

CITY OF OGDEN VALLEY PLANNING COMMISSION PUBLIC NOTICE

Subject: Proposed Changes to Title 102, Administration

Notice Date: April 3rd, 2026

Public Hearing Date: Tuesday, April 14th, 5:00 PM

Location: 7474 East 200 South, Huntsville, City Council Chambers

Summary of Proposed Zoning Changes

The City of Ogden Valley is considering the adoption of Title 102 – Administration, establishing administrative procedures, decision-making authority, appeal processes, enforcement mechanisms, rezoning procedures, and development agreement standards for the City’s Land Use Code. This ordinance is adapted from the former Weber County Land Use Code and has been modified to reflect city governance, improve procedural clarity, and align with the current Utah State Code. The amendments clarify the roles of City staff and appointed authorities, application and appeal processes, and modify provisions as applicable to Ogden Valley City.

Key Changes to Chapter 102-Administration:

- **Section 102-1-1 – Purpose and Intent:**

This section establishes the regulations and procedures for land use decision-making.

[No changes proposed.](#)

- **Section 102-1-2 – Planning Director Authority**

This section authorizes the Planning Director (or designee) to approve, deny, or condition certain administrative applications

[No changes proposed.](#)

- **Amendments to Section 102-1-3 Fees for Processing Applications**

This section establishes fees, expiration timelines, and requirements. The following language is being added:

- [Adding – “Applications, except subdivisions, that have been deemed complete and have not been acted upon by the appropriate land use authority within six months shall not expire due to City delay. Expiration shall only occur if the applicant fails to respond to a written request for required information within six months.”](#)
- [Adding – “The City may extend application timelines where delays are caused by scheduling, review backlog, or other administrative processes. No additional application fee shall be required where expiration results from City delay.”](#)

- **Amendments to Section 102-1-4 Notice of Written Decision**

This section outlines requirements for written decisions:

- Deleting- “Unless the land use authority’s final decision specifies otherwise, the land use authority’s decision is subject to requirements and conditions stated in the staff report and, if applicable, listed in the meeting minutes.”
- Adding -“Only those requirements, findings, and conditions expressly stated in the final written notice of decision or expressly adopted on the record by the land use authority shall be binding. A staff report or meeting minutes may be referenced for context, but shall not impose or expand conditions unless the final decision expressly incorporates a specific condition by clear reference.”

- **Section 102-1-6 Permits and Licensing**

This section authorizes departments, officials, and public employees to use permits and licenses as permitted under this chapter.

No changes proposed.

- **Section 102-1-7 Appeals**

This section outlines the process for submitting a timely appeal.

No changes proposed.

- **Amendments to Section 102-1-8 Temporary Exception.**

This section provides temporary exceptions and timelines, and circumstances in which this may apply.

- Deleting- “county commission.”
- Adding -“city council.”

No other changes are proposed.

- **Section 102-1-8 Penalties**

This section outlines penalties for violations of this chapter.

No changes proposed.

Key Changes to Chapter 102-2 Planning Commission:

State Law Reference – City planning commission, U.C.A 1953, § 10-20-301 et seq.

Updated to the applicable reference.

- **Section 102-2-1 Purpose and Intent**

This chapter defines the jurisdiction of the Ogden Valley City Planning Commission

- Deleting- “Weber County.”
- Adding -“Ogden Valley City.”

No other changes are proposed.

- **Amendments to Section 102-2-2 - Planning Advisory Area Boundaries and Planning Commission Jurisdiction**

This section has been deleted in its entirety.

- Deleting- “The unincorporated county is divided into two planning advisory areas. The unincorporated area west of the Wasatch Mountain ridge, except for the Ogden Canyon, shall be the Western Weber County Planning Advisory Area. All of the unincorporated area east of the Wasatch Mountain ride, plus the unincorporated Ogden Canyon, shall be the Ogden Valley Planning Advisory Committee that has jurisdiction over all of the unincorporated area in Weber County, comprising both planning advisory areas.”

- **Amendments to Section 102-2-3 - Planning Commission Membership And Organization**

This section outlines the structure of the Planning Commission. Consisting of seven Ogden Valley City residents appointed by the City Council, serving staggered four-year terms, with vacancies filled by council appointment and officers elected annually from among the members. Commissioners are expected to attend meetings regularly, comply with ethics and conflict-of-interest laws, and serve at the will of the City Council, which may remove or replace members by majority vote for any or no reason.

- Deleting- “Weber County.” And “county commission.”
- Adding -“Ogden Valley City.” And “city council.”

No other changes are proposed.

- **Section 102-2-4 – Powers and Duties of the Planning Commission**

This section outlines the structure of the powers and duties assigned by Utah Code and City ordinance, serving as an advisory body to the City Council on general plan updates, zoning map amendments, and Land Use Code text amendments. The Commission also approves certain land use applications, may provide recommendations on incorporation or annexation matters, cooperates with other governmental entities on planning efforts, and makes additional recommendations as requested by the City Council or required by state law.

- Deleting- “Weber County.” And “county commission.”
- Adding -“Ogden Valley City.” And “city council.”

