

Section 3

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

11-13-1: PURPOSE AND INTENT

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

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

- A. There are two types of development options in this chapter; Planned Unit Developments and Attached Dwelling Units. The development types are segregated by the size of the development parcel.
- B. Planned Unit Developments (PUD). The minimum size for a Planned Unit Development is five acres and larger.

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

11-13-3: USE REGULATIONS

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

11-13-4: AREA REQUIREMENTS

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

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

	<p>2,000 square feet for attached units where a lot is defined.</p> <p>Attached condominium type dwellings shall meet the 2,000 square foot minimums for the overall site but shall have a minimum footprint of 800 square feet.</p>
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11-13-5: DENSITY DETERMINATION

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

11-13-6: DEVELOPMENT REQUIREMENTS

- A. All proposed PUD and Attached Dwelling Unit developments shall comply with all minimum development requirements as provided in this section.
- B. Design Theme. Each PUD and Attached Dwelling Unit project shall establish a design theme through a project narrative that includes a project overview, existing land use, building elevations, relationship to adjoining properties, and overall concept design.

C. Building Setbacks.

8. The minimum setback for all buildings (excluding fences) and parking on the periphery of the development shall be equal to the front setback of the underlying zone at those locations where the development abuts a street and thirty foot (30') at those locations where development abuts other parcels of land.
9. Notwithstanding the above provision, if the development has subdivided single-family lots, which abut other parcels of land, the specific zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped. Front setbacks may be reduced by the Planning Commission if the project can demonstrate an upgraded design to include:
 - a. The building fronts face the street.
 - b. The building fronts have the main entrance features oriented toward the street, e.g., the front door, walkway to the sidewalk, porch (60 sq. ft. minimum), windows, shutters, etc.
 - c. The park strip and front yard shall have a landscape theme.
 - d. The project is pedestrian friendly. In addition to the normal sidewalk design a walking trail system is included that has public access through a public access easement. The trail system and sidewalks may include pedestrian lights.

- D. Distance Between Buildings. The minimum distance between main buildings in the development shall be fifteen feet (15') for single-story buildings, twenty feet (20') for two-story buildings, twenty five feet (25') for two and one-half (2¹/₂) story buildings. If the lower building is next to a taller building, then the larger separation distance will apply.



- E. Building Height. The height of the buildings shall be limited to the maximum height allowed in the respective zoning district of the project, however, heights may be varied by using an average height for a building or group of buildings, as long as that maximum height of the zone is not exceeded by more than ten feet. All utilities shall be placed underground, except power transmission lines capable of carrying forty six (46) kV or greater.
- F. Building Orientation. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PUD or Attached Dwelling Unit development. Units, which are on corners, may front either street. The Planning Commission may waive this provision due to unusual topographic features or unusual conditions; provided that such a waiver does not negatively impact the continuity of the existing streetscape.
- G. Building Materials. Acceptable building materials are brick, stone, hardie board composites, and or stucco or other material approved by the Planning Commission; Aluminum or vinyl siding are

only allowed on the soffit and fascia. The surrounding existing uses will be considered by the Planning Commission when approving other building materials to be used.

H. Open Space and Landscaping.

1. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, streams and concentrated native stands of large shrubs or trees.
2. Developed common activity area for single-family and attached dwelling units shall be provided as follows.
 - a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural planted landscaped area. Common activity areas shall be configured to provide appropriate, accessible and usable spaces. Spaces that are too small, too steep, too narrow, etc., or otherwise configured in a way that the space provides questionable utility for homeowners in the PUD, shall not be credited toward the developer's open space requirement.
 - b. Subdivided, single-family lots shall provide developed common activity area at a ratio of 15% of the overall site, if such single family lots are smaller than 10,000 square feet. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
4. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Planning Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of:
 - a. General construction techniques,
 - b. The impact removal will have to the character of the area,
 - c. The topography of the site, or
 - d. Harmful conditions the vegetation may create.
5. Since one of the purposes of an Attached Dwelling Unit and a PUD is to protect natural features, the Planning Commission may deny approval of an Attached Dwelling Unit if it is determined there has been removal of trees or shrubs prior to submittal or intensified landscaping shall be required. It is prohibited for such properties to remove existing vegetation, prior to final approval of the application.
6. The majority of new plant material used for landscaping is to be drought tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering.
7. Drip irrigation systems are designed and installed to irrigate all shrub and tree areas as needed.
8. Areas which are to be screened are to be screened with an opaque wood, wood composite, vinyl or masonry fence. Landscaping should be designed to soften the appearance of the fence. Landscaping may be vines, shrubs or trees.

9. Street trees shall be placed along all interior roads at a maximum spacing distance of forty feet (40') between each tree, depending on tree type. Such trees shall be located in the park strip or if no park strip is proposed, three feet from the street side property line, consistent with any approved streetscape plan.
10. The development shall have an approved landscape plan that provides a unified landscaping design of trees, shrubs, and theme lighting. Natural features, ponds, streams, fountains, waterfalls, sculptures and other design elements which create interest and visual unity and displays creativity in providing usable open space for the residents of the development are encouraged.
11. Landscaping. All landscaping shall meet the standards set forth in CCNO 11-20.
12. Fencing. All proposed fencing shall meet the standards set forth in CCNO 11-9M-16.
- I. All dumpsters shall be stored in screened enclosures, including gates, which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not in the required setback areas, not visible from the public street and do not restrict vehicular parking or circulation.
- J. Stormwater. Stormwater detention facilities shall be designed to meet North Ogden City Public Works standards.
- K. Parking Regulations.
 1. Parking lot layout, number of required spaces, landscaping and screening shall conform to CCNO 11-19
 2. If a group recreational vehicle (RV) parking area is provided for the development, said parking area shall not be located within twenty feet (20') of the perimeter of the PUD or Attached Dwelling Unit development and shall be completely screened per CCNO 11-20-8.
 3. A minimum six foot (6') landscaped area, excluding sidewalk, is to be provided between the unit and any parking or access lanes.
- M. Street Design. PUDs and Attached Dwelling Units shall be designed to generally comply with the circulation recommendations of the transportation element of the general plan, the design needs of the surrounding area, and the project. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the City Engineer, shall determine if the street should be extended as a through street or as a cul-de-sac during the preliminary approval. Local streets which are internal to the development and do not provide access through the project may be designed as either public or private streets provided they meet the following criteria.
 1. Public Street Requirements.
 - a. Right of Way Width. Public streets shall meet the appropriate right of way widths as required by Public Works Standards.
 - b. Neighborhood Local Streets. Projects may develop neighborhood local streets with lesser widths in consultation with the City Engineer as part of a PUD, provided the street meets one of the following criteria.
 1. The road is a cul-de-sac which does not exceed 600 hundred feet in length or fifteen (15) dwelling units, whichever is less;
 2. The roadway is internal to the development, intersects at each end with a roadway which has a right of way of sixty feet (60') or larger, does not provide for access through the development, and is less than seven

hundred feet (700') in length or is intersected by a standard width right of way.

- c. Unusual Cross Sections. In cases where unusual topography or other exceptional conditions exist which would make the installation of required public street cross sections impractical to develop, variations from the standards may be considered. The Planning Commission shall consider the reasons for the request, the impact to the existing land, the development, and the ability of the city to deliver services with the unusual cross section before any variation from the standard is approved.
 - d. Public Sidewalk. Five foot (5") sidewalks are generally required to be installed in the public right of way may be varied in location, but at all times there shall be at least a four and one-half foot ($4\frac{1}{2}'$) wide landscape strip of land between the curb and sidewalk. The applicant may request that a public sidewalk be located independent of the public street right of way due to topography or other design considerations, provided the design has reasonable access from one end of the development to the other, allowing the public to pass through the neighborhood in a logical manner, and is within the common area of the development. A public easement for such a walkway shall be required. Because such sidewalk is established independent of the street right of way, the sidewalk shall be maintained by a homeowners' association.
 - e. All street frontages shall be designed consistent with approved streetscape design standards. If a streetscape plan has not been established then a streetscape design shall be presented for approval by the Planning Commission.
2. Private Street Requirements.
- a. Private streets must meet all public street standards.
 - b. All private roads shall be placed in a separate tract of land from the other common areas of the PUD or Attached Dwelling Unit.
 - c. All private roadway tracts shall be the same width as the public rights of way.
 - d. Private streets will be approved only in PUDs or Attached Dwelling Units which:
 - 1. Establish a homeowners' or property owners' association;
 - 2. Explicitly provide that the homeowners' association will assume responsibility for the maintenance of all private streets;
 - 3. Obtain approval from the Planning Commission of an assessment fee analysis demonstrating a reasonable financial plan to provide for future street maintenance or replacement and other common features within the development.
- N. Public Trails. Development of public trails as an alternative form of travel serves important community interests of improving air quality, increasing opportunity for recreation and improved health, reducing motor vehicle congestion and preserving scarce energy resources. Development within any new subdivision of a segment of a trail system designated in the city's general plan or trails master plan shall be a required feature of new subdivision infrastructure.
- 1. Trails shall be developed according to standards established by the city and shall be of sufficient width and design to safely accommodate two-way bicycle and pedestrian traffic into, out of and within the development.
 - 2. Voluntary dedication of area within a development, in excess of the minimum required to meet the alternative travel needs of the development itself, may be accepted by the city for use as part of a public trail system. Any additional area so dedicated shall be counted as part of the open space requirement of the PUD. Furthermore, the Planning

Commission, may allow a reduction in the overall open space requirement of the PUD in exchange for voluntary dedication of excess trail right of way or off-site trail extension/connections by a developer where it is in the best interest of the City.

3. The Planning Commission may also include excess area dedicated to public trail right of way as part of the calculation of any setback requirement, if the quality, and function in the trails plan, is a priority.
4. After final approval and completion/acceptance of public trail infrastructure by the city, the city shall become responsible for trail maintenance.

11-13-7: SUBMISSION AND REVIEW PROCESS

- A. See CCNO 11-2-11, 11-2-12, and 11-2-13 for subdivision application procedures.
- B. Preliminary Development Plan Review Process. The Planning Commission, subject to the requirements of this chapter, may approve, deny if the development does not meet City standards, or approve with conditions, the preliminary development plan for the proposed PUD or Attached Dwelling Unit. During the preliminary review process, notice shall be given to the public of the PUD or Attached Dwelling Unit proposal in accordance with City Notice requirements. In reviewing the site plan for the proposed PUD or Attached Dwelling Unit, the Planning Commission shall determine if the PUD or Attached Dwelling Unit meets the minimum requirements of this title.
- C. Site plan or Final Subdivision Plat Submission. The final plans, including all modifications from the preliminary site plan or subdivision approval, based on the conceptual sketch and preliminary plans, shall be processed by the planning staff and include information as identified on the PUD Attached Dwelling Units application form.

11-13-8: APPLICABILITY OF SUBDIVISION ORDINANCE

- A. A PUD or Attached Dwelling Units shall comply with the provisions of CCNO 11-22x, as identified on the PUD Attached Dwelling Units application form.
 1. The procedures for preliminary and final plan approval required under the subdivision ordinance shall be fulfilled upon approval of the preliminary development plan and final development plan in this chapter.
- B. A PUD or Attached Dwelling Unit for which all of the real property is intended to be maintained as one lot, held in single ownership, shall require the filing of a plat and site plan as a single lot subdivision as part of the final development plan approval process, in order to provide for the dedication of public property, and the elimination of existing lot lines.

11-13-9: AMENDMENTS

- A. The applicant/owner and any assigns or successors in interest, is required to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use, building arrangement, etc., will not be approved nor will building permits be issued by the city until such plan is amended by the Planning Commission. Minor changes to an approved site plan may be approved by the Planning Director or designees that are consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improved or equivalent quality of materials or design. Any proposed changes that exceed 5% of the project area or that are deemed materially significant by the Planning Director shall require an amendment to the site plan and approval by the Planning Commission.

11-13-10: TIME LIMITATIONS

- A. Final Development Plan. A final development plan shall be submitted for approval within twelve (12) months of the issuance of the preliminary approval for the PUD or Attached Dwelling Unit. Failure to submit a final development plan within the specified time period shall result in the automatic revocation of the application, and the preliminary plan shall be null and void. However, a one-time extension of twelve (12) months may be granted by the Planning Director for a showing of good cause, defined as financial, material or labor issues, if such request is made prior to the expiration of the final development plan.
- B. Recording Subdivision Plat. If the PUD or Attached Dwelling Unit is a multi-lot subdivision, a final subdivision plat shall be recorded prior to the time any construction permits are issued. A final plat must be recorded within twelve (12) months after approval of the final development plan. Failure to record the subdivision plat within the specified time period shall result in the final development plan becoming null and void.
- C. Site Plan Revocation. Any property for which a site plan has been revoked or a plan determined to be null and void for failure to comply with the above time limitations shall thereafter be subject to the zoning and subdivision ordinances otherwise applicable to said property.

11-13-11: CONSTRUCTION PARAMETERS

- A. Financial Sureties. Prior to the recording of a PUD or Attached Dwelling Unit subdivision plat and prior to the issuance of any building permit on property covered by a PUD or Attached Dwelling Units final development plan, an escrow account acceptable to the city, sufficient in amount to cover the cost of all infrastructure, as outlined in the subdivision ordinance.
- B. Infrastructure. All street improvements, sidewalks, curbs and gutters, water lines, sewer lines, trail connections, and all other such surface and underground improvements shall be completed prior to occupancy.
- C. Amenities and Landscaping. Notwithstanding the provision above, all amenities shall be completed prior to occupancy unless inclement weather prevents their completion, in which case one extension of six (6) months for amenities and landscaping may be granted by the Planning Director if the applicant can show good cause such as material shortages, labor shortages, and/or financing issues. If not completed at the end of the six (6) month period, the city will review the progress and may proceed to limit further certificates of occupancy.
- D. Property Ownership. Plans submitted for preliminary and final site plan review may be filed jointly by multiple owners provided all owners have signed the proposed plans. The applicant shall submit a title report demonstrating compliance with this section. The area proposed for a PUD or Attached Dwelling Unit be in single ownership or corporate ownership prior to recording of the final plat or in order to provide for full supervision and control of said development, and to ensure conformance with the provisions of this chapter.
- E. Phasing. If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by the Planning Commission. Such phasing plans shall have the written approval of all property owners. In addition, the approved phasing shall be submitted to the city recorder for recordation with the county recorder's office as a covenant to run with the land.

11-13-12: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY

- A. In case of the failure or neglect to comply with any and all of the provisions of this chapter, and the conditions and stipulations herein established, and as specifically made applicable to a PUD or Attached Dwelling Unit, the Building Official shall not authorize occupancy of any structure. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions of approval thereafter shall also be deemed to be a violation of this section and Title.

11-13-13: ISSUANCE OF BUILDING PERMITS

- A. The Building Official shall not issue a permit for any proposed building, structure, or use within the project unless such building, structure or use is in accordance with the approved plan and any conditions imposed in conjunction with its approval.

11-14: HOME OCCUPATIONS

11-14-1: PURPOSE AND INTENT

- A. The purpose and intent of this chapter is to permit persons residing in dwellings in residential zones to provide a service, operate certain kinds of small business, or maintain a professional or business office provided that the home occupation does not change the character of the home.

