

Section 1

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11-1: GENERAL PROVISIONS

11-1-1: TITLE

- A. This title shall be known as the LAND USE CODE OF NORTH OGDEN CITY as a part of the City Code of North Ogden (CCNO).

11-1-2: PURPOSE

- A. This Title is designed and enacted in order to provide for the health, safety and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience and aesthetics of the city, and its present and future inhabitants and businesses, to protect the tax base, secure economy and governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, and wildlands, to protect property values, and to govern uses, density, open spaces, structures, buildings, energy efficiency, light and air quality, transportation, active transportation, infrastructure, public facilities, vegetation, trees and landscaping.

11-1-3: INTERPRETATION AND APPLICABILITY

- A. Applicability. All Federal and State laws shall apply.
- B. Interpretation. In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth. The Planning Director shall act as the land use authority to interpret the ordinance to members of the public, city departments, and to other branches of government, subject to general and specific policies established by the Planning Commission and City Council. Upon request, the Planning Director shall make a written interpretation of the text of this Title.
- C. Existing Ordinances and Maps. The existing ordinances of the city governing the zoning of areas and districts in the city in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein.

11-1-4: LAND USE AUTHORITIES

- A. Planning Director.

1. Powers and Duties. The Planning Director and/or designee shall act as the land use authority to accomplish or cause to be accomplished all administrative actions required by this Title, including the giving of notice, holding of hearings, preparation of staff reports, and receiving and processing applications of variances and appeals.
- B. Building Official.
 1. Powers and Duties. Review and approve building permits and certificates of occupancy.
- C. City Engineer.
 1. Powers and Duties. [The City Engineer shall act as the review and decision making authority for all public works requirements including those referencing the Public Works Standards. The City Engineer shall also be responsible for inspection of site inspections as related Public Works Standards.](#)
- D. Code Enforcement Officer.
 1. Powers and Duties. The Code Enforcement Officer shall enforce all provisions of this Title and shall inspect or cause to be inspected all building exteriors in the course of construction, alteration or repair, and any change in the use of land.
- E. Administrative Hearing Officer.
 1. Powers and Duties. The Administrative Hearing Officer (AHO) is granted the following powers and duties:
 - a. To decide petitioners for variances as defined in state law and this Title;
 - b. To hear appeals and act as the appeal authority from land use decisions hinging on the interpretation of state or local zoning laws;
- F. Planning Commission.
 1. Specified; Appointment. The Planning Commission shall consist of seven (7) members. Appointments to the Planning Commission shall be made by the Mayor, with the advice and consent of the City Council. The term of office for appointed members shall be for five (5) years and shall be staggered so as to have no more than two (2) members' terms expire each year. Each member of the Planning Commission shall serve until the expiration of the term for which they are appointed, and until a successor is appointed and qualified. Any vacancy occurring during the term of any member of the Planning Commission by reason of death, resignation, removal or disqualification shall be promptly filled by appointment by the Mayor, with the advice and consent of the City Council for the unexpired portion of the term.
 2. Chairperson; Vice Chairperson. The Planning Commission shall appoint one of the seven (7) members to serve as chairperson. The Planning Commission shall select one of its members to serve as vice chairperson in the absence of the chairperson. Both appointments shall be for a period of one year. Their duties and responsibilities shall be those outlined in the Planning Commissioners' rules of Rules of Procedure.
 3. Selection of members. The Mayor shall solicit and review applications for each available position of the Planning Commission. A selected applicant may then be appointed, with the advice and consent of the City Council, upon a majority vote of a quorum of the City Council members. If the person selected by the Mayor does not receive the advice and consent of the City Council, the Mayor may select another applicant and may repeat the process until an applicant receives the advice and consent of the City Council. In making the selection of candidates, the Mayor and City Council shall consider the

background and experience of the applicant, the areas of the city represented on the commission, and other qualifications that may lend to the applicant's ability to perform the tasks of a Planning Commissioner.

4. Removal. The Mayor, with the advice and consent of the City Council, may remove any member of the Planning Commission with cause.
5. Compensation. Members of the Planning Commission shall serve and be compensated per the City compensation policy. They may be reimbursed for reasonable expenses including travel and education as approved in the City travel policy.
6. Powers and Duties: The Planning Commission shall:
 - a. Prepare and recommend a General Plan and amendments to the General Plan to the City Council;
 - b. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council;
 - c. Recommend subdivision regulations and amendments to those regulations to the City Council;
 - d. Advise the City Council on matters as directed by the City Council;
 - e. Hear or decide any matters that the City Council designates, including the approval or denial of conditional use permits and the conditions to be attached to such permits;
 - f. Exercise any other powers.
 - i. That are necessary to enable it to perform its functions; and
 - ii. Delegated to it by the City Council.
7. Maintain Record of Proceedings. The Planning Commission shall keep a public record of its proceedings in accordance with the Open and Public Meetings Act UCA 52-4 et seq., which shall be filed with the City Recorder.
8. Adopt Rules of Procedure. The Planning Commission shall adopt rules of procedure to govern their meetings and members conduct at their meetings, subject to the provisions of the laws of the state and the planning and zoning ordinances of the city, and may amend such rules from time to time. All such rules and all amendments thereof shall be reduced to writing and shall be filed with the city recorder. These rules of procedure shall be public documents and will be available for inspection by the public during the city's regular business hours and during all meetings of the Planning Commission.
9. Cooperation with County. The Planning Commission, in the exercise of its powers and the discharge of its duties, shall seek to cooperate with the Planning Commission of the county and neighboring cities to develop a coordinated plan for the future development of the city and the county.
10. Meetings. The Planning Commission a.k.a. the land use authority shall conduct regular meeting(s), which shall be published annually at:

North Ogden Municipal Building
505 East 2600 North
North Ogden City Council Chambers
North Ogden, Utah

G. City Council.

1. Appointment. The City Council is appointed per CCNO 1-5.
2. Powers and Duties. The City Council shall follow the powers, duties, and procedures as per CCNO 1-5.

11-1-5: REVIEW AND DECISION AUTHORITIES

- A. The Planning Director (PD), the Appeal Authority (AA), the Planning Commission (PC), and the City Council (CC) acting as Land Use Authorities each have the following primary authority to review and make final determination on applications for compliance with this Title.

Type of Review	PD	PC	CC	AA	Meeting Type
Land Use Permits	D				NA
Conditional Use Permits	R	D			Public Meeting
Site Plan	R	D			Public Meeting
Boundary Line Adjustment ¹	D				NA
Concept Subdivision Plan (Optional)	R	R			Optional
Preliminary Subdivision Plat	R	D			Public Meeting
Final Subdivision Plat	D				NA
Subdivision Amendment	D				NA ²
Minor Subdivision (10 lots or less)	D				NA
Street and/or Easement Vacation	R	R	D		NA
Business License	R (zoning review only)				NA
Variance/Appeal	R			D	Public Meeting
Zoning Map and/or Text Change	R	R	D		Planning Commission holds a Public Hearing. City Council holds a Public Meeting or may hold a Public Hearing
General Plan Amendment	R	R	D		Planning Commission holds a Public Hearing. City Council holds a Public Meeting or may hold a Public Hearing

R = Review, D = Decision

¹ No action required unless the lots created are not in compliance with this Title

² Public hearing only required if adjacent owners object or if not all owners in the subdivision have been notified per Utah State Code 10-9a-608

11-7-8: CODE ENFORCEMENT

- A. Permit and Certificates; Compliance Required. No permit or license shall be granted for the construction or alteration of any building or structure if such construction or alteration is in violation of any provision of this Land Use Code; nor shall use of any building or land if such use would be in violation of this Land Use Code or any law of the state.
- B. Inspections; Abatement. If, in the course of inspection, or otherwise, it shall come to the Code Enforcement Officer's attention that any such construction, alteration or repair, non-compliance with conditions of an approved site plan, conditional use permit, or subdivision, or that any use or contemplated use of land is in violation of the provisions of this Title, said officer shall issue a written order to the person responsible therefor; ordering and directing such person to cease and desist such construction, alteration, repair or use. If the order to cease and desist is not complied with within thirty (30) days, then the Code Enforcement Officer shall report the violation to the City Legal Department for further action. Upon the recommendation of the City Council, the Legal Department shall bring a civil action for the abatement of any nuisance existing in violation of this Title.
- C. Request for Assistance. The Code Enforcement Officer may call for the assistance of the law enforcement personnel whenever, in their opinion, such assistance is necessary or convenient in the investigation of a suspected violation of this Title or the enforcement of the provisions of this Title.

11-1-9: ANNEXED TERRITORY

- A. At the time of annexation of new territory to the city, the City Council shall, upon the recommendation of the Planning Commission, classify such territory for zoning purposes according to the zones established by this Title.

11-1-10: PENALTY

- A. Any person who violates this Title or any provision thereof with respect to occupied homes shall be guilty of an infraction, subject to penalty as provided in CCNO 1-4-1 and may also be charged under Utah Code § 26-23-3. The fine shall be established in the North Ogden City Fee Schedule. If an individual receives a penalty/fine on the same residence three times the next penalty/fine shall be a Class B misdemeanor with a mandatory court appearance and a fine as established in the North Ogden City Fee Schedule.
- B. Any person who violates this Title or any provision related to activities which are not directly related to an occupied single family home shall be guilty of a class B misdemeanor and a fine as established in the North Ogden City Fee Schedule.

11-1-11: VESTED RIGHTS

- A. Land Use Application
 - 1. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the city's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application, or
 - b. In the manner provided by local ordinance and before the application is submitted the municipality has formally initiated proceedings to amend its

- ordinances in a manner that would prohibit approval of the application as submitted.
2. The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. One hundred eighty (180) days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
 3. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
 4. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence within 1 year or as allowed as per CCNO 11-2-5 E.

11-1-12: COMPLIANCE TO PROCEED

- A. After the City accepts an improvement completion assurance for public landscaping or infrastructure improvements for a development in accordance with this Title the City may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the Building Code and Fire Code.
- B. In addition, the City shall not withhold issuance of a certificate of occupancy due to the applicant's failure to comply with a requirement that is not expressed in City codes, ordinances, and conditions of approval. The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.
- C. Temporary Regulations.
 1. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:
 - a. The legislative body makes a finding of compelling, countervailing public interest; or
 - b. The area is unregulated.
 2. A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
 - a. (c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.
 - b. The City Council shall establish a period of limited effect for the ordinance not to exceed six months.

11-2: APPLICATION PROCEDURES

11-2-1: PURPOSE AND INTENT

- A. The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by this Land Use Code

11-2-2: ADMINISTRATION, AND ENFORCEMENT

- A. Development Applications. A development application shall be required for approval of all proposed development reviewed under this Title, including subdivisions, additions to existing buildings and temporary uses. All development applications are available from the Planning Department and on the City's website. The City is not obligated to act on any application that is not complete or does not contain all of the information required herein.
- B. Applicability of the Subdivision Ordinance. Review of land use requirements and subdivision approval may be completed concurrently.
- C. Requirements Fulfilled Prior to Activity. No use, development or development activity may be commenced until all necessary approvals, permits and licenses have been issued in accordance with the provisions of this Title, and all required fees have been paid by the applicant.
- D. Fees for Processing Applications.
 - 1. Fees for processes under this Title shall be established by the North Ogden City Consolidated Fee Schedule.
- E. Notice of Decision.
 - 1. Record of Final Decision. After hearing the evidence and considering the application, the approving land use authority (Planning Commission, Planning Director or his designee, Hearing Officer, or City Council) shall make its written findings and have them entered in the minutes.
 - 2. Notice of Decision. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A notice of decision can be a new written notice, a copy of the administrative approval form signed by the Planning Director or designee, or a copy of the approved minutes. A decision by the approving authority is final at the time the written notice of decision is issued. If a notice of decision is not sent, the decision shall be final on the date the minutes from the meeting are approved by the approving authority. The Planning Department shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

11-2-3: ADMINISTRATIVE DECISIONS

- A. The Planning Director, or designee, is designated as the land use authority to deny, approve, or approve with conditions an application for the following administrative applications.
 - 1. Home occupations
 - 2. Land use permits for concrete, sheds, and changes on property that do not require a building permit to ensure compliance with land use requirements
 - 3. Accessory dwelling units, Daycares, and Preschools. Applications for daycares and preschools shall be processed as a site plan review per CCNO 11-2-9.
 - 4. Single Family homes on lots in an approved subdivision and duplexes within an approved subdivision or an appropriately zoned single lot.
- B. Denial of Administrative Application. The Planning Director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in the city code or if any of the required findings are not supported by evidence in the record as

determined by the director. The Planning Director can direct the Planning Commission to hear the request for an administrative approval.

C. Courtesy Public Notice. The administrative approval process includes a courtesy public notice and comment per city code if an application is heard by Planning Commission.

D. Appeals.

Appeals from administrative decisions shall be submitted to the Planning Department not more than 10 calendar days after the date of the written notice of decision in accordance with CCNO 11-6 of et seq. Appeals from administrative decisions shall be heard and decided as outlined in CCNO 11-6 et seq.

11-2-4: TECHNICAL REVIEW COMMITTEE

A. Process.

All site plans, conditional use permits, and subdivisions, except single family dwellings and two family dwellings require a Technical Review (TRC) meeting. In order for an application to be scheduled for a TRC meeting, a complete application must be received and accepted by the Planning Department which coordinates the TRC meeting schedule.

B. Meeting with Representatives.

The applicant is provided an opportunity to meet with representatives from, the Planning Department, other City Departments, all applicable utility providers, and other interested governmental agencies, to receive comments regarding the application. At this meeting, the applicant will receive comments and suggestions from the TRC members. These comments are written and copies provided to the applicant following the meeting. The comments detail the extent to which the plans are required to be revised to meet City Code and in order for the city to schedule land use authority consideration of their project. Extensive revisions caused by the TRC comments concerning noncompliance or by voluntary action of the applicant, may require additional TRC meetings. A confirmation from sanitary sewer, water and secondary water utility providers of their ability to serve the project, in letter form, is required.

11-2-5: LAND USE PERMITS

A. Purpose and Intent.

The purpose of this section is to establish the requirements for land use permits from the Planning Department.

B. Applicability.

Effective June 13, 2017, it is unlawful for any person, whether acting as owner, occupant or contractor, to fail to obtain a written land use permit from the Planning Director for:

1. The installation of any asphalt, concrete, or other hard surface material or structure on any property, other than walkways, ornamental landscaping features, or for the minor repair of existing legal hard surfaced areas; or
2. The use of, or change of use for, any lot or parcel not involving the erection, construction, reconstruction or alteration of a building or structure; or
3. The installation of any fence over three (3') in height within a required yard area, or the installation of any fence within a "sight triangle area" of any lot, as defined in CCNO 11-9M-16.

4. The city shall not impose on a holder of an issued land use permit a requirement that is not expressed:
 - a. In the land use permit or in documents on which the land use permit is based; or
 - b. In the city's ordinances.
- C. Land Use Permit Required.
1. In order to verify compliance with applicable regulations, all land uses that require a land use permit by this Title are not allowed until a land use permit has received final written approval from the Planning Director.
 2. No structure, including agricultural structures, shall be constructed, changed in use, or altered, as regulated by this Title, until and unless a land use permit or, if applicable, a conditional use permit, has received final written approval from the appropriate land use authority as defined in CCNO 11-1-4.
 3. No application for permits or approvals governed by this Title shall be approved for any lot or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other violations on the lot or parcel, related to the application or on any parcel included in any manner as part of the application, are resolved, unless approval of the application will resolve all of the existing violations of the application.
 4. All departments, officials, and public employees of the city, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue any permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this code. Any permit or license issued in conflict with the provisions of this Title shall be null and void.
 5. The payment of the appropriate fee in accordance with the North Ogden City Consolidated Fee Schedule.
- D. Land Use Permit Revocation.
1. A land use permit may be revoked by the Planning Director or designee, for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:
 - a. Prior to permit revocation, the land owner and, if different, permittee shall be given thirty (30) days upon receipt of notice to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.
 - b. In the event compliance cannot be attained the land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
 - c. The land owner and, if different, permittee shall have a right to an administrative hearing with the Planning Director to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the Planning Director. This act as an administrative appeal.
 - d. Revocation of a permit is final upon the issuance of a final written decision.

- e. Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.
- E. Land Use Permit Termination.
 - 1. Sixty Day Limitation; Extension. If a request of the Planning Department staff has not been responded to within sixty (60) days of the written request, the application may be terminated. The City staff may extend this deadline, or reinstate the application upon request by the applicant, if valid reasons are provided such as financial, legal, or circumstances clearly preventing the applicant from responding.
 - 2. Construction, Development within One Year. An application will be considered null and void if substantial construction or development has not occurred in connection with the application within one year of final approval. Substantial construction or development is defined as site improvements beyond grading that include physical construction structures.
 - 3. Resubmission upon Termination. Should the application be terminated, the applicant shall be required to resubmit the application and shall satisfy all requirements in place at the time of resubmission, including the payment of fees.

11-2-6: BUILDING PERMITS

- A. It is unlawful for any person, whether acting as owner, occupant or contractor, or otherwise, to erect, construct, reconstruct or alter, or change the use or occupancy of any building or other structure within the city contrary to any provisions of this Title, or without first obtaining a building permit from the Building Official. No building permit shall be issued by the Building Official unless a written land use permit has been issued by the Planning Director and, if otherwise required by the provisions of this Title or by the Planning Commission.
- B. No application for permits or approvals governed by this Title shall be approved for any lot or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as part of the application, are resolved, unless approval of the application will resolve all of the existing violations.
- C. All applications on file for building permits shall be accompanied by a plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings or structures, grading plans, buildings or structures to be erected and existing buildings or structures on adjacent property and such other information as may be deemed necessary by the Building Official, or the Planning Director, for the enforcement of this Title. Such requirement may be met by submission of a site plan approved pursuant to CCNO 11-2-9. A record of such applications and permits shall be kept in the office of the Building Official.
- D. Building permits issued on the basis of plans and specifications approved by the Building Official, the Planning Director, or other approving official or agency, authorizes only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction that is contrary to approved plans and specifications shall be deemed a violation of this Title.

11-2-7: CERTIFICATE OF OCCUPANCY

A. Issuance.

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy and zoning compliance shall have been issued by the Building Official or the Planning Director stating that the building or structure or the proposed use thereof, or the use of land, complies with the provisions of this Title. A certificate of occupancy and zoning compliance either for the whole or a part of the building or structure shall be applied for coincidentally with the application for a building or land use permit and shall be issued after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this Title or any condition imposed under the authority of this Title.

B. Information.

Any applicant for a certificate of occupancy and zoning compliance shall provide such information as needed to enforce the provisions of this Title as determined by the Building Official.

11-2-8: CONDITIONAL USE PERMITS

A. Purpose and Intent.

1. The purpose of this section is to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional uses" These uses shall integrate into the community through the use of conditions, based on objective standards, intended to mitigate, the reasonably anticipated detrimental effects of a particular conditional use.
2. Mitigate, as defined in State Law, means reduce, and does not mean eliminate. Conditional uses shall be approved on a case-by-case basis under the standards in this chapter.
3. The applicant shall adequately demonstrate that the reasonably anticipated detrimental effects of the proposed use can be mitigated through the imposition of reasonable conditions based on standards in this chapter.
 - a. A conditional use shall be approved if reasonable conditions are proposed, or can be proposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - b. If the reasonably anticipated effects of a proposed conditional use cannot be mitigated by the proposal of the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

B. Conditional Use Permit.

1. When Required. A conditional use permit, including a site plan, shall be required:
 - a. For all uses listed as conditional uses in any zone;
2. Revocation of Permit a conditional use permit may be revoked by the Planning Director upon the permittee's failure to comply with the conditions imposed with the original approval of the permit. Notification of a revocation shall be provided to the property owner, after a thirty (30) day written of violation and opportunity to comply is given. Such notices are the responsibility of the Planning Director and/or the Code Enforcement Officer. Such notices may be contested through an application and a public meeting with the Planning Commission.
3. Immediate Revocation. If, in the opinion of the Building Official, there is a threat to the public health and safety by the continued use or operation of an establishment that is

permitted by a conditional use permit, the building inspector may immediately revoke the conditional use permit as described in subsection B of this section.

4. Fines. If after revocation, or failure to complete the required conditions of approval, fines may be imposed, as established in the North Ogden City Fee Schedule or the conditional use may be given a defined time extension to correct the violation(s) which may be issued by the Planning Director and/or Code Enforcement Officer, when the extent of the violation(s) warrants additional time to correct.
5. All conditional use permits run with the land and may require the applicant to record documents to that effect.

C. Review Procedure.

1. Application. Application for a conditional use permit, including a site plan, shall be made to the Planning Director.
2. Plans Provided. Detailed location, site and building elevations and floor plans shall accompany the complete application forms provided by the City.
3. Conditional Use applications shall include a pre-application meeting with the Planning Department.
 - a. Conditional use applications are also reviewed with the Technical Review Committee, in which preliminary applications are reviewed and discussed prior to a formal application being submitted for review. Pre-application review includes:
 - i. A review of the application, and associated documents for compliance with applicable sections/standards of the zoning ordinance.
 - ii. A review of the application to ascertain potential reasonably anticipated detrimental effects.
 - iii. If applicable, referral of the application to governmental or regulating entities having actual jurisdiction over the site in question, for recommendations.
 - iv. An on-site review of the proposal by the Planning Director or designee.
 - v. A requirement that the applicant submit impact studies or other technical studies regarding grading, drainage, traffic, parking, geologic hazards, noise, and environmental contamination.
4. Consideration by Planning Commission. The complete application, together with all pertinent information, shall be considered by the Planning Commission for an upcoming meeting as a public meeting, if along with the application fee, is received.
5. Upon receipt of a conditional use permit, the developer is authorized to proceed to building inspections, for review of the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Official shall approve an application for a building permit if the application complies with the conditional use permit and all applicable building codes and other ordinances. The Building Official shall ensure that development is undertaken and completed in compliance with said permit and conditions pertaining thereto.

D. Conditional Use Review Standards.

1. The proposed conditional use shall comply with City ordinances, Federal, and State Law, as applicable to the use and to the site where the conditional use will be located, and;
2. Mitigation is required of reasonably anticipated detrimental effects that may arise from the conditional use, including:
 - a. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic

control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.

- b. Detrimental effects on the adequacy of utility systems, water and sewer, solid waste, snow removal, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, irrigation systems, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.
- c. Detrimental effects on connectivity and safety for pedestrians and bicyclists.
- d. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
- e. Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, the removal of dangerous or blighted structures, high ground water, environmental health hazards, or wetlands, as determined by City Engineer, and/or other qualified specialists.
- f. Detrimental effects of modifications to exterior lighting that conflict with abutting properties.
- g. Detrimental effects arising from site design and/or building design in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, lighting (on-site and adjacent street lighting), signs, and architectural design and exterior detailing/finishes and colors within the area,
- h. Detrimental effects on emergency fire service and emergency vehicle access.
- i. Detrimental effects on usable/functional/accessible open space and sensitive lands.
- j. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
- k. Detrimental effects of excessive storm water generation.

E. Performance Standards.

1. Any permitted or conditional use must conform to the following performance standards. In conjunction with the plan review, the applicant shall provide to the Planning Director information that is sufficient to show that the proposed use and the manner of its conduct will meet the following performance standards:

- a. Glare or Heat. Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.
- b. Vibration. No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one hour of the day between the hours of seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M., or of thirty (30) seconds or more duration in any one hour during the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.

- c. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling.
- d. Prohibited Waste. No wastes shall be discharged in the public sewerage system which would endanger the normal operation of the public sewerage system or which would cause the system to violate any federal, state or local law.
- e. Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.
 - i. Noise. Noise shall meet all requirements of 5-3, Sound Regulations including the following applicable to this Title: No individual may broadcast sound at any level which is intentionally designed to disrupt a neighboring property owner's quiet enjoyment or activity or an Event on public property.
 - ii. Individuals may not disrupt Events on public property with sound amplification devices. It is considered a disruption if sound is broadcast at a level more than 55 dBA and on the property where the Event is being held.

F. Determination

1. Each conditional use application shall be:
 - a. Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards of this Title for approval; or
 - b. Approved with conditions if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards of this Title; or
 - c. Denied if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards of this Title. A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.
2. Any conditions of approval shall be limited to conditions needed to mitigate potential detrimental effects and conform the conditional use to the standards outlined in the Ordinances of North Ogden City.
3. After a decision is made by the Planning Commission, the Planning Director or designee shall provide the applicant written notice of the final decision of record along with any conditions, findings, and site plan modifications.

G. Building Permit.

Upon receipt of an approved conditional use permit, the applicant is authorized to submit building plans for review for IBC compliance. Such plans shall include all conditions from the approved conditional use permit. The Code Enforcement Officer and/or the Building Official shall ensure that development is undertaken and completed in compliance with said permit, the requirements of this Title and conditions as per the Planning Commission pertaining thereto.

H. Expiration of Permit.

If completed plans are not submitted and the appropriate fees are not paid for the use authorized by a conditional use permit within a period of one year of conditional use permit's

issuance, the conditional use permit shall expire. The Planning Director may grant a maximum extension of one (1) year under exceptional circumstances if application for the extension is made prior to the expiration of the permit.

11-2-9: SITE PLAN REVIEW

A. Purpose and Intent.

The purpose of this section is to establish an administrative means by which site plan reviews for permitted and conditional use applications are processed and approved.

B. Site Plan Approval Required.

Site plans are required for all permitted and conditional uses. Permits for signs also require a site plan. Site plan applications are available on-line and at the City Offices.

C. Land Use Authority.

1. The Planning Commission is designated as the land use authority for all site plan reviews unless designated otherwise within this Title.
2. Site plan approvals are required prior to the issuance of a building permit.

D. Approval Criteria.

To promote appropriate development of property within the City, no application for site plan review shall be approved unless it is demonstrated that the application meets the standards of this Title, including performance criteria in 11-2-8 (E).

E. Application Submittal

1. A pre-application meeting with the Planning Department is required prior to the application submittal. A site plan review may be initiated by an owner of any property or any person, firm or corporation with the written consent of the owner of the property. A site plan application shall supply sufficient information about the development to assist the Planning Commission in making a decision on the site plan application.
2. An application for a site plan review shall be submitted on forms provided by the Planning Department and available on the City's website. Application shall expire eighteen (18) months after submittal, if not acted upon, provided however, the Planning Director may extend the application for six months for just cause.

F. Development Conformance To Site Plan Approval Requirements.

1. The applicant/owner and any assigns or successors in interest, is required to develop only in accordance with the proposals outlined and approved in the plan. Any materially different concept, use, building arrangement, etc., will not be approved-for building permits to be issued by the city until such plan is reviewed and considered for an amendment-by the Planning Commission.
2. Minor changes to an approved site plan may be approved by the Planning Director or designees that are consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improved or equivalent quality of materials or design. Any proposed changes that exceed 5% of the project area or that are deemed materially significant by the Planning Director shall require an amendment to the site plan and approval by the Planning Commission.

G. Development Standards.

In addition to the standards contained in this chapter, other development standards are found in CNO 11-9 through 11-12, and the North Ogden City Public Works Standards.

H. Notice of Decision/Development Agreement.

The site plan approval once granted shall be followed with a written notice of decision that shall identify the final requirements of all site plan review approvals. If deemed necessary, due to complex requirements, the Planning Commission may consider a development agreement if the applicant is willing, which shall be forwarded to the City Council for final determination.

I. Expiration of Permit.

If completed plans are not submitted and the appropriate fees are not paid for the use authorized by a site plan permit within a period of one year of the permit's issuance, the permit shall expire. The Planning Director may grant a maximum extension of one (1) year under exceptional circumstances, such as financial, material or labor shortages, if application for the extension is made prior to the expiration of the permit.

11-2-10: BOUNDARY LINE ADJUSTMENTS

A. Steps Outlined: The preparation, submission and review of all boundary line adjustments shall consist of the following three (3) basic steps:

1. Step 1: The application shall be reviewed by the Planning Department to ensure that it is complete and includes a recorded plat or record of survey drawn to scale of the proposed boundary line adjustment.
2. Step 2: If determined by the Planning Director to be necessary the application will be circulated to members of the Technical Review Committee for review, comment, and any recommended conditions.
3. Step 3: The Planning Director or his designee will write a notice of decision for the application and sign the plat or record of survey.

A. Recordation of Boundary Line Adjustments.

1. Following final approval the applicant is responsible to coordinate with the City to record the appropriate documents with the Weber County Recorder.
2. Public Improvements shall be required or a deferral agreement signed.

11-2-11: GENERAL DEVELOPMENT PROCEDURE FOR SUBDIVISIONS

A. Steps Outlined: The preparation, submission and review of all subdivision plats located inside the corporate limits of the City shall consists of four (4) basic review steps as follows:

1. Step 1: Pre-application meeting with the Planning Department.
2. Step 1a: Optional concept plan review with the Planning Commission. Applicants wanting to approach the Planning Commission before a formal application is submitted, may provide a concept plan (a conceptual layout of the proposed development). Planning staff consultation is recommended, but not required.
3. Step 2: Preliminary plat application. After the submittal of a complete application on the form available through the Planning Department or on the City's website the Preliminary Plat application will undergo review by the Technical Review Committee followed by the Planning Commission.
4. Step 3: Preliminary plat approval. The final technical approval is managed by the Planning Director.
5. Step 4: Final plat/improvement plans. Based on the final approval of the preliminary plat, the final plat and improvement plans are managed through the Planning Director.

11-2-12: PRELIMINARY SUBDIVISION PLAT

- A. This stage includes submission of the preliminary plat, for review by the Planning Department, the City Engineer, and those agencies and utilities having jurisdiction within the development.
- B. Actions by Subdivider.
 - 1. The subdivider shall meet with the Planning Director and submit a preliminary plat application consisting of electronic copies of the proposed Preliminary Plat with general information regarding land use, street and lot arrangement, tentative lot sizes, slopes, existing topography, proposed grading and building pad concepts, and such additional information as may be required by staff and described on the application form in order to complete the submittal. Applications will only be processed if complete.
 - 2. Tentative proposals shall be based on information from the City Engineer or other appropriate agencies regarding water supply, sewage disposal, drainage, detention and street improvements. Where methods may be considered unconventional, or private, these may be indicated by notes.
- C. Actions by Planning Department. The Planning Department shall discuss the proposal with the subdivider in general terms, advising the subdivider of the procedural steps, design and improvement standards, and general platting requirements. Depending on the scope of the proposed development, the Planning Department shall distribute the "concept plans" to the following agencies, requesting that the following investigations be made:
 - 3. Planning Department.
 - a. To check the existing zoning of the tract and its compliance with the general plan goals and objectives, including the proposed relationship to adjacent land uses and potential trails and park sites.
 - b. To review the compliance with subdivision ordinance regulations and any other applicable regulations.
 - 4. North Ogden City Engineer.
 - a. To review the relationship of the property to major streets, the culinary water distribution system, the storm-water collection system using LID techniques, line sizing and location, utility systems and any unusual characteristics such as topography, flooding, landscaping, etc.;
 - b. To determine street width and right of way requirements, driveway relationships, minimum curve requirements and other traffic control related characteristics;
 - c. To identify possible off site public improvements and dedications.
 - 5. Central Weber Sewer Improvement District. To review treatment plant capacity and other requirements of the district.
 - 6. North View Fire Department. To review the fire flow water system, line sizing and location and other requirements of the department.
 - 7. Other agencies having jurisdiction over the development shall be contacted and asked to provide an assessment of their capability to serve and potential infrastructure requirements.
- D. Conceptual Sketch Plan Review Process: Prior to the submission of a preliminary plat, the applicant may meet with the Planning Director to discuss the proposal and what constraints for development are believed to exist. Upon completion of this pre-application meeting, the

applicant may choose to present the conceptual sketch plan to the Planning Commission for initial feedback. The purpose of this presentation is to provide the applicant with an opportunity to present why the proposed development is appropriate for the site. The application shall provide a conceptual sketch plan which shall include the following:

1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views, and how they will be incorporated into the proposed development;
 2. Traffic flow patterns into, through, and out of the proposed development, including vehicular, pedestrian and other;
 3. The general location of housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and
- E. The existing land uses bordering the proposed site. The Planning Department shall convene the Technical Review Committee (TRC) to meet with the subdivider to provide a forum for comments from relevant agencies and City Departments, prior to a Planning Commission meeting. It is anticipated that the comments and clarifications from the TRC will result in modification of the Preliminary Plat submittal, which shall be accomplished prior to the Planning Commission meeting.
- A. Identification and descriptive data shall generally include an analysis of existing conditions on the site, sensitive lands, the lotting/block lengths, street extensions, and layout of the subdivision, Alta title report, utility systems/demands, and drainage and grading. Full details of the submittal requirements for a preliminary plat can be found on the application form on-line and in the City Offices. Subdivision names shall be coordinated with the County Recorder. Applications will only be processed if complete.
- B. Preliminary Plat Approval by the Planning Commission
1. Planning Commission Consideration. The Planning Commission shall consider the preliminary plat and the Technical Review Committee requirements and recommendations. If satisfied that all objectives and requirements of this chapter have been met, the Planning Commission may grant approval of the preliminary plat and make a notation of the Planning Commission approval on the copy retained in the permanent Planning Department file.
 2. Minor Revisions. If the plat is generally acceptable, but requires minor revisions, the Planning Commission may grant tentative approval and the required revisions will be noted in the minutes of the meeting.
 3. Denial. If the requirements of this Title have not been met, the Planning Commission may deny approval of the preliminary plat.
 4. If preliminary plat approval is granted by the Planning Commission, includes any required modifications, managing those changes becomes a responsibility of the Planning Department.
- A. The preliminary plat approval stage involves the resubmission of the preliminary plat to address the TRC comments. Planning Commission comments and staff guidance. Included in this stage is the review of the resubmitted plans and approval of the preliminary plat. The subdivider shall provide the department with all information essential to determine code compliance of the proposed development as described on the application form and combined with the requirements/comments from the process to date.

- B. Preliminary plat approval and authorization to proceed to the final plat is a responsibility of the Planning Director, in consultation with the City Engineer.
- C. Preliminary Plat Submission.
 - 1. Requirements. The applicant shall submit one electronic copy and 2 full sized, twenty four inch by thirty six inch (24" x 36"), blue or black line paper prints of the preliminary plat. Preliminary plats that correctly contain all of the information requested or required by the TRC, Planning Commission, and staff guidance shall be filed. Incomplete or incorrect submittals could cause delays in a preliminary plat being processed for final approval.
 - 2. Incomplete; Rejection. The submittal shall be checked by the department for content. If incomplete, the subdivider will be notified and given the opportunity to comply within five (5) days. If compliance has not been met, the submittal is rejected.
 - 3. Substantial Nonconformance. An applicant shall be required to submit a new preliminary plat application, including fees and begin the review process described above again if the preliminary plat application, including any resubmitted versions, is not in substantial conformance from the original application. Substantial nonconformance is considered to be the following.
 - a. An increase in the number of lots or units.
 - b. A change in the size or configuration of the area proposed to be disturbed.
 - c. The realignment of any vehicular rights of way or utility facilities.

11-2-13: FINAL SUBDIVISION PLAT

- A. This stage includes submission of the final design of the subdivision and engineering of public improvements, including submittal of the final plat, for review by the Planning Department, the City Engineer, and those agencies and utilities having jurisdiction within the development.
- B. Final Plat Preparation. The final plat shall be prepared in accordance with requirements set forth in this section and shall conform to the approved preliminary plat.
 - 1. Improvement Plans. Improvement plans shall be submitted in accordance with the procedures and standards adopted by the city.
 - 2. Filing Fee. As per the annual fee schedule established by the City Council.
 - 3. Information Required for Final Plat Submittal: As required through the application found on-line or at the City offices.
- C. Final Staff Approval.
 - 1. The applicant shall submit an electronic copy and 2 full sized twenty four inch by thirty six inch (24" x 36") blue or black line paper prints of the final plat. Final plats that correctly contain all of the information requested or required by the staff shall be filed with the Planning Department. All final plat applications shall not be processed until all required information is complete.
 - 2. The Planning Department shall approve the final plat if satisfied that all the requirements of preliminary approval, approved engineering plans and requirements of this Title have been met.
 - 3. The final approval of the Planning Department is valid for one year from the date of granting final approval . After the one year of approval has passed, the final approval

shall be null and void unless an extension of final approval has been requested by the developer and granted by the Planning Director.

4. During the time of final approval of the subdivision, the developer shall submit a copy of the subdivision mylar(s), subdivision improvement drawings, a copy of the subdivision improvement guarantee documents and any other documents the subdivider or City desires to record with the subdivision.
5. The Planning Director may grant a maximum of one extension for a period of one year. It may also grant a shorter time, depending on conditions of approval.
6. Land use authority chair's signature within the signature block on the plat and the date the map was approved by the land use authority.
7. After the plat has been signed and recorded, the City Engineer shall retain the recording copy until the City Engineer certifies that the final plat subdivision application is also complete.
8. Certification by the Planning Department Administrative Assistant attesting to the completion of the final plat and associated documents/engineering plans as per the Planning Director's authorization, allows the final plat to be recorded in the County Recorder's office. Such recordings shall be accomplished with both the City Recorder and the subdivider present. No final plats shall be recorded until the proper fees have been paid to the City and the County.
9. After the plat has been signed and recorded, the City Engineer shall retain the recording copy until the City Engineer certifies that the subdivision has been staked; that the engineering plans have been approved; computer closure of the plat has been received; that the subdivision improvement construction assurances are in the form and amount to the satisfaction of the City Engineer and the City Attorney, along with the engineer's estimated cost of said improvements has been received; and that any drainage or other restrictive easements have been signed, notarized and received from the subdivider.
10. A certificate of recordation by the County Recorder is caused to be placed on the recording copies and filed in the office of the County Recorder. (Copies with book and page number can be requested by the subdivider for the county's standard fee.)

11-2-14: SUBDIVISION AMENDMENT

- A. Any division of a lot in a recorded subdivision shall be processed in accordance with CCNO 11-2-11.
- A. Application Procedure. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved-by the same procedure, rules and regulations as for a subdivision per CCNO 11-2-10 and 11-2-11.
- B. Future Resubdivision Indicated. Whenever a parcel of land is laid out and platted and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be laid out and platted into building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extensions of such streets may be made a requirement of the plat.

A. Vacation of a Plat.

1. Authority. Any plat or any part of any plat may be vacated in compliance with and according to the terms of Utah Code §10-9-808, as amended.
2. Approval. Such an instrument shall be approved by the Planning Commission and City Council in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
3. Filing. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.
4. Owners. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

11-2-15: MINOR SUBDIVISIONS

- A. Steps Outlined: The preparation, submission and review of all minor subdivision plats located inside the corporate limits of the City shall consists of four (4) basic review steps as follows:
- a. Step 1: Optional pre-application meeting with Planning Department.
 - b. Step 2: Application submission and review by the Planning Department.
 - c. Step 3: If determined by the Planning Director to be necessary the application will be circulated to members of the Technical Review Committee for review, comment, and any recommended conditions.
 - d. Step 4: The Planning Director will write a notice of decision.

11-2-16: VARIANCE/APPEALS

- A. Variances and appeals shall be processed in accordance with CCNO 11-6-5 and 11-6-6.

11-2-17: ZONE MAP AND/OR TEXT AMENDMENT

- B. General Review Criteria. The City Council after a recommendation by the Planning Commission, using its legislative discretion, may amend the number, shape, boundary or area of any zoning district. The City Council may also amend any regulation or other provisions of a zoning district. The amendments may only occur in accordance with the following procedure.
- C. Submission: Any person, including staff, the Planning Commission or City Council, seeking an amendment to this Title or zoning map shall submit to the Planning Commission, on forms provided by the Planning Department including the following:.
1. A description of the specific amendment to this Title or zoning map.
 2. The reason and justification for the proposed amendment addressing all of the following:.
 - a. How the proposed amendment would further the purpose and intent of this Title;
 - b. How the proposed amendment is consistent with the General Plan.
 - c. How the proposed amendment meets the needs and policy of the City as expressed by the legislative body in sated goals and objectives ; and

- d. If the proposed amendment is inconsistent with the General Plan, the applicant shall submit, concurrently with the amendment application, an application for amendment to the General Plan.
- 3. Supporting documentation, maps, studies and any other information that would allow the City Council to make a decision.
- J. Council Initiated amendment. If the City Council initiates an amendment, the proposed amendment shall be submitted to the Planning Commission for its recommendation. The Planning Commission's recommendation shall be returned to the City Council for its consideration within thirty (30) days. If the Planning Commission needs additional time to review a proposed amendment and make a recommendation to the City Council, it must send a memorandum to the City Council explaining why the review is taking longer than thirty (30) days and must provide follow up memoranda explaining the progress and issues the Planning Commission are reviewing on the proposed amendment each additional thirty (30) days until a recommendation is made.
- K. In no case shall an application for a proposed amendment, other than amendments initiated by the City Council or Planning Commission, be reviewed by the Planning Commission for a period greater than ninety (90) days, unless permission for an extension is granted by the applicant. The Planning Commission shall provide good cause reasoning based on unresolved issues.
- L. Inaction by Commission. Failure of the Planning Commission to take action within the ninety (90) day period every thirty (30) days shall be deemed reviewed by the Planning Commission with a recommendation of denial. This procedure does not include changes or amendments made by the City Council after a public hearing.

11-2-18: GENERAL PLAN AMENDMENT

- A. General Review Criteria. In consideration of a proposed General Plan Amendment, whether proposed by the City or a landowner/authorized agent, the City shall determine if:
 - 1. The proposed change reflects a new idea that is an improvement over the concepts detailed in the General Plan.
 - 2. The proposed change reflects a positive trend that the General Plan did not consider.
 - 3. The proposed change furthers many of the goals of the Plan but not necessarily the future land use plan.
 - 4. The proposed change has little or no impact on the overall General Plan.
 - 5. If any of the above criteria are met by the proposal, the Planning Commission and City Council may approve the change. Since this is a legislative decision, the Planning Commission and City Council have discretion as to its' final resolution. Such proposals may involve development agreements to assure the concept promoted is developed as presented.
 - 6. Add criteria for major changes vs minor changes.
 - 7. City will look at the General Plan on a periodic basis which does not preclude a private citizen from requesting a plan amendment per application through the Planning Department.

11-2-19: MPC ZONE PROCESS AND APPLICATION REQUIREMENTS

- A. Steps Outlined: The submission and review process of a development application in the MPC zone consists of six (6) basic review steps as follows:
 1. Step 1: Pre-application meeting with the Planning Department.
 2. Step 2: City evaluation through the Technical Review Committee.
 3. Step 3: Planning Commission review: A public hearing following the procedure set forth in Section 11-2-17 for the rezoning of property shall be held and a recommendation made to the City Council, subject to any continuances as needed.
 4. Step 4: City Council review. A public meeting shall be held, following the procedure set forth in Section 11-2-17 for rezoning of property. The City Council may take any action permitted by law, including: approve the zone change and development agreement, modify as warranted, continue the application for additional information, or deny the application.
 5. Step 5: Planning Commission review of the site plans as a Conditional Use per the provisions of Section 11-2-8.
 6. Step 6: Final Development agreement approval with final plans by City Council. If significant variations from this Code are proposed, the development agreement shall require a public hearing
- B. A pre-application meeting with North Ogden City Planning Department is required prior to application submittal to review the approval process and requirements of the Zone.
 1. Zoning Application – completely fill out the current North Ogden zoning application available in the Planning Department and on the City’s website.
- C. Application Submission.
 1. The applicant shall submit a written statement describing the terms and conditions under which the property shall be developed and maintained subsequent to development. Such statements shall include any conditions, performance standards, and other reasonable restrictions as may be necessary to ensure the development and maintenance of the property in accordance with the approved development plan.
 2. The applicant shall submit a description of the objectives to be achieved by the development concept. The statement shall include, but is not limited to:
 1. The manner in which the proposed development meets or exceeds the intent of the North Ogden General Plan.
 2. The proposed architectural and site design concepts including style, colors, and type of materials, placement of structures to maximize views and take advantage of the site's natural characteristics.
 3. Specific concepts by which the proposed development shall make an orderly transition from existing or planned adjacent development including varied setbacks and facade treatment, open space elements, screening of parking areas, and landscaping of public or private open spaces and recreational facilities.
 4. The combination and coordination of architectural styles, building forms, building materials, and building relationships;

- a. Preservation and enhancement of desirable site characteristics such as natural topography, springs and streams, vegetation and geologic features, and the prevention of soil erosion.
 - b. Preservation of buildings which are architecturally or historically significant or contribute to the character of the City.
 - c. How the Use of design, landscape, and/or architectural features reinforce the theme of the development to create a pleasing environment;
 - d. Inclusion of any special development amenities that are in the interest of the general public.
 - e. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
 - f. Inclusion of varied types of housing.
 - g. Utilization of "green", Low Impact Development (LID), "Traditional Neighborhood" and "walkable" building techniques in development.
- D. Provide a Specific Plan including: a conceptual site plan, conceptual architectural renderings, exterior building materials lists, conceptual landscape plan, conceptual streetscapes, phasing plans, exterior lighting, interior site walkways and street connections. Consider addressing the design standards found in Section 11-9, Article K and the Site Design and Architectural features list found in Section 11-10, Article C.
- E. Complete the Development Agreement Template and include the following, as a minimum:
- 1. Duration of agreement.
 - 2. Legal description of the subject property.
 - 3. Proposed uses including a table of land use percentages and the number and type of dwelling units.
 - 4. Maximum density or intensity of the allowed uses and construction requirements, including, but not limited to, minimum and maximum building heights and building size.
 - 5. The Specific Plan described in #4 above, and/or Subdivision Layout Plan identifying, but not limited to, the location and arrangement of all allowed uses, circulation patterns, and all required dedications and improvements.
 - 6. A Phasing Schedule for all project phases and the timing for the provision of all features, dedications, and improvements.
 - 7. A listing of all project features and facilities both private and proposed to be public.
 - 8. A property management plan.
 - 9. Other conditions, terms, restrictions, and requirements for subsequent actions and approvals.
- F. Failure to provide accurate and full information concerning the above shall result in rejection of the application. Only complete applications shall be processed.
- G. Principal Reviews.
- Principal reviews shall be conducted by the following:
- 1. Planning Director
 - 2. Building Official
 - 3. Public Works Department
 - 4. City Engineer

5. Fire Department
6. Parks & Recreation Department

11-2-20: HILLSIDE PROTECTION ZONES

- A. Steps Outlined: The submission and review process consists of three (3) basic review steps:
 1. Step 1 – Conceptual Sketch Plan: The first step is submission to the Planning Director of a conceptual sketch plan to evaluate the appropriateness of the development based on the consideration of the existing features and perceived constraints of the proposed site.
 2. Step 2 – Preliminary Development Plan: The second step is submission and review of the development plan, which reflects the results of the engineering studies addressing site specific constraints identified in the engineering studies. If the applicant is subdividing the property, a preliminary plat in accordance with the procedures specified in the subdivision ordinance must also be submitted at this step. The engineering studies are to review the geomorphology, geology, faults, hydrology, slopes, soils, recharge, vegetation and wildlife, fire, and utility and parks constraints of the site. The purpose of this step is to determine if the site is safe to be developed as proposed by the development plan and, if applicable, preliminary plat. This step allows the reviewers to evaluate the mitigation measures proposed by the developer's engineers.
 3. Step 3 – Final Development Plan: The third step is submission of the final development plan and, if the applicant is subdividing, the final plat and improvement plans. The purpose of this step is to review compliance with the stipulations of the development plan or preliminary plat. It allows for a review of the improvement plans to assure that the development plans or subdivision improvement plans are designed in accordance with the public works standards of the city and with the mitigation measures required by the city. The review of the final plat is to assure that the plat conforms to the subdivision ordinance and the zoning ordinance of the city. Upon compliance with final approval, a final plat shall be recorded.
- B. Conceptual Sketch Plan Review Process: Prior to the submission of a preliminary development plan or preliminary plat, the applicant shall meet with the Planning Director to discuss the proposal and what constraints for development are believed to exist. Upon completion of this pre-application meeting, the applicant may choose to present the conceptual sketch plan to the Planning Commission for initial feedback. The purpose of this presentation is to provide the applicant with an opportunity to present why the proposed development is appropriate for the site. The application shall provide a conceptual sketch plan which shall include the following:
 1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views, and how they will be incorporated into the proposed development;
 2. Traffic flow patterns into, through, and out of the proposed development, including vehicular, pedestrian and other;
 3. The general location of housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and
 4. The existing land uses bordering the proposed site.
- C. Development Plan Review Process:
 1. Submission: Completely fill out the current North Ogden zoning application available in the Planning Department and on the City's website .

2. Preliminary Review: The Planning Commission, subject to the requirements of this Title, may approve, deny or approve with conditions, the preliminary development plan and preliminary plat (if applicable). In reviewing the preliminary development plan, the Planning Commission shall determine if the development plan:
 - a. Encourages better utilization of the land, develops a sense of community and is compatible with the neighborhood;
 - b. Meets the minimum requirements of this Title;
 - c. Provides for an adequate traffic circulation system; and
 - d. Meets the general intent and purpose of this Title and the general plan.
3. Final Review of Development Plan: The final development plan and final plat (if applicable), based on the conceptual sketch and preliminary plans, shall be presented to the Planning Commission.
4. Final Development Plan Approval: The Planning Commission, subject to the requirements of this Title, may approve, deny or approve with conditions the final development plan for the proposed development. The Planning Commission review of the final development plan shall include the following:
 - a. Whether or not the issues addressed by the Planning Commission during the conceptual, preliminary processes and the conditions established by the conditional use permit have been adequately addressed in the final development plan;
 - b. Any additional changes from the preliminary development plan proposed by the applicant; and
 - c. Any additional information relevant to the success of the proposed development.
5. Time Limitations: A final development plan shall be submitted for approval within twelve (12) months of the issuance of the preliminary development plan approval. Failure to submit a final development plan within the specified time period shall result in the preliminary development plan becoming null and void. However a onetime extension of six (6) months may be granted by the Planning Commission for a showing of good cause if such request is made prior to the expiration of the preliminary development plan.

11-3: HEARING AND PUBLICATION NOTICE PROVISIONS

11-3-1: NOTICING IN GENERAL.

- A. A public meeting is a meeting that is open to the public, with public comment at the discretion of the land use authority (the reviewing body).
- B. A public hearing is a meeting that is open to the public and public comment is encouraged. The type of meeting is determined by the type of application and the reviewing body/land use authority it is before.
- C. General Public Meeting Notice.
 1. Utah State Code requires that all public bodies must:
 - a. Post their agendas 24 hours before the meeting giving the date, time and place of meeting. Public notice requirements may be satisfied by posting written notice at the building where the meeting is to be held; on the Utah Public Meeting Notice website (<http://www.utah.gov/pmn/index.html>), and on North Ogden's website.

- b. Notify the applicant of the date, time, and place of the public meeting to consider the application; provide to each applicant a copy of any staff report and/or analysis or agency input regarding the pending application at least three business days before the public meeting; and notify the applicant of any final action on the application.

11-3-2: PUBLIC HEARING AND PUBLIC MEETING NOTICES FOR GENERAL PLAN

- A. Notice of Intent to prepare a General Plan or to amend a General Plan. In addition to the public meeting notice requirement above, notice of intent to prepare or adopt a General Plan or to make a General Plan amendment needs to be given to each affected entity which includes Weber County, the City website, local districts, special service districts under Utah Code Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Utah Code Title 11, Chapter 13, Interlocal Cooperation Act, specified public utilities, property owner (for specific amendments), property owners association (for specific amendments), or the Utah Department of Transportation, Automated Geographic Reference Center; Weber Area Council of Governments (WACOG), and the Utah Public Meeting Notice website (<http://www.utah.gov/pmn/index.html>).
- B. General Plan Public Hearings with the Planning Commission or City Council. A public hearing before the Planning Commission or City Council for General Plan adoption or amendments to the General Plan requires the same intent notice requirements listed above.
- C. Public meeting notices for General Plan discussions. For a General Plan related public meeting, for example, a workshop, the same general public meeting notice (Utah Public Notice website and the City website) is required.

11-3-3: GENERAL PUBLIC HEARINGS.

- A. Most public hearings the Planning Department sets are with the Planning Commission and City Council. The City Council is the legislative body, and is the only land use authority that can impose land use ordinances and regulations, after a recommendation from the Planning Commission, see 11-1-5. Public hearings have the same requirements as General Public Meeting Notices, except the listing will be for a public hearing and needs to be posted (Utah Public Notice website and the City website) 10 days ahead of the public hearing, notice sent to affected entities. When the Planning Department sets a date for a public hearing, 17 days is allotted for this process; 14 days is the 'ten business days with the weekend', and then three business days are added for the time it takes the paper or Utah Public meeting notice website to publish the hearing. There are some exceptions as discussed below that will require setting a date for a public hearing, because of time requirements in State Code.
- B. Under State Code, there are no requirements for notice to adjacent property owners except for amendments to or vacating a subdivision: "For an amendment to a subdivision, each city shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting." However, North Ogden City policy is that Subdivisions, Rezoning (map changes and text), and Conditional Use applications provide for courtesy notices to be mailed to the address of owner(s) of record within the area suggested for rezoning or a map change and to each property owner within 300 feet of the subject property.
- C. Courtesy notice is not given for administrative applications that are approved by the Planning Director.

- D. Special Provisions for Amending Subdivisions. The courtesy notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.
- E. Public hearings for vacating subdivisions, easements, roads, road rights of way, ordinances, or map amendments, have state code standards that require public hearing notice be given at least 10 business days in advance.
- F. If the legal notice is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

11-4: CONSTITUTIONAL TAKINGS PROCEDURES

11-4-1: POLICY CONSIDERATION.

- A. The city strongly favors, as a matter of policy, the careful consideration of matters involving constitutional taking claims invoked by a desire to be fair to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of government in lawfully regulating the use of real property and the public's right to require the dedication or exaction of property consistent with the constitution must be preserved. Consistent with this policy, the city desires to establish procedures to govern the review of actions that may involve the issue of constitutional taking. These procedures are intended to assist the city in its consideration of decisions that may involve constitutional takings. This chapter is further intended and shall be construed to review claims objectively and fairly by citizens seeking payment of just compensation as a result of city action, yet preserve the ability of the city to lawfully regulate real property and fulfill its other duties and functions.
- B. Actions by the city involving the physical taking or exaction of private real property is not a "constitutional taking" if the physical taking or exaction bears an essential nexus to a legitimate governmental interest and is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

11-4-2: GUIDELINES ADVISORY

- A. The guidelines adopted and decisions rendered pursuant to the provisions of this chapter are advisory, and shall not be construed to expand or limit the scope of the city's liability for a constitutional taking. The reviewing body or person shall not be required to make any determination under this Title, except pursuant to CCNO 11-5-4.

11-4-3: REVIEW OF DECISION

- A. Any owner of private real property who claims there has been a constitutional taking of his private real property may request a review of a final decision of any city officer, employee, board, commission or council. The following are specific procedures established for such a review:
 - 1. Determination Received. The person requesting review must have obtained a final and authoritative determination, internally, within the city, relative to the decision from which they are requesting review.