No other changes are proposed.

- **Section 102-2-5 – Decision of the Planning Commission**

This section outlines the procedural process around how decisions take effect.

- Deleting- “Weber County.” And “county commission.”
- Adding -“Ogden Valley City.” And “city council.”

No other changes are proposed.

- **Section 102-2-6 – Meetings:**

This section defines the quorum need to conduct business as well as location, open meeting laws, and public records.

- Deleting- “county commission.”
- Adding -“city council.”

No other changes are proposed.

- **Section 102-2-7 – RESERVED:**

No changes are proposed.

- **Section 102-2-8 – Appointment of the Planning Commission Members:**

This section outlines the appointment preference.

No changes are proposed.

- **Section 102-2-9 – RESERVED**

No changes are proposed.

- **Amendments to Section 102-2-10 – Policies And Procedures:**

This section outlines the planning commission rules of order.

- Deleting- “county commission.”
- Adding -“city council.”

No other changes are proposed.

Key Changes to Chapter 102-3 Appeal Authority:

The title of this Chapter to be amended:

- Deleting- “Board of Adjustment.”
- Adding -“Appeal Authority.”

- **Amendments to Section 102-3-10 – Purpose and Intent**

The purpose and intent is to establish rules and procedures, consistent with state code.

- Deleting- “board of adjustment.” And “county.”
- Adding -“appeal authority.” And “city.”

No other changes are proposed

- **Amendments to Section 102-3-2 – Appointment of Administrative Appeals Hearing Officer**

The title of this section to be amended:

- Deleting- “Board Membership And Organization.”
- Adding -“Appointment of Administrative Appeals Hearing Officer.”

Additional changes to include:

- Deleting- all procedures related to the appointment of the Board of Adjustment.
- Adding -“The mayor shall appoint the Administrative Appeals Hearing Officer, and Alternate, as needed, with the advice and consent of the City Council. The Administrative Appeals Hearing Officer may serve until a replacement is appointed.”

- **Amendments to Section 102-3-3 – Duties And Powers of the Appeals Hearing Authority**

The title of this section to be amended:

- Deleting- “Duties and Powers of Board.”
- Adding -“Duties and Powers of the Appeals Hearing Authority.”

Additional changes to include:

- Deleting- “board of adjustment.”
- Adding -“appeal authority”

- **Amendments to Section 102-3-4 – Decision Criteria and Standards**

The section addresses appeals of decisions applying and interpreting the Land Use Code and Zoning Maps.

- Deleting- “board of adjustment.” And “county.”
- Adding -“appeal authority.” And “city.”

No other changes are proposed

- **Amendments to Section 102-3-5 – Procedure**

The section outlines procedures for applications, notices, meetings, decisions, minutes, expiration, and appeals.

- Deleting- “board of adjustment.” And “county.”
- Adding -“appeal authority.” And “city.”

Additional changes to include:

Section 102-3-5(2) Meetings

- Deleting- “The concurring vote of at least three of the five board members is required to decide in favor of the request.”

Section 102-3-5(4) Appeals

1. Adding -“Any person adversely affected by any decision of the appeals authority may petition the district court for a review of the decision.
2. In the petition, the plaintiff may only allege that the appeals authority decision was arbitrary, capricious, or illegal.
3. The petition is barred unless it is filed within 30 days after the decision is final.
4. The time under C. to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 63-34-13 until 30 days after:
 1. The arbitrator issues a final award; or
 2. The private property ombudsman issues a written statement under Utah Code Annotated 63-34-13(4)(b) declining to arbitrate or to appoint an arbitrator.
5. A tolling under Subsection D. operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.
6. A request for arbitration filed with the private property ombudsman after the time under subsection C to file a petition has expired does not affect the time to file a petition.
7. The appeals authority shall transmit to the district court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
 1. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.
8. If there is a record, the district courts review is limited to the record provided by the appeals authority.
9. The court may not accept or consider any evidence outside the appeals authority record unless that evidence was offered to the appeals authority and the court determines that it was improperly excluded by the appeals authority.
10. If there is no record, the court may call witnesses and take evidence.
11. The court shall affirm the decision of the appeals authority if the decision is supported by substantial evidence in the record.
12. The filing of a petition does not stay the decision of the appeals authority.

13. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 63-34-13, the aggrieved party may petition the appeals authority to stay its decision.
14. Upon receipt of a petition to stay, the appeals authority may order its decision stayed pending district court review if the appeals authority finds it to be in the best interest of the City.
15. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 63-34-13, the petitioner may seek an injunction from the district court staying the appeals authority decision.

Key Changes to Chapter 102-4 Permits and Enforcement:

All proposed amendments to this Chapter include:

- Deleting- “county.”
- Adding -“city.”

Key Changes to Chapter 102-5 Rezone Procedures:

- **Amendments to Section 102-5-1 – Purpose and Intent:**

This section establishes a legislative means by which applications are processed to change zoning.

- Deleting- “county.”
- Adding -“city.”