11-14-2: PERMITTED HOME OCCUPATIONS

- A. Home Occupations Permitted..
 1. Art and Photography Studio.
 2. Beauty and Hair Salon: Provided that no more than one hair stylist or beautician works at any given time.
 3. Computer Repairs.
 4. Dance and Musical Instruction.
 5. Dental Laboratory.
 6. Esthetician: Provided that no more than one esthetician works at any given time.
 7. Internet Sales phone order or mail order services.
 8. Financial consulting/accounting-
 9. Fine Repairs of Musical Instruments.
 10. Firearm Sales provided that the applicant can demonstrate they have a federal firearms license and have secure gun storage.
 11. Gun repair provided no gun manufacturing is part of this activity.
 12. Home Office.
 13. Massage Therapy Salons.
 14. Small scale manufacturing such as woodworking and metalworking that does not result in storage of hazardous, flammable, or combustible materials and meets the development standards of CCNO 11-14-3 below.
 15. Upholstering provided that no vehicles being reupholstered are left overnight at the home occupation.
- B. Any home occupation which is determined by the Planning Director to be similar in impacts and use, and therefore fall under one of the permitted uses shall be authorized under that use. Any

uses determined by the Planning Director, not to fall under one of the permitted uses, is prohibited and may only be authorized by an amendment to this Title.

11-14-3: DEVELOPMENT STANDARDS OF ALL HOME OCCUPATIONS

- A. It shall be unlawful to conduct or pursue a home occupation within the corporate limits of the city, unless each of the following conditions are observed.
 1. Residents of Premises. Only persons who are bona fide residents of the premises shall be engaged in the occupation.
 2. Residential Character Retained. The home occupation shall not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.
 3. Maximum Area of Use. If a home occupation is conducted within the living quarters of a dwelling unit, the home occupation shall not occupy more than the equivalent of twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet. If a home occupation is conducted within the garage of a dwelling unit, the home occupation shall not occupy more than thirty-three percent (33%) of the garage area.
 4. Conducted Within Living Quarters; Exception. Home occupations may be permitted in the garage as long as the provisions of chapter 16 of this title are complied with. Any home occupation approved for a garage shall have minimal environmental impact on the character of the neighborhood as described in CCNO 11-16-5 related to public nuisances, and other relevant provisions of the municipal code. Existing prohibited home occupations with garages will be given a 6 month amortization time period to continue to operate from February 28, 2015.
 5. Display or Sales of Goods. Retail sales on the premises are not permitted except as allowed in subsection N of this section. Catalog sales, internet sales, and similar types of sales are permitted if the product is drop shipped from the order warehouse to the buyer's home.
 6. Signs and Advertising. No sign or advertising shall be displayed on the premises. This requirement shall not apply to temporary advertising of produce in season nor to income producing activities engaged in by minors only.
 7. Traffic. The home occupation shall not generate more than ten (10) vehicular trips to the home a day.
 8. Parking. The addition of off street parking facilities on the premises of the home occupation beyond that normally required for residential uses is prohibited.
 1. Parking of automobiles generated by the home occupation will be confined to existing residential parking.
 2. There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off-premise business for which the dwelling is being used as a home occupation office, except that not more than one truck of one-ton capacity or less may be parked on premise during off work hours at night.
 3. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business.
 4. All trucks and trailers used as part of the home occupation business shall be licensed and registered, and parked in accordance with CCNO 11-19-3 (Design and Location of Parking Spaces).

5. Home occupations within garages shall maintain the required two car parking spaces in accordance with CCNO 11-19-3 (Design and Location of Parking Spaces).
9. Conformance with Laws. There shall be complete conformity with fire, building, plumbing, electrical and health codes; and to all state and city ordinances and other laws, covenants, restrictions or regulations pertaining to the premises upon which the home occupation is conducted.
10. Emissions. The home occupation shall not be associated with noise, dust, odors, noxious fumes, glare, or other hazards to safety and health which are emitted and may be discernible beyond the premises.
11. Dangerous Materials or Harmful Animals. The home occupation shall not create a hazard by using flammable, explosive or other dangerous materials, or by keeping or raising animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person or property.
12. Excessive Demand for Services. The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
13. Use Outside Main Building: The home occupation activity shall not use any accessory buildings, yard or space outside of the main dwelling.
14. Product Sales. Sales of specialty products such as kitchenware, candles, cosmetics, merchandise made by the seller, or similarly branded item intended primarily for home sales are permitted if sales are made at the buyer's home, or ordered by catalog, or internet, or at sales parties. As with all businesses, sales exceeding five hundred dollars (\$500.00) annually requires a business license. (Ord. 2011-09, 5-10-2011)

11-14-4: LICENSING AND REGULATION

- A. Nothing in this chapter shall prohibit the city from licensing, taxing or regulating a home occupation.
- B. Any residential property occupants with commercial vehicles or earth moving equipment greater than 15,000 GVWR being parked or stored on residential property for more than seventy two (72) continuous hours are required to get a home occupation license irrespective of the principal place of business or ownership of the vehicle, and comply with all parking standards including those specifically related to Home Occupations found in CCNO 11-16-3(H) Parking. Equipment may be parked outside of a structure if there is a current building permit issued for that property and is being used as part of the work being performed.

11-14-5: PUBLIC NUISANCE

- A. Any income producing activity conducted in a residential zone not meeting the conditions of this chapter shall be unlawful. Upon discovering any violation of the requirements, conditions or limitations of this chapter, the Code Enforcement Officer shall notify the owner or occupant of the premises in writing of the violations and demand abatement of said violation. If after seven (7) days of receipt of written notice thereof, the violation persists, the violation shall be considered a public nuisance and shall be abated pursuant to the procedures described in the ordinances relating to the abatement of nuisances on the property.

11-15: MANUFACTURED HOUSING

11-15-1: PURPOSE AND INTENT

- A. The purpose and intent of this chapter is to allow for an alternative form of housing by permitting manufactured housing in areas of the city in which single-family residences are a permitted use and to provide additional regulations.

11-15-2: MOBILE HOMES

- A. "Mobile homes", as defined in CCNO 11-2-1, are prohibited in the city outside of mobile home parks (see 11-7) or approved mobile home subdivisions. The term "mobile home" does not include recreational vehicles.

11-15-3: MODULAR HOMES

- A. Modular homes are a permitted use in all zones and areas of the city in which single-family residences are a permitted use; provided, that the modular home shall comply with all local zoning and subdivision regulations, which would apply to a single-family residence in the area. This includes locating the Modular home on a permanent concrete or masonry foundation.

11-15-4: RECREATIONAL VEHICLES

- A. Where Permitted. Recreational vehicles are permitted only as temporary residences in recreational vehicle parks, campgrounds or recreational vehicle subdivisions.
- B. Storage. Recreational vehicles may be stored in residential areas only as provided in this title.

11-16: TELEVISION SATELLITE OR DISH ANTENNAS

11-16-1: PURPOSE AND INTENT

- A. The purpose of this section is to establish minimum setback requirements, height standards, size regulations and to otherwise control and restrict the size, use and placement of television satellite antennas so as to be compatible with the zones in which they are located.

11-16-2: BUILDING PERMIT

- A. Building permits are required for large (2' and larger) satellite antennas or dish antennas and shall comply with the regulations set forth in this chapter.

11-16-3: PERMITTING AND LOCATION

- A. Antennas/dishes located on a building and smaller than a two foot (2') diameter are exempt from building permits.
- B. Size: Any satellite antenna/ dishes not located on a building or larger than a two foot (2') diameter, requires a site plan and building permit. Such antennas shall not be located in any required front yard or corner side yard facing a street. Such antennas shall be located as follows:
- C. Setbacks. All satellite antennas/dishes, not located on a building, shall have minimum setbacks of at least five feet (5'), from rear and side yard property lines. The setbacks shall be measured from the property lines to the nearest point of the antenna/dish. The distance for rotating dish

antennas shall be measured from the nearest point of the antenna in its closest rotational configuration.

- D. Commercial, Manufacturing Zones. In any commercial or manufacturing zone, antenna/dishes, not located on a building, may be located on the roof or in the rear or side yard; Large roof mounted antennas shall be setback from the edge of a roof by at least ten feet.
- E. Residential Zones. In any residential zone, large satellite antennas shall only be located in the rear yard of any lot.

11-16-4: NUMBER PERMITTED

- A. Not more than one large satellite antenna or dish is allowed per residential lot.

11-16-5: ANTENNA SIZE

- A. No satellite antenna or dish shall exceed five feet (5') in diameter in a residential zone.

11-16-6: ANTENNA HEIGHT

- A. No antenna shall exceed the height limitation in its respective zone.

11-16-7: CONSTRUCTION STANDARDS

- A. Anchoring. The receiving dish shall be securely mounted and anchored to the ground in accordance with the requirements of the manufacturer and the international building code.
- B. Grounding. Every antenna must be adequately grounded for protection against a direct strike of lightning.
- C. Underground Wiring. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.
- D. Glare Minimized. The surface of the dish shall be painted or treated so as not to reflect glare from the sunlight.

11-17: WIRELESS TELECOMMUNICATION

11-17-1: PURPOSE AND INTENT

- A. The purpose of this chapter is to establish general guidelines for the siting of wireless communications facilities in consideration of the public health, safety and general welfare and without substantial adverse impacts to the visual integrity of the City, its neighborhoods, and its important view corridors. To achieve this objective, these regulations require the use of stealth design through Camouflage and Concealment Design Techniques, with limited exceptions, and encourage the use of Attached Communications Facilities. In furtherance of these goals, the city shall give due consideration to the general plan, this title, existing land uses and environmentally sensitive areas in approving sites for the location of wireless communication facilities.

11-17-2: APPLICABILITY

- A. New Towers and Antennas. All new towers or antennas in the city shall be subject to these regulations.
- B. Exceptions.

1. Amateur Radio Station Operators/Receive Only Antennas. This chapter shall not govern any tower, or the installation of any antenna, that is located on the lot so the reclining length is entirely on the operator's property and which is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only operations.
2. Preexisting Towers or Antennas. Legally established preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of CCNO 11-17-4F and G.
3. AM Array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

11-17-3: GENERAL REQUIREMENTS

A. Classifications.

1. Attached Wireless Communications Facility. A Wireless Communications Facility is an Attached Wireless Communications Facility if it is affixed to an existing permanent structure (including buildings, water tanks, and communications towers, but excluding an existing freestanding Wireless Communication Facility as defined below) provided such structure conforms to all applicable regulations, including building and zoning regulations.
2. Freestanding Wireless Communications Facility. A Wireless Communications Facility that is not an attached communications facility is defined as either a Stealth Freestanding Wireless Communications Facility or a Non-stealth Freestanding Wireless Communications Facility, as follows.
 - a. A Stealth Freestanding Wireless Communications Facility is a freestanding facility that meets the requirements for Camouflage and Concealment Design Techniques.
 - b. A Non-stealth Freestanding Wireless Communications Facility is a freestanding facility that does not meet the definition of a Stealth Freestanding Wireless Communications Facility.
3. All wireless communication facilities shall be processed as a site plan review per CCNO 11-2-9.

B. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

1. Attached Wireless Communications Facilities. Attached Wireless Communications Facilities are permitted in all zoning districts provided they are permanently attached to agricultural, commercial, industrial, institutional, or multifamily buildings and utilize Camouflage and Concealment Design Techniques.
2. Stealth Freestanding Wireless Communications Facilities.

- a. Stealth Freestanding Wireless Communications Facilities are permitted in the all districts if the property contains a principal use and such principal use of the property is either a multifamily or institutional/civic use. In such areas, stealth towers shall be incorporated into lighting structures
 - b. Commercial and Manufacturing Districts. Stealth Freestanding Wireless Communications Facilities are permitted in these districts and are required to be incorporated into light poles as part of a lighting plan, such as for a parking lot or a recreational facility, or to resemble a tree.
 - 3. Non-Stealth Freestanding Wireless Communications Facilities. Non-stealth Freestanding Wireless Communications facilities are not permitted
- C. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- D. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Director an inventory of existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, co-location potential and design of each tower. Each applicant shall also provide a one year build-out plan of its facilities for all other wireless communications facilities within the city. The Planning Director may share such information with other applicants applying for administrative approval under this chapter or with other organizations seeking to locate antennas within the jurisdiction of the city; provided, however, that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- E. Aesthetics. Towers and antennas shall meet the following requirements:
 - 1. All Wireless Communications Facilities shall be located and designed to be compatible and blend in with surrounding buildings and existing or planned uses in the area through the use of camouflage and concealment design techniques (stealth) to the maximum extent possible.
 - 2. Towers, two hundred feet (200') or greater in height, shall be subject to any applicable standards of the FAA. Such regulations include, but not limited to, those specified in FAA advisory circulars AC 70/7460-1-H "Obstruction Marketing & Lighting" and AC 150/5345-43-D "Specifications for Obstruction Lighting Equipment". Towers, less than two hundred feet (200') in height, shall be painted a neutral color so as to reduce visual obtrusiveness.
 - 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - 4. Attached Wireless Communications Facilities (roof mounted), including the antenna, support structures and screening, shall not project more than ten (10) feet above the roof line of a building.

5. Attached Wireless Communications Facilities (façade mounted), including the antenna, support structures and screening, shall not extend above the parapet wall, or, in the case of a pitched roof, above the roof ridge.
- F. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives shall be evaluated and a design chosen that uses the least amount of light required for safety purposes.
- G. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- H. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. This may include tower upgrades, if new codes suggest the tower may be unsafe. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless a longer time is reasonably necessary. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- I. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.
- J. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- K. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the Planning Director.
- L. Signs. No signs shall be allowed on an antenna or tower.
- M. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of CCNO 11-17-8.
- N. Colocation and Multiple Antenna/Tower Plan. Applications for approval of multiple sites or for colocation with an existing provider are given priority in the review process.
- O. Security Fencing. Towers shall be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height, which shall be constructed of cement block or masonry, and shall be equipped with an appropriate anticlimbing device.
- P. Landscaping. The following requirements shall govern the landscaping surrounding towers:

1. All ground-based equipment must be screened by a solid fence or screen wall six (6) feet in height. This requirement may be waived by the Director in areas where the City determines buildings or other structures provide a comparable or better screening effect.
 2. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residential property. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.
 3. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 4. Existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible.
- Q. Noise. No permit shall be issued for any facility which generates a noise level greater than fifty (50) decibels as measured at the edge of the property upon which such facility is sited.
- R. Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following.
1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

11-17-5: MINIMUM SETBACKS AND SEPARATION BETWEEN TOWERS

- A. Setbacks. The following setback requirements shall apply to all towers.
 - 1. Antennas shall be setback from any property line a minimum distance equal to the height of the tower.
 - 2. Accessory buildings must satisfy the minimum zoning district setback requirements.
- B. Separation. The following separation requirements shall apply to all towers and antennas.
 - 1. Separation Distances Between Towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in table 2. Separation distances between towers does not apply if they are located on City owner property and use stealth technology.

Table 2			
Separation Distances Between Towers			
Towers 65 feet in height or greater	2,000 feet	1,500 feet	1,000 feet
Towers less than 65 feet in height, but greater than 40 feet in height	1,500 feet	1,500 feet	1,000 feet
Towers less than 40 feet in height	1,000 feet	1,000 feet	750 feet

11-17-7: BUILDINGS OR OTHER EQUIPMENT STORAGE

- A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas mounted on structures or rooftops shall comply with the following.
 - 1. The cabinet or structure shall not contain more than one hundred twenty (120) square feet of gross floor area or be more than eight feet (8') in height and shall be located on the ground.
 - 2. Equipment storage buildings or cabinets shall comply with all applicable building codes and be setback from the building edge by a minimum distance of 10'.
- B. Antennas Mounted on Utility Poles, Light Poles or Towers. The equipment cabinet or structure used in association with antennas mounted on utility poles, light poles or towers shall be located in accordance with the following.
 - 1. In residential districts, the equipment cabinet or structure may be located:
 - a. In a required front yard or required street side yard, provided the cabinet structure is no greater than three and one-half feet (3½') in height or twenty (20) square feet of gross floor area and the cabinet/structure is located a minimum of three feet (3') from all lot lines. The cabinet/structure shall be

screened by sight obscuring landscaping which obscures at least ninety five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height not to exceed forty two inches (42").