2. **Time Limit to File.** Within thirty (30) days from the date of the final determination that gave rise to the concern that a constitutional taking has occurred, the person requesting the review shall file in writing, in the office of the city recorder, a request for review of that decision. A copy shall also be filed with the city attorney.
3. **Review Scheduled.** The City Council or an individual or body designated by the City Council, shall immediately set a time to review the decision that gave rise to the constitutional taking claim.
4. **Information Required.** In addition to the written request for review, the applicant must submit to the City Manager, prior to the date of review, the following:
 - a. Name of applicant requesting review;
 - b. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for profit or not for profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
 - c. A detailed description of the grounds for the claim that there has been a constitutional taking;
 - d. A detailed description of the property taken;
 - e. Evidence and documentation as to the value of the property taken, including the date and cost as of the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
 - f. Nature of the protectable interest claimed to be affected (such as, but not limited to, fee simple ownership, leasehold interest);
 - g. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application;
 - h. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application;
 - i. The assessed value of and ad valorem taxes on the property for the previous three (3) years;
 - j. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, right of purchasers to assume the loan;
 - k. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years;
 - l. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property;
 - m. For income producing property, itemized income and expense statements from the property for the previous three (3) years;
 - n. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

- o. Additional information reasonably necessary, in the opinion of the City Council, to arrive at a conclusion concerning whether there has been a constitutional taking.
- 5. Certification of Completeness. An application shall not be deemed to be "complete" or "submitted" until the city certifies to the applicant that all materials and information required above have been received by the city. The city shall promptly notify the applicant of any incomplete application.
- 6. Review. The City Council shall review all the evidence related to and submitted by the applicant, city or any other interested party, and may hold a hearing to aid in the review.
- 7. Final Decision. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the city. The final decision shall be given in writing to the applicant and City Council that rendered the final determination that gave rise to the request for review.
- 8. Failure to Decide. If the City Council fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be affirmed.

11-4-4: REVIEWING GUIDELINES

- A. If the aggrieved private property owner chooses to follow this procedure, the City Council, shall review the facts and information presented by the applicant to determine whether or not the action by the city constitutes a "constitutional taking", as defined in this chapter. In doing so, they shall consider:
 - 1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;
 - 2. Whether a legitimate governmental interest exists for the action taken by the city;
 - 3. Whether the property and exaction taken is roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

11-5: NONCONFORMING USES, NONCONCOMPLYING STRUCTURES & OTHER NONCONFORMITIES

11-5-1: PURPOSE AND INTENT

- A. The purpose of this chapter is to regulate the use, maintenance, alteration, repair, extension and restoration of buildings and land which lawfully existed at the time of adoption of this Title, but which do not conform to the regulations for the district in which they are located.

11-5-2: CONTINUATION PERMITTED

- A. Except as otherwise herein provided, a nonconforming use or building may be continued under the following conditions:
 - 1. The lawful use of land, building or structure existing at the time of the passage of this Title, although such use does not conform to the provisions hereof for said land, may be continued. However, except for buildings to house animals and fowl, if such nonconforming building or use is discontinued for a period of twelve (12) months, it

shall be considered abandoned, and future use of said land or structure shall be in conformity with the provisions of this Title.

2. Nothing in this chapter shall prevent the reconstruction, repairing or rebuilding of a nonconforming structure, or part thereof, rendered necessary by deterioration or depreciation that does not exceed fifty percent (50%) of the value of said structure, as determined by an appraiser mutually agreed upon by the city and the owner of the building or structure.
3. Nothing in this chapter shall be interpreted as authorization to continue the use of a building or premises in violation of regulations in effect prior to the enactment of any amendment to this Title.
4. Nothing in this chapter shall prevent requiring the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by a proper authority.
5. Nothing in this chapter shall require any change in plans, construction or designated use of a building for which a building permit has been issued prior to the enactment of this Title, provided the construction shall be diligently pursued within sixty (60) days of the effective date hereof, and the building is completed and used according to such plans as filed within one year from the effective date hereof.
6. A nonconforming building, or portion thereof, which was specifically designed or, beyond a reasonable doubt, intended by the nature of its arrangement and construction, to be used in any way which would be nonconforming under this Title, but was not so used at the time this Title became effective, may, if not altered or repaired as prohibited elsewhere in this Title, be occupied or used for the purpose for which it was designed, arranged or intended, provided such building is so used within twelve (12) months after the effective date hereof. Otherwise, the use of such building shall conform to the provisions of this Title.

11-5-3: NORMAL MAINTENANCE OF NONCONFORMING BUILDINGS

- A. A nonconforming use may be repaired and maintained; provided, that there is no extension, alteration, expansion or substitution of the nonconforming building or nonconforming uses associated therewith.

11-5-4: RESTORATION OF DAMAGED BUILDINGS

- A. A nonconforming building which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such destruction may be continued or resumed; provided, that such restoration is started within a period of one year of destruction and is diligently prosecuted to completion.

11-15-5: EXTENSIONS, ALTERATIONS AND EXPANSIONS

- A. Conditions. A nonconforming building shall not be extended, substituted, altered, expanded or enlarged in any manner, unless:
 1. Such building, including such extensions and alterations, is made to conform to all of the regulations of the zone in which it is located; and

2. A conditional use permit, including site plan review, is approved by the Planning Commission pursuant to CCNO 11-2-8.
 3. All changes to distinguishing traits or primary features of the use of a building or land as evidenced by increased parking requirements, change of occupancy, change of outside storage or other features, occurring to existing properties after the effective date hereof, shall be subject to all of the provisions of this Title.
 4. The extension of a lawful use to any portion of an existing nonconforming building shall not be deemed the extension of a nonconforming use.
- B. Expansion of Nonconforming Use; Limitations. Any expansion of a nonconforming use shall be by conditional use permit subject to the following limitations:
1. No nonconforming use shall be extended to displace a conforming use.
 2. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

11-15-6: MOVING NONCONFORMING BUILDINGS

- A. No nonconforming building shall be moved in whole or in part to any other location on the lot or elsewhere, unless every portion of such building or structure is made to conform to all regulations of the zone in which it is relocated.

11-15-7: CHANGE OR SUBSTITUTION OF USE

- A. A nonconforming use may not be changed to or substituted by another use unless such other use is a conforming use, and the use shall not thereafter be changed back to a nonconforming use.

11-15-10: PARKING

- A. If a nonconforming building or business is damaged (less than 50 percent), and if it is allowed to be reconstructed subject to the provision of CCNO 11-15-6, the owner shall be required to provide only the number of parking spaces which existed prior to the destruction.
- B. If a nonconforming business expands, under a conditional use permit as allowed in CCNO 11-15-6, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.

11-15-11: REZONING AND ANNEXATION

Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, or for areas annexed into the city, the provisions of this chapter shall also apply to any nonconforming uses created by the boundary change or annexation.

11-6: APPEAL AUTHORITIES

11-6-1: PURPOSE AND INTENT

11-6-2: CONSIDERATION OF VARIANCES AND CERTAIN ZONING APPEALS BY ADMINISTRATIVE HEARING OFFICER

A. Reviewing Bodies

	Appeal Authority
Variance	Appointed Administrative Hearing Officer
Appeal of Administrative Decision	Appointed Administrative Hearing Officer
Appeal of Conditional Uses	Appointed Administrative Hearing Officer
Building Permit	Administrative Law Judge See CCNO 1-8

11-6-2: APPOINTMENT AND QUALIFICATIONS OF THE ADMINISTRATIVE HEARING OFFICER

- B. The Mayor, with the consent of the City Council, shall appoint an AHO to preside at administrative hearings
- C. The AHO shall serve for a term of two (2) years and, during that two (2) year term, shall be subject to removal by the Mayor only for cause.
- D. Cause for removal may be for any conduct unbecoming a hearing officer as determined by the City Council, dereliction of assigned duties, the existence of a bias or conflict of interest that might affect impartiality of decisions or the failure of the City Council to appropriate funding for the AHO position.
- E. The AHO may appeal a removal for cause to the City Council which shall uphold the removal if there is substantial evidence to support the Mayor's decision.
- F. A person appointed to serve as an AHO shall either be law trained or have significant experience with the requirements and operation of administrative hearing processes. The person appointed shall be free from any bias or conflict of interest that might affect impartiality of decisions.
- G. An AHO is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law.

11-6-3: POWERS OF ADMINISTRATIVE HEARING OFFICER (AHO)

- A. An AHO shall have authority to hold an administrative hearing for violations of this Title as authorized by the legislative body.
- B. An AHO may continue a hearing for good cause shown by one of the parties or if the administrative hearing officer independently determines that due process has not been adequately afforded to a party.

- C. Where specifically authorized by municipal ordinance, the administrative law judge and/or AHO shall have the authority to reverse or modify the decision of a city official.
- D. An AHO has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of: granting a continuance or modifying an administrative decision.
- E. An AHO shall not make any order that would require or allow a responsible person to violate state law or city ordinance.

11-6-4: PROCEDURES AT ADMINISTRATIVE HEARINGS

- A. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, upon request made in writing reasonably in advance of a hearing, the city shall provide to a responsible person requesting a hearing the opportunity to review documents, photographs or other tangible evidence it intends to present at the hearing and shall provide a list of the witnesses it intends to call at the hearing. Failure to request discovery shall not be a basis for a continuance. Complainant information shall not be disclosed or released unless the complainant is a witness at the hearing.
- B. Administrative hearings shall be held in person or virtually at city hall, open to the public and shall be recorded by audiotape.
- C. The responsible person shall have the right to be represented by an attorney or other advocate. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address, and telephone number should be given to the city attorney at least one day prior to the hearing. If such notice is not given, the hearing may be continued at the city's request, and all costs of the continuance shall be assessed to the responsible person.
- D. The burden to prove any raised defenses shall be upon the party raising any such defense and shall be established by a preponderance of the evidence.
- E. The administrative hearing officer(s) shall conduct all hearings in accordance with the Open and Public Meetings Act UCA 52-4 et seq.

11-6-5: APPEALS

- A. Authority. The applicant, or any other person or entity adversely affected by a decision of a city official administering or interpreting this Title, except the denial or granting of a conditional use permit, may appeal that decision applying this Title by alleging that there is error in any order, requirement, decision or determination made.
- B. Time Limit. Any person or entity adversely affected by decisions administering or interpreting this Title shall appeal the decision within ten days from the date of the decision. The AHO shall have no jurisdiction to hear untimely appeals.
- C. Application. The request for an administrative hearing shall be made in writing on a form provided by the City and submitted to the City Recorder with any requisite fees as adopted by the City Council.
- D. City Appeal. Any officer, department, board or bureau of the city affected by the grant or refusal of a land use permit or by any other decisions of the administrative officer in the administration or interpretation of this Title may appeal the decision ten days from the date of the decision. The AHO shall have no jurisdiction to hear untimely appeals.
- E. Burden of Proof. The person or entity making the appeal has the burden of proving that an error has been made.
- F. Decisions Applicable. Only decisions applying this Title may be appealed to AHO.

- G. Waiver or Modification Not Applicable: The AHO has no authority to waive or modify the terms or requirements of this Title.
- H. Decision Of AHO; Power and Authority. The AHO may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination from which the appeal is taken.
- I. Standard of Review. All processing and decisions shall be derived from the written record. The local appeal shall be de novo and any review following shall be on the record.
- J. Final Record of Decision. A decision is considered final on the date that the administrative hearing officer prepares written findings of fact and conclusions of law and submits them to the appellant and the City.

11-6-6: VARIANCES

- A. Application. Any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that that person owns, leases or in which that person holds some other vested interest may apply to the AHO for a variance from the terms of the zoning ordinance.
- B. Findings Required. The AHO may grant a variance only if all five (5) of the following findings are made:
 - 1. Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title; and
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district; and
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; and
 - 4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and
 - 5. The spirit of this Title is observed and substantial justice is done.
- C. Conditions of Unreasonable Hardship. In determining whether or not enforcement of this Title would cause unreasonable hardship under subsection B of this section, the AHO may not find an unreasonable hardship unless the alleged hardship:
 - 1. Is located on or associated with the property for which the variance is sought; and
 - 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. Unreasonable Hardship Determination. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection B of this section, the AHO may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. Special Circumstances. In determining whether or not there are special circumstances attached to the property under subsection B of this section, the AHO may find that special circumstances exist only if the special circumstances:
 - 1. Relate to the hardship complained of; and
 - 2. Deprive the property of privileges granted to other properties in the same district.
- F. Burden of Proof. The applicant shall bear the burden of proving that all of the conditions justifying the variance have been met.
- G. Run with Land. Variances run with the land.

- H. Use Variances Prohibited. The AHO and any other body may not grant use variances.
- I. Additional Requirements Imposed: In granting a variance, the AHO may impose additional requirements on the applicant that will:
 - 1. Mitigate any harmful effects of the variance; or
 - 2. Serve the purpose of the standard or requirement that is waived or modified.

11-6-7: TIME LIMITATION ON VARIANCE

- A. In the event the AHO does grant a variance in accordance with the provisions of this chapter, alterations in accordance with the variance must be activated within twelve (12) months after the date the variance is granted or the variance becomes null and void. The time limit of the variance may be extended an additional six (6) months by the AHO and then only if the petitioner shows adequate cause to AHO that circumstances necessitate a time extension.

11-6-8: DISTRICT COURT REVIEW

- A. No person may challenge in district court a land use decision until that person has exhausted the person's administrative remedies as provided above.
 - 1. A land use applicant or adversely affected party may file a petition for review of the decision with the district court within 30 days after the decision is final.
 - 2. The time under Subsection A.1 above to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman until 30 days after:
 - a. The arbitrator issues a final award; or
 - b. The property rights ombudsman issues a written statement declining to arbitrate or to appoint an arbitrator.
- B. A tolling operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
- C. A request for arbitration filed with the property rights ombudsman after the time under Subsection A.1 above to file a petition has expired does not affect the time to file a petition.
- D. A court shall presume that a land use regulation properly enacted under the authority of this chapter is valid; and determine only whether:
 - 1. The land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and
 - 2. It is reasonably debatable that the land use regulation is consistent with this chapter.
- E. A court shall presume that a final decision of the land use or appeal authority is valid; and Uphold the decision unless the decision is:
 - 1. Arbitrary and capricious; or
 - 2. Illegal.
- F. A decision is arbitrary and capricious if the decision is not supported by substantial evidence in the record.
- G. A decision is illegal if the decision is:
 - 1. Based on an incorrect interpretation of a land use regulation; or
 - 2. Contrary to law.

- H. A court may affirm or reverse the decision of a land use authority. If the court reverses a land use authority's decision, the court shall remand the matter to the land use authority with instructions to issue a decision consistent with the court's ruling.
 - 1. The provisions of Subsection A.1 above apply from the date on which the city takes final action on a land use application, if the municipality conformed with the notice provisions, or for any person who had actual notice of the pending decision.
 - 2. If the municipality has complied with UCA 10-9a-205, a challenge to the enactment of a land use regulation or General Plan may not be filed with the district court more than 30 days after the enactment.
 - a. A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.
 - 3. The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of its proceedings, including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.
 - a. If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection.
 - b. If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.
 - c. Tape Recordings: If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of subsection E of this section.
 - d. The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that it was improperly excluded.
 - e. If there is no record, the court may call witnesses and take evidence.
- I. The filing of a petition does not stay the decision of the land use authority or appeal authority, as the case may be.
 - 1. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue, a land use applicant may petition the appeal authority to stay its decision.
 - 2. Upon receipt of a petition to stay, the appeal authority may order its decision stayed pending district court review if the appeal authority finds it to be in the best interest of the municipality.
 - 3. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under UCA 13-43-204, the petitioner may seek an injunction staying the appeal authority's decision.
- J. If the court determines that a party initiated or pursued a challenge to the decision on a land use application in bad faith, the court may award attorney fees.
- K. Preparation Costs: The party appealing the order of AHO to the district court shall pay all costs associated with preparation of the record of the AHO proceeding, including the cost of preparing any transcript of the recording of the hearing.

11-7: DEFINITIONS

For the purposes of this Title, certain terms and words are defined and are used in this Title in that defined context. Any words in this Title not defined in this chapter shall be as defined in "Webster's Collegiate Dictionary"

A

ABUTTING: The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners.

ACCESS OR ACCESSWAY: The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Title.

ACCESSORY BUILDING, LARGE: A building which is six hundred (600) square feet or larger located on a lot with an existing principal or main use. The building's use may be for any accessory use allowed in the particular zone in which the lot is located. Allowed uses include: detached garage, personal storage, lawn care equipment, etc. If the large accessory building meets the definition of a garage, no home occupation may be allowed in the building.

ACCESSORY DWELLING UNIT: A subordinate dwelling, which has its own kitchen, living/sleeping area, and sanitation facilities which is: 1) within or attached to a single-family residential building, or 2) within a detached accessory structure associated with a single-family dwelling.

ACCESSORY BUILDING OR USE: A subordinate use or building customarily incidental to and located upon the same lot occupied by the principal or main use or building.

ACRE: An area of land containing forty three thousand five hundred sixty (43,560) square feet.

ADJACENT: Having a common endpoint or border.

ADMINISTRATIVE DECISION: Any final order, requirement, decision, determination or interpretation made by a Land Use Authority in the administration or the enforcement of this Title.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

A-FRAME SIGNS: A portable commercial sign used on a daily basis during the time when the business is open to advertise daily special food plates in the case of restaurants, cafes or cafeterias as well as daily merchandise on sale at other businesses.

AGENT OR OWNER: Any person who is legally authorized to act for the property owner.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening. "Agriculture" does not include any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

ALLEY: A public or private right of way, less than twenty six feet (26') wide, affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERNATIVE TOWER STRUCTURE: Clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers

AMBULATORY PERSON: Any individual, including one who uses a cane or other ambulatory support, who is physically and mentally capable, under emergency conditions, of finding a way to safety without assistance.

AMENDMENT: In reference to this Title, a change in the wording or substance of this Title, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

ANIMAL HOSPITAL: Facilities for the care, treatment and boarding of animals, including facilities within the term "veterinary clinic".

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

ANTIQUe: A product or other item of personal property that is sold or exchanged because of value derived, in whole or in part, because of its age, and not simply because the same is not a new product.

APIARY: Any place where one (1) or more colonies of bees are located.

APIARY EQUIPMENT: Hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax or hives.

APPLICANT: The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.

APPEAL AUTHORITY: The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

APPEAL: An action which permits anyone to arrange for a hearing before an individual or a group other than the individual or group from whose decision the appellant seeks redress, or a first request for action, depending on context. CCNO 11-6-5 addresses the appeal procedures available under this Title to adversely affected parties.

AUTOMOTIVE WRECKING: See definition of Junkyard.

B

BACKHAUL NETWORK: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BAR OR COCKTAIL LOUNGE: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

BARN: (*See also **building, agricultural***) A large accessory building used exclusively for the storage of grain, hay, and other farm products, or the sheltering of livestock or farm equipment.

BASEMENT: A story partly underground and having more than one-half ($\frac{1}{2}$) of its height below ground.

BED AND BREAKFAST ESTABLISHMENT: A dwelling in which the occupants of the dwelling provide, for compensation, seven (7) or less days' lodging and meals for guests, occupying not more than two (2) guestrooms, located within the same dwelling.

BEE: The common honey bee, *Apis mellifera*, at any state of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.

BEEKEEPING: To hold a colony of bees in a hive for the purpose of pollination, honey production, study or similar purpose, including the extraction of honey for personal and household use, and limited sale, if legal according to the requirements of state law, and less than the amount required for a business license.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries or boundary lines of municipalities.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

BUILDING AREA: The total area, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings and structures, exclusive of uncovered porches, terraces and steps. Decks over two and one-half feet ($2\frac{1}{2}'$) from the ground, and covered porches, are included in the building area.

BUILDING, AGRICULTURAL: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.

BUILDING, ATTACHED: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

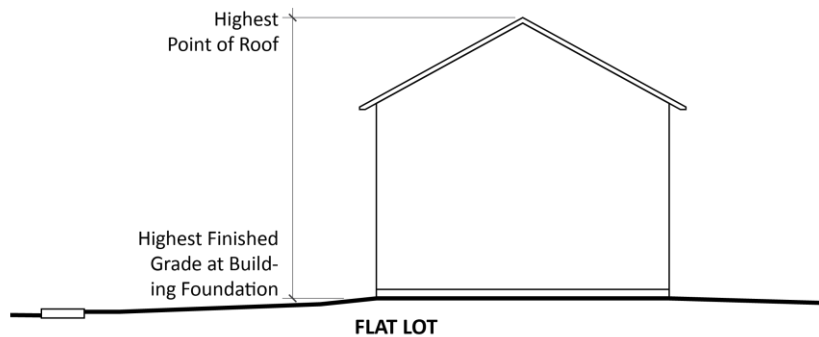
BUILDING, DETACHED: A building which is separated from another building or buildings on the same lot.

BUILDING FOOTPRINT: The area of the primary structure measured from the outside walls (excluding any overhanging portions) which includes indoor uses, such as attached garage, carport, utility room, laundry, etc. (including covered patios and breezeways), which are an integral part of the roof structure

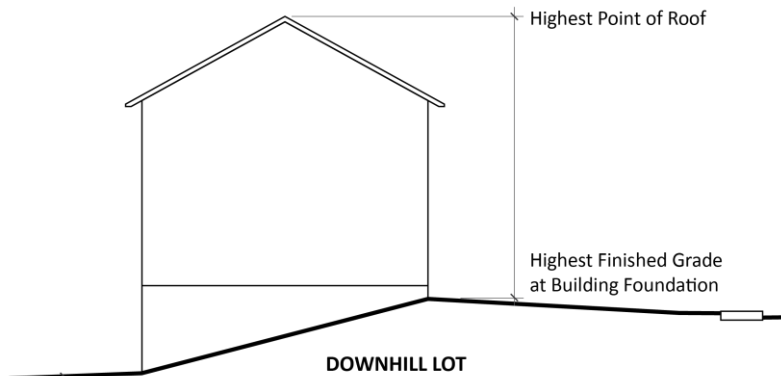
of the structure.

BUILDING, HEIGHT OF: The vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the building height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the Planning Director shall rule as to height.

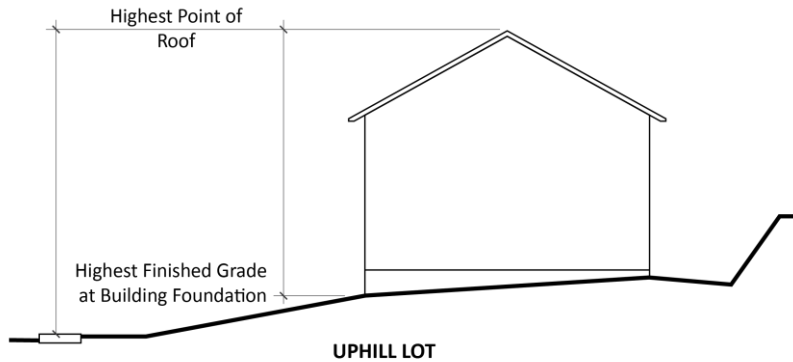
The height of a building on a flat lot is measured from the highest finished grade at the building foundation to the highest point of the roof. The definition of a "flat lot" is no more than three feet (3') of difference from the lowest point of the top back of curb to the highest point of the top back of curb on the building lot.



The height of a building on an uphill lot is measured from the lowest finished grade of the building foundation to the highest point of the roof.



The height of a building on a downhill lot is measured from the highest finished grade at the building foundation to the highest point of the roof.



BUILDING PERMIT: A permit required for erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the North Ogden City, as more fully defined in the international building code adopted by the City Council.

BUILDING, PRINCIPAL: A building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

BUILDING, PUBLIC: A building owned and operated, or owned and intended to be operated by a public agency of the United States of America or the state of Utah, or any of its subdivisions, or the City.

BUILDING SETBACK: The minimum distance as prescribed by this Title between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto. (See definitions of Yard; Yard, Front; Yard, Rear Corner; Yard, Rear Interior; Yard, Side Corner; and Yard, Side Interior)

C

CANNABIS CULTIVATION FACILITY: A person that possesses cannabis; grows or intends to grow cannabis; and sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

CANNABIS PHARMACY: A business, licensed by the State of Utah, to distribute cannabis products by prescription for medical purposes.

CANNABIS PROCESSING FACILITY: A person that acquires or intends to acquire cannabis from a cannabis production establishment; possesses cannabis with the intent to manufacture a cannabis product; manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

CANNABIS PRODUCTION ESTABLISHMENT: A cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

CAMPAIGN SIGN: The term “campaign sign” means a temporary sign soliciting support for a person running for public office or a sign supporting, defending or objecting to an issue or proposal being placed before the public.

CAMPGROUND: Any lot, parcel or tract of land used, designed, maintained and intended for rent of plots or sites to accommodate temporary camping by the traveling public, with or without sanitary facilities and water, and whether or not a charge is made for the use of the site and the facilities of the campground.

CAPITAL IMPROVEMENTS PROGRAM: A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual City operating expenses, for the purchase, construction or replacement of the physical assets for the community are included.

CARPORT: A roof supported by pillars or cantilevers, which shelters a car or other vehicle. May either extend from a structure (usually a house) or be constructed separately (often to accommodate several cars).

CEMETERY: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbaria, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such premises.

CHARTER SCHOOL: (i) an operating charter school;(ii)a charter school applicant that has its application approved by a charter school authorizer in accordance with UCA Title 53G, Chapter 5, Part 3, Charter School Authorization; or(iii)an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. "Charter school" does not include a therapeutic school.

CHURCH: A permanently located building commonly used for religious worship, fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

CITY: A political subdivision of the state of Utah and is referred to herein as “North Ogden City” or “the City.”

CITY COUNCIL OR COUNCIL: The Mayor and Council of North Ogden City.

CLASSROOM: An area of space located within a commercial or residential structure or other structure accessory thereto, excluding nurseries and daycare use, which is utilized in bringing two (2) or more persons together for the purpose of instruction, supervision, care, recreation or other such uses. The number of classroom occupants is governed by the minimum egress and access requirements pertaining to classrooms as set forth in the adopted edition of the international building code.

CLEARING: The removal and disposal of all obstructions, such as fences, walls, foundations, buildings and existing structures, and accumulations of rubbish of whatever nature. Also the substantial removal of trees, shrubs, cacti, and other indigenous vegetation, but not including grass and weeds considered to be a potential fire hazard.

CLINIC: A place for the provision of group medical services, not involving overnight housing of patients.

CLUBHOUSE: A building, located on a golf course with nine (9) or more holes, that contains one or more of the following facilities: pro shop for the retailing of clothing and golf accessories; the golf course's own cart rental and maintenance facility (does not include golf cart sales and the maintenance of golf carts not rented by the golf course); restaurant with or without alcoholic beverage service; and the golf course's administrative office.

CLUSTER HOUSING: Houses built close together with little yard space and a large common area, rather than each house having a large separate yard.

COLONY: Bees in any hive including queens, workers, or drones.

COMMISSION: The North Ogden City Planning Commission.

COLLOCATION: The reasonable sharing of tower space by more than one user or provider of a wireless telecommunications service.

COMMON OPEN SPACE: Open space usable by all the people within a certain development; provided, that such area is commonly owned by all the property owners in that development.

COMMUNITY CORRECTIONS FACILITY: A facility which provides lodging and meals and, primarily, counseling, treatment and rehabilitation to adjudicated delinquents, parolees and individuals in prerelease (transitional) or diversionary programs from correctional institutions.

COMMUNITY SIGN: A temporary sign erected within the City owned or controlled right of way solely for the purpose of advertising or announcing a special community wide event or activity conducted or cosponsored by the City. A special community wide event or activity is one which occurs not more than twice in a twelve (12) month period and seeks to attract donations or participants throughout the City.

COMPLETE APPLICATION: When the applicant provides a land use application in a form that complies with the requirements of this Title and applicable ordinances and pays all applicable fees.

CONDITIONAL USE: A permitted land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that substantially mitigate the reasonably anticipated detrimental effects.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless a declaration is recorded submitting the real estate to the terms of the Utah condominium act and the undivided interests in the common elements are vested in the unit owners.

CONTIGUOUS: Sharing a common border, touching along a boundary or point.

CONSTRUCTION SITE: A site on which a construction permit or building permit has been issued by North Ogden City.

CONVALESCENT HOME: See definition of Nursing Home.

CORRAL: A fenced space less than one acre in area, or less than one hundred feet (100') in width, used for the confinement of animals.

COUNTY: Weber County, Utah.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

D

DAIRY: A commercial establishment for the manufacture or processing of dairy products.

DAYCARE CENTER: Any building or structure, other than an occupied residence, furnishing care, supervision and guidance for three (3) or more children unaccompanied by parent or guardian for periods of less than twenty four (24) hours per day.

DENSITY: The average number of families, persons or housing units per unit of land; usually density is expressed "per acre". Thus, the density of a development of three hundred (300) units occupying forty (40) acres is seven and one-half (7.5) units per acre.

DEVELOPER: Any person who undertakes to develop land, including subdividers.

DEVELOPMENT: The improvement of any tract, lot, or parcel of land by construction thereon.

DEVELOPMENT ACTIVITY: Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include residential and commercial users who are not currently connected to any of the City's public facilities systems but will be located within the City service area.

DEVELOPMENT APPROVAL: Any written authorization from the City that authorizes the commencement of development activity.

DEVELOPED COMMON ACTIVITY AREA: Open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic pavilions and gazebos. Title to developed common activity area shall be held in common or in private ownership, provided that all residents of the PUD shall be granted access to the developed common activity area.

DISABILITY: a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 USC 802.

DISTURBANCE: Clearing, grubbing, excavation and/or filling.

DRIVE-IN RESTAURANT: Any establishment primarily where food or beverages are dispensed and are

primarily consumed in the patron's vehicle.

DRIVE-IN THEATER: An open air theater where the performance is viewed by all, or part, of the audience from motor vehicles.

DRIVEWAY, PRIMARY: An improved point of access which connects a public right-of-way to a parking lot, or garage.

DRIVEWAY SECONDARY: An improved point of access connecting internal to a site which does not have direct access to a public right-of-way.

DWELLING: A building or portion thereof designed for residential use which is constructed in compliance with the City's adopted building, plumbing, electrical and health codes and regulations. The term "dwelling" includes manufactured and modular homes when the requirements of CCNO 11-13 are met.

DWELLING, ATTACHED: Two (2) or more dwelling units connected by at least one wall or floor of common construction.

DWELLING, FOUR-FAMILY: A dwelling arranged or designed to be occupied by four (4) families for residential purposes, the structure having only four (4) dwelling units.

DWELLING, MULTIPLE-FAMILY: A dwelling located in a building containing more than one dwelling.

DWELLING, SINGLE-FAMILY: A detached dwelling arranged or designed to be occupied by one family for residential purposes, the structure having only one dwelling unit.

DWELLING, THREE-FAMILY: A dwelling arranged or designed to be occupied by three (3) families for residential purposes, the structure having only three (3) dwelling units.

DWELLING, TWIN HOME: A structure containing an attached two-car garage or carport for each unit, with two (2) dwelling units that are legally subdivided into separate housing units and divided by a common wall. Such structure must be located on two (2) lots that have the common property line on the common division wall.

DWELLING, TWO-FAMILY OR DUPLEX: A dwelling arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING UNIT. A structure for human habitation which shall not include a mobile living unit such as a motor home or trailer coach, or a hotel, dormitory, hospital, rooming house or tent. A single unit providing complete independent living facilities for one or more persons, including permanent kitchen and sanitation facilities, and provisions for living, sleeping, and eating.

E

EASEMENT: A specified area on a lot or parcel of land reserved or used for the location of and/or access to, utilities, drainage or other physical access purposes, or for preservation of undisturbed terrain for the benefit of the general public. An easement also includes private rights of way that one property owner grants to another party to use the grantor's property for the grantee's purposes, such as, but not

limited to, access to the grantee's property.

ELDERLY: A person who is sixty five (65) years of age or older.

ELECTRONIC MESSAGE DISPLAY SIGN: A sign, which uses changing patterns of lights to display public information and/or commercial messages. These signs include displays using incandescent lamps, LEDs, or LCDs.

ENTERTAINMENT USES: Businesses that provide entertainment opportunities to the surrounding community such as motion picture theaters, live theater, musical performance venues, art galleries, commercial recreation, dance halls, amusement businesses, etc.

ERECT: To build, to build upon, to add to, to alter, to construct, to reconstruct, to move upon, or to undertake any other physical operations on the land, which is required for a building or structure.

EXCAVATION: The removal of earthen material, resulting in a lowering of the grade at the location.

EXISTING STRUCTURE: Light poles, power poles, chimneys, billboards and other similar structures which are placed within the City at the time of adoption of this chapter, except existing buildings.

F

FAA: The Federal Aviation Administration.

FACADE: All exterior walls of a building or structure.

FAMILY: An individual, or two (2) or more persons related by blood or marriage, or a group of persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

FARM: An area of not less than two (2) contiguous acres which is used for the commercial production of farm crops, such as vegetables, fruit trees, cotton, grain and other crops, and their storage on the area, as well as the raising thereon of "domesticated animals", defined as horses, cows, sheep, goats, rabbits and fowl (i.e., chickens, pheasants, turkeys, ducks, geese and pigeons). The term "farm" includes the operating of such an area for one or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce; provided, that the operation of any such accessory use is secondary to that of the farm activities; and provided further, that the farm activities do not include commercial feeding of offal to swine or other animals.

FARM ANIMALS: The general list of animals raised for food or recreational purposes such as cows, horses, pigs, chickens, goats, sheep, etc.

FASCIA SIGN: A sign which is permanently affixed to the horizontal member or surface at the edge of a projecting roof.



FCC: The federal communications commission.

FENCE: A tangible barrier or obstruction of any material, or a line of obstacles interposed along a line between two (2) portions of land above the surface of the ground on each side thereof, with the purpose, intent, or having the effect of preventing passage or view across the fence line. This definition includes hedges and walls when used for these purposes.

FILLING: The dumping or depositing of earthen material resulting in the raising of the grade at that location.

FINAL PLAT: The final drawing of the subdivision and dedication prepared for filing for record with the county recorder and in compliance with all the requirements set forth in this Title and adopted pursuant thereto.

FIRE AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

FLOOR AREA: The gross square footage of a building. When considering minimum off street parking area, floor area may also include the open land needed for service to the public as customers, patrons, clients or patients, including area occupied by fixtures and equipment used for display or sale of merchandise.

FLYWAY BARRIER: A solid fence or hedge used in beekeeping, at least six feet (6') in height extending ten feet (10') from the hive in each direction. It is used to force bees to fly at least six feet (6') above ground over neighboring property lines.

FREESTANDING SIGN: A sign which has its own supporting structure independent of any building or structure.

FRONTAGE: All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street lines. An intercepting street shall determine only the boundary of the frontage on the side of the street it intercepts.

FUTURE DEVELOPMENT SIGNS: Signs announcing the proposed development of property in nonresidential zoning districts only prior to issuance of a building permit for the purpose of displaying the name of the project, contractors, architect and any additional information pertaining to the site on which the signs are located.

G

GARAGE, CARPORT: See definition of Carport.

GARAGE, PRIVATE: An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common. A private garage may not be used for storage of any truck which has a gross vehicle weight rating of more than twelve thousand (12,000) pounds as specified in the vehicle's registration under the motor vehicle laws.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GARAGE SALE: A sale held by up to four (4) separate owners or occupants of property in a residential zone held at one of the properties to sell used property which the owners or occupants formerly used at their properties.

GENERAL PLAN: A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Utah Code §§ 10-9-301 and 10-9-302. "General Plan" includes what is also commonly referred to as "master plan".

GOLF COURSE: A course on which golf is played.

GRADE: For buildings adjoining one street only, the elevation of the sidewalk at the center of that walk adjoining the street.

For buildings adjoining more than one street, the average of the elevations of the sidewalk at the center point of the building walls that adjoin the streets.

For buildings having no walk adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walks approximately parallel to, and not more than five feet (5') from, a property line are to be considered as adjoining a street.

GRADE, FINISHED: Final elevation of the ground surface conforming to the approved grading plans.

GRADE, NATURAL: Elevation of the natural or undisturbed ground surface prior to any grading operation. If "natural grade" can no longer be determined, then the grade elevation existing on March

17, 1999, as shown on the City's topographical maps of that date, shall be used in lieu thereof. If a parcel of land is not shown on the March 17, 1999, topographical maps, "natural grade" shall be as shown on a topographical map that has been both prepared after March 17, 1999 and that is acceptable to the City Engineer.

GRADING: The process of changing gradients of land by contouring, smoothing or otherwise shaping land areas by excavating or filling, or a combination thereof.

GROSS ACREAGE: The total amount of acreage in a subdivision or PUD.

GROUP HOME: A home where a small number of unrelated people in need of care, support, or supervision can live together and is licensed by the State of Utah as such.

GRUBBING: The elimination of roots from the ground by digging or pulling.

GUEST: Any transient person who rents or occupies a room or structure for sleeping purposes.

GUEST HOUSE: Living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall not be rented and/or otherwise used for income producing purposes.

GUEST RANCH: A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational facilities such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to customers other than guests of the guest ranch.

GUEST ROOM: A room designed for occupancy by one or more guests for sleeping purposes, but having no cooking facilities.

H

HAZARDOUS MATERIALS: Any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric materials, and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

HEIGHT: When referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the Planning Director shall rule as to height, and appeal from that decision shall be to the Appeal Authority.

HIVE: A structure designed to contain one colony of honeybees. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME DAYCARE CENTER: A residential facility in which care for nonresidents is provided for periods of less than twenty four (24) hours per day.

HOME OCCUPATION: An income producing use of residential property, which is incidental, secondary, and accessory to the primary use of the dwelling for living purposes, and compatible to the residential uses permitted by the zone within which the property lies.

HOSPITAL: A place for the treatment or care of human ailments, where overnight lodging for patients is provided, other than nursing homes.

HOTEL: A building designed for or occupied as the temporary abiding place for individuals who, for compensation are lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.

HOUSEHOLD PETS: Animals which are usually kept as pets and which are kept in residential areas solely for personal pleasure. "Household pets" shall not include swine of any kind, cattle, goats, fowl or dangerous animals. Animals which are usually kept as household pets are domesticated animals if they are kept for profit and bred on the premises. "Household pets" include:

1. Dogs;
2. Cats;
3. Fish;
4. Gerbils;
5. Guinea pigs;
6. Hamsters;
7. Rabbits;
8. Nonpoisonous lizards less than one foot (1') long, no more than two (2);
9. Nonpoisonous snakes less than three feet (3') long;
10. Turtles less than one foot (1') long;
11. Parrots;
12. Parakeets; and
13. Budgerigars.

|

IDENTICAL PLANS: Building plans submitted to a municipality that: a) are clearly marked as "identical plans";(b)are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and (c)describe a building that:(i)is located on land zoned the same as the land on which the building described in the previously approved plans is located;(ii)is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;(iii)has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and(iv)does not require any additional engineering or analysis.

ILLUMINATED SIGN: A sign which is lighted, either externally or internally.

IMPACT FEE: A payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special

assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees. Title 11, Chapter 36a of the Impact Fees Act.

IMPACT FEE ANALYSIS or "IFA": The written analysis required by Title 11, Chapter 36a of the Impact Fees Act.

IMPACT FEE FACILITIES PLAN: The plan required by Title 11, Chapter 36a-301 of the Impact Fees Act.

IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:(a) recording a subdivision plat; or (b)development of a commercial, industrial, mixed use, or multifamily project.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:(a) complies with the municipality's written standards for design, materials, and workmanship; and (b)will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVMENT WARRANTY PERIOD: A period:(a)no later than one year after a municipality's acceptance of required landscaping; or(b)no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and (ii) has substantial evidence, on record:(A) of prior poor performance by the applicant; or(B)that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that is essential for the public health and safety or that:(a) is required for human occupation; and (b) an applicant must install:(i) in accordance with published installation and inspection specifications for public improvements; and (ii) whether the improvement is public or private, as a condition of:(A) recording a subdivision plat;(B) obtaining a building permit; or (C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

INDIVIDUAL: Any private individual, tenant, lessee, owner or any commercial entity, including, but not limited to, companies, partnerships, joint ventures or corporations.

J

JUNK: Any old or scrap metal, rope, rags, batteries, paper, trash, wood, glass, plastic and/or rubber debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

JUNKYARD: The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

K

KENNEL: Any premises where dogs are either bred or boarded, and/or trained. Having one litter up to three (3) months of age is not considered to be a kennel. See CCNO 6-1, Animal Control for more information.

KITCHEN: Any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.

L

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: An application that is (i) required by a municipality; and (ii) submitted by a land use applicant to obtain a land use decision; and (b) does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY: a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or (b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use application; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

LAND USE PERMIT: A permit issued by a land use authority.

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; (a) includes the adoption or amendment of a zoning map or the text of the zoning code; and (b) does not include: (i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or (ii) a temporary revision to an engineering specification that does not materially: (A) increase a land use applicant's cost of development compared to the existing specification; or (B) impact a land use applicant's use of land.

LANDSCAPING: An area which has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement, except for pedestrian walkways.

LAUNDRY, SELF-SERVICE: A building within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry or dry cleaning. "Self-service laundry" does not include outdoor drying facilities.

LEGISLATIVE BODY: The North Ogden City Council.

LIVING SPACE: The habitable portions of a residence including bedrooms, living rooms, bathrooms and kitchens and excluding crawl spaces, unfinished basements and garages.

LOADING AND UNLOADING SPACES: A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten feet (10') in width, twenty feet (20') in length, and fourteen feet (14') in height.

LOT: A single piece of property located in a recorded subdivision, having frontage on a publicly dedicated and accepted street or an approved private road, which is described and denoted as such.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot which has an interior angle of one hundred thirty five degrees (135°) or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty five degrees (135°) or less.

LOT COVERAGE: That portion of a lot or parcel which is occupied by any building or other covered structure, excepting paved areas, walks and swimming pools.

LOT DEPTH: The horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

LOT, FLAG: A flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage less than the required frontage on a dedicated street.

LOT FRONTAGE: The horizontal length of the front lot line.

LOT, INTERIOR: A lot, other than a corner lot or flag lot, meeting the requirements of the zone in which it is located.

LOT IMPROVEMENT: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property or any part of such betterment. Certain lot improvements shall be properly bonded or escrowed as provided in these regulations.

LOT, RESTRICTED (R LOT): A lot having an average slope of twenty percent (20%) or more which contains a building area of at least two thousand five hundred (2,500) square feet and/or a lot which contains or is susceptible to special events or conditions, including, but not limited to, flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, and snow, mud, and debris slides. Such lot shall be subject to and regulated and developed in accordance with the restricted lot development ordinance, the North Ogden City zoning ordinance, and the North Ogden City subdivision ordinance. All R lots shall be clearly identified on the recorded plat.

LOT LINE: The line bounding a lot.

LOT LINE, ADJUSTMENT: A relocation of a lot line boundary between adjoining lots or parcels, whether or not the lots are located in the same subdivision, in accordance with Section 10-9a-608, with the consent of the owners of record.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street right of way. In the case of a corner lot, the shorter of the two (2) lot lines adjoining a street right of way.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line. In the case of a lot having five (5) or more sides, the rear lot line shall be any lot line, other than the front lot line, which intersects a side or a street side lot line at any angle less than one hundred thirty five degrees (135°). An Exception shall apply in the case where one of the connected property lines, having an angle of less than 135 degrees, is twenty (20) feet or less, these property lines are considered a side yard lot line.

LOT LINE, SIDE: Those lot lines other than a street side lot line that connects the front and rear lot lines.

LOT LINE, STREET SIDE: That lot line or lines on a corner lot adjoining a street right of way that connects the front lot line to a rear lot line.

LOT, THROUGH: A lot which has street right of way frontage on two (2) non adjoining sides.

LOT WIDTH: For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines shall be measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines shall be measured thirty feet (30') behind the required minimum front yard line on a line parallel to the street or street chord.

M

MANSARD AND PARAPET SIGNS: A sign permanently affixed to a wall or surface not more than twenty degrees (20°) from vertical at the upper edge of a building and running parallel with the mansard roofline or parapet upon which the sign is attached.

MANUFACTURED HOME: A structure, intended for residential use, transportable in one or more sections, including the plumbing, heating, air conditioning and electrical systems contained in such structure. The term "manufactured home" includes mobile homes, modular homes and travel trailers.

MANUFACTURING: The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

MASSAGE ESTABLISHMENT: Any establishment where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any "massage activities", defined as any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance.

MINIMUM VEGETATIVE AREA: The minimum area required to be vegetated to comply with the open space requirements of the City.

MOBILE HOME: A manufactured home:

1. Which is built prior to June 15, 1976, in compliance with the federal home construction and safety act of 1974; and
2. Which:
 1. In traveling mode is more than eight feet (8') wide and forty feet (40') in length; or
 2. When erected, containing four hundred (400) or more square feet of living space; and
 3. Which is not a modular home.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the City is located.

MODULAR HOME: A manufactured home:

1. Which is built on or after June 15, 1976, in compliance with the federal home construction and safety standards act of 1974; and
2. Which:
 1. In traveling mode is more than eight feet (8') wide and forty feet (40') in length; or
 2. When erected contains four hundred (400) or more square feet of living space; and
3. Which has been attached to a permanent foundation in accordance with the applicable building codes adopted by the City, including meeting all applicable standards for:
 1. Vertical loads;
 2. Uplift;
 3. Lateral forces; and
 4. Frost protection; and
4. Where all of the home's appendages, including carports, garages, storage buildings, additions and alterations comply with the applicable building codes.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including auto courts, tourist courts or motor lodges.

MONUMENT SIGN: Monument sign is a freestanding sign whose sign face extends to the ground or to a base.

MULTI-TENANT COMPLEX OR SHOPPING CENTER UNDER TEN ACRES: A building or a complex of buildings on a single site, less than ten (10) acres, having uniform management and at least six (6) potential tenants with exclusive access and independent operation.

N

NATIVE VEGETATION: Indigenous plant materials of northern Utah.

NATURAL: The condition of the land, vegetation, rocks and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.

NATURAL OPEN SPACE: Areas of any parcel of land that includes hillsides, sagebrush, or natural vegetation that is left undeveloped and dedicated, designated, or reserved as Open Space.

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

NATURAL WATERWAYS: Those areas, varying in width along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the City Engineer, and within which areas no buildings shall be constructed.

NET ACREAGE: The total amount of acreage in a PUD or Group Dwelling development excluding rights of way or roads and "undevelopable land" such as unmitigated natural hazard areas, wetland areas and floodplains.

NONCOMMERCIAL SIGN: A sign which expresses, conveys or advocates a noncommercial message.

NONCOMFORMING SIGN OR SIGN STRUCTURE: A sign or sign structure or portion thereof lawfully existing at the time the ordinance codified in this chapter became effective, which does not conform to all height, area, and yard regulations prescribed in the zone in which it is located.

NONCOMPLYING STRUCTURE: A structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

NONCONFORMING USE: A use of land that legally existed before its current zoning designation that has been maintained continuously since the time the zoning regulation governing the land changed, and because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

NUISANCE: Anything, condition or use of property which endangers life or health, gives offense to the senses and/or obstructs the reasonable and comfortable use of other property.

NURSING HOME: A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

NURSERY: A commercial operation for the growth and sale of plants, storage of equipment for landscaping and the wholesale or retail sale of commercial gardening supplies.

○

OFF STREET PARKING AND LOADING FACILITIES: A site or a portion of a site devoted to the off street parking of motor vehicles, including parking spaces, aisles and access driveways.

OFFICE: A room or rooms and accessory facilities for the managing or conducting of a business.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and has been adopted as an element of the municipality's general plan.

OFF-SITE: Outside the boundaries of a specific parcel of land being developed or considered for development.

ON-SITE: Within a parcel of land owned by a private citizen or by a private legal entity.

OPEN SPACE: Any parcel or area of land or water unimproved or improved only with landscaping, , site furnishings, playground equipment, trails, trailheads, 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.

OPEN GREEN SPACE: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development shall have a right to enter and use the open space. It should be unoccupied and unobstructed by buildings and hard surfaces such as asphalt or concrete, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

OUTDOOR STORAGE: The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty four (24) hours.

P

PARCEL: Any real property that is not a lot created by and shown on a subdivision plat recorded in the office of the county recorder.

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

PARKING AREA: An area designed and constructed and used exclusively for the parking, storage and maneuvering of vehicles. Such area shall conform to CCNO 11-17.

PARKING SPACE: A permanently surfaced area, enclosed or unenclosed, of not less than nine feet (9') in width, and nineteen feet (19') in depth, together with a driveway connecting the parking space with a street and permitting ingress and egress of the automobile. (See CCNO 11-17.)

PERIPHERY: A one hundred foot (100') depth around the perimeter of the project measured inward from the property line.

PERSON, DISABLED: A person who has a disability (now defined).

PLAN FOR MODFERATE INCOME HOUSING: A written document adopted by the legislative body that includes:(a)an estimate of the existing supply of moderate income housing located within the City;(b) an estimate of the need for moderate income housing in the City for the next five years;(c) a survey of total residential land use;(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and (e) a description of the City's program to encourage an adequate supply of moderate income housing.

PLANNED UNIT DEVELOPMENT: A development on a site of five (5) or more acres in size, containing one-family, two-family, three-family, four-family or multiple-family dwellings, or combination thereof, together with such recreational areas, open spaces and other facilities as permitted in the zone in which the development is located and meeting the requirements of CCNO 11-11.

PLANNING COMMISSION: The North Ogden City Planning Commission.

PLANNING DIRECTOR: The official charged with the responsibility of managing the processes and duties defined in this ordinance and the official's designee

PLAT: A map, plan or depiction of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

PLAT, FINAL: A proposed subdivision drawn accurately to scale and which has all measurements, data, certificates and dedications thereon which are required for approval and acceptance by the proper agencies and for recording in the office of the county recorder.

PORTABLE SIGN: A commercial sign which is not permanently affixed to a structure or permanently ground mounted, including A-frame signs.



PORTABLE STORAGE CONTAINER: A movable weather resistant container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other portable structures, which are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise. This definition shall not include accessory buildings or a building approved for construction. Portable storage containers shall be subject to the regulations set forth in CCNO 11-10-31.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS: Any tower or antenna for which a building permit has been properly issued prior to the effective date hereof, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

PROFESSIONAL OFFICE: Any building, structure, or portion thereof, used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist or other similar professions.

PROPORTIONATE SHARE: An amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

PUBLIC BUILDING: Facilities for conducting public business occupied by various public agencies. This includes all federal, state, county, and city offices and buildings.

PUBLIC HEARING: A hearing held to receive public testimony or comment as required by law or at the direction of the Planning Commission or City Council.

PUBLIC MEETING: A meeting that is required to be open to the public under Title 52, Chapter 4 of the Open and Public Meetings Act.

PUBLIC USE: A use owned and/or operated exclusively by a public body, or quasi-public body, having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

PUBLIC UTILITY: Private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.

Q

QUASI- PUBLIC USE: a use operated by a private nonprofit, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as a church, private university, or similar use.

R

RECREATION FACILITIES: Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

RECREATIONAL VEHICLE: A vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational or vacation use, which is either self-propelled or pulled by another vehicle. "Recreational vehicle" includes a travel trailer, a camping trailer, a motor home, a fifth wheel trailer, a van, a boat, a boat trailer, a snowmobile, a snowmobile trailer, a jet ski or wave runner, and a trailer carrying a jet ski or wave runner, a horse trailer and a utility trailer.

RECREATIONAL VEHICLE PARK: Facilities for the temporary storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.), which are occupied as temporary residences within the park, with adequate roads and stall sites, including sanitary and water facilities. Site locations are typically provided on a day to day basis. Does not constitute a mobile home park and may not allow mobile homes.

RESIDENTIAL FACILITY FOR DISABLED PERSONS: a dwelling in which more than one person with a disability resides and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2 of the Utah Code Annotated 1953, Licensure of Programs and Facilities, or is licensed or certified by the Department of Health under Title 26, Chapter 21 of the Utah Code Annotated 1953, Health Care Facility Licensing and Inspection Act.

RESTAURANT: An establishment whose primary business is the serving of food to the public.

RESTAURANT, DRIVE-IN: A restaurant that serves food that is prepared on site and is delivered by carhop service for consumption in its parking lot, at outdoor tables on its property or off the restaurant's premises. The restaurant may also have drive through food service to serve food that is prepared on site.

RESTRICTED LOTS (R-LOTS): An "R lot" is a lot having an average slope of between ten percent (10%) and twenty percent (20%), which contains a building area of at least two thousand five hundred (2,500) square feet having a slope of less than twenty percent (20%) and which contains or is susceptible to special events or conditions, including, but not limited to, flooding, natural drainage channels, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, and snow, mud and debris slides. All R lots shall be clearly identified on the recorded plat and on a recordable instrument in form acceptable to the city. The instrument shall be recorded in the county recorder's office at the time the final plat is recorded in order to provide notice to potential lot purchasers of the existence of limitations imposed upon R lot development.

RESUBDIVISION: A change in the map of an approved or recorded subdivision plat if such change affects any street layout on or area reserved thereon for public use, any lot line, or any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETAIL STORE: A commercial business for selling goods, services, wares or merchandise directly to the consumers, but not including a professional office.

RETAINING WALL: A wall or terraced combination of walls used to retain earth, but not directly supporting the wall of a building, including stacked rock and imbedded boulder walls.

REVEGETATION: The replacement of indigenous living plant materials on areas where the natural vegetation has been removed. The areas include disturbed natural areas and manmade cut and fill slopes.

RIGHT OF WAY (ROW): Includes any public or private right of way and includes any area required for public use pursuant to any official plan.

ROADSIDE VEGETABLE OR FRUIT STAND: A seasonal, temporary or semi-temporary structure that may be located on or off the farm for the sale of product produced on said farm.

ROOF SIGN: A sign affixed on, above or over the roof of a building so that it projects above the roofline. The top of a parapet wall shall be considered the roofline. The highest point of a mansard roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

S

SALE, LEASE OR RENT SIGNS: Signs advertising the sale, leasing or renting of a building, dwelling, suite, property or other forms of real estate.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based stations. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, television reception only (TVROs), and satellite microwave antennas.

SCHOOL, ELEMENTARY, JUNIOR HIGH, HIGH SCHOOL, COLLEGE OR JUNIOR COLLEGE: Institutions conducting regular academic instruction at kindergarten, elementary, secondary, and post high school levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the state board of education or the state board of regents.

SCHOOL, PRESCHOOL: A school or the use of a site or a portion of a site for an organized program devoted to the education of five (5) or more children younger than elementary school age, other than those residents on the site.

SCHOOL, PRIVATE OR PAROCHIAL: An institution conducting regular academic instruction at kindergarten, elementary, secondary, and post secondary levels operated by a nongovernmental organization.

SCHOOL, TRADE: Facilities offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians, technical certification schools and similar commercial establishments.

SCREENING: Either:

- A strip at least five feet (5') wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet (4') high at the time of planting, of a type that will form a year round dense screen at least six feet (6') in height; or
- An opaque wall or barrier or uniformly painted fence at least six feet (6') high.

SENIOR CARE FACILITY: A commercial facilities for the care of persons over 65 years of age.

SERVICE STATION: An occupancy engaged in the retail sales of gasoline, oil, tires, batteries, and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including, automobile washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

SETBACK: The minimum distance that any portion of a building, accessory building, sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

SEXUALLY ORIENTED BUSINESS: A sexually oriented businesses is a business that includes the following:

ADULT BOOKSTORE: An establishment:

- A. Having a portion of its stock in trade, videos, film, books, magazines and other periodicals or publications depicting, describing or relating to "specified sexual activities" or

which are characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas"; or

B. Having as a substantial portion of its stock in trade, books, magazines and other periodicals, and which excludes all minors from the premises, or a section thereof.