Additional changes include:

- Deleting- “Every property in the unincorporated areas of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and in the Ogden Valley in the 1960s.”

- **Amendments to Section 102-5-2 – Development To Be In Conformance To The General Plan:**

This section establishes a legislative means by which applications are processed to change zoning.

- Deleting- “county.”
- Adding -“city.”

No other changes are proposed.

- **Amendments to Section 102-5-3 – Reserved:**

No changes are proposed.

- **Amendments to Section 102-5-4 – Application Requirements:**

This section establishes a legislative means by which applications are processed to change zoning.

- Deleting- “county.” And “County Commission”
- Adding -“city.” And “City Council”

Additional changes include:

Section 102-3-5(3)(1) Supplemental application requirements

- Deleting- “or for a rezone to the Destination and Recreation Resort Zone.”

- **Amendments to Section 102-5-5 – Application Requirements:**

- Deleting- “county.” And “County Commission”
- Adding -“city.” And “City Council”

No other changes are proposed.

- **Amendments to Section 102-5-6 – Rezone Procedure:**

This section establishes procedure for processing a zone change.

- Deleting- “county.” And “County Commission”
- Adding -“city.” And “City Council”

Additional changes include:

Section 102-3-6(2)(4) Supplemental application requirements

- Deleting- “Supplemental approval considerations for a destination and recreation resort zone. Planning Commission and County Commission are also encouraged to consider the following factors, among other factors they deem relevant, when making an amendment to the DRR-1 zone.
 1. Whether a professional and empirical study has provided substantial evidence determining that the proposed resort is viable and contributes to the surrounding community’s economic well-being.
 2. Whether the natural and developed recreational amenities, provided by the resort, will constitute a primary attraction and provide an exceptional recreational experience by enhancing public recreational opportunities.
 3. Whether the proposed resort’s seasonal workforce housing plan will provide a socially, economically, and environmentally responsible development.

- **Section 102-5-7 – Approved Development Proposals:**

No changes are proposed

- **Amendments to Section 102-5-8 – Development Agreement:**

This section establishes the procedure for zoning development agreements as outlined in Title 102, Chapter 6.

- Deleting- “County Commission”
- Adding -“City Council.”
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- **Amendments to Section 102-5-6 – Rezone Expiration and Reversion:**

This section codifies that a rezone approved with a concept development plan automatically expires after three years without substantial construction activity unless extended by the City Council, reverts to the prior zoning upon expiration, and does not limit the City Council’s authority to rezone the property in the future..

- Deleting- “county.” And “County Commission”
- Adding -“city.” And “City Council”

No other changes are proposed.

- **Amendments to Section 102-5-7 – Rezone of Property Disconnecting From Incorporated Cities.**

This section has been deleted in its entirety.

- Deleting- “Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county planning division. Prior to any discussion, the subject property needs to comply with its current city zoning and approved site plan.”

Key Changes to Chapter 102-6 Development Agreements:

- **Amendments to Section 102-6-1 through 102-6-10**

This section outlines the process by which development agreements may be used at the City Council’s discretion to advance City policies or tailor development standards for specific properties, and must meet detailed procedural, content, and public review requirements. Once approved and recorded, development agreements are binding on current and future property owners, enforceable under the Land Use Code, modifiable only as allowed by law, and may result in zoning reversion if terminated due to noncompliance.

- Deleting- “county.” And “County Commission”
- Adding -“city.” And “City Council”

No other changes are proposed.

The intent of these changes is to adopt procedures that better align with the community's vision for how to administer and facilitate land use actions within Ogden Valley City.

Affected Property Owners (Map Amendments)

This is a citywide ordinance that applies to administrative procedures within Ogden Valley City. No map amendments are proposed as a part of this action.

Reviewing Documents

The draft ordinance/map changes are available for public review at:

- **Online:** www.ogdenvalley.gov/public-meeting/planning-commission-public-hearing-april-14-2026/
- **In-Person:** 7474 East 200 South, Huntsville
Mondays and Wednesdays 9 am to 1 pm
Thursdays 1 pm to 5 pm

Providing Comment

All interested parties are invited to attend the public hearing or submit written comments. Written comments may be submitted prior to the hearing via:

- **Email:** planning@ogdenvalleyut.org
- **Mail:** 7474 East 200 South, Huntsville, Utah 84317

ADA Accommodations

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Kay Hoogland, Council Member, at 847-404-7770 or by email at khoogland@ogdenvalleyut.org at least 24 hours prior to the hearing.