- b. In a required rear yard, provided the cabinet or structure is no greater than five feet (5') in height or one hundred twenty (120) square feet in gross floor area. The cabinet/structure shall be screened by sight obscuring landscaping which obscures at least ninety five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height of six feet (6').
 - c. The entry or access side of a cabinet or structure shall be gated by a solid, sight obscuring gate that is separate from the cabinet or structure.
2. In commercial or industrial districts, the equipment cabinet or structure shall be no greater than fourteen feet (14') in height or three hundred (300) square feet in gross floor area. The structure or cabinet shall be screened by sight obscuring landscaping with an ultimate height of sixteen feet (16') and a planted height of at least six feet (6'). The entry or access side of a cabinet or structure shall be gated by a solid, sight obscuring gate that is separate from the cabinet or structure. Such accessway shall not face residentially zoned property.

11-17-8 COLLOCATION

- A. Good Faith. Applicants and permittees shall cooperate and exercise good faith in collocating wireless telecommunications facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of collocation and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.
- B. Exceptions. No collocation is required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing wireless telecommunications facilities or failure of the existing wireless telecommunications facilities to meet federal standards for emissions.
- C. Failure to Comply. Failure to comply with collocation requirements when feasible may result in denial of a permit request or revocation of an existing permit.

11-17-9: REMOVAL OF ABANDONED ANTENNAS AND TOWERS

- A. Any antenna or tower that is not operated for a continuous period of one (1) year shall be considered abandoned, and the owner of such antenna or tower shall remove the same within six (6) months of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said six (6) month period shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

11-17-10: NONCONFORMING USES

- A. Expansion of Existing Towers. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

11-18: SEXUALLY ORIENTED BUSINESSES

11-18-1: PURPOSE AND INTENT

- A. The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their location in areas deleterious to the city, regulate the signage of such businesses, control the adverse effect of such signage, and prevent inappropriate exposure of the activities of such businesses to the community. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the United States and Utah constitutions.

11-18-2: LOCATION RESTRICTIONS

- A. Sexually oriented businesses shall only be in the manufacturing zone.
- B. Such businesses shall operate only between the hours of 8 AM and 10 PM.
- C. No such business shall be located closer than 500' to another sexually oriented business. For the purposes of this Section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the Sexually-Oriented Business is located and:
 - 1. The closest exterior wall of another Sexually-Oriented Business;
 - 2. The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
 - 3. The nearest property line of any residential zone.
- D. Signs for sexually oriented businesses shall be limited as follows:
- E. Only one exterior wall sign on each site shall be allowed. The sign shall be located on the wall of the business building.
- F. Only flat wall signs shall be permitted. Painted wall advertising shall not be allowed.
- G. No sign shall be allowed to exceed 18 square feet.
- H. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- I. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.

11-18-3: SIGNS

- A. Notwithstanding anything to the contrary contained in CCNO 11-21, or elsewhere within this Title, the following more restrictive requirements for signs pertaining to sexually oriented businesses shall prevail.
 - 1. No more than one exterior sign shall be allowed;
 - 2. No sign shall be allowed to exceed eighteen (18) square feet;
 - 3. No animation shall be permitted on or around any sign or on the exterior walls or roofs of such premises;

4. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only;
5. Only flat wall signs and/or awning signs shall be permitted;
6. Painted wall advertising shall not be allowed; and
7. Other than the signs specifically allowed by this chapter, the sexually oriented business shall not attach, construct or allow to be attached or constructed, any temporary sign, banner, light or other device designed to draw attention to the business location.

11-19: PARKING AND LOADING; AND TRAFFIC AND ACCESS STANDARDS

11-19-1: PURPOSE AND INTENT

- A. The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and, in so doing, promote the safety and well-being of the citizens of the city. Consequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off street parking space with adequate provisions for ingress and egress by standard sized automobiles.

11-19-2: GENERAL REGULATIONS

- A. Parking Space Size.
 1. Regular Parking Space. A regular parking space shall mean an area of not less than one hundred seventy one (171) square feet, with a minimum width of nine feet (9'), and minimum depth of nineteen feet (19'), which is specifically designated for, and used for, the parking of an automobile or light truck, exclusive of all driveways and accessways.
 2. Parking Space for Vehicles Carrying People with Disabilities. A parking space for vehicles carrying persons with disabilities shall mean an area of not less than two hundred nine (209) square feet, with a minimum width of eleven feet (11'), and minimum depth of nineteen feet (19'). In addition to the parking stall, there shall be a five foot (5') wide access aisle adjacent to and on the right side of each parking space. The space shall be specifically designated and used for the parking of an automobile, passenger van or light truck, exclusive of all driveways and accessways, that is designated as a vehicle permitted to park in such a parking space.
- B. Permits. An applicant for site plan review or a building permit must submit plans showing the off street parking required by this chapter. These plans must show locations, arrangement and dimensions of the off street parking, turning spaces, drives, aisles and ingress and egress, and must be approved by the building inspector. Whenever a permit has been issued in compliance with the requirements of this chapter, subsequent use of the structure, or use of the land is conditioned upon the unqualified availability of off street parking as shown in the approved plans.
- C. Alterations, Additions and Expansion of a Business.
 1. A new use, addition or alteration of a building shall not be approved if it would create or increase a deficit in the amount or type of off street parking.

2. It is unlawful to reduce the amount of existing parking below the minimum amount or type of parking spaces required by this section without first supplying other spaces as are required.
 3. If a building or business is destroyed, and if it is allowed to be reconstructed subject to the provisions of CCNO 11-5, it shall be required to provide only the number of parking spaces which existed prior to the destruction.
 4. If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number and type of additional parking spaces necessitated by the expansion.
- D. Parking Garage. All garage or other space allocated for the parking of vehicles within buildings, basements or on roofs of buildings, shall be considered part of the off street parking facilities and may be included as such in computing the parking area requirements.
- E. Access. All off street parking shall have access from a public street or alley.
- F. Ingress, Egress, Internal Traffic Circulation. Off street parking and loading facilities and pedestrianways shall be designed so as to promote safety and convenience and so that traffic visibility is not obstructed.

11-19-3: DESIGN AND LOCATION OF PARKING SPACES

- A. Single-Family Residences, Mobile Homes and Multiple-Family Residences of Four or Less Dwelling Units per building.
1. Location/Required off street parking shall be located on the same lot or parcel as the use it is intended to serve.
 2. Surfacing.
 - a. A minimum of the first twenty feet (20') from the public right-of-way of all primary driveways used to access the required parking stalls under CCNO 11-19-4 for any residential unit shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.
 - b. Secondary driveways to Single-Family Residences may be constructed using rocks, road base, grasscrete or other natural or manmade materials provided the area is kept weed free and complies with air quality and SWPPP standards.
 - c. Off-street parking stalls located in the side yard or rear yard setbacks of a structure may be constructed using rocks, road base, or other natural or manmade materials provided the area is kept weed free and complies with air quality and SWPPP standards.
 3. Multi-family units and Accessory Dwelling units are required to utilize asphaltic concrete, pavement bricks, or cement concrete, or other materials approved by the City Engineer for all parking stalls and driveways. Agricultural Uses. For properties which are zoned RE-20 or R-1-8 AG the primary and secondary access ways to agricultural uses may remain unpaved, but property owners are responsible for all road cleaning required because of debris tracked onto the roadway from vehicular access.
 4. Driveways. Primary driveways shall be not less than ten feet (10') wide for one-way traffic, and not less than twenty feet (20') wide for two-way traffic.
 5. Parking of shall meet the following standards.

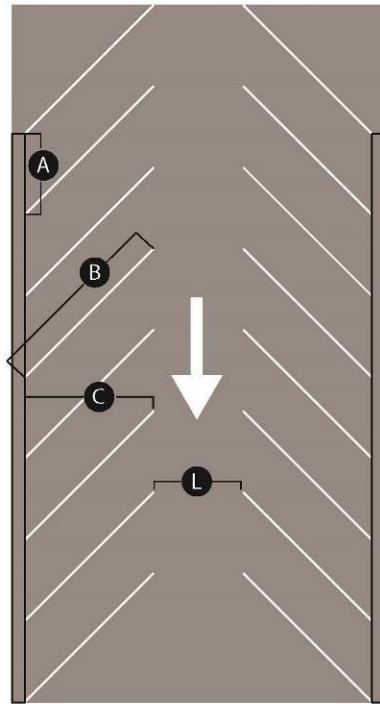
- a. The dwelling unit has the minimum number of required off street parking spaces as stipulated by CCNO 11-17-4.
 - b. The parking area is at least eight feet (8') wide, and in the case of corner lots, a maximum of twelve feet (12') wide in the side yard area and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending more than ten feet (10') forward of the front face of the dwelling. In the case of a corner lot, no vehicle shall be parked in the forty foot (40') sight triangle.
 - c. The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway access.
 - d. Any slab constructed must remain open and unobstructed to the sky, or appropriate building permit be obtained to comply with all setbacks and other requirements of this code.
 - e. All storm water runoff from hard surfaces must be directed so as to prevent drainage onto adjacent properties.
- B. Garages. When residential garages are used to meet the minimum off street parking requirements, an unobstructed parking stall from the floor to the height of the garage door with the following interior dimensions must be met.
1. Single Car Garage. Twelve foot (12') width by a twenty foot (20') depth.
 2. Double Car Garage. Twenty two foot (22') width with a twenty foot (20') depth.
 3. Garages larger than a double car garage must provide at least the parking space dimensions of a double car garage for each dwelling unit the garage is serving.
- C. All Uses Except as Provided Above.
1. Location. Required off street parking shall be located within three hundred feet (300') of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit as a part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by enforceable legal measure.
 2. Off Street Parking. Off street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street.
 3. Surfacing. All off street parking areas, access ways and driveways shall be improved with concrete, pavement bricks or asphaltic concrete. The surfacing of the parking area shall be designed and graded so that there will be total retention or drainage into a drainage system approved by the City Engineer. Catch basins and drains shall be provided to collect surface drainage of all paved areas at a minimum rate of one inch (1") an hour rainfall. Surface drainage is not allowable across pedestrian walkways or sidewalks.
 4. Curbing. A six inch (6") wide by six inch (6") high curb or bumper guard shall be installed along all edges of the parking and maneuvering area, excluding necessary points of ingress and egress, and shall be so located that no part of a vehicle shall extend over or beyond any property line or sidewalk. The building inspector may determine the location of additional bumper guards or curbs to protect adjacent property owners or persons using a sidewalk.
 5. Design. All areas of the parking lot, with the exception of necessary points of ingress and egress, shall be no closer than twenty feet (20') from the front property line. That

unoccupied area shall be landscaped and maintained with trees, shrubs, ground cover, undisturbed natural growth, pedestrian walkways and plazas.

6. Access. Access to off street parking areas from a public street shall be from a two-way driveway with a minimum width of twenty feet (20') and a maximum width of twenty five feet (25'), or two (2) one-way driveways each with a minimum width of twelve feet (12') and a maximum width of fifteen feet (15'). No access driveway shall be located closer than twenty feet (20') from a street intersection or other access driveway, nor any closer than ten feet (10') from any property line.
7. Maximum Yard Area to be Used for Parking and Vehicle Access Lanes. For all uses permitted in the RE-20 and single-family residential zoning districts, none of the front yard area and side yard required by the respective zones shall be used to meet the minimum off street parking requirements, but overflow parking is permitted in the front and side yard areas if the standards of subsection A4 of this section are met.
8. Accessible Parking Spaces. Accessible parking spaces shall include a five foot (5') wide access aisle adjacent to each parking space. The parking space and access aisle shall not have a slope greater than two percent (2%) in any direction. The access aisle shall be connected to an accessible route to the appropriate accessible entrance of a building or facility. The parking access aisle shall either blend with the accessible route or have a curb ramp complying with Americans with disabilities act (ADA) regulations. Such a curb ramp opening must be located within the access aisle boundaries, not within the parking space boundaries. The required dimensions of the access aisle cannot be restricted by planters, curbs or wheel stops. Signs designating parking spaces for disabled persons shall be located in front of each parking space, and shall be mounted four feet (4') above the ground, in addition to blue wheelchair logo being painted on the parking space itself.
9. Screening. Whenever a parking lot or a driveway to a parking lot is established adjacent to a residential zoning district, a solid masonry or solid material fence eight feet (8') in height shall be required in addition to landscape and buffer. The buffer yard requirement of ten (10') feet shall be landscaped with a weed control mat and rock mulch coupled with medium to large deciduous trees planted at 30' or longer intervals, depending on the tree type, and include a drip irrigation system. (subject also to the fence height regulations established in CCNO 11-9L-7 and 11-10B-5). Planning Commission has the authority to reduce this requirement based on site conditions such as grade differences, and adjacent uses.
10. Lighting: Parking lot lights used during hours of darkness shall not exceed five (5) foot-candles. Lighting shall be indirect, downward directed, hooded and arranged so that the source of light is not directly visible from any street or adjoining property. Light standards shall be a maximum of twenty feet (20') in height above grade.
11. Dimensions: Arrangements of parking spaces within the parking lot and driveway widths shall conform with the following requirements. Parking layout dimension (in feet) for nine foot by nineteen foot (9' x 19') stalls at various angles.

Dimension (in feet)	On Diagram	Angle			
		45	60	75	90

Stall width	A	12.7	10.4	9.3	9.0
Stall length	B	28.5	24.3	21.5	19.0
Stall depth	C	20.0	21.0	20.5	19.0
Bumper overhang, (typical)	D	2.0	2.3	2.5	2.5
Cross aisle, one-way	E	14.0	14.0	14.0	14.0
Cross aisle, two-way	F	24.0	24.0	24.0	24.0



12. Accessible Parking Spaces. One accessible parking shall be required for any development having twenty five (25) or more parking spaces. Thereafter, not less than two percent (2%) of the parking spaces within a development shall be built and maintained as accessible parking spaces.
13. Turnaround Bay. There shall be a turnaround bay, at least nine and one-half feet (9½') deep and thirteen feet (13') wide, with eighteen foot (18') radii located at the end of each dead end row of parking stalls.

E. Undeveloped Lots and Parcels. No parking shall occur on undeveloped lots or parcels.

11-19-4: SCHEDULE OF REQUIRED OFF STREET SPACES

- A. Off Street Parking Spaces. Off street parking spaces shall be provided for each specified use in accordance with the schedule below.

- B. In calculating the total number of required parking spaces, "usable area", as used herein, shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.), and the term "seat" shall also include each thirty inches (30") of bench seating when individual seats are not provided.
- C. Mixed Use Developments. In the event of mixed use developments, the total requirement for off street parking spaces is the sum of the requirements of the various uses computed separately.
- D. Fractional Amount. In calculating the total number of required off street parking spaces, fractional amounts are to be disregarded.
- E. Unlisted Uses. Minimum parking requirements for a specific use not listed in this section shall be determined by the Planning Director with appeal to the Planning Commission.
- F. All required parking stalls must be non-tandem, except that visitor parking stalls may be tandem with the following standards.
 - 1. Both the required parking stalls and visitor tandem parking stalls must be for the same dwelling unit.
 - 2. Tandem visitor parking is only allowed behind a fully enclosed parking stall.
 - 3. All tandem parking pads shall meet the following size requirement, i.e., 10 feet wide by 20 feet in depth.
 - 4. Tandem visiting parking may only be used to satisfy up to one half of a projects visitor parking requirement.