ADULT LIVE ENTERTAINMENT ESTABLISHMENT: An establishment which features topless female or bottomless dancers of both sexes, go-go dancers, exotic dancers, strippers or similar entertainers.

ADULT THEATER: An enclosed building or open air drive-in theater:

A. Regularly used for presenting any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition or films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen depicting, describing or relating to "specified sexual activities" or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas"; or

B. Used for presenting any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen and which regularly excludes minors.

SPECIFIED ANATOMICAL AREAS:

A. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and 3) breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

A. Human genitals in a state of sexual stimulation or arousal.

B. Acts of human masturbation, sexual intercourse, sodomy, or other sexual or erotic contact of one or more "specified anatomical areas" with another body.

C. Fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

SHOPPING CENTER: A group of retail stores or professional offices planned and designed for the site on which it is built, functioning as a unit, with off street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

SIGN: Any device providing identification, advertising or directional information for a business, service, product, person, organization, place or building. Included in this definition of signs are graphic devices such as logos and attention attracting items such as banners or logo sculptures, and trademarked color band fascia.

STABLE, COMMERCIAL: A structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

STABLE, PRIVATE: A detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A stable other than a private or commercial stable.

STORE: An establishment where manufactured goods, food stuffs or readymade items can be purchased.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its sides situated in a sloping roof, with the floor area of which does not exceed two-thirds ($\frac{2}{3}$) of the floor immediately below it.

STREET: The entire area within a public right of way, established by:

1. Deed or conveyance;
2. Dedication to the public (and accepted by proper public authority) by the owners thereof;
3. Dedication to the public by continuous use as a public thoroughfare for a period of ten (10) years; or
4. Dedication to the public by the federal city site act of 1867 or similar law, statute or ordinance, which affords the principal means of access to abutting property.

STREET, ARTERIAL: A street, existing or proposed, which serves or is intended to serve as a major trafficway, and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity, which is the main means of access to the major street system.

STREET, CUL-DE-SAC: A single dead end street terminating with a permanent turnaround bulb that meets the North Ogden City public works standards.

STREET LINE: The boundary line between street right of way and abutting property.

STREET, MINOR: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

STREET, PRIVATE: A tract of land, dedicated to and accepted by a homeowners' or property owners' association for maintenance, which provides the principal vehicular and pedestrian access to properties within a planned residential unit development or condominium development.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected which requires a fixed location on the ground, including a building or mobile home, but not including a fence or wall used as a fence.

SUBDIVIDER: Any person who undertakes to create a subdivision.

SUBDIVISION: Any land that is divided, re-subdivided or proposed to be subdivided into two or more lots, parcels, sites, units, plots, or other division of land for the immediate or future offer of sale, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and divisions of

land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. An agreement recorded with the county recorder's office between owners of adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement in accordance with UCA 57-1-45 if:
 - a. no new lot is created; and
 - b. the adjustment does not violate applicable land use ordinances;
 - c. (iii) a recorded document, executed by the owner of record:
 - i. revising the legal description of more than one contiguous parcel of property that is not subdivided land into one legal description encompassing all such parcels of property; or
 - ii. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
 - d. (iv) an agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with UCA 10-9a-603 if:
 - i. no new dwelling lot or housing unit will result from the adjustment; and
 - ii. the adjustment will not violate any applicable land use ordinance;
 - e. (v) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;
 - f. (vi) a parcel boundary adjustment;
 - g. (vii) a lot line adjustment;
 - h. (viii) a road, street, or highway dedication plat; or
 - i. (ix) a deed or easement for a road, street, or highway purpose.
 - j. (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (65) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

SWALE: A low flat depression to drain off excess water.

SWIMMING POOL: Any permanent structure, containing or intended to contain water eighteen inches (18") or more in depth and/or eight feet (8') or more in width at any point.

T

TEMPORARY SIGN: Any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials including metal real estate signs, with or without light frames, intended to be displayed for a short period of time. Examples

of temporary signs include: a grand opening banner, public event banner, political sign, real estate sign, and special event sign.

TEMPORARY VEHICLE STORAGE FACILITY: Any land or building used for the temporary storage of abandoned, wrecked or legally impounded automobiles, boats, recreational vehicles, or other vehicles regardless of running condition. Such a facility is not a facility where dismantling of any vehicle, the storage of any vehicle parts, the retailing or wholesaling of any vehicle or vehicle parts may take place.

TENANT: Primary occupant (i.e., owner, lessee or renter) who has the operation or temporary possession of space in a commercial building, or rents or leases from a landlord.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term also includes the structure and any support thereto.

TRAIL HEADS: The point at which a trail begins.

TRAVEL TRAILER: Any trailer is a manufactured home which is not a mobile home or a modular home.

TREATMENT CENTER: Facilities providing lodging and meals, and primarily treatment, training or education as a part of an alcoholism or drug addiction program.

TWIN HOME: A twin home is a dwelling structure arranged and designed to be occupied by two (2) families, the structure having only two (2) dwelling units. Each dwelling unit to be built on its own lot, the two (2) lots together having a common zero lot line.

U

USABLE OPEN SPACE: Open space which can be enjoyed by people outside of structures. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Usable open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment or cannot be used for recreation.

USE: The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged, or for which either a site or structure is or may be occupied and maintained.

USE, PERMITTED: A use which is listed as a "permitted use" in any given zoning district. Such use shall be allowed to be established within that zoning district, subject to the specific requirements of this Title.

USE, PROHIBITED: Any use not specifically permitted or permitted by a conditional use.

UTILITY SERVICES: Service to the public of water, sewer, gas, electricity, telephone and cable television. The foregoing shall be deemed to include attendant facilities and appurtenances to the above uses,

including, without limitation, stations along pipelines, and substations along electric transmission lines; but not including public utility treatment and generating plants or offices.

V

VARIANCE: See CCNO 11-6.

W

WALL: Any device forming a physical barrier which is so constructed that fifty percent (50%) or more of the vertical surface is closed preventing the passage of light, air and vision through said surface.

WALL MOUNTED SIGN: A sign which is fastened to any vertical portion of a building.

WINDOW SIGN: Any poster, cut out letters, painted text or graphics, or other text or visual presentation affixed to, or placed within twelve inches (12") behind a window pane, which can be read from the exterior of a building.

WAREHOUSE: A building or buildings used for the storage of goods.

WETLANDS: Generally, those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. When in conflict, federal definitions and standards shall prevail.

WHOLESALE: The sale of goods or materials for the purpose of resale.

WINDOW SIGN: A sign that is mounted for display on a window and intended to be viewed from the outside

Y

YARD: A space on a lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, structures, semipermanently parked trailers or other vehicles, except as otherwise provided herein.

YARD, FRONT: An open, unoccupied space on the same lot with a building, between the front line of the main building and the front lot line, and extending across the full width of the lot.

YARD, REAR CORNER: An open, unoccupied space on the same lot with a building, between the rear line of the main building and the rear lot line, and extending from the side property line abutting an interior lot to the corner side yard.

YARD, REAR INTERIOR: An open, unoccupied space on the same lot with a building, between the rear line of the main building and the rear lot line, and extending the full width of the lot. The depth of the rear yard is the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the main building.

YARD, REQUIRED: The minimum open space as specified by the regulations of this Title for front, rear, side and street side, as distinguished from any yard area in excess of the minimum required. See definition of Building Area.

YARD, SIDE CORNER: An open unoccupied space on the same lot with a building, between the side line of the building facing the street, exclusive of steps, and the side lot line abutting a street and extending from the front lot line to the rear lot line. The width of the side yard in any given location shall be the shortest distance between the nearest part of the side lot line abutting the street and the nearest part of the side line of the building facing the street.

YARD, SIDE INTERIOR: An open, unoccupied space on the same lot with a building, between the side line of the building, exclusive of steps, and the side lot line abutting an interior lot and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the nearest part of the side lot line and the nearest part of the side line of the building.

Z

ZONE: A district classification established by this Title, which limits or permits various and specific uses.

ZONING DISTRICT: An area in which the same zoning designation listed in the North Ogden City Code apply, and throughout which the same regulations apply.

ZONING MAP: The zoning map or maps of North Ogden City, Utah, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 2

11-8 ZONES AND DISTRICTS

11-9: RESIDENTIAL AND CIVIC ZONES

11-10: COMMERCIAL AND MANUFACTURING ZONES

11-11: USE REGULATIONS APPLICABLE TO RESIDENTIAL, COMMERCIAL AND MANUFACTURING ZONES

11-12: HILLSIDE PROTECTION ZONES HP-1, HP-2, HP-31

11-8: ZONES AND DISTRICTS

11-8-1: ESTABLISHMENT OF ZONES

- A. For the purpose of this Title, the City is divided into the following zones in which land uses shall be limited as specified in this Title. Classification will be determined on the basis of location, topographic features, and other reasonable considerations to guide the orderly physical growth, establishment of neighborhoods, compatibility and overall stability of the City:
1. Rural residential zone RE-20 (11-9, Article A)
 2. Single-family residential zones R-1-8, R-1-8(A), R-1-8(AG), R-1-10, R-1-12.5 (11-9, Article B)
 3. Small lot residential zone R-1-5 (11-9, Article C)
 4. Residential zone R-2 (11-9, Article D)
 5. Multi-family residential zone R-3 (11-9, Article E)
 6. Multi-family residential zone R-4 (11-9, Article F)
 7. Roylance Farms Phase II Planned Unit Development zone (PUD) (11-9, Article G)
 8. Quail Ponds Planned Unit Development zone (PUD) (11-9, Article H)
 9. Cold Creek Village Planned Unit Development (PUD) (11-9, Article I)
 10. Residential City Center zone RCC (11-9, Article J)
 11. Master Planned Community Zone MPC (11-9, Article K)
 12. Civic Zone C (11-9, Article L)
 13. Commercial Zones CN, CC (11-10, Article A)
 14. Planned Manufacturing zone M-1 (11-10, Article B)
 15. Hillside protection zones HP-1, HP-2, HP-3 (11-12)
- B. Uses not specifically listed in a zone are not allowed.

11-8-1: BOUNDARIES OF ZONES

- A. Zoning Map Adopted. The boundaries of each of the zones are established as described herein, as shown on the map entitled "Official zoning map of North Ogden City", or as hereinafter amended, a copy of which is attached to the ordinance codified in this Title, and all boundaries, notations and other data shown on said maps are made by this reference as much a part of this Title as if fully described and detailed herein. Said maps shall be filed in the custody of the City Recorder and may be examined by the public in coordination with the Planning Director.

- B. Amendments. All amendments to the official zoning map shall only be located on property lines, except in commercial zoning districts, where amendments may extend to street centerlines.

11-8-3: RULES APPLICABLE WHERE BOUNDARIES UNCERTAIN

- A. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:
 1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, such centerline shall be construed to be the boundary of such zone.
 2. Whenever such boundary line is indicated as being approximately on the property line, the property line shall be construed to be the boundary of the zone.
 3. Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map and measuring the apparent distance from a known map feature or established line.
 4. Where the application of the above rules does not clarify the zone boundary location, the Planning Director shall interpret the map.

11-9: RESIDENTIAL AND CIVIC ZONES

ARTICLE A. RE-20, RURAL RESIDENTIAL

11-9A-1: PURPOSE AND INTENT

- A. The purpose of the RE-20 zone classification is to provide a regulated area for large lot, single-family residential and agricultural uses.

11-9A-2: PERMITTED USES

- A. The following uses shall be permitted:
 1. Accessory buildings and uses customarily incidental to any permitted use. See CCNO 11-9M-9.
 2. Accessory dwelling unit as a second residence. See CCNO 11-9M-10.
 3. Agriculture, subject to County Health regulations and CCNO 5-3, Sound Regulations to include nurseries and greenhouses, provided the sale of goods is limited to materials produced on the premises, and there is no retail shop operated in connection therewith. Roadside vegetable and fruits stands are permitted.
 4. Animals or fowl:
 - a. On one acre or more, up to five (5) acres, animals and fowl will be limited to four (4) horses, cows, sheep or goats, or combination thereof, per acre. Up to five (5) rabbits per acre shall be permitted.
 - b. On more than five (5) acres, an aggregate of a total of two (2) units of group A, B or C, or a combination thereof, may be kept per acre.
 - i. Group A: Four (4) horses or cows, or combination thereof. (equestrian stables exempt)
 - c. Group B: Four (4) sheep or goats.
Group C: Five (5) rabbits, or thirty (30) chickens, or thirty (30) pheasants, or ten (10) turkeys, or ten (10) ducks, or five (5) geese, or ten (10) pigeons.

The keeping of swine of any species, including pigs, is not permitted within North Ogden City Limits.

- d. Shade must be provided.
- e. Clean, fresh water and fresh feed must be readily available.
- 5. Attached dwelling units. See CCNO 11-13.
- 6. Barn upon a lot with a minimum of one (1) acre. Barns are not subject to the accessory building design standards found in CCNO 11-9M-9.
- 7. Cemeteries.
- 8. Church, synagogue or similar permanent building used for religious worship.
- 9. Daycare. See CCNO 11-9M-14.
- 10. Educational institution, which has a curricula substantially the same as customarily offered in the public school system for kindergarten through twelfth grade.
- 11. Golf course, except miniature golf course.
- 12. Home occupations. See CCNO 11-14.
- 13. Libraries.
- 14. Model homes, master planned village sales and information centers, and temporary sales trailers. See CCNO 11-9M-16.
- 15. Planned Unit Development. See CCNO 11-13.
- 16. Private equestrian training stable facilities on a minimum of five (5) acres of land and at a density of not more than ten (10) horses per acre.
- 17. Public buildings, public park recreation grounds and associated buildings.
- 18. Public utility substation. See CCNO 11-9M-19.
- 19. Preschools. See CCNO 11-9M-14.
- 20. Single-family dwelling.
- 21. Temporary building for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

11-9A-3: SITE DEVELOPMENT STANDARDS

(Measurements in feet or square feet)

A. Minimum lot area: (sq. feet)	
1. Interior or corner lot	20,000
2. Interior or corner lot with animals	43,560 square feet/ 1 acre
B. Minimum lot width measured 30 feet back from the front property line	
1. Interior lot	100'
2. Corner lot	120'
C. Minimum yard setbacks (Movable building, i.e. without in ground foundation, may be placed over easements without restrictions, coordinate with utility companies to determine restrictions for placement of any permanent structures)	

1. Front	30'
2. Side	
a. Dwelling	10'
b. Total combination width not less than	24'
c. Exception: Where there is an attached garage with the required number of parking spaces, both side yards may be	10'
3. Side facing street on corner lot	20'
4. Rear	50'
5. Keeping of Animals or Fowl	
a. Animals or fowl may be maintained on a lot, there shall be provided a minimum spacing of	20' from the existing dwelling
b. From a dwelling on an adjacent lot	75'
c. Any barn, stable, coop or pen shall not be constructed closer to a street than:	100'
i. Exception: An enclosure or pasture may be adjacent to a public street if larger than:	1 Acre
ii. Exception: All utility easements must be maintained in an open state	
D. Total lot coverage	
1. Minimum vegetative area	50%
E. Building height	
1. Minimum	10'
2. Maximum	35'
F. Accessory building regulations (see also CCNO 11-9L-9)	
1. Accessory building height	15'
2. Accessory building setback	
a. Accessory building/ large accessory building	
i. Interior lot	3'
ii. Corner lot (non-street side)	3'
iii. Corner lot (street side)	20'
b. Large accessory building	
Interior lot	

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1) Height Maximum	Setback Minimum
2) 15-17'	6'
3) 18-19'	8'
4) 20-25'	12'
i. Corner lot setback (non-street side)	20'
ii. Corner lot setback (street side)	20'
iii. Rear and side setbacks for buildings over 2,000 square feet	30'
ii. Required setback in feet (with permitted increases in building height beyond 10')	
i. <u>Buildings that meet the design standards requirements in xxx: a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line</u>	
3. Minimum separation required between primary building and accessory building	At least 6'
4. Maximum rear yard coverage by accessory building	25%
a. On lots less than an acre, the minimum rear yard area calculation is based upon the minimum lot width times the rear yard setback and not the actual rear yard dimensions	
5. Building size	
a. Maximum size on lots or parcels less than one acre or adjacent to any R-1 zone	1,500 square feet

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b. Maximum size on lots or parcels greater than one acre- i. 1-2 Acres- ii. 2-3 Acres- iii. 3-4 Acres- iv. 4-5 Acres- v.i. 5+ Acres-	2,000- 2,250- 2,500- 2,750- 3,000 square feet-
c. On lots adjacent to any R-1 zone, the accessory building width or length cannot exceed 40% of the total length of the side lot lines or 40% of the rear lot line when those lot lines are within 50 feet of the accessory building.	
6. Large accessory building separation from neighboring dwelling on any adjoining parcel	At least 60'
7. Building Design and Materials - See 11-10C	

11-9A-5: SIGN REGULATIONS

- A. The height, size and location of signs shall be in accordance with the regulations set forth in CCNO 11-20.

ARTICLE B: SINGLE-FAMILY RESIDENTIAL ZONES R-1-8, R-1-8(A), R-1-8(AG), R-1-10, R-1-12.5

11-9B-1: PURPOSE AND INTENT

- A. The purpose of the R-1-12.5, R-1-10, R-1-8, R-1-8(A) and R-1-8(AG) zoning classification is to provide regulated areas for single-family residential use at three (3) different low density levels.

11-9B-2: PERMITTED USES

The following uses shall be permitted:

- A. Accessory buildings and uses customarily incidental to any permitted use.
- B. Accessory Dwelling Unit. See CCNO 11-9M-10.
- C. Agriculture. Subject to County Health regulations and CCNO 5-3, Sound Regulations.
- D. Animals or fowl permitted in the R-1-8(AG) zoning districts only:
 1. On lots one acre or more, up to five (5) acres in size, animals and fowl will be limited to four (4) horses, cows, sheep or goats, or combination thereof per acre.
 2. On lots more than five (5) acres in size, an aggregate of a total of two (2) units of group A, B or C, or a combination thereof, may be kept per acre.
 - Group A: Four (4) horses or cows, or combination thereof.
 - Group B: Four (4) sheep or goats.
 - Group C: Five (5) rabbits, or thirty (30) chickens, or thirty (30) pheasants, or ten (10) turkeys, or ten (10) ducks, or five (5) geese, or ten (10) pigeons.
 3. The keeping of swine of any species, including pigs, is not permitted within the corporate limits of the City.

- E. Attached dwelling units. See CCNO 11-13.
- F. Church, synagogue or similar permanent building used for regular religious worship.
- G. Daycare. See CCNO 11-9M-14.
- H. Home occupations. See CCNO 11-14.
- I. Household pets.
- J. Libraries.
- K. Planned Unit Development. See CCNO 11-13.
- L. Preschools. See CCNO 11-9M-14.
- M. Public buildings, public parks, recreation grounds and associated buildings.
- N. Public schools, private educational institutions having a curriculum similar to that ordinarily given in public schools, private parks, playgrounds and recreation areas that meet the requirements of CCNO 11-9M-18 and the following requirements:
 1. All facilities, equipment and buildings shall be set back not less than twenty feet (20') from any property line and shall be located not less than fifty feet (50') from any main building on an adjoining lot and from any area upon which any such main building may be constructed upon said adjoining lot if no such main building is in existence;
 2. The minimum size of the lot or site used for such recreational or other purposes shall be one acre;
 3. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall not be visible from outside the premises, and the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.
- O. Single-family dwellings.
- P. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

11-9B-3: CONDITIONAL USES

- A. The following uses are permitted only when authorized by a conditional use permit as provided in CCNO 11-2-8:
 - a. Private park, playground or recreation area not open to the general public and to which no admission charge is made and not including privately owned commercial amusement business.
 - b. Public utility substation in accordance with the standards stated in CCNO 11-10-15.

11-9B-4: SITE DEVELOPMENT STANDARDS

(Measurements in feet or square feet)

	R-1-12.5	R-1-10	R-1-8	R-1-8(A)	R-1-8(AG)
A. Minimum lot area (sq. ft.):					
1. Interior lot	12,500	10,000	8,000	8,000	8,000
2. Corner lot	13,500	11,000	9,000	8,000	9,000
B. Minimum lot width measured 30 feet back from the front property line	100'	90'	80'	80'	80'

	R-1-12.5	R-1-10	R-1-8	R-1-8(A)	R-1-8(AG)
C. Minimum yard setbacks: Written permission must be secured from all utility companies to place a non-movable structure; i.e. a structure with a permanent in-ground foundation, over the easements.					
1. Front	30'	30'	30'	30'	30'
2. Side:					
a. Dwelling-interior	10'	10'	8'	4'	8'
b. Total combination width not less than	24'	24'	18'	12'	18'
c. Exception: Where there is an attached garage with the required number of parking spaces, both side yards may be	10'	10'	8'	4'	8'
3. Side facing street on corner lot	20'	20'	20'	20'	20'
4. Rear:	20'	20'	20'	20'	20'
D. Total lot coverage:					
1. Primary/main-Building footprint	35%	35%	35%	35%	35%
2. Minimum vegetative area	50%	50%	50%	50%	50%
E. Building height (in feet):					
1. Minimum	10'	10'	10'	10'	10'
2. Maximum	35'	35'	35'	35'	35'
F. Accessory building regulations					
1. Accessory building height	<p>The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of: 1. 20'; or 2. Eighty percent (80%) of the highest point of the roof of the main residential building, if the highest point of the roof of the main residential building is sixteen feet (16') or less then the highest point of the roof of the accessory building may not exceed twelve and one-half feet (12'6");</p>				

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	R-1-12.5	R-1-10	R-1-8	R-1-8(A)	R-1-8(AG)
	3. For a metal accessory building, twelve and one-half feet (12'6").				
2. Accessory building setback					
a. Accessory/Large building					
Interior lot & Corner lot (non-street side)					
<u>Setback minimum in feet (if building height is 10' or less)</u>	<u>3</u>				
<u>Buildings that meet the design standards requirements in 11-9M-9: a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line</u>					
<u>Height Maximum in Feet</u>	<u>Setback Minimum in Feet</u>				
<u>10'</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>
<u>11-15'</u>	<u>8'</u>	<u>8'</u>	<u>8'</u>	<u>8'</u>	<u>8'</u>
<u>16'-20'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
3. Corner lot setback (street side)	20'				
4. Minimum separation required between main building and accessory buildings	At least 6'				
5. Maximum rear yard coverage by accessory building	25%				
6. Building size					

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	R-1-12.5	R-1-10	R-1-8	R-1-8(A)	R-1-8(AG)
a. Maximum size	One half the square footage of the main building main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet.				
7. Large accessory building separation from neighboring dwelling on any adjoining parcel	At least 60'				
8.6 Maximum number of large accessory buildings per lot	1				
9.7 Building Design and Materials – See 11-9M-911-10C					

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11-7B-5: SIGN REGULATIONS

- A. The height, size and location of signs shall be in accordance with the regulations set forth in CCNO 11-20.

ARTICLE C: SMALL LOT RESIDENTIAL ZONE R-1-5

11-9C-1: PURPOSE AND INTENT

- A. The purpose of the Residential Zone R-1-5 zone classification is to provide a regulated area for single-family residential uses in a small lot configuration to provide flexibility for infill, redevelopment, and/or other similar projects in a planned residential unit development. Property designated in the General Plan as low to medium density may be rezoned to this designation with a maximum density of six (6) dwelling units per acre as averaged across the developable acreage. Property designated in the General Plan as low to medium density may be rezoned to this designation with a maximum density of ten (10) dwelling units per acre as averaged across the developable acreage.

11-9C-2: ZONE CHANGE CRITERIA

- A. A concept plan is required to be submitted with the zone change application per CCNO 11-4-4.

11-9C-3: PERMITTED USES

- A. The following uses shall be permitted:
 1. Attached dwelling units. See CCNO 11-13.
 2. Church, synagogue or similar permanent building used for regular religious worship.
 3. Home occupations. See CCNO 11-14.
 4. Household pets.
 5. Planned Unit Development. See CCNO 11-13.
 6. Public buildings, public or private parks, recreation grounds and associated buildings. See CCNO 11-9M-18

7. Single-family dwellings.
8. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

11-9C-4: SITE DEVELOPMENT STANDARDS
(Measurements in feet or square feet)

A. Minimum zone area	5 Acres in low density General Plan areas 1 Acre in medium density General Plan areas
B. General Plan Low Density Areas	Maximum Density 6 dwelling units per acre
C. General Plan Medium Density Areas	Maximum Density 10 dwelling units per acre
D. Minimum lot area: (square feet)	
1. Interior with single-family dwelling	4,600 square feet low density area 4,000 square feet medium density area
2. Corner with single-family dwelling	5,600 square feet low density area 5,000 square feet medium density area
E. Minimum lot width measured 30 feet back from the front property line	55'
F. Minimum yard setback (in feet)	
1. Front (see 17-7C-6 below)	20'
2. Interior side	7'
3. Street side. All utility easements must be maintained in an open state	20 Exception: The street side setback can be reduced to 10 feet along all streets which do not extend beyond the depth of the lot for which the exemption shall apply
4. Rear	20' Exception: The rear yard setback for the main use/dwelling may be reduced by 10% provided that the combined distance between the neighboring structures remains 40 feet or greater
G. Building height	
1. Minimum one story	12'
2. Maximum one and a half story	27'
H. Maximum lot coverage:	
1. Primary/main-Building footprint	45%
2. Minimum vegetative area	40%

11-9C-5: SIGN REGULATIONS

- A. The height, size and locations of signs shall be in accordance with the regulations set forth in CCNO 11-20.

11-7C-6 DESIGN STANDARDS

- A. All residential development shall include the following design features:
 - ~~1. Front yard setbacks shall not be the same for more than two adjacent lots — 3' variance may encroach into the front yard.~~
 2. Front yard setbacks may be reduced to 15' if rear loaded garages are utilized for units facing a street.
 - ~~3. Garages shall be recessed from the front façade by at least 5' and shall not encompass more than 50% of the front façade. If garages are rear loaded the front setback may be reduced to 15', but setback variance is still required.~~

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ARTICLE D: RESIDENTIAL ZONE R-2

11-9D-1: PURPOSE AND INTENT

- A. The purpose of the R-2 zone is to provide residential areas that will accommodate the development of dwelling types from single-family through two-family dwelling units, with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to medium density uses.

11-9D-2: PERMITTED USES

- A. The following uses shall be permitted:
 1. Accessory buildings and uses customarily incidental to any permitted use. See CCNO 11-9L-9.
 2. Attached dwelling units. See CCNO 11-13.
 3. Church, synagogue or similar permanent building used for regular religious worship.
 4. Daycare. See CCNO 11-9L-14.
 5. Educational institutions, public schools, private parks, playgrounds, and recreational areas that meet the requirements of CCNO 11-9M-18.
 6. Golf course, except miniature golf.
 7. Home occupations. See CCNO 11-14.
 8. Household pets. Includes an allowance for 6 female chickens in a coop and pen. See CCNO 11-9M-11.
 9. Model homes, master planned village sales and information centers, and temporary sales trailers in accordance with CCNO 11-10-20 and approved during the subdivision process.
 10. Planned Unit Development. See CCNO 11-13.
 11. Public buildings, public parks, recreation grounds and associated buildings.
 12. Public utility substation in accordance with the standards stated in CCNO 11-9M-20.
 13. Preschools. See CCNO 11-9M-14.
 14. Single-family dwellings.
 15. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

16. Two-family dwellings and twin homes.

11-9D-4: SITE DEVELOPMENT STANDARDS
(Measurements in feet or square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	8,000 square feet
2. Interior with two-family dwelling or other main building, includes twin homes	12,000 square feet total, 6000 per unit
3. Corner with single-family dwelling	9,000 square feet
4. Corner with two-family dwelling or main building with other than dwelling	12,000 square feet total, 6000 per unit
B. Minimum lot widths measured 30 feet back from the front property line	
1. For a single-family dwelling at a distance thirty feet (30') back from the front property line	80'
2. For a two-family dwelling at a distance thirty feet (30') back from the front property line	90'
C. Minimum yard setback	
1. Front	30'
2. Side	
a. Dwelling	8'
i. Minimum length of the total of the two (2) side yards	18'
ii. For interior lots where there is an attached garage with the required number of parking spaces, each side yard may be eight feet (8')	

b. Other main buildings (each side)	20'
c. Twin home	18'
3. Side facing street on corner lot	20'
4. All utility easements must be maintained in an open state, unless written permission is secured from all utility companies to place a structure over the easements	
5. Rear	
a. Main building	20'
b. Minimum spacing between main and accessory buildings	6'
6. Building height	
a. Minimum	10'
b. Maximum	35'
D. Accessory buildings	
1. Minimum setback requirements	<ul style="list-style-type: none"> a. 3' from the property line b. Large accessory building, 15' c. 6' from the main dwelling
2. Building height	
a. Maximum	15' if set back 3' from property line
i. Exception 1	25' if set back 20' from the property line and 60' from a neighboring dwelling
3. Maximum rear yard coverage for accessory building or group of accessory buildings	25%
4. Maximum lot coverage for building or group of buildings with the accessory buildings	35%

11-9F-4.5 DESIGN STANDARDS

A. All residential development shall include the following design features:

1. ~~Front yard setbacks shall not be the same for more than two adjacent lots — 3' variance may encroach into the front yard.~~

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2. Front yard setbacks may be reduced to 15' if rear loaded garages are utilized for units facing a street.

~~3. Garages shall be recessed from the front façade by at least 5' and shall not encompass more than 50% of the front façade. If garages are rear loaded the front setback may be reduced to 15', but setback variance is still required.~~

11-9D-5: SIGN REGULATIONS

A. The height, size and location of signs shall be in accordance with the regulations set forth in CCNO 11-20.

11-9D-6: SITE PLAN APPROVAL

A. For all permitted uses other than single-family dwellings and agricultural uses, a site plan shall be required in accordance with CCNO 11-2-9.

ARTICLE E: MULTI-FAMILY RESIDENTIAL ZONE R-3

11-9E-1: PURPOSE AND INTENT

A. The purpose of the R-3 zone is to provide higher density residential areas with associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to medium density uses.

11-9E-2: PERMITTED USES

- A. The following uses shall be permitted:
1. Attached dwelling units. See CCNO 11-13.
 2. Church, synagogue or similar permanent building used for regular religious worship.
 3. Daycare. See CCNO 11-9M-14.
 4. Golf course, except miniature golf.
 5. ~~Group homes. See CCNO 11-13.~~
 6. Home occupations. See CCNO 11-14.
 7. Household pets.
 8. Model homes, master planned village sales and information centers, and temporary sales trailers in accordance with CCNO 11-9M-17.
 9. Planned Unit Development. See CCNO 11-13.
 10. Preschools. See CCNO 11-9M-14.
 11. Public buildings, public libraries, public museums (nonprofit), public schools, public educational institutions having a curriculum similar to that ordinarily given in public schools; private parks, playgrounds and public recreation grounds, and associated buildings. See CCNO 11-9M-18.
 12. Public utility substation. See CCNO 11-9L-20.
 13. Single-family dwellings.
 14. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.
 15. Two-family dwellings and twin homes.

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11-9E-4: SITE DEVELOPMENT STANDARDS
 (Measurements in feet or square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	8,000 square feet
2. Corner with single-family dwelling	9,000 square feet
3. Interior and corner - multi-family dwelling	10,000 square feet
4. Interior - nonresidential building	8,500 square feet
5. Corner - nonresidential building	9,500 square feet
B. Minimum lot width measured 30 feet back from the front property line	80'
C. Minimum Yard Setback:	
1. Front	30'
2. Side	
a. Single-family dwelling	8' Exception: The total of two side yards shall not be less than 17'
b. Other main buildings (each side)	20'
c. All utility easements must be maintained in an open state	
3. Side facing street on corner lot	20'
4. Rear (main building)	20'
D. Building Height	
1. Minimum	10'
2. Maximum	35'
E. Accessory Buildings	
1. No accessory building or group of accessory buildings shall cover more of the rear yard than twenty five percent (25%).	
2. No building or group of buildings with the accessory buildings	

shall cover more of the total lot area than fifty percent (50%).	
3. Minimum setback requirements	3' from the property line Large accessory building, 15' 6' from the main dwelling
4. Building height	
a. Maximum	15' if set back 3' from property line Exception: 25' if set back 20' from the property line and 60' from a neighboring dwelling Exception: On parcels larger than one acre location proposed closer than 15' may be allowed by conditional use permit

11-9E-4.5 DESIGN STANDARDS

A. All residential development shall include the following design features:

1. ~~Front yard setbacks shall not be the same for more than two adjacent lots in the case of single family dwellings, twin homes, or duplexes — 3' variance may encroach into the front yard. For group dwellings the groups shall offset from each other by at least a 3' front yard setback~~
2. Front yard setbacks may be reduced to 15' if rear loaded garages are utilized for units facing a street.
3. ~~Garages shall be recessed from the front façade by at least 5' and shall not encompass more than 50% of the front façade. If garages are rear loaded the front setback may be reduced to 15', garages can be flush with the facade, but setback variance is still required.~~

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11-9E-5: SIGN REGULATIONS

A. The height, size and location of signs shall be in accordance with the regulations set forth in CCNO 11-20.

11-9E-6: SITE PLAN APPROVAL

A. For all permitted uses other than single-family dwellings and two-family dwellings, a site plan shall be required in accordance with CCNO 11-2-9.

ARTICLE F: MULTI-FAMILY RESIDENTIAL ZONE R-4

11-9F-5: PURPOSE AND INTENT

A. The purpose of the R-4 zone is to provide higher density residential areas with associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

11-9F-2: PERMITTED USES

- A. The following uses shall be permitted:
 1. Accessory buildings and uses customarily incidental to any permitted use.
 2. Attached dwelling units. See CCNO 11-13.
 3. Church, synagogue or similar permanent building used for regular religious worship.
 4. Daycare. See CCNO 11-9M-14
 5. Golf course, except miniature golf.
 6. Home occupations. See CCNO 11-14.
 7. Household pets.
 8. Model homes, master planned village sales and information centers and temporary sales trailers in accordance with CCNO 11-9M-17.
 9. Multi-family dwellings.
 10. Planned Unit Development. See CCNO 11-13.
 11. Preschools. See CCNO 11-9M-14
 12. Private park, playground or recreation area, but not including privately owned commercial amusement business. See CCNO 11-9M-18.
 13. Public schools, private educational institutions having a curriculum similar to that ordinarily given in public schools. See CCNO 11-9M-19.
 14. Public utility substation in accordance with standards stated in CCNO 11-9M-20.
 15. Single-family dwelling.
 16. Temporary building for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.
 17. Two-family dwelling and twin homes.
 18. Residential care facility.

11-9F-4: SITE DEVELOPMENT STANDARDS

(Measurements in feet and square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	8,000 square feet
2. Corner with single-family dwelling	9,000 square feet
3. Interior and corner - two-family dwelling	8,000 square feet
4. Interior with nonresidential main building	8,500 square feet
5. Corner with nonresidential main building	9,500 square feet

6. Residential care facility, in addition to minimum, for each patient	500 square feet
B. Minimum lot width measured 30 feet back from the front property line	80'
C. Minimum Yard Setback:	
1. Front	30' If located on Washington Blvd. or 2700 North, the front yard setback is 20' with no parking allowed in the front yard.
2. Side	
a. Single-family dwelling	8' Exception: The total of two side yards shall not be less than 17' Exception: On interior lots where there is an attached garage with the required number of parking spaces, each side yard may be 8'
b. Other main buildings (each side)	20'
c. All utility easements must be maintained in an open state	
d. Twin homes	16'
e. Side facing street on corner lot	20'
3. Rear (main building)	20'
D. Building Height	
1. Minimum	10'
2. Maximum	35'
E. Accessory Buildings	
1. Minimum setback requirements	3' from the property line Large accessory building, 15' 6' from the main dwelling
2. Building height	
a. Maximum	15' if set back 3' from property line Exception: 25' if set back 20' from the property line and 60' from a neighboring dwelling Exception: On parcels larger than one acre location

	proposed closer than 15' may be allowed by conditional use permit
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11-9F-5 DESIGN STANDARDS

- A. All residential development shall include the following design features:
 1. ~~Front yard setbacks shall not be the same for more than two adjacent lots in the case of single family dwellings, twin homes, or duplexes – 3' variance may encroach into the front yard. For group dwellings the groups shall offset from each other by at least a 3' front yard setback.~~
 2. Front yard setbacks may be reduced to 15' if rear loaded garages are utilized for units facing a street.
 3. ~~Garages shall be recessed from the front façade by at least 5' and shall not encompass more than 50% of the front façade. If garages are rear loaded the front setback may be reduced to 15', garages can be flus with the facade, but setback variance is still required.~~
 4. Non-residential uses shall use brick, stone, or Hardie plank (cementitious material) for the entire front façade and extend that material to at least 10' on the sides with a wainscot required to continue around the building utilizing the from façade materials.

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11-9F-6: SIGN REGULATIONS

- A. The height, size and location of signs shall be in accordance with the regulations set forth in CCNO 11-20.

11-9F-7: SITE PLAN APPROVAL

- A. For any permitted or conditional uses other than single-family dwellings and agricultural uses, a site plan shall be required in accordance with CCNO 11-2-9.

ARTICLE G: ROYLANCE FARMS PHASE II PLANNED UNIT DEVELOPMENT ZONE (PUD)

11-9G-1: PURPOSE AND INTENT

- A. The purpose of the Roylance Farms phase II Planned Unit Development zone classification is to provide a regulated area for single-family residential uses in a Planned Unit Development.

11-9G-2: PERMITTED USES

- A. The following uses shall be permitted:
 1. Attached dwelling units. See CCNO 11-13.
 2. Church, synagogue or similar permanent building used for regular religious worship.
 3. Home daycare center. See CCNO 11-9M-14.
 4. Home occupations. See CCNO 11-14.
 5. Home preschool. See CCNO 11-9M-14.
 6. Household pets.
 7. Single-family dwellings.

- 8. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

11-9G-3: SITE DEVELOPMENT STANDARDS

(Measurements in feet and square feet)

A. Minimum lot area (square feet)	2,232
B. Minimum lot width	37'
C. Minimum yard setback (in feet)	
1. Front	20'
2. Interior side	7'
3. Street side	20'
4. Rear	20'
5. All utility easements must be maintained in an open state	
D. Building height (in feet)	
1. Minimum one story	10'
2. Maximum one story	20'

11-9G-4: SIGN REGULATIONS

- A. The height, size and location of signs shall be in accordance with the regulations set forth in CCNO 11-20.

ARTICLE H: QUAIL PONDS PLANNED UNIT DEVELOPMENT ZONE (PUD)

11-9H-1: PURPOSE AND INTENT

- A. The purpose of the Quail Ponds Planned Unit Development zone classification is to provide a regulated area for single-family residential uses in a Planned Unit Development.

11-9H-2: PERMITTED USES

- A. The following uses shall be permitted:
 - 1. Attached dwelling units. See CCNO 11-13.
 - 2. Church, synagogue or similar permanent building used for regular religious worship.
 - 3. Home occupations. See CCNO 11-14.
 - 4. Household pets.

5. Planned Unit Development. See CCNO 11-13.
6. Public buildings, public or private parks, recreation grounds, and associated buildings. See CCNO 11-9M-18.
7. Single-family dwellings.
8. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

11-9H-3: SITE DEVELOPMENT STANDARDS
(Measurements in feet and square feet)

A. Minimum lot area	4,290 square feet
B. Minimum lot width	55 square feet
C. Minimum yard setback	
1. Front	18'
2. Interior side	5'
3. Street side	15'
4. All utility easements must be maintained in an open state	
5. Rear	On the lots numbered on the July 31, 1998 preliminary plat: 10' on lots 1 through 28 and lots 46 through 63; 20' on lots 29 through 45
D. Building height	
1. Minimum one story	10'
2. Maximum one and a half story	27'
E. Maximum lot coverage percentage	
Under roof	45%

11-9H-4: SIGN REGULATIONS

- A. The height, size and location of permitted signs shall be in accordance with the regulations set forth in CCNO 11-20.

ARTICLE I: COLD CREEK VILLAGE PLANNED UNIT DEVELOPMENT (PUD)

11-9I-1: PURPOSE AND INTENT

- A. The purpose of the Cold Creek Planned Unit Development zone classification is to provide a regulated area for single-family and multi-family residential uses in a Planned Unit Development.

11-9I-2: PERMITTED USES

- A. The following uses shall be permitted:
 1. Home occupations. See CCNO 11-14.
 2. Household pets.
 3. Multi-family dwellings.
 4. Single-family dwellings.
 5. Temporary buildings incidental to construction work.

11-9I-3: SITE DEVELOPMENT STANDARDS

(Measurements in feet and square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	5,565 square feet
2. Corner with single-family dwelling	6,825 square feet
B. Minimum single-family lot width	53'
C. Minimum yard setback single-family	
1. Front	20'
2. Interior side	15' between one-story buildings 20' between two-story buildings
3. Street side	20'
4. Rear	20'
D. Minimum yard setback multi-family	
1. Front	6'
2. Interior side	15' between one-story buildings 20' between two-story buildings
3. Street side	20'

4. Rear	20'
E. Minimum street width	30' from back of curb to back of curb
F. Building height	
1. Minimum one story	10'
2. Maximum two story	30'

11-9I-4: SIGN REGULATIONS

- A. The height, size and locations of signs shall be in accordance with the regulations set forth in CCNO 11-20.

ARTICLE J: RESIDENTIAL CITY CENTER ZONE RCC

11-9J-1: PURPOSE AND INTENT

- A. The purpose of this zone is to provide a residential area that encourages the preservation of single-family dwellings in the historical area of North Ogden City, but also will accommodate the development of residential dwellings, ~~types from single family through two family dwelling units~~ with their associated necessary public services and activities, which fits the character of the existing City Center. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

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11-9J-2: PERMITTED USES

- A. The following uses shall be permitted:
 1. Accessory buildings and uses customarily incidental to any permitted use. See CCNO 11-9M-9.
 2. Accessory Dwelling Unit. See CCNO 11-9M-10.
 3. Attached dwelling units. See CCNO 11-13.
 4. Cemeteries with customary incidental buildings.
 5. Daycare. See CCNO 11-9M-14.
 6. Educational institutions, public schools, private parks, playgrounds, and recreational areas that meet the requirements of CCNO 11-9M-18.
 7. Golf course, except miniature golf.
 8. Home occupations. See CCNO 11-14.
 9. Household pets.
 10. Model homes, master planned village sales and information centers, and temporary sales trailers in accordance with CCNO 11-9M-17.
 11. Places of worship.
 12. Planned Unit Development. See CCNO 11-13.
 13. Preschools. See CCNO 11-9M-14

- 14. Private park, playground, or recreation area but not including privately owned commercial amusement business. See CCNO 11-9M-18.
- 15. Public buildings, public park, recreation grounds, and associated buildings.
- 16. Public utility substation. See CCNO 11-9M-20.
- 17. Single-family dwellings.
- 18. Temporary buildings, structures, and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

11-9J-4: SITE DEVELOPMENT STANDARDS

(Measurements in feet and square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	8,000 square feet
2. Corner with single-family dwelling	9,000 square feet
B. Minimum lot widths	
1. For a single-family dwelling at a distance 30 feet back from the front property line	80'
C. Minimum yard setback	
1. Front	30'
2. Side:	
a. Single-family dwelling:	8'
i. Exception: The total of the 2 side yards shall not be less than	18'
ii. Exception: On interior lots where there is an attached garage with the required number of parking spaces, each side yard may be	8'
b. Other main buildings (each side)	20'
3. Side facing street on corner lot	20'
4. All utility easements must be maintained in an open state, unless written permission is secured from all utility companies to place a structure over the easements	
5. Rear:	

a. Main building	20'
6. Building height	
a. Minimum	10'
b. Maximum	35'
7. No building or group of buildings with accessory buildings shall cover more of the total lot area than	35%
D. Minimum vegetative open space lot	50%
E. Accessory building regulations (see also CCNO: <u>11-9M-9</u> <u>11-10-31</u>)	
Height	15'
-Exception: The maximum height if the accessory building is set back at least 20 feet, rear and side setback	25'
1. Rear and side setback	
a. Accessory building/ <u>large accessory building</u> :	
Interior lot (side and rear)	3'
Corner lot (side only) (non-street side)	3'
Corner lot (side only) (street side)	20'
Large accessory building:	
Interior lot	15'
Corner lot (non-street side)	15'
Corner lot (street side)	20'
i. Required setback in feet (with permitted increases in building height beyond 10')	
<u>Buildings that meet the design standards requirements in 11-9M-9: a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building).</u>	

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<u>with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line</u>	
2. There shall be provided a minimum spacing between main and accessory buildings of at least	6'
3. No accessory building or group of accessory buildings shall cover more of the rear yard than	25%

11-9J-5 DESIGN STANDARDS

- A. All residential development in a PUD shall include at least four of the following design features:
1. Front yard setbacks shall not be the same for more than two adjacent lots in the case of single family dwellings, twin homes, or duplexes – 3' variance may encroach into the front yard. For group dwellings the groups shall offset from each other by at least a 3' front yard setback
 2. Front yard setbacks may be reduced to 15' if rear loaded garages are utilized for units facing a street.
 3. Front porches are required with at least 60 square feet
 4. Garages shall be recessed from the front façade by at least 5' and shall not encompass more than 50% of the front façade. If garages are rear loaded the front setback may be reduced to 15', garages can be flus with the facade, but setback variance is still required.
 5. Front facades shall include a wainscot of brick or stone that extends at least 5' along the sides of the units. This requirement does not preclude all brick or stone facades. Groups of attached dwellings shall vary the front facades to distinguish between units.
 6. Pitched roofs are required with shingles that simulate the depth of wood shakes or tile. Minimum pitch of 4' in 12'
 7. Non-residential uses shall use brick, stone, or Hardie plank(cementitious material) for the entire front façade and extend that material to at least 10' on the sides with a wainscot required to continue around the building utilizing the from façade materials

Commented [SH16]: Most of these design standards can only be enforced in single-family development if there is an associated Development Agreement.

11-9J-6: SIGN REGULATIONS

- A. The height, size, and locations of signs shall be in accordance with the regulations set forth in CCNO 11-20.

11-9J-7: SITE PLAN APPROVAL

- A. For any permitted or conditional uses other than single-family dwellings, a site plan shall be required in accordance with CCNO 11-2-9.

ARTICLE K: MASTER PLANNED COMMUNITY ZONE MPC

11-9K-1: PURPOSE AND INTENT

- A. The purpose of the Master Planned Community Zone is to provide opportunities for creative and unique developments within North Ogden City. This ordinance includes guidelines for creating neighborhood oriented village projects that may include a mix of residential, commercial, recreational and/or public uses.

An integral part of this Zone is a multistep review process to assure compatibility of proposed land uses with existing, and proposed adjacent neighborhoods, as well as the vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and walkable neighborhood centers, with integrated streets.

Proposed plans for development shall follow or exceed design standards found within this ordinance. Specific plans shall be a reflection of a required development agreement.

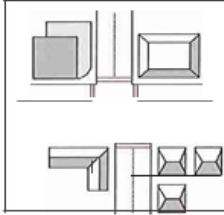
11-9K-2: MASTER PLANNED COMMUNITY REZONE REQUIRED

- A. Not all properties will be eligible for the Master Planned Community zone designation. Each proposed parcel shall be evaluated on its own merits and a rezone is required. All of the following criteria shall be used to assess the suitability of the parcel to be considered for the Master Planned Community zone:
1. The proposed parcel shall encompass a minimum of 5 acres; however, projects on smaller parcels may be considered if they fulfill the objectives of the City.
 2. The proposed parcel shall be located within or adjacent to the North Ogden Downtown, Southtown, between those nodes along Washington Boulevard, or to the west of Downtown, where more diverse and intense uses are anticipated in the General Plan.
 3. The primary use shall be residential.
 4. At least 5% of the total square footage of all buildings in the entire proposal shall be devoted to a secondary use, such as residential mixed with commercial uses or office uses. Greater mixes are encouraged.
 5. Proposals shall demonstrate an excellence in architecture, site design, and walkability, as described in the standards of this ordinance.
 6. Proposers shall be willing to enter into a development agreement that runs with the land.
 7. Proposals shall demonstrate how the potential project will address the specific goals and values found in the North Ogden General Plan and within the Downtown chapter.
 8. The entire parcel shall be reflected in a specific site plan, see sections 3 and 4 below.

11-9K-3: DEVELOPMENT STANDARDS

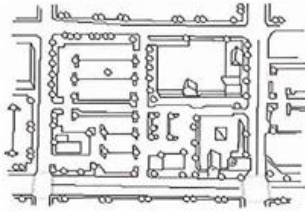
- A. Development Standards. The following standards apply specifically to development in the Master Planned Community zone (MPC) and shall supersede any other standards found elsewhere in this Code. These standards are guidelines that should be reinforced through the required development agreement. Significant deviations from these standards are possible, but only if coupled with a development agreement.
- B. Building Placement and Massing.
1. Setbacks. Building facades should comprise at least 65% of the frontage facing Washington Blvd. and 50% of all other public street edges. Building facades must be located 0-10 feet from the public right-of-way (typically inside edge of sidewalk) on major streets. Minor streets may include increased setbacks with a minimum of 15'. Awnings, balconies, and architectural features may project beyond building facades, but not over the sidewalk, as approved by the Planning Commission. Street side setback variations are encouraged when an activity related to pedestrian use is maintained, i.e. special landscaping, outside seating for a restaurant, patios, recessed plazas, courtyards,

and trellises are encouraged.



Buildings to the street

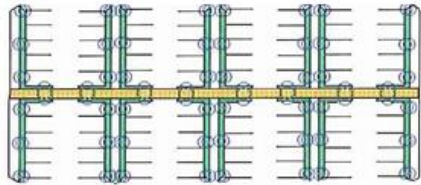
2. Zero lot line side setbacks with attached structures, in compliance with the International Building Code are anticipated except for necessary rear lot driveway access, pedestrian access, open space, transitions to other uses and landscape areas. Rear setbacks should be of sufficient depth to allow proper parking and landscaped areas to the rear of the buildings, coupled with appropriate transitions to adjacent uses. Rear yards and the rear of buildings shall not directly abut streets. If the rear of building is approved adjacent to a street, pedestrian access and street oriented building treatment must be adequately addressed.



Anchor Retail

3. Building Orientation. The entrances of all retail, civic, residential, institutional uses, and office buildings shall always front onto major streets, with the exception of center block residences (which still must front pedestrian ways) and anchor stores greater than 30,000 square feet in size. On minor streets this requirement is suggested but may be waived with an appropriately landscaped buffer yard adjacent to the minor street. Secondary entries may be required at the rear of street-facing buildings. Where possible, 'like land uses' shall face 'like land uses' or open space, i.e. retail across the street from retail, townhomes from townhomes, etc. Loading docks and service areas shall be screened from streets and adjacent properties through architectural design and landscaping. Anchor store entrances must front onto the street, and be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking

areas may be via mid-block passageways or "paseos," to the street.



Walkways thru parking areas

- C. **Building Height.** Buildings shall have a minimum and maximum height as indicated on the table by building type, with height to be measured in accordance with the City's adopted ordinances and standards.

Land Use	Commercial, Office & Vertical Mixed Use or residential flats	Condos, Town-homes, single purpose apartments	Single -family, duplexes, twin homes, & 4 unit buildings	Civic Uses & other stand-alone uses
Minimum Building Height	Two stories or 24'	Two stories or 24'	One story or 14'	One story or 14'
Maximum Building Height	Four stories or 45'	Three stories or 36'	Two stories or 24'	Three stories or 36'

The Planning Director may approve a height over three stories if the design includes suitable "step-back" architecture and other architectural features which encourage a "village" feel on the street level. Step-backs shall create usable spaces for residents.

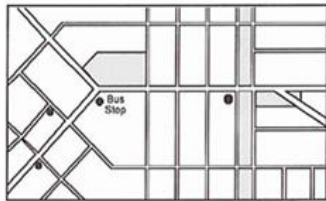
- D. **Land Use Impact and Buffering.** Landscape buffers are strongly preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between compatible uses. Visual screening which creates 'outdoor rooms' is often more important than a physical separation and the Planning Commission, shall evaluate such areas. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance. Approved fences or walls shall be compatible in color, texture, and design in relationship to building materials. In order to mitigate any negative impacts, the Planning Director, after due consideration, may modify building setbacks and heights to create better separation, and/or require additional architectural and/or landscape elements, as needed to mitigate anticipated detrimental impacts between uses. Transitions between buildings in the MPC and other zones shall be setback 20' for buildings up to 24' in height (measured to the peak of the roof) and then additional height shall be allowed with an additional foot of setback equal to one additional foot of height.
- E. **Architectural Design and Materials.** The treatment of building mass, façade variation, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding buildings, and yet provides diversity in design. A mix of materials is required. Requirements applicable to all buildings are stated below:
 1. All sides of buildings shall receive substantial design consideration, with an emphasis on areas visible to pedestrians, vehicular traffic, and neighbors. Repetitive design for any

project over 5 buildings is not acceptable. Within projects, sub-neighborhoods created by design shall be incorporated in the overall scheme, with a general intent of significant building façade changes every 5 to 10 buildings or as approved in the site plan. A mix of materials is required.

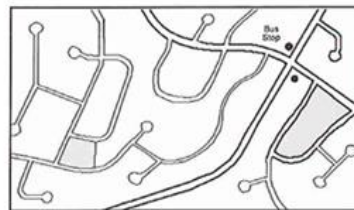
2. Screening: All building equipment and service areas, including on grade and roof mechanical equipment, utility meters, and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, especially from major streets, or they may be enclosed as to appear to be an integral part of the architectural design of the building. Dumpsters (shall not be located closer than 20' from any property line), and other necessary equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent. Screening elements shall be aesthetically incorporated into the design of the site whether located on the ground or on a structure.
3. Basic building materials shall include, but are not necessarily limited to, architecturally treated pre-cast concrete, brick, stone, granite, ceramic tile, cement/fiber board, architectural metals, and/or glass. All residential uses shall have substantial brick and/or masonry exteriors. Limited amounts of stucco, vinyl siding and metal may be considered as accent materials, if the quality of the design merits such consideration. The use of exposed concrete (architectural concrete excepted), or vinyl for storefront facades is not permitted. All buildings within the development shall incorporate some common architectural theme and/or architectural elements, creating a unifying development.
4. No more than four colors shall be used per development excluding the roof. Earth tone colors are encouraged to help buildings blend into the environment, however, color may vary if approved by the land use authority as being compatible with surrounding developments. Approved tinted glass surfaces shall be considered as one of the colors allowed and shall conform to the color requirements included herein.
5. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial buildings shall be designed with ground floor architectural distinction/separation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, bay and/or box windows, terraces, or other design features which are oriented to the street, or other people spaces. Windows shall make up at least 50% of street-facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Substantially tinted windows and windows with reflective film or glass are not permitted at street level; however windows with a minimum of tinting to meet low-e and other energy efficiency standards are highly encouraged. Building facades shall provide at least one operable building entrance per elevation that faces a public street.
6. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
7. Plans shall include any existing buildings that will be incorporated into the project and any modifications to such buildings.