Title 102 Administration

- Chapter 102-1 General Provisions
- Chapter 102-2 Planning Commission
- Chapter 102-3 Board Of Adjustment
- Chapter 102-4 Permits Required And Enforcement
- Chapter 102-5 Rezoning Procedures
- Chapter 102-6 Development Agreements

Chapter 102-1 General Provisions

- Sec 102-1-1 Purpose And Intent
- Sec 102-1-2 Planning Director Authority
- Sec 102-1-3 Fees For Processing Applications
- Sec 102-1-4 Notice Of Decision
- Sec 102-1-5 Reserved
- Sec 102-1-6 Permits And Licensing
- Sec 102-1-7 Appeals
- Sec 102-1-8 Temporary Exceptions
- Sec 102-1-9 Penalties

Sec 102-1-1 Purpose And Intent

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

~~(Ord. of 1956, § 31-1; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-1), 5-1-2012)~~

Sec 102-1-2 Planning Director Authority

1. The planning director, or his designee, is authorized to deny, approve, or approve with conditions an application for an administrative approval. Administrative approval can be given for the following applications:
 1. Site plan approval, when required by this Land Use Code, for which the land use authority is not otherwise specified by this Land Use Code;
 2. Design review for buildings under 10,000 square feet and which impact an area of less than one acre, as provided in Section 108-1-2;

3. Home occupation, as provided in Section 108-13-2;
 4. Building Parcel designation, as provided in Section 108-7-33;
 5. Small subdivisions, as provided in Section 106-1-8.030 of this Land Use Code; and
 6. Access to a land locked Lot or Parcel, as provided in Section 108-7-32.
2. The planning director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in this Land Use Code or if any of the required findings are not supported by evidence in the record as determined by the director. At the discretion of the planning director, the planning commission can hear the request for an administrative approval.
 3. The planning director approval process includes public notice and comment from adjacent property owners, when required by this Land Use Code or state code.

~~(Ord. of 1956, § 31-2; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2011-17, § 3, 10-11-2011; Ord. No. 2012-7, § 7(31-2), 5-1-2012; Ord. No. 2016-17, Exh. A, 11-8-2016)~~

~~**Editor's note**—Ord. No. 2016-17, Exh. A, adopted Nov. 8, 2016, amended the catchline of § 102-1-2 to read as herein set out. Said catchline formerly read "Administrative authority."~~

HISTORY

~~Amended by Ord. 2023-10 on 5/16/2023~~

Sec 102-1-3 Fees For Processing Applications

1. Fees for processing applications shall be established by ordinance.
2. Applications, except subdivisions, that have been deemed complete and have not been acted on by the appropriate board shall expire after ~~six months~~ 180 calendar days. The applicant will have to submit a new application and fees to restart the process.
3. Applications, except subdivisions, that have been deemed complete and have not been acted upon by the appropriate land use authority within six months shall not expire due to City delay. Expiration shall only occur if the applicant fails to respond to a written request for required information within six months.
- 2.4. The City may extend application timelines where delays are caused by scheduling, review backlog, or other administrative processes. No additional application fee shall be required where expiration results from City delay.

~~(Ord. of 1956, § 31-3; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-3), 5-1-2012)~~

Sec 102-1-4 Notice Of Decision

After reviewing the evidence and considering the application, the land use authority, as designated by this Land Use Code, shall make its findings and decision. It shall then send a notice of decision to the applicant at the address or e-mail address given in the application. A notice of decision can be a written notice of decision, a copy of the written administrative approval signed by the planning director or designee, or a copy of the approved minutes. A decision by the land use authority is final at the time the notice of decision is sent. If a notice of decision is not sent, and the decision was made in a meeting where minutes are kept, the decision shall be final on the date the minutes from the meeting are approved by the land use authority. The planning division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Unless the land use authority's final decision specifies otherwise, the land use authority's decision is subject to requirements and conditions stated in the staff report and, if applicable, listed in the meeting minutes. Only those requirements, findings, and conditions expressly stated in the final written notice of decision or expressly adopted on the record by the land use authority shall be binding. A staff report or meeting minutes may be referenced for context, but shall not impose or expand conditions unless the final decision expressly incorporates a specific condition by clear reference.

~~(Ord. of 1956, § 31-4; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-4), 5-1-2012; Ord. No. 2016-17, Exh. A, 11-8-2016)~~

Sec 102-1-5 Reserved

HISTORY

Amended by Ord. 2020-16 on 9/22/2020

Sec 102-1-6 Permits And Licensing

All departments, officials, and public employees of the ~~county~~city, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

~~(Ord. of 1956, § 31-6; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-6), 5-1-2012)~~

Sec 102-1-7 Appeals

Appeals from administrative decisions shall be submitted to the planning division not more than 15 calendar days after the date of the written notice of decision in accordance with section 102-3-5. Appeals from administrative decisions shall be heard by the [appeal authority](#). ~~board of adjustment.~~

~~(Ord. of 1956, § 31-7; Ord. No. 2009-28; Ord. No. 2010-20; Ord. No. 2012-7, § 7(31-7), 5-1-2012)~~

Sec 102-1-8 Temporary Exceptions

The ~~county commission~~[city council](#) has the authority to grant, by motion, temporary exceptions from any term or condition of this Land Use Code for a period not to exceed three months in duration. Time may be extended for an additional three months by the ~~county commission~~[city council](#), for a total duration for any one tract of land not to exceed six months. The granting of a temporary exception may be made by the ~~county commission~~[city council](#) with or without a recommendation from the planning commission. Such temporary exceptions may be granted upon the ~~city council~~[county commission](#) determining that such a temporary exception is justified because of some extraordinary, or emergency situation, or act of God situation, and that the health, safety, convenience, order, and welfare of the inhabitants of the ~~county~~[city](#) will not be substantially affected, if such temporary exception is granted.