G. Schedule.

1. Residential Use	
a. One- or two-family residence	2 per dwelling unit
b. Multiple dwellings with more than 2 units	2 per dwelling unit, plus 1 visitor parking space for every 2 dwelling units, or fraction thereof. Independent living units – 1 per unit
c. Rooming houses, fraternities, sororities, resident clubs, lodges	1 per sleeping room or 1 per bed, whichever is greater
2. Civic Use: All Civic Uses	11-19-4 schedule of required off street parking spaces shall be used for business offices. a. For parks the National Recreation and Parks Association guidelines will be consulted for the number of required stalls. The Planning Commission shall approve the number of onsite and offsite stalls after evaluation of the park uses and needs. b. When the civic use does not require permanent parking or when the use is intermittently used, the Planning Commission may take into account on street spaces and not require any off street

	spaces, or adjust the number of required parking stalls.
3. Commercial Sales and Service:	
a. Restaurants, bars, cocktail lounges	1 per 40 square feet of usable floor area
b. Drive-in food or drink places with on-site consumption	1 per 40 square feet of usable floor area
c. Mortuaries, funeral homes	1 space for each 75 square feet of gross floor area of public assembly area
d. Self-service laundries and dry cleaners	1 per 2 machines
e. Open air businesses	1 per 500 square feet of sales area for first 2,000 square feet, plus 1 per additional 2,000 square feet
f. Auto sales lots	1 per each 300 square feet of office area and covered parking area, plus 2 for the first 10,000 square feet or portion thereof of land area and 1 for each additional 10,000 feet, or portion thereof of land area, plus 2 per service bay
g. Gas service stations	1 per each 375 square feet of building
h. Car wash	1 per employee, plus reserve spaces equal to 4 times the wash capacity
i. Motor vehicle and machinery sales, auto repair shops	1 per 200 square feet of floor area
j. Planned shopping centers under unified control	Requirements for all uses elsewhere specified herein. All unspecified uses shall have at least 1 parking stall for every 200 square feet of gross building area for the first 25,000 square feet of gross building area in the center; then 1 parking stall for every 250 square feet of gross building area for gross building area over 25,000 square feet in the center
k. Barbershops, beauty shops	2 per service chair
l. Furniture and appliance stores, household equipment	1 per 800 square feet floor area

m. Supermarkets, drugstores	1 per 250 square feet of gross leasable space
n. Hotels, motels	1½ per guest room or suite
o. Bus depots	1 per 150 square feet of waiting room space
p. Skating rinks, dance halls, dance studios	1 per 3 persons of maximum capacity permitted by fire regulations
q. Bowling alleys	6 per bowling lane
r. Billiard parlors	1 per billiard table
s. Gymnasiums, health studios	1 per 350 square feet of usable floor area
t. Private golf clubs, athletic, swimming and tennis clubs	1 per every 5 memberships
u. Auditoriums, gymnasiums and similar places of public assembly	1 per every 4 person occupancy capacity
v. heaters	1 per every 6 person occupancy capacity
4. Offices and Clinic Uses:	
a. Offices, banks, savings and loan agencies	1 per 250 square feet of gross floor area
b. Medical and dental offices	3 per examination room or dental chair
c. Nursing homes, convalescent homes, and homes for the aged	1 per 4 beds
5. Schools and Institutions:	
a. Elementary and intermediate schools	2 per classroom
b. High schools	6 per classroom and other teaching stations
c. Junior colleges, colleges, universities	3 per classroom and other teaching stations
d. Trade schools, business college	1 per 150 square feet of gross floor area
e. Hospitals	1 per bed
f. Churches, community centers, libraries, assembly halls, public meetings	1 space per each 75 square feet of meeting area
6. Manufacturing and Industrial Uses:	

a. Manufacturing	2 per every 3 employees
b. Telemarketing, data processing centers	1 per 50 square feet of building area
c. Other industrial uses	1 per 300 square feet
d. Warehousing or wholesaling	1 per 800 square feet
e. Ministorage	1 per 35 spaces, plus 1 for the manager

11-19-5: BUSINESS REQUIRING AUTOMOBILE ACCESS

- A. Service stations, roadside stands, public parking lots, storage sheds and all other businesses requiring motor vehicle access shall meet the following requirements:
 - 1. Access. Access to the station or other structure or parking lot shall be as per Public Works standards.
 - 2. Gasoline Pumps. Gasoline pumps shall be set back at least twenty feet (20') from any property line bordering a street; provided, that a pump island parallel to an adjoining street may be located not less than fifteen feet (15') from the property line bordering said street.

11-19-6: VEHICULAR TRAFFIC TO COMMERCIAL OR MANUFACTURING ZONES

- A. Land, other than public streets, located within a residential zone shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

11-19-7: OFF STREET LOADING SPACES

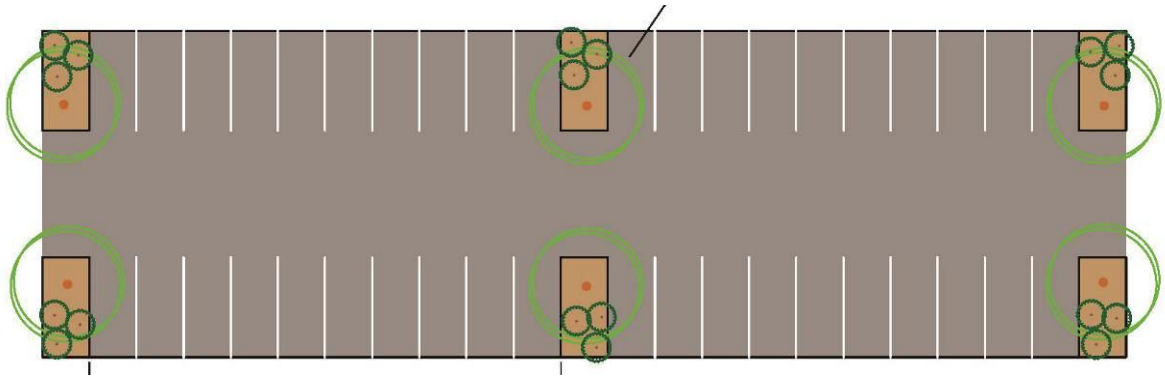
- A. Location. Off street loading spaces shall not be permitted in any required front yard, nor in any required side yard, except in a nonresidential district where a side yard abuts an alley. An off street loading space may occupy all or any part of a required rear yard, and may be partially or entirely enclosed within a building. All loading areas abutting residential zoning districts shall be screened from the residential zoning districts.
- B. Size. Every required off street loading space shall have a minimum width of twelve feet (12'), a minimum length of forty five feet (45') and a minimum height of fourteen feet (14'), exclusive of access aisles and maneuvering space.
- C. Screening. Screen of off-site loading spaces shall follow the requirements of parking lots in CCNO 11-8B-5.

11-19-9: ALLEY ABUTMENT

- A. Where a building or use in a nonresidential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces. No alley abutting any residential district may be so used.

11-19-10: PARKING LOT LANDSCAPING

- A. Amount Required.
 - 1. Interior Parking Lot Landscaping. A landscape island shall be installed every ten (10) parking spaces with a minimum width of nine (9) feet. Each island shall contain at least one deciduous shade tree with shrubs and groundcover to include at least 50% live material.



2. Perimeter Parking Lot Landscaping. The perimeter of all parking areas shall contain deciduous shade trees planted at an average spacing of forty (40) feet on center as well as, shrubs, ground cover, pedestrian walkways and plazas.
 3. Screening. All parking lots shall screen vehicle headlights with a berm or landscaping running along all street frontages. The screen is intended to create a more walkable streetscape and shall be located in the landscaped area between the sidewalk and parking lot pavement. The berms shall not be steeper than one foot (1') vertical for each three (3) horizontal feet of landscaped area and shall be a minimum height of two feet (2') and a maximum of three feet (3'). The height shall be measured from the top of the street curb. Off street parking areas serving single-family dwellings, two-family dwellings and churches are excluded from this regulation.
- B. Location. The landscaping should be located in protected areas, such as along walkways, in center islands, at the ends of bays or between parking stalls. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.
 - C. Plant Type. A mixture of hardy flowering and deciduous trees shall be planted.. The area between trees shall be mulched, planted with shrubs or ground cover, or covered with paving material. Any area that will be under the overhang of vehicles shall be mulched or covered with paving materials.

11-20: LANDSCAPING

11-20-1: PURPOSE AND INTENT

- A. This section shall apply to all new development (except for development on existing lots for single family dwellings) within North Ogden City limits. It is the intent of this section to require landscape plans that maximize City aesthetics and to improve and maintain site qualities.

11-20-2: GENERAL REQUIREMENTS

- A. Residential Development

ZONE	MINIMUM VEGETATIVE COVERAGE
RE-20	50%
R-1-12.5	50%
R-1-10	50%
R-1-8	50%
R-1-8(A)	50%

R-1-8(AG)	50%
R-1-5	40%
R-2	50%
R-3	50%
R-4	50%
QUAIL PONDS PUD	40%
ROYLANCE FARMS PHASE II PUD	50%
COLD CREEK PUD	50%
RESIDENTIAL CITY CENTER	50%
MASTER PLANNED COMMUNITY	20% (Required Open Space)
CIVIC ZONE C	20% Civic, 50% Public Park
CN, CC	20%
M-1	20%
HP-1, HP-2, HP-3	35%
PUD	50%

1. No plans for any building, structure or other improvements shall be approved by the Planning Director unless there shall also have been submitted landscape and streetscape plans, meeting the standards of this Title and as specified in the Public Works Standards. All such plans shall promote water-wise landscaping designs and include xeriscape, where appropriate.
 2. Landscaping in accordance with the plans submitted shall be installed in a proportional manner within 6 months following the occupancy of buildings on the site or as otherwise approved by the Planning Director as seasonal conditions may dictate.
 3. Each phase of development shall provide its proportionate required open green space needed for that phase.
 4. Street trees are required along major streets unless this requirement is specifically waived by the City in exchange for other types of street landscaping, such as, flowering pots, shrubbery, rain gardens, etc. When available, the City's Street Tree Plan should be consulted.
- B. Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped. Commercial and Manufacturing Development
1. All plantings shall be maintained in a healthy, weed free condition.
 2. Landscaping materials shall be contained so as not to spill into the public right of way.
 3. Park strip landscaping shall not exceed a maximum height of two feet (2') for shrubs or grasses, and trees in the park strip shall have a minimum height of nine feet (9') for the lowest branches of a tree when they extend above the curb or sidewalk. Notwithstanding the branch height, no evergreen tree is allowed in the park strip.
 4. Any damage to city property created by vegetation will be the responsibility of the property owner.
 5. All landscaping shall be serviced by an acceptable underground irrigation system as referenced in North Ogden Public Works standards which includes an automatic timer.
 6. Dedicated walkways, plazas and other pedestrian oriented hardscape areas may be included as landscaping, provided that they do not exceed thirty percent (30%) of the required minimum landscaping requirement.

7. The landscaping plan shall include a pedestrian circulation element that shows interconnectivity with surrounding sidewalks, urban trails and surrounding uses. The city encourages appropriate pedestrian connections to adjacent neighborhoods.
 - a. The size and spacing of landscape elements should be consistent with the size of the project and should relate to the structures and the streetscape. No landscape element may be constructed, erected or otherwise placed on site without city approval.
 - b. Trees overhanging pedestrian walkways and drive areas shall be one of the species found in the City's approved tree list and pruned to have a general canopy clearance of at least nine feet (9').

11-20-4: LANDSCAPING AND SITE DESIGN STANDARDS

- A. Landscaping in PUD and Attached Dwelling Unit developments. The following are minimum landscape requirements for all PUD and Attached Dwelling Unit developments. Individual projects may vary but all will be reviewed, possibly modified, and then approved by the Planning Commission.
 1. Ten (10) shrubs (4 of which are a flowering shrub) for each residential building. Shrub areas shall be mulched to reduce watering demands.
 2. Six (6) deciduous trees and one (1) evergreen tree for each residential building. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as windbreaks, screening and accent plants.
 3. The balance of site area, not covered in buildings, parking, sidewalks, trails, trees or shrubs shall include turf grass.
 4. The irrigation system must use secondary water and shall be designed to water plants of similar water needs and avoid wasteful watering.
 5. No more than ten percent (10%) of the entire landscaping surface area can be in rocks or other nonliving ground cover. The ten percent (10%) limitation does not include areas where the ground cover is rocks or other material and is planted with plants spaced so they will completely cover the area in five (5) years.
 6. The landscape design along streams, canals, or rivers should provide a trail access along the development and provide connections to other existing or proposed trails.
 7. Xeriscape designs are encouraged.
- B. Site Design Requirements for Commercial, Manufacturing, Civic, PUD, and Attached Dwelling Unit projects. Individual single family residential design is exempt from meeting the requirements below.
 8. Site Grading.
 - a. Site design should minimize the removal of mature trees and shrubs. Where removal is necessary, mature trees shall be salvaged or replaced on a three to one (3:1) basis. Any trees listed as prohibited in the approved City tree list, shall be removed and not replaced.
 - b. Abrupt or unnatural changes in grade may create barriers or disrupt drainage patterns. Proposed grading should be designed to take advantage of the natural grade and land features.

- c. Steep slopes, generally three to one (3:1) or greater, shall be stabilized with vegetation, retaining walls or other appropriate measures. Sites shall be designed to minimize erosion.
 - d. Landscape plans shall preserve and incorporate natural land features such as streams, washes, springs, etc., into the overall site plan. See sensitive lands ordinance.
9. Water Elements.
- a. Fountains and other water features should be sited and designed so that they are efficient users of water.
 - b. Filtered backwash effluent should be discharged into landscaped areas whenever possible.
10. Art and Furnishings.
- a. If public art is used, it should be integrated into the overall design of a project.

11-20-5: MATERIALS, MAINTENANCE, AND REPLACEMENT

B. Plant Materials.

- 1. All deciduous shade trees shall have a minimum size of 2" caliper at time of installation.
- 2. All deciduous ornamental trees shall have a minimum size of 1.5" caliper at time of installation.
- 3. All required street trees shall have a minimum size of 2" caliper at the time of installation. The species-type, location, and spacing of trees shall be as shown on the approved landscape plan, in coordination with streetscape designs. All evergreen trees shall have a minimum size of four (4) feet in height at time of installation.
- 4. All shrubs shall have a minimum size of 5 gallons at time of installation.
- 5. All landscape material shall be approved in conformance with this section. A suggested planting list is on file in the Planning Department in addition to the Trees and Park Strips handout. Plant type substitutions may be allowed by the Planning Director.

C. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install irrigation systems, and properly plant trees, shrubs, and other approved plant materials.

- 1. Landscaping shall be installed in all areas not occupied by building, parking, storage, future phased plan areas or access-ways and in accordance with the approved landscape plan.
- 2. Landscaping shall be installed prior to occupancy of any unit in the structure. In the case of inclement weather that prevents the installation of the required improvements, the time completion of the improvements may be extended, in writing, upon the approval of the Planning Director or designee. However, in no case shall the time for completion be extended more than 9 months or beyond June 1 immediately following the completion date when a project has been completed for three or more months prior to June 1.
- 3. All landscaping, fencing, walls and other buffering/screening materials shall be maintained in a good, healthy, weed free, effective condition by the owner. Diseased or dead plant material shall be removed and replaced by June 1 if due to winterkill or October 1 if the plant material dies during summer months. Deteriorated or ineffective fencing material shall be removed and replaced within three (3) months of notice of correction. Failure to comply shall bring civil action per CCNO 11-7-8.
- 4. Projects should demonstrate that maintenance factors have been considered in the landscape design.

5. Irrigation systems should be designed to minimize maintenance and water consumption.
 6. Phased developments shall indicate a mechanism for dust, weed and debris control on undeveloped portions of the site and shall ensure continuing compliance.
- D. Maintenance. It shall be the responsibility of the developer and/or property association to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.
 - E. Vegetation Modification/Removal. Pruning vegetation for "exposure," which results in unnatural plant specimens, is prohibited. Necessary vegetation removal shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper.
 - F. Utility Connections. When disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the City Planner.