- F. Signage. Proper design and placement of signs and their lighting is critical. All developments shall have a sign theme which promotes use compatibility. Permitted permanent signs within the MPC Zone shall be, directional signs, or signs located on the building, such as wall signs, projecting wall signs, and window signs.
- G. In addition, a monument sign is allowed with the following limitations: the sign shall have as the prominent feature the name of the development. Font styles shall be consistent. Monument signs shall be constructed with materials similar to that of the main building. Monument signs may not obstruct the clear of view of any intersection or driveway.
Only A-frame signs and painted murals on the inside of a storefront window are allowed as temporary signs.
- H. Open Space. Significant usable open space equal to 20% of the project shall be provided within the MPC development, depending upon the size, scale, and nature of the development. Usable open space means spaces that serve a recreation function and not leftover non-usable pieces such as landscaped islands in parking lots. Such spaces should be appropriately sized for the development and should include at least one usable space with a minimum dimension of 50' by 100'.
 1. Approved open space may include but is not limited to: commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, greenbelts, and trail connections.
 2. A "Village Green" or other commons area, may be required adjacent to mass transit connections or other significant activity.
 3. Building materials used within open space areas shall be related to the materials of adjacent buildings and shall be a non-skid finish.
 4. Design shall be designed to provide safe pedestrian use, including landscaping, seating areas, WIFI, and lighting as appropriate. Fruit tree, community gardens, and water themes are encouraged.
 5. Areas of environmental concern or interest may be required to be preserved or enhanced, i.e. water drainages, connections to trail systems, and water features. Unless otherwise specified through the development agreement with the City, all open space areas shall be maintained by the property owners or homeowner associations.
- I. Landscaping. Landscaping guidelines are established to improve and maintain site qualities. Landscaping, in general, shall conform CCNO 11-19 and the following principles:
 1. Landscape and streetscape plans are required to be submitted with any building, structure or other improvements meeting the standards of this ordinance and as specified in the Public Works Standards. All such plans shall promote water-wise landscaping designs and include xeriscape, where appropriate.
 2. Street trees are required along major streets unless this requirement is specifically waived by the City in exchange for other types of street landscaping, such as, flowering pots, shrubbery, rain gardens, etc. When available, the City's Street Tree Plan should be consulted.
 3. Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped

- a. Where possible, a 50/50 mix of deciduous and evergreen trees and shrubs shall be used for on-site landscaping.
- J. Outdoor Lighting. Lighting, in general, shall conform CCNO 11-11-6 and the following principles:
1. The lighting of streets, pedestrian areas, parking lots, and open space is required.
 2. Exterior wall mounted floodlights are expressly prohibited.
 3. Indirect lighting, bollard lighting, and landscape lighting is encouraged.
 4. Lighting of a building and site identification signs are permitted as allowed elsewhere in this Code.
 5. Lighting along Washington Blvd., the Downtown and Southtown, and 2700 N. shall be an approved fixture as selected by the City.
 6. Lighting shall be evaluated as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings and a lighting plan provided. Intensities shall be controlled so that 'safety' lighting is provided while neighboring areas are protected from glare or excessive direct light.
- K. Streets and Pedestrian Ways
1. Streets. All accesses within a MPC shall have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where possible. Cul-de-sac streets shall not be approved unless it can be demonstrated that no other practical way exists to make connectivity. In order to uphold and enhance traditional neighborhood development principles, private streets are discouraged and gated communities are prohibited.



Connected Street System



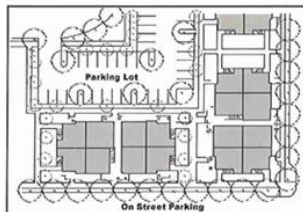
Disconnected Street System

2. Widths. Street widths shall be per Public Works Standards. In general, streets shall be designed to meet the level of travel and service, while incorporating principles of traffic calming and pedestrian compatibility, i.e. tree lined streets with pedestrian ways and linkages, decreasing the need for pavement width by spreading traffic through a grid or modified street hierarchy system.
3. Sidewalks and Walkways. The design of pedestrian ways may include a solitary meandering pathway or trail, a 'pedestrian street' and the many possible designs in-between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access shall be made based upon the scale and type of mixed use project being proposed and by the way uses are intermingled. A ten foot cross-section (five foot park strip, five foot sidewalk) is a minimum standard, while sidewalks widths of 10' are required for properties that front on Washington Blvd. and/or 2700 N. All public streets shall have walkways for pedestrians.

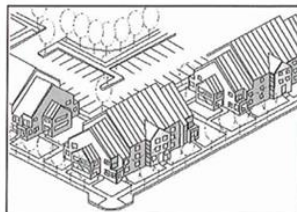
4. Pavers, borders, colored/textured concrete and other sidewalk design materials with compatible colors shall be used as needed in order break up expanses of hard-surfacing and to encourage pedestrian interest and activity. In vertical mixed use areas, wider sidewalks are required in order to enhance street and land use connectivity. Portions of the park strip may be paved or crushed rock, to accommodate street furniture, leaving tree wells for street trees. Corner plazas are required with a triangular area having at least 20' dimension parallel to the streets emanating from the intersection of ROW lines. Street furniture, including but not limited to benches, trash receptacles, artwork, drinking fountains, bike racks, etc. may be required depending upon the nature of approved uses. Street furniture requirements shall include an overall design theme for compatibility.
 5. Crosswalks. Extensive use of crosswalks shall be incorporated within the project. Crosswalks shall be so configured to be a design feature of the development, i.e. heavy painted lines in patterns, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian design shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and to act as a 'refuge' for crossing pedestrians.
 6. Street widths. The widths of streets shall be established as per Public Works Standards
- L. Other Forms of Transportation. All forms of transportation shall be considered within and without the MPC with the intent to improve convenience and reduce automobile trips. All forms of transportation should be encouraged, including, walking, bus, bicycle, and pedestrian. Access connections shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities.
- Conveniently located short term bicycle racks shall be required in every development along the street frontage with the ratio of one rack that accommodates at least 2 bikes per business with up to 25 employees and one rack that accommodates at least 4 bikes for businesses with over 25 employees. Long term bike rack/storage is required for residential developments with a ratio of one rack that accommodates at least 5 bikes for every 50 units.
- Appropriate bus turnouts, shelters, and stops shall be coordinated and planned as part of the development review process. Based upon land use and the level of demand, bicycle parking shall be provided in appropriate locations, i.e. visible from store fronts and entrances to office buildings and residential structures.
- M. Parking Areas. Parking areas shall be considered as structures since they present a three dimensional appearance when occupied. All parking areas shall meet the requirements of CCNO 11-19 as well as the following:
1. Parking Location. Location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. Where possible, Parking lots shall be broken up and planned as 'outdoor rooms'.
 - a. Large Parking lots. When approved, larger parking lots shall be broken up with substantial tree and ground cover broken up into 'rooms' of no more than 300 parking stalls thru the use of connecting walkways.

- b. Where practical, parking lots shall incorporate LID techniques, by providing retention through the use of internal islands for storm water retention.
 - c. Unless otherwise approved by the Planning Director, parking lots are prohibited adjacent to any street and/or between a building and the street. Parking shall be located to the rear of the building or to the side. Parking lots located to the side of a building shall incorporate adequate screening, such as short walls and hedge type landscaping between the lot and the public sidewalk.
 - 2. Underground parking, deck or terrace parking, and parking garages are encouraged. Parking structures with first level parking immediately adjacent to the frontage of a street are prohibited. Parking structures shall be designed around natural light with 'safety' lighting added as needed.
 - 3. Landscaping, within and without, may be required to enhance compatibility and safety.
 - 4. Developments may be approved with less than required parking if evidence can be shown that the nature of the land use proposed will not need the number of stalls as recommended in the City's parking ordinance, as may be approved by the land use authority.
 - 5. Developments may also be 'under parked' if justified with a walkable design that demonstrates such, and/or where local multi-modal transit systems exist or are immediately planned, which would help reduce the number of needed parking stalls and/or automobile trips.
 - 6. Shared parking arrangements may be required in order to reduce necessary parking areas and to encourage pedestrian activity. A parking study may be required during the pre-application process if determined by the Planning Director that some flexibility may be warranted, paid for by the developer and managed by the City to consider a reduction in the City parking standards.
 - 7. Where possible, on-street parking shall be provided adjacent to developments, and a pro-rated share of such, may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the City Engineer and approved by the land use authority. UDOT coordination and approvals may be required.
 - 8. Visitor parking shall be carefully considered using the standard of 1 visitor parking space for every units. Tandem parking may be considered for up to 50% of this requirement.
 - 9. RV storage lots and stalls occupied by RVs shall not be allowed.
- N. Environmental. Building, landscape, and solar design should be adjusted, where possible, to be compatible with the local climate. Such design should include, but may not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement, planned in such a way to enhance livability and reduce energy costs.
- 1. The use of lighter colored building materials (i.e. roof tops), fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect.
 - 2. Where possible, streets, driveways, parking lots, etc., should use concrete or other materials which absorb less sunlight.
 - 3. Interior and perimeter parking lot landscaping shall be provided at the ratio of at least one tree per six parking stalls.

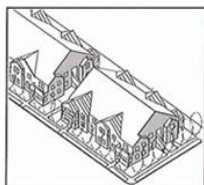
4. Where practical, drought resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Extensive areas of grass or other high water use plants without a public purpose are discouraged.
 5. Include 220 volt outlets in all garages, solar panels on roofs, and insulation exceeding standard code requirements by 20% for roofs and walls.
- O. Requirements Unique to Residential Uses. The following shall apply to residential uses:
1. Multi-family residential use shall comprise a variety of types of housing, fulfilling housing needs with a wide assortment of housing choices.
 - a. The following standards shall be required for multi-family residential:
 - i. Properly designed off-street surface parking hidden from streets, parking terraces, or underground parking. Attached or detached garage units associated with multi-family development should be rear loaded. Where only front loaded garages are possible, they shall be subservient and setback 5 feet from the front façade and at least 20' from the front property line.
 - ii. Flat roofs with a parapet and pitched roofs with a 4/12 pitch or greater, unless otherwise approved by the Land Use Authority.
 - iii. Extensive windows facing streets, alleys and pedestrian connections.
 - iv. Covered porch entrances.
 - v. Entry sidewalks that connect directly to public sidewalks.
 - vi. Livable balconies of 50 square feet or larger with a minimum of 5' in depth
 - vii. Material variety
 - viii. Building relief
 - b. The following standards for multi-family residential are required :
 - i. Multi-level structures.
 - ii. Dormers and/or shutters, and other window treatments such as bay or box type windows.
 - iii. Enhanced corner treatments on major streets including towers and larger corner setbacks for plazas
 - iv. Street side balconies/decks.
 - v. Streets which de-emphasize the need and speed of automobiles.
 - vi. Other pedestrian oriented design



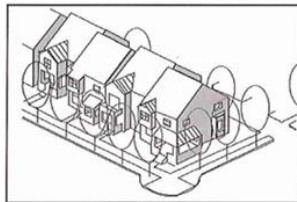
Garden Apartments - Plan View



Garden Apartments - Elevations

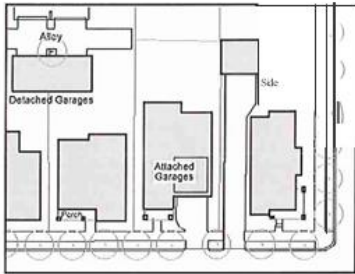


Condos w/ Underground Parking Elevations

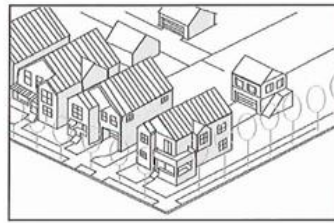


Townhomes - Elevations

2. Small lot Single family residential uses, if approved, shall be carefully designed using the following design principles. Front setbacks shall range between fifteen (15) and twenty (20) feet typically measured from the inside edge of sidewalk to the porch. Front loaded garages shall be subservient to the dwelling and shall not have a setback less than twenty feet. The following standards shall be required for single family residential:
 - a. Subservient garages, i.e. back loaded detached with alley access, front loaded detached, attached but setback from the front line of the home by at least five feet (and 20' from the public ROW), side entry attached, or a combination of the above.
 - b. Roofs with a 4/12 pitch or greater.
 - c. Covered open front porches comprising at least 50% of the front elevation (not including the garage), in no case being no less than fifteen feet (15') in width and six feet (6') in depth.
 - d. Entry sidewalks that connect directly to public sidewalks.
 - e. Lamp posts and/or entry door lighting with downward directed illumination
3. The following standards for small lot single family residential are required:
 - a. Two-story dwellings.
 - b. House dormers and/or shutters, and other window treatments.
 - c. Street side balconies/decks.
 - d. Wrap-around porches, particularly on corner lots.
 - e. Rear loaded garages



Single Family Residential - Plan View



Single Family Residential - Elevations

4. Service Areas. Loading and refuse collection areas shall be screened from public view. These areas are not permitted between buildings and streets unless they can be adequately screened thru landscaping and architectural design. Streets shall not be used as maneuvering areas for commercial loading, unloading, or refuse collection. Building and improvements upon lots shall be designed to properly accommodate loading, unloading and refuse collection. Screen walls and enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris-free condition. Dumpsters shall not be located within 20' of any property line.

- P. Density. It is anticipated that a Master Planned Community will fall in the medium to high density categories as established in the General Plan. Currently (2015) those densities are 6 to 18 units per acre for medium density and 18 to 40 units per acre for high density.

11-9K-4: LAND USES

- A. Land uses shall be established through the development agreement. The general categories of uses include: retail, service, office, and residential uses but all uses shall be enumerated in the development agreement.

11-9K-5: ZONE DESIGNATION ON THE OFFICIAL ZONING MAP OF NORTH OGDEN

- A. All Master Planned Community zoning shall be designated MPC with a suffix that refers to the actual development. As an example, if a project is approved and built with the name "Coldwater Springs", it would be designated on the Zoning Map as MPC-CS.

11-9K-6: MODIFICATIONS OF THE APPROVED PLANS

- A. After adoption of the MPC, there may be a need for deviations from the approved plans to address building code revisions, unknown existing conditions, material availability, and other unforeseeable issues. The City Planner, the City Engineer, and their designees may approve changes that are consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improved or equivalent quality of materials or design. Any proposed changes that exceed 5% of the project area or that are deemed materially significant by the City

Planner or City Engineer shall require an amendment to the MPC per the approval process set forth in this ordinance. Planning Commission shall hold a hearing and may make a determination in favor of, against, or require a modification to the proposal. Any significant change shall require that the Development Agreement be updated with the City Council, in a public hearing process.

11-9K-7: MASTER PLANNED COMMUNITY ZONE CONFLICTS WITH OTHER REQUIREMENTS IN THE CITY CODE

- A. When the requirements of this chapter are found to be in conflict with other provisions of the City Code, the standards, requirements, and processes of this chapter shall take precedence, especially where a development agreement has been approved.

ARTICLE L: CIVIC ZONE C

11-9L-1: PURPOSE AND INTENT

The civic zone is specifically intended to regulate civic uses within the City. This zone identifies the standards for public land and structures that are developed and set aside for the use and benefit of the public.

11-9L-2: PERMITTED USES:

- A. The following uses shall be permitted:
 1. Accessory building and use customarily incidental to any permitted use. See CCNO 11-9M-9.
 2. Cemetery.
 3. Civic Buildings.
 4. Civic Complexes.
 5. Public Park, public recreation grounds, and associated buildings. See CCNO 11-9M-19.
 6. Public Utility substation or water storage reservoir developed by a public agency. See CCNO 11-9M-20.

11-9L-3: SITE DEVELOPMENT STANDARDS

The following standards reflect minimums; however, the variety of civic uses have unique circumstances and needs. The Planning Commission may approve alternative standards based upon unique circumstances while taking into account the need for appropriate buffering with adjacent properties.

A. Minimum Lot Area	No Minimum lot area.
B. Minimum Lot Width	No Minimum lot width, however, frontage access on a public street is required
C. Minimum Yard Setbacks for Structures	
1. Front	20'
2. Side	10'
3. Rear	20'
D. Building Height	
4. Minimum	One-story

5. Maximum	Two and one-half (2½) stories or thirty five feet (35') or as approved by the Planning Commission
E. Open Space	
6. Civic Building	20%
7. Public Parks	50%

11-9L-4: SITE PLAN APPROVAL

For any permitted uses a site plan shall be required in accordance with CCNO 11-26. Uses for each site plan will be identified.

11-9L-5: AMENDMENTS

- A. Minor Changes: All development shall conform to the final plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Director if the change is consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improve or equivalent quality of materials or design Any changes that exceed 5% of the project area or are deemed materially significant by the Planning Director shall require an amendment to the site plan. Examples of a minor change are the relocation of a use on the site.
- B. Changes to any of the following shall require a modified site plan review and approval by the Planning Commission.
 - 1. A change in the use or character of the development;
 - 2. A change in character of approved open space;
 - 3. A reduction of required off street parking;

11-9L-6: SIGN REGULATIONS

A comprehensive sign plan shall be submitted and approved for each civic facility.

A comprehensive sign plan shall include the location size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation, of all proposed signs for the civic use, either permanent or temporary.

The comprehensive sign plan shall be approved by the Planning Commission as part of the site plan approval.

11-9L-7: FENCE REGULATIONS

Uses within the Civic zone are subject to 11-9M-16.

A fencing plan shall be included with the site plan and approved by the Planning Commission.

11-9L-8: EXTERIOR LIGHTING

Uses within the Civic zone are subject to 11-11-6 (Exterior Lighting)

11-9L-9: TRASH ENCLOSURES

Uses within the Civic zone are subject to CCNO 11-11-9 (Trash Enclosures) Civic uses may use standard pickup service in lieu of a trash enclosure.

11-9-10: PARKING

Uses within the Civic zone are subject to CCNO 11-18. The number of required parking stalls shall be approved by the Planning Commission as part of the site plan review approval process.

ARTICLE M: USE REGULATIONS APPLICABLE TO RESIDENTIAL AND CIVIC ZONES

11-9M-1: APPLICABILITY

- A. The regulations included herein, qualify or supplement, as the case may be, the zone regulations contained within the Residential Zone Districts.

11-9M-2: ADDITIONAL PRINCIPAL BUILDING REGULATIONS

- A. Every principal building shall be located and maintained on a lot and every lot shall have required frontage on a street, except where a parcel of land was in separate ownership prior to December 31, 2000, and except as otherwise permitted in this Title.

11-ML3: ADDITIONAL YARD REGULATIONS

- A. Open or lattice enclosed fire escapes, fireproof outside stairways, regular unwallled porches, terraces, bay windows, chimneys, balconies, and balconies opening upon fire escapes , may project five feet (5') into a required front yard, ten feet (10') into a required rear yard, and three feet (3') into a required side yard; and the ordinary projections of chimneys and flues are permitted.

11-9M-4: ADDITIONAL HEIGHT REGULATIONS

- A. Chimneys in residential zoning districts may be two feet (2') above the roofline of the residential structure, even if the roofline is at the maximum building height.

11-9M-5: ZERO SIDE YARD PROVISIONS

- B. Purpose and Intent. The purpose of this section is to allow the Planning Commission to grant one zero side yard per lot in the subdivision as per the following conditions:
 1. When the remaining one side yard is equal to the combined total of the required two (2) side yards of the zone in which it is located.
 2. No window or other similar opening shall be installed in the building or any accessory building along the side having a zero side yard.
 3. No zero side yard will be permitted on the lot side bordering a nonresidential zone, or on the lot side bordering on a residential lot not utilizing zero side yard provisions.
 4. The use of the zero side yard provision is contingent upon development of, or commitment to development of, a zero side yard on adjacent lots.
 5. The approved location of each dwelling and accessory buildings utilizing the zero side yard concept must be designated on each lot on the approved final subdivision plat.

6. In the case of existing subdivisions, the zero side yard concept may be utilized upon compliance with the above provisions and upon issuance of a conditional use permit approved by the Planning Commission and City Council.
7. All building permits will be issued in strict accordance with the building site restrictions as shown on the approved subdivision final plat. Any changes in the location of buildings from the location shown on the approved final plat must be approved by the City Council and an amended final plat shall be recorded with the county recorder showing the approved changes.

11-9M-6: SETBACKS ON LOTS 10% OR GREATER SLOPE

- A. Purpose and Intent. The purpose of this section is to provide setback relief for lots with an overall slope greater than fifteen percent.
- B. Residential lots with an overall slope greater than ten percent may have the front setback reduced from 30 feet to 20 feet. Slopes shall be measured from the highest elevation on either the front or rear lot line to the lowest elevation on the lot.

11-9M-8: SPECIAL PROVISIONS FOR SIDE YARD REDUCTION

- A. Purpose and Intent. To provide residential single-family dwelling units built prior to 1980, not having adequate parking as required by current ordinance, to request a reduced side yard of not less than six feet (6') and/or a reduced garage width of not less than eighteen feet (18') for the purpose of adding a garage or carport provided, that:
- B. The side yard reduction must be on the garage or carport side of the dwelling and no living space will be allowed in connection with the addition.
- C. The combined total of the side yards of the dwelling requesting the change is not less than eighteen feet (18') in zones RE-20, R-1-12.5, R-1-10; and twelve feet (12') in zones R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3 and R-4.

11-9M-9: ACCESSORY BUILDINGS

- A. Purpose and Intent. To allow for the construction of accessory buildings and ensure that accessory buildings are designed and built to minimize their impacts on neighboring properties.
- B. Location and Size:
 1. No detached accessory building, other than trellises, shall be allowed between the front of the main residential building and the street.
 2. A garage or carport attached to the main residential building is allowed between the front of the main residential building and the street if the front and side yard setback requirements for the zone are maintained and the garage or carport is integrated into the design of the residential building, with a similar residential exterior wall treatment, roof slope, and roofing material as the main building to which it is attached.
 3. A detached garage or carport may be located in the side yard so long as it meets the side and front yard setbacks, is a minimum of six feet from the main building, is integrated into the design of the residential building, and has similar residential exterior wall treatment and roofing material as the main building.
 4. ~~Metal accessory buildings must be located in the rear yard.~~

~~5.4. Nonmetal~~ Accessory buildings regardless of size may be located in an interior side yard or rear yard provided they meet the required setbacks of the zone.

~~6.5.~~ On a corner lot, an attached or detached accessory building (with or without a roof) that is open on at least three (3) sides may extend into the side yard setback facing a street up to the minimum side yard setback for an interior lot in its respective zone. Such structures are limited to covered or uncovered decks, patios, gazebos, pergolas, and trellises.

Commented [SH17]: Need to assure that projections into yards are still permitted in front, side, and rear (open porches, stairs, etc. former 11-10-4 Additional Yard Regulations)

- C. Height. The building shall not exceed the maximum height allowed per the development standards of each zone district.
- D. Design and Materials. The following standards shall apply to the design and materials of accessory buildings:

~~1. Accessory buildings in R-1 and RCC zones may be constructed of horizontal siding brick, wood or stucco or similar material as the main building.~~

~~2.1.~~ All accessory buildings larger than two hundred (200) square feet must be integrated into the design of the residential building with similar residential exterior wall color.

- a. Roofing materials including metal roofs shall have a similar color as the main building.
- b. An eave proportionate to the main building is required with a minimum of twelve (12) inches. Aluminum fascia soffits are allowed.
- c. Accessory buildings fronting onto a street must have a window(s) that occupies a minimum of five percent (5%) of the façade of the building or have a person door or garage door with windows.

~~1. 2.~~ Reuse of a metal structure originally designed for or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.

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~~2. Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones, in rear yards only.~~

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~~3. Accessory buildings over two hundred (200) square feet finished with metal siding are not allowed in the R-1 and RCC zones.~~

~~4. Architectural metal and prefabricated metal buildings are allowed as accessory buildings in the RE-20 zone.~~

~~3.~~ All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two.

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~~3. 4.~~ Accessory buildings over two hundred (200) square feet in floor area shall have a minimum 4/12 roof pitch.

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- E. Prohibited Use. Accessory buildings shall not be used as living quarters. Accessory dwelling units are not considered accessory buildings.

Accessory Buildings in CCNO 11-9D (Residential Zone R-2), CCNO 11-9E (Multi-family Residential Zone R-3), CCNO 11-9F (Multi-family Residential Zone R-4) and the following PUD Zones CCNO 11-9G (Roylance Farms Planned Unit Development Zone), CCNO 11-9H (Quail Ponds Planned Unit Development Zone), and CCNO 11-9I (Cold Creek Village Planned Unit Development Zone):

Accessory Building				
	R-2	R-3	R-4	PUD
A. Interior side yard setback (in feet)	3	3	3	3
B. Corner lot side yard setback (in feet)	20	20	20	20
C. Maximum height (in feet)	15	15	15	15
D. Maximum size	599 sq. ft.	599 sq. ft.	599 sq. ft.	599 sq. ft.
E. Minimum distance between buildings	6	6	6	6
F. Maximum rear yard coverage by all accessory buildings	25%	25%	25%	25%

11-9M-10: ACCESSORY DWELLING UNITS

- A. Purpose and Intent. The purpose and intent of this section is to recognize the residential character of North Ogden City and to provide for supplementary living accommodations in the community. These provisions are intended to provide for affordable housing with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units (ADUs).
- B. Owner Occupied. No ADU shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the primary dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Weber County tax assessment rolls.
 - 1. Owner Occupant. An Owner occupant shall be considered:
 - a. An individual who:
 - i. Possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
 - ii. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
 - b. An individual who:
 - 1) Is a trustor of a family trust which possesses fee Title ownership to the dwelling unit which was created for estate planning purposes by one (1) or more trustors of the trust; and
 - 2) Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.

- c. A person who because of a temporary work, military, or non-profit related assignment which is less than 36 months is relocated outside of the City but maintains the property associated with the ADU as their legal residence as evidenced by providing proof annually of the temporary assignment and one of the following: the current years income taxes (with financial information redacted), driver's license, vehicle registrations, or voting registration.
- C. Dwelling Unit Occupancy. The occupants of an accessory dwelling unit shall be limited by one of the following family categories:
 - 1. Temporary guests. A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.
- D. Zones. An ADU which meets ordinance requirements is a permitted use in a single-family dwelling unit or in a detached accessory unit within the RE-20, R-1-8, R-1-8(AG), R-1-10, R-1-12.5 and RCC zones. No accessory dwelling unit may be allowed in any multi-family dwelling.
- E. Number of ADUs. A maximum of one ADU shall be allowed in each owner occupied single-family dwelling, or in a detached ADU associated with a single-family dwelling.
- F. Address. The principal dwelling unit and the ADU shall have the same address number, but shall refer to the ADU as unit B. Addresses must be located in a visible location on the street frontage side of the home.
- G. Separate Living Areas. An ADU must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.
- H. Fire, Building, and Health Codes. An ADU shall comply with all building construction and fire codes in effect at the time the ADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.
- I. Utility Meters. A single-family dwelling with an ADU shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. Impact fees are required when adding a detached ADU.
- J. Not Intended For Sale. ADUs shall not be sold separately from the primary dwelling unit.
- K. ADU Registration / Business License. Any person owning an existing ADU that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an ADU, or any person remodeling or causing the remodeling of a residence for an ADU, shall register the accessory dwelling unit with the Planning department. If the ADU is a rental unit a business license is required. This shall be in addition to a building permit for the work to be performed. In order to meet the requirements of the registration, the applicant shall:
 - 1. Submit a fee as identified in the Consolidated Fee Schedule with a completed registration form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
 - 2. Include detailed floor plans with labels on rooms indicating uses or proposed uses.
 - 3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges.
 - 4. Make all corrections identified as necessary to comply with building code requirements, as identified by the chief building official or his designee, and provide photos of the life

- safety items required by building code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters.
5. Existing non-conforming duplexes which were legally established prior to the elimination of duplexes from the underlying zone shall continue to operate as a duplex even if an Owner Occupant maintains one of the units as their primary residence, provided the Owner Occupant continues to treat the property as a duplex.
 - a. The Owner Occupant establishes the intent to maintain the duplex use by:
 - 1) Obtaining the necessary rental license annually; and
 - 2) Paying the required utility billing charges for two dwelling units; and
 - 3) Paying all other necessary licensing procedures which may be imposed in the future on all landlords throughout the City.
 - b. Failure to maintain the license and pay all necessary utility and other fees for a period of one year or more shall be interpreted as the intent to abandon the duplex use in favor of the conforming ADU use whether or not the unit is occupied.
 - c. Registering the duplex as an ADU for a period of one year or more shall be interpreted as the intent to abandon the duplex use.
 - L. Failure to Complete Registration. If the property owner does not complete the registration as outlined above, the ADU shall not be considered legal or approved. Failure to complete the registration of an existing ADU within two (2) years of the passing of this section may result in a fine of five hundred dollars (\$500.00) which may result in a lien on the property. After the fine is assessed, the building official or his designee shall determine an appropriate deadline for compliance. An additional fine may be assessed for each deadline that is not met.
 - M. Home Occupation Businesses. Home occupation businesses which may be approved in an ADU shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner.
 - N. Development Standards:
 1. The total area of the ADU shall fifty percent (50%) or less of the living space of the primary residence for an attached ADU. The total area of the ADU shall be forty percent (40%) or less of the living space of the primary residence for a detached ADU.
 2. ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
 3. Appearance. The architectural design, color pallet, and materials for an ADU shall be similar to the primary dwelling unit.
 4. ADUs and the primary dwelling must be on the same parcel and may not be subdivided.
 5. The height of an attached ADU may be equal to the main building maximum height. A detached ADU may have a maximum height of twenty five (25) feet.
 6. Location: Accessory dwelling units may be allowed as long as the zoning requirements for properties in a single-family neighborhood are met. The ADU shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located. In addition the following standards apply:
 - a. All accessory dwelling units are allowed over the garage, provided the parking within the garage is not converted, or

- b. Attached accessory dwelling units are allowed:
 - 1) Inside the primary residential dwelling through an internal conversion of the housing unit as an addition or in the basement.
 - 2) By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building
- c. Detached accessory dwelling units are allowed:
 - 1) Over a detached garage.
 - 2) Only in the rear yard.
 - 3) On lots having a minimum area of 20,000 square feet.
 - 4) Shall have a minimum separation from the primary dwelling of 15 feet.
 - 5) Subject to 11-7A-4, 11-7B-4, and 11-7J-4 Site Development Standards.
- 7. Building Entrances. An accessory dwelling unit shall have a separate entrance located on any side or rear of the single family home or at the front of the home if it is below grade and maintains the characteristics of a single family home. The purpose of this requirement is to preserve the single-family residential appearance of the building.
- 8. Parking. A single-family dwelling with an ADU shall provide at least three (3) off street parking spaces. In no case shall the number of off street parking spaces be less than the number of vehicles being maintained on the premises. This shall include covered parking, garages and tandem parking in driveways. Tandem parking within a driveway is allowed to meet the parking requirement. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway. The minimum width of parking areas and driveways shall be paved with concrete, asphalt, masonry, or concrete pavers. No ADU may be allowed on any lot that cannot satisfy the parking requirements.

~~8-O.~~ Converting Existing Dwelling Unit: An existing single-family dwelling unit, lawfully established at least 5 years prior to the date of application for an accessory dwelling unit, may be converted to an accessory dwelling unit. The lot must meet the standards outlined in 11-9M-10 and is exempt only from the following standards: 11-9M-10 (N)1, 11-9M-10 (N)2, 11-9M-10 (N)3, 11-9M-10 (N)5, 11-9M-10 (N) 6 c 2, 11-9M-10 (N)7.

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11-9M-11: ANIMALS AND FOWL

- A. Purpose and Intent. These provisions are intended to allow for animals and fowl on residential properties with minimal impact on neighboring properties and neighborhoods.
- B. Barns, Coops, Pens or Corrals. No barn, coop, pen or corral shall be maintained closer than fifty feet (50') from any dwelling and not closer than seventy five feet (75') from a dwelling on any adjacent lot. Any barn, stable, coop, pen or corral for the housing or keeping of animals or fowl shall be kept, constructed or maintained not less than one hundred feet (100') from a public street. A fenced pasture of one acre or more will be permitted to abut adjoining property lines and the property line adjacent to the public street, except as otherwise permitted in subsection E of this section.
- C. Kenneling Of Dogs. The pen or run in which the dog or dogs are kept shall not be built closer than one foot (1') to the property lines, but in no case shall it encroach upon existing utility easements. The pen or run shall be designed so as not to permit runoff onto adjoining property.

D. Keeping Of Backyard Chickens In Residential Zones:

Zone	Less Than 0.49 Acre (No Rooster)	0.5 Acre To 0.99 Acre (No Rooster)	1 Acre To 4.99 Acres	Over 5 Acres
RE-20	10 hens	15 hens	15 chickens per acre	30 chickens per acre
R-1-12.5	10 hens	15 hens	15 chickens per acre	
R-1-10	10 hens	15 hens	15 chickens per acre	
R-1-8	10 hens	15 hens	15 chickens per acre	
R-1-8(A)	10 hens	15 hens	15 chickens per acre	
R-1-8(AG)	10 hens	15 hens	15 chickens per acre	30 chickens per acre
HP-1	10 hens	15 hens	15 chickens per acre	
HP-2	10 hens	15 hens	15 chickens per acre	
HP-3	10 hens	15 hens	15 chickens per acre	
RCC	10 hens	15 hens	15 chickens per acre	

1. Additional requirements:

- a. Coops will be treated the same as accessory buildings however coops must be maintained not closer than twenty-five feet (25') from any dwelling on any adjacent lot.
- b. Feed must be stored in a rodent proof container.
- c. Clean water shall be made available to the chickens at all times.
- d. Chickens must be housed in a covered, ventilated, and predator resistant coop.
- e. The coop must be located in the rear yard.
- f. The chickens must be contained within the owner's property lines.
- g. If the chickens have access to an outdoor run, the coop must have at least two (2) square feet per chicken.
- h. If chickens stay in the coop at all times, the coop must have at least six (6) square feet per chicken.
- i. The coop and enclosed area must be kept clean and sanitary to prevent any insect breeding, vermin attraction, nuisance, or offensive odor past the property line.

- j. Dead birds and discarded or rotting eggs shall be removed as soon as possible but no longer than twenty four (24) hours and shall be properly disposed of.
- ~~k. A chicken permit must be obtained annually from the animal control office at the cost of five dollars (\$5.00) per year.~~
- ↳ k. The permit for keeping chickens may be revoked upon the conviction of the permit holder of a violation of this section.

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11-9M-12: ATHLETIC COURT

- A. Purpose and Intent. The purpose of this section is to permit residents to install an athletic court for recreational purposes.
- B. Permits. Athletic courts shall require a land use permit and building permit, and in addition to the impervious surface/landscaping requirements found elsewhere in this code, shall be subject to the following requirements:
- C. Athletic courts shall be considered an accessory structure and shall be subject to CCNO 11-9M-9 and CCNO 11-9M-10.
- D. Setbacks. An athletic court shall be constructed in the side or rear yard only with a 5-foot setback if the athletic court has a fence height higher than 6 feet. The setback to be measured from the property line to the fence fabric. Construction upon any utility easement will be done at the property owner's risk.
- E. Fencing. Fencing around the athletic court may be up to twelve feet (12') in height. Fencing enclosures shall not be considered as part of standard property line fencing. Fencing materials for athletic courts shall consist of open mesh fabric or vinyl coated or color coated chain link without slats. Fencing for athletic courts that are less than six feet (6') in height may be placed along a rear property line or side property line within the rear yard.
- F. Lighting. All athletic court lighting shall be subject to CCNO 11-11-6, must be shielded, directed downward, and shall not spill on to an adjacent property. The applicant shall provide evidence indicating that their light product and lighting plan will not cause light or light pollution from the athletic court light(s) to extend beyond their property line. Lights and light poles including the light base and any supporting structures shall not be in excess of twenty feet (20') in height. Light operating hours shall be restricted to 7am - 10pm.
- G. Grading and Drainage. All athletic courts areas shall be designed and constructed so that storm water runoff shall be contained on the owner's property and cannot discharge onto any adjacent property.

11-9M-13 BEEKEEPING

- A. Purpose and Intent. The purpose and intent of this section is to permit residents in all single family residential and R-2 zones to keep bees.
- B. Development Standards. An apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a rear yard (or side yard) of any residential lot or parcel. On a residential lot or parcel which is one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.
 - 1. Additional requirements:

- a. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
 - b. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Utah Code 4-11, as amended.
 - c. Hives shall be placed at least three feet (3') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive.
 - d. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
 - e. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
 - f. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hives located between three feet (3') and fifteen feet (15') from any property line that does not have a six foot (6') solid fence, a flyway barrier shall be established and maintained around the hive except as needed to allow access.
 - g. On all lots, if the apiary is located in an area that borders a public walk, street or public area, the area shall be separated from the public walk or street by a six foot (6') solid fence or wall that extends at least ten feet (10') from the hive in each direction.
 - h. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
 - i. Each bee keeper shall comply with all State laws and regulations pertaining to beekeeping.
2. Harvesting. Honey may be extracted from the hives for personal use and limited sales. Processing and packaging for sale is prohibited per the CCNO 11-14.
 3. In the event of a conflict between any regulation set forth in this chapter and bee management regulations adopted by the State of Utah and/or the Weber County Health Department, the most restrictive regulations shall apply.

11-9M-14: IN-HOME DAYCARES AND PRESCHOOLS

- A. Purpose and Intent. The purpose and intent of this section is to permit residents in specific residential zones to conduct in-home daycares and preschools in a manner that will retain the character of the home in a residential setting while not significantly impacting the residential character of the neighborhood.
 1. In-home Daycares and preschools are allowed in specific residential zones as a permitted use that requires a site plan per CCNO 11-2-9.
 2. Development Standards of all Daycares It shall be unlawful to conduct or pursue an in-home daycare or preschool within the corporate limits of the City, unless each of the following conditions are observed:

- a. In-home daycares in the operator's residence shall not exceed sixteen (16) people.
- b. Preschools in the operator's residence shall not exceed a total of fourteen (14) children per day.
- c. Residents of Premises: Only persons who are bona fide residents of the premises shall operate the daycare or preschool; if the daycare or preschool has more than 8 people or children then one additional person not residing in the dwelling may be employed in the daycare if they have been certified by the state and not a minor.
- d. Total Floor Area. The daycare or preschool shall not occupy more than 50% of the ground floor area of the residence.
- e. Minimum Interior Floor Area. A minimum floor area of thirty-five (35) square feet per child shall be provided.
- f. Signs and Advertising. No sign or advertising shall be displayed on the premises.
- g. Parking and Drop Off. Off street parking shall be provided to satisfy the requirements of CCNO 11-18. No additional parking required. The safe drop off of children is the responsibility of the daycare operator and shall be illustrated in the site plan application.
- h. Play Areas. A minimum outdoor play area of forty (40) square feet per child shall be provided in the rear yard. All outdoor play areas shall be within a fenced area and shall be limited to use by the children in the daycare in normal operating hours. Fence height shall be in accordance with CCNO 11-9M-14.
- i. Conformance with Laws: There shall be complete conformity with fire, building, plumbing, electrical and health codes; and to all state and city ordinances and other laws, covenants, restrictions or regulations pertaining to the premises upon which the daycare is conducted. State Law Applicable: The regulations and licensing of daycare centers shall be in accordance with Utah Code 26-39, as amended, or as hereafter amended
- j. Licensing and Regulation. Appropriate city and state licenses shall be acquired.
- k. An annual inspection for continued compliance will be required for business license renewal of all in-home daycare and preschool facilities.
- l. A criminal background check is required for any adult who resides at a dwelling used for an in-home daycare or preschool business.
- m. No person who has been convicted of a sexually oriented crime may operate, be employed by, or reside at a dwelling that is used for an in-home daycare or preschool business.

11-9M-15: FAMILY SWIMMING POOL

- A. Purpose and Intent. In single-family residential zones, a family swimming pools shall be permitted in the rear yard of a dwelling, and on corner lots, in the side yard, as an accessory use. The purpose of this section is to ensure the following requirements are met:

- 1. Location: The location of a family swimming pool ~~or~~ and accessory machinery shall be located thirty five (35) feet or more from any dwelling on an adjoining lot and ten (10) feet or more from any interior property line. Pools, accessory machinery, and decking

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located in a corner side yard may not be located farther forward in the lot than a line which is parallel to the required front setback, extending from the required front setback for a main dwelling to the side property line. Additionally, no swimming pool, decking or accessory machinery in a corner side yard shall be permitted in the area that is farther forward on a lot than the front corner of the main dwelling that is closest to the pool.

2. Fencing and Lighting: An outside family swimming pool shall be completely enclosed by a fence structurally adequate to resist wind load conforming to the international building code (IBC), and not less than six (6) feet in height with a self-latching gate with the latch on the pool facing side of the gate. Any lights used to illuminate said pool or its accessories shall be shielded, directed downward, and shall not spill on to an adjacent property and preserve the visibility of the night sky.

11-9M-16: RESIDENTIAL FENCE REGULATIONS

- A. Purpose and Intent. The purpose of this section is to provide standards for location and size of fencing for all residential applications.
- B. Front, Side and Rear Yards. Except as otherwise stated in subsections, D, E, and F of this section, no fence, hedge or other similar structure shall be erected in any required front yard of a lot to a height in excess of three feet (3'); nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet (6'), or as stated in other provisions in this Title. Fence posts or similar structure may exceed the maximum fence height. Hedges shall not exceed seven feet (7') in height in the side and rear yard. Hedge provisions in this Code Section apply only to hedges used in place of a fence or acting as a fence as defined in (xxx definition).
- C. Corner Lots. No fence, hedge or other similar structure shall be erected to a height in excess of six feet (6') in the rear or side yard of a corner lot. Hedge provisions in this Code Section apply only to hedges used in place of a fence or acting as a fence as defined in (xxx definition). All such fencing, shall maintain appropriate sight lines on the corner of the intersecting streets, as per D 1.
- D. Fences located in a side yard or portion of a rear yard of a corner lot which adjoins a street or public right-of-way, may be solid in appearance, or may preserve a degree of visibility between slats or similar elements, and may be located either on the property line or on a line located twelve feet (12') behind the edge of the asphalt in the street; whichever of these locations is farther away from the edge of the asphalt. The fence may also be located at a distance farther behind the edge of the asphalt than the distance determined from among the two listed above to be the farthest from the edge of the asphalt. (While not required, a three foot (3') distance behind the sidewalk is recommended, if a sidewalk is present, in order to provide an increase in space for snow storage, safety, practical usability of the entire width of the sidewalk by pedestrians, and aesthetic value.) Along the rear boundary of the corner lot, the fence may be located on the rear property line. A fence located in a side yard or portion of a rear yard of a corner lot which adjoins a street a public right-of-way, shall have the following additional limitations and requirements.
 1. Any fence erected in a side yard of a corner lot, in excess of two feet (2') in height, shall not encroach. that encroaches into the forty foot (40') triangular area required for visibility on a corner lot, as specified in subsection (C) of this section, shall not exceed

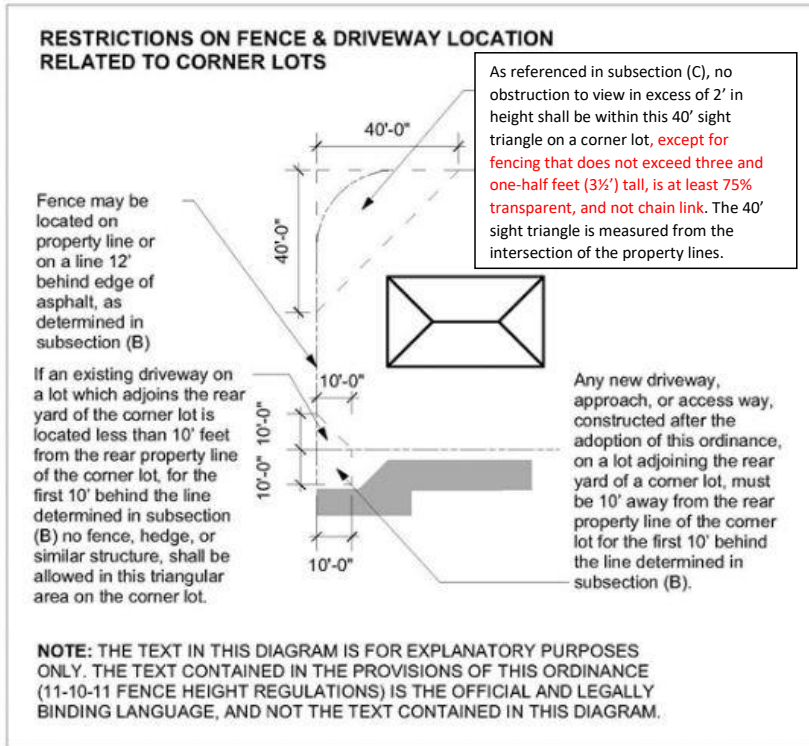
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three and one-half feet (3 ½') tall, shall be at least 75% transparent, and shall not be chain link.

2. On any corner lot where a driveway on an adjoining lot is located less than ten feet (10') from the rear property line of the corner lot, any fence constructed in a side yard or portion of a rear yard of that corner lot, which adjoins a street or public right of way, after the date of adoption of this ordinance, shall preserve a clear view through a triangular area on a portion of the rear yard of the corner lot (in addition to and separate from the 40' triangular area specified in subsection C of this section), wherein no fence, hedge, similar structure, or other obstruction to view shall be allowed. This triangular area shall be determined by measuring a line ten feet (10') in length, starting at the point where the rear property line of the corner lot intersects the public right-of-way or the line twelve feet (12') behind the edge of the asphalt (whichever has been determined to be farther behind the edge of asphalt), along the rear property line of the corner lot, and then measuring another line ten feet (10') in length, also starting at the same point as the first line mentioned immediately above, along the public right-of-way, or the line twelve feet (12') behind the edge of the asphalt (whichever has been determined to be farther behind the edge of asphalt), towards the front of the corner lot, and then connecting the farthest points of the two ten foot (10') lines with a straight line.
3. Any lot which is adjacent to the rear yard of a corner lot and which does not have a driveway, approach, or access way within ten feet (10') of the rear property line of the corner lot, shall not (upon the construction of a home, a new or expanded garage, or at any other time) after the date of adoption of this ordinance, be allowed to have a new driveway, approach, or access way constructed on it which is less than ten feet (10') from the rear property line of a corner lot which adjoins the two lots, for the first ten feet (10') behind the line mentioned above whereon a fence on a corner lot, in a side yard or portion of a rear yard which adjoins a street or public right-of-way, may be located, as described earlier in this subsection. Further, a clear view shall be maintained through this same ten foot (10') by ten foot (10') area, as well as the area directly between this ten foot (10') by ten foot (10') area and the edge of the asphalt, wherein no fence, hedge, similar structure, or other obstruction to view shall be allowed.



- E. Obstruction to View. In all zones, no obstruction to view in excess of two feet (2') in height as measured from the top of the curb or edge of the hard street surface, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet (40') from the intersection of the street lines, or at any other location which would obstruct the vision of street and regulatory signs or oncoming vehicles by automobile drivers, except a reasonable number of trees pruned high enough to permit an unobstructed view of street and regulatory signs or oncoming vehicles by automobile drivers, or fencing that does not exceed three and one-half feet (3 ½') tall, is at least 75% transparent, and not chain link.
- F. Fence Height and Fence Transparency on Retaining Walls.
 1. All retaining walls and grading for the area surrounding the location of those retaining walls must comply with CCNO 11-21.
 2. Fence Height. a. Fences constructed on the high side of a retaining wall, within three feet (3') (measured horizontally) of the top back of the retaining wall, shall have a maximum height of six feet (6'), measured from the vertical elevation of the top back of the retaining wall, and a required minimum height of three and one-half feet (3.5') measured from the finished grade on which the fence is constructed, when the retaining

wall is two and one-half feet (2.5') tall or taller. The fence height is measured to the top of the picket, baluster, mesh, or top rail, or the highest typical fence element (not including posts or post caps). Fence posts, including the post cap, may extend up to eight inches (8") above the maximum fence height. When a public right-of-way or trail is on the high side of a retaining wall which is two and one-half feet (2.5') or taller, and the public right of way or trail is within five feet (5') of that retaining wall, and a fence is installed between the retaining wall and the public right-of-way or trail, a minimum fence height of three and one-half feet (3.5') is required.

3. Fence Transparency. Fences constructed on the high side of a retaining wall, within three feet (3') (measured horizontally) of the top back of the retaining wall, shall comply with the following standards for fence transparency.
 - a. Retaining Wall Height shall be determined using the same standard used in 11-24.
 - b. The height of the retaining wall shall determine the minimum fence transparency, according to the following table.

Existing or Proposed Retaining Wall Height	Minimum Fence Transparency
0' - 5'	0%
Greater than 5', up to 8'	50%
Greater than 8'	80%

- c. The above listed transparency requirements shall not apply if the applicant is the owner of the property on the low side of the retaining wall, and both the fence and the exposed surface of the retaining wall are on the same parcel as the low side of the retaining wall.
 - d. The above listed transparency requirements shall not apply where a fence is built on the high side of a retaining wall and a public right-of-way or trail is directly adjacent to the property where the fence is built.
 - e. Obstruction to view and sight triangle requirements shall apply to retaining walls and all fences built upon retaining walls.
- G. Fence Support Structure (other than retaining wall).
 1. The fence support structure average height measurement shall not exceed 12 inches in height and shall not exceed 20 inches in any single location.
- H. Security Fencing. Public utility substations and institutional uses, e.g., churches, government buildings, or schools, may be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height, which shall be constructed of cement block, masonry, precast masonry, and / or wrought iron and may be equipped with an appropriate anti climbing device. Chain link may only be used as approved by the Planning Commission for security.

- I. The Planning Director may vary the fence height for nonconforming commercial sites in residential zones if it determines the proposed fence design, materials, and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:
 1. Not isolate the surrounding neighborhoods;
 2. Be consistent with the theme of the development; and
 3. Provide an effective screen to adjacent properties.
 4. Chain link, vinyl, cement block, masonry, and wrought iron are acceptable materials.
 5. If the fence is a solid screen wall it shall have at least a ninety five percent (95%) screen value.
 6. The owner of the nonconforming commercial property shall construct, maintain, and keep the fence in good repair.

11-9M-17: MODEL HOMES, MASTER PLANNED VILLAGE SALES AND INFORMATION CENTERS, AND TEMPORARY SALES TRAILERS

- A. Purpose and Intent. Model homes may be permitted in a residential area by a land use permit if not part of subdivision application. In the review for a model home, the Planning Director, shall consider lighting, landscaping, hours of operation, signage, parking, duration and neighborhood impact.
- B. As a minimum, the following standards shall apply:
 1. In no case shall a model home be open before seven o'clock (7:00) A.M. or after nine o'clock (9:00) P.M.
 2. The model home shall be for the purpose of initial marketing of houses within the subdivision where the model home is located. A model home may not be used as an office for the marketing of property in the subdivision that was previously sold, or the marketing of property outside of the subdivision.
 3. Space shall be provided for parking for each person stationed on site, plus two additional (2) spaces. Parking for model homes may be located on an adjacent lot owned by the owner of the model home and can be comprised of a temporary surface material such as gravel.

11-9M-18: PRIVATE PARK, PLAYGROUND OR RECREATION AREA

- A. Purpose and Intent. The purpose of this section is to ensure that private parks, playgrounds or recreation areas, with or without a swimming pool, in residential zones, meet the following requirements:
 1. Sanitary Facilities. Adequate restrooms and sanitary facilities shall be provided and kept available for use by members, their families and guests, and shall be maintained in proper working order and in a clean and sanitary condition and in full compliance with the reasonable standards, rules and regulations established by the county health department.
 2. Hours Of Operation. Operation or use of the recreational or other facilities shall be prohibited outside the hours of 7am - 10pm.
 3. Setback: All facilities, equipment and buildings shall be set back not less than twenty feet (20') from any property line and shall be located not less than fifty feet (50') from any main building on an adjoining lot and from any area upon which any such main

building may be constructed upon said adjoining lot, if no such main building is in existence.

4. Lot Size. The minimum size of the lot or site used for such recreational or other purposes shall be one acre.
5. Lighting: Any lights used to illuminate the premises shall be shielded, directed downward, and shall not spill on to an adjacent property..

11-9M-19 PUBLIC SERVICE FACILITIES

- A. Purpose and Intent. The purpose and intent of this section is to provide regulations for public service facilities within residential zone districts.
 1. A permitted use and building permit shall be required by all public service companies in order to establish or substantially expand utility buildings, structures or appurtenances thereto, in any residential zoning district. Extension of public service lines in public or private rights of way is exempt from these requirements.

11-9M-20: PUBLIC UTILITY SUBSTATION

- A. Purpose and Intent. The purpose of this section is to ensure that public utility substations in civic and residential zones meet the following requirements:
 1. Lot Area. Each public utility substation in a residential and civic zone shall be located on a lot not less than two thousand (2,000) square feet in area.
 2. Yards. Each public utility substation in a residential or civic zone shall be provided with a yard on each of the four (4) sides of the building or utility not less than five feet (5') in width.
 3. Street Access. Each public utility substation in a residential or civi zone shall be located on a lot which has access from a street, alley, or easement.
 4. Location to be approved. The location of a public utility substation in a residential or civic zone shall be subject to site plan approval in accordance with CCNO 11-2-9.
 5. Landscaping. A landscape plan will demonstrate appropriate buffering from adjoining uses.
 6. Fencing. The site plan will indicate opaque fencing as required by the Planning Commission.
 7. Parking. Permanent parking will not be required unless there is an onsite employee assigned to the substation.

11-9M-21: STORAGE OF RECREATIONAL VEHICLES AND TRAILERS

- A. Purpose and Intent. The purpose and intent of this section is to state regulations for storage of recreational vehicles and trailers in residential zones.
 1. Storage Permitted. Motor homes, travel trailers, camping trailers, other trailers, boats or utility trailers, shall only be stored, parked or located in any residential zoning district in the following ways:
 - a. Such vehicles must be noncommercial if located in any residential zoning district.

- b. Such vehicles, including trailer tongue and hitches, must be located no closer to the front property line than ten feet (10') in front of the front wall plane of the house and entirely on the owner's property.
- c. No such vehicle may be located on a residentially zoned lot or parcel of land that does not have a residential structure. In planned residential unit development projects, approved screened storage yards may be allowed; however, occupancy of any vehicle in the storage yard is prohibited.
- d. Motor homes, travel trailers, camping trailers, other trailers and boats, shall not be stored on the public street or private driveway for more than two (2) consecutive days and not more than ten (10) days in any one month. No recreational vehicle or trailer can impede any public right of way, which includes the public sidewalks. No recreational vehicle may be stored in the public street during and twenty four (24) hours after the end of a snowstorm. In multi-family developments and planned residential unit development projects, recreational vehicles shall only be parked in approved screened storage yards; however, occupancy of any vehicle in the storage yard is prohibited.
- e. All motor homes, travel trailers, camping trailers, other trailers, and boats stored in residential zoning districts shall comply with these regulations by October 23, 2002; provided, that motor homes, travel trailers, camping trailers, other trailers, and boats which are stored on a concrete or asphaltic concrete pad for which a building permit was obtained between April 10, 2002 and October 22, 2002, shall have until October 22, 2005 to comply with the regulations described in subsection A2 of this section.

11-10: COMMERCIAL AND MANUFACTURING ZONES

ARTICLE A: COMMERCIAL ZONES CN, CC

11-10A-1: PURPOSE AND INTENT

- A. The purpose of the commercial zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the City. The intent of the commercial zones is to permit establishment of a well-designed complex of retail facilities for a neighborhood, community or region which will provide goods and services for the people to be served.
- B. The two (2) commercial zones in this chapter are as follows:
 1. Neighborhood Commercial (CN). Provides for the sale and supply of daily living needs for the people in neighborhoods;
 2. Community Commercial (CC). Provides, in addition to the convenience goods, a wider range of facilities for the sale of retail goods and personal services for the community and region. Community commercial is generally located along Washington Boulevard from 2600 North to the south City boundary. The designation is further defined between the Downtown (CC-DT) subdistrict (2750 North to 2100 North) and Southtown (CC-ST) subdistrict (2100 North to the south City boundary).

