

# 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in the city in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein.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.
- 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 <sup>1</sup>	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 <sup>2</sup>
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

<sup>1</sup> No action required unless the lots created are not in compliance with this Title

<sup>2</sup> 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, and 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 (½) 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 (2½') 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.

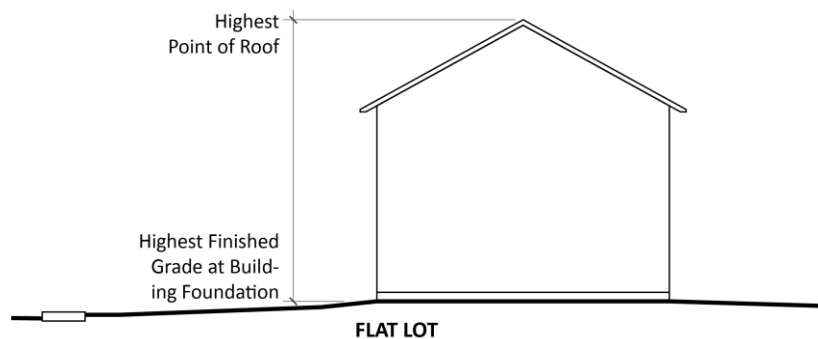
**BUILDING, DETACHED:** A building which is separated from another building or buildings on the same lot.

**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

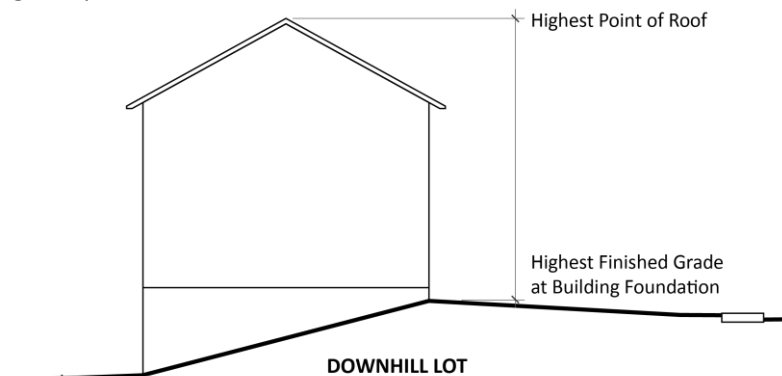
of the structure.

**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.

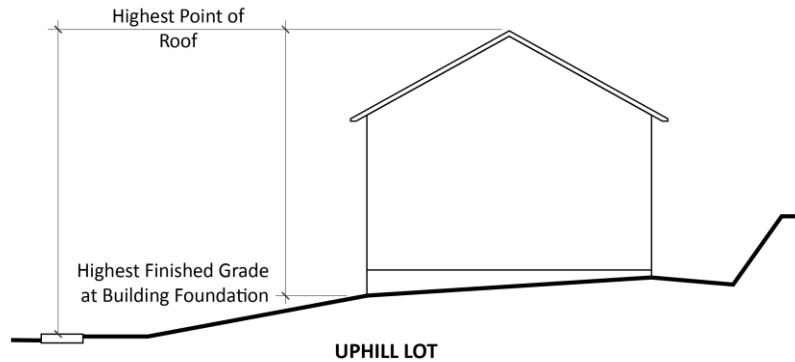
The height of a building on a flat lot is measured from the highest finished grade at the building foundation to the highest point of the roof. The definition of a "flat lot" is no more than three feet (3') of difference from the lowest point of the top back of curb to the highest point of the top back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

**NONCONFORMING 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.

O

**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 MODERATE 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.