however, that the maximum impervious material coverage may exceed thirty percent (30%) or seven thousand five hundred (7,500) square feet upon approval by the City Engineer if the request is consistent with the approved grading and drainage plan and any low impact design for the subdivision or site plan.
4. **Areas with slopes exceeding twenty percent (20%).** may be:
 - a. Preserved as permanent open space through a conservation easement or master development agreement and maintained by a responsible legal entity, e.g., an HOA, dedicated to the public non-profit or other means that assure permanent preservation; or
 - b. Platted with adjacent approved building lots with an open space easement; or
 - c. Placed in a natural open space area on the edges of a project or comingled within the lot or development.
 - d. Such areas shall include public access points, where trails are included in the project area.
5. **Buildable Area:**
 - a. Single-family dwelling structures shall be located only upon areas constituting buildable land, which area shall be fully contiguous and shall be at least five thousand (5,000) square feet in size, and shall have minimum dimension, either length or width, of fifty feet (50').
 - b. Single-family dwelling structures on standard lots shall be set back no further than two hundred fifty feet (250') , except as provided in section 6, from a public or private street except by approval of the planning commission and subject to the following standards:
 - (1) The home is connected to city water and sewer;
 - (2) The access drive does not require substantial cuts or fill, but can be developed on existing topography and meet all other requirements for access in this chapter; and
 - (3) The driveway layout follows natural openings and does not require removal of large amounts of vegetation.
 - (4) The Fire Marshal shall require and approve any needed fire hydrant and or required sprinkling system for the building, and any designated turn around area.
 - c. All accessory structures shall be located upon buildable land-
6. A flag lot may be approved by the planning commission after determining that due to topographic conditions, sensitive land concerns, or other requirements of this chapter, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot

standards of the underlying zone, subject to compliance with all of the following conditions:

- a. Only one single-family dwelling may be constructed as a main use on a flag lot. Accessory buildings are subject to the standards for the underlying zone and subsection h.
- b. The minimum lot area shall be one (1) acre, exclusive of the private access lane.
- c. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.
- d. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement as shown on the recorded subdivision plat. across the front lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.
- e. Any lots that have a lane crossing or adjoining them to access a flag lot must be increased in area and width equal to the lane area and width.
- f. The private lane accessing a flag lot shall front on a dedicated public street and shall not exceed four hundred feet (400') in length from the public street to the front lot line of the flag lot exclusive of the driveway accessing the dwelling.
- g. The lane shall be designed as show below:

Lane Standards		
Length	Up to 100 feet in length	101 to 400 feet
Pavement Width	12 feet	20 feet
Buffer on each side of the lane pavement	4 feet	4 feet

The buffer is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane.

- h. The private lane may be configured to be a serpentine design that follows existing contours, minimizes cuts and fill, preserves natural vegetation and re-vegetates as per 11-24. The lane shall not exceed a 10% grade unless approved by the Fire Marshal and City Engineer.
- i. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back, and side yard requirements for the zone in which it is located including the enhanced lot area requirement describe in subsection h, whichever is greater, and all other applicable provisions of this code. The flag lot width will be measured at the front setback line. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

- j. The setbacks for flag lots shall be as follows:
 - 1. Front:50 feet.
 - 2. Sides: 30 feet on each side.
 - 3. Rear: 30 feet.
- j. The private lane and driveway accessing a flag lot also is subject to approval by the Fire Marshal. Such approval may include a requirement of a designated turnaround area conforming to the fire authority's design and construction standards. Structural permeable surfaces are encouraged in designated fire turnaround areas, subject to the Fire Marshal's approval.
- k. Fire hydrants and or sprinkling systems may be required by the Fire Marshal.
- l. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.

11- 27- 4:DEVELOPMENT STANDARDS

It is intended that the development standards and provisions, as set forth herein, shall be required in connection with all building and construction in the North Ogden City sensitive area overlay zone.

A. Drainage And Erosion: The area of the watershed shall be used to determine the amount of stormwater runoff generated before and after construction.