11-10A-2: SITE DEVELOPMENT STANDARDS

- A. Minimum Lot Area: Eight thousand (8,000) square feet.
- B. Minimum Lot Width: None.
- C. Minimum Yard Setbacks:
 - 1. Front: Twenty feet (20') for all buildings and walls or fences over three feet (3') high; buildings that front onto Washington Boulevard, 2550 North, or 2700 North may be required to have a reduced 0 foot setback, if warranted for mixed use, street side dining, or the creation of a plaza as determined during the site plan process, by the Planning Commission.
 - 2. Side: None, except ten feet (10') adjacent to residential boundary;
 - 3. Side facing street on corner lot: Twenty feet (20');
 - 4. Rear: None, except ten feet (10') where building rears on a residential zone which shall meet buffering requirements of CCNO 11-20 and includes a 6' wall, rock mulch and trees.
- D. Building Height:
 - 1. Minimum: Ten feet (10').
 - 2. Maximum:
 - a. CN zone: Twenty five feet (25')
 - b. CC zone: Thirty five feet 38' for CC-ST and 50' for CC-DT.
- E. Lot Coverage: ~~No-Total~~ buildings or accessory buildings shall cover ~~over~~ no more than eighty percent (80%) of lot area.
- F. Landscaping: Total Commercial Site Landscaping shall be ten percent (10%) minimum.
- F-G. Mixed Use Standards Determined: Minimum site development standards for dwelling units shall be subject to 11-7K-5.
- G-H. Building Orientation, Building facades, Materials, and Utilities
 - 1. Building Entrances. Building facades should provide at least one operable/ functioning building entrance per elevation that faces a public street although, other entrances may face the interior of the site.
 - a. In the case of corner lots the building owner may select which street the main entrance faces. A corner entrance that faces the intersecting streets satisfies the two entrance requirement. Such angled corner entrances shall create a small plaza with a triangular area of at least 150 square feet. Such plazas shall include benches and additional trees for shade.
 - b. In the case where the Planning Commission does not require a reduced front setback, at least one entrance shall be on the street.
 - c. In the case of a commercial center, where there is intended to be more than one commercial building, with or without a subdivision an overall or, master site plan is required. Subdivisions shall comply with 11-22. The site plan shall consist of the components found in 112-7 and the parking requirements found in 11-18.
 - 1. The streets and other accessways shall be planned in connection with the grouping of buildings, and the provision for alleys, truck loading and maneuvering areas, walks and parking areas so as to minimize conflict or movement between the various types of traffic, including pedestrian.
 - 2. Access to the center will be through joint access points with cross access easements between buildings or lots.

3. Parking and interior access lanes will be designed to be on the interior or rear of the commercial building. Off-street parking shall not occupy any required front yard area unless the Planning Commission determines due to the size of the property, the site plan options are so limited that the parking location improves the functionality of the site.

- d. In the case where a commercial project adjoins a residential zone appropriate buffering shall be established as identified in 11-10A-4.
2. Loading Facilities. Commercial loading and unloading facilities shall be designed to be to the rear of the building and not visible from the public street. The Planning Commission as part of a master site plan review may approve a side yard location in a commercial center, if the site plan demonstrates that the location improves the functionality of the site and provides adequate screening thorough architectural design and landscaping. Loading facilities shall not occupy any required front yard area.
 3. Trash Enclosures. Trash receptacles must comply with 11-10-25. The Planning Commission as part of a master site plan review may approve a side yard location in a commercial center, if the site plan demonstrates that the location improves the functionality of the site and provides adequate screening.
 4. Windows. Windows shall make up at least 50% of the horizontal length street-facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be consistent from building to building. Substantially tinted windows and windows with reflective film or glass are not permitted at street level; however, windows with a minimum of tinting to meet low-e and other energy efficiency standards are highly encouraged.
 5. Building facades. Buildings over 100' in length shall vary the front façade with indentations of a minimum of 1' every 30' to 50' to create the appearance of storefronts.
 6. Building materials. In the CC-ST district red brick that simulates the appearance of an older building, like the Cannery, is required on the first floor facing Washington Boulevard. Utility Meters. All utilities meters shall be directly attached to the main building or other location as approved by Planning Commission but shall not be located between the main building and public right of way.

11-10A-3: SITE PLAN APPROVAL

- A. For any development or use in a commercial zone, a site plan shall be submitted in accordance with CCNO 11-2-9.

11-10A-4: PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES; BUFFER ZONE

- A. When a commercial or manufacturing development takes place that abuts a residential zoning district, a solid screen wall must be erected. In addition to the overall landscaping required per **CCNO 11-10A-2 F-xyz**, the screen wall shall be eight feet (8') in height along the rear and interior side yards. In front yards and street side yards of either zoning districts, the solid walls shall maintain the maximum fence height regulations for front and street side areas. The solid, non-living, screen wall shall be opaque. The buffer yard requirement of ten (10) feet shall be landscaped with a weed control mat and rock mulch coupled with medium to large deciduous trees planted at thirty (30) foot to forty (40) foot intervals depending on the tree type, and include a drip irrigation system. The owner of the commercial or manufacturing property shall construct, maintain and keep the screen wall in good repair.

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11-10A-5: SIGN REGULATIONS

A. The height, size and location of the permitted signs shall be in accordance with the regulations set forth in CCNO 11-20.

LAND USE DESCRIPTION	CN	<u>CC-DT</u>	<u>CC-ST</u>
1. Entertainment / Recreation Uses			
a. Amusement, Commercial, Indoor	N	P	P
b. Amusement, Commercial, Outdoor	N		
c. Athletic / Tennis / Swim Club	C	NC	P
d. Golf Course – Public Private	N	N	N
e. Theater, Indoor (including live)	N	P	P
2. Automobile-Related Uses			
a. Commercial Auto Repair, Paint and Body Shops	N	N	P
b. Commercial Auto Parts (new and used), Tires, & -Sales	N	P	P
c. Commercial Car Wash	N	<u>CN</u>	P
d. Gas/convenience store with or w/o car wash	NP	P	P
3. General Retail/Commercial/Hospitality			
a. Retail shops/Services– under 10,000 sq. ft.	P	P	P
b. Mid-box retail – 10,001 to 80,000 sq. ft.	N	P	P
c. Big Box Retail – 80,001 and larger	N	P	N
d. Animal Clinic or Pet Hospital with No Outdoor Pens	P	P	P
e. Financial Institutions	N	P	P

f. Restaurants including fast food	N	PNC	P
g. Restaurants without fast food	P	P	P
h. Commercial Kennels, Boarding	NP	P	P
i. Professional offices, Business Medical/Dental/Optical Office/Clinics and Laboratories	P	P	P
j. Mortuary – Crematorium	N	N	P
k. Pawn Shop	N	N	N
l. Private Instructional Studio - Artist, Photography, Dance, Music, Drama, Health, Exercise	P	P	P
m. Tattoo Art Studio (including Body Piercing and Laser Removal)	P	P	P
n. Hotel or Motel	N	P	N
o. Bed and Breakfast	P	N	P
p. Propane retail sales as an accessory use	N	P	P
a. Subject to CCNO 11-10-27 Site Plan Review			
b. Tank located outside of any setback Be located in side or rear yards, however, the planning commission may approve a front yard location for a 5001,000 gallon tank if sufficient landscape screening is provided around the tank			
c. Horizontal tank maximum 16 feet in length; vertical tank			

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<p><u>maximum 1220 feet in height</u> <u>d. Not exceed a volume of 5001,000 gallons</u> <u>e. Be limited to 1 tank per site</u> <u>f. No signage is allowed on the tank except for required safety signs and the word Propane on two sides of the tank with the maximum size of 6 square feet per word</u> <u>g. The tank color will comply with CCNO 11-8D-3 (C) 2 Colors and Materials</u></p>			
4. Mixed Use Residential			
	N	P	P

ARTICLE B: MANUFACTURING ZONE M-1

11-10B-1: PURPOSE AND INTENT

1. The intent of the manufacturing zone is to permit the establishment of a well-designed complex of manufacturing facilities for the community or region. Which will minimize traffic congestion on public streets in the vicinity, and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this article are intended to minimize any adverse effect the established surrounding environment, especially residential uses in abutting residential zones.
2. It is the intent of this zone to provide for light manufacturing uses.

11-10B-2: PERMITTED USES

LAND USE DESCRIPTION	
Light Manufacturing (within an enclosed building)	P
General Manufacturing	P
Contractor Storage Yard	C
<u>Class A Storage Units existing prior to Nov. 1, 2021</u>	CP
Office/Warehouse	P
Instructional Facility	P
Sexually Oriented Businesses	P

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A. P=Permitted Use, C=Conditional Use
 11-10B-3: CANNABIS PRODUCTION ESTABLISHMENTS:
 Cannabis Production Establishments:

1. Shall only be located in a Manufacturing Zone.
2. Shall be operated entirely within a permanent enclosed building;
3. Shall be designed to filter inside air exchanges to the outside through air filter systems that remove dust, fumes, vapors, odors, or waste from air that exits the building;
4. Exterior facade materials that are transparent or translucent, such as greenhouse materials, and intended to allow natural light into the interior of the structure shall be treated to prevent any interior view of the cannabis growing operations/product. Non-visible skylights on the roof of a building are excluded.
5. Exterior building colors shall not be allowed that draw attention to the building such as fluorescent or bright colors in the green, orange, red, yellow or blue spectrum.
6. Provide a security system with a backup power source that detects and records entry into the cannabis production establishment and provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed;
7. Shall maintain locks or equivalent restrictive security features on any area where the cannabis production establishment stores cannabis or a cannabis product;
8. Outdoor signs on the building may include only the cannabis production establishment's name and hours of operation and a green cross.
9. Shall obtain a North Ogden business license before conducting business within the City; and
10. Shall meet all land use requirements for the zone in which it is located.
11. A medical cannabis pharmacy:
 - i. Shall only be located in a Manufacturing Zone;
 - ii. Shall be located in a permanent building and not have drive-through service;
 - iii. Shall not have outdoor seating or seating areas;
 - iv. Shall not have outdoor vending machines of any kind;
 - v. Shall have one public entry door at the front of the building facing the street;
 - vi. Shall not darken or cover any windows on the front of the building but shall maintain windows clear and allow visibility into the pharmacy from the street;
7. Shall not have cannabis products visible from outside the medical cannabis pharmacy;
8. Shall not have bars on windows, but shall maintain locks or equivalent restrictive security features on any area where the medical cannabis pharmacy stores cannabis or a cannabis product;
9. Provide a security system with a backup power source that detects and records entry into the cannabis production establishment and provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed;
10. Exterior building colors shall not be allowed that draw attention to the building such as fluorescent or bright colors in the green, orange, red, yellow or blue spectrum;
11. Shall be designed to filter inside air exchanges to the outside through air filter systems that remove dust, fumes, vapors, odors, or waste from air that exits the building;
12. Shall meet all land use requirements for the zone in which it is located;

11-10B-4: SITE DEVELOPMENT STANDARDS

- A. Area, Width, Yard And Height Regulations: None for buildings, except that no building or structure shall be built to a height in excess of thirty five feet (35') or closer than fifty feet (50') to any state highway or ten feet (10') to any other street or residential zone boundary.

- B. Lot Coverage: No building or structure or group of buildings with their accessory buildings shall cover more than eighty percent (80%) of the area of the lot.
- C. A masonry wainscot is required
- D. Garage doors and loading docks shall not face the street

11-10B-5: PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES; BUFFER ZONE

- A. When a manufacturing development takes place that abuts a residential or mixed use zoning district, the buffer requirements set forth in CCNO 11-20-8 shall be met.

11-10B-6: SITE PLAN APPROVAL

- A. For any development or use in a manufacturing zone, a site plan shall be submitted in accordance with CCNO 11-2-9.

11-10B-7: SPECIAL PROVISIONS

- A. Ownership. An M-1 zone may be established upon land held in single ownership or under unified control.
- B. Nonconforming Uses. An M-1 zone shall not be established upon a tract of land which would contain a nonconforming use after the passage of such amendment to this Title unless the development planned for the tract includes the elimination of the nonconforming use or its integration into planned development.
- C. Hazards. The zone is intended for light manufacturing and shall not create a hazard using flammable, explosive, or other dangerous materials and shall not be associated with noise, dust, odors, noxious fumes, glare, or other hazards to safety and health which may be discernable beyond the premises.

ARTICLE C: DESIGN STANDARDS FOR COMMERCIAL AND MANUFACTURING DEVELOPMENT

11-10C-1: PURPOSE AND INTENT

- A. The purpose of these design standards and regulations is to enhance the economic viability and aesthetic value of commercial properties, to provide a quality environment for both citizens and visitors.

11-10C-2: SCOPE

- A. All new development proposals in commercial or manufacturing zones, including all new structures and parking lots and expanded structures, remodels and renovations when the cost of such expansion, remodel or renovation (as determined by the building inspector) is equal to or exceeds fifty percent (50%) of the current assessed value of the structure, shall be subject to the standards and regulations of this article. Such standards and regulations are intended to be in addition to existing standards and regulations of the underlying zone of the property and other applicable regulations of this Title. In cases of expansion, remodel or renovation costing less than fifty percent (50%) of the current assessed value of the structure, though not required, it is recommended that these standards be considered.

1. This article establishes two (2) kinds of design criteria: design standards and design guidelines.
 - a. Design standards are required in addition to all other standards set forth in this Title and are indicated by the verb "shall". In the event of conflict between this article and other applicable provisions of this Title, the more restrictive provision shall apply.
 - b. It is the intent of the City that every development subject to this article be designed in conformity to the purpose and requirements of this article. However, the City also recognizes that it cannot anticipate all possible circumstances, nor the best means for dealing with them, in the preparation and adoption of these regulations. For example, criteria established herein may be more germane to larger projects than to smaller ones, depending on the individual characteristics of the site, such as size, configuration, topography and location.
2. Design guidelines are recommended, but not required. Design guidelines are generally preceded by a "should" as opposed to a "shall".

11-10C-3: ARCHITECTURE

A. Articulation:

1. A building shall reflect a human scale and be inviting to the public. Large buildings should be vertically and horizontally varied with façade indentations of at least one foot and the front façade roof edge varying every 30' to 50' by at least two feet, to break up the building mass and provide aesthetic relief.

Figure 1. Appropriate



Figure 2. Inappropriate



Buildings shall be accessible for pedestrians and public transit users, not just for people driving private automobiles.

- a. Building entrances shall be identifiable and directly accessible from public sidewalks via on site pedestrian walkways. (Drive aisles and other vehicular accesses shall not be considered pedestrian walkways.)
- b. Pedestrian walkways shall have at least five feet (5') of unobstructed width, and shall be part of an approved pedestrian circulation plan.

B. Site Amenities:

1. Overhangs and canopies should be integrated into the building design so as to enhance pedestrian walkways but shall not be backlit.
2. Along 2700 North and Washington Boulevard comfortable and attractive amenities such as benches, tables, drinking fountains, and trash receptacles shall be provided. Such amenities are required at a rate of one for every 50' of frontage
3. All accent areas, exclusive of public sidewalks, including patios, outdoor seating areas, plazas and walkways between buildings shall be comprised of decorative paving (i.e., colored, stamped or exposed aggregate concrete,, pavers, or brick) to differentiate from the primary pedestrian sidewalks.

Figure 3. Accent Area Paving



C. Colors And Materials:

1. All applicants for commercial or other site plan review or construction within North Ogden City's commercial districts shall include a color board and architectural renderings/elevations indicating the colors and materials to be used on site. Proposed materials should reflect earth tones and not include bright colors or reflective materials.
2. External surfaces shall be predominantly natural, muted earth tones representing natural, earth colors and values, including browns, black, grays, greens, rusts, etc.
 - a. White may be used as an accent color only.
 - b. Contrasting accent colors are allowed.

Figure 4. Representation of Appropriate Colors



3. Exposed fronts and street sides of buildings shall be constructed of non-reflective materials and shall include, but not be limited to, textured colored concrete (split face or honed block), brick, stone and/or considered wood/wood like materials.
 - a. Concrete masonry units or block CMUs shall not be considered acceptable materials unless it is specifically colored and textured.
 - b. Siding and stucco may be used for accents and eaves/soffits
 - c. In addition to building articulation and materials as required in 11-10C-3(A), front and corner lot facades shall include at least four of the following features:
 - i. Windows at 50% or more of the front first story façade
 - ii. Contrasting material wainscot
 - iii. Downward directed and shielded decorative style lighting
 - iv. Roof height variation of 2' or more, every 30'
 - v. Roof style changes such as flat to hip, or flat to shed, etc.
 - vi. Corner accents, such as a tower of greater than a 5' height from other roof surfaces
 - vii. Consistent pan-channel type lettering for all signage on the building facades

- viii. Angled and recessed door entries
 - ix. Awnings not including signage
 - x. Columns, posts, or other features to define separate storefronts
 - xi. Structural entryway accent
 - xii. Side and rear facades shall incorporate at least 2 of the above features.
 - xiii. In cases where a building has double frontage, each street facing side shall be treated as a front.
4. On the front façade the use of glass to allow visual access to interior spaces is required
 - a. Mirrored glazing is not allowed.
 - b. Tinted or solar absorption glazing may be used.
 5. Metal as a window framing support or mounting material shall be painted, stained, anodized or vinyl clad in approved colors.
 6. The side and rear of buildings with walls longer than fifty (50) linear feet shall be broken up at periodic intervals using architectural features in order to provide visual relief.

Figure 5. Appropriate Visual relief



Figure 6. Inappropriate Visual Relief



7. As an alternative, where blank walls are proposed, they may be covered with murals that may be thematic to the uses within the building but not overtly sales oriented. Mountain or pioneer scenes are preferred.

11-10C-4: SITE DESIGN

A. Overall Design Concepts:

1. Dedicated walkways, plazas and other pedestrian oriented hardscape areas may be included as landscaping, provided that they do not exceed thirty percent (30%) of the required minimum landscaping requirement.
2. The landscaping plan shall include a pedestrian circulation element that shows interconnectivity with surrounding sidewalks, urban trails and surrounding uses. The City encourages appropriate pedestrian connections to adjacent neighborhoods.
 - a. The size and spacing of landscape elements should be consistent with the size of the project and should relate to the structures and the streetscape. No landscape element may be constructed, erected or otherwise placed on site without City approval.

- b. Trees overhanging pedestrian walkways and drive areas shall be one of the species found in the City's approved tree list and pruned to have a general canopy clearance of at least nine feet (9').

B. Site Grading:

1. Site design should minimize the removal of mature trees and shrubs. Where removal is necessary, mature trees shall be salvaged or replaced on a three to one (3:1) basis. Any trees listed as prohibited in the approved City tree list, shall be removed and not replaced.
2. Abrupt or unnatural changes in grade may create barriers or disrupt drainage patterns. Proposed grading should be designed to take advantage of the natural grade and land features.
3. Steep slopes, generally three to one (3:1) or greater, shall be stabilized with vegetation, retaining walls or other appropriate measures. Sites shall be designed to minimize erosion.
4. Landscape plans shall preserve and incorporate natural land features such as streams, washes, springs, etc., into the overall site plan.

C. Water Elements:

1. Fountains and other water features should be sited and designed so that they are efficient users of water.
2. Filtered backwash effluent should be discharged into landscaped areas whenever possible.

D. Art and Furnishings:

1. If public art is used, it should be integrated into the overall design of a project.
2. Lighting fixtures and illumination should complement a structure and be of similar design and character as the project's building components. Site lighting shall be subject to CCNO 11-11-6.

E. Maintenance:

1. Projects should demonstrate that maintenance factors have been considered in the landscape design.
2. Irrigation systems should be designed to minimize maintenance and water consumption.
3. Phased developments shall indicate a mechanism for dust, weed and debris control on undeveloped portions of the site and shall ensure continuing compliance.

11-10C-5: SIGNS

- A. Signs shall comply with CCNO 11-20.

ARTICLE D: USE REGULATIONS APPLICABLE TO COMMERCIAL AND MANUFACTURING ZONES

11-10D-1: PURPOSE AND INTENT

- A. The regulations included hereinafter qualify or supplement, as the case may be, the zone regulations contained within the Commercial and Manufacturing Zone Districts.

11-10D-2: ADDITIONAL PRINCIPAL BUILDING REGULATIONS

- B. Every principal building shall be located and maintained on a lot and every lot shall have required frontage on a street, except for commercial complexes and where a parcel of land was in separate ownership prior to December 31, 2000, and except as otherwise permitted in this Title.

11-10D-3: ADDITIONAL HEIGHT REGULATIONS

- A. In the M-1 zoning district, to conveyors or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.
- B. Parapets in any commercial or manufacturing zone may extend six feet (6') above the maximum zone building height.
Exception: Maximum height of twenty five feet (25') if set back twenty feet (20') from the property line and sixty feet (60') from a neighboring dwelling.

11-10D-4: VENDING MACHINES

- A. Vending Machines. In commercial and manufacturing zoning districts only, up to three (3) vending machines placed outdoors on one property is permitted. Such machines shall be located next to the building.

11-10D-5: SHORT TERM LOAN BUSINESSES

- A. Location. No short term loan business shall be located within one thousand feet (1,000') of another short term loan business or within six hundred sixty feet (660') of a community center, school, or other public gathering place, e.g., park, library, private or public school, licensed child-care facility or pre-school, church, etc., or sexually oriented business.
- B. Measurements. Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of each business to the closest property boundary of the short term loan business, community center, school, or other public gathering place, or sexually oriented business.
- C. Zoning. Short term loan businesses shall only be allowed in C-2 or CP-2 zones. When allowed within a zoning district, a short term loan business may only be located on the following street: Washington Boulevard.
- D. Disclosure Signs. Each short term loan business shall post a sign with solid black lettering on a white background, in 50-point, non-italicized, bold Arial typeface designed to achieve a letter height of at least one-half inch (1/2), in the English and Spanish languages, at every public entrance to the business bearing the following disclosure:

DISCLOSURE REQUIRED BY NORTH OGDEN CITY:

THIS BUSINESS SPECIALIZES IN MAKING LOANS FOR SHORT-TERM NEEDS. THESE LOANS SHOULD NOT BE USED AS A LONG-TERM FINANCIAL SOLUTION. THE INTEREST RATE FOR SHORT TERM LOANS IS EQUAL TO X ANNUAL PERCENTAGE RATE (APR) TO X ANNUAL PERCENTAGE RATE (APR).

DIVULGACIÓN REQUERIDA POR LA CIUDAD DE NORTH OGDEN ESTE NEGOCIO SE ESPECIALIZA EN HACER PRÉSTAMOS PARA LAS NECESIDADES A CORTO PLAZO. ESTOS PRESTAMOS NO DEBEN UTILIZARSE COMO UNA SOLUCION FINANCIERA A LARGO PLAZO. LA TASA DE INTERÉS DE LOS PRÉSTAMOS A CORTO PLAZO ES DE UN PORECNTAJE ANNUAL DE PR CIENTO A X POR CIENTO A X POR CIENTO.

The disclosure signs required by this section shall face the entrance to the business, and shall be placed either on the interior surface of the door so that the top edge of the sign is between forty eight inches (48") and seventy two inches (72") from the entrance threshold (measured vertically) or shall be located directly behind the entry door without any intervening obstruction between forty eight inches (48") and seventy two inches (72") from the floor (measured vertically), as near to the entry door as is allowed by the current building code adopted by North Ogden City. Existing short term loan businesses shall post the disclosure signs no later than October 1, 2014.

E. Additional Disclosures:

1. Post in a conspicuous location on its premises that can be viewed by a person seeking a short term loan a complete schedule of any interest or fees charged using dollar amounts;
2. Enter into a written contract for the short term loan;
3. Provide the person seeking the short term loan a copy of the written contract described in Subsection (2); and
4. Orally review with the person seeking the short term loan the terms of the short term loan including;
 - a. the amount of any interest rate or fee;
 - b. the date on which the full amount of a short term loan is due;
5. Comply with the following as in effect on the date the short term loan is extended:
 - a. Truth in Lending Act, 15 U.S.C. Sec. 1601 et seq., and its implementing federal regulations;
 - b. Equal Credit Opportunity Act, 15 U.S.C. sec. 1691 and its implementing federal regulations;
 - c. Bank Secrecy Act, 12 U.S.C. Sec. 1829b, 12 U.S.C. Sec. 1951 through 1959, and 31 U.S.C. Sec. 5311 through 5332, and its implementing regulations; and
 - d. Title 70C, Utah Consumer Credit Code.

ARTICLE E: CLASS A SELF-STORAGE UPGRADE STANDARDS

11-10E-1: PURPOSE AND INTENT

A. Self-storage facilities existing before November 1, 2021 may be updated based on the standards below and within the MP-1 Zoning Code. Class A self-storage is a type of self-storage that requires maximum design standards. Class A self-storage may only be allowed in the MP-1 zone per these requirements. Applications for upgrades to class A self-storage shall be submitted and reviewed according to the requirements of this Ordinance.

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B. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impact: To accommodate such self-storage with minimal impact in commercial and mixed-use areas in terms of compatible infill, scale, design and appearance of buildings.

11-10E-2: SITE DEVELOPMENT STANDARDS

A. Site Development Standards follow Ordinance 11-8C-4: MP-1 Site Development Standards unless specified differently below. The following standards and conditions shall apply to new and/or addition class A self-storage developments:

1. Frontage: Class A self-storage shall have an office fronting onto an arterial street. The frontage of the property facing the Arterial street shall be no wider than 200'.

B. Class A self-storage shall not prevent the development of, or displacement of, more intense commercial uses typically found on primary sites adjacent to high traffic major streets on visible and accessible building lots. This may include mixed-use development, large scale or big box commercial development, mid-rise apartments/condominiums and manufacturing.

C. Lighting

1. New construction shall have dark skies lighting compatible fixtures and signs.
2. Light fixtures shall have a 50% cut off fixture with extruding light only projecting down and to the sides.
3. Light from light fixtures shall not project upwards towards the sky. Also lighting adjacent to residential areas shall not project into neighboring residential properties.

D. Drive Aisles and Access

1. Driveways and access aisles shall be designed so that fire equipment and other emergency vehicles can readily access and exit all areas of the site. Minimum width of required drive aisles and access shall be determined by the Fire Marshall.

E. Low Impact Development techniques: Refer to City Ordinance 11-10-39

F. Signs: Refer to City Ordinance 11-22

G. Architectural Design:

1. Management Office: Class A self-storage shall include a professionally designed office for on site management purposes. The office should have a retail sales area. It should blend in with the design of the project and neighboring business. The office building must have distinguished architectural features, including commercial building rooflines, building and color variation. The office building shall have a minimum of 25% glass for sides facing the streets between the heights of 2' and 10' on

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exterior elevations. The building shall have a minimum of 25% brick or stone masonry on street facing walls. New self-storage buildings shall be located behind the office building and setback more than 100 feet from the Arterial street.

2. General Building Design: All projects must be designed to a quality standard, incorporating the following:

a. Massing

i. Horizontal planes or walls are limited to a continuous 40 feet in length, however may continue after a 4 ft minimum offset in-between max.

ii. Maximum vertical planes are limited to 20 feet in height and may continue with 2 ft minimum vertical (depth) offsets.

iii. Building parapets are limited to 40 ft in horizontal length without height or depth offsets.

3. Colors and Materials

a. Exposed fronts and street sides of buildings shall be constructed of non-reflective materials and shall include, but not be limited to textured concrete (split face or honed block), brick, stone and/or considered wood/wood like materials.

b. Acceptable Material Include:

i. Textured concrete (split face or honed block)

ii. Brick

iii. Stone

iv. Wood/wood like materials

v. High quality retail grade metal panels, smooth or corrugated.

vi. The planning commission shall review all siding and stucco proposals (samples must be submitted).

c. Vision and Glazing

a. Clear solar tinted glass at vision areas.

b. Spandrel (opaque) glass at wall faces not requiring clear glass.

4. External surfaces shall be predominantly natural, muted earth tones (non-bright colors representing natural, earth colors and values, including browns, black, grays, greens, rusts, etc.). The roof of an addition to an existing structure, when matching existing colors, may be exempt.

a. White may be used as an accent color only.

b. The planning commission may allow contrasting accent colors.

5. Building Orientation

a. Self-storage unit doors may not open onto a public street or right-of way, and must be accessed internally within the site.

11-10E-3: FENCING

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A. Perimeter Fencing. The entire area that includes storage use, with the exception of the office or caretaker residence and its customer and employee parking and the access driveways shall be enclosed by a fence. Acceptable fencing materials include architecturally designed brick, stone, wrought iron or pre-cast color stamped concrete. Wrought iron fencing may be combined with the other materials listed in this ordinance. Fencing shall be 6 feet tall unless adjacent to a residential zone in which case fencing shall be 8 feet tall. Buildings which meet the design standards, and which are constructed on the property line may operate as a perimeter fence.

11-10E-4: OUTDOOR STORAGE

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A. Outdoor Storage, RVs, or vehicles shall not be allowed for greater than 10% of the total Class A self-storage site. Outside storage shall be located more than 150' from the nearest ROW and shall be screened behind buildings, landscaping or opaque fencing.

11-10E-5: LANDSCAPING

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A. A minimum of Ten percent (10%) of the gross area of the site shall be landscaped. The Ten percent (10%) landscaping requirement should blend well with the fencing and solid masonry walls that may surround the project. Special attention should be given to landscaping in the high traffic and publicly visible areas of the project as well as covering large and fencing areas.

B. Stormwater basins may count towards the landscaping requirements if they're fully landscaped and contain less than 25% rock or gravel areas.

C. If the property ownership includes land adjacent to a creek or stream that area may be included as part of the minimum requirement.

D. Landscape Design

1. The landscape shall have a minimum of 15 trees per acre and 50 shrubs per acre.

2. Two perennials or ornamental grasses shall equal one shrub.

3. A maximum of 40% of the landscaped area shall be grass.

4. The planting areas shall have drip irrigation and the total site managed by a Smart Irrigation controller or one with an EPA water sense label.

5. Planting shall be varied in height, color and plant texture. Plantings shall be designed to complement the architectural building façade.

E. Landscaping on Public Right-of-Way

1. Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures, permanently maintained with street trees and other landscaping, screened or protected by natural features.

2. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped with a minimum of a five-foot landscaped area next to the public ROW.

3. Fences shall not be located within this five-foot landscaped area. Aesthetic entrance features are encouraged.

4. Additional landscape treatments or buffers may also be required with width and landscaping specifications.

5. Right-of-way landscaping

a. Shall have a maximum of 50% grass.

b. Shall be located with an average of one tree per every 40 feet and one shrub every 10 feet to screen approximately 50% or greater of the fencing and storage areas.

c. Grass is not permitted in areas with a width less than 8 feet.

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F. Alternative Landscaping Options: The planning director may approve a modification of these requirements if:

1. The proposed alternative meets the purpose of this article; and

2. The landscaping better accommodates the existing physical conditions of the property or provides significant elements for wind protection, solar access and shading, and the proposed landscaping represents an equal or superior result than would be achieved if the requirements of this article were strictly followed; or

3. The proposed alternative incorporates a distinct coloring scheme utilizing the planting or annuals in areas of high visibility.

4. The city council may authorize the city's participation in the installation of landscaping and landscaping improvements required by this article when it is in the city's best interest.

11-10E-6: OPERATIONS

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A. All business operations should be conducted using approved commercial property management standards. Security features should include digital video, electronic gate access and individual door alarms.

1. Facilities are encouraged to include climate control units, and offer multiple services to its tenants.

2. Limited access hours shall be required to reduce late night noise from 10:00 PM to 6:00 AM.

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11-11: USE REGULATIONS APPLICABLE TO RESIDENTIAL, CIVIC, COMMERCIAL, AND MANUFACTURING ZONES

11-11-1: PURPOSE AND INTENT

- A. The regulations included hereinafter qualify or supplement, as the case may be, the zone regulations contained within all zone districts in this Title.

11-11-2: APPLICABILITY

- A. The requirements of this Title as to minimum site development standards shall not be construed to prevent a use as permitted in a respective zone of any parcel of land in the event such parcel was held in separate ownership prior to December 31, 2000. Each such parcel to be developed must have not less than twenty feet (20') of frontage on a street, and the density of development may not exceed that permitted by area requirements in the respective zone.
- B. On any lot proposed for development, under the same ownership as an adjoining lot and of record as of December 31, 2000, and such lot having a smaller width than required for the zone in which it is located, and the adjoining lot has sufficient width and size to allow both lots to meet at least the minimum zoning requirements, the lot shall be reconfigured and recorded so both lots meet at least the minimum standards of the zoning district wherein they are located.

11-11-3: ADDITIONAL YARD REGULATIONS

- A. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with provisions of this Title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.
- B. Except for landscaping vegetation, every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features, which do not project more than two feet (2') into the required yard.
- C. No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Title for a lot, parcel, or building may be conveyed away from such lot, parcel, or building.
- D. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be divided off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

11-11-4: ADDITIONAL HEIGHT REGULATIONS

- A. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided, below.
 - 1. In any district, to church spires, monuments and water towers; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed. Cupolas may be constructed to a maximum of ~~fourthree~~ (34) feet in width and four (4) feet in height. A weather vane or lightning rod may be located on top of the cupola. Further, that these structures shall not be used for human occupancy.
 - 2. In any nonresidential district, to noncommercial radio, telecommunication towers, or television antennas.
 - 3. Wireless communications towers and antennas as approved in accordance with the requirements and provisions stated in CCNO 11-16.

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11-11-5: PRIVATE WATER SUPPLY AND SEWAGE DISPOSAL

- A. Public Water and Sewer Not Available. Domestic water supply and sewage disposal shall comply with the county health department and state health department requirements in all applications for a building permit where an approved supply of piped water under pressure, or a sewer, is not available.
- B. Public Sewer Not Available. Where a public sewer is not available, a building permit will be issued only upon compliance with the following requirements:
 - 1. The lot upon which the building is to be constructed is at least one acre in size. This requirement shall not apply to a lot of less than one acre in existence and of record prior to May 11, 1953, so long as all other requirements of this Title are complied with;
 - 2. No other building permits have been granted for buildings to be located on the same lot;
 - 3. The lot for which the building permit is sought is not located within an approved or proposed subdivision;
 - 4. The proposed sewage or waste disposal system has been approved by the county board of health for the lot in question;
 - 5. If the foregoing requirements have been met, then the applicant shall appear before the City Council for final approval of the building permit and construction of the sewage disposal system;
 - 6. Final approval may be granted when the City Council finds:
 - a. The proposed sewage system meets the requirements heretofore set forth;
 - b. The construction or installation of the proposed sewage system will not constitute a nuisance;
 - c. The proposed sewage system will not endanger the health, safety or general welfare of the citizens of the City.
 - 7. Any septic tanks or other means of private sewage disposal constructed or maintained in violation of the provisions of this section are declared to be a public nuisance and it shall be the duty of the City Attorney to proceed forthwith with proceedings declaring

the subject matter of such violation to be a nuisance, and also to proceed forthwith the filing of a complaint for the criminal violations of this section and to abate the nuisance.

11-11-6: EXTERIOR LIGHTING

- A. All fixtures must be fully shielded or full cutoff and downward directed so that no light is projected above the horizontal plan of the fixture.
- B. The color temperature rating of fixtures lamps shall not exceed 2000 Kelvin.
- C. All lighting fixtures shall limit horizontal light levels such that no direct light falls onto adjacent property.
- D. Exterior lighting on residential properties shall be downward directed and no brighter than a 60 watt incandescent (or equivalent, compact fluorescent or LED rating)
- E. With motion sensors, lighting on residential properties shall be no brighter than a 75 watt incandescent (or equivalent, compact fluorescent or LED rating).
- F. The following lighting types are prohibited from being installed in the County:
 - 1. Lighting that simulates, imitates or conflicts with warning signals, emergency signals or traffic signals.
 - 2. Blinking or flashing lights and exposed strip lights used to illuminate building facades or to outline buildings.
 - 3. Searchlights, laser lights, and aerial lasers or holograms.
 - 4. Lighting that is not in a full cut-off-fixture.
 - 5. Lighting in which any single luminaire exceeds 20,000 lumens.
 - 6. Bare lamps (not housed within a fixture) or lamp strings—except for holiday lighting—with outputs exceeding 25 lumens per lamp.

11-11-7: WASTE DISPOSAL/DUMPING

- A. Prohibited Dumping. The use of land for the dumping or disposal of scrap metal, junk, garbage, rubbish, refuse, ashes, slag or industrial wastes or byproducts, shall be prohibited in every district.

11-11-8: CONSTRUCTION TRAILERS AND MOBILE HOMES

- A. Construction Office or Security Personnel Housing. A mobile home, motor home, truck camper or trailer may be allowed in any zone to conduct business or provide housing for security personnel during the construction of a permanent building when a valid building permit is in effect. Such a mobile home, motor home or travel trailer shall be removed immediately upon the completion or stoppage of construction.
- B. Placement of Occupied Mobile Homes, Motor Homes, Truck Campers, Camping Trailers, Travel Trailers and Other Trailers. Mobile homes, not placed on permanent foundations, shall be located only in approved mobile home parks or subdivisions approved for mobile homes. Except as otherwise provided in this section, motor homes, camping trailers, truck campers and travel trailers that are occupied or used for living, sleeping or housekeeping purposes may be located only in recreational vehicle parks, campgrounds or recreational vehicle subdivisions. Aircraft and boats may not be used for living or housekeeping purposes.

11-11-9: TEMPORARY SPECIAL EVENT AND SIMILAR ACTIVITIES

- G. **Applicability.** The provisions of this section do not apply to garage sales. All other temporary carnivals, circuses, revivals, rodeos, swap meets, and similar activities may be permitted only in commercial and manufacturing zoning districts, subject to the conditions of subsection B of this section.
- H. **Conditional Use Permit.** A conditional use permit shall be obtained from the Planning Commission in accordance with the following:
 - 1. The Planning Commission shall ensure that health and safety are considered, and the applicant shall obtain the approval of the county health department, the North View Fire Department and the Police Department prior to issuing the conditional use permit.
 - 2. The Planning Commission shall ensure that land area and parking are adequate for the proposed use, and shall ensure that traffic safety is considered.
 - 3. The Planning Commission shall require measures necessary to protect surrounding property, including setbacks, off-street parking, hours of operation, restroom availability, and lighting.
 - 4. A time limit shall be established for each use conducted under the conditional use permit. This time limit shall in no case exceed seven (7) consecutive days, nor shall more than four (4) conditional use permits be issued for the same use during any calendar year.
 - 5. Permanent structures shall not be permitted under a conditional use permit issued under this section.

11-11-10: TRASH ENCLOSURES

- A. **Purpose and Intent.** The purpose of this section is to provide minimum standards for permanent enclosures for temporary storage of garbage, refuse and other waste materials shall be provided for every use, other than single-family dwellings and multiple-family dwellings of less than four (4) units.
- B. **Screening.** The enclosure shall be entirely surrounded by screen walls or buildings. Trash enclosures shall comply with the following regulations:
- C. **Construction.** Trash enclosures shall be so constructed that contents are not visible from a height of five feet (5') above grade from any abutting street or property and shall be constructed of materials to complement the building with solid concrete floor sloped for drainage and maintenance of sanitary conditions. Enclosures shall have a minimum height of 5'. Gates are required and shall be solid or baffled, with a minimum height of 5'.
- D. **Location:** Trash enclosures shall not be located in any required front or side yard.

11-11-11: COMMERCIAL GROUP HOMES

- A. A residential facility for persons with disabilities when conducted consistent with existing zoning of the desired location requires a permitted use application.
- B. A residential facility for persons with disabilities shall:
 - 1. Have twenty four (24) hour adult supervision for facilities for the housing of minors.
 - 2. Not house persons whose asserted "disability" is based upon their status as current users of illegal controlled substances, conviction for illegal manufacture or distribution of a controlled substance, sex offenders, or juvenile offenders.

3. Comply with applicable fire and building codes, including requirements imposed under the American's with disabilities act; obtain a City business license; and acquire within thirty (30) days of receiving the City license, and maintain current, any necessary state license.
 4. Not house persons who present a direct threat to the persons or property of others. When presented with clear and convincing evidence that a person housed in a facility does pose such a threat, that person shall be immediately removed from the facility.
- C. Upon request for a reasonable accommodation from the owner or operator of a facility for disabled persons from strict compliance with a regulation imposed by local ordinance, the director of community and economic development is authorized to make any accommodation that in his or her opinion will not result in an imminent health or safety threat to residents of the facility.

11-11-12: FLAG LOTS

- A. Flag lots shall not be allowed in any residential, commercial, or manufacturing zone, except as provided elsewhere in this Code.

11-11-13: PORTABLE STORAGE CONTAINERS

- A. A storage container is not allowed in any residential zone, commercial or manufacturing zone for more than 14 days except as a temporary use associated with construction or renovation as outlined below. In such instances, the storage container shall be located on a concrete or asphalt surface, and shall meet all of the following criteria:
1. A storage container shall not be placed on a site more than thirty (30) days prior to the permitted activity.
 2. A storage container shall be removed within thirty (30) days after a permitted activity is substantially completed.
 3. Portable storage containers shall not be used as dwellings, or for camping, cooking or recreation purposes, and may not be connected to plumbing or electricity.
 4. Portable storage containers shall be kept in good repair.
 5. Portable storage containers shall not be allowed on vacant parcels of real property.
 6. It is unlawful to use a storage container as a permanent structure or as an appendage to a permanent structure.
 7. It is unlawful, in any zone, to vertically stack two (2) or more storage containers or stack/place any other materials or items on top of or around a storage container.
- B. A storage container in a commercial or manufacturing zone shall be used in accordance with the following criteria:
1. A storage container shall be used solely for the transportation or shipment of goods and products, and
 2. It is unlawful to use a storage container for business operations, and
 3. A storage container not being actively used for transportation or shipment shall not be stored within North Ogden City.
 4. Temporary fireworks stands are exempted from this subsections B (1-4).
- C. A storage container in a residential zone shall be used in accordance with the following criteria:
1. Portable storage containers shall not be allowed for permanent storage.

2. Only one portable storage container shall be allowed per parcel or lot and not allowed on a vacant lot or parcel.
 3. Portable storage containers used for moving in or out of a residence shall be allowed for a maximum of fourteen (14) days, and shall only be located on a driveway or other paved area on private property.
- D. A construction storage container shall not be located on any property for more than six (6) months in any twelve (12) month period, measured continuously from the day the container is first placed. A construction storage container is not required to be placed on an asphalt or concrete surface. The Planning Director may grant extensions of up to six (6) months, but only if he/she determines that:
1. The storage container is located on a site with an active building permit.
 2. The storage container is a necessary part of the construction process.
 3. Not be allowed in the public right of way.
 4. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.
 5. The storage container may receive electricity with an electrical permit.
 6. The storage containers shall be removed prior to the granting of a certificate of occupancy.
- E. Existing prohibited storage containers will be given a 6 month amortization time period to continue to operate from November 1, 2016.

11-11-14: STREETSCAPE STANDARDS

- A. As per Public Works standards, the streetscape design shall include the space behind the projected curb and tie into the required onsite landscape plan, e.g., depending on the street the development is located on, may include street trees, tree grates, pedestrian lighting, 5' sidewalks, bus shelter location, and street furniture. Street art or other amenities may also be included. Storm water design may also be included such as bioswales.
- B. The North Ogden Streetscape design standards are located in the North Ogden City Public Works Standards in section 20. Streetscape designs are required for properties going through site plan review and shall be approved by the Planning Commission, upon the recommendation of the City Engineer.
- C. The Planning Commission, at the request of the applicant, may adjust the streetscape design requirements based upon the unique characteristics of each property and after receiving a recommendation from the Engineering and Parks Department.

11-12: HILLSIDE PROTECTION ZONES HP-1, HP-2, HP-31

11-12-1: PURPOSE

- A. The principal purpose of the hillside protection zones are to allow for the reasonable use and development of the hillside land in the City while promoting the public health, safety, convenience and general welfare of the citizens. These standards are to help maintain the character, identity, and image of the City. These zoning districts implement the "North Ogden City North Hillside Development Study".

- B. To meet these objectives, it is necessary during planning and implementation of development activities to give consideration to the following: 1) conservation of the natural environmental function of the site; 2) compatibility with the surrounding land; 3) stabilization of hillsides, slopes or other areas subject to erosion or mass movement; and 4) preservation of the natural capacity of drainage courses and protection of natural drainageways.

11-12-2: PERMITTED USES

Uses permitted in the HP-1, HP-2 and HP-3 zoning districts shall be limited to the following:

- A. Accessory buildings. See 11-9M-8.
- B. Accessory Dwelling Units. See 11-9M-10.
- C. Agriculture subject to County Health regulations and CCNO 5-3, Sound Regulations.
- D. Attached Dwelling Units. See 11-13.
- E. Places of worship.
- F. Cemeteries.
- G. Daycare.
- H. Educational institutions, public schools, public playgrounds and recreational areas.
- I. Golf course, except miniature golf.
- J. Home occupations. See 11-14.
- K. Household pets.
- L. One single-family dwelling per lot or parcel.
- M. Preschool.
- N. Private park, playground or recreation areas. See 11-9M-18.
- O. Public buildings, public parks, recreation grounds and associated buildings. See 11-9M-19
- P. Public utility substation or water storage reservoir developed by a public agency. See 11-9M-20

11-12-5: GRADING AND DRAINAGE STANDARDS

The regulations for Grading and Drainage are found in 11-21.

11-12-6: DEVELOPMENT CONSTRAINTS

The regulations for Development Constraints are found in 11-21.

11-12-7: SIGN REGULATIONS

The height, size and location of signs shall be in accordance with the regulations set forth in CCNO 11-20.

11-12-8: SITE DEVELOPMENT STANDARDS

(Measurements in feet or square feet)

Zoning District	HP-1	HP-2	HP-3
A. Minimum lot area (square feet or acres)	10,000	12,500	2 acres

B. Minimum lot width in feet (measured 30 feet from front lot line)		90'	100'	200'
C. Minimum yard setback (in feet)				
	1. Front	30'	30'	50'
	2. Side	10'	10'	25'
	a. Minimum street side yard	20'	20'	50'
	3. Rear	20'	20'	150'
D. Total lot coverage		35%	35%	35%
D. Building Height (in feet)				
	1. Minimum building height	10'	10'	10'
	2. Maximum building height	35'	35'	35'
E. Accessory building regulations (in feet) (see also CCNO- 11-9M-911-10-21)				
	1. Accessory Building Smaller than 600 square feet rear and interior side yard setback-	3'	3'	3'
	2. Large accessory building greater than 600 square feet:			
	a. interior lot rear and side yard setback:	15'	15'	15'
	b. Corner lot (non-street side)-	15'	15'	15'
	c. Corner lot (street side)-	20'	20'	20'
	<u>1. Accessory building/large accessory building</u>			

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a. <u>Required setback in feet (with permitted increases in building height beyond 10')</u>			
<u>Buildings that meet the design standards requirements in 11-9M-9: a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line</u>			
F. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings.			
G. In the HP 1 and HP 2 zoning districts, no accessory building shall be greater than 1 story (15') nor more than 25 percent (25%) of the footprint square footage of the main building. In the HP 3 zoning district, no accessory building shall be greater than 1 story (15') nor have a footprint larger than the house. No accessory buildings are permitted without a single family residence or main building.			
1. Building separation between large accessory buildings and neighboring dwelling on any adjacent parcel. Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel.	60'	60'	60'
21. Maximum Number of Large Accessory Buildings Per Lot	1	1	1
3. Building Design and Materials - See 11-10C <u>11-9M-9</u>			

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Section 3

11-13: PLANNED UNIT DEVELOPMENT (PUD) AND ATTACHED DWELLING UNITS

11-14: HOME OCCUPATIONS

11-15: MANUFACTURED HOUSING

11-16: TELEVISION SATELLITE OR DISH ANTENNAS

11-17: WIRELESS TELECOMMUNICATIONS

11-18: SEXUALLY ORIENTED BUSINESSES

11-19: PARKING AND LOADING REGULATIONS

11-20. LANDSCAPE AND BUFFERING REGULATIONS

11-21. SIGN REGULATIONS

11-22: GRADING, DRAINAGE, AND DEVELOPMENT CONSTRAINTS

11-13: PLANNED UNIT DEVELOPMENT (PUD) AND ATTACHED DWELLING UNITS

11-13-1: PURPOSE AND INTENT

- A. The purpose of the Planned Unit Development (PUD) and Attached Dwelling Units is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.
- B. A PUD or Attached Dwelling Unit is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open space, diversity of lot design, residential use and amenities, a well-planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PUD or Attached Dwelling Unit. The combination of all of these elements is necessary for the development of a PUD and Attached Dwelling Unit.
- C. Flexibility in lot sizes may be granted, as provided herein, but only when the reduction and/or more creative configuration of the lots results in better use of the land, the creation of usable common activity areas and improved aesthetics. These benefits should reasonably promise to enhance the enjoyment of life within the PUD or Attached Dwelling Unit to a degree that would not otherwise be achievable without the lot size concessions.

11-13-2: PLANNED UNIT DEVELOPMENTS AND ATTACHED DWELLING UNITS

- A. There are two types of development options in this chapter; Planned Unit Developments and Attached Dwelling Units. The development types are segregated by the size of the development parcel.

- B. Planned Unit Developments (PUD). The minimum size for a Planned Unit Development is five acres and larger.
- C. Attached Dwelling Units. There are two (2) types of Attached Dwelling Units, small lot and neighborhood. Because of the different character and impact of these two (2) types of developments, some development standards may be different. The ownership may be in either single ownership or units sold according to the condominium requirements. The types of Attached Dwelling Units are distinguished by their size.
 - 1. Small Lot Attached Dwelling Units. Small lot Attached Dwelling Units consist of a development on a small parcel of land which is less than two acres in total area and characterized by lots with a size generally less than 5,000 square feet.
 - 2. Neighborhood Attached Dwelling Units. Neighborhood Attached Dwelling Units consist of a development on property which is between two and five (5) acres in total area and characterized by units sharing walls.

11-13-3: USE REGULATIONS

- A. Uses in all PUDs and Attached Dwelling Units shall be limited to the permitted and conditional uses of the zoning district where the PUD or Attached Dwelling Unit is located with the following exceptions.
 - 1. Attached Dwelling Units may be allowed in the R-1 and R-2 zones to provide a variety of housing options provided all other requirements of this Title are met.
 - 2. Accessory uses to the PUD which are located in a common main building may be permitted. Accessory uses shall be limited to personal services and recreational facilities so long as adequate parking is provided.

11-13-4: AREA REQUIREMENTS

- A. Minimum Lot Area and Unit Type. The minimum lot area required per unit for PUDs and Attached Dwelling Units shall be based on the following square footage requirements and may in some cases supersede the densities allowed in the underlying zone. In addition to these minimum lot area requirements, the development shall also meet the minimum design standards and the approval process of this Title. The densities may be increased within PUDs as per CCNO 11-13-5(c). Buildings types by zone are also specified in this table.

Zone	Minimum Square Footage Per Unit Type
R-1	As per the existing zone requirements
R-2	4,000 square feet per small lot, single-family dwelling. 8,000 square feet per duplex.
R-3	4,000 square feet per small lot, single-family dwelling. 8,000 square feet per duplex. 3,000 square feet overall density for attached units where a lot is defined. Attached condominium type dwelling units shall meet the 3,000 square foot minimum for the overall site but shall have a minimum footprint of 900 square feet. <u>Maximum Density is 12 units per acre</u>

R-4	<p>4,000 square feet per small lot, single-family dwelling. 8,000 square feet per duplex. 2,000 square feet for attached units where a lot is defined.</p> <p>Attached condominium type dwellings shall meet the 2,000 square foot minimums for the overall site but shall have a minimum footprint of 800 square feet.</p> <p>Maximum Density is 15 units per acre</p>
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11-13-5: DENSITY DETERMINATION

- A. Developable Acreage. Density in PUDs or Attached Dwelling Units shall be determined by using the developable acreage of the entire proposed development. Developable acreage is land under twenty percent (20%) slope which is capable of being improved with landscaping, recreational facilities, buildings or parking. Unmitigated natural hazard areas and wetland areas shall be "undevelopable" land. Land devoted to street usage (the right of way for public streets and the area from back of curb to back of curb for private streets) shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density.
- B. Density in PUDs or Attached Dwelling Units. The number of dwellings in a PUD or Attached Dwelling Unit shall be determined by dividing the net developable square footage of the PUD or Attached Dwelling Unit by the square footage required for each residential lot by the zone in which the PUD or Attached Dwelling Unit is located. If the number of lots ends in a fractional amount, fractional amounts are to be disregarded.
- C. Density bonuses. Once the density is calculated through A and B above, a 20% increase in density can be achieved through corresponding lot size decreases or footprints, if:
 - 1. A sensitive land is defined, preserved (via an HOA or a conservation easement dedicated to the City), and buffered with at least a peripheral buffer of 50'. Such areas shall provide neighborhood access and include trails.
 - 2. In the case of disturbed lands, such as abandoned gravel pits, reclamation with native plants, protection of steep slopes, terracing for steep slopes over 50' in height, setbacks from such areas of 50' or more.
 - 3. Creation of a public park. If the City determines that a public park would have value at the particular location, and through a development agreement, certain improvements are installed.
 - 4. Improved streetscapes. Improved landscaping through evident intensification, wider sidewalks, trail connections, composite/brick/finished masonry products for walls that together provide an enhanced perimeter appearance.
 - 5. On-site amenities. Choose at least five from the list in CCNO 11-13-6 (i)
 - 6. Architecture. Provide buildings that incorporate 50% brick or stone, do not use vinyl or aluminum except for soffits and fascia and incorporate a varied façade on all 4 sides of the buildings.
 - 7. Sustainability. Include 220 volt outlets in all garages, solar panels on roofs, and insulation exceeding standard code requirements by 20% for roofs and walls.

11-13-6: DEVELOPMENT REQUIREMENTS

- A. All proposed PUD and Attached Dwelling Unit developments shall comply with all minimum development requirements as provided in this section.
- B. Design Theme. Each PUD and Attached Dwelling Unit project shall establish a design theme through a project narrative that includes a project overview, existing land use, building elevations, relationship to adjoining properties, and overall concept design.
- C. Building Setbacks.
 - 8. The minimum setback for all buildings (excluding fences) and parking on the periphery of the development shall be equal to the front setback of the underlying zone at those locations where the development abuts a street and thirty foot (30') at those locations where development abuts other parcels of land.
 - 9. Notwithstanding the above provision, if the development has subdivided single-family lots, which abut other parcels of land, the specific zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped. Front setbacks may be reduced by the Planning Commission if the project can demonstrate an upgraded design to include:
 - a. The building fronts face the street.
 - b. The building fronts have the main entrance features oriented toward the street, e.g., the front door, walkway to the sidewalk, porch (60 sq. ft. minimum), windows, shutters, etc.
 - c. The park strip and front yard shall have a landscape theme.
 - d. The project is pedestrian friendly. In addition to the normal sidewalk design a walking trail system is included that has public access through a public access easement. The trail system and sidewalks may include pedestrian lights.
- D. Distance Between Buildings. The minimum distance between main buildings in the development shall be fifteen feet (15') for single-story buildings, twenty feet (20') for two-story buildings, twenty five feet (25') for two and one-half (2¹/₂) story buildings. If the lower building is next to a taller building, then the larger separation distance will apply.