11-20-7: ALTERNATIVE LANDSCAPING OPTIONS

- A. The Planning Director may approve a modification of these requirements if:
 1. The landscaping better accommodates the existing physical conditions of the property or provides significant elements for wind protection, solar access and shading, and the proposed landscaping represents an equal or superior result than would be achieved if the requirements of this article were strictly followed; or
 2. The proposed alternative incorporates a distinct coloring scheme utilizing the planting of annuals in areas of high visibility.

11-20-8: BUFFER REQUIREMENTS

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

good repair.



11-21: SIGN REGULATIONS

11-21-1: PURPOSE AND INTENT

- A. These sign regulations are intended to encourage attractive, effective and adequate signs for businesses and services, while promoting the general welfare of the community by creating safer street frontages through the use of controlled signs.
- B. It is the city's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.
 1. Permit Required; Exception. Sign permits, issued by the building department in coordination with the Community Development Department, are required for placement of all signs, except those signs authorized in CCNO 11-22-6A1 and CCNO 11-22-8, and windows signs. The fee for sign permits shall be established by resolution of the city council.
 2. Unlawful Without Permit; Appeal. It shall be unlawful to erect, install and/or modify any sign that requires a sign permit within the city without first applying for and obtaining a sign permit. "Modify", as it is used herein, shall mean any change in or to an existing sign, its face, electrical components, design and/or supporting structures. Appeals of any decision by the Community Development and/or building department concerning sign permits shall be directed to the administrative law judge or city council. IBC code issues are appealed to the Board established in that Cod

11-21-2: SIGN AREA AND HEIGHT

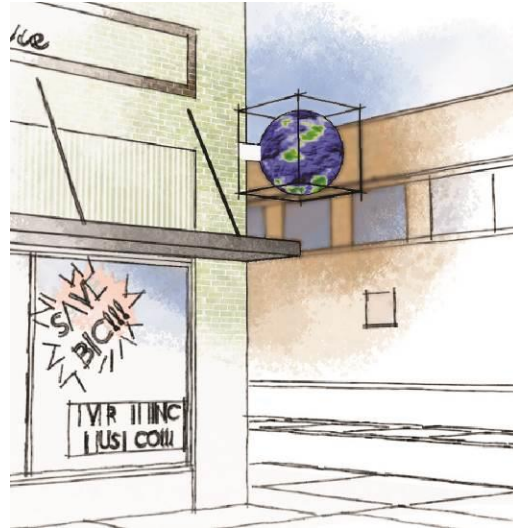
- A. Sign Area. Sign area shall be measured as follows.
 1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed. Sign area is the area within the outside dimensions of the background panel or surface.



2. Sign copy consisting of individual letters and/or graphics affixed to a wall or portion of a building which has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy.
3. Sign area is the area within the smallest rectangle that will enclose the sign copy.

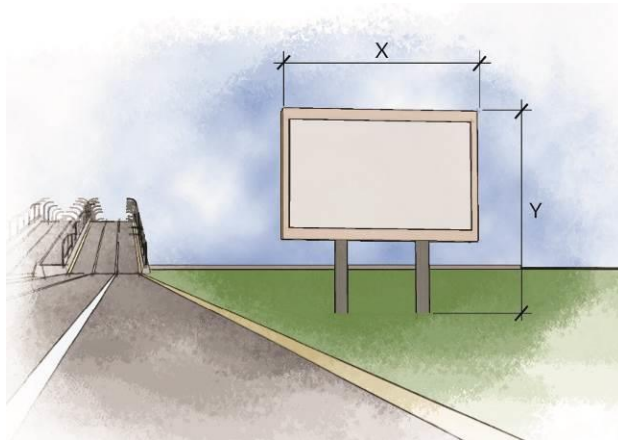


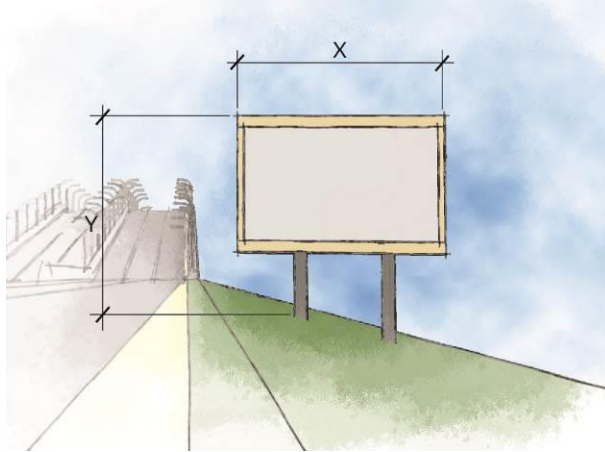
4. Sign copy mounted or painted on an internally illuminated sign or internally illuminated element of a building. The entire internally illuminated surface or architectural element, which contains sign copy, will be counted as sign area.
5. Number of Sign Faces.
 - a. One. Area of the single face only.
 - b. Two. If the interior angle between the two (2) sign faces is forty five degrees (45°) or less, the sign area is the area of the larger of the two (2) sign faces. If the angle exceeds forty five degrees (45°), the sign area is the sum of the areas of the two (2) faces.
 - c. Three or More. The sign area is the sum of areas of the three (3) or more faces.
 - d. Three Dimensional, Sculptural or Other Nonplanar Signs. Sign area will be the sum of the areas of the vertical faces of the smallest polyhedron that will encompass the sign structure.



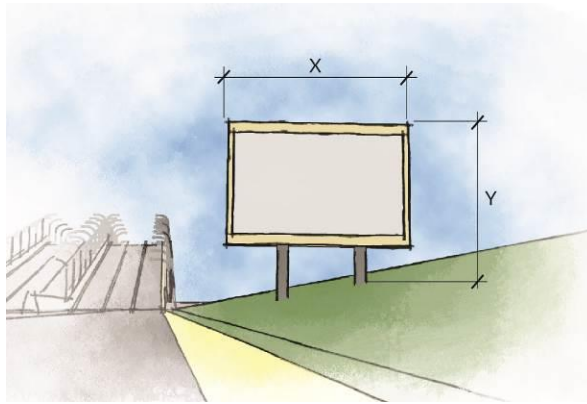
6. The sum of the areas of the signs on a single lot or parcel shall not exceed the sign area allowed for the use in the zone in which it is located.
 7. The sign area is the area of the smallest rectangle which can enclose the sign. Any monuments or other supporting structures are not calculated in the sign area calculation. Any post or monument must be a neutral color in order to not be a part of the rectangular calculation.
- B. Sign Height. Sign height is defined as follows.
1. Freestanding Sign. Sign height is the distance from highest historic elevation of the ground surface directly below the sign to the tallest point of the sign measured vertically from the top of the sign, including all elements of the sign. In the commercial zones where a three foot (3') high berm is required when site parking is adjacent to the public street, the height shall be measured from the height of the three foot (3') berm beneath the sign location. When the ground elevation of the sign is below public street level, the crown of the nearest public street shall become the lowest point to measure the height of the sign.

LEVEL GRADE APPLICATION





UPHILL GRADE APPLICATION



2. Wall or Fascia Mounted Signs. Sign height is the distance from the top of the sign structure to the top of the curb nearest the sign or to the crown of the adjacent roadway if no curb exists, or grade of the building where significant grade separations from the road exists.
3. Projection of Parapet Sign. No parapet sign may project more than five feet (5') above the roofline, but must remain below the top line of the parapet.

11-21-3: GENERAL PROVISIONS

- A. Prohibited Signs. Signs not specifically authorized herein are prohibited, including, but not limited to the following.
 1. Off premises commercial signs, except as permitted in CCNO 11-22-8, Temporary Signs.
 2. Commercial signs mounted, attached or painted on trailers, boats or motor vehicles parked continuously for more than twenty four (24) hours, on the premises of a business which sign advertises a product or service available on the premises.
 3. Roof signs, or signs that project above the highest point of the roofline, parapet or fascia of the building.
 4. Any sign emitting sound, except for menu boards.
 5. Any sign with intermittent or flashing illumination.
 6. Any sign with animation or motion, including electronic reader boards.

- B. Legal Nonconforming Signs. Signs which have been legally erected in the city prior to the adoption of this chapter and which do not comply with the terms of this chapter may be repaired and maintained; provided, that there may be no extension or expansion of the sign. Whenever any person or entity operating a business with a legal nonconforming sign or signs sells the business, changes the business or changes the name of the business, the nonconforming sign or signs may be replaced or altered to reflect the new business; provided, that there may be no expansion or extension of the signs. If a nonconforming sign is abandoned for a period of twelve (12) months or more, use of the sign shall be deemed to be abandoned and the sign, together with any supporting structures, poles and other related equipment, shall be removed. In the event of any conflict between this section and any provision of CCNO 11-14e, this section shall control. A commercial sign attached to, or associated with, a business operated in a particular building shall be deemed to be abandoned if the business ceases its operation in the building.
- C. Location Restrictions. With the exception of directional signs owned by the city or another governmental agency, no sign shall be erected or placed within any center median or any public sidewalk or bicycle path. The city employees may remove any sign located in these areas.
- D. Window Signs. "Window signs and laminated films", as defined in CCNO 11-22-2, shall not exceed twenty five percent (25%) of the total area of the windows through which they are visible.
- E. Enforcement. The Community Development Department and the Building Inspection Department shall be responsible for the enforcement and the administration of this chapter. The building inspection department shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to the provisions of this chapter.
- F. State License Required. It is unlawful for any person, partnership or corporation to erect or maintain, or to engage in the business of erecting or maintaining any "sign", as herein defined, except those signs authorized by subsection A of this section, CCNO 11-21-6A1, and CCNO 11-21-8 and CCNO 11-21-12, until such person, partnership or corporation shall have obtained a license from the state authorizing the person, partnership or corporation to be a sign installation contractor. Application for permits to erect signs will be accepted and permits granted only to such persons, partnerships or corporations as are licensed by the state to perform such sign contracting.
- G. Vertical Clearance. There shall be a minimum vertical clearance of ten feet (10') between the ground or sidewalk and any part of a projecting sign, projecting more than eight inches (8") from a wall.
- H. Lighting of Signs. Signs may be illuminated by indirect lighting, floodlights or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance. All such lighting shall be directed downward and shielded.
- I. Location of Signs. No light or sign, or other advertising structure as regulated by this title shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or one which makes use of any other word, phrase, symbol or character in such manner as to interfere with,

mislead or confuse traffic. No part of any sign shall be permitted to extend across any property line.

- J. Sign Not to Constitute a Traffic Hazard. No sign or other structure in excess of two feet (2') in height, as measured from the top of the curb or edge of the hard road surface, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet (40') from the intersection of the street lines, in such a manner as to obstruct free and clear vision to automobile drivers.
- K. Maintenance of Signs. Signs regulated by this chapter shall be maintained in good visual appearance and structural condition at all times.
 - 1. If a sign does not conform with the requirements of this chapter or if the construction, design, manner of use, or method of anchoring or supporting any sign makes such sign unsafe, the building inspector shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter, or to remedy the defects herein. All signs must meet the requirements of the international building code and safety regulations of the city.
 - 2. The city, its building inspector and its other agents shall not be liable for negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such sign in good condition or be responsible for any damage caused by defective conditions. Good condition means a sign and/or the sign pole that does not show evidence of rust, broken panels, missing lettering, dents, peeling paint, and other signs of neglect.
 - 3. Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith shall, upon discontinuing the business advertised, cause the sign or the portion of the sign devoted to that business, to be removed within 30 days. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located shall cause the sign or the portion of the sign devoted to that business to be removed within 30 days if the person for whom the sign is maintained vacates the premises.
 - 4. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty (30) days after notice from the building inspector shall be considered as a violation of this chapter and shall subject the owner of the sign and the owner of the property to the penalties herein.
- L. Obscene Messages. No sign shall be erected or maintained, or be permitted to remain publicly displayed, which contains obscene material per Utah State Code.
- M. Pasting, and Gluing of Temporary Signs. Signs shall be permanently attached onto any wall, parapet, fascia, vehicle, sign pole, plant or structure.
- N. Materials. Permanent signs may only be constructed of one or more of the following materials: stucco, metal, at least one-fourth inch ($\frac{1}{4}$ ") thick plastic; rock/stone, or wood that is at least three-eighths of an inch ($\frac{3}{8}$ ") thick. No paper or cloth sign shall be allowed.
- O. Refusal of Owner to Remove Dangerous Signs; Removal by Building Inspector. Where immediate action is deemed necessary to protect limb, life or property and where the owner of a sign or the owner of the property on which the sign is erected fails to remove such sign pursuant to notice from the building inspector within a specified time fixed in such notice, the building inspector may proceed in any manner deemed necessary to cause the immediate removal of such sign. The building inspector shall certify a statement of the expenses incurred in such

removal to the city treasurer, who in turn shall assess and charge the same against the real estate upon which the sign was erected. If the assessment is not paid within ninety (90) days, the city may then file suit to recover the cost, including attorney fees.

- P. Sign Not to Cover Windows, Doors or Similar Openings. No sign shall cover more than twenty five percent (25%) of a window, doorway or other opening providing light, ventilation or exit facilities.
- Q. Interior Signs Exempt. Interior signs which are not visible from outside the building in which they are installed are exempt from the provisions of this chapter. Interior signs shall meet all the provisions of the international building code and shall be safely installed. Interior signs shall be placed in accordance with any instructions of the fire marshal or fire chief. No sign shall be installed on any exit door.
- R. Signs on Private Property. It shall be unlawful for any person to fasten, attach, paint or place any "sign", as defined in this chapter, upon any private wall, window, door, gate or fence, or upon other personal property, without the consent of the owner, lessee or someone authorized to act on behalf of such owner or lessee.
- S. Sign on Public Property. Except as authorized in CCNO 11-22-8D, it shall be unlawful for any person to fasten, attach, paint or place any sign, handbill, poster, advertisement or notice of any kind or sort, whether commercial or noncommercial, or to cause the same to be done in or upon any public curb, lamp post, telephone pole, electric light, power pole, hydrant, bridge, tree, easement, right of way, sidewalk, street, building or other property of the city. No sign shall be erected or project over such public properties.
- T. Sign Over Public Right of Way (ROW). Prohibited. It shall be unlawful to erect and/or maintain any sign over any ROW , except as herein expressly provided.
- U. Signs, Zones Permitted, and Controls. It is unlawful for any person to erect or otherwise install a sign having an area or height greater than allowed in this chapter. It is unlawful for any person to erect or otherwise install a sign located on a site or in a zone in violation of the regulations specified in the chapter.
- V. Compliance with State Highway Sign Regulations. Before any sign permit is issued for signs on a highway controlled or funded by the state or federal government, the applicant shall show proof that the sign has been approved by the controlling agency. This proof must be submitted to the city with the application for a sign permit. The city will not consider sign permit applications until the proof of approval is submitted.
- W. All permitted electronic message display signs shall be equipped with a sensor which uses photocell technology to automatically determine the amount of ambient light and to adjust the brightness of the electronic message display sign according to the amount of ambient light. This sensor must be functional and in operation at all times that the electronic message display sign is operating. If incandescent lighting is used, lamp size may not exceed fifty four (54) watts of incandescent lighting for daytime usage and nighttime wattage shall be reduced to thirty (30) watts maximum, automatically, by means of the required sensor. Electronic sign lighting shall be directed downward, at an angle that reduces dark sky lighting, measured as 80 degrees or less from a line perpendicular to the sign face.
 - 1. An electronic message display sign may not flash or otherwise scintillate, except to transition from the displayed message to a different message using the permitted effects listed in subsection (1).