- 1. The "rational method" or other method as approved by the City Engineer shall be used in computing runoff. The basic formula for the "rational method" is:

Q = CIA in which

Q = Runoff in cubic feet per second (CFS)

C = Coefficient of runoff or the portion of stormwater that runs off a given area (the actual C value used shall be approved by the City Engineer)

I = Average rainfall intensity during time of concentration for ten (10) year return period in inches per hour. The "time of concentration" shall be defined as the time required for water to flow from the most remote point of the section under consideration

A = Drainage area in acres

- 2. Lots shall be arranged so as to ensure adequate setbacks from drainage channels. The 100-year storm shall be that basis for calculating setbacks. No structures shall be allowed in the 100-year floodplain.

3. Facilities for the collection of stormwater runoff shall be required to be constructed on development sites and according to the following requirements:
 - a. Such facilities shall be the first improvement or facilities constructed on the development site;
 - b. Such facilities shall be designed so as to detain safely and adequately the maximum expected stormwater runoff for a 10-year storm of two (2) hour duration, and to release it at a controlled rate equal to the runoff rate generated by the site in its natural condition. Said natural runoff rate shall not exceed 0.10 cubic feet per second per acre. The facilities shall be designed to detain runoff for a sufficient length of time so as to prevent flooding and erosion during storm runoff flow periods;
 - c. Such facilities shall be so designed as to divert surface water away from cut faces and sloping surfaces of a fill;
 - d. The existing natural drainage system will be utilized, as much as possible, in its unimproved state;
 - e. Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches;
 - f. Flow retarding devices, such as detention ponds and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Areas which have shallow or perched groundwater or areas that are unstable must be given additional consideration. Each facility shall have an emergency overflow system to safely carry any overflow water to an acceptable disposal point.
 - g. Low Impact Design standards must be complied with as identified in the North Ogden City Public Works Standards chapter 19. On site retention of 80% is required.
4. Construction of the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between October 1 and April 15 of the following year.
5. Erosion control measures on the development site shall be required to minimize the solids in runoff from such areas. The detailed design system to control stormwater erosion during and after construction shall be contained in the grading and drainage report described in section 11-25-8 "Appendix A", of this chapter.

B. Vegetation And Revegetation:

1. All areas on development sites cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with revegetation which has good erosion control characteristics.
2. New planting shall be protected with mulch material and fertilized when in conjunction with the planting and watering schedule in subsection B5 of this section.
3. The use of persons or firms having expertise in the practice of revegetation (i.e., licensed landscape architects or nurserymen) shall supervise the planting and installation of re-vegetative cover.
4. Vegetation shall be removed only when absolutely necessary, e.g., for the construction of buildings, roads and filled areas.
5. After the completion of offsite improvements, vegetation will be planted in all disturbed areas only during the following time periods:
 - a. March 15 through May 15; and
 - b. September 15 through October 31.
 - c. If irrigated, planting may be done during summer months.
 - d. Such vegetation shall be a mixture of plant materials, i.e., trees, shrubs, grass and forbs. Native plant materials will be preferred.
6. No vegetation shall be removed on slopes over twenty percent (20%) except as approved by the City Engineer for trail and/or open space improvements.
7. Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping, i.e., cut and fill slopes.
8. All disturbed soil surfaces shall be established or covered prior to November 1. If the planned impervious surfaces (i.e., road, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
9. The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the completion of offsite improvements. The property owner and developer shall replace all destroyed vegetation with varieties of

vegetation approved by the planning commission. The property owner shall assume responsibility upon purchase of the lot.

C. Fire Protection:

1. Areas without a recognized water supply shall meet special requirements, on an individual basis, as established by the Fire District , water utility and engineering department.
2. Each development site and building permit for private lots, flag lots, and lots where the front setback is greater than fifty feet (50'), shall be reviewed by the Fire Marshal for compliance with requirements for fire apparatus.
3. Spark arresters shall be installed in every fireplace constructed indoor or outdoor. Screen openings in such arresters shall not be in excess of one-fourth inch ($\frac{1}{4}$ ") in diameter.
4. The Wildland Urban Interface (WUI) code shall be followed.

D. Geology:

All projects within the North Ogden Sensitive Area Overlay Zone shall submit various reports depending on the potential geologic hazards associated with the land being developed including a geotechnical report. Geotechnical reports shall be recorded and referenced on subdivision plats.