Sec 102-1-9 Penalties

Any person, firm, or corporation who intentionally violates this chapter shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued, or permitted. Any person, firm, or corporation that violates the provisions of this chapter shall be guilty of a misdemeanor and punishable as provided by law.

Chapter 102-2 Planning Commission

Sec 102-2-1 Purpose And Intent

Sec 102-2-2 Planning Advisory Area Boundaries And Planning Commission Jurisdiction

Sec 102-2-3 Planning Commission Membership And Organization

Sec 102-2-4 Powers And Duties Of The Planning Commission

Sec 102-2-5 Decisions Of The Planning Commission

Sec 102-2-6 Meetings

Sec 102-2-7 (Reserved)

[Sec 102-5-5 Concept Development Plan](#)

Sec 102-2-9 (Reserved)

Sec 102-2-10 Policies And Procedures

State Law reference—~~County~~City planning commission, U.C.A. 1953, § ~~17-79-301~~10-20-301 et seq.

Sec 102-2-1 Purpose And Intent

This chapter defines the jurisdiction of the ~~Weber County~~Ogden Valley City Planning Commission. It also outlines the organization, membership, and powers and duties of the planning commission.

~~(Ord. of 1956, § 45-1; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

HISTORY

~~Amended by Ord. 2024-13 on 5/28/2024~~

~~Amended by Ord. 2025-27 on 11/18/2025~~

Sec 102-2-2 Planning Advisory Area Boundaries And Planning Commission Jurisdiction(Reserved)

~~The unincorporated county is divided into two planning advisory areas. The unincorporated area west of the Wasatch Mountain ridge, except for the Ogden Canyon, shall be the Western Weber County Planning Advisory Area. All of the unincorporated area east of the Wasatch Mountain ridge, plus all of unincorporated Ogden Canyon, shall be the Ogden Valley Planning Advisory Area. Pursuant to state law, Weber County has established a single Weber County Planning Commission that has jurisdiction over all of the unincorporated area in Weber County, comprising both planning advisory areas.~~

~~(Ord. of 1956, § 45-2; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

Editor's note—~~Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 102-2-2 from "Township boundaries" to read as herein set out.~~

HISTORY

~~Amended by Ord. 2024-13 on 5/28/2024~~

~~Amended by Ord. 2025-27 on 11/18/2025~~

Sec 102-2-3 Planning Commission Membership And Organization

1. The planning commission shall consist of seven members.

1. Each member of the planning commission shall be a registered voter residing within the ~~un~~incorporated area of ~~Weber County.~~Ogden Valley City.
2. Members shall be nominated by the ~~county commission~~city council, from a list of applicants. Appointments shall be approved during a public meeting by a majority vote of the ~~county commission~~city council.
3. Commission members shall serve for a term of four years, with terms expiring on June 30. Expiration of terms shall be staggered so that an overlapping of terms occurs. Initial appointments, at the time of the creation of the planning commission, may be longer or shorter than four years, but no longer than five years, to account for the need to stagger terms and have them expire on June 30..
4. Any mid-term vacancy on the planning commission shall be filled by the ~~county commissioner~~city council by appointing a new member to fill the remainder of the unexpired term.
5. The members of the planning commission shall regularly attend planning commission meetings.
 1. Missing three or more planning commission meetings during a six-month period shall be considered grounds for removal from service. If a member misses three meetings within a six-month period, the planning division staff shall notify the ~~city council member~~county commissioners, who shall then determine, at their sole discretion, by majority vote during a public meeting, whether or not to remove the member from the planning commission.
 2. Regular in-person attendance is also expected, when planning commission meetings are held in person. A member may attend such meetings via video conference or telephone or other electronic means, with the permission of the planning division director, up to two times per calendar year. If a member requests permission to attend such a meeting electronically more than twice in one year, the planning division director shall communicate the request to the ~~city council member~~county commissioners, who shall decide whether or not to grant the request.
2. The planning commission shall annually elect a chairperson and a vice-chairperson from its membership.

3. Members of the planning commission shall be subject to all applicable state and ~~county-city~~ laws, including laws regarding conflicts of interest and ethics. A violation of such provisions shall be grounds for removal from the planning commission. The planning commission will also be governed by the planning commission rules of order adopted by the ~~city council~~~~county commission~~. If conflicts exist, state law and ~~county-city~~ ordinances will prevail over the planning commission rules of order.
4. Planning commissioners serve at the will and pleasure of the ~~city council~~~~county commission~~.
 1. The ~~county commission~~~~city council~~ may remove or replace any commission member, by a majority vote of the ~~county commission~~~~city council~~ during a public meeting, for any reason or no reason.
 2. References in this section, or in other parts of the ~~Weber County~~~~Ogden Valley City~~ Code, to circumstances that create grounds for removal of a planning commissioner are not intended to limit the ~~city council's~~~~county commission's~~ authority to remove a planning commissioner for any reason or no reason.
 3. Nothing in the ~~Weber County~~~~Ogden Valley City~~ Code is intended to confer upon planning commissioners any due process rights, or any expectation or entitlement to continued service on the planning commission.