2. The following effects for electronic message display signs are permitted when transitioning from the displayed message to a different message. Dissolve with 0 – 1 second between messages; fade with 0 – 1 second between messages; instantaneous transitions between messages; animation; scrolling (vertical movement of message); and travel (horizontal movement of message).
3. The following frame effects are prohibited when transitioning from the displayed message to a different message. Flashing or blinking transitions; blank white transitions; and any frame effect not listed in subsection (1).
4. Any message on the electronic message display sign must remain lighted and stationary for at least two (2) seconds.
5. Electronic message display signs which are located in a commercial or manufacturing zone, and are within two hundred feet (200') of a residential zone, excluding the R-4 zone, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.
6. Electronic message display signs located in a residential zone, excluding the R-4 zone, may not operate between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M.
7. Electronic message display signs are not allowed off premises.
8. Electronic message display signs may not be leased in whole or part for any use which is not the primary use on the property where the sign is located.
9. The sign shall not cause glare or be intensely lighted at dark so that it creates a nuisance or hazard to vehicle traffic, pedestrians, or neighboring residential properties.

11-21-4: COMPREHENSIVE SIGN PLAN

- A. Purpose and Intent. A comprehensive sign plan for a proposed or existing development for multi-tenant shopping centers may be approved by the Planning Director or his or her designee as part of the site plan process. The intent of this section is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs. Examples of signs permitted under this section are street name signs and directional signs.
- B. Content of Plan. A comprehensive sign plan shall include the location, size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation, of all proposed signs for the development, either permanent or temporary.
- C. Parameters for Flexibility. Flexibility in sign regulations shall be in accordance with the following parameters.
 1. Subdivisions in Residential Zoning Districts.
 - a. Permanent subdivision signs may be permitted up to a maximum area of thirty (30) square feet and a maximum height up to six feet (6').
 - b. At a minimum, such signs shall be located in a landscaped area of at least four (4) square feet per each one square foot of sign area.
 - c. Only one sign per entrance of the subdivision is allowed.
 - d. The type of illumination shall be shielded and downward directed for external illumination. Internal illumination is limited to lettering lighting such as pan channel lighting.

- e. There shall be no flexibility in traffic control signage. All traffic control signs shall be in compliance with the standards established in the manual of uniform traffic control devices. This restriction shall apply to private streets as well as public streets.
 - f. No flashing, moving or sound emitting signs shall be permitted.
2. Shopping Centers, Building Complexes, Subdivisions in Nonresidential Zoning Districts.
- a. A permanent freestanding sign for a shopping center, building complex or subdivision signs may be permitted up to a maximum area of sixty (60) square feet and a maximum height up to twenty feet (20').
 - b. At a minimum, such signs shall be located in a landscaped area of at least four (4) square feet per each one square foot of sign area.
 - c. The number of signs permitted shall be limited to two (2) signs per acre of the subdivision.
 - d. The type of illumination shall be downward directed and shielded.
 - e. There shall be no flexibility in traffic control signage. All traffic control signs shall be in compliance with the standards established in the manual of uniform traffic control devices. This restriction shall apply to private streets as well as public streets.
 - f. In addition to the permitted business signs, one electronic message sign low profile sign, whether as a reader board, changeable copy area or electronic message center, in conjunction with a regular shopping center sign, is permitted. No such device shall exceed fifty percent (50%) of the total sign copy area of the sign.
3. Minimum acreage requirements to utilize the provisions of this section. The proposed overall development must be at least forty (40) acres if it is a residential development and at least ten (10) acres if it is a nonresidential development. If the overall development is a mixture of residential and nonresidential development, the overall development must be at least forty (40) acres.

11-21-5: SIGNS FOR RESIDENTIAL USES

A. One- And Two-Family Dwellings.

- 1. Permanent Noncommercial Signs. One noncommercial sign, not exceeding one square foot in area, except for political and ideological signs, which shall be governed by CCNO 11-22-12.
- 2. Temporary Signs. Temporary signs in accordance with CCNO 11-22-8.
- 3. Permanent Commercial Signs. Residential uses shall not be permitted to have permanent commercial signs.

B. Multi-Family Dwellings.

- 1. Temporary Signs. Temporary signs in accordance with CCNO 11-22-8.
- 2. Apartments and Condominium Complexes. Signs for apartments and condominium complexes and similar uses in the multi-family districts as follows:
 - a. A freestanding sign, not exceeding fifteen (15) square feet in area. Such sign shall not exceed five feet (5') in width or three feet (3') in height. Such sign must be located at least five feet (5') from any property line; or

- b. A wall mounted sign, not exceeding twelve (12) square feet in area. Height of such sign shall not exceed ten feet (10').
- C. Subdivision Signs. Permanent subdivision signs for recorded subdivisions, ten (10) or more acres in size, in accordance with the following parameters:
 - 1. Maximum area of each such sign shall be twenty four (24) square feet with a maximum height of five feet (5').
 - 2. Such signs to be monument type; i.e., individually mounted letters on a freestanding wall.
 - 3. Such signs shall be located in a landscaped area of at least four (4) square feet per each one square foot of sign area.
 - 4. There may be one sign for a single development project of at least ten (10) acres, but less than fifty (50) acres in size. For purposes of this subsection, a development or project shall be deemed to be a single development project, even though it is developed in multiple subdivisions or phases, if:
 - a. The entire project is designed for development by a single developer; and
 - b. The entire project is developed under the same name.
 - 5. There may be two (2) signs for a single development project of at least fifty (50) acres in size. For purposes of this subsection, a development or project shall be deemed to be a single development project, even though it is developed in multiple subdivisions or phases, if:
 - a. The entire project shall be designed for development by a single developer; and
 - b. The entire project is developed under the same name.

11-21-6: SIGNS PERMITTED FOR NONRESIDENTIAL USES IN SPECIFIC DISTRICTS

- A. HP-3, HP-2, HP-1, RE-20, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3, R-4, and RCC Zoning Districts.
 - 1. All signs permitted in CCNO 11-22-6A of this chapter.
 - 2. Signs with a total maximum sign area not exceeding twenty four (24) square feet. Such signs may be wall mounted with a maximum height of ten feet (10') and/or such signs may be freestanding according to the following:
 - a. One freestanding sign shall be permitted with a maximum height of five feet (5').
 - b. A landscaped area shall be provided, on site at the street frontage at the base of the freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for each one square foot of sign area.
 - c. Electronic message display signs shall be allowed only by building permit, except as provided for in subsection (1).
 - i. Sign area for electronic message display signs shall be calculated by the same standards as illuminated signs in CCNO 11-22-3(A)(3), with any portion of the electronic message display sign which is able to emit light considered as the illuminated surface. The number of sign faces contributing to total sign area shall be determined by the same standard as used in CCNO 11-22-3(A)(4) for other signs.

- ii. In addition to the twenty four (24) square feet of signs permitted in subsection A2 of this section, each tenant may be allowed three (3) square feet of non-illuminated sign area, located on the wall adjacent to the entry of the tenant's business.
 - iii. In addition to the above, a sign with a maximum area of six (6) square feet and a maximum height of six feet (6') may be permitted behind the required front yard setback.
- B. CP-1 and C-1 Zoning Districts.
 - 1. Signs shall be in accordance with the following regulations.
 - a. Excluding the area allowed for a freestanding sign, the total aggregate area of all commercial signs pertaining to one or more businesses in any single building or suite shall not exceed forty percent (40%), excluding the windows and doors, of the front wall plane of the building or suite or two hundred (200) square feet, whichever is less, unless the portion of the building or suite adjacent to its lot's street-property line measures more than two hundred (200) linear feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each linear foot of building or suite frontage in excess of two hundred (200) linear feet. For buildings or suites on a corner lot, only the frontage on the building which contains the main entrance shall be measured to compute the aggregate sign area.
 - b. Freestanding commercial signs shall not be counted as a portion of the total aggregate sign area of the premises and shall be restricted to the following:
 - i. One freestanding commercial sign for each street upon which the lot has frontage.
 - ii. Such signs shall have a maximum area of sixteen (16) square feet.
 - iii. Such signs shall have a maximum height of five feet (5').
 - iv. Such signs shall not be closer than thirty feet (30') to any residential district.
 - v. A landscaped area shall be provided, on site at the street frontage at the base of the freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for each square foot of sign area.
 - vi. The minimum setback from the street property lines shall be ten feet (10').
 - 2. Noncommercial signs shall be in accordance with the following regulations.
 - a. The total aggregate area of all noncommercial signs pertaining to one or more businesses in any single building or suite shall not exceed ten (10) square feet, unless the portion of the building or suite adjacent to its lot's street-property line measures more than thirty six (36) linear feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each linear foot of building or suite frontage in excess of thirty six (36) linear feet, provided the total aggregate area for businesses housed in a single building or suite shall not exceed forty (40) square feet. For buildings or suites on a corner lot, only the frontage on the building or

suite which contains the main entrance shall be measured to compute the aggregate sign area.

- b. Freestanding noncommercial signs shall be counted as a portion of the total noncommercial aggregate sign area of the premises and shall be restricted to the following:
 - i. One freestanding noncommercial sign for each public street access.
 - ii. Such signs shall have a maximum sign copy area of four (4) square feet.
 - iii. Such signs shall have a maximum height of the entire sign structure of three feet (3').

C. CP-2, C-2 and MP-1 Zoning Districts.

1. Commercial Signs: Commercial signs shall be in accordance with the following regulations:

- a. Total Area of Commercial Signs. The total aggregate area of all commercial signs pertaining to one or more businesses in any single building or suite shall not exceed forty percent (40%) of the front wall plane of the building or suite or two hundred (200) square feet, whichever is less, unless the portion of the building or suite adjacent to its lot's street-property line measures more than two hundred (200) linear feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each linear foot of building or suite frontage in excess of two hundred (200) linear feet.
- b. Freestanding Commercial Signs. Freestanding commercial signs shall not be counted as a portion of the total aggregate sign area of the premises and shall be restricted to the following.
 - i. Number of Signs Permitted. One freestanding commercial sign for each street upon which the lot has frontage.
 - ii. Maximum Unchangeable Area. Such signs shall have a maximum unchangeable area (decorative borders of the sign copy) of seventy five (75) square feet.
 - iii. Proximity to Residential District. Such signs shall not be closer than thirty feet (30') to any residential district.
 - iv. Minimum Setback. The minimum setback shall be 5' from the public ROW.
 - v. Additional Area Allowed for Changeable Copy. In addition to the seventy five (75) square feet permitted for business signs, thirty (30) square feet will be allowed for a changeable copy area incorporated with the regular sign. No such device shall exceed fifty percent (50%) of the total sign copy area of the sign.
 - vi. Permitted Signs.
 - a) Monument/low profile Sign.
 - 1) Monument/low profile signs shall have a maximum height of ten feet (10'). For existing signs, an additional 2 feet in height may be added for a decorative feature,

- e.g., a roof that does not include any additional sign lettering.
 - 2) Monument/low profile base shall be no less than one-half ($\frac{1}{2}$) the width of the widest portion of the sign. The monument base shall not be greater than one and one-half ($1\frac{1}{2}$) times the width of the portion of the sign containing verbiage.
 - 3) Such signs shall be incorporated into some form of landscape design scheme or planter box with an open area from the ground to the bottom edge of the sign with dual support.
 - b) Pole or Monolith Sign.
 - 1) Pole sign shall have a double pole support clad in the manner provided in the sign design standards.
 - 2) A pole sign shall have a maximum height of twenty feet (20') and a maximum width of six feet (6').
 - 3) No more than 50% of the overall height of the sign shall be used for the sign copy.
- vii. Sign Design Standards. The following design standards are mandatory:
 - a) Sign Cabinets. Sign cabinets shall be integrated into a uniform sign, rather than added to a pole in an ad hoc manner.
 - b) Wood Signs. Wood signs are not permitted for permanent signs,
 - c) Cladding. All poles supporting signs shall be clad as a means to improve the appearance of the sign by:
 - 1) Proportionately increasing the base of the structure that anchors the sign to the ground, and
 - 2) Providing a material on the support structure that complements the building architecture.
 - 3) Cladding shall primarily be metal with textures to simulate the adjacent building materials, stucco, brick, or rock, duplicating materials which are used on the main building. Manmade products may be used if the material replicates the appearance of a natural material.
 - 4) Cladding is not required.
 - d) Landscaping. Landscaping shall be provided at the base of the sign at a ratio of four (4) square feet for every one foot (1') of sign width, with fifty percent (50%) of the landscaped area containing live decorative plant material.
 - e) Theme and Plan. Where feasible, signs shall be incorporated into a landscape theme and be part of an overall design plan for the property.
- c. Freestanding Sign for Shopping Center or Multi-Tenant Complex on Site of Less Than Ten Acres.

- i. Maximum Size of Total Sign Copy Area.
 - a) Twenty six (26) square feet of sign copy area for the first two (2) potential tenants in the shopping center or multi-tenant complex.
 - b) Thirteen (13) additional square feet for each additional potential tenant over the first two (2) potential tenants in the shopping center or multi-tenant complex, up to one hundred four (104) square feet of total sign copy area.
- ii. Maximum Copy Area Utilization.
 - a) Specified. The maximum copy area that can be utilized at any time is limited to a maximum of thirteen (13) square feet per actual tenant operating in the shopping center or multi-tenant complex.
- iii. Maximum Height of Total Sign Structure. Twenty feet (20').
- iv. Maximum Width of Copy Area. Eight feet (8').
- v. Vertical Clearance. There shall be at least four feet (4') of vertical clear space (excluding the sign poles) measured from the top of the required three foot (3') high landscaped berm and the bottom of the sign copy area. Except for the support poles, no sign structure is permitted in the bottom seven feet (7') of the sign area.
- vi. Minimum Landscaping. Four square feet for every square foot of total sign area shall surround the sign structure on the shopping center property. Landscaping in the right of way cannot be attributed to the landscape area calculations to fulfill this requirement.
- vii. Location. The entire sign structure, including overhangs, shall be entirely on the shopping center property and setback at least 5' from the public ROW. No portion of the sign shall be in the public right of way. The sign shall be at least twenty feet (20') from the interior side property line and at least fifty feet (50') from the street side property line.
- viii. Number Below Minimum; Removal. If the number of actual tenants and potential tenant spaces in the shopping center or multi-tenant building complex falls below the minimum number of tenant spaces to qualify for a shopping center or multi-tenant building, the sign authorized in this section must be removed or modified to meet the correct standards.
- ix. In addition to the permitted business signs, one electronic message sign, whether as a reader board, changeable copy area or electronic message center, as part of a listed permitted sign, is permitted. No such device shall exceed fifty percent (50%) of the total sign copy area of the sign.
- d. Freestanding Signs for Shopping Center or Multi-Tenant Complex on Site of More Than Ten Acres.
- e. MAXIMUM SIZE OF TOTAL SIGN COPY AREA
 - i. Maximum copy area 200 square feet