1. Any development within a band one-eighth ($\frac{1}{8}$) of a mile on either side of a mapped fault or fault trace must submit a geologic report as part of the development review process.
2. Development of all structures used for human occupancy shall take place fifty feet (50') or farther from any active earthquake fault or fault trace. Active fault traces are those identified and mapped by the city or those identified by special studies required of the developer.
3. Development of all structures used for critical facilities shall take place one hundred fifty feet (150') or farther from any active earthquake fault or fault trace. Critical facilities shall include dams, reservoirs, fuel storage facilities, power plants, nuclear reactors, police and fire stations, schools, hospitals, nursing homes, and emergency communication facilities.
4. No structures shall be built on any zones of deformation with respect to active faults. Offsite improvement design will be approved by the planning commission, upon recommendation of the City Engineer.
5. No structures or offsite improvements shall be allowed on any active landslide area.

6. Problems associated with development on or near perched groundwater and shallow groundwater must be mitigated in a manner as approved by the City Engineer. Soils will be evaluated as to their ability to accept watering on open areas and not create instability of the soil structure.
7. No structures shall be allowed in any high hazard rock fall zone, landslide, debris flow or avalanche zone unless mitigation measures are taken to the satisfaction of the planning commission.

E. Grading, Cuts And Fill:

1. Exposed unstable surfaces of an excavation or fill shall not be steeper than two horizontal to one vertical (2:1).
2. All permanent fill shall be located so that settlements, sliding's, or erosions shall not damage or cover streets, curb, gutter, sidewalks or buildings.
3. All fill and degrees of compaction shall comply with the standards of the building code, as adopted by Title 11 of this code, or its successor provisions.
4. All grading, cuts and fill must comply with 11-24 Grading and Drainage Standards.

F. Streets And Ways: Streets, roadways and private accessways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:

1. At least two (2) ingress and egress routes shall be provided for each subdivision or PRUD unless the number of units served is less than twenty (20).
2. Points of access shall be provided to all developed and non-developed areas for emergency and firefighting equipment. Driveways located upon each lot extending from a public or private street shall have a maximum grade of ten percent (10%) and shall be of a sufficient width and design to admit and accommodate firefighting equipment. The grade may be increased if approved by the City Engineer and Fire Marshal.
3. Cul-de-sacs shall not exceed six hundred feet (600') in length and meet the North Ogden Public Works Standards. Stub streets that are longer than one hundred feet (100') shall have a temporary turnaround at the end thereof. The Fire Marshal shall provide a recommendation for any cul-de-sac exception requests to determine the safety of the special exception.
4. Centerline curvatures shall be reviewed by the City Engineer for such things as design speeds, sight distances and stopping distances. Streets may cross

areas over 20% slope areas when the slope over 20% does not exceed 200 hundred feet.

5. Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the planning commission for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments or sidewalk design.
6. Development sites which are located near canyon trails shall provide access to those trails. Parking areas may be required by the planning commission at trailheads based upon a recommendation from the Parks and Recreation Department identifying the number of stalls needed.
7. The maximum amount of impervious surface for streets and ways shall be twenty percent (20%) of the entire development site. All streets or rights of way for vehicular traffic shall be subject to the following limitations:
 - a. The maximum grade of such streets or rights of way shall be twelve percent (12%) except as hereafter provided;
 - b. The City Engineer may grant approval for a grade exceeding twelve percent (12%) for a maximum road length of 200 feet.
 - c. The provisions of this subsection shall not apply to streets or rights of way already constructed or which have heretofore been granted preliminary approval by the planning commission;
 - d. Roads shall be designed to meet the city road base, asphalt and compaction standards.

G. Open Space Plan:

An open space plan showing passive green spaces, active green spaces, and natural green spaces.

H. Parks Plan

A parks plan showing the size and location of planned parks.

I. Trails Plan

A trails plan showing trail connections to key destinations, such as schools, parks, other community facilities, and national forest lands. Wherever possible, trails should be part of a continuous system that connects schools, parks, community centers, and forest service lands. Neighborhood sidewalks may connect with trails but only count as trails upon the recommendation of the Parks and Recreation Department. The trails shall meet city standards.

J. Building Design:

1. Buildings proposed for construction in hillside or canyon areas within the North Ogden City sensitive area zone shall be designed to be visually compatible with the natural beauty of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such material as natural woods, brick (earth colors) and stone are considered to be most appropriate.