~~(Ord. of 1956, § 45-3; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

~~HISTORY~~

~~Amended by Ord. 2024-13 on 5/28/2024~~

~~Amended by Ord. 2025-27 on 11/18/2025~~

Sec 102-2-4 Powers And Duties Of The Planning Commission

The planning commission shall have such powers and duties as are or may be prescribed by the Utah Code and as provided in the Ordinances of ~~Weber County~~~~Ogden Valley City~~.

1. The planning commission shall review the general plans and make recommendations to the ~~city council~~~~county commission~~, as deemed necessary, to keep the general plans current with changing conditions, trends, and planning needs of the ~~county~~~~city~~. Before doing so, the planning commission shall obtain the consent of the ~~city council~~~~county commission~~, to ensure that resources are available and are prioritized appropriately.

2. The planning commission shall be an advisory board to the ~~city council~~~~county commission~~, and shall make recommendations regarding:
 1. Amendments to the zoning map.
 2. Land Use Code text amendments.
3. The planning commission shall approve land use applications as prescribed in this Land Use Code.
4. The planning commission may recommend to the legislative body:
 1. To support or oppose a proposed incorporation of an area located ~~within adjacent to Weber County~~~~Ogden Valley City~~; or
 2. To file a protest to a proposed annexation of an area located ~~within Weber County~~~~adjacent to Ogden Valley City~~.
5. The planning commission, in exercise of its power, shall seek to cooperate with other governmental entities and their planning commissions and shall seek to develop compatible plans for the future development of the ~~county~~~~city~~.
6. The planning commission shall make other recommendations as requested by the ~~county commission~~~~city council~~ or designated by the Utah Code.

~~(Ord. of 1956, § 45-4; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

HISTORY

~~Amended by Ord. 2024-13 on 5/28/2024~~

~~Amended by Ord. 2025-27 on 11/18/2025~~

Sec 102-2-5 Decisions Of The Planning Commission

1. The decisions of the planning commission shall take effect on the date of the meeting or hearing where the decision is made, except that Section 102-1-4 of the ~~Weber County~~~~Ogden Valley City~~ Code governs the finality of decisions made when the planning commission is acting as a land use authority. The notice of decision shall reflect the decision date.

Pursuant to Utah Code Section 17-7910-20-502, the ~~county commission~~~~city council~~ may, at its discretion, consider the planning commission's failure to make a timely recommendation on a proposed land use regulation or land use regulation amendment as a negative recommendation. For purposes of this subsection, the planning commission fails to make a timely recommendation if it has not made a recommendation within two months after holding a public hearing on the proposal, or within three months after the ~~city~~

~~council county commission~~ makes a written request for the planning commission to make a recommendation on the proposal, whichever occurs first

~~(Ord. of 1956, § 45-5)~~

HISTORY

~~Amended by Ord. 2024-13 on 5/28/2024~~

~~Amended by Ord. 2025-27 on 11/18/2025~~

Sec 102-2-6 Meetings

A quorum of four planning commissioners is needed to conduct the business of the planning commission. Each meeting of the planning commission shall be held in the following manner:

1. The planning commission shall meet in the ~~city council county commission~~ chambers or in some other specified location and at such intervals as may be necessary to orderly and properly transact the business of the planning commission. The adopted rules of order shall govern the times and locations of these meetings.
2. Meetings shall be held in accordance with the open meetings law and be properly noticed consistent with state code.
3. The minutes of all meetings of the planning commission shall be prepared and filed in the office of the planning division. All public records shall be available for public review and access in accordance with the Government Records and Access Management Act (U.C.A. 1953, § 63G-2-101 et seq.).

~~(Ord. of 1956, § 45-6)~~

HISTORY

~~Amended by Ord. 2024-13 on 5/28/2024~~

Sec 102-2-7 (Reserved)

Sec 102-2-8 Appointment Of Planning Commission Members

Appointment preference shall be given to encourage diverse background skills, work experience, and life experience among the members of the planning commission.

~~(Code 1985, § 6-21-2; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 102-2-8 from "Appointment of township planning commission members" to read as herein set out.

HISTORY

Amended by Ord. 2024-13 on 5/28/2024

Amended by Ord. 2025-27 on 11/18/2025

Sec 102-2-9 (Reserved)

~~(Code 1985, § 6-21-3; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

HISTORY

Repeated by Ord. 2024-13 on 5/28/2024

Sec 102-2-10 Policies And Procedures

1. Pursuant to state law, the ~~county commission~~city council shall enact an ordinance that defines the planning commission rules of order, including the organization and procedures of the planning commission.
2. The ~~board of county commissioners~~city council shall also adopt such policies and procedures as it deems necessary to provide for:
 1. The planning division support staff;
 2. The funding of necessary and reasonable expenses of the planning commission; and
 3. Any other purposes considered necessary to the functioning of the planning commission.