- ii. Tenant sign area to be determined by shopping center or multi-tenant management. However, no tenant to exceed 25 square feet of sign area on shopping center sign.
 - iii. 1 reader board per sign, not to exceed 32 square feet.
 - iv. Maximum height of entire 26 feet sign structure
 - v. Maximum copy area width 12 feet
 - vi. Signs per street frontage 1
 - vii. Minimum landscaping 4 square feet for each square foot of sign copy area. The landscaped area shall surround the base of the proposed sign on the shopping center or multi-tenant property. Landscaping in the street right of way cannot be used to calculate required landscaping area.
 - viii. Minimum setbacks 26 feet from an interior side yard and 50 feet from an intersection of 2 streets (corner). The sign shall be entirely on the commercial site's property and not overhang onto any public right of way.
 - ix. 10 feet from front yard property line or side line abutting a public street for any part of the sign structure, which touches the surface of the ground.
 - x. Clear area. 4 feet from top of a 3 foot high berm.
2. Noncommercial Signs. Noncommercial signs shall be in accordance with the following regulations.
- a. The total aggregate area of all noncommercial signs pertaining to one or more businesses in any single building shall not exceed ten (10) square feet, unless the portion of the building or suite adjacent to its lot's street-property line measures more than forty (40) lineal feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each lineal foot of building frontage in excess of forty (40) lineal feet, provided the total aggregate area for businesses housed in single building or suite shall not exceed (40) square feet. For buildings on a corner lot, only the frontage on the building which contains the main entrance shall be measured to compute the aggregate sign area.
 - b. Freestanding Noncommercial Signs: Freestanding noncommercial signs shall be counted as a portion of the total noncommercial aggregate sign area of the premises and shall be restricted to the following.
 - i. One freestanding noncommercial sign for each public street access.
 - ii. Such signs shall have a maximum sign copy area of four (4) square feet.
 - iii. Such signs shall have a maximum height of the entire sign structure of three feet (3').
 - c. Drive-Through and Drive-in Restaurant Menu Signs.
 - i. In addition to the signs allowed in subsections C1 and C2 of this section, drive-through and drive-in restaurants may have two (2) freestanding

menu board signs located at least thirty feet (30') from the front and street side property line which conform to the following standards:

- a) Number of signs.
 - 1) Menu Signs. Each commercial site shall be allowed a maximum of two (2) menu signs. If two (2) ordering lanes are used, one (1) per lane is allowed. Two (2) menu signs may be used in the same lane, if only one (1) ordering lane is used.
 - 2) Pre-sale Signs. One (1) additional sign, with a maximum square footage of twelve (12) square feet, that is used to illustrate, describe, and promote selected product offerings to customers on site, known as a pre-sale sign, shall be allowed.
- b) Height. Seven and one-half feet (7.5') is the maximum permitted height for menu signs. The maximum permitted height for pre-sale signs is six feet (6').
- c) Area. Forty five (45) square feet is the maximum permitted area per sign.
- d) Awnings and Accessory Items. Awnings are allowed, but must be approved as part of a building permit. The colors used for the awning must be consistent with the color scheme used on the building. Up to one (1) separate microphone stand is allowed per menu board sign.
- e) Location. In addition to the above-listed thirty foot (30') distance requirement from a public right-of-way, menu signs, pre-sale signs, and accessory items must be fifty feet (50') from a residential zone. Distance requirements shall apply to all accessory items related to menu signs, in addition to the menu signs themselves.
- f) If located on the side of the building facing a public right-of-way, menu signs shall not be located between the access lane used for ordering and the public right-of-way; the sign must be between the access lane used for ordering and the building, or elsewhere.
- g) Orientation. Signs shall be oriented a minimum of 30 degrees away from parallel to Washington Boulevard when located between a building and Washington Boulevard, or closer to the public right-of-way than the building face closest to Washington Boulevard.
- h) Digital menu signs are permitted.

11-21-7: TEMPORARY SIGNS

- A. Purpose and Intent. Temporary signs shall be permitted by application to the Planning Department in accordance with standards set forth below, unless specified otherwise in this ordinance:
- B. Setback standards for temporary signs.
 - 1. Temporary signs must be located completely on private property, except as otherwise exempted in the community sign provisions.
 - 2. Signs shall not be located in the public ROW.
 - 3. On streets with no sidewalks and where it is not clear where the property line is located, signs must be placed ten feet behind the curb or pavement and not hang into the street.
 - 4. At intersections, they must be placed to not obstruct free and clear vision CCNO 11-22-4 K and shall not constitute a traffic hazard within the site distance triangle and provide a clear view of intersecting streets CCNO 11-22-4 L.
- C. Additional standards.
 - 1. Off premise temporary signs are not allowed.
 - 2. Temporary signs that are permitted that are placed on private property must have the permission of the property owner CCNO 11-22-4-T.
 - 3. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into a public right of way or an adjoining property CCNO 11-22-4-V.
- D. Political and Campaign Signs

Table 1

Sign Type	Display Period	Removal Required 5 Days After	Sign Permit Required
Campaign signs	30 days prior to primary 45 days prior to special and general election	Completion of the election	No
Political signs	No limit	No limit	No

Table 2

Campaign and Political Signs Permitted in Residential Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Sign (Includes support structure)	Number of Signs Permitted per Sign Type
Campaign Sign	6 square feet	4.5 feet	No limit
Political Sign	6 square feet	4.5 feet	One per street frontage

Table 3

Campaign and Political Signs Permitted RE-20, Commercial, and Manufacturing Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Sign (Includes support structure)	Number of Signs Permitted per Sign Type
Campaign Sign	32 square feet	4.5 feet	No limit
Political Sign	32 square feet	4.5 feet	One per street frontage

- E. Sale, Lease or Rent Signs. Shall conform to the following regulations and are exempted from the total aggregate sign area. Such signs shall be located out of the public ROW.
1. Nonresidential zoning districts. The signs shall be non-illuminated and shall not exceed sixteen (16) square feet in aggregate area and eight feet (8') in height.
 2. Residential zoning districts. Non-illuminated and not exceeding four and one-half (4^{1/2}) square feet in total aggregate area and five feet (5') in maximum height.
- F. Future Development Signs. Signs are allowed if located outside of the public ROW, in accordance with the following.
1. Sign Area. The cumulative maximum sign area for the entire site or project shall not exceed sixty four (64) square feet.
 2. Illumination. Such signs shall not be illuminated.
 3. Double Faced. Such signs may be double faced. If the interior angle between the two (2) sign faces is forty five degrees (45°) or less, the sign area is the area of the larger of the two (2) sign faces. If the angle exceeds forty five degrees (45°), the sign area is the sum of the areas of the two (2) faces.
 4. Freestanding Sign. One freestanding sign is permitted for each street on which the development has frontage.
 5. Maximum Height. Maximum height shall not exceed eight feet (8') for all such signs.
 6. Term Permitted. Such signs may be installed and maintained for a period not to exceed twelve (12) months. If a building or construction permit is not obtained at the end of the twelve (12) months, such signs must be removed. If a building or construction permit is issued within twelve (12) months of the placement of the signs, the sign may remain during construction, but must be removed upon issuance of the first certificate of occupancy.
 7. Permit Required. A sign permit must be obtained before a future development sign is located on the site.
- G. Banners, Pennants and Displays For Promotional or Special Events.
1. Freestanding banners, vertical banners, pennants and other displays shall be allowed in nonresidential zones for a maximum of three (3) weeks at a time or less; whatever the time period, the banners, pennants and other displays must be removed for the same period of time (days) that they were put out. If the display was up for two (2) weeks, it must be removed for the same period of time. Any use of banners, pennants or other displays may only be for a total period of twelve (12) weeks in any calendar year. Signs, banners, pennants and displays shall be limited to:
 - a. One four foot by eight foot (4' x 8') banner for each street on which the business has frontage.

- b. Banners, pennants and displays for a promotional event shall be located on the business premises only.
 - c. Balloons shall be tethered so as not to exceed thirty five feet (35') and shall not occupy any required parking space.
 - d. Balloons and signs shall not be designed to depict any product not legally available to all residents of the city.
 - e. During the promotional event, the total sign area, including permanent signs, shall not exceed two hundred percent (200%) of the permitted sign area.
 - f. Maximum height for vertical banners is twenty feet (20') and no more than two (2) vertical banners per commercial lot are permitted.
- 2. Freestanding banners, pennants and other displays shall be allowed in residential zones for a maximum of one week at a time or less; whatever the time period, the banners, pennants and other displays must be removed for the same period of time (days) that they were put out. If the display was up for one week, it must be removed for the same period of time. Any use of banners, pennants or other displays may only be for a total period of two (2) weeks in any calendar year. Signs, banners, pennants and displays in residential zones shall be limited to:
 - a. One two foot by six foot (2' x 6') banner and one freestanding sign not exceeding four and one-half (4¹/₂) square feet in total copy area nor five feet (5') in height.
 - b. Banners and signs advertising an event shall be located on the residential premises only.
- H. Construction Site Signs: A sign may be placed on a construction site out of the public ROW within the following parameters.
 - 1. Number. There shall be only one sign per lot.
 - 2. Size. Such a sign shall not exceed eight (8) square feet.
 - 3. Height. A construction site sign shall not exceed five feet (5') in height.
 - 4. Location. Such a sign must be located on the construction site.
 - 5. Illumination. A contractor sign shall not be illuminated.
 - 6. Time. A contractor sign may be placed only during the period of time when a building permit is valid and must be removed no later than the final inspection.
- I. Community Signs. Community signs are permitted in all zones with a permit issued by the Planning Department. A community sign plan and visual representations of all types of signs and their proposed locations shall be submitted to the community development department. These submittals shall be reviewed by the community development staff for compliance with these requirements. Additional review, if necessary, may include, but not be limited to, the City Engineer, police department and public works.
 - 1. No sign shall be permitted which is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, or is in a deteriorated condition. Such sign:
 - a. Shall be made of durable, weather resistant material.
 - b. Shall use logos or symbols instead of copy, especially where copy would cause distraction to vehicular traffic.
 - c. Shall not exceed thirty two (32) square feet.
 - d. Shall not exceed six feet (6') in height.

2. Any such sign may not be attached to another temporary sign or permanent traffic or business sign.
 3. Any such sign for any single purpose or event shall not be displayed for more than twenty one (21) days prior to the event and two (2) days after the event.
 4. Commercial logos, limited to sponsors of the event, may appear on signage for community events.
- J. A-Frame Signs. An A-frame sign may be no larger than twelve (12) square feet in area for each visible side and stand no taller than five feet (5'). It shall be secured in a temporary manner to the ground or include weighted bottom edges to decrease potential movement in the wind. The sign must be movable by hand and have no electrical or battery operated lights. It may be placed anywhere on the business site at ground level and not in the public right of way. The placement shall not interfere with the visual needs of vehicular or pedestrian traffic and if determined to interfere with the clear view of a driveway or street intersection, it shall be immediately moved when requested to do so by the North Ogden City police department or code enforcement staff. The sign must be made of durable, weather resistant materials and have an anchor system to the ground to resist wind pressure. The sign shall be kept in good condition and shall be removed, repaired or replaced at the request of the North Ogden code enforcement staff.

11-21-8: FLAGS AND FLAGPOLES

- A. Height. No flagpole may be higher than the maximum building height limitation permitted in the zoning district where the flagpole is located.
- B. Location. No flagpole shall be located closer to a property line than its reclining length.
- C. Exceptions. Except as otherwise provided in CCNO 11-22-11F, a maximum of one nongovernmental flag is permitted per property under following parameters.
 1. Any flag flown in conjunction with the U.S. and/or state of Utah flag must be flown beneath them and must not exceed them in size.
 2. The maximum size of any nongovernmental flag shall not exceed fifteen (15) square feet. No one dimension to exceed six feet (6') in any direction.
 3. Governmental flags and model home flags which comply with the provisions of CCNO 11-22-11F shall not be considered signs and will not be included in the calculation of total aggregate sign area. All other signs shall be included in the calculation of total aggregate sign area.

11-21-9: ON SITE SUBDIVISION ADVERTISING SIGNS

- A. Permit. A building permit is required to place signs advertising a subdivision in a residential zone.
- B. Size. No sign shall exceed thirty two (32) square feet in size.
- C. Height. No sign shall exceed five feet (5') in height.
- D. Time Limit. On site subdivision advertising signs may be permitted until the last house or lot in the subdivision is sold.

11-21-10: MODEL HOME ADVERTISING SIGNS

- A. Through the land use permit process required for model homes, the following parameters for signs must be followed
 - 1. Number. One sign per model home.
 - 2. Size. No sign shall exceed twenty four (24) square feet.
 - 3. Height. No sign shall exceed five feet (5') in height.
 - 4. Illumination. Model home signs shall not be illuminated.
 - 5. Model Home Flags. A model home may use flags in addition to the United States Of America flag and the state of Utah flag, in the following manner.
 - a. Number. No more than two (2) flags on the lot of the first model home and one flag on each additional lot with a model home located upon it, up to a total of four (4) lots of model homes and five (5) flags.
 - b. Size. Model home flags shall not exceed eight (8) square feet in size.
 - c. Height. Flagpoles shall not exceed twenty five feet (25') in height.
 - d. Illumination. Model home flags shall not be illuminated.

11-22: GRADING, DRAINAGE, AND DEVELOPMENT CONSTRAINTS

11-22-1: GRADING AND DRAINAGE STANDARDS

- A. Purpose and Intent. The purpose of this chapter is to establish minimum standards for grading and drainage to protect the health, safety, and welfare of citizens and property owners. Hillside views are an important feature that is protected by this ordinance.
- B. Applicability. These standards shall apply to all zones within North Ogden City.
- C. Procedural Regulations. The following table identifies the excavation and grading types, approval requirements, and the approving authority for excavation and grading activities.

	EXCAVATION AND GRADING	
Excavation and Grading Types	Approval Requirements	Approving Authority
SWPPP	State Permit Required ¹	PW Inspector
Right of Way	City Right of Way Permit Required ²	PW Inspector
Parcel	Design Plans Required ³	City Engineer
Subdivision	Design Plans Required ³	City Engineer
Building Permit for Parcel or Subdivision Lot	Grading Plan Required ⁴	Building Official
Brush Removal	Brush Removal Permit Required ⁵	City Engineer or Building Official

- D. Consistent with the provisions of this chapter, the following standards apply to making application for grading and excavation.
1. SWPPP Permits. SWPPP permits are subject to the North Ogden City Public Works and State of Utah Standards. Approved SWPPP plans are required at the time of preconstruction meeting.
 2. Right of Way Permits. Right of Way permits are required to include any excavation within the public right of way or public easements.
 3. Parcel and Subdivisions are required to provide a rough grading plan at the time of application; to be reviewed by the City Engineer. A revegetation plan is required as part of preliminary plan review. The rough grading plan and revegetation plan shall be referenced on the final plat Mylar.
 4. Building Permits. A fine grading plan is required at the time of building permit application. The final grading plan must be consistent with the approved subdivision rough grading plan and revegetation plan and city drainage standards. (See Subsection B Applicability)
 5. The City Engineer shall have the authority to waive any of these requirements as he / she sees fit for any lot which was in existence prior to June 1, 2018 and which does not have a rough grading plan already approved by the City. Any provision may be applied to any lot in the City if the City Engineer determines there is a health and safety issue which requires compliance.
 6. Brush Removal Permit. A rough grading plan that includes the size of the area to be impacted, the depth of excavation, and the extent of landscape grubbing shall be included with the brush removal permit. (Limited to disturbed areas in excess of 10,000 square feet.)
 7. Plan of Development. Prior to the issuance of a zoning clearance, a plan of development or rough grading plan shall be submitted to and approved by the City Engineer. Prior to development plan approval, the City Engineer may require that reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting, setbacks of buildings, etc., to the extent that the noted purpose and objectives of this chapter are maintained and ensured.
 8. Application Requirements. In addition to the otherwise noted procedural and information requirements of this provision, all applications for a zoning clearance, subdivision approval, or rough grading plan approval shall contain the following materials and information.
 - a. Site plan, prepared and stamped by a Utah registered land surveyor or engineer with the following information.
 - 1) A topographic survey at least ten feet (10') beyond the exterior property line of the site.
 - 2) Contour intervals not exceeding two feet (2') within twenty feet (20') of any proposed improvement and five foot (5') intervals for the remainder of the lot or parcel.