Building heights for single family dwellings are limited to one and half stories or 25 feet.

2. The planning commission shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. Building permits for such structures shall not be granted until building materials and colors have been approved by the planning commission.

3. Innovative designs for single-family dwelling units, e.g., earth sheltered dwellings with grass roofs, etc., provided such innovations are also allowed under the city's building code, or that they have been granted the appropriate variances.

H. On Site Development: The property owner shall be fully responsible for making all improvements in accordance with the development site approval, e.g., drainage, erosion and vegetation constraints. Re-vegetative projects, the stabilization of grading sites, cuts and fill and construction of stormwater runoff facilities, and the construction of recreation centers as required must be completed prior to any subdivision being recorded. A Certificate of Occupancy may be withheld if required re-vegetative requirements have not been completed.

11- 27-5:REVIEW AND APPROVAL PROCEDURE

A. Conceptual Approval: All applications for a planned unit development, subdivision or other site plan shall comply with all applicable ordinances of the city. In addition, conceptual approval must first be granted by the planning commission prior to application for preliminary approval.

1. Submittal For Concept Approval:

- a. Vicinity Map: Covers sufficient adjoining territory to indicate clearly nearby street patterns, property lines, other adjacent properties in the developer's ownership, and other significant features that will have a bearing upon the development;
- b. Contour Map: Showing a proposed subdivision and street layout, existing substantial buildings, significant trees, watercourses, drainage ditches, storm or sanitary sewers with size and flow line elevation, water lines, gas lines, power lines, permanent easements, and other features that will have a bearing upon the design of the subdivision or on the provision of utilities.

2. Planning Commission Action: The planning commission may approve, approve with conditions, or deny the application for conceptual approval. Any approval

by the planning commission shall specify which, if any, special studies and reports must be submitted for preliminary approval. Any concept denial shall include the reasons for such denial.

B. Preliminary Approval: Any individual seeking preliminary approval for development in the sensitive area overlay zone shall submit the following information:

1. Written Documents:

- a. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning;
- b. A statement of planning objectives to be achieved by the development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- c. A development schedule indicating the approximate date when construction of the project or stages of the project can be expected to begin and be completed;
- d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the development;
- e. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space);
- f. Special studies as required by the Planning Commission identified during conceptual approval. These may include economic feasibility studies or market analysis, soil characteristics report, grading or erosion control plan, geologic report, vegetation preservation and protection report, hydrology and storm drainage and fire protection report (see Appendix A for study guidelines). All reports submitted herein shall be prepared by persons or firms licensed to practice their specialty or expertise in the State of Utah, if such license is required, or by one having demonstrable expertise in such field of practice.

2. Site Plans: Site plans shall include, in addition to the above provisions, the following:

- a. Location of the proposed planned unit development, subdivision, or other development, with identification of abutting streets;

- b. A slope map at a scale of one inch equals fifty feet (1" = 50') for development sites of less than ten (10) acres and a scale of one inch equals one hundred feet (1" = 100') for development sites of greater than ten (10) acres and a determination of the average slope of the proposed development;
- c. The slope map referred to in subsection B2b of this Section shall also include a designation of all areas in the proposed development having a slope in excess of twenty (20%) percent;
- d. Topographic contours with a minimum contour interval of 5 feet.;
- e. The total acreage, number of lots and proposed total density and average slope for residential developments;
- f. The location and approximate size of the proposed lots;
- g. A general street location, width, and grade of all proposed streets and radius of any cul-de-sacs;
- h. Location of existing or proposed schools, churches, or parks;
- i. Location of known hazards, (i.e., faults, drainage, rockfall, etc.) and the boundaries of the 100-year flood plain, or if no mapped flood plains exists, the boundary of potential 100-year flood plains;
- j. Soil type and general description;
- k. Land use data, i.e., the amount of residential land, transportation land, etc., by acreage and percent;
- l. Vegetative type map;
- m. Existing and proposed utility lines (water, sanitary sewer and storm drains), etc.;
- n. Proposed landscape plan, including the species identification and quantity of plants to be installed at the various locations throughout the site;
- o. All engineering calculations performed and acquired pursuant to the provisions of the ordinances of the City shall be submitted to the City Engineer as part of the review and approval process.
- p. Parks plan showing the location and size of any planned parks;