- E. Building Height. The height of the buildings shall be limited to the maximum height allowed in the respective zoning district of the project, however, heights may be varied by using an average height for a building or group of buildings, as long as that maximum height of the zone is not exceeded by more than ten feet. All utilities shall be placed underground, except power transmission lines capable of carrying forty six (46) kV or greater.
- F. Building Orientation. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face

the public street bordering the PUD or Attached Dwelling Unit development. Units, which are on corners, may front either street. The Planning Commission may waive this provision due to unusual topographic features or unusual conditions; provided that such a waiver does not negatively impact the continuity of the existing streetscape.

- G. Building Materials. Acceptable building materials are brick, stone, hardie board composites, and or stucco or other material approved by the Planning Commission; Aluminum or vinyl siding are only allowed on the soffit and fascia. The surrounding existing uses will be considered by the Planning Commission when approving other building materials to be used.
- H. Open Space and Landscaping.
 - 1. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, streams and concentrated native stands of large shrubs or trees.
 - 2. Developed common activity area for single-family and attached dwelling units shall be provided as follows.
 - a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural planted landscaped area. Common activity areas shall be configured to provide appropriate, accessible and usable spaces. Spaces that are too small, too steep, too narrow, etc., or otherwise configured in a way that the space provides questionable utility for homeowners in the PUD, shall not be credited toward the developer's open space requirement.
 - b. Subdivided, single-family lots shall provide developed common activity area at a ratio of 15% of the overall site, if such single family lots are smaller than 10,000 square feet. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
 - 4. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Planning Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of:
 - a. General construction techniques,
 - b. The impact removal will have to the character of the area,
 - c. The topography of the site, or
 - d. Harmful conditions the vegetation may create.
 - 5. Since one of the purposes of an Attached Dwelling Unit and a PUD is to protect natural features, the Planning Commission may deny approval of an Attached Dwelling Unit if it is determined there has been removal of trees or shrubs prior to submittal or intensified landscaping shall be required. It is prohibited for such properties to remove existing vegetation, prior to final approval of the application.

6. The majority of new plant material used for landscaping is to be drought tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering.
 7. Drip irrigation systems are designed and installed to irrigate all shrub and tree areas as needed.
 8. Areas which are to be screened are to be screened with an opaque wood, wood composite, vinyl or masonry fence. Landscaping should be designed to soften the appearance of the fence. Landscaping may be vines, shrubs or trees.
 9. Street trees shall be placed along all interior roads at a maximum spacing distance of forty feet (40') between each tree, depending on tree type. Such trees shall be located in the park strip or if no park strip is proposed, three feet from the street side property line, consistent with any approved streetscape plan.
 10. The development shall have an approved landscape plan that provides a unified landscaping design of trees, shrubs, and theme lighting. Natural features, ponds, streams, fountains, waterfalls, sculptures and other design elements which create interest and visual unity and displays creativity in providing usable open space for the residents of the development are encouraged.
 11. Landscaping. All landscaping shall meet the standards set forth in CCNO 11-20.
 12. Fencing. All proposed fencing shall meet the standards set forth in CCNO 11-9M-16.
- I. All dumpsters shall be stored in screened enclosures, including gates, which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not in the required setback areas, not visible from the public street and do not restrict vehicular parking or circulation.
 - J. Stormwater. Stormwater detention facilities shall be designed to meet North Ogden City Public Works standards.
 - K. Parking Regulations.
 1. Parking lot layout, number of required spaces, landscaping and screening shall conform to CCNO 11-19
 2. If a group recreational vehicle (RV) parking area is provided for the development, said parking area shall not be located within twenty feet (20') of the perimeter of the PUD or Attached Dwelling Unit development and shall be completely screened per CCNO 11-20-8.
 3. A minimum six foot (6') landscaped area, excluding sidewalk, is to be provided between the unit and any parking or access lanes.
 - M. Street Design. PUDs and Attached Dwelling Units shall be designed to generally comply with the circulation recommendations of the transportation element of the general plan, the design needs of the surrounding area, and the project. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the City Engineer, shall determine if the street should be extended as a through street or as a cul-de-sac during the preliminary approval. Local streets which are internal to the development and do not provide access through the project may be designed as either public or private streets provided they meet the following criteria.
 1. Public Street Requirements.
 - a. Right of Way Width. Public streets shall meet the appropriate right of way widths as required by Public Works Standards.

- b. Neighborhood Local Streets. Projects may develop neighborhood local streets with lesser widths in consultation with the City Engineer as part of a PUD, provided the street meets one of the following criteria.
 - 1. The road is a cul-de-sac which does not exceed 600 hundred feet in length or fifteen (15) dwelling units, whichever is less;
 - 2. The roadway is internal to the development, intersects at each end with a roadway which has a right of way of sixty feet (60') or larger, does not provide for access through the development, and is less than seven hundred feet (700') in length or is intersected by a standard width right of way.
 - c. Unusual Cross Sections. In cases where unusual topography or other exceptional conditions exist which would make the installation of required public street cross sections impractical to develop, variations from the standards may be considered. The Planning Commission shall consider the reasons for the request, the impact to the existing land, the development, and the ability of the city to deliver services with the unusual cross section before any variation from the standard is approved.
 - d. Public Sidewalk. Five foot (5") sidewalks are generally required to be installed in the public right of way may be varied in location, but at all times there shall be at least a four and one-half foot (4¹/₂') wide landscape strip of land between the curb and sidewalk. The applicant may request that a public sidewalk be located independent of the public street right of way due to topography or other design considerations, provided the design has reasonable access from one end of the development to the other, allowing the public to pass through the neighborhood in a logical manner, and is within the common area of the development. A public easement for such a walkway shall be required. Because such sidewalk is established independent of the street right of way, the sidewalk shall be maintained by a homeowners' association.
 - e. All street frontages shall be designed consistent with approved streetscape design standards. If a streetscape plan has not been established then a streetscape design shall be presented for approval by the Planning Commission.
2. Private Street Requirements.
- a. Private streets must meet all public street standards.
 - b. All private roads shall be placed in a separate tract of land from the other common areas of the PUD or Attached Dwelling Unit.
 - c. All private roadway tracts shall be the same width as the public rights of way.
 - d. Private streets will be approved only in PUDs or Attached Dwelling Units which:
 - 1. Establish a homeowners' or property owners' association;
 - 2. Explicitly provide that the homeowners' association will assume responsibility for the maintenance of all private streets;
 - 3. Obtain approval from the Planning Commission of an assessment fee analysis demonstrating a reasonable financial plan to provide for future street maintenance or replacement and other common features within the development.
- N. Public Trails. Development of public trails as an alternative form of travel serves important community interests of improving air quality, increasing opportunity for recreation and improved health, reducing motor vehicle congestion and preserving scarce energy resources. Development

within any new subdivision of a segment of a trail system designated in the city's general plan or trails master plan shall be a required feature of new subdivision infrastructure.

1. Trails shall be developed according to standards established by the city and shall be of sufficient width and design to safely accommodate two-way bicycle and pedestrian traffic into, out of and within the development.
2. Voluntary dedication of area within a development, in excess of the minimum required to meet the alternative travel needs of the development itself, may be accepted by the city for use as part of a public trail system. Any additional area so dedicated shall be counted as part of the open space requirement of the PUD. Furthermore, the Planning Commission, may allow a reduction in the overall open space requirement of the PUD in exchange for voluntary dedication of excess trail right of way or off-site trail extension/connections by a developer where it is in the best interest of the City.
3. The Planning Commission may also include excess area dedicated to public trail right of way as part of the calculation of any setback requirement, if the quality, and function in the trails plan, is a priority.
4. After final approval and completion/acceptance of public trail infrastructure by the city, the city shall become responsible for trail maintenance.

11-13-7: SUBMISSION AND REVIEW PROCESS

- A. See CCNO 11-2-11, 11-2-12, and 11-2-13 for subdivision application procedures.
- B. Preliminary Development Plan Review Process. The Planning Commission, subject to the requirements of this chapter, may approve, deny if the development does not meet City standards, or approve with conditions, the preliminary development plan for the proposed PUD or Attached Dwelling Unit. During the preliminary review process, notice shall be given to the public of the PUD or Attached Dwelling Unit proposal in accordance with City Notice requirements. In reviewing the site plan for the proposed PUD or Attached Dwelling Unit, the Planning Commission shall determine if the PUD or Attached Dwelling Unit meets the minimum requirements of this title.
- C. Site plan or Final Subdivision Plat Submission. The final plans, including all modifications from the preliminary site plan or subdivision approval, based on the conceptual sketch and preliminary plans, shall be processed by the planning staff and include information as identified on the PUD Attached Dwelling Units application form.

11-13-8: APPLICABILITY OF SUBDIVISION ORDINANCE

- A. A PUD or Attached Dwelling Units shall comply with the provisions of CCNO 11-22*, as identified on the PUD Attached Dwelling Units application form.
 1. The procedures for preliminary and final plan approval required under the subdivision ordinance shall be fulfilled upon approval of the preliminary development plan and final development plan in this chapter.
- B. A PUD or Attached Dwelling Unit for which all of the real property is intended to be maintained as one lot, held in single ownership, shall require the filing of a plat and site plan as a single lot subdivision as part of the final development plan approval process, in order to provide for the dedication of public property, and the elimination of existing lot lines.

11-13-9: AMENDMENTS

- A. The applicant/owner and any assigns or successors in interest, is required to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use,

building arrangement, etc., will not be approved nor will building permits be issued by the city until such plan is amended by the Planning Commission. Minor changes to an approved site plan may be approved by the Planning Director or designees that are consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improved or equivalent quality of materials or design. Any proposed changes that exceed 5% of the project area or that are deemed materially significant by the Planning Director shall require an amendment to the site plan and approval by the Planning Commission.

11-13-10: TIME LIMITATIONS

- A. Final Development Plan. A final development plan shall be submitted for approval within twelve (12) months of the issuance of the preliminary approval for the PUD or Attached Dwelling Unit. Failure to submit a final development plan within the specified time period shall result in the automatic revocation of the application, and the preliminary plan shall be null and void. However, a one-time extension of twelve (12) months may be granted by the Planning Director for a showing of good cause, defined as financial, material or labor issues, if such request is made prior to the expiration of the final development plan.
- B. Recording Subdivision Plat. If the PUD or Attached Dwelling Unit is a multi-lot subdivision, a final subdivision plat shall be recorded prior to the time any construction permits are issued. A final plat must be recorded within twelve (12) months after approval of the final development plan. Failure to record the subdivision plat within the specified time period shall result in the final development plan becoming null and void.
- C. Site Plan Revocation. Any property for which a site plan has been revoked or a plan determined to be null and void for failure to comply with the above time limitations shall thereafter be subject to the zoning and subdivision ordinances otherwise applicable to said property.

11-13-11: CONSTRUCTION PARAMETERS

- A. Financial Sureties. Prior to the recording of a PUD or Attached Dwelling Unit subdivision plat and prior to the issuance of any building permit on property covered by a PUD or Attached Dwelling Units final development plan, an escrow account acceptable to the city, sufficient in amount to cover the cost of all infrastructure, as outlined in the subdivision ordinance.
- B. Infrastructure. All street improvements, sidewalks, curbs and gutters, water lines, sewer lines, trail connections, and all other such surface and underground improvements shall be completed prior to occupancy.
- C. Amenities and Landscaping. Notwithstanding the provision above, all amenities shall be completed prior to occupancy unless inclement weather prevents their completion, in which case one extension of six (6) months for amenities and landscaping may be granted by the Planning Director if the applicant can show good cause such as material shortages, labor shortages, and/or financing issues. If not completed at the end of the six (6) month period, the city will review the progress and may proceed to limit further certificates of occupancy.
- D. Property Ownership. Plans submitted for preliminary and final site plan review may be filed jointly by multiple owners provided all owners have signed the proposed plans. The applicant shall submit a title report demonstrating compliance with this section. The area proposed for a PUD or Attached Dwelling Unit be in single ownership or corporate ownership prior to recording of the final plat or in order to provide for full supervision and control of said development, and to ensure conformance with the provisions of this chapter.

- E. Phasing. If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by the Planning Commission. Such phasing plans shall have the written approval of all property owners. In addition, the approved phasing shall be submitted to the city recorder for recordation with the county recorder's office as a covenant to run with the land.

11-13-12: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY

- A. In case of the failure or neglect to comply with any and all of the provisions of this chapter, and the conditions and stipulations herein established, and as specifically made applicable to a PUD or Attached Dwelling Unit, the Building Official shall not authorize occupancy of any structure. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions of approval thereafter shall also be deemed to be a violation of this section and Title.

11-13-13: ISSUANCE OF BUILDING PERMITS

- A. The Building Official shall not issue a permit for any proposed building, structure, or use within the project unless such building, structure or use is in accordance with the approved plan and any conditions imposed in conjunction with its approval.

11-14: HOME OCCUPATIONS

11-14-1: PURPOSE AND INTENT

- A. The purpose and intent of this chapter is to permit persons residing in dwellings in residential zones to provide a service, operate certain kinds of small business, or maintain a professional or business office provided that the home occupation does not change the character of the home.

11-14-2: PERMITTED HOME OCCUPATIONS

- A. Home Occupations Permitted..
 1. Art and Photography Studio.
 2. Beauty and Hair Salon: Provided that no more than one hair stylist or beautician works at any given time.
 3. Computer Repairs.
 4. Dance and Musical Instruction.
 5. Dental Laboratory.
 6. Esthetician: Provided that no more than one esthetician works at any given time.
 7. Internet Sales phone order or mail order services.
 8. Financial consulting/accounting-
 9. Fine Repairs of Musical Instruments.
 10. Firearm Sales provided that the applicant can demonstrate they have a federal firearms license and have secure gun storage.
 11. Gun repair provided no gun manufacturing is part of this activity.
 12. Home Office.
 13. Massage Therapy Salons.

14. Small scale manufacturing such as woodworking and metalworking that does not result in storage of hazardous, flammable, or combustible materials and meets the development standards of CCNO 11-14-3 below.
 15. Upholstering provided that no vehicles being reupholstered are left overnight at the home occupation.
- B. Any home occupation which is determined by the Planning Director to be similar in impacts and use, and therefore fall under one of the permitted uses shall be authorized under that use. Any uses determined by the Planning Director, not to fall under one of the permitted uses, is prohibited and may only be authorized by an amendment to this Title.

11-14-3: DEVELOPMENT STANDARDS OF ALL HOME OCCUPATIONS

- A. It shall be unlawful to conduct or pursue a home occupation within the corporate limits of the city, unless each of the following conditions are observed.
1. Residents of Premises. Only persons who are bona fide residents of the premises shall be engaged in the occupation.
 2. Residential Character Retained. The home occupation shall not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.
 3. Maximum Area of Use. If a home occupation is conducted within the living quarters of a dwelling unit, the home occupation shall not occupy more than the equivalent of twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet. If a home occupation is conducted within the garage of a dwelling unit, the home occupation shall not occupy more than thirty-three percent (33%) of the garage area.
 4. Conducted Within Living Quarters; Exception. Home occupations may be permitted in the garage as long as the provisions of chapter 16 of this title are complied with. Any home occupation approved for a garage shall have minimal environmental impact on the character of the neighborhood as described in CCNO 11-16-5 related to public nuisances, and other relevant provisions of the municipal code. Existing prohibited home occupations with garages will be given a 6 month amortization time period to continue to operate from February 28, 2015.
 5. Display or Sales of Goods. Retail sales on the premises are not permitted except as allowed in subsection N of this section. Catalog sales, internet sales, and similar types of sales are permitted if the product is drop shipped from the order warehouse to the buyer's home.
 6. Signs and Advertising. No sign or advertising shall be displayed on the premises. This requirement shall not apply to temporary advertising of produce in season nor to income producing activities engaged in by minors only.
 7. Traffic. The home occupation shall not generate more than ten (10) vehicular trips to the home a day.
 8. Parking. The addition of off street parking facilities on the premises of the home occupation beyond that normally required for residential uses is prohibited.
 1. Parking of automobiles generated by the home occupation will be confined to existing residential parking.
 2. There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off-premise business for which the dwelling is being used as a home

occupation office, except that not more than one truck of one-ton capacity or less may be parked on premise during off work hours at night.

3. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business.
 4. All trucks and trailers used as part of the home occupation business shall be licensed and registered, and parked in accordance with CCNO 11-19-3 (Design and Location of Parking Spaces).
 5. Home occupations within garages shall maintain the required two car parking spaces in accordance with CCNO 11-19-3 (Design and Location of Parking Spaces).
9. Conformance with Laws. There shall be complete conformity with fire, building, plumbing, electrical and health codes; and to all state and city ordinances and other laws, covenants, restrictions or regulations pertaining to the premises upon which the home occupation is conducted.
 10. Emissions. The home occupation shall not be associated with noise, dust, odors, noxious fumes, glare, or other hazards to safety and health which are emitted and may be discernible beyond the premises.
 11. Dangerous Materials or Harmful Animals. The home occupation shall not create a hazard by using flammable, explosive or other dangerous materials, or by keeping or raising animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person or property.
 12. Excessive Demand for Services. The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
 13. Use Outside Main Building: The home occupation activity shall not use any accessory buildings, yard or space outside of the main dwelling.
 14. Product Sales. Sales of specialty products such as kitchenware, candles, cosmetics, merchandise made by the seller, or similarly branded item intended primarily for home sales are permitted if sales are made at the buyer's home, or ordered by catalog, or internet, or at sales parties. As with all businesses, sales exceeding five hundred dollars (\$500.00) annually requires a business license. (Ord. 2011-09, 5-10-2011)

11-14-4: LICENSING AND REGULATION

- A. Nothing in this chapter shall prohibit the city from licensing, taxing or regulating a home occupation.
- B. Any residential property occupants with commercial vehicles or earth moving equipment greater than 15,000 GVWR being parked or stored on residential property for more than seventy two (72) continuous hours are required to get a home occupation license irrespective of the principal place of business or ownership of the vehicle, and comply with all parking standards including those specifically related to Home Occupations found in CCNO 11-16-3(H) Parking. Equipment may be parked outside of a structure if there is a current building permit issued for that property and is being used as part of the work being performed.

11-14-5: PUBLIC NUISANCE

- A. Any income producing activity conducted in a residential zone not meeting the conditions of this chapter shall be unlawful. Upon discovering any violation of the requirements, conditions or limitations of this chapter, the Code Enforcement Officer shall notify the owner or occupant of the premises in writing of the violations and demand abatement of said violation. If after seven

(7) days of receipt of written notice thereof, the violation persists, the violation shall be considered a public nuisance and shall be abated pursuant to the procedures described in the ordinances relating to the abatement of nuisances on the property.

11-15: MANUFACTURED HOUSING

11-15-1: PURPOSE AND INTENT

- A. The purpose and intent of this chapter is to allow for an alternative form of housing by permitting manufactured housing in areas of the city in which single-family residences are a permitted use and to provide additional regulations.

11-15-2: MOBILE HOMES

- A. "Mobile homes", as defined in CCNO 11-2-1, are prohibited in the city outside of mobile home parks (see 11-7) or approved mobile home subdivisions. The term "mobile home" does not include recreational vehicles.

11-15-3: MODULAR HOMES

- A. Modular homes are a permitted use in all zones and areas of the city in which single-family residences are a permitted use; provided, that the modular home shall comply with all local zoning and subdivision regulations, which would apply to a single-family residence in the area. This includes locating the Modular home on a permanent concrete or masonry foundation.

11-15-4: RECREATIONAL VEHICLES

- A. Where Permitted. Recreational vehicles are permitted only as temporary residences in recreational vehicle parks, campgrounds or recreational vehicle subdivisions.
- B. Storage. Recreational vehicles may be stored in residential areas only as provided in this title.

11-16: TELEVISION SATELLITE OR DISH ANTENNAS

11-16-1: PURPOSE AND INTENT

- A. The purpose of this section is to establish minimum setback requirements, height standards, size regulations and to otherwise control and restrict the size, use and placement of television satellite antennas so as to be compatible with the zones in which they are located.

11-16-2: BUILDING PERMIT

- A. Building permits are required for large (2' and larger) satellite antennas or dish antennas and shall comply with the regulations set forth in this chapter.

11-16-3: PERMITTING AND LOCATION

- A. Antennas/dishes located on a building and smaller than a two foot (2') diameter are exempt from building permits.
- B. Size: Any satellite antenna/ dishes not located on a building or larger than a two foot (2') diameter, requires a site plan and building permit. Such antennas shall not be located in any required front yard or corner side yard facing a street. Such antennas shall be located as follows:

- C. Setbacks. All satellite antennas/dishes, not located on a building, shall have minimum setbacks of at least five feet (5'), from rear and side yard property lines. The setbacks shall be measured from the property lines to the nearest point of the antenna/dish. The distance for rotating dish antennas shall be measured from the nearest point of the antenna in its closest rotational configuration.
- D. Commercial, Manufacturing Zones. In any commercial or manufacturing zone, antenna/dishes, not located on a building, may be located on the roof or in the rear or side yard; Large roof mounted antennas shall be setback from the edge of a roof by at least ten feet.
- E. Residential Zones. In any residential zone, large satellite antennas shall only be located in the rear yard of any lot.

11-16-4: NUMBER PERMITTED

- A. Not more than one large satellite antenna or dish is allowed per residential lot.

11-16-5: ANTENNA SIZE

- A. No satellite antenna or dish shall exceed five feet (5') in diameter in a residential zone.

11-16-6: ANTENNA HEIGHT

- A. No antenna shall exceed the height limitation in its respective zone.

11-16-7: CONSTRUCTION STANDARDS

- A. Anchoring. The receiving dish shall be securely mounted and anchored to the ground in accordance with the requirements of the manufacturer and the international building code.
- B. Grounding. Every antenna must be adequately grounded for protection against a direct strike of lightning.
- C. Underground Wiring. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.
- D. Glare Minimized. The surface of the dish shall be painted or treated so as not to reflect glare from the sunlight.

11-17: WIRELESS TELECOMMUNICATION

11-17-1: PURPOSE AND INTENT

- A. The purpose of this chapter is to establish general guidelines for the siting of wireless communications facilities in consideration of the public health, safety and general welfare and without substantial adverse impacts to the visual integrity of the City, its neighborhoods, and its important view corridors. To achieve this objective, these regulations require the use of stealth design through Camouflage and Concealment Design Techniques, with limited exceptions, and encourage the use of Attached Communications Facilities. In furtherance of these goals, the city shall give due consideration to the general plan, this title, existing land uses and environmentally sensitive areas in approving sites for the location of wireless communication facilities.

11-17-2: APPLICABILITY

- A. New Towers and Antennas. All new towers or antennas in the city shall be subject to these regulations.
- B. Exceptions.
 - 1. Amateur Radio Station Operators/Receive Only Antennas. This chapter shall not govern any tower, or the installation of any antenna, that is located on the lot so the reclining length is entirely on the operator's property and which is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only operations.
 - 2. Preexisting Towers or Antennas. Legally established preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of CCNO 11-17-4F and G.
 - 3. AM Array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

11-17-3: GENERAL REQUIREMENTS

- A. Classifications.
 - 1. Attached Wireless Communications Facility. A Wireless Communications Facility is an Attached Wireless Communications Facility if it is affixed to an existing permanent structure (including buildings, water tanks, and communications towers, but excluding an existing freestanding Wireless Communication Facility as defined below) provided such structure conforms to all applicable regulations, including building and zoning regulations.
 - 2. Freestanding Wireless Communications Facility. A Wireless Communications Facility that is not an attached communications facility is defined as either a Stealth Freestanding Wireless Communications Facility or a Non-stealth Freestanding Wireless Communications Facility, as follows.
 - a. A Stealth Freestanding Wireless Communications Facility is a freestanding facility that meets the requirements for Camouflage and Concealment Design Techniques.
 - b. A Non-stealth Freestanding Wireless Communications Facility is a freestanding facility that does not meet the definition of a Stealth Freestanding Wireless Communications Facility.
 - 3. All wireless communication facilities shall be processed as a site plan review per CCNO 11-2-9.
- B. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
 - 1. Attached Wireless Communications Facilities. Attached Wireless Communications Facilities are permitted in all zoning districts provided they are permanently attached

- to agricultural, commercial, industrial, institutional, or multifamily buildings and utilize Camouflage and Concealment Design Techniques.
2. Stealth Freestanding Wireless Communications Facilities.
 - a. Stealth Freestanding Wireless Communications Facilities are permitted in the all districts if the property contains a principal use and such principal use of the property is either a multifamily or institutional/civic use. In such areas, stealth towers shall be incorporated into lighting structures
 - b. Commercial and Manufacturing Districts. Stealth Freestanding Wireless Communications Facilities are permitted in these districts and are required to be incorporated into light poles as part of a lighting plan, such as for a parking lot or a recreational facility, or to resemble a tree.
 3. Non-Stealth Freestanding Wireless Communications Facilities. Non-stealth Freestanding Wireless Communications facilities are not permitted
- C. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- D. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Director an inventory of existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, co-location potential and design of each tower. Each applicant shall also provide a one year build-out plan of its facilities for all other wireless communications facilities within the city. The Planning Director may share such information with other applicants applying for administrative approval under this chapter or with other organizations seeking to locate antennas within the jurisdiction of the city; provided, however, that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- E. Aesthetics. Towers and antennas shall meet the following requirements:
1. All Wireless Communications Facilities shall be located and designed to be compatible and blend in with surrounding buildings and existing or planned uses in the area through the use of camouflage and concealment design techniques (stealth) to the maximum extent possible.
 2. Towers, two hundred feet (200') or greater in height, shall be subject to any applicable standards of the FAA. Such regulations include, but not limited to, those specified in FAA advisory circulars AC 70/7460-1-H "Obstruction Marketing & Lighting" and AC 150/5345-43-D "Specifications for Obstruction Lighting Equipment". Towers, less than two hundred feet (200') in height, shall be painted a neutral color so as to reduce visual obtrusiveness.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4. Attached Wireless Communications Facilities (roof mounted), including the antenna, support structures and screening, shall not project more than ten (10) feet above the roof line of a building.
 5. Attached Wireless Communications Facilities (façade mounted), including the antenna, support structures and screening, shall not extend above the parapet wall, or, in the case of a pitched roof, above the roof ridge.
- F. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives shall be evaluated and a design chosen that uses the least amount of light required for safety purposes.
 - G. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - H. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. This may include tower upgrades, if new codes suggest the tower may be unsafe. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless a longer time is reasonably necessary. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - I. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.
 - J. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - K. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the Planning Director.
 - L. Signs. No signs shall be allowed on an antenna or tower.
 - M. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of CCNO 11-17-8.
 - N. Colocation and Multiple Antenna/Tower Plan. Applications for approval of multiple sites or for collocation with an existing provider are given priority in the review process.

- O. Security Fencing. Towers shall be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height, which shall be constructed of cement block or masonry, and shall be equipped with an appropriate antilimbing device.
- P. Landscaping. The following requirements shall govern the landscaping surrounding towers:
1. All ground-based equipment must be screened by a solid fence or screen wall six (6) feet in height. This requirement may be waived by the Director in areas where the City determines buildings or other structures provide a comparable or better screening effect.
 2. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residential property. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.
 3. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 4. Existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible.
- Q. Noise. No permit shall be issued for any facility which generates a noise level greater than fifty (50) decibels as measured at the edge of the property upon which such facility is sited.
- R. Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following.
1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative

technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

11-17-5: MINIMUM SETBACKS AND SEPARATION BETWEEN TOWERS

- A. Setbacks. The following setback requirements shall apply to all towers.
 - 1. Antennas shall be setback from any property line a minimum distance equal to the height of the tower.
 - 2. Accessory buildings must satisfy the minimum zoning district setback requirements.
- B. Separation. The following separation requirements shall apply to all towers and antennas.
 - 1. Separation Distances Between Towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in table 2. Separation distances between towers does not apply if they are located on City owner property and use stealth technology.

Table 2			
Separation Distances Between Towers			
Towers 65 feet in height or greater	2,000 feet	1,500 feet	1,000 feet
Towers less than 65 feet in height, but greater than 40 feet in height	1,500 feet	1,500 feet	1,000 feet
Towers less than 40 feet in height	1,000 feet	1,000 feet	750 feet

11-17-7: BUILDINGS OR OTHER EQUIPMENT STORAGE

- A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas mounted on structures or rooftops shall comply with the following.
 - 1. The cabinet or structure shall not contain more than one hundred twenty (120) square feet of gross floor area or be more than eight feet (8') in height and shall be located on the ground.
 - 2. Equipment storage buildings or cabinets shall comply with all applicable building codes and be setback from the building edge by a minimum distance of 10'.
- B. Antennas Mounted on Utility Poles, Light Poles or Towers. The equipment cabinet or structure used in association with antennas mounted on utility poles, light poles or towers shall be located in accordance with the following.
 - 1. In residential districts, the equipment cabinet or structure may be located:

- a. In a required front yard or required street side yard, provided the cabinet structure is no greater than three and one-half feet (3½') in height or twenty (20) square feet of gross floor area and the cabinet/structure is located a minimum of three feet (3') from all lot lines. The cabinet/structure shall be screened by sight obscuring landscaping which obscures at least ninety five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height not to exceed forty two inches (42").
 - b. In a required rear yard, provided the cabinet or structure is no greater than five feet (5') in height or one hundred twenty (120) square feet in gross floor area. The cabinet/structure shall be screened by sight obscuring landscaping which obscures at least ninety five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height of six feet (6').
 - c. The entry or access side of a cabinet or structure shall be gated by a solid, sight obscuring gate that is separate from the cabinet or structure.
2. In commercial or industrial districts, the equipment cabinet or structure shall be no greater than fourteen feet (14') in height or three hundred (300) square feet in gross floor area. The structure or cabinet shall be screened by sight obscuring landscaping with an ultimate height of sixteen feet (16') and a planted height of at least six feet (6'). The entry or access side of a cabinet or structure shall be gated by a solid, sight obscuring gate that is separate from the cabinet or structure. Such accessway shall not face residentially zoned property.

11-17-8 COLLOCATION

- A. Good Faith. Applicants and permittees shall cooperate and exercise good faith in collocating wireless telecommunications facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of collocation and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.
- B. Exceptions. No collocation is required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing wireless telecommunications facilities or failure of the existing wireless telecommunications facilities to meet federal standards for emissions.
- C. Failure to Comply. Failure to comply with collocation requirements when feasible may result in denial of a permit request or revocation of an existing permit.

11-17-9: REMOVAL OF ABANDONED ANTENNAS AND TOWERS

- A. Any antenna or tower that is not operated for a continuous period of one (1) year shall be considered abandoned, and the owner of such antenna or tower shall remove the same within six (6) months of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said six (6) month period shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more

users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

11-17-10: NONCONFORMING USES

- A. Expansion of Existing Towers. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

11-18: SEXUALLY ORIENTED BUSINESSES

11-18-1: PURPOSE AND INTENT

- A. The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their location in areas deleterious to the city, regulate the signage of such businesses, control the adverse effect of such signage, and prevent inappropriate exposure of the activities of such businesses to the community. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the United States and Utah constitutions.

11-18-2: LOCATION RESTRICTIONS

- A. Sexually oriented businesses shall only be in the manufacturing zone.
- B. Such businesses shall operate only between the hours of 8 AM and 10 PM.
- C. No such business shall be located closer than 500' to another sexually oriented business. For the purposes of this Section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the Sexually-Oriented Business is located and:
 - 1. The closest exterior wall of another Sexually-Oriented Business;
 - 2. The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
 - 3. The nearest property line of any residential zone.
- D. Signs for sexually oriented businesses shall be limited as follows:
- E. Only one exterior wall sign on each site shall be allowed. The sign shall be located on the wall of the business building.
- F. Only flat wall signs shall be permitted. Painted wall advertising shall not be allowed.
- G. No sign shall be allowed to exceed 18 square feet.
- H. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- I. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.

11-18-3: SIGNS

- A. Notwithstanding anything to the contrary contained in CCNO 11-21, or elsewhere within this Title, the following more restrictive requirements for signs pertaining to sexually oriented businesses shall prevail.
 - 1. No more than one exterior sign shall be allowed;

2. No sign shall be allowed to exceed eighteen (18) square feet;
3. No animation shall be permitted on or around any sign or on the exterior walls or roofs of such premises;
4. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only;
5. Only flat wall signs and/or awning signs shall be permitted;
6. Painted wall advertising shall not be allowed; and
7. Other than the signs specifically allowed by this chapter, the sexually oriented business shall not attach, construct or allow to be attached or constructed, any temporary sign, banner, light or other device designed to draw attention to the business location.

11-19: PARKING AND LOADING; AND TRAFFIC AND ACCESS STANDARDS

11-19-1: PURPOSE AND INTENT

- A. The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and, in so doing, promote the safety and well-being of the citizens of the city. Consequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off street parking space with adequate provisions for ingress and egress by standard sized automobiles.

11-19-2: GENERAL REGULATIONS

- A. Parking Space Size.
 1. Regular Parking Space. A regular parking space shall mean an area of not less than one hundred seventy one (171) square feet, with a minimum width of nine feet (9'), and minimum depth of nineteen feet (19'), which is specifically designated for, and used for, the parking of an automobile or light truck, exclusive of all driveways and accessways.
 2. Parking Space for Vehicles Carrying People with Disabilities. A parking space for vehicles carrying persons with disabilities shall mean an area of not less than two hundred nine (209) square feet, with a minimum width of eleven feet (11'), and minimum depth of nineteen feet (19'). In addition to the parking stall, there shall be a five foot (5') wide access aisle adjacent to and on the right side of each parking space. The space shall be specifically designated and used for the parking of an automobile, passenger van or light truck, exclusive of all driveways and accessways, that is designated as a vehicle permitted to park in such a parking space.
- B. Permits. An applicant for site plan review or a building permit must submit plans showing the off street parking required by this chapter. These plans must show locations, arrangement and dimensions of the off street parking, turning spaces, drives, aisles and ingress and egress, and must be approved by the building inspector. Whenever a permit has been issued in compliance with the requirements of this chapter, subsequent use of the structure, or use of the land is conditioned upon the unqualified availability of off street parking as shown in the approved plans.
- C. Alterations, Additions and Expansion of a Business.

1. A new use, addition or alteration of a building shall not be approved if it would create or increase a deficit in the amount or type of off street parking.
 2. It is unlawful to reduce the amount of existing parking below the minimum amount or type of parking spaces required by this section without first supplying other spaces as are required.
 3. If a building or business is destroyed, and if it is allowed to be reconstructed subject to the provisions of CCNO 11-5, it shall be required to provide only the number of parking spaces which existed prior to the destruction.
 4. If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number and type of additional parking spaces necessitated by the expansion.
- D. Parking Garage. All garage or other space allocated for the parking of vehicles within buildings, basements or on roofs of buildings, shall be considered part of the off street parking facilities and may be included as such in computing the parking area requirements.
- E. Access. All off street parking shall have access from a public street or alley.
- F. Ingress, Egress, Internal Traffic Circulation. Off street parking and loading facilities and pedestrianways shall be designed so as to promote safety and convenience and so that traffic visibility is not obstructed.

11-19-3: DESIGN AND LOCATION OF PARKING SPACES

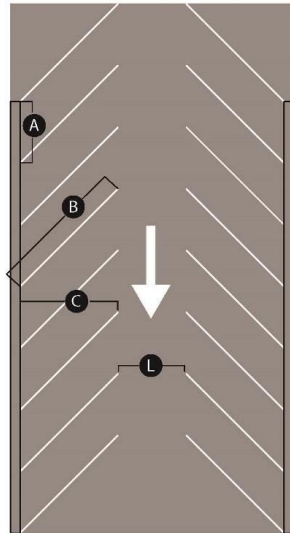
- A. Single-Family Residences, Mobile Homes and Multiple-Family Residences of Four or Less Dwelling Units per building.
1. Location/Required off street parking shall be located on the same lot or parcel as the use it is intended to serve.
 2. Surfacing.
 - a. A minimum of the first twenty feet (20') from the public right-of-way of all primary driveways used to access the required parking stalls under CCNO 11-19-4 for any residential unit shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.
 - b. Secondary driveways to Single-Family Residences may be constructed using rocks, road base, grasscrete or other natural or manmade materials provided the area is kept weed free and complies with air quality and SWPPP standards.
 - c. Off-street parking stalls located in the side yard or rear yard setbacks of a structure may be constructed using rocks, road base, or other natural or manmade materials provided the area is kept weed free and complies with air quality and SWPPP standards.
 3. Multi-family units and Accessory Dwelling units are required to utilize asphaltic concrete, pavement bricks, or cement concrete, or other materials approved by the City Engineer for all parking stalls and driveways. Agricultural Uses. For properties which are zoned RE-20 or R-1-8 AG the primary and secondary access ways to agricultural uses may remain unpaved, but property owners are responsible for all road cleaning required because of debris tracked onto the roadway from vehicular access.
 4. Driveways. Primary driveways shall be not less than ten feet (10') wide for one-way traffic, and not less than twenty feet (20') wide for two-way traffic.

5. Parking of shall meet the following standards.
 - a. The dwelling unit has the minimum number of required off street parking spaces as stipulated by CCNO 11-17-4.
 - b. The parking area is at least eight feet (8') wide, and in the case of corner lots, a maximum of twelve feet (12') wide in the side yard area and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending more than ten feet (10') forward of the front face of the dwelling. In the case of a corner lot, no vehicle shall be parked in the forty foot (40') sight triangle.
 - c. The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway access.
 - d. Any slab constructed must remain open and unobstructed to the sky, or appropriate building permit be obtained to comply with all setbacks and other requirements of this code.
 - e. All storm water runoff from hard surfaces must be directed so as to prevent drainage onto adjacent properties.
- B. Garages. When residential garages are used to meet the minimum off street parking requirements, an unobstructed parking stall from the floor to the height of the garage door with the following interior dimensions must be met.
 1. Single Car Garage. Twelve foot (12') width by a twenty foot (20') depth.
 2. Double Car Garage. Twenty two foot (22') width with a twenty foot (20') depth.
 3. Garages larger than a double car garage must provide at least the parking space dimensions of a double car garage for each dwelling unit the garage is serving.
- C. All Uses Except as Provided Above.
 1. Location. Required off street parking shall be located within three hundred feet (300') of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit as a part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by enforceable legal measure.
 2. Off Street Parking. Off street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street.
 3. Surfacing. All off street parking areas, access ways and driveways shall be improved with concrete, pavement bricks or asphaltic concrete. The surfacing of the parking area shall be designed and graded so that there will be total retention or drainage into a drainage system approved by the City Engineer. Catch basins and drains shall be provided to collect surface drainage of all paved areas at a minimum rate of one inch (1") an hour rainfall. Surface drainage is not allowable across pedestrian walkways or sidewalks.
 4. Curbing. A six inch (6") wide by six inch (6") high curb or bumper guard shall be installed along all edges of the parking and maneuvering area, excluding necessary points of ingress and egress, and shall be so located that no part of a vehicle shall extend over or beyond any property line or sidewalk. The building inspector may determine the location of additional bumper guards or curbs to protect adjacent property owners or persons using a sidewalk.

5. Design. All areas of the parking lot, with the exception of necessary points of ingress and egress, shall be no closer than twenty feet (20') from the front property line. That unoccupied area shall be landscaped and maintained with trees, shrubs, ground cover, undisturbed natural growth, pedestrian walkways and plazas.
6. Access. Access to off street parking areas from a public street shall be from a two-way driveway with a minimum width of twenty feet (20') and a maximum width of twenty five feet (25'), or two (2) one-way driveways each with a minimum width of twelve feet (12') and a maximum width of fifteen feet (15'). No access driveway shall be located closer than twenty feet (20') from a street intersection or other access driveway, nor any closer than ten feet (10') from any property line.
7. Maximum Yard Area to be Used for Parking and Vehicle Access Lanes. For all uses permitted in the RE-20 and single-family residential zoning districts, none of the front yard area and side yard required by the respective zones shall be used to meet the minimum off street parking requirements, but overflow parking is permitted in the front and side yard areas if the standards of subsection A4 of this section are met.
8. Accessible Parking Spaces. Accessible parking spaces shall include a five foot (5') wide access aisle adjacent to each parking space. The parking space and access aisle shall not have a slope greater than two percent (2%) in any direction. The access aisle shall be connected to an accessible route to the appropriate accessible entrance of a building or facility. The parking access aisle shall either blend with the accessible route or have a curb ramp complying with Americans with disabilities act (ADA) regulations. Such a curb ramp opening must be located within the access aisle boundaries, not within the parking space boundaries. The required dimensions of the access aisle cannot be restricted by planters, curbs or wheel stops. Signs designating parking spaces for disabled persons shall be located in front of each parking space, and shall be mounted four feet (4') above the ground, in addition to blue wheelchair logo being painted on the parking space itself.
9. Screening. Whenever a parking lot or a driveway to a parking lot is established adjacent to a residential zoning district, a solid masonry or solid material fence eight feet (8') in height shall be required in addition to landscape and buffer. The buffer yard requirement of ten (10') feet shall be landscaped with a weed control mat and rock mulch coupled with medium to large deciduous trees planted at 30' or longer intervals, depending on the tree type, and include a drip irrigation system. (subject also to the fence height regulations established in CCNO 11-9L-7 and 11-10B-5). Planning Commission has the authority to reduce this requirement based on site conditions such as grade differences, and adjacent uses.
10. Lighting: Parking lot lights used during hours of darkness shall not exceed five (5) foot-candles. Lighting shall be indirect, downward directed, hooded and arranged so that the source of light is not directly visible from any street or adjoining property. Light standards shall be a maximum of twenty feet (20') in height above grade.
11. Dimensions: Arrangements of parking spaces within the parking lot and driveway widths shall conform with the following requirements. Parking layout dimension (in feet) for nine foot by nineteen foot (9' x 19') stalls at various angles.

Dimension (in feet)	On Diagram	Angle			

		45	60	75	90
Stall width	A	12.7	10.4	9.3	9.0
Stall length	B	28.5	24.3	21.5	19.0
Stall depth	C	20.0	21.0	20.5	19.0
Bumper overhang, (typical)	D	2.0	2.3	2.5	2.5
Cross aisle, one-way	E	14.0	14.0	14.0	14.0
Cross aisle, two-way	F	24.0	24.0	24.0	24.0



12. Accessible Parking Spaces. One accessible parking shall be required for any development having twenty five (25) or more parking spaces. Thereafter, not less than two percent (2%) of the parking spaces within a development shall be built and maintained as accessible parking spaces.
13. Turnaround Bay. There shall be a turnaround bay, at least nine and one-half feet (9½') deep and thirteen feet (13') wide, with eighteen foot (18') radii located at the end of each dead end row of parking stalls.

E. Undeveloped Lots and Parcels. No parking shall occur on undeveloped lots or parcels.

11-19-4: SCHEDULE OF REQUIRED OFF STREET SPACES

- A. Off Street Parking Spaces. Off street parking spaces shall be provided for each specified use in accordance with the schedule below.
- B. In calculating the total number of required parking spaces, "usable area", as used herein, shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.), and the term "seat" shall also include each thirty inches (30") of bench seating when individual seats are not provided.
- C. Mixed Use Developments. In the event of mixed use developments, the total requirement for off street parking spaces is the sum of the requirements of the various uses computed separately.
- D. Fractional Amount. In calculating the total number of required off street parking spaces, fractional amounts are to be disregarded.
- E. Unlisted Uses. Minimum parking requirements for a specific use not listed in this section shall be determined by the Planning Director with appeal to the Planning Commission.
- F. All required parking stalls must be non-tandem, except that visitor parking stalls may be tandem with the following standards.
 - 1. Both the required parking stalls and visitor tandem parking stalls must be for the same dwelling unit.
 - 2. Tandem visitor parking is only allowed behind a fully enclosed parking stall.
 - 3. All tandem parking pads shall meet the following size requirement, i.e., 10 feet wide by 20 feet in depth.
 - 4. Tandem visiting parking may only be used to satisfy up to one half of a projects visitor parking requirement.
- G. Schedule.

1. Residential Use	
a. One- or two-family residence	2 per dwelling unit
b. Multiple dwellings with more than 2 units	2 per dwelling unit, plus 1 visitor parking space for every 2 dwelling units, or fraction thereof. Independent living units – 1 per unit
c. Rooming houses, fraternities, sororities, resident clubs, lodges	1 per sleeping room or 1 per bed, whichever is greater
2. Civic Use: All Civic Uses	11-19-4 schedule of required off street parking spaces shall be used for business offices. a. For parks the National Recreation and Parks Association guidelines will be consulted for the number of required stalls. The Planning Commission shall approve the number of onsite and offsite stalls after evaluation of the park uses and needs. b. When the civic use does not require permanent parking or when the use is

	intermittently used, the Planning Commission may take into account on street spaces and not require any off street spaces, or adjust the number of required parking stalls.
3. Commercial Sales and Service:	
a. Restaurants, bars, cocktail lounges	1 per 40 square feet of usable floor area
b. Drive-in food or drink places with on-site consumption	1 per 40 square feet of usable floor area
c. Mortuaries, funeral homes	1 space for each 75 square feet of gross floor area of public assembly area
d. Self-service laundries and dry cleaners	1 per 2 machines
e. Open air businesses	1 per 500 square feet of sales area for first 2,000 square feet, plus 1 per additional 2,000 square feet
f. Auto sales lots	1 per each 300 square feet of office area and covered parking area, plus 2 for the first 10,000 square feet or portion thereof of land area and 1 for each additional 10,000 feet, or portion thereof of land area, plus 2 per service bay
g. Gas service stations	1 per each 375 square feet of building
h. Car wash	1 per employee, plus reserve spaces equal to 4 times the wash capacity
i. Motor vehicle and machinery sales, auto repair shops	1 per 200 square feet of floor area
j. Planned shopping centers under unified control	Requirements for all uses elsewhere specified herein. All unspecified uses shall have at least 1 parking stall for every 200 square feet of gross building area for the first 25,000 square feet of gross building area in the center; then 1 parking stall for every 250 square feet of gross building area for gross building area over 25,000 square feet in the center
k. Barbershops, beauty shops	2 per service chair

l. Furniture and appliance stores, household equipment	1 per 800 square feet floor area
m. Supermarkets, drugstores	1 per 250 square feet of gross leasable space
n. Hotels, motels	1½ per guest room or suite
o. Bus depots	1 per 150 square feet of waiting room space
p. Skating rinks, dance halls, dance studios	1 per 3 persons of maximum capacity permitted by fire regulations
q. Bowling alleys	6 per bowling lane
r. Billiard parlors	1 per billiard table
s. Gymnasiums, health studios	1 per 350 square feet of usable floor area
t. Private golf clubs, athletic, swimming and tennis clubs	1 per every 5 memberships
u. Auditoriums, gymnasiums and similar places of public assembly	1 per every 4 person occupancy capacity
v. heaters	1 per every 6 person occupancy capacity
4. Offices and Clinic Uses:	
a. Offices, banks, savings and loan agencies	1 per 250 square feet of gross floor area
b. Medical and dental offices	3 per examination room or dental chair
c. Nursing homes, convalescent homes, and homes for the aged	1 per 4 beds
5. Schools and Institutions:	
a. Elementary and intermediate schools	2 per classroom
b. High schools	6 per classroom and other teaching stations
c. Junior colleges, colleges, universities	3 per classroom and other teaching stations
d. Trade schools, business college	1 per 150 square feet of gross floor area
e. Hospitals	1 per bed

f. Churches, community centers, libraries, assembly halls, public meetings	1 space per each 75 square feet of meeting area
6. Manufacturing and Industrial Uses:	
a. Manufacturing	2 per every 3 employees
b. Telemarketing, data processing centers	1 per 50 square feet of building area
c. Other industrial uses	1 per 300 square feet
d. Warehousing or wholesaling	1 per 800 square feet
e. Ministorage	1 per 35 spaces, plus 1 for the manager

11-19-5: BUSINESS REQUIRING AUTOMOBILE ACCESS

- A. Service stations, roadside stands, public parking lots, storage sheds and all other businesses requiring motor vehicle access shall meet the following requirements:
 - 1. Access. Access to the station or other structure or parking lot shall be as per Public Works standards.
 - 2. Gasoline Pumps. Gasoline pumps shall be set back at least twenty feet (20') from any property line bordering a street; provided, that a pump island parallel to an adjoining street may be located not less than fifteen feet (15') from the property line bordering said street.

11-19-6: VEHICULAR TRAFFIC TO COMMERCIAL OR MANUFACTURING ZONES

- A. Land, other than public streets, located within a residential zone shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

11-19-7: OFF STREET LOADING SPACES

- A. Location. Off street loading spaces shall not be permitted in any required front yard, nor in any required side yard, except in a nonresidential district where a side yard abuts an alley. An off street loading space may occupy all or any part of a required rear yard, and may be partially or entirely enclosed within a building. All loading areas abutting residential zoning districts shall be screened from the residential zoning districts.
- B. Size. Every required off street loading space shall have a minimum width of twelve feet (12'), a minimum length of forty five feet (45') and a minimum height of fourteen feet (14'), exclusive of access aisles and maneuvering space.
- C. Screening. Screen of off-site loading spaces shall follow the requirements of parking lots in CCNO 11-8B-5.

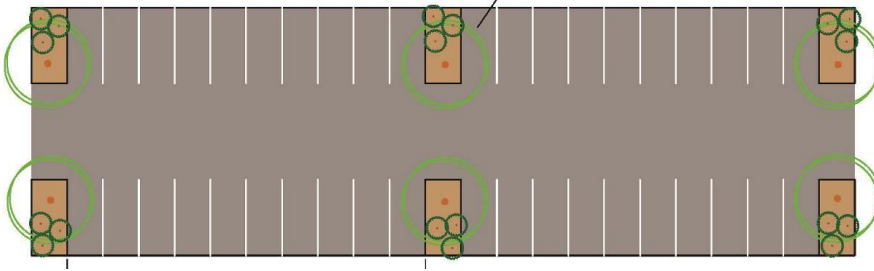
11-19-9: ALLEY ABUTMENT

- A. Where a building or use in a nonresidential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces. No alley abutting any residential district may be so used.

11-19-10: PARKING LOT LANDSCAPING

A. Amount Required.

1. Interior Parking Lot Landscaping. A landscape island shall be installed every ten (10) parking spaces with a minimum width of nine (9) feet. Each island shall contain at least one deciduous shade tree with shrubs and groundcover to include at least 50% live material.



2. Perimeter Parking Lot Landscaping. The perimeter of all parking areas shall contain deciduous shade trees planted at an average spacing of forty (40) feet on center as well as, shrubs, ground cover, pedestrian walkways and plazas.
3. Screening. All parking lots shall screen vehicle headlights with a berm or landscaping running along all street frontages. The screen is intended to create a more walkable streetscape and shall be located in the landscaped area between the sidewalk and parking lot pavement. The berms shall not be steeper than one foot (1') vertical for each three (3) horizontal feet of landscaped area and shall be a minimum height of two feet (2') and a maximum of three feet (3'). The height shall be measured from the top of the street curb. Off street parking areas serving single-family dwellings, two-family dwellings and churches are excluded from this regulation.

- B. Location. The landscaping should be located in protected areas, such as along walkways, in center islands, at the ends of bays or between parking stalls. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.
- C. Plant Type. A mixture of hardy flowering and deciduous trees shall be planted.. The area between trees shall be mulched, planted with shrubs or ground cover, or covered with paving material. Any area that will be under the overhang of vehicles shall be mulched or covered with paving materials.

11-20: LANDSCAPING

11-20-1: PURPOSE AND INTENT

- A. This section shall apply to all new development (except for development on existing lots for single family dwellings) within North Ogden City limits. It is the intent of this section to require landscape plans that maximize City aesthetics and to improve and maintain site qualities.

11-20-2: GENERAL REQUIREMENTS

A. Residential Development

ZONE	MINIMUM VEGETATIVE COVERAGE
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RE-20	50%
R-1-12.5	50%
R-1-10	50%
R-1-8	50%
R-1-8(A)	50%
R-1-8(AG)	50%
R-1-5	40%
R-2	50%
R-3	50%
R-4	50%
QUAIL PONDS PUD	40%
ROYLANCE FARMS PHASE II PUD	50%
COLD CREEK PUD	50%
RESIDENTIAL CITY CENTER	50%
MASTER PLANNED COMMUNITY	20% (Required Open Space)
CIVIC ZONE C	20% Civic, 50% Public Park
CN, CC	20%
M-1	20%
HP-1, HP-2, HP-3	35%
PUD	50%

1. No plans for any building, structure or other improvements shall be approved by the Planning Director unless there shall also have been submitted landscape and streetscape plans, meeting the standards of this Title and as specified in the Public Works Standards. All such plans shall promote water-wise landscaping designs and include xeriscape, where appropriate.
 2. Landscaping in accordance with the plans submitted shall be installed in a proportional manner within 6 months following the occupancy of buildings on the site or as otherwise approved by the Planning Director as seasonal conditions may dictate.
 3. Each phase of development shall provide its proportionate required open green space needed for that phase.
 4. Street trees are required along major streets unless this requirement is specifically waived by the City in exchange for other types of street landscaping, such as, flowering pots, shrubbery, rain gardens, etc. When available, the City's Street Tree Plan should be consulted.
- B. Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped. Commercial and Manufacturing Development
1. All plantings shall be maintained in a healthy, weed free condition.
 2. Landscaping materials shall be contained so as not to spill into the public right of way.
 3. Park strip landscaping shall not exceed a maximum height of two feet (2') for shrubs or grasses, and trees in the park strip shall have a minimum height of nine feet (9') for the lowest branches of a tree when they extend above the curb or sidewalk. Notwithstanding the branch height, no evergreen tree is allowed in the park strip.
 4. Any damage to city property created by vegetation will be the responsibility of the property owner.
 5. All landscaping shall be serviced by an acceptable underground irrigation system as referenced in North Ogden Public Works standards which includes an automatic timer.

6. Dedicated walkways, plazas and other pedestrian oriented hardscape areas may be included as landscaping, provided that they do not exceed thirty percent (30%) of the required minimum landscaping requirement.
7. The landscaping plan shall include a pedestrian circulation element that shows interconnectivity with surrounding sidewalks, urban trails and surrounding uses. The city encourages appropriate pedestrian connections to adjacent neighborhoods.
 - a. The size and spacing of landscape elements should be consistent with the size of the project and should relate to the structures and the streetscape. No landscape element may be constructed, erected or otherwise placed on site without city approval.
 - b. Trees overhanging pedestrian walkways and drive areas shall be one of the species found in the City's approved tree list and pruned to have a general canopy clearance of at least nine feet (9').

11-20-4: LANDSCAPING AND SITE DESIGN STANDARDS

- A. Landscaping in PUD and Attached Dwelling Unit developments. The following are minimum landscape requirements for all PUD and Attached Dwelling Unit developments. Individual projects may vary but all will be reviewed, possibly modified, and then approved by the Planning Commission.
 1. Ten (10) shrubs (4 of which are a flowering shrub) for each residential building. Shrub areas shall be mulched to reduce watering demands.
 2. Six (6) deciduous trees and one (1) evergreen tree for each residential building. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as windbreaks, screening and accent plants.
 3. The balance of site area, not covered in buildings, parking, sidewalks, trails, trees or shrubs shall include turf grass.
 4. The irrigation system must use secondary water and shall be designed to water plants of similar water needs and avoid wasteful watering.
 5. No more than ten percent (10%) of the entire landscaping surface area can be in rocks or other nonliving ground cover. The ten percent (10%) limitation does not include areas where the ground cover is rocks or other material and is planted with plants spaced so they will completely cover the area in five (5) years.
 6. The landscape design along streams, canals, or rivers should provide a trail access along the development and provide connections to other existing or proposed trails.
 7. Xeriscape designs are encouraged.
- B. Site Design Requirements for Commercial, Manufacturing, Civic, PUD, and Attached Dwelling Unit projects. Individual single family residential design is exempt from meeting the requirements below.
 8. Site Grading.
 - a. Site design should minimize the removal of mature trees and shrubs. Where removal is necessary, mature trees shall be salvaged or replaced on a three to one (3:1) basis. Any trees listed as prohibited in the approved City tree list, shall be removed and not replaced.