- 3) Scale of the site plan shall be not less than one inch equals twenty feet (1" = 20'). For large scale projects, the Planning Director may allow a different scale.
- 4) If structures are proposed, show cross sections through site and building at twenty five foot (25') intervals perpendicular to slope, giving percentage of slope at each, and showing exact heights of structures at each existing contour.
- 5) If structures are proposed, each floor level shall be shown with different shading with a legend giving grade or elevation of each level.
- 6) If a garage is proposed, give proposed elevation or grade at garage floor and at existing street level at drive entry. Give percentage of total average slope, and percent and length of single steepest portion of driveway.
- 7) List the individual square footage of buildings, garages, patios, footprint, disturbance area, buildable areas and, if applicable, pool.
- 8) Include all disturbed (or graded) areas and show the proposed method of final treatment. Indicate all retaining walls, showing the actual and allowable heights.
- 9) Show how drainage is altered, and if so, how it is redirected to original channel and show that the requirements regarding storm water runoff and drainage have been met.
- 10) Show location of all proposed utility lines. (11) Give legal description, property dimensions and heading, along with the name, address, and telephone number of applicant.

b. Elevations, to be submitted if structures are proposed.

- 1) Show all exterior elevations, giving accurate existing and proposed grades lines. (Scale 1/4" = 1') Show total height of buildings and give height and total length of all retaining walls.

C. Excavation and Grading.

1. Parcel Excavation and Grading. Plan Required. Natural vegetation (oak brush, shrubs and small trees) located outside the boundaries of a subdivision, shall be removed only when necessary for authorized construction, driveways, sidewalks, landscaping and like residential purposes. No person shall excavate or grade any site located within or outside the boundaries of a subdivision until and unless an excavation or grading plan has been reviewed by the City Engineer and the City Engineer has approved and issued a grading permit. All cuts and fills shall be made such that the resulting surface has an angle equal to or less than the natural angle of repose. The excavation or grading plan shall contain a revegetation plan providing for the revegetation of any cuts or slope disturbances and such revegetation shall be completed within one year of the surface disturbance.
2. Subdivision Excavation and Grading. Properties within a subdivision are subject to the final plat conditions. Properties within a subdivision are also subject to the conditions in subsection C(1) at the time of issuance of a building permit.

3. Brush Removal. Brushing (to remove grass, weeds and other undesirable vegetation without the disturbance of soil to a depth greater than 1 foot in depth, which may present a potential fire hazard), requires a brush removal permit. This permit shall be required only for disturbed areas exceeding 10,000 square feet.
 4. Site Examination: Concurrent with the submission of an excavation or grading plan to the City Engineer, the building official or City Engineer may examine the site of the proposed excavation.
- D. Grading Standards.
1. Grading Permit Requirement. There shall be no clearing or grading on, or to, any site that is different than the approved grading plan of the subdivision or other parcel of land (other than soil tests that are 100 square feet maximum in size or geological trenching done in conjunction with detailed geological investigations) prior to the issuance of a grading permit.
 2. Grading of all Un-platted Land. The extent of disturbance shall be in accordance with the grading limitations of Title 11 and Title 12.
 3. Total Disturbance. All grading and/or disturbance performed subsequent to December 1, 1999, or subdivision improvement grading, is considered to be cumulative under this title.
- E. Cut and Fill Standards.
1. Importation of Fill Material. Except as exempted in the adopted international building code, the importation of fill material to a lot or parcel is prohibited unless a grading permit allowing such fill is first secured.
 2. Exportation of Excavated Material. Prior to the exportation of any material from a site, a proper final placement location for such material and an acceptable haul route must be identified in order to secure a grading permit to remove such material.
 3. Height of Un-retained Cut or Fill. If the natural grade or the subdivision finished grade if the property was platted or re-platted after December 1, 1999, is more than a twenty percent (20%) gradient, the maximum amount of un-retained fill or cut shall be four feet (4') above/below the natural grade, or subdivision grade if platted after December 1, 1999. Where the natural grade or the subdivision finished grade if the property was platted after December 1, 1999, has a gradient of twenty percent (20%) or less, the maximum amount of un-retained fill or cut shall be six feet (6') above/below the natural grade or the subdivision finished grade if the property was platted after December 1, 1999. When fill is placed on existing grades of 20% or more and the depth of the fill exceeds 5 feet, benching shall be provided. Such benching shall include a keyway of at least 10 feet in width and 2 feet in depth. Any fill or cut grading in excess of these amounts must be contained by retaining walls.
 4. Limitations on Cut and Fill. The height of any fill or the depth of any cut area, as measured from natural grade, shall not be greater than ten feet (10'), regardless of whether the fill or cut is retained, un-retained, or a combination thereof. The total combined height of any fill or the depth of any cut area as a result of subdivision improvement grading and/or any subsequent grading, including, but not limited to, grading approved as a part of building permit approval, shall not total more than ten feet (10'), as measured from natural grade.

5. Maximum Slope of Fill Grading. Any un-retained fill slope, if allowed, shall have a maximum three feet (3') horizontal to every one foot (1') vertical fill, unless it is otherwise designed and stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report.
6. The slope immediately above or below a retaining wall may not exceed 4(H) to 1(V) unless it is otherwise designed and stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report.
7. Permanent cut slopes steeper than 2(H) to 1(V) or fill slopes steeper than 3(H) to 1(V) will require a retaining wall unless otherwise recommended by an engineering analysis and approved by the City Engineer. All recommendations must be stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report. In no case shall an un-retained slope be left steeper than the natural angle of repose of the soil.
8. Permanent cut or fill slopes cannot exceed a vertical height of 6 feet measured from the toe to the top of the cut or fill unless otherwise recommended by an engineering analysis and approved by the City Engineer. All recommendations must be stamped by an engineer licensed in the state and substantiated by recommendation of a geotechnical report. The toe or top of a cut or fill must be set back at least 15 feet from a structure's foundation.
9. When creating grading plans consideration should be given to provide sufficient space for equipment and personnel to access retaining walls in order to provide the maintenance of the walls and slopes.
10. Restoration of Graded Surfaces. A revegetation process shall be completed as identified in the subdivision final plat requirements or within one and one-half (1 1/2) years if the grading took place in the front and side yards, and two (2) years if the grading took place in the rear yard of a certificate of occupancy or occupancy of the premises (whichever comes first), unless a specific exemption is granted by the City Engineer or designee. However, grading for drainage and erosion control purposes shall be completed prior to final inspection.
11. Stabilization of Slopes. Slope stabilization can be required if necessary as set forth in the edition of the international building code that is adopted at the time the application for grading is made.
12. Preexisting Grading. A grading permit or building permit shall not be conditioned on altering, modifying or not utilizing existing grading, if the existing grading work was completed in conformance with valid permits, and does not present a threat or danger to the proposed development or neighboring properties. This provision does not prevent the City Engineer from requiring necessary documentation of site suitability to assure soil stability, compaction and other geotechnical purposes.
13. Dust Control. During all grading, and until revegetation or site restoration is completed, dust should be minimized by application of approved dust control methods as approved by the city public works inspector or building official.

F. Drainage.

1. Maintenance of Continuity. The entrance and exit points and continuity of all natural drainage channels on a lot or parcel shall be preserved. Ponding of water shall not be

permitted immediately above cut or fill slopes. Building sites must be designed to carry surface waters away from buildings and retaining walls. A drainage plan is required for all building permits that is consistent with the subdivision rough grading plan and revegetation plan

2. Erosion Prevention. Erosion controls should be constructed and maintained to prevent erosion of all slopes and graded areas. Surface drainage interceptors may be provided at the top of all cut and fill slopes where surface runoff will create erosion problems. Subsurface drainage facilities may be required for stability and protection of affected areas due to ground water seepage.
3. Swale Grading. The minimum amount of swale grading necessary for drainage purposes is not subject to the restoration procedures of subsection E10 of this section.

G. Retaining Walls.

1. Retaining walls in this section refer to walls that retain earth.
2. Measurement of Height. For the following rules, wall heights are measured from the finished grade below the wall or wall system to the finished grade above the wall or wall system. The term “wall system” refers to tiered walls which will be considered collectively for review purposes.
3. A building permit is needed to construct retaining walls that are over 4 feet in height measured from the finished grade below the wall to the finished grade above the wall. The building official may require a permit on shorter walls if they support a surcharge such as sloped earth, footings, vehicles, etc.
4. When submitting for a building permit, a grading plan must be submitted showing retaining walls. This plan will be reviewed and approved by the building official. If the plan includes retaining wall heights that exceed 4 feet then the plan must also include typical section views cut through the walls with dimensioned wall heights and distances from walls to structures, property lines and spacing between walls.
5. Grading should be designed to divert surface water away from wall structures. Wall design should also include a system to collect and drain away any water that may collect behind the wall.
6. Tiered Retaining Walls. Tiered walls must be separated horizontally by a distance that exceeds the largest adjacent wall height. Tiered walls with a horizontal separation less than this are not permitted even though they may be engineered and stable. Walls with a horizontal separation of more than twice the largest adjacent wall height are not considered tiered wall system and may be reviewed as separate structures. Tiered retaining wall systems will require a global slope stability analysis stamped by an engineer licensed in the state. Fencing that does not retain earth is not considered part of a retaining wall or retaining wall system and shall be subject to North Ogden’s fencing requirements.
7. Any wall or wall system over four feet (4’) in height will need to be engineered and stamped by an engineer licensed in the state. The maximum retaining wall height shall be 8 feet.
8. Walls 8 feet in height or less should be designed and constructed according to standard design and construction practices, manufacturer recommendations and published design charts. Regardless of the height of a retaining wall, the building official or City

Engineer may require stamped engineered plans if it is suspected that the retaining wall needs additional engineering due to design requirements or environmental conditions. This may also be true for areas with a high water table or poor soil conditions. Plans must be stamped by an engineer licensed in the state.

9. Gravity rock walls and gravity block walls cannot exceed 6 feet in height. Gravity rock walls or gravity block walls can be tiered to create additional height (i.e. they must be spaced horizontally by the height of the tallest adjacent retaining wall).
10. Mechanically stabilized earth (MSE) walls such as Keystone with geogrid or other tie-back systems are permitted. Reinforced concrete cantilevered retaining walls are also permitted. These walls may be tiered but any tier cannot exceed 8 feet in height.
11. Rock or other coverings on a steepened slope (rockery) may be considered a retaining wall when the slope exceeds the maximum permanent cut or fill slope recommended by a geotechnical analysis. If a slope requires a rockery to be stable then it is to be treated as a retaining wall.
12. If these requirements are more restrictive than the standards found elsewhere in the ordinance then these standards will apply.

11-22-2: RESTRICTED LOT (R LOT) DEVELOPMENT

- A. Purpose and Intent. The purpose of designating or identifying an R lot is to minimize hazards relating to flooding, erosion, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, snow, mud and debris slides, and other environmental hazards; to protect percolation and natural drainage channels and recharge areas and the natural scenic character of hillside and other areas located within the city; to promote the safety, health and well-being of present and future residents of the city; and to ensure the efficient expenditure of public funds.
- B. Permitted Uses. With respect to an R lot, no property shall be used and no building shall be erected or altered thereon so as to be arranged, intended or designated to be used for other than one or more of the following uses.
 1. A public recreational facility which will not significantly alter the natural form of the landscape;
 2. Emergency equipment routes to provide essential emergency services such as fire control;
 3. Single-family dwellings in approved subdivisions; provided, that the applicant can demonstrate conclusively to the Planning Commission, through the submission of a site design, that any hazards and limitations of the site can be overcome in such a manner as to prevent hazard to, among others, life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel, and undue adverse impact on the natural environment as described in CCNO 11-19-2.
- C. Site Design Specifications. All site design elements are subject to the approval of the Planning Commission. The following guidelines shall be used to promulgate development which will be compatible with the natural character of the area upon which the R lot lies:
 1. The design of structures and site modifications shall demonstrate an effort to conform with the topography of the site rather than extensively alter the site to accommodate development.

2. All developments shall comply fully with the provisions of site development standards ordained by the city.
3. The design of structures and site modification shall protect the public from and not enhance the potential risk of natural hazards of storm water runoff and erosion by requiring, where necessary, manmade drainage facilities, minimal impact to natural drainage channels, and the minimal removal of natural vegetation.
4. The threat and consequential damage of fire in hillside areas shall be minimized by establishing fire protection measures.
5. Natural features, wildlife habitat and open space shall be preserved.
6. Public access to mountain areas and natural drainage channels shall be preserved.
7. Natural topographical features such as drainage channels, streams, ridge lines, rock outcroppings, vista trees, and other natural plant formations, shall be retained.
8. Visual and environmental quality by use of natural vegetation and the prohibition of excessive excavation and terracing shall be preserved and enhanced.
9. Cuts, fills and other visible scars will be considered and minimized to promote safety and aesthetics.
10. A variety of development designs and concepts that are compatible with the natural terrain of the sensitive area will be encouraged and open space and natural landscape will be preserved.

11-22-3: DEVELOPMENT CONSTRAINTS

- A. Purpose and Intent. The purpose of this chapter is to establish minimum standards for grading and drainage to protect the health, safety, and welfare of citizens and property owners.
- B. Applicability. These standards shall apply to zones within North Ogden City.
- C. Studies Required: Prior to any development or any grading activity within this zoning district, the developer or landowner shall provide site specific studies addressing the geomorphology, geology, faults, hydrology, slopes, soils, recharge, vegetation and wildlife, fire, and utility and parks constraints of the site. No development shall take place in any area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer's engineer, taking place that will overcome or protect the area from the identified hazards. These measures must be acceptable to the city council. The city council shall not approve any development proposals until it receives a recommendation of the Planning Commission and city staff. However, if the city believes it is appropriate, the city may still conduct an independent review of the property. By submitting plans and specifications to the city, the developer agrees to allow the city's engineer, surveyor, or other agents onto the property to conduct further reviews.
 1. Determinations. The studies shall make the following determinations:
 - a. Whether the site has constraints to development that are too hazardous to be developed and therefore should not be developed.
 - b. What areas of the site can be developed if mitigating measures are taken and the identification of the mitigation measures.
 - c. What areas of the site have no hazards to development.
- D. Sensitive Areas. Development in the sensitive areas shall take place only after the developer's engineer certifies and the city accepts the developer's engineer's conclusion, that development

in such areas is safe. However, if the city believes it is appropriate, the city may still conduct an independent review of the property. By submitting plans and specifications to the city, the developer agrees to allow the City Engineer, surveyor or other agents onto the property to conduct further reviews.

- E. Minimum Building Area Without Development Constraints.
 - 1. There shall be a minimum of ten thousand (10,000) square feet of buildable area on each lot or parcel.
 - 2. The entire building area shall be free of any development constraints. None of the development building area shall be located in an area where development hazards are identified, without mitigating measures, as proposed, designed and certified by the developer's engineer, taking place that will overcome or protect the area from the identified hazards.
 - 3. Each development area or buildable area must be a contiguous area not less than eighty feet (80') continuously in width and one hundred feet (100') continuously in depth.
 - 4. If the development area is not adjacent to the public street, it shall be accessible to the public street with an access way that is a minimum of thirty feet (30') wide from the public street to the development area. The access way shall be developed in conformance with the grading standards specified in this chapter.
- F. Development on natural slopes steeper than 20% shall be prohibited without a request for and approval of a variance submitted to the City including engineering recommendations from a certified and licensed engineer and subject to approval of the City Engineer. Any such approved variance, including any additional engineering to accommodate slope development, shall become an enforceable requirement for any development, construction, excavation or other activity on any such slope.
 - 1. Natural slope is considered to be existing undisturbed terrain.
 - 2. These sloped areas shall remain undisturbed even though they may be part of a subdivision lot except as authorized by any approved variance permitting development or other construction activities on any natural slope in excess of 20%.
 - 3. Any area of a lot in excess of 20% natural slope shall not be included when the minimum lot area is calculated for the zone in which the subdivision is to be developed if no variance to this slope restriction has been granted.
 - 4. Conditional Use Permit shall be required to cross these areas with street improvements.