~~(Code 1985, § 6-21-5; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

HISTORY

Amended by Ord. 2024-13 on 5/28/2024

Amended by Ord. 2025-27 on 11/18/2025

Chapter 102-3 ~~Board Of Adjustment~~Appeal Authority

Sec 102-3-1 Purpose And Intent

Sec 102-3-2 Board Membership And Organization

Sec 102-3-3 Duties And Powers Of The Board

Sec 102-3-4 Decision Criteria And Standards

Sec 102-3-5 Procedure

Sec 102-3-1 Purpose And Intent

The purpose and intent of this chapter is to establish rules and procedures, consistent with state code, which govern the ~~board of adjustment~~appeal authority in considering appeals from decisions applying and interpreting this Land Use Code and Zoning Maps, and variances from the requirements of this Land Use Code. The ~~board of adjustment~~appeal authority serves as the ~~county's~~city's final arbiter of issues involving the interpretation or application of this Land Use Code.

~~(Ord. No. 2012-7, § 6(29-1), 5-1-2012)~~

Sec 102-3-2 ~~Board Membership And Organization~~Appointment of Administrative Appeals Hearing Officer

~~1.—The mayor shall appoint the Administrative Appeals Hearing Officer, and Alternate, as needed, with the advice and consent of the City Council. The Administrative Appeals Hearing Officer may serve until a replacement is appointed. The board of adjustment shall consist of five members and two alternate members from the unincorporated area of the county.~~

~~1.—Board members shall be appointed by a simple majority vote of the county commission.~~

~~1.—Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.~~

~~1.—Any vacancy occurring on the board shall be filled via appointment by a simple majority vote of the county commission. Any vacancy occurring because of resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.~~

~~2.—The board of adjustment shall annually elect a chairperson and vice-chairperson from its membership. Each officer shall hold office for a one-year period and not longer than two years consecutively.~~

~~3.—Members of the board of adjustment shall be subject to all applicable county ordinances regarding conflicts of interest and ethics. A violation of these provisions shall be grounds for removal from the board of adjustment. The county commission~~

may remove or replace any board member for cause. Removal or replacement of a board member requires a majority vote of the full county commission in a public meeting.

4. ~~(Ord. of 1956, §§ 29-1, 29-2; Ord. No. 2012-7, § 6(29-2), 5-1-2012)~~

Sec 102-3-3 Duties And Powers Of The Board~~Sec 102-3-3 Duties And Powers Of The Appeal Authority~~

The ~~board of adjustment~~appeal authority shall have the following duties and powers:

1. To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.
2. To hear and decide variances from the requirements of the Land Use Code.

~~(Ord. of 1956, § 29-3; Ord. No. 21-83; Ord. No. 22-85; Ord. No. 96-3; Ord. No. 96-11; Ord. No. 96-43; Ord. No. 98-26; Ord. No. 2002-7; Ord. No. 2003-11; Ord. No. 2012-7, § 6(29-3), 5-1-2012)~~

Sec 102-3-4 Decision Criteria And Standards

1. Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.
 1. The ~~board of adjustment~~appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.
 2. The ~~board of adjustment~~appeal authority may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.
 3. The appellant has the burden of proof that the land use authority erred.
 4. All appeals to the appeal authority~~board of adjustment~~ shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.
 5. Appeals to the appeal authority~~board of adjustment~~ shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.
2. Variances from the requirements of the Land Use Code.

1. Any person or entity desiring a waiver or modification of the requirements of the Land Use Code as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a variance from the terms of the Land Use Code.
2. The ~~appeal authority board of adjustment~~ may grant a variance only if the following five criteria are met:
 1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.
 1. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 1. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
 5. The spirit of the land use ordinance is observed and substantial justice done.

3. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
4. Variances run with the land.
5. The appeal authority may not grant a use variance.
6. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.

~~(Ord. No. 2012-7, § 6(29-4), 5-1-2012)~~

Sec 102-3-5 Procedure

The ~~appeal authority board of adjustment~~ shall adopt rules and regulations, consistent with Utah state code and ~~Weber County Ogden Valley City~~ ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

1. Application and notice.

1. Any person or entity wishing to petition the ~~appeal authority board of adjustment~~ for an appeal or interpretation of the Land Use Code or Zoning Maps, or for a variance from the requirements of the Land Use Code may commence such action by completing the proper application and submitting it to the county planning division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.
2. After a complete application has been submitted and accepted, the planning division shall prepare a staff report to the ~~appeal authority board of adjustment~~, schedule a meeting of the ~~board authority~~, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.