- b. Abrupt or unnatural changes in grade may create barriers or disrupt drainage patterns. Proposed grading should be designed to take advantage of the natural grade and land features.
 - c. Steep slopes, generally three to one (3:1) or greater, shall be stabilized with vegetation, retaining walls or other appropriate measures. Sites shall be designed to minimize erosion.
 - d. Landscape plans shall preserve and incorporate natural land features such as streams, washes, springs, etc., into the overall site plan. See sensitive lands ordinance.
9. Water Elements.
- a. Fountains and other water features should be sited and designed so that they are efficient users of water.
 - b. Filtered backwash effluent should be discharged into landscaped areas whenever possible.
10. Art and Furnishings.
- a. If public art is used, it should be integrated into the overall design of a project.

11-20-5: MATERIALS, MAINTENANCE, AND REPLACEMENT

- B. Plant Materials.
- 1. All deciduous shade trees shall have a minimum size of 2" caliper at time of installation.
 - 2. All deciduous ornamental trees shall have a minimum size of 1.5" caliper at time of installation.
 - 3. All required street trees shall have a minimum size of 2" caliper at the time of installation. The species-type, location, and spacing of trees shall be as shown on the approved landscape plan, in coordination with streetscape designs. All evergreen trees shall have a minimum size of four (4) feet in height at time of installation.
 - 4. All shrubs shall have a minimum size of 5 gallons at time of installation.
 - 5. All landscape material shall be approved in conformance with this section. A suggested planting list is on file in the Planning Department in addition to the Trees and Park Strips handout. Plant type substitutions may be allowed by the Planning Director.
- C. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
- 1. Landscaping shall be installed in all areas not occupied by building, parking, storage, future phased plan areas or access-ways and in accordance with the approved landscape plan.
 - 2. Landscaping shall be installed prior to occupancy of any unit in the structure. In the case of inclement weather that prevents the installation of the required improvements, the time completion of the improvements may be extended, in writing, upon the approval of the Planning Director or designee. However, in no case shall the time for completion be extended more than 9 months or beyond June 1 immediately following the completion date when a project has been completed for three or more months prior to June 1.
 - 3. All landscaping, fencing, walls and other buffering/screening materials shall be maintained in a good, healthy, weed free, effective condition by the owner. Diseased or dead plant material shall be removed and replaced by June 1 if due to winterkill or October 1 if the plant material dies during summer months. Deteriorated or ineffective

- fencing material shall be removed and replaced within three (3) months of notice of correction. Failure to comply shall bring civil action per CCNO 11-7-8.
4. Projects should demonstrate that maintenance factors have been considered in the landscape design.
 5. Irrigation systems should be designed to minimize maintenance and water consumption.
 6. Phased developments shall indicate a mechanism for dust, weed and debris control on undeveloped portions of the site and shall ensure continuing compliance.
- D. Maintenance. It shall be the responsibility of the developer and/or property association to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.
- E. Vegetation Modification/Removal. Pruning vegetation for "exposure," which results in unnatural plant specimens, is prohibited. Necessary vegetation removal shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper.
- F. Utility Connections. When disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the City Planner.

11-20-7: ALTERNATIVE LANDSCAPING OPTIONS

- A. The Planning Director may approve a modification of these requirements if:
1. The landscaping better accommodates the existing physical conditions of the property or provides significant elements for wind protection, solar access and shading, and the proposed landscaping represents an equal or superior result than would be achieved if the requirements of this article were strictly followed; or
 2. The proposed alternative incorporates a distinct coloring scheme utilizing the planting of annuals in areas of high visibility.

11-20-8: BUFFER REQUIREMENTS

- A. When a commercial or manufacturing development takes place that abuts a residential zoning district, a solid screen wall must be erected. In addition to the overall landscaping required, the screen wall shall be eight feet (8') in height along the rear and interior side yards. In front yards and street side yards of either zoning districts, the solid walls shall maintain the maximum fence height regulations for front and street side areas. The solid non-living, screen wall shall be opaque. The buffer yard requirement of ten (10') feet shall be landscaped with a weed control mat and rock mulch coupled with medium to large deciduous trees planted at 30' or longer intervals, depending on the tree type, and include a drip irrigation system. The owner of the commercial or manufacturing property shall construct, maintain and keep the screen wall in

good repair.



11-21: SIGN REGULATIONS

11-21-1: PURPOSE AND INTENT

- A. These sign regulations are intended to encourage attractive, effective and adequate signs for businesses and services, while promoting the general welfare of the community by creating safer street frontages through the use of controlled signs.
- B. It is the city's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.
 1. Permit Required; Exception. Sign permits, issued by the building department in coordination with the Community Development Department, are required for placement of all signs, except those signs authorized in CCNO 11-22-6A1 and CCNO 11-22-8, and windows signs. The fee for sign permits shall be established by resolution of the city council.
 2. Unlawful Without Permit; Appeal. It shall be unlawful to erect, install and/or modify any sign that requires a sign permit within the city without first applying for and obtaining a sign permit. "Modify", as it is used herein, shall mean any change in or to an existing sign, its face, electrical components, design and/or supporting structures. Appeals of any decision by the Community Development and/or building department concerning sign permits shall be directed to the administrative law judge or city council. IBC code issues are appealed to the Board established in that Cod

11-21-2: SIGN AREA AND HEIGHT

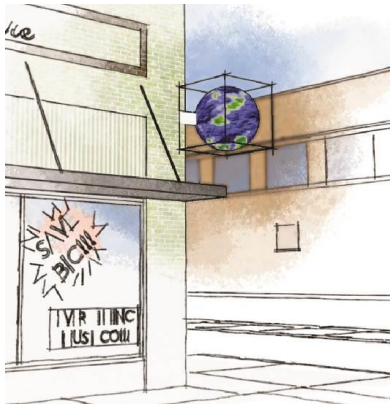
- A. Sign Area. Sign area shall be measured as follows.
 1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed. Sign area is the area within the outside dimensions of the background panel or surface.



2. Sign copy consisting of individual letters and/or graphics affixed to a wall or portion of a building which has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy.
3. Sign area is the area within the smallest rectangle that will enclose the sign copy.

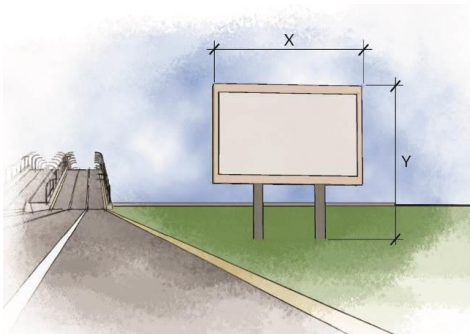


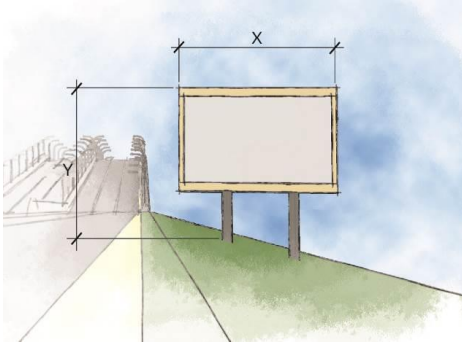
4. Sign copy mounted or painted on an internally illuminated sign or internally illuminated element of a building. The entire internally illuminated surface or architectural element, which contains sign copy, will be counted as sign area.
5. Number of Sign Faces.
 - a. One. Area of the single face only.
 - b. Two. If the interior angle between the two (2) sign faces is forty five degrees (45°) or less, the sign area is the area of the larger of the two (2) sign faces. If the angle exceeds forty five degrees (45°), the sign area is the sum of the areas of the two (2) faces.
 - c. Three or More. The sign area is the sum of areas of the three (3) or more faces.
 - d. Three Dimensional, Sculptural or Other Nonplanar Signs. Sign area will be the sum of the areas of the vertical faces of the smallest polyhedron that will encompass the sign structure.



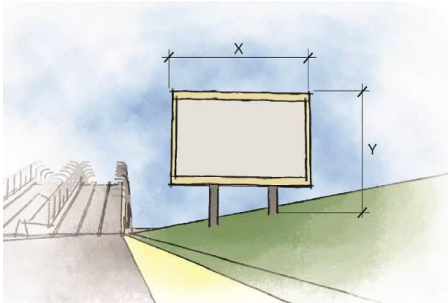
6. The sum of the areas of the signs on a single lot or parcel shall not exceed the sign area allowed for the use in the zone in which it is located.
 7. The sign area is the area of the smallest rectangle which can enclose the sign. Any monuments or other supporting structures are not calculated in the sign area calculation. Any post or monument must be a neutral color in order to not be a part of the rectangular calculation.
- B. Sign Height. Sign height is defined as follows.
1. Freestanding Sign. Sign height is the distance from highest historic elevation of the ground surface directly below the sign to the tallest point of the sign measured vertically from the top of the sign, including all elements of the sign. In the commercial zones where a three foot (3') high berm is required when site parking is adjacent to the public street, the height shall be measured from the height of the three foot (3') berm beneath the sign location. When the ground elevation of the sign is below public street level, the crown of the nearest public street shall become the lowest point to measure the height of the sign.

LEVEL GRADE APPLICATION





UPHILL GRADE APPLICATION



2. Wall or Fascia Mounted Signs. Sign height is the distance from the top of the sign structure to the top of the curb nearest the sign or to the crown of the adjacent roadway if no curb exists, or grade of the building where significant grade separations from the road exists.
3. Projection of Parapet Sign. No parapet sign may project more than five feet (5') above the roofline, but must remain below the top line of the parapet.

11-21-3: GENERAL PROVISIONS

- A. Prohibited Signs. Signs not specifically authorized herein are prohibited, including, but not limited to the following.
 1. Off premises commercial signs, except as permitted in CCNO 11-22-8, Temporary Signs.
 2. Commercial signs mounted, attached or painted on trailers, boats or motor vehicles parked continuously for more than twenty four (24) hours, on the premises of a business which sign advertises a product or service available on the premises.
 3. Roof signs, or signs that project above the highest point of the roofline, parapet or fascia of the building.
 4. Any sign emitting sound, except for menu boards.
 5. Any sign with intermittent or flashing illumination.
 6. Any sign with animation or motion, including electronic reader boards.

- B. **Legal Nonconforming Signs.** Signs which have been legally erected in the city prior to the adoption of this chapter and which do not comply with the terms of this chapter may be repaired and maintained; provided, that there may be no extension or expansion of the sign. Whenever any person or entity operating a business with a legal nonconforming sign or signs sells the business, changes the business or changes the name of the business, the nonconforming sign or signs may be replaced or altered to reflect the new business; provided, that there may be no expansion or extension of the signs. If a nonconforming sign is abandoned for a period of twelve (12) months or more, use of the sign shall be deemed to be abandoned and the sign, together with any supporting structures, poles and other related equipment, shall be removed. In the event of any conflict between this section and any provision of CCNO 11-14e, this section shall control. A commercial sign attached to, or associated with, a business operated in a particular building shall be deemed to be abandoned if the business ceases its operation in the building.
- C. **Location Restrictions.** With the exception of directional signs owned by the city or another governmental agency, no sign shall be erected or placed within any center median or any public sidewalk or bicycle path. The city employees may remove any sign located in these areas.
- D. **Window Signs.** "Window signs and laminated films", as defined in CCNO 11-22-2, shall not exceed twenty five percent (25%) of the total area of the windows through which they are visible.
- E. **Enforcement.** The Community Development Department and the Building Inspection Department shall be responsible for the enforcement and the administration of this chapter. The building inspection department shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to the provisions of this chapter.
- F. **State License Required.** It is unlawful for any person, partnership or corporation to erect or maintain, or to engage in the business of erecting or maintaining any "sign", as herein defined, except those signs authorized by subsection A of this section, CCNO 11-21-6A1, and CCNO 11-21-8 and CCNO 11-21-12, until such person, partnership or corporation shall have obtained a license from the state authorizing the person, partnership or corporation to be a sign installation contractor. Application for permits to erect signs will be accepted and permits granted only to such persons, partnerships or corporations as are licensed by the state to perform such sign contracting.
- G. **Vertical Clearance.** There shall be a minimum vertical clearance of ten feet (10') between the ground or sidewalk and any part of a projecting sign, projecting more than eight inches (8") from a wall.
- H. **Lighting of Signs.** Signs may be illuminated by indirect lighting, floodlights or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance. All such lighting shall be directed downward and shielded.
- I. **Location of Signs.** No light or sign, or other advertising structure as regulated by this title shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or one which makes use of any other word, phrase, symbol or character in such manner as to interfere with,

- mislead or confuse traffic. No part of any sign shall be permitted to extend across any property line.
- J. Sign Not to Constitute a Traffic Hazard. No sign or other structure in excess of two feet (2') in height, as measured from the top of the curb or edge of the hard road surface, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet (40') from the intersection of the street lines, in such a manner as to obstruct free and clear vision to automobile drivers.
- K. Maintenance of Signs. Signs regulated by this chapter shall be maintained in good visual appearance and structural condition at all times.
1. If a sign does not conform with the requirements of this chapter or if the construction, design, manner of use, or method of anchoring or supporting any sign makes such sign unsafe, the building inspector shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter, or to remedy the defects herein. All signs must meet the requirements of the international building code and safety regulations of the city.
 2. The city, its building inspector and its other agents shall not be liable for negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such sign in good condition or be responsible for any damage caused by defective conditions. Good condition means a sign and/or the sign pole that does not show evidence of rust, broken panels, missing lettering, dents, peeling paint, and other signs of neglect.
 3. Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith shall, upon discontinuing the business advertised, cause the sign or the portion of the sign devoted to that business, to be removed within 30 days. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located shall cause the sign or the portion of the sign devoted to that business to be removed within 30 days if the person for whom the sign is maintained vacates the premises.
 4. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty (30) days after notice from the building inspector shall be considered as a violation of this chapter and shall subject the owner of the sign and the owner of the property to the penalties herein.
- L. Obscene Messages. No sign shall be erected or maintained, or be permitted to remain publicly displayed, which contains obscene material per Utah State Code.
- M. Pasting, and Gluing of Temporary Signs. Signs shall be permanently attached onto any wall, parapet, fascia, vehicle, sign pole, plant or structure.
- N. Materials. Permanent signs may only be constructed of one or more of the following materials: stucco, metal, at least one-fourth inch ($\frac{1}{4}$ ") thick plastic; rock/stone, or wood that is at least three-eighths of an inch ($\frac{3}{8}$ ") thick. No paper or cloth sign shall be allowed.
- O. Refusal of Owner to Remove Dangerous Signs; Removal by Building Inspector. Where immediate action is deemed necessary to protect limb, life or property and where the owner of a sign or the owner of the property on which the sign is erected fails to remove such sign pursuant to notice from the building inspector within a specified time fixed in such notice, the building inspector may proceed in any manner deemed necessary to cause the immediate removal of such sign. The building inspector shall certify a statement of the expenses incurred in such

removal to the city treasurer, who in turn shall assess and charge the same against the real estate upon which the sign was erected. If the assessment is not paid within ninety (90) days, the city may then file suit to recover the cost, including attorney fees.

- P. Sign Not to Cover Windows, Doors or Similar Openings. No sign shall cover more than twenty five percent (25%) of a window, doorway or other opening providing light, ventilation or exit facilities.
- Q. Interior Signs Exempt. Interior signs which are not visible from outside the building in which they are installed are exempt from the provisions of this chapter. Interior signs shall meet all the provisions of the international building code and shall be safely installed. Interior signs shall be placed in accordance with any instructions of the fire marshal or fire chief. No sign shall be installed on any exit door.
- R. Signs on Private Property. It shall be unlawful for any person to fasten, attach, paint or place any "sign", as defined in this chapter, upon any private wall, window, door, gate or fence, or upon other personal property, without the consent of the owner, lessee or someone authorized to act on behalf of such owner or lessee.
- S. Sign on Public Property. Except as authorized in CCNO 11-22-8D, it shall be unlawful for any person to fasten, attach, paint or place any sign, handbill, poster, advertisement or notice of any kind or sort, whether commercial or noncommercial, or to cause the same to be done in or upon any public curb, lamp post, telephone pole, electric light, power pole, hydrant, bridge, tree, easement, right of way, sidewalk, street, building or other property of the city. No sign shall be erected or project over such public properties.
- T. Sign Over Public Right of Way (ROW). Prohibited. It shall be unlawful to erect and/or maintain any sign over any ROW , except as herein expressly provided.
- U. Signs, Zones Permitted, and Controls. It is unlawful for any person to erect or otherwise install a sign having an area or height greater than allowed in this chapter. It is unlawful for any person to erect or otherwise install a sign located on a site or in a zone in violation of the regulations specified in the chapter.
- V. Compliance with State Highway Sign Regulations. Before any sign permit is issued for signs on a highway controlled or funded by the state or federal government, the applicant shall show proof that the sign has been approved by the controlling agency. This proof must be submitted to the city with the application for a sign permit. The city will not consider sign permit applications until the proof of approval is submitted.
- W. All permitted electronic message display signs shall be equipped with a sensor which uses photocell technology to automatically determine the amount of ambient light and to adjust the brightness of the electronic message display sign according to the amount of ambient light. This sensor must be functional and in operation at all times that the electronic message display sign is operating. If incandescent lighting is used, lamp size may not exceed fifty four (54) watts of incandescent lighting for daytime usage and nighttime wattage shall be reduced to thirty (30) watts maximum, automatically, by means of the required sensor. Electronic sign lighting shall be directed downward, at an angle that reduces dark sky lighting, measured as 80 degrees or less from a line perpendicular to the sign face.
 - 1. An electronic message display sign may not flash or otherwise scintillate, except to transition from the displayed message to a different message using the permitted effects listed in subsection (1).

2. The following effects for electronic message display signs are permitted when transitioning from the displayed message to a different message. Dissolve with 0 – 1 second between messages; fade with 0 – 1 second between messages; instantaneous transitions between messages; animation; scrolling (vertical movement of message); and travel (horizontal movement of message).
3. The following frame effects are prohibited when transitioning from the displayed message to a different message. Flashing or blinking transitions; blank white transitions; and any frame effect not listed in subsection (1).
4. Any message on the electronic message display sign must remain lighted and stationary for at least two (2) seconds.
5. Electronic message display signs which are located in a commercial or manufacturing zone, and are within two hundred feet (200') of a residential zone, excluding the R-4 zone, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.
6. Electronic message display signs located in a residential zone, excluding the R-4 zone, may not operate between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M.
7. Electronic message display signs are not allowed off premises.
8. Electronic message display signs may not be leased in whole or part for any use which is not the primary use on the property where the sign is located.
9. The sign shall not cause glare or be intensely lighted at dark so that it creates a nuisance or hazard to vehicle traffic, pedestrians, or neighboring residential properties.

11-21-4: COMPREHENSIVE SIGN PLAN

- A. Purpose and Intent. A comprehensive sign plan for a proposed or existing development for multi-tenant shopping centers may be approved by the Planning Director or his or her designee as part of the site plan process. The intent of this section is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs. Examples of signs permitted under this section are street name signs and directional signs.
- B. Content of Plan. A comprehensive sign plan shall include the location, size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation, of all proposed signs for the development, either permanent or temporary.
- C. Parameters for Flexibility. Flexibility in sign regulations shall be in accordance with the following parameters.
 1. Subdivisions in Residential Zoning Districts.
 - a. Permanent subdivision signs may be permitted up to a maximum area of thirty (30) square feet and a maximum height up to six feet (6').
 - b. At a minimum, such signs shall be located in a landscaped area of at least four (4) square feet per each one square foot of sign area.
 - c. Only one sign per entrance of the subdivision is allowed.
 - d. The type of illumination shall be shielded and downward directed for external illumination. Internal illumination is limited to lettering lighting such as pan channel lighting.

- e. There shall be no flexibility in traffic control signage. All traffic control signs shall be in compliance with the standards established in the manual of uniform traffic control devices. This restriction shall apply to private streets as well as public streets.
- f. No flashing, moving or sound emitting signs shall be permitted.
- 2. Shopping Centers, Building Complexes, Subdivisions in Nonresidential Zoning Districts.
 - a. A permanent freestanding sign for a shopping center, building complex or subdivision signs may be permitted up to a maximum area of sixty (60) square feet and a maximum height up to twenty feet (20').
 - b. At a minimum, such signs shall be located in a landscaped area of at least four (4) square feet per each one square foot of sign area.
 - c. The number of signs permitted shall be limited to two (2) signs per acre of the subdivision.
 - d. The type of illumination shall be downward directed and shielded.
 - e. There shall be no flexibility in traffic control signage. All traffic control signs shall be in compliance with the standards established in the manual of uniform traffic control devices. This restriction shall apply to private streets as well as public streets.
 - f. In addition to the permitted business signs, one electronic message sign low profile sign, whether as a reader board, changeable copy area or electronic message center, in conjunction with a regular shopping center sign, is permitted. No such device shall exceed fifty percent (50%) of the total sign copy area of the sign.
- 3. Minimum acreage requirements to utilize the provisions of this section. The proposed overall development must be at least forty (40) acres if it is a residential development and at least ten (10) acres if it is a nonresidential development. If the overall development is a mixture of residential and nonresidential development, the overall development must be at least forty (40) acres.

11-21-5: SIGNS FOR RESIDENTIAL USES

- A. One- And Two-Family Dwellings.
 - 1. Permanent Noncommercial Signs. One noncommercial sign, not exceeding one square foot in area, except for political and ideological signs, which shall be governed by CCNO 11-22-12.
 - 2. Temporary Signs. Temporary signs in accordance with CCNO 11-22-8.
 - 3. Permanent Commercial Signs. Residential uses shall not be permitted to have permanent commercial signs.
- B. Multi-Family Dwellings.
 - 1. Temporary Signs. Temporary signs in accordance with CCNO 11-22-8.
 - 2. Apartments and Condominium Complexes. Signs for apartments and condominium complexes and similar uses in the multi-family districts as follows:
 - a. A freestanding sign, not exceeding fifteen (15) square feet in area. Such sign shall not exceed five feet (5') in width or three feet (3') in height. Such sign must be located at least five feet (5') from any property line; or

- b. A wall mounted sign, not exceeding twelve (12) square feet in area. Height of such sign shall not exceed ten feet (10').
- C. Subdivision Signs. Permanent subdivision signs for recorded subdivisions, ten (10) or more acres in size, in accordance with the following parameters:
 - 1. Maximum area of each such sign shall be twenty four (24) square feet with a maximum height of five feet (5').
 - 2. Such signs to be monument type; i.e., individually mounted letters on a freestanding wall.
 - 3. Such signs shall be located in a landscaped area of at least four (4) square feet per each one square foot of sign area.
 - 4. There may be one sign for a single development project of at least ten (10) acres, but less than fifty (50) acres in size. For purposes of this subsection, a development or project shall be deemed to be a single development project, even though it is developed in multiple subdivisions or phases, if:
 - a. The entire project is designed for development by a single developer; and
 - b. The entire project is developed under the same name.
 - 5. There may be two (2) signs for a single development project of at least fifty (50) acres in size. For purposes of this subsection, a development or project shall be deemed to be a single development project, even though it is developed in multiple subdivisions or phases, if:
 - a. The entire project shall be designed for development by a single developer; and
 - b. The entire project is developed under the same name.

11-21-6: SIGNS PERMITTED FOR NONRESIDENTIAL USES IN SPECIFIC DISTRICTS

- A. HP-3, HP-2, HP-1, RE-20, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3, R-4, and RCC Zoning Districts.
 - 1. All signs permitted in CCNO 11-22-6A of this chapter.
 - 2. Signs with a total maximum sign area not exceeding twenty four (24) square feet. Such signs may be wall mounted with a maximum height of ten feet (10') and/or such signs may be freestanding according to the following:
 - a. One freestanding sign shall be permitted with a maximum height of five feet (5').
 - b. A landscaped area shall be provided, on site at the street frontage at the base of the freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for each one square foot of sign area.
 - c. Electronic message display signs shall be allowed only by building permit, except as provided for in subsection (1).
 - i. Sign area for electronic message display signs shall be calculated by the same standards as illuminated signs in CCNO 11-22-3(A)(3), with any portion of the electronic message display sign which is able to emit light considered as the illuminated surface. The number of sign faces contributing to total sign area shall be determined by the same standard as used in CCNO 11-22-3(A)(4) for other signs.

- ii. In addition to the twenty four (24) square feet of signs permitted in subsection A2 of this section, each tenant may be allowed three (3) square feet of non-illuminated sign area, located on the wall adjacent to the entry of the tenant's business.
- iii. In addition to the above, a sign with a maximum area of six (6) square feet and a maximum height of six feet (6') may be permitted behind the required front yard setback.

B. CP-1 and C-1 Zoning Districts.

1. Signs shall be in accordance with the following regulations.

- a. Excluding the area allowed for a freestanding sign, the total aggregate area of all commercial signs pertaining to one or more businesses in any single building or suite shall not exceed forty percent (40%), excluding the windows and doors, of the front wall plane of the building or suite or two hundred (200) square feet, whichever is less, unless the portion of the building or suite adjacent to its lot's street-property line measures more than two hundred (200) linear feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each linear foot of building or suite frontage in excess of two hundred (200) linear feet. For buildings or suites on a corner lot, only the frontage on the building which contains the main entrance shall be measured to compute the aggregate sign area.
- b. Freestanding commercial signs shall not be counted as a portion of the total aggregate sign area of the premises and shall be restricted to the following:
 - i. One freestanding commercial sign for each street upon which the lot has frontage.
 - ii. Such signs shall have a maximum area of sixteen (16) square feet.
 - iii. Such signs shall have a maximum height of five feet (5').
 - iv. Such signs shall not be closer than thirty feet (30') to any residential district.
 - v. A landscaped area shall be provided, on site at the street frontage at the base of the freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for each square foot of sign area.
 - vi. The minimum setback from the street property lines shall be ten feet (10').

2. Noncommercial signs shall be in accordance with the following regulations.

- a. The total aggregate area of all noncommercial signs pertaining to one or more businesses in any single building or suite shall not exceed ten (10) square feet, unless the portion of the building or suite adjacent to its lot's street-property line measures more than thirty six (36) linear feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each linear foot of building or suite frontage in excess of thirty six (36) linear feet, provided the total aggregate area for businesses housed in a single building or suite shall not exceed forty (40) square feet. For buildings or suites on a corner lot, only the frontage on the building or

suite which contains the main entrance shall be measured to compute the aggregate sign area.

- b. Freestanding noncommercial signs shall be counted as a portion of the total noncommercial aggregate sign area of the premises and shall be restricted to the following:
 - i. One freestanding noncommercial sign for each public street access.
 - ii. Such signs shall have a maximum sign copy area of four (4) square feet.
 - iii. Such signs shall have a maximum height of the entire sign structure of three feet (3').

C. CP-2, C-2 and MP-1 Zoning Districts.

- 1. Commercial Signs: Commercial signs shall be in accordance with the following regulations:

- a. Total Area of Commercial Signs. The total aggregate area of all commercial signs pertaining to one or more businesses in any single building or suite shall not exceed forty percent (40%) of the front wall plane of the building or suite or two hundred (200) square feet, whichever is less, unless the portion of the building or suite adjacent to its lot's street-property line measures more than two hundred (200) linear feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each linear foot of building or suite frontage in excess of two hundred (200) linear feet.

Exception: When a building has three or more sides which are adjacent to parking lots, access lanes, or alleys, the total area of wall signage may be increased 25% for a total square footage of two hundred fifty (250) square feet, provided that the total aggregate area of all commercial signs pertaining to one or more businesses in any single building or suite does not exceed forty percent (40%) of the front wall plane of the building or suite, and no building face has no more than two hundred (200) square feet of signage. For the purposes of this provision, when sidewalks, landscape areas, or similar landscape elements are immediately between the building and the parking lots, access lanes, or alleys, the building shall be considered adjacent to the parking lots, access lanes, or alleys.

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- a-b. Freestanding Commercial Signs. Freestanding commercial signs shall not be counted as a portion of the total aggregate sign area of the premises and shall be restricted to the following.
 - i. Number of Signs Permitted. One freestanding commercial sign for each street upon which the lot has frontage.
 - ii. Maximum Unchangeable Area. Such signs shall have a maximum unchangeable area (decorative borders of the sign copy) of seventy five (75) square feet.
 - iii. Proximity to Residential District. Such signs shall not be closer than thirty feet (30') to any residential district.

- iv. Minimum Setback. The minimum setback shall be 5' from the public ROW.
- v. Additional Area Allowed for Changeable Copy. In addition to the seventy five (75) square feet permitted for business signs, thirty (30) square feet will be allowed for a changeable copy area incorporated with the regular sign. No such device shall exceed fifty percent (50%) of the total sign copy area of the sign.
- vi. Permitted Signs.
 - a) Monument/low profile Sign.
 - 1) Monument/low profile signs shall have a maximum height of ten feet (10'). For existing signs, an additional 2 feet in height may be added for a decorative feature, e.g., a roof that does not include any additional sign lettering.
 - 2) Monument/low profile base shall be no less than one-half ($\frac{1}{2}$) the width of the widest portion of the sign. The monument base shall not be greater than one and one-half ($1\frac{1}{2}$) times the width of the portion of the sign containing verbiage.
 - 3) Such signs shall be incorporated into some form of landscape design scheme or planter box with an open area from the ground to the bottom edge of the sign with dual support.
 - b) Pole or Monolith Sign.
 - 1) Pole sign shall have a double pole support cladded in the manner provided in the sign design standards.
 - 2) A pole sign shall have a maximum height of twenty feet (20') and a maximum width of six feet (6').
 - 3) No more than 50% of the overall height of the sign shall be used for the sign copy.
- vii. Sign Design Standards. The following design standards are mandatory:
 - a) Sign Cabinets. Sign cabinets shall be integrated into a uniform sign, rather than added to a pole in an ad hoc manner.
 - b) Wood Signs. Wood signs are not permitted for permanent signs,
 - c) Cladding. All poles supporting signs shall be cladded as a means to improve the appearance of the sign by:
 - 1) Proportionately increasing the base of the structure that anchors the sign to the ground, and
 - 2) Providing a material on the support structure that complements the building architecture.
 - 3) Cladding shall primarily be metal with textures to simulate the adjacent building materials, stucco, brick, or rock, duplicating materials which are used on the main building. Manmade products may be used if the

material replicates the appearance of a natural material.

4)Cladding is not required.

- d) Landscaping. Landscaping shall be provided at the base of the sign at a ratio of four (4) square feet for every one foot (1') of sign width, with fifty percent (50%) of the landscaped area containing live decorative plant material.
- e) Theme and Plan. Where feasible, signs shall be incorporated into a landscape theme and be part of an overall design plan for the property.

b-c. Freestanding Sign for Shopping Center or Multi-Tenant Complex on Site of Less Than Ten Acres.

- i. Maximum Size of Total Sign Copy Area.
 - a) Twenty six (26) square feet of sign copy area for the first two (2) potential tenants in the shopping center or multi-tenant complex.
 - b) Thirteen (13) additional square feet for each additional potential tenant over the first two (2) potential tenants in the shopping center or multi-tenant complex, up to one hundred four (104) square feet of total sign copy area.
- ii. Maximum Copy Area Utilization.
 - a) Specified. The maximum copy area that can be utilized at any time is limited to a maximum of thirteen (13) square feet per actual tenant operating in the shopping center or multi-tenant complex.
- iii. Maximum Height of Total Sign Structure. Twenty feet (20').
- iv. Maximum Width of Copy Area. Eight feet (8').
- v. Vertical Clearance. There shall be at least four feet (4') of vertical clear space (excluding the sign poles) measured from the top of the required three foot (3') high landscaped berm and the bottom of the sign copy area. Except for the support poles, no sign structure is permitted in the bottom seven feet (7') of the sign area.
- vi. Minimum Landscaping. Four square feet for every square foot of total sign area shall surround the sign structure on the shopping center property. Landscaping in the right of way cannot be attributed to the landscape area calculations to fulfill this requirement.
- vii. Location. The entire sign structure, including overhangs, shall be entirely on the shopping center property and setback at least 5' from the public ROW. No portion of the sign shall be in the public right of way. The sign shall be at least twenty feet (20') from the interior side property line and at least fifty feet (50') from the street side property line.
- viii. Number Below Minimum; Removal. If the number of actual tenants and potential tenant spaces in the shopping center or multi-tenant building complex falls below the minimum number of tenant spaces to qualify

for a shopping center or multi-tenant building, the sign authorized in this section must be removed or modified to meet the correct standards.

- ix. In addition to the permitted business signs, one electronic message sign, whether as a reader board, changeable copy area or electronic message center, as part of a listed permitted sign, is permitted. No such device shall exceed fifty percent (50%) of the total sign copy area of the sign.

e.d. Freestanding Signs for Shopping Center or Multi-Tenant Complex on Site of More Than Ten Acres.

- i. MAXIMUM SIZE OF TOTAL SIGN COPY AREA
 - a) Maximum copy area 200 square feet
- ii. Tenant sign area to be determined by shopping center or multi-tenant management. However, no tenant to exceed 25 square feet of sign area on shopping center sign.
- iii. 1 reader board per sign, not to exceed 32 square feet.
- iv. Maximum height of entire 26 feet sign structure
- v. Maximum copy area width 12 feet
- vi. Signs per street frontage 1
- vii. Minimum landscaping 4 square feet for each square foot of sign copy area. The landscaped area shall surround the base of the proposed sign on the shopping center or multi-tenant property. Landscaping in the street right of way cannot be used to calculate required landscaping area.
- viii. Minimum setbacks 26 feet from an interior side yard and 50 feet from an intersection of 2 streets (corner). The sign shall be entirely on the commercial site's property and not overhang onto any public right of way.
- ix. 10 feet from front yard property line or side line abutting a public street for any part of the sign structure, which touches the surface of the ground.
- x. Clear area. 4 feet from top of a 3 foot high berm.

2. Noncommercial Signs. Noncommercial signs shall be in accordance with the following regulations.

- a. The total aggregate area of all noncommercial signs pertaining to one or more businesses in any single building shall not exceed ten (10) square feet, unless the portion of the building or suite adjacent to its lot's street-property line measures more than forty (40) lineal feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each lineal foot of building frontage in excess of forty (40) lineal feet, provided the total aggregate area for businesses housed in single building or suite shall not exceed (40) square feet. For buildings on a corner lot, only the frontage on the building which contains the main entrance shall be measured to compute the aggregate sign area.

- b. Freestanding Noncommercial Signs: Freestanding noncommercial signs shall be counted as a portion of the total noncommercial aggregate sign area of the premises and shall be restricted to the following.
 - i. One freestanding noncommercial sign for each public street access.
 - ii. Such signs shall have a maximum sign copy area of four (4) square feet.
 - iii. Such signs shall have a maximum height of the entire sign structure of three feet (3').
- c. Drive-Through and Drive-in Restaurant Menu Signs.
 - i. In addition to the signs allowed in subsections C1 and C2 of this section, drive-through and drive-in restaurants may have two (2) freestanding menu board signs located at least thirty feet (30') from the front and street side property line which conform to the following standards:
 - a) Number of signs.
 - 1) Menu Signs. Each commercial site shall be allowed a maximum of two (2) menu signs. If two (2) ordering lanes are used, one (1) per lane is allowed. Two (2) menu signs may be used in the same lane, if only one (1) ordering lane is used.
 - 2) Pre-sale Signs. One (1) additional sign, with a maximum square footage of twelve (12) square feet, that is used to illustrate, describe, and promote selected product offerings to customers on site, known as a pre-sale sign, shall be allowed.
 - b) Height. Seven and one-half feet (7.5') is the maximum permitted height for menu signs. The maximum permitted height for pre-sale signs is six feet (6').
 - c) Area. Forty five (45) square feet is the maximum permitted area per sign.
 - d) Awnings and Accessory Items. Awnings are allowed, but must be approved as part of a building permit. The colors used for the awning must be consistent with the color scheme used on the building. Up to one (1) separate microphone stand is allowed per menu board sign.
 - e) Location. In addition to the above-listed thirty foot (30') distance requirement from a public right-of-way, menu signs, pre-sale signs, and accessory items must be fifty feet (50') from a residential zone. Distance requirements shall apply to all accessory items related to menu signs, in addition to the menu signs themselves.
 - f) If located on the side of the building facing a public right-of-way, menu signs shall not be located between the access lane used for ordering and the public right-of-way; the sign must be between the access lane used for ordering and the building, or elsewhere.

- g) Orientation. Signs shall be oriented a minimum of 30 degrees away from parallel to Washington Boulevard when located between a building and Washington Boulevard, or closer to the public right-of-way than the building face closest to Washington Boulevard.
- h) Digital menu signs are permitted.

11-21-7: TEMPORARY SIGNS

- A. Purpose and Intent. Temporary signs shall be permitted by application to the Planning Department in accordance with standards set forth below, unless specified otherwise in this ordinance:
- B. Setback standards for temporary signs.
 - 1. Temporary signs must be located completely on private property, except as otherwise exempted in the community sign provisions.
 - 2. Signs shall not be located in the public ROW.
 - 3. On streets with no sidewalks and where it is not clear where the property line is located, signs must be placed ten feet behind the curb or pavement and not hang into the street.
 - 4. At intersections, they must be placed to not obstruct free and clear vision CCNO 11-22-4 K and shall not constitute a traffic hazard within the site distance triangle and provide a clear view of intersecting streets CCNO 11-22-4 L.
- C. Additional standards.
 - 1. Off premise temporary signs are not allowed.
 - 2. Temporary signs that are permitted that are placed on private property must have the permission of the property owner CCNO 11-22-4-T.
 - 3. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into a public right of way or an adjoining property CCNO 11-22-4-V.
- D. Political and Campaign Signs

Table 1

Sign Type	Display Period	Removal Required 5 Days After	Sign Permit Required
Campaign signs	30 days prior to primary 45 days prior to special and general election	Completion of the election	No
Political signs	No limit	No limit	No

Table 2

Campaign and Political Signs Permitted in Residential Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Sign (Includes support structure)	Number of Signs Permitted per Sign Type

Campaign Sign	6 square feet	4.5 feet	No limit
Political Sign	6 square feet	4.5 feet	One per street frontage

Table 3

Campaign and Political Signs Permitted RE-20, Commercial, and Manufacturing Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Sign (Includes support structure)	Number of Signs Permitted per Sign Type
Campaign Sign	32 square feet	4.5 feet	No limit
Political Sign	32 square feet	4.5 feet	One per street frontage

- E. Sale, Lease or Rent Signs. Shall conform to the following regulations and are exempted from the total aggregate sign area. Such signs shall be located out of the public ROW.
1. Nonresidential zoning districts. The signs shall be non-illuminated and shall not exceed sixteen (16) square feet in aggregate area and eight feet (8') in height.
 2. Residential zoning districts. Non-illuminated and not exceeding four and one-half (4¹/₂) square feet in total aggregate area and five feet (5') in maximum height.
- F. Future Development Signs. Signs are allowed if located outside of the public ROW, in accordance with the following.
1. Sign Area. The cumulative maximum sign area for the entire site or project shall not exceed sixty four (64) square feet.
 2. Illumination. Such signs shall not be illuminated.
 3. Double Faced. Such signs may be double faced. If the interior angle between the two (2) sign faces is forty five degrees (45°) or less, the sign area is the area of the larger of the two (2) sign faces. If the angle exceeds forty five degrees (45°), the sign area is the sum of the areas of the two (2) faces.
 4. Freestanding Sign. One freestanding sign is permitted for each street on which the development has frontage.
 5. Maximum Height. Maximum height shall not exceed eight feet (8') for all such signs.
 6. Term Permitted. Such signs may be installed and maintained for a period not to exceed twelve (12) months. If a building or construction permit is not obtained at the end of the twelve (12) months, such signs must be removed. If a building or construction permit is issued within twelve (12) months of the placement of the signs, the sign may remain during construction, but must be removed upon issuance of the first certificate of occupancy.
 7. Permit Required. A sign permit must be obtained before a future development sign is located on the site.
- G. Banners, Pennants and Displays For Promotional or Special Events.
1. Freestanding banners, vertical banners, pennants and other displays shall be allowed in nonresidential zones for a maximum of three (3) weeks at a time or less; whatever the time period, the banners, pennants and other displays must be removed for the same

- period of time (days) that they were put out. If the display was up for two (2) weeks, it must be removed for the same period of time. Any use of banners, pennants or other displays may only be for a total period of twelve (12) weeks in any calendar year. Signs, banners, pennants and displays shall be limited to:
- a. One four foot by eight foot (4' x 8') banner for each street on which the business has frontage.
 - b. Banners, pennants and displays for a promotional event shall be located on the business premises only.
 - c. Balloons shall be tethered so as not to exceed thirty five feet (35') and shall not occupy any required parking space.
 - d. Balloons and signs shall not be designed to depict any product not legally available to all residents of the city.
 - e. During the promotional event, the total sign area, including permanent signs, shall not exceed two hundred percent (200%) of the permitted sign area.
 - f. Maximum height for vertical banners is twenty feet (20') and no more than two (2) vertical banners per commercial lot are permitted.
2. Freestanding banners, pennants and other displays shall be allowed in residential zones for a maximum of one week at a time or less; whatever the time period, the banners, pennants and other displays must be removed for the same period of time (days) that they were put out. If the display was up for one week, it must be removed for the same period of time. Any use of banners, pennants or other displays may only be for a total period of two (2) weeks in any calendar year. Signs, banners, pennants and displays in residential zones shall be limited to:
- a. One two foot by six foot (2' x 6') banner and one freestanding sign not exceeding four and one-half (4^{1/2}) square feet in total copy area nor five feet (5') in height.
 - b. Banners and signs advertising an event shall be located on the residential premises only.
- H. Construction Site Signs: A sign may be placed on a construction site out of the public ROW within the following parameters.
1. Number. There shall be only one sign per lot.
 2. Size. Such a sign shall not exceed eight (8) square feet.
 3. Height. A construction site sign shall not exceed five feet (5') in height.
 4. Location. Such a sign must be located on the construction site.
 5. Illumination. A contractor sign shall not be illuminated.
 6. Time. A contractor sign may be placed only during the period of time when a building permit is valid and must be removed no later than the final inspection.
- I. Community Signs. Community signs are permitted in all zones with a permit issued by the Planning Department. A community sign plan and visual representations of all types of signs and their proposed locations shall be submitted to the community development department. These submittals shall be reviewed by the community development staff for compliance with these requirements. Additional review, if necessary, may include, but not be limited to, the City Engineer, police department and public works.

1. No sign shall be permitted which is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, or is in a deteriorated condition. Such sign:
 - a. Shall be made of durable, weather resistant material.
 - b. Shall use logos or symbols instead of copy, especially where copy would cause distraction to vehicular traffic.
 - c. Shall not exceed thirty two (32) square feet.
 - d. Shall not exceed six feet (6') in height.
 2. Any such sign may not be attached to another temporary sign or permanent traffic or business sign.
 3. Any such sign for any single purpose or event shall not be displayed for more than twenty one (21) days prior to the event and two (2) days after the event.
 4. Commercial logos, limited to sponsors of the event, may appear on signage for community events.
- J. A-Frame Signs. An A-frame sign may be no larger than twelve (12) square feet in area for each visible side and stand no taller than five feet (5'). It shall be secured in a temporary manner to the ground or include weighted bottom edges to decrease potential movement in the wind. The sign must be movable by hand and have no electrical or battery operated lights. It may be placed anywhere on the business site at ground level and not in the public right of way. The placement shall not interfere with the visual needs of vehicular or pedestrian traffic and if determined to interfere with the clear view of a driveway or street intersection, it shall be immediately moved when requested to do so by the North Ogden City police department or code enforcement staff. The sign must be made of durable, weather resistant materials and have an anchor system to the ground to resist wind pressure. The sign shall be kept in good condition and shall be removed, repaired or replaced at the request of the North Ogden code enforcement staff.

11-21-8: FLAGS AND FLAGPOLES

- A. Height. No flagpole may be higher than the maximum building height limitation permitted in the zoning district where the flagpole is located.
- B. Location. No flagpole shall be located closer to a property line than its reclining length.
- C. Exceptions. Except as otherwise provided in CCNO 11-22-11F, a maximum of one nongovernmental flag is permitted per property under following parameters.
 1. Any flag flown in conjunction with the U.S. and/or state of Utah flag must be flown beneath them and must not exceed them in size.
 2. The maximum size of any nongovernmental flag shall not exceed fifteen (15) square feet. No one dimension to exceed six feet (6') in any direction.
 3. Governmental flags and model home flags which comply with the provisions of CCNO 11-22-11F shall not be considered signs and will not be included in the calculation of total aggregate sign area. All other signs shall be included in the calculation of total aggregate sign area.

11-21-9: ON SITE SUBDIVISION ADVERTISING SIGNS

- A. Permit. A building permit is required to place signs advertising a subdivision in a residential zone.

- B. Size. No sign shall exceed thirty two (32) square feet in size.
- C. Height. No sign shall exceed five feet (5') in height.
- D. Time Limit. On site subdivision advertising signs may be permitted until the last house or lot in the subdivision is sold.

11-21-10: MODEL HOME ADVERTISING SIGNS

- A. Through the land use permit process required for model homes, the following parameters for signs must be followed
 - 1. Number. One sign per model home.
 - 2. Size. No sign shall exceed twenty four (24) square feet.
 - 3. Height. No sign shall exceed five feet (5') in height.
 - 4. Illumination. Model home signs shall not be illuminated.
 - 5. Model Home Flags. A model home may use flags in addition to the United States Of America flag and the state of Utah flag, in the following manner.
 - a. Number. No more than two (2) flags on the lot of the first model home and one flag on each additional lot with a model home located upon it, up to a total of four (4) lots of model homes and five (5) flags.
 - b. Size. Model home flags shall not exceed eight (8) square feet in size.
 - c. Height. Flagpoles shall not exceed twenty five feet (25') in height.
 - d. Illumination. Model home flags shall not be illuminated.

11-22: GRADING, DRAINAGE, AND DEVELOPMENT CONSTRAINTS

11-22-1: GRADING AND DRAINAGE STANDARDS

- 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. Hillside views are an important feature that is protected by this ordinance.
- B. Applicability. These standards shall apply to all zones within North Ogden City.
- C. Procedural Regulations. The following table identifies the excavation and grading types, approval requirements, and the approving authority for excavation and grading activities.

	EXCAVATION AND GRADING	
Excavation and Grading Types	Approval Requirements	Approving Authority
SWPPP	State Permit Required ¹	PW Inspector
Right of Way	City Right of Way Permit Required ²	PW Inspector
Parcel	Design Plans Required ³	City Engineer
Subdivision	Design Plans Required ³	City Engineer

Building Permit for Parcel or Subdivision Lot	Grading Plan Required ⁴	Building Official
Brush Removal	Brush Removal Permit Required ⁵	City Engineer or Building Official

D. Consistent with the provisions of this chapter, the following standards apply to making application for grading and excavation.

1. SWPPP Permits. SWPPP permits are subject to the North Ogden City Public Works and State of Utah Standards. Approved SWPPP plans are required at the time of preconstruction meeting.
2. Right of Way Permits. Right of Way permits are required to include any excavation within the public right of way or public easements.
3. Parcel and Subdivisions are required to provide a rough grading plan at the time of application; to be reviewed by the City Engineer. A revegetation plan is required as part of preliminary plan review. The rough grading plan and revegetation plan shall be referenced on the final plat Mylar.
4. Building Permits. A fine grading plan is required at the time of building permit application. The final grading plan must be consistent with the approved subdivision rough grading plan and revegetation plan and city drainage standards. (See Subsection B Applicability)
5. The City Engineer shall have the authority to waive any of these requirements as he / she sees fit for any lot which was in existence prior to June 1, 2018 and which does not have a rough grading plan already approved by the City. Any provision may be applied to any lot in the City if the City Engineer determines there is a health and safety issue which requires compliance.
6. Brush Removal Permit. A rough grading plan that includes the size of the area to be impacted, the depth of excavation, and the extent of landscape grubbing shall be included with the brush removal permit. (Limited to disturbed areas in excess of 10,000 square feet.)
7. Plan of Development. Prior to the issuance of a zoning clearance, a plan of development or rough grading plan shall be submitted to and approved by the City Engineer. Prior to development plan approval, the City Engineer may require that reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting, setbacks of buildings, etc., to the extent that the noted purpose and objectives of this chapter are maintained and ensured.
8. Application Requirements. In addition to the otherwise noted procedural and information requirements of this provision, all applications for a zoning clearance, subdivision approval, or rough grading plan approval shall contain the following materials and information.
 - a. Site plan, prepared and stamped by a Utah registered land surveyor or engineer with the following information.
 - 1) A topographic survey at least ten feet (10') beyond the exterior property line of the site.

- 2) Contour intervals not exceeding two feet (2') within twenty feet (20') of any proposed improvement and five foot (5') intervals for the remainder of the lot or parcel.
- 3) Scale of the site plan shall be not less than one inch equals twenty feet (1" = 20'). For large scale projects, the Planning Director may allow a different scale.
- 4) If structures are proposed, show cross sections through site and building at twenty five foot (25') intervals perpendicular to slope, giving percentage of slope at each, and showing exact heights of structures at each existing contour.
- 5) If structures are proposed, each floor level shall be shown with different shading with a legend giving grade or elevation of each level.
- 6) If a garage is proposed, give proposed elevation or grade at garage floor and at existing street level at drive entry. Give percentage of total average slope, and percent and length of single steepest portion of driveway.
- 7) List the individual square footage of buildings, garages, patios, footprint, disturbance area, buildable areas and, if applicable, pool.
- 8) Include all disturbed (or graded) areas and show the proposed method of final treatment. Indicate all retaining walls, showing the actual and allowable heights.
- 9) Show how drainage is altered, and if so, how it is redirected to original channel and show that the requirements regarding storm water runoff and drainage have been met.
- 10) Show location of all proposed utility lines. (11) Give legal description, property dimensions and heading, along with the name, address, and telephone number of applicant.

b. Elevations, to be submitted if structures are proposed.

- 1) Show all exterior elevations, giving accurate existing and proposed grades lines. (Scale 1/4" = 1') Show total height of buildings and give height and total length of all retaining walls.

C. Excavation and Grading.

1. Parcel Excavation and Grading. Plan Required. Natural vegetation (oak brush, shrubs and small trees) located outside the boundaries of a subdivision, shall be removed only when necessary for authorized construction, driveways, sidewalks, landscaping and like residential purposes. No person shall excavate or grade any site located within or outside the boundaries of a subdivision until and unless an excavation or grading plan has been reviewed by the City Engineer and the City Engineer has approved and issued a grading permit. All cuts and fills shall be made such that the resulting surface has an angle equal to or less than the natural angle of repose. The excavation or grading plan shall contain a revegetation plan providing for the revegetation of any cuts or slope disturbances and such revegetation shall be completed within one year of the surface disturbance.

2. Subdivision Excavation and Grading. Properties within a subdivision are subject to the final plat conditions. Properties within a subdivision are also subject to the conditions in subsection C(1) at the time of issuance of a building permit.
 3. Brush Removal. Brushing (to remove grass, weeds and other undesirable vegetation without the disturbance of soil to a depth greater than 1 foot in depth, which may present a potential fire hazard), requires a brush removal permit. This permit shall be required only for disturbed areas exceeding 10,000 square feet.
 4. Site Examination: Concurrent with the submission of an excavation or grading plan to the City Engineer, the building official or City Engineer may examine the site of the proposed excavation.
- D. Grading Standards.
1. Grading Permit Requirement. There shall be no clearing or grading on, or to, any site that is different than the approved grading plan of the subdivision or other parcel of land (other than soil tests that are 100 square feet maximum in size or geological trenching done in conjunction with detailed geological investigations) prior to the issuance of a grading permit.
 2. Grading of all Un-platted Land. The extent of disturbance shall be in accordance with the grading limitations of Title 11 and Title 12.
 3. Total Disturbance. All grading and/or disturbance performed subsequent to December 1, 1999, or subdivision improvement grading, is considered to be cumulative under this title.
- E. Cut and Fill Standards.
1. Importation of Fill Material. Except as exempted in the adopted international building code, the importation of fill material to a lot or parcel is prohibited unless a grading permit allowing such fill is first secured.
 2. Exportation of Excavated Material. Prior to the exportation of any material from a site, a proper final placement location for such material and an acceptable haul route must be identified in order to secure a grading permit to remove such material.
 3. Height of Un-retained Cut or Fill. If the natural grade or the subdivision finished grade if the property was platted or re-platted after December 1, 1999, is more than a twenty percent (20%) gradient, the maximum amount of un-retained fill or cut shall be four feet (4') above/below the natural grade, or subdivision grade if platted after December 1, 1999. Where the natural grade or the subdivision finished grade if the property was platted after December 1, 1999, has a gradient of twenty percent (20%) or less, the maximum amount of un-retained fill or cut shall be six feet (6') above/below the natural grade or the subdivision finished grade if the property was platted after December 1, 1999. When fill is placed on existing grades of 20% or more and the depth of the fill exceeds 5 feet, benching shall be provided. Such benching shall include a keyway of at least 10 feet in width and 2 feet in depth. Any fill or cut grading in excess of these amounts must be contained by retaining walls.
 4. Limitations on Cut and Fill. The height of any fill or the depth of any cut area, as measured from natural grade, shall not be greater than ten feet (10'), regardless of whether the fill or cut is retained, un-retained, or a combination thereof. The total combined height of any fill or the depth of any cut area as a result of subdivision

improvement grading and/or any subsequent grading, including, but not limited to, grading approved as a part of building permit approval, shall not total more than ten feet (10'), as measured from natural grade.

5. Maximum Slope of Fill Grading. Any un-retained fill slope, if allowed, shall have a maximum three feet (3') horizontal to every one foot (1') vertical fill, unless it is otherwise designed and stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report.
6. The slope immediately above or below a retaining wall may not exceed 4(H) to 1(V) unless it is otherwise designed and stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report.
7. Permanent cut slopes steeper than 2(H) to 1(V) or fill slopes steeper than 3(H) to 1(V) will require a retaining wall unless otherwise recommended by an engineering analysis and approved by the City Engineer. All recommendations must be stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report. In no case shall an un-retained slope be left steeper than the natural angle of repose of the soil.
8. Permanent cut or fill slopes cannot exceed a vertical height of 6 feet measured from the toe to the top of the cut or fill unless otherwise recommended by an engineering analysis and approved by the City Engineer. All recommendations must be stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report. The toe or top of a cut or fill must be set back at least 15 feet from a structure's foundation.
9. When creating grading plans consideration should be given to provide sufficient space for equipment and personnel to access retaining walls in order to provide the maintenance of the walls and slopes.
10. Restoration of Graded Surfaces. A revegetation process shall be completed as identified in the subdivision final plat requirements or within one and one-half (1 1/2) years if the grading took place in the front and side yards, and two (2) years if the grading took place in the rear yard of a certificate of occupancy or occupancy of the premises (whichever comes first), unless a specific exemption is granted by the City Engineer or designee. However, grading for drainage and erosion control purposes shall be completed prior to final inspection.
11. Stabilization of Slopes. Slope stabilization can be required if necessary as set forth in the edition of the international building code that is adopted at the time the application for grading is made.
12. Preexisting Grading. A grading permit or building permit shall not be conditioned on altering, modifying or not utilizing existing grading, if the existing grading work was completed in conformance with valid permits, and does not present a threat or danger to the proposed development or neighboring properties. This provision does not prevent the City Engineer from requiring necessary documentation of site suitability to assure soil stability, compaction and other geotechnical purposes.
13. Dust Control. During all grading, and until revegetation or site restoration is completed, dust should be minimized by application of approved dust control methods as approved by the city public works inspector or building official.