- q. Trails plan showing all trail connections and trail heads to key destinations such as schools, parks, forest service lands;
 - r. Open space plan showing the location, size, and function of open spaces including passive green spaces, active green spaces, and natural green spaces.
3. Planning Commission Action: After weighing all the evidence, the Planning Commission must take formal action, either approving the plan as presented, approving it subject to certain specified modifications, or disapproving it.
4. Notice of Decision: A notice of decision identifying the planning commission determination and conditions shall be forwarded to the applicant.
- C. Final Approval: The applicant will submit information consistent with the findings of the special studies and based on the establishment of compliance with the preliminary development plan through the review of finalized site plans and specifications, and the review of any materials required by the review authority, the planning commission shall approve, approve with modifications or disapprove the final and subdivision plat and or site plan. A notice of decision shall be forwarded to the applicant.
1. Compliance With Preliminary Plan: The final development plan shall be deemed in substantial compliance with the preliminary development plan, provided modification by the applicant does not involve a change of one or more of the following:
- a. Violate any provision of this chapter;
 - b. Vary the lot area requirement by more than ten percent (10%);
 - c. Involve a reduction of more than ten percent (10%) of the area reserved for common open space and/or usable open space;
 - d. Increase the floor area proposed for nonresidential use by more than ten percent (10%);
 - e. Increase the total ground area covered by buildings by more than five percent (5%);
 - f. Significantly alter the road system or on-site circulation pattern; or
 - g. Eliminate any recreational or community facilities approved in the preliminary plan.

2. Spot Elevations, Final Grading Plans: Application for final approval shall include with the improvement drawings, spot elevations on all lot corners or contour grading plans of all lot frontages consistent with the requirements of the 11-24 Grading and Drainage Standards. The scale will be the same as the improvement drawings.

11-27-6: ISSUANCE OF BUILDING PERMITS

There shall be no construction, development or grading upon the development site until final approval has been granted, as provided in this section. Before the construction of single-family dwelling units upon lots shall be allowed, a plot plan drawn to scale (at least 1 inch equals 10 feet) for such lots shall be submitted to the building official, which plot plan shall show lot lines, existing and proposed contours at two foot (2') intervals, location of proposed single-family dwelling units, walks, driveways, patio areas. The plot plan will also show vegetation, drainage, and erosion controls and such plot plan shall be attached to the building permit.

11-27-7: APPENDIX A

- A. Soil Characteristics Report: A geotechnical report should be prepared by a person or firm qualified by training and experience which would furnish specific soil data for the property to be developed and methods that would control urban erosion. Data on the soil should include:
 1. Soils map of the property involved, delineating the soil types;
 2. An accurate slope map;
 3. Major soil hazard ratings in relation to total area of development;
 4. Percentage of area to be disturbed in relation to total area of development.
 5. Identify the soils ability to accept watering and remain stabile.
- B. Grading Or Erosion Control: A grading or erosion control plan should accompany the development application showing the specific methods to be employed to control urban erosion and sedimentation and should include as a minimum:
 1. The grading plan shall show present topography to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of two feet (2') or less. Access or haul road location, treatment and maintenance requirements shall be included;
 2. The specific control practices to be employed on the disturbed area where necessary (includes seed mixes, types of mulches, etc.);
 3. All calculations and proposed details used for design and construction (of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management for soil erosion control measures) shall be shown. Calculations shall employ predictions of soil loss from sheet erosion. Equations should include factors of:
 - a. Rainfall intensity and energy;

- b. Soil stability;
 - c. Land slope and length of slope or topography;
 - d. Condition of the soil surface and land management practices in use;
 - e. Surface cover, grass, woodland, crop, pavement, etc.;
 - 4. Specific dates on the length of time exposure for unprotected, cleared and graded areas;
 - 5. A schedule showing when each stage of the project will be completed, including estimated starting and completion with reference to other stages of the project.
- C. Geology: A geologic and geomorphology investigation of the site should be prepared containing the following information:
- 1. Location and size of subject area, and its general setting with respect to major geographic and/or geologic features;
 - 2. The individual or agency who perform the geologic mapping upon which the report is based, and when the mapping was prepared;
 - 3. Abundance, distribution, and general nature of exposure of earth materials within the area;
 - 4. Nature and source of available subsurface information;
 - 5. A geologic map should accompany the report and should delineate the following:
 - a. Rock composition and structural elements;
 - b. Surface and subsurface distribution of earth materials exposed or inferred within both bedrock and surficial deposits;
 - c. The nature and distribution of earth materials, faults, folds, slide masses, zones of contortion or crushing joints, fractures, shear zones, or other significant features;
 - 6. Written recommendations for construction of proposed improvements to avoid impact of any potential geologic hazards.
- D. Vegetation And Preservation Report: Vegetation preservation and protection report shall include:
- 1. Location and identification (by species) of existing vegetation;

2. The vegetation to be removed and method of disposal;
 3. The vegetation to be planted;
 4. Slope stabilization measures to be installed;
 5. Analysis of the environmental effect of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard;
 6. Topsoil stockpile areas will be designated;
 7. Solar orientation is recommended for review.
- E. Hydrology And Storm Drainage: A hydrology report should be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and should include an adequate description of the following:
1. A flood analysis should be made for all stream channels that occur on the site:
 - a. 100-year storm frequency based on rain on a saturated soil mantle or snow pack taking the results which cause the greater flood flow;
 - b. On streams with a meandering channel and relatively flat gradient way of the standard flood plain analysis of streams may be used (i.e., U.S. Corps of Engineers Standard Project Flood);
 - c. On mountain streams with relatively steep gradients only those analyses based on turbulent flow conditions may be used. "Bulking", if it occurs, must be recognized and channel cross sections increased to allow for it. Mud flows and other debris must also be considered in the analysis;
 - d. History of prior flooding;
 - e. Investigation of effects of short duration high intensity rain storms on the proposed storm drainage system will handle the predicted flows including the impact on areas below.
 2. The ability of the existing stream channels to accommodate the estimated increase in storm flow due to the proposed development should be defined with respect to water flow and velocity. If the stream channel or banks are subject to erosion, measures to be taken to minimize this impact should be specified by consideration of the following:

- a. The proposed streamside environment zone on the site plan and criteria for determining the zone must be delineated;
- b. Natural flow patterns as they affect the proposed development should be described and evaluated;
- c. Means by which the manmade drainage systems will deliver water to the natural channel systems should be specified.

3. Subsurface Hydrology:

- a. The location and size of swamps, springs, and seeps shall be shown on the site plan and an investigation made to determine the reasons for the occurrence of these underground water sources. (An analysis of the vegetative cover or other surface information may be used to show the presence of underground water.)
 - b. Effects of the proposed development on subsurface water sources for areas immediately downstream should be defined and evaluated;
 - c. Effects of the proposed development on subsurface water sources and recharge areas immediately downstream should be defined and evaluated;
 - d. If infiltration systems are proposed for handling increased flows caused by the proposed development, their operation and failure prevention measures should be described.
- F. Low Impact Development (LID): An LID Storm Water Report to be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and should include an adequate description of the following:

4. An analysis, including calculations and implementation rationale should be made for all possible LID Best Management Practices that could be implemented on the site:
- a. To improve water quality, the storm water generated from the 80% storm shall be retained onsite and as close to the point of origin as possible.
 - b. Methods of retention include infiltration, evaporation, transpiration, rainwater harvesting and re-use.
 - c. Preservation of native vegetation is encouraged as this vegetation retains, intercepts, and transpires storm water.

d. If meeting these requirements is technically infeasible, provide the rationale justifying such and alternative design criteria.

G. Fire Protection: A fire protection report is required to assess fire probability and potential hazards by a person or agency qualified by training and experience. Elements of the report should include the following:

1. The width and approximate location of any easements required for access of fire protection equipment;
2. Agreements, if any, entered into by the applicant and a fire protection entity or other government agency that could have concerns about fire probability (State and Federal agencies);
3. The approval of the subdivision design and fire protection measures by the fire protection agency;
4. A letter from the chief of the fire protection entity stating:
 - a. Fire flow recommended by insurance service organizations;
 - b. The existing fire flow capability proposed to serve the project.

SECTION 5: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this th day of month, 2021.