F. Drainage.

1. Maintenance of Continuity. The entrance and exit points and continuity of all natural drainage channels on a lot or parcel shall be preserved. Ponding of water shall not be permitted immediately above cut or fill slopes. Building sites must be designed to carry surface waters away from buildings and retaining walls. A drainage plan is required for all building permits that is consistent with the subdivision rough grading plan and revegetation plan
2. Erosion Prevention. Erosion controls should be constructed and maintained to prevent erosion of all slopes and graded areas. Surface drainage interceptors may be provided at the top of all cut and fill slopes where surface runoff will create erosion problems. Subsurface drainage facilities may be required for stability and protection of affected areas due to ground water seepage.
3. Swale Grading. The minimum amount of swale grading necessary for drainage purposes is not subject to the restoration procedures of subsection E10 of this section.

G. Retaining Walls.

1. Retaining walls in this section refer to walls that retain earth.
2. Measurement of Height. For the following rules, wall heights are measured from the finished grade below the wall or wall system to the finished grade above the wall or wall system. The term "wall system" refers to tiered walls which will be considered collectively for review purposes.
3. A building permit is needed to construct retaining walls that are over 4 feet in height measured from the finished grade below the wall to the finished grade above the wall. The building official may require a permit on shorter walls if they support a surcharge such as sloped earth, footings, vehicles, etc.
4. When submitting for a building permit, a grading plan must be submitted showing retaining walls. This plan will be reviewed and approved by the building official. If the plan includes retaining wall heights that exceed 4 feet then the plan must also include typical section views cut through the walls with dimensioned wall heights and distances from walls to structures, property lines and spacing between walls.
5. Grading should be designed to divert surface water away from wall structures. Wall design should also include a system to collect and drain away any water that may collect behind the wall.
6. Tiered Retaining Walls. Tiered walls must be separated horizontally by a distance that exceeds the largest adjacent wall height. Tiered walls with a horizontal separation less than this are not permitted even though they may be engineered and stable. Walls with a horizontal separation of more than twice the largest adjacent wall height are not considered tiered wall system and may be reviewed as separate structures. Tiered retaining wall systems will require a global slope stability analysis stamped by an engineer licensed in the state. Fencing that does not retain earth is not considered part of a retaining wall or retaining wall system and shall be subject to North Ogden's fencing requirements.
7. Any wall or wall system over four feet (4') in height will need to be engineered and stamped by an engineer licensed in the state. The maximum retaining wall height shall be 8 feet.

8. Walls 8 feet in height or less should be designed and constructed according to standard design and construction practices, manufacturer recommendations and published design charts. Regardless of the height of a retaining wall, the building official or City Engineer may require stamped engineered plans if it is suspected that the retaining wall needs additional engineering due to design requirements or environmental conditions. This may also be true for areas with a high water table or poor soil conditions. Plans must be stamped by an engineer licensed in the state.
9. Gravity rock walls and gravity block walls cannot exceed 6 feet in height. Gravity rock walls or gravity block walls can be tiered to create additional height (i.e. they must be spaced horizontally by the height of the tallest adjacent retaining wall).
10. Mechanically stabilized earth (MSE) walls such as Keystone with geogrid or other tie-back systems are permitted. Reinforced concrete cantilevered retaining walls are also permitted. These walls may be tiered but any tier cannot exceed 8 feet in height.
11. Rock or other coverings on a steepened slope (rockery) may be considered a retaining wall when the slope exceeds the maximum permanent cut or fill slope recommended by a geotechnical analysis. If a slope requires a rockery to be stable then it is to be treated as a retaining wall.
12. If these requirements are more restrictive than the standards found elsewhere in the ordinance then these standards will apply.

11-22-2: RESTRICTED LOT (R LOT) DEVELOPMENT

- A. Purpose and Intent. The purpose of designating or identifying an R lot is to minimize hazards relating to flooding, erosion, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, snow, mud and debris slides, and other environmental hazards; to protect percolation and natural drainage channels and recharge areas and the natural scenic character of hillside and other areas located within the city; to promote the safety, health and well-being of present and future residents of the city; and to ensure the efficient expenditure of public funds.
- B. Permitted Uses. With respect to an R lot, no property shall be used and no building shall be erected or altered thereon so as to be arranged, intended or designated to be used for other than one or more of the following uses.
 1. A public recreational facility which will not significantly alter the natural form of the landscape;
 2. Emergency equipment routes to provide essential emergency services such as fire control;
 3. Single-family dwellings in approved subdivisions; provided, that the applicant can demonstrate conclusively to the Planning Commission, through the submission of a site design, that any hazards and limitations of the site can be overcome in such a manner as to prevent hazard to, among others, life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel, and undue adverse impact on the natural environment as described in CCNO 11-19-2.
- C. Site Design Specifications. All site design elements are subject to the approval of the Planning Commission. The following guidelines shall be used to promulgate development which will be compatible with the natural character of the area upon which the R lot lies:

1. The design of structures and site modifications shall demonstrate an effort to conform with the topography of the site rather than extensively alter the site to accommodate development.
2. All developments shall comply fully with the provisions of site development standards ordained by the city.
3. The design of structures and site modification shall protect the public from and not enhance the potential risk of natural hazards of storm water runoff and erosion by requiring, where necessary, manmade drainage facilities, minimal impact to natural drainage channels, and the minimal removal of natural vegetation.
4. The threat and consequential damage of fire in hillside areas shall be minimized by establishing fire protection measures.
5. Natural features, wildlife habitat and open space shall be preserved.
6. Public access to mountain areas and natural drainage channels shall be preserved.
7. Natural topographical features such as drainage channels, streams, ridge lines, rock outcroppings, vista trees, and other natural plant formations, shall be retained.
8. Visual and environmental quality by use of natural vegetation and the prohibition of excessive excavation and terracing shall be preserved and enhanced.
9. Cuts, fills and other visible scars will be considered and minimized to promote safety and aesthetics.
10. A variety of development designs and concepts that are compatible with the natural terrain of the sensitive area will be encouraged and open space and natural landscape will be preserved.

11-22-3: 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.
- C. Studies Required: Prior to any development or any grading activity within this zoning district, 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. 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.
- D. 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.
- E. Minimum Building Area Without Development Constraints.
1. There shall be a minimum of ten thousand (10,000) square feet of buildable area on each lot or parcel.
 2. 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.
 3. Each development area or buildable area must be a contiguous area not less than eighty feet (80') continuously in width and one hundred feet (100') continuously in depth.
 4. If the development area is not adjacent to the public street, it shall be accessible to the public street with an access way that is a minimum of thirty feet (30') wide from the public street to the development area. The access way shall be developed in conformance with the grading standards specified in this chapter.
- F. 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.
1. Natural slope is considered to be existing undisturbed terrain.
 2. 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%.
 3. 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.
 4. Conditional Use Permit shall be required to cross these areas with street improvements.

Section 4

- 11-22: SUBDIVISION REGULATIONS
- 11-23: DEVELOPMENT IN THE HP-1, HP-2 AND HP-3 ZONES
- 11-24: MINOR SUBDIVISION AND BOUNDARY LINE ADJUSTMENTS
- 11-25: IMPROVEMENTS, RESERVATIONS AND DESIGN
- 11-26: IMPACT FEES FOR SUBDIVISIONS
- 11-27: CONDOMINIUM APPROVALS
- 11-28: BOUNDARY LINE ADJUSTMENTS

11-22: SUBDIVISION REGULATIONS

11-22-1: PURPOSE AND INTENT

- A. It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the platted subdivision as subject to the control of the City pursuant to the official General Plan and ordinances of the city for the orderly, planned, efficient and economical development of the city.
- B. Land to be laid out and platted shall be of such character that it can be developed safely for building purposes after an analysis of any sensitive land issues and features that may represent potential hazards/constraints or features to avoid in a design process. Land shall not be laid out and platted until available public facilities and improvements exist and proper provision has been made, where required, for drainage, culinary water, irrigation water, sewerage and capital improvements such as schools, parks, recreation facilities, electrical and natural gas distribution facilities, transportation facilities and improvements.
- C. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Public Works Standards, zoning ordinances, and capital facilities plan and program of the city.
- D. In addition, these regulations are adopted for the following purposes:
 - 1. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population;
 - 2. To protect the character, social and economic stability and to encourage the orderly and beneficial development of all parts of the city;
 - 3. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
 - 4. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion on the streets and highways, encouraging complete streets, the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;

5. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monuments;
6. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;
7. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the community and the value of the land; and
8. To preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features.
9. To increase the supply of housing which may provide for more diverse housing types, stability in pricing, and affordability of the housing stock.

11-22-4: JURISDICTION - SUBDIVISION REQUIRED

- A. These subdivision regulations shall apply to all "subdivisions" of land, as defined in CCNO 11-7, located within the corporate limits of the city.
- B. No person shall lay out and plat any tract of land located wholly or partially within the city except in compliance with this title.
- C. No land shall be laid out and platted within the corporate limits of the city until, the subdivision has been processed by North Ogden City
- ~~D.~~ No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date hereof, and not in conformity with the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with this Title.

11-22-5: INTERPRETATION, CONFLICT AND SEPARABILITY

- A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Interpretations are the responsibility of the Planning Director.
- B. Conflict with Public And Private Provisions:
 1. Public Provisions. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- C. Private Provisions. These regulations are not intended to abrogate any easement, covenant, condition, restriction or any other private provisions; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, condition, restriction or private agreement, or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, and such private provisions are not

inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. Nothing contained therein shall empower or require or obligate the city to enforce such private agreements or restrictions. Private agreements or restrictions that contradict or conflict with the City Ordinances are not considered lawful, and do not supersede the City's authority.

11-22-6: SAVING PROVISION SEPARABILITY

- A. These regulations shall not be construed as abating any action now pending under, or by virtue of prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any section of provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the city except as shall be expressly provided for in these regulations.

11-22-7: RESERVATIONS AND APPEALS

- A. Upon the adoption of this Title according to law, the subdivision ordinance of the City adopted July 13, 1953, as amended, is repealed, except as to such sections expressly retained herein.

11-22-8: ENFORCEMENT INSPECTION

- A. Inspection. Appropriate departments of the city shall inspect or cause to be inspected all buildings, streets, concrete work, fire hydrants, and water supply, storm drainage, and sewage disposal systems in the course of construction, installation or repair. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the city. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer. All other required utilities placed underground or overhead shall meet all city Public Works Standards as required by franchise agreements. Funds held in bond or escrow accounts will not be released for any work which has not been inspected by the appropriate city department.

11-22-9: VARIANCES

- A. All variance applications under this Title shall be processed in accordance with Utah Code § 10-9a-702 or its successors. Application and hearing procedures shall be per CCNO 11-6-6.

11-23: DEVELOPMENT IN THE HP-1, HP-2 AND HP-3 ZONES

11-23-1: PURPOSE AND INTENT

- A. The purpose and intent of this section is to provide specific regulations and procedures for developments occurring in the Sensitive Land Overlay Zone.

11-23-2: IMPROVEMENTS AND GUARANTEE

- A. Required; Method. The owner of any land which has been laid out, platted and recorded pursuant to the provisions of this title shall at his own expense install the required public improvements within a period of two (2) years from the date the final plat is recorded. The

owner shall ensure or guarantee the installation of such improvements by one or a combination of one or more of the following methods designated by the city:

1. Performance Bonds. The developer may furnish and file with the city recorder a corporate surety bond, approved by the ~~City Council and~~ city attorney, in an amount equal to the cost of the required public improvements plus ten percent (10%), as estimated by the developer and approved by the City Engineer, to secure the installation of required improvements within two (2) years from the date the final plat is recorded.
2. Deposit in Escrow. The developer may deposit in escrow with an escrow holder approved by the ~~city attorney~~ ~~City Council~~ an amount of money equal to the cost of improvements required plus ten percent (10%), as estimated by the developer and approved by the City Engineer, under an escrow agreement conditioned for the installation of the improvements within two (2) years from the date the final plat is recorded. The escrow agreement aforesaid shall be approved by the City Council and city attorney and shall be filed with the city recorder.
3. Letters of Credit. The developer may cause the issuance of a letter of credit by a financial institution approved by the ~~City Council and~~ city attorney in an amount equal to the cost of the required improvements plus ten percent (10%), as estimated by the developer and approved by the City Engineer, to secure the installation of required improvements within two (2) years from the date the final plat is recorded.
4. Lien Agreement.
 - a. The developer shall be required to execute, acknowledge and cause to be recorded in the office of the county recorder a written agreement with the city by which he will covenant and agree not to lease or convey any land located within the subdivision to anyone whomsoever unless he shall first, as a condition precedent thereto, either:
 - i. Install and pay for all of the public improvements set forth in this title necessary to the full, effective and practical use and enjoyment thereof by the lessee or grantee of the lands so to be conveyed, including, but not limited to, all street improvements and public utilities in front of such property and thence along the dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest said existing improvements, whichever is closer;
 - ii. File a bond as provided in subsection A1 of this section to secure the installation and/or completion of all uncompleted improvements specified in CCNO 12-6; or
 - iii. Establish an escrow account as provided in subsection A2 of this section to secure the installation and or completion of all incomplete improvements specified in CCNO 12-6.
 - b. The lien agreement shall specifically provide that it shall be deemed to be a covenant running with the land located within the subdivision for the benefit of the city and shall particularly and accurately describe the lands. By the agreement, the developer shall further give and grant to the city a lien on the lands to secure performance of the covenant and agreement and to secure the

installation of all of the required improvements, together with the payment of all costs, including reasonable attorney fees, which the city may incur in enforcing any of the terms and provisions of the agreement.

- B. Default; Extension. In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the bond or escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The Planning Director may, upon proof of financial, material or labor shortages, extend the completion date for a maximum period of one additional year.

11-23-3: INSPECTION OF IMPROVEMENTS

- A. General Procedure. The City Engineer, shall provide the inspection of required improvements during construction and ensure their satisfactory completion. If he finds, upon inspection, that any of the required improvements have not been constructed in accordance with the city construction standards and specifications, the applicant shall be responsible for completing the improvements.
- B. Reduction of Performance Bond or Escrow Funds. The city shall not release nor reduce a performance bond or escrow funds on any required improvement until the developer provides a statement for monies requested signed by the City Engineer noting the improvements have been satisfactorily completed. In no event shall escrow funds or a performance bond be reduced below ten percent (10%) of the principal amount.

11-23-4: ACCEPTANCE OF OFF SITE IMPROVEMENTS

- A. Conditional Acceptance; Seal Coat.
 - 1. After the completion of all off-site improvements and upon receiving a written statement from the City Engineer that all required improvements have been satisfactorily completed, the City Council shall conditionally accept the improvements for a one year guarantee period. Such approval shall not be given until the applicant's engineer has certified to the City Engineer, through submission of detailed as built construction plans of the subdivision, indicating location, dimensions, materials and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the construction plans filed with the final plat. The as built plans shall be submitted in ink on reproducible Mylar. A minimum of ten percent (10%) of the total principal amount of the escrow funds or performance bond will be held during this one year guarantee period.
 - 2. Developer would have option of paying to city the necessary funds to cover cost of seal coat. If this option is taken, conditional acceptance could be given prior to completion of seal coat work by city.
- B. Guarantee Period. The developer shall warrant and guarantee that the improvements provided for hereunder and every part thereof will remain in good condition for a period of one year after the date of conditional acceptance by the City and agrees to make all repairs to maintain the improvements and every part thereof in good condition during the guarantee period at no cost to the city. The guarantee shall extend to and include, but shall not be limited to, the entire street, subgrade base and surface, all pipes, curbs, gutters, approaches, sidewalks, ROW fences and other accessories that are or may be affected by the construction operations. If per

inspection by the City Engineer, the work shall be in need of repair, maintenance or rebuilding, the engineer shall cause a written notice to be served upon the developer and thereupon the developer shall undertake and complete such repairs, maintenance or rebuilding. The determination of the necessity for repairs and maintenance of the work rests with the City Engineer, whose decision upon the matter shall be final and binding upon the developer. Upon the developer's failure to perform the required repair work within sixty (60) days from the date of service of such written notice, the city shall have such repairs made, and the cost of such repairs shall be paid out of the ten percent (10%) escrow account held by city.

- C. Final Acceptance. Except for sidewalks and seal coat, final inspection by the City Engineer shall be made eleven (11) months after conditional acceptance or as close as weather conditions permit. All defects as noted in the final inspection report of the City Engineer shall be corrected to the satisfaction of the City Engineer. Final acceptance shall be in writing by the City Council after written approval is received from the City Engineer. After final acceptance by the City Council, the remaining balance in the escrow fund or performance bond shall be released. Final acceptance may be given with respect to seal coat after the developer has deposited with the City such sums as may be necessary to cover the cost of seal coat as determined by the City Engineer. In such event, the city would then assume responsibility for applying or causing the application of the seal coat.

11-23-5: SPECIAL EXCEPTION FOR SIDEWALK INSTALLATION OPTION

- A. Conditional Acceptance. The City Engineer, if requested, shall allow the developer an additional one year from the date of conditional acceptance of the off-site improvements to install the sidewalk in the subdivision; provided, that:
 - 1. The subdivision does not front on a major street where installation of the sidewalks is necessary for the safety of the general public;
 - 2. The developer agrees in writing to the sidewalks being installed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision;
 - 3. The developer agrees that the city shall not conditionally accept any of the sidewalks prior to the installation of the entire sidewalk required in the subdivision;
 - 4. The city retains ten percent (10%) of the escrow funds for the all the sidewalks in the subdivision until it receives final acceptance by the City Engineer.
- B. Guarantee Period. The developer shall warrant and guarantee that the sidewalk will remain in good condition for a period of twelve (12) months after the date of conditional acceptance of the sidewalk by the City Engineer and shall make all repairs to and maintain the sidewalk in good condition during the guarantee period at no cost to the city. The determination of the necessity for repairs and maintenance or work rests with the City Engineer, whose decision upon the matter shall be final and binding on the developer.
- C. Final Acceptance. Final acceptance of the sidewalk will follow the same procedure as outlined in CCNO 11-24-4C.

11-23-6: DEFERMENT OF SIDEWALK INSTALLATION OPTION

- A. Deferment. The developer of an individual parcel of land may defer installation of a sidewalk for a specified period of time only if the following criteria is met:
 - 1. There is no existing curb, gutter or sidewalk within 100' of the subject property lines to tie into;

2. Future development includes sidewalk placement; or
 3. There are site condition confirmed by the City Engineer that justify the deferral
- B. Developer Agreement. In the case of deferment, the Developer shall sign an agreement in conjunction with the building permit that states the following:
1. The Developer, in consideration of the City's approval of the building permit for the project, and other valuable consideration, hereby agrees to duly construct or install a sidewalk to the specifications of the City of North Ogden development standards, a minimum of five feet wide and the length of the property in the right-of way immediately adjacent to the project and agrees to not object to any special assessment area which would construct sidewalks in the immediate area.
 2. The Developer shall record this agreement against the parcels to which the agreement relates so that any individual is placed on notice that the installation shall be required for involvement in the special assessment area for the installation of sidewalk improvements at such later date.
 3. Should the Developer fail or refuse to construct the aforesaid sidewalk, nothing herein shall be construed as affecting the City's right to resort to any and all legal and equitable remedies against the Developer, including specific performance to which the Developer hereby conditionally agrees.
 4. In the event there shall be any litigation between the parties hereto arising out of this Agreement, the prevailing party shall be entitled to recover all fees and costs incurred in such litigation, including reasonable attorney's fees, through appeal if necessary.
 5. This Agreement shall run with land and shall be binding on the successors of Developer.
 6. This Agreement may not be assigned by either party.
 7. This Agreement shall become effective upon the execution thereof by both parties hereto.
- C. Final Acceptance. Final acceptance of the sidewalk will follow the same procedure as outlined in CCNO 11-24-4C.

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11-23-7: ISSUANCE OF PERMITS AND CERTIFICATES

- A. Certificate of Occupancy. The extent of street improvements shall be adequate for vehicular access by the prospective occupancy and by police and fire equipment prior to the issuance of a certificate of occupancy. For purposes of this section, "adequate" shall mean grading and road base (crushed gravel).
- B. Building Permit. No building permit shall be issued nor liens released for the final ten percent (10%) of lots in a subdivision, until all public improvements required by the City for the plat have been fully completed and conditionally accepted by the City Engineer.

11-24: MINOR SUBDIVISIONS

11-24-1: PURPOSE AND INTENT

- A. Applicable to ten lots or less with no new public property dedications.

11-24-2: APPROVAL

- A. Minor subdivisions are administratively approved by the Planning Director per the standards below.

1. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan;
2. The subdivision does not require the dedication of any street;
3. Each lot meets the frontage, width and area requirements of the zoning district where the subdivision is located, or has been granted a variance from those requirements by the administrative law judge;
4. The subdivision has less than ten (10) lots.

11-25-3: AGRICULTURAL LAND

- A. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this Title, if the lot or parcel:
 1. Qualifies as land in agricultural use under Utah Code 59-2 Part 5, farmland assessment act;
 2. Meets the minimum size requirement of applicable zoning ordinances; and
 3. Is not used and will not be used for any nonagricultural purpose.
- B. The boundaries of each lot or parcel exempted under subsection A of this section shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a final plat under CCNO 11-2-13, shall be recorded with the county recorder.
- C. If a lot or parcel exempted under subsection A of this section is used for nonagricultural purposes, the city may require the lot or parcel to comply with the requirements to subdivide land per CCNO 11-2-11, 11-2-12, and 11-2-13.

11-24-4: UNAPPROVED SUBDIVISIONS

- A. A person may not submit to the county recorder's office for recording a document that subdivides property by metes and bounds unless it contains the certificate or written approval required by CCNO 11-25-2.
- B. The recording of a document that subdivides property by metes and bounds and does not contain the certificate or written approval required by CCNO 11-25-2:
 1. Does not affect the validity of the document; and
 2. Does not affect whether the subdivided property complies with applicable city ordinances on land use and development and may not be a buildable lot in North Ogden City.

11-25: IMPROVEMENTS, RESERVATIONS AND DESIGN

11-25-1: PURPOSE AND INTENT

- A. The purpose and intent of this section is to provide regulations and standards for improvements required in new development or redevelopment applications.

11-25-2: GENERAL IMPROVEMENTS

- A. Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations.
 1. All applicable statutory provisions;
 2. The zoning ordinance, building and housing codes, and all other applicable laws of the City;

3. The capital facilities plan of the city, including all streets, drainage systems and parks shown on the official street map or general plan, as adopted;
 4. The special requirements of these regulations and any rules of the health department and/or appropriate state agencies;
 5. The rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway;
 6. The Public Works Standards, including complete streets and Low Impact Development techniques, and technical specifications of the city.
- B. Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by the City Engineer:
1. Monuments shall be located on street right of way centerlines, at street intersections, and at such other points as determined necessary by the City Engineer.
 2. All monuments shall be set in an approved ground box as specified in the Public Works Standards for the City.
 3. All monuments shall be properly set in the ground by the developer and approved by the City Engineer prior to the time the City Council grants conditional acceptance of the subdivision.
- C. Sensitive Lands. All subdivisions shall be in conformance with CCNO 11-21, Grading, Drainage, and Development Constraints and consider sensitive lands in their design process. ~~as per the Sensitive Lands Ordinance 2021.~~
- D. Soil Conditions. Buildings or structures shall not be sited on soft or unsuitable soils, where there is a high water table, or a site subject to flooding as noted on the city's floodplain map, or on uncompacted fill in accordance with the city Public Works Standards.
- E. Subdivision Name. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in Weber County.

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11-25-3: SITE DEVELOPMENT STANDARDS

- A. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health regulations and in providing driveway access to building on such lots from an approved street.
- B. Lot Dimensions. Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to surveying street lines) unless variation from this rule will give a better street to allow for erection of buildings, observing the minimum front yard and side setbacks from both streets. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance; all property located within a subdivision shall be included within the boundaries of a road, lot or other improved area such that no parts or parcels of land therein remain unusable.
- C. Double/Reversed Frontage Lots and Access to Lots.

1. Double Frontage Lots. Double frontage and reversed frontage lots are only permitted on arterial and collector streets. If rear access cannot be achieved on a lot fronting an arterial or collector street, then an additional front yard setback of ten feet (10') and a circular drive to prevent backing out onto the arterial and collector streets are required.
 2. Access from Arterial Streets. Lots should not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, such lots may need to be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major streets. Circular drives are encouraged.
- D. Restricted Lots (R Lots).
1. All R lots shall be developed in accordance with CCNO 11-19.
 2. All R lots shall be clearly identified on the recorded plat and on a separate recordable instrument in form acceptable to the city. The instrument shall be recorded in the office of the Weber County recorder at the time the final plat is recorded in order to provide notice to potential lot purchasers of the existence of limitations imposed upon R lot development.
- E. Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried on any land or left or deposited on any lot or street at the time of conditional acceptance of the subdivision and removal of the same shall be required prior to final acceptance by the City.
- F. Fencing. The developer of a subdivision shall be required to furnish and install a solid board, chain-link, wrought iron, or other solid manmade material fence not less than 6' in height, as part of the approval of a subdivision, in accordance with CCNO 11-9L-7 and according to the following requirements.
1. Open Canals and Irrigation Ditches. Fencing meeting the requirements of this ordinance shall be installed along lots and other property in a subdivision in areas where a subdivision borders an existing open canal or irrigation ditch. Where such fences join with trail corridors, gates shall be allowed.
 2. Open Reservoirs and Drainage Channels. Fencing meeting the requirements of this ordinance shall be constructed along lots and other property in a subdivision, in areas where the subdivision borders upon open reservoirs, and drainage channels. Drainage channels in the form of a natural gulley shall include a 25' buffer from the edge of the channel before any fence can be installed.
 3. Schools, Churches, Park Sites. In areas where a subdivision borders schools, churches, and park sites, fencing meeting the requirements of this ordinance shall be constructed along lots and other property in the subdivision. Screening Value, Maintenance, Plat Notes, and Certificates of Occupancy Fences used as screening shall meet the requirements of 11-20-8. All such fences shall be maintained and kept in good repair by the owner of the property contiguous to or upon which the fence is erected. A note shall be required to be included on the subdivision plat, indicating where the fence was required by City Ordinance, and the basic characteristics of the required fence. No certificate of occupancy shall be issued for buildings upon lots where fencing has been required until that fencing has been installed as required.

4. Waiver of Required Fencing in Specific Locations, and Modification of Fencing Materials and Characteristics. The requirement for fencing may be waived by petition to the Planning Department, in specific locations. Factors to be considered in this determination may include topography, slope, total elevation change, traffic, or additional safety-related factors. In order to waive a fence requirement based on topography, the slopes shall be shown document being reviewed by Planning Commission. Similarly, by request, the Planning Director may approve a fence made of other materials which are determined by the Planning-Director to have a similar appearance to the allowed materials and will serve as an effective barrier fence.
- G. Staking of Lots. Permanent corner markers shall be placed at all rear lot corners to completely identify the lot boundaries on the ground. Front lot corners shall be identified with permanent reference plugs or nails in the concrete curb. All lot corner markers must be in place prior to the issuance of building permits and after the completion of all subdivision improvements. All lot corners shall be designated in accordance with state/county survey laws.

11-25-4: STREETS

A. General Requirements.

1. Frontage on Improved Streets. No subdivision shall be approved unless the area to be laid out and platted shall have frontage on and access from an existing street on the official map or if there be no official map, unless the street is:
 - a. An existing state or county highway, arterial street or major collector; or
 - b. A street shown upon a plat approved by the City. Such street or highway must be suitably improved as required by the city Public Works Standards or be secured by a performance bond or escrow required under these subdivision regulations, with the width and right of way required by Public Works Standards.
2. Grading and Improvement Plan. Streets shall be graded and improved and conform to the city Public Works Standards and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
3. Topography and Arrangement.
 - a. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Public Works Standards of the city.
 - b. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights of way established on the official map and/or general plan. Such integration shall take topographical conditions into consideration. The street arrangements shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide convenient access to it.
 - i. Half streets proposed along a subdivision boundary or within any part of a subdivision shall meet the following requirements:

- a) Width shall be half of required street width plus twelve additional feet of asphalt width.
 - ii. Standard residential streets shall approach the arterial or collector streets at an angle of not less than eighty degrees (80°).
 - c. All streets shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - d. Minor streets shall be laid out to conform as much as possible to the topography, encourage local connectivity, and to permit efficient drainage and utility systems.
 - e. Proposed streets shall be extended to the boundary lines of the subdivision. All streets required to be extended to the boundary lines of the subdivision shall be properly barricaded in accordance with the city Public Works Standards (reference). Such dead end streets are required to include a temporary turnaround.
 - f. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, and the provision for alleys, truck loading and maneuvering areas, walks and parking areas so as to minimize conflict or movement between the various types of traffic, including pedestrian.
 - ~~g.~~ All streets in subdivisions in the city shall be dedicated to the city except that private streets may be approved as part of a PUD.
 - h. Arterial, collector and/or local streets, public or private, shall conform to the Master Street Plan within the Transportation Plan. Arterial, collector and local streets shall conform to the city Public Works Standards.
 - i. Utility and drainage easements shall be provided along front lot lines of all subdivision lots and at such other locations as deemed necessary and as directed by the City Engineer. The easements shall have a minimum width of fourteen feet (10') but may encumber adjoining lots by extending across adjoining lot lines. In some cases, larger size easements, up to 15' may be required per the City's Public Works Standards when additional access is needed. Proper coordination shall be established between the developer and the applicable utility company for the establishment of utility easements on adjoining properties.
 - j. Streets shall be numbered unless the City Engineer determines, based upon topography and other like considerations, that streets should be named. Streets may have both a number and a name at the discretion of the City Engineer.
- 4. Blocks.
 - a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width may be permitted in blocks adjacent to major streets, waterways or topography concerns.
 - b. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand three hundred twenty feet

- (1,320') nor be less than four hundred feet (400') in length. Wherever practicable, commercial and residential blocks along arterial and collector streets shall be not less than six hundred sixty feet (660') in length.
- c. In long blocks, with length of 600' or more, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or to access commercial areas, community facilities, parks, and schools, or to provide for pedestrian traffic.
 - d. Cul-de-sacs shall not be longer than six hundred feet (600'), measured from the center of the cul-de-sac bulb to the center of the intersection of the connecting street. Each cul-de-sac must be terminated by a permanent turnaround bulb that meets the Public Works Standards. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided.
5. Access to Arterial or Collector Streets. Where a subdivision borders on or contains an existing or proposed arterial or collector street, the Planning Commission may require that access to such streets be limited by one of the following means:
 6. Double Frontage lot Buffer Requirements. See CCNO 11-26-3C also.
 - a. Manmade fencing meeting the requirements of this ordinance shall also be constructed in the rear yards of double-fronted lots and provide for a xeriscaped 5' buffer/landscaped area, adjacent to the sidewalk and outside of the fence. Irrigated landscape features to include trees and shrubs shall be installed with two such plants per every 150' and a rock mulch/gravel.
 - b. A marginal access or service road (separated from the street by a planting or grass strip and having access thereto at suitable points).
 7. Street Regulatory Signs.
 - a. The applicant shall deposit with the city at the time of final subdivision approval and the establishment of the escrow payment, a sum determined by the City Engineer for each sign required by the city. The city shall install all street signs before issuance of certificates of occupancy for any residence on the streets approved.
- B. General, Road Surfacing at Intersections. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved as per Public Works Standards.
- C. Design Standards.
1. General. In order to accommodate prospective traffic, streets should be of suitable location, width and improvement to afford satisfactory access to police, firefighting, snow removal, sanitation and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties. Design standards for streets shall be as outlined in the Public Works Standards for rights of way, travelled width, clear view sight triangles, grade minimum, radius of curves and design speed.
 2. Road Surfacing and Improvement. After pipes, lines and related facilities pertaining to sewer, water, gas, cable TV, electricity and like utility services, where required, have been installed by the developer, the applicant shall construct curbs and gutters and shall

surface or cause to be surfaced roadways to the widths prescribed in these regulations. The surfacing shall be in accordance with the Public Works Standards. Adequate provision shall be made for culverts, drains and bridges. Driveway approaches shall not be installed at the time of placement of curb and gutter unless approval for a building permit has been issued by the city.

3. Intersections.

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty degrees (80°) shall not be acceptable. An oblique street shall be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
- b. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty feet (150') shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred feet (800') apart.
- c. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right of way to the extent deemed necessary to provide an adequate sight distance, as per PW standards for sight triangles.

D. Street Dedications, Protection Strips, and Reservations:

1. New Perimeter Streets.

- a. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the developer, as per Section 11-26-4 3 (b) i.
- b. The Planning Commission, may authorize a new perimeter street where the developer improves and dedicates the entire required street right of way width within his/hers own subdivision boundaries. The developer may retain a protection strip of one foot (1') in width between the street and adjacent property. An agreement with the city, approved by the city attorney, shall be made by the developer contracting to dedicate the one foot (1') protection strip free of charge to the city for street purposes upon payment by the present owners of the contiguous property to the developer of a consideration named in the agreement. Such consideration is to be equal to the cost, at the time of the agreement, of the street improvements, including utility lines properly chargeable to the contiguous property, plus the value of the land from the right of way line to the centerline of the street at the time of the agreement,

together with interest computed at the then statutory rate. Interest shall accrue only from the time of agreement until the time of subdivision of such contiguous property or ten (10) years from the date of the agreement, whichever is less. All charges to be associated with the protection strip, as well as the interest rate, shall be recorded as part of the aforementioned agreement. All property owned by the developer shall be included on both preliminary and final plat.

- c. Where the developer is required to improve the full width of an existing city owned right of way on the perimeter of his subdivision, he/she may enter into a similar agreement as outlined above. In this agreement, the developer will not own a one foot (1'). Protection strip and the consideration named in the agreement will not include the value of the land or any utilities installed in the right of way prior to the agreement. However, the agreement will stipulate that before approval is given to the development on the adjacent property abutting the street, the adjacent property owners will reimburse the aforementioned developer as outlined in the agreement.

2. Widening and Realignment of Existing Streets. Where a subdivision borders an existing narrow street or when the zoning setback regulations indicate plans for the realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate, at his expense, such areas for widening or realignment of such streets. Such frontage streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning ordinance whether the land is to be dedicated to the municipality in fee simple or an easement is granted to the city.

- E. Single Access Development. Single access developments are administratively permitted utilizing the cul-de-sac length standards in the Public Works Standards

11-25-5: DRAINAGE AND STORM SEWERS

- A. General Requirements. The Planning Commission shall not approve any plat of subdivision which does not include storm or floodwater runoff channels or basins per the Public Works Standards. The developer shall deed to the city those areas designated as detention basins and drainage channels, giving the city the ability to control and maintain said areas. For basins that are of a single building lot size and considered as temporary in nature, the city shall grant to the developer a reversionary clause on ownership when use is terminated.
- B. Floodplain Areas. When floodplain areas are defined through the process required in CCNO 11-21 or the Sensitive Lands Ordinance, the City shall prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.
- C. Dedication of Drainage Easements.
 1. General Requirements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose.

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2. Drainage Easements.

- a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights of way, perpetual unobstructed easements at least fifteen feet (15') in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- c. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Commission. Said easements shall be deemed rights of way for lawful municipal purposes.

11-25-6: SUBSURFACE DRAINAGE

- A. The applicant is required to provide the design and installation of a subsurface drainage system which meets the adopted City Public Works Standards when the water table or underground saturation conditions require such subsurface drainage systems to assure safe and dry conditions for buildings.

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11-25-7: WATER FACILITIES

- A. General Requirements.
 - 1. The owner/developer of any land proposed to be developed as a subdivision shall at their expense be required to comply with all regulations of the current city water service development standards in providing domestic water use and fire protection.
 - 2. Where a public water main is accessible, the developer shall install adequate water facilities, including fire hydrants. All water mains shall be at least six inches (6") in diameter, except as otherwise permitted by the City Public Works Standards. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed streets. Main valves shall be installed at all intersections and other locations as required by Public Works Standards.
 - 3. Water main extensions shall be approved by the City Engineer.
 - 4. All proposed water improvements shall comply with the city master water plan and Public Works Standards.
- B. Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than five hundred feet (500') apart and within two hundred fifty feet (250') of any structure and shall be approved by the North View Fire District. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat. The Fire Marshall and the City Engineer shall inspect all such improvements.
- C. Closure of Wells. When an existing well lies on the property being developed, the owner/developer shall, in coordination with and pursuant to applicable regulations of the state water engineer, seal the well and offer the water rights to the City or be transferred to state

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ownership. All costs associated therewith shall be borne by the owner/developer and included in the cost estimate for improvements.

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11-25-8: SECONDARY WATER SYSTEM

- A. The applicant is required to provide secondary water as a condition of approval, provided the design of the system meets Public Works Standards and receives an approval from the engineer for the secondary water district. If secondary water is unavailable, a deferral agreement shall be entered into for future connections and culinary water used for landscape irrigation.

11-25-9: SEWERAGE FACILITIES

- A. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the adopted city Public Works Standards and the Weber-Morgan County Health Department. Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by the city Public Works Standards. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. All sewer lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed city streets.
- B. Scoping of Lines. Prior to approval and acceptance by the city, developer shall inspect all sanitary sewer pipe lines by means of remote televiewing equipment and shall record the entire televiewing inspection on video tape or other acceptable reproduction means for review by city officials.

11-25-10: SIDEWALKS

- A. 5' wide sidewalks shall be included within the dedicated right of way of all streets as shown in the Public Works Standards or as required by the Planning Commission in consultation with the City Engineer.

11-25-11: UTILITIES

- A. Location. The applicant is required to provide for the installation of all utility facilities, including, but not limited to, gas, electric power, telephone and broadband cables, which shall be located underground through the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and rights of way, developer shall cause facilities to be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the developer's expense. Buried electrical transformers shall be located as to avoid all drainage channels or flooding due to final grade.
- B. Sharing of Trenches. All public utilities and cable service providers shall cooperate in good faith in an effort to share the use of underground trenches with all other public utilities and cable service providers in accordance with the city Public Works Standards and subject to coordination by the City Engineer.
- C. Notice to Utility Operators of Open Trenches. The developer shall be responsible to provide reasonable notice of at least thirty (30) days to public utilities and cable television operators of the approximate date on which open trenching will be available for the installation of the pipes, conduits, cables, wires and like means of transmitting the applicable services of public utilities and cable television.

11-25-12: PUBLIC USES

A. Recreation.

1. Recreation Sites. Land reserved for public recreation purposes shall be of a character and location suitable for use as a playground, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by a development agreement, which improvements shall be included in the performance bond or escrow. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Parks and Recreation Department for a recommendation. All land to be reserved for dedication to the city for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "reserved for park and/or recreation purposes".
2. Other Recreation Reservations. The provisions of this section are minimum standards. None of the subsections above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

11-25-13: IRRIGATION WATER WAYS

- A. No open irrigation ditches shall be permitted within the boundary of a subdivision. All necessary irrigation ditches, whether used for the purpose of transporting irrigation or waste flow water that must be maintained within a subdivision shall be replaced with a pipe culvert which meets the specifications of the Public Works Standards. The developer of a subdivision must provide for maintaining the existing rights of all irrigation users, both upstream and downstream of the proposed development.

11-25-14: PRESERVATION OF NATURAL FEATURES AND AMENITIES

- A. Water Rights. All water or water rights used upon, appurtenant to or running with any land located within a proposed subdivision shall be offered to the city for purchase at the market value existing at the time the preliminary plan is submitted for approval.
- B. Sensitive Lands Ordinance requires the identification of existing water features, steep slopes, rock outcroppings, etc. of the site. Subdivision design should avoid the sensitive lands features, clustering is encouraged.

11-25-15: NONRESIDENTIAL SUBDIVISION

- A. General:
- B. A nonresidential subdivision shall be subject to all the requirements of site plan approval set forth in CCNO 11-2-9. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously.
- C. Standards. In addition to the standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission that the street, parcel and block pattern proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity. The following standards shall be observed:
 1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;

2. Street right of way and pavement shall meet Public Works Standards for the type and volume of traffic anticipated to be generated thereupon;
3. Streetscape improvements as described in the Public Works Standards shall be included when such developments abut Washington Blvd. or 2700 N
4. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a fence or other barrier, and/or a permanently landscaped buffer strip;
5. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

11-25-16: STREETLIGHTS

- A. The developer shall, at its own cost and expense, erect and install all streetlights, poles, cables, wires, pedestals and other street lighting facilities and equipment as required and prescribed by the city Public Works Standards. All streetlights shall be downward directed and shielded.

11-25-17: TRAILS

A. General Requirements.

1. Development within any new subdivision of a segment of a trail system designated in the city's general plan or trails master plan shall be a required feature of new subdivision infrastructure.
2. Connection to City Trail System. Where a proposed subdivision includes or adjoins an existing or planned public trail system as described in the city's general plan or trails master plan, no subdivision shall be approved unless the area to be laid out, dedicated, and platted shall include public trail infrastructure as provided in the city's general plan or trails master plan and constructed to Public Works Standards.
3. Standards. Trails shall be developed according to Public Works standards. Where trails cannot occupy a separate corridor, a 6' to 8' sidewalk may provide the trail connection, if approved by the Parks Department and the City Engineer following consultation with the Parks and Recreation Department.
4. Dedication. Public trail improvements shall be dedicated to the city and, after final acceptance, the city shall become responsible for future trail maintenance. Trail construction as identified in each phase shall be completed with the roads installed in each phase of a subdivision.
5. Trail Exaction. To determine whether the trail exaction required of a subdivision owner is roughly proportional to the impact on the trail system generated by the subdivision, the city will consider if the developer is asked to dedicate more than the minimum width of right of way necessary for safe trail development and the length of the trail segment to be dedicated is excessive when compared to what is required to serve the subdivision alone. Whenever it appears likely to the city and/or developer that the required dedication of trail right of way by a subdivision owner may result in a disproportionate burden, the city will consider trading additional development bonuses in exchange for the excess portion of the exaction such as reduced minimum lot size, reduced setback requirements, reduction or waiver of development fees, etc. The end result of the negotiation between the city and the subdivision owner for the excess

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exaction shall be set forth in a development agreement to be signed by the subdivision owner and approved by the City Council. Trails completed by the developer shall count toward the required open space for the development.

11-26: IMPACT FEES FOR SUBDIVISIONS

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11-26-1: PURPOSE AND INTENT

A. The City Council finds and determines:

1. There is a need for public facilities for new development which have not been constructed and which are required to be consistent with the city general plan and to protect the public's health, safety and welfare.
2. The rapid and continuing growth of the city necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing public facilities occasioned by the demands and needs of the development project at service levels necessary to promote and preserve the public health, safety and welfare.
3. The City Council hereby adopts the following documents, and their subsequent updates, as the capital facilities plan required by Utah Code § 11-36-201(2): "Development Impact Fee Calculation Report For North Ogden City" (1997) by Management Services Institute; the "Sanitary Sewer Master Plan And Impact Fee Study" (1997) by Jones and Associates; and "Development Impact Fee Calculation Report" (1999) by Revenue and Costs Specialists, LLC. Adoption of a report includes adoption of all related supporting data which establish the costs of providing public facilities occasioned by development projects within the city.
4. The impact fees established by this chapter are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the city.
5. The impact fees established by this chapter do not exceed the reasonable cost of providing public facilities occasioned by development projects within the city.

11-26-2: SERVICE AREAS ESTABLISHED

1. The following service areas are established within the city:
Section 1. Water pressure zones 7 through 11, which are between five thousand eighteen feet (5,018') and five thousand seven hundred feet (5,700') of elevation as shown on the city culinary water master plan;
2. Section 2. Water pressure zones 1 through 6, which are between four thousand three hundred fifty feet (4,350') and five thousand seventeen feet (5,017') of elevation as shown on the city culinary water master plan.

11-26-3: IMPACT FEES LEVIED

- A. The impact fees imposed in the city are contained in resolution 11-97 and may be changed by the City Council by resolution from time to time.

11-27-4: TIME OF COLLECTION

- A. Unless otherwise provided by the City Council, impact fees shall be payable by the developer prior to the issuance of a city building permit.

11-26-5: USE OF FEES

- A. The fees shall be used solely to:
 - 1. Pay for the land and described public facilities to be constructed by the city;
 - 2. For reimbursing the city for the development's share of those capital improvements already constructed by the city; or
 - 3. To reimburse developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impact of the developers' projects.

11-26-6: ADJUSTMENTS

- A. The city may, upon a proper showing, adjust the standard impact fee at the time the fee is charged to:
 - 1. Respond to unusual circumstances in specific cases; and
 - 2. Ensure that the impact fees are imposed fairly; and
 - 3. Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the city after review of the same; and
 - 4. Allow credits as approved by the city for dedication of land for improvement to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the capital facilities plan and are required by the city as a condition of approving the development activity. No credit shall be given for project improvements as defined by Utah Code § 11-36-102.

11-26-7: ACCOUNTING, EXPENDITURE AND REFUND

- A. The city shall account for, expend and refund impact fees in accordance with the provisions of Utah Code § 11-36-101 et seq.

11-26-8: CHALLENGES AND APPEALS

- A. Property Owners and Residents. Any person or entity residing in or owning property within a service area, and any organization, association or corporation representing the interests of persons or entities owning property within a service area, may file a declaratory judgment action challenging the validity of the fee.
- B. Request for Information. Any person or entity required to pay an impact fee imposed by the city who believes the fee does not meet the requirements of law may file a written request for information with the city as provided by law.
- C. Written Analysis. Within two (2) weeks of the receipt of the request for information, the city shall provide the person or entity with the written analysis required by the act and with any other relevant information relating to the impact fee.
- D. Appeal Procedure. Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:
 - 1. File a written appeal with the City Council by delivering a copy of such appeal to the city administrator setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of the appeal, the City Council shall thereafter schedule a public hearing on the appeal at which time

all interested persons will be given an opportunity to be heard. The City Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed. Any person or entity who has failed to comply with the administrative appeal remedies established by this section may not file or join an action challenging the validity of any impact fee.

2. Within ninety (90) days of a decision upholding an impact fee by the city or within one hundred twenty (120) days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal that is adversely affected by the City Council's decision may petition the second judicial district court in and for Weber County for review of the decision.
3. In the event of a petition to the second judicial district court, the city shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
4. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for the purposes of subsection D3 of this section.
5. If there is a record:
 - a. The district court's review is limited to the record provided by the city; and
 - b. The district court may not accept or consider any evidence outside the city's record unless that evidence was offered to the city and the court determines that it was improperly excluded by the city.
6. If there is an inadequate record, the district court may call witnesses and take evidence.
7. The district court shall affirm the decision of the city if the decision is supported by substantial evidence in the record.
8. The judge may award reasonable attorney fees and costs to the prevailing party in any action brought under this section.

11-27: CONDOMINIUM APPROVAL

11-28-1: PURPOSE AND INTENT

- A. The procedures and requirements of this chapter shall apply to and govern the processing of condominium record of survey maps pursuant to the requirements of the condominium ownership act of 1975, Utah Code 57-8, as amended. Said procedures and requirements shall supplement zoning, site development, health, building and other ordinances applicable to a particular condominium project, and shall apply to the approval of such projects involving new construction as well as those involving the conversion of existing structures. In addition, condominium projects, which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are not contained in existing or proposed buildings, shall also be considered subdivisions requiring compliance with the applicable provisions of this chapter.
- B. In the case of conversions of existing commercial or residential buildings to condominiums, corrections of building code violations, the upgrading of vehicle parking facilities, and safety of common functional elements of the structures are of prime importance. It is also recognized that the conversion of existing apartments or similar multi-family rental dwelling structures presents the potential of relocation hardship to existing tenants, especially senior citizens, and

warrants that reasonable notice and disclosure requirements be established by the city to minimize said hardships, which are also addressed Title 57, chapter 8 of the Utah Code.

11-27-2: SUBMISSION OF APPLICATION

- C. Application requirements, processing and approval regulations contained within this chapter shall apply to all condominiums.
 - 1. The land use authority shall not refuse approval of a final plat of a condominium that is in compliance with the provisions of this chapter and the zoning ordinance, as long as the location of buildings shown on the plat and the manner in which airspace is to be divided in conveying the condominium are not in violation of this chapter and the zoning ordinance. This subsection does not limit the power of the land use authority to regulate the location of buildings in such a project by or pursuant to the zoning ordinance.
 - 2. In order for the condominium application to be considered complete, the applicant shall provide to the city any plans, specifications and/or analyses needed to show that the proposed condominium subdivision is in compliance with this chapter and the zoning ordinance, including, but not limited to, grading plans, floor plans, elevations, landscape plans, and hillside disturbance plans and analyses.
 - 3. Upon final condominium approval and recordation, the owner of the condominium may build that condominium, including individual condominium units, using the exact dimensions and locations as shown on the final condominium plat map, regardless of any legal nonconforming attribute that the condominium may have at the time of building permit application. However, if the owner proposes any changes to the dimensions or locations as shown on the final condominium plat map, including, but not limited to, the locations and dimensions of individual condominium units, the owner shall be required to re-plate the condominium, and the re-plate shall be required to be in conformance with the subdivision and zoning regulations in effect at the time of re-plate application.
- A. Documents and Information Required. The owner or developer of a proposed condominium project desiring approval shall file a preliminary plat application and follow the process and requirements specified, and beginning with 12-3. In addition, the Utah State Code requires substantial legal and procedural requirements as specified in Utah State Code Title 57, Chapter 8. the following with the planning staff:
- B. If the proposed development includes the conversion of one or more existing buildings to condominium ownership, the developer shall also submit two (2) copies of a property report prepared by a licensed architect or engineer. This property report shall contain:
 - a. The age of the buildings;
 - b. A description of the general condition of the buildings and the expected useful life of the buildings;
 - c. A description of the condition of the structural and mechanical elements of the buildings and an estimate of their useful life, including the roof, foundation, mechanical system, electrical system, plumbing system, boiler (if any) and other structural or mechanical systems;
 - d. A description of all known conditions constituting deficiencies requiring repair to meet existing building codes;

- e. A description of how each unit will have its own utility connections and a drawing of the utility lines for each unit;
 - f. All known conditions which may require repair or replacement within the next succeeding five (5) year period;
 - g. A plan for proposed improvements, renovations and repairs to the existing buildings; and
 - h. A certification from the building inspector that all violations of the applicable building codes have been repaired and that the buildings comply with all building codes at the time the application is made.
- 2. Proof of notice to tenants as required by CCNO 12-8-5 have been sent to tenants; provided, that the developer may send those notices after the Planning Commission has made a recommendation for approval of the plans to the City Council; and
 - 3. A condominium application filing fee, which shall be equal to the filing fee the developer pays for the subdivision application.
- C. Filing Fee. The subdivider shall, at the time of filing the preliminary plat, pay to the department the preliminary plat application fee established by the City Council.

11-27-3: PRELIMINARY PLAT REVIEW BY PLANNING COMMISSION

- A. Refer to CCNO 11-2-12 for application process.

11-27-4: NOTICE TO TENANTS IN CONVERSION PROJECT

- A. Notice. As part of the application for approval of a condominium project when the project involves the conversion of an existing structure where the structure has been occupied by residential or commercial tenants prior to application for conversion, the owner-developer shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to a structure that was vacant and remained so during the year prior to filing of the developer's application for conversion; nor shall it preclude the approval of a project where every tenant has executed a waiver relinquishing his or her right of notice under this provision. The notice shall be sent at least twenty one (21) days prior to the Planning Commission meeting when the conversion will be considered.
- B. Contents. Such notice shall include:
 - 1. The proposal for the conversion of the building to a condominium project;
 - 2. The established dates of commencement of the construction period and termination of rental occupancy which shall be no less than the later of:
 - a. Sixty (60) days from the date notice is served upon occupants; or
 - b. The expiration of individual leases;
 - 3. The disclosure of the sales price for each unit shall be no greater than the price initially advertised and offered to the general public at such time as when the condominiums are offered for public sale;
 - 4. Relocation information for the tenants, specifying available alternative housing relocation resource agencies and organizations, and a plan of any services to be voluntarily provided by the owner/developer;
- C. Dissemination of Notice. A copy of the notice, together with a list prepared by the owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and other known special handicaps or factors affecting relocation needs of the tenants shall be

submitted to the county social services department to advise the agency of the conversion and/or solicit their assistance with relocation services. No final approval of such a conversion project shall be granted by the Planning Commission until the owner/developer has provided proof of notice by certified mail or subsequent proof of actual delivery, by methods of service allowed under Utah Code § 78-36-6, of such notices and relocation information as required above, and any plans for relocation services to be voluntarily provided by the owner/developer, and the time designated therein for termination of rental occupancy (a minimum of 60 days) will expire.

11-27-5: FINAL APPROVAL BY CITY COUNCIL

Refer to CCNO 11-2-13 for application process.

11-28: BOUNDARY LINE ADJUSTMENT

11-28-1: PURPOSE AND INTENT

- A. Boundary line adjustments are intended to provide a streamlined and simplified method of complying with State law by allowing property owners to adjust parcel lines within the limits of this chapter.

11-28-2: APPLICATION AND APPROVAL AUTHORITY

- A. Any adjoining property owners may submit an application, proposed map, and proposed legal descriptions for a boundary line adjustment. The Planning Director is designated as the land use authority and may either approve, conditionally approve, or deny boundary line adjustments.

11-28-3: APPROVAL CRITERIA

- A. The following approval criteria must be complied with in order to approve a boundary line adjustment.
 - 1. The change in boundary lines does not result in the creation of a new lot or parcel;
 - 2. The proposed change to a lot or parcel does not result in the creation of a parcel of size or shape that does not conform to all City zoning regulations and site development standards. If the proposed change is to a legally existing nonconforming parcel, the change may not increase the nonconformity;
 - 3. The proposed change to a lot or parcel does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site development requirement;
 - 4. The petition to change the boundaries must include signatures from representatives of each parcel affected by the boundary line adjustment; and
 - 5. Each parcel of land was held in separate ownership prior to December 31, 2000.
- B. In the case of an adjustment of a boundary line adjusting property lines that affect lots in a subdivision previously approved by the City, the applicant shall submit a plat, and in the case of an adjustment of a property line between two parcels, the applicant shall submit a record of survey.
- C. The boundary line adjustment may not adjust the boundary line between a parcel and an existing public street or right-of-way, or propose a new public street or right-of-way.

11-28-6: SPECIAL SERVICE DISTRICT ANNEXATION

- A. If parcel boundaries proposed to be adjusted or combined are crossed by a special service district. The entire parcels must either be de-annexed or annexed into or from the special service district.

11-28-7: EXPIRATION

- A. Any boundary line adjustment that has not been recorded within six months of the date of approval shall be deemed to have expired.