North Ogden City:

S. Neal Berube, Mayor
North Ogden City

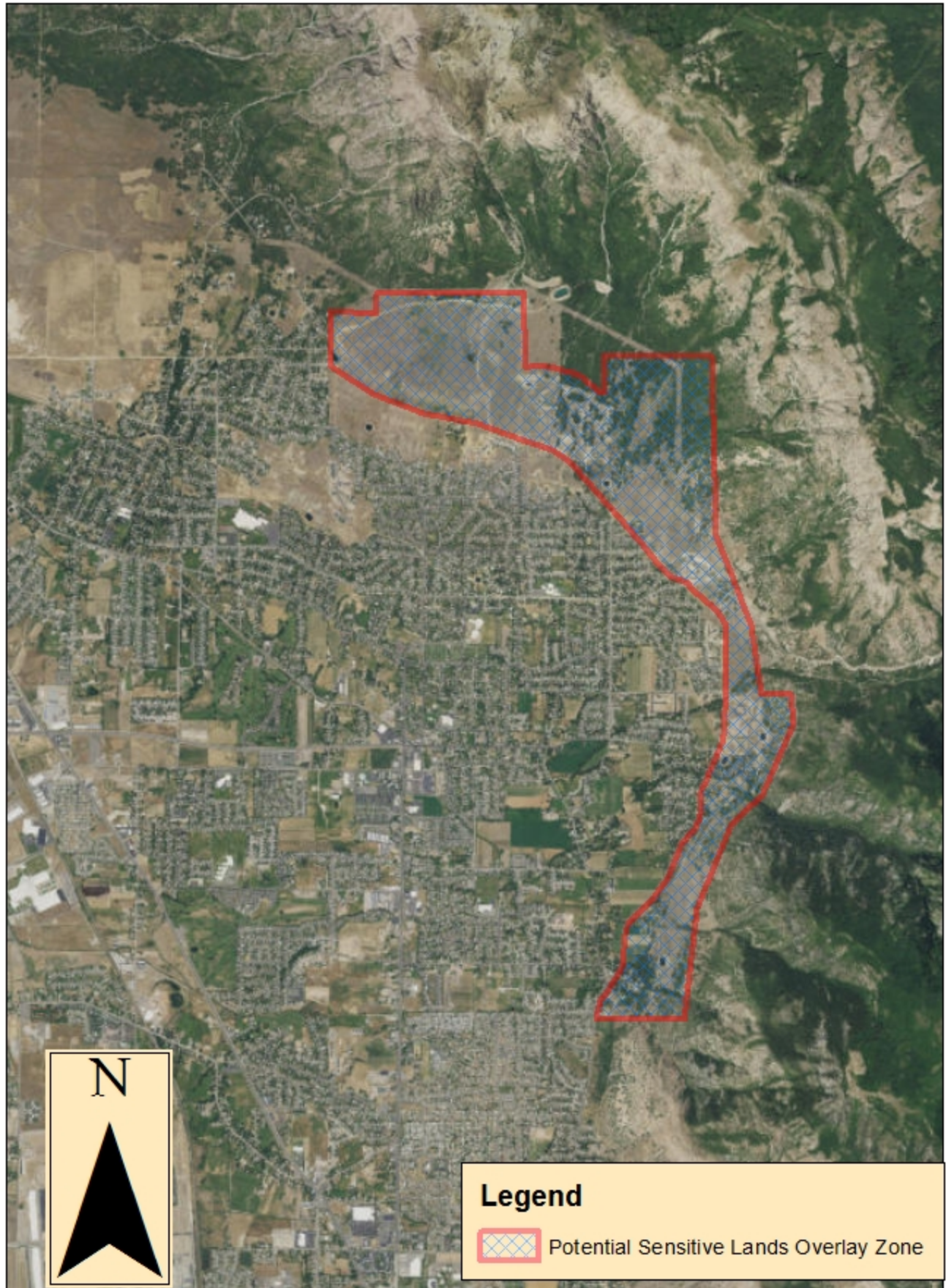
CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Ekstrom:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
(In event of a tie vote of the Council):		
Mayor Berube	_____	_____

ATTEST:

Katie Gerard
City Recorder

Potential Sensitive Lands Overlay Zone



0 0.75 1.5 3 Miles