~~2.-Meeting. appeal authority ~~The board of adjustment~~ shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. ~~The concurring vote of at least three of the five board members is required to decide in favor of the request.~~~~

3.2. *Decision and minutes.*

1. After the ~~appeal authority board of adjustment~~ has made a decision, a notice of decision shall be prepared by the planning division, signed by the ~~appeal authority board of adjustment chair or the chair's designee~~, and sent to the appellant in accordance with section 102-1-4. This notice acts as the ~~board's authority's~~ written decision for an appeal, variance, or interpretation request. Decisions of the ~~appeal authority board of adjustment~~ shall be final at the time a notice of decision is issued.
2. The minutes of all meetings of the ~~appeal authority board of adjustment~~ shall be prepared and filed in the county planning division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

4.3. *Expiration.*

1. If the ~~board authority~~ has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.
2. If the ~~board authority~~ has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the conditions upon which the interpretation or decision was made.

4. *Appeal of decision.* Appeals from decisions of the board of adjustment are made directly to the district court as designated in the state code.

OR

1. Any person adversely affected by any decision of the appeals authority may petition the district court for a review of the decision.
2. In the petition, the plaintiff may only allege that the appeals authority decision was arbitrary, capricious, or illegal.
3. The petition is barred unless it is filed within 30 days after the decision is final.

4. The time under C. to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 63-34-13 until 30 days after:
 1. The arbitrator issues a final award; or
 2. The private property ombudsman issues a written statement under Utah Code Annotated 63-34-13(4)(b) declining to arbitrate or to appoint an arbitrator.
5. A tolling under Subsection D. operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.
6. A request for arbitration filed with the private property ombudsman after the time under subsection C to file a petition has expired does not affect the time to file a petition.
7. The appeals authority shall transmit to the district court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
 1. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.
8. If there is a record, the district courts review is limited to the record provided by the appeals authority.
9. The court may not accept or consider any evidence outside the appeals authority record unless that evidence was offered to the appeals authority and the court determines that it was improperly excluded by the appeals authority.
10. If there is no record, the court may call witnesses and take evidence.
11. The court shall affirm the decision of the appeals authority if the decision is supported by substantial evidence in the record.
12. The filing of a petition does not stay the decision of the appeals authority.
13. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 63-34-13, the aggrieved party may petition the appeals authority to stay its decision.
14. Upon receipt of a petition to stay, the appeals authority may order its decision stayed pending district court review if the appeals authority finds it to be in the best interest of the City.
- 0:15. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 63-34-13, the petitioner may seek an injunction from the district court staying the appeals authority decision. (~~Ord. 08-19; Ord. 08-13~~)

(Ord. of 1956, § 29-4; Ord. No. 22-85; Ord. No. 2002-7; Ord. No. 2012-7, § 6(29-5), 5-1-2012)

Chapter 102-4 Permits Required And Enforcement

Sec 102-4-1 Purpose And Intent
Sec 102-4-2 Land Use Permit Required
Sec 102-4-3 Land Use Permit Revocation
Sec 102-4-4 Code Enforcement
Sec 102-4-5 Building Permit Required
Sec 102-4-6 Permits To Comply With Ordinance
Sec 102-4-7 Powers And Duties Of Building Official

~~Editor's note—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended ch. 4 in its entirety to read as herein set out, including removing, reorganizing, renumbering and enacting entirely new provisions. Former ch. 4, §§ 102-4-1—102-4-7, pertained to land use permit, building permit and certificate of occupancy. Prior legislative history has been retained as applicable in the history notes following sections; see the Code Comparative Table for a detailed analysis of the changes enacted by Ord. No. 2015-13.~~

Sec 102-4-1 Purpose And Intent

The purpose of this chapter is to establish the requirements for land use permits from the planning division and building permits from the building division. This chapter identifies the responsibilities for enforcing the requirements of this Land Use Code and the penalties for violating this Land Use Code.

~~(Ord. of 1956, § 30-1; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2019-14, Exh. A, 7-30-2019)~~

Sec 102-4-2 Land Use Permit Required

1. In order to verify compliance with applicable regulations, all land uses that require a land use permit or conditional use permit by this Land Use Code are prohibited until a land use permit or conditional use permit has received final written approval from the appropriate land use authority.
2. No structure, including agricultural structures, shall be constructed, changed in use, or altered, as regulated by this Land Use Code, until and unless a land use permit or, if applicable, a conditional use permit, has received final written approval from the appropriate land use authority.
3. No application for permits or approvals governed by this Land Use Code shall be approved for any lot or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other violations on the lot or parcel, or on any parcel

included in any manner as part of the application, are resolved, unless approval of the application will resolve all of the existing violations.

~~(Ord. of 1956, § 30-4; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)~~

Sec 102-4-3 Land Use Permit Revocation

As used in this section, the term "permit" shall mean a land use permit, conditional use permit, license, or any other final written approval that is authorized by this Land Use Code. A permit may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:

1. Revocation shall be conducted by the land use authority that is authorized to approve the permit.
2. The land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
3. The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
4. Revocation of a permit is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to Title 102, Chapter 3.
5. Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.

~~(Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

HISTORY

Amended by Ord. 2023-01 on 1/10/2023

Sec 102-4-4 Code Enforcement

1. *General penalty; continuing violations.*

1. In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use Code" means:
 1. Doing an act that is prohibited or made or declared unlawful, an offense, or a misdemeanor by the Land Use Code or by rule or regulation authorized by the Land Use Code;
 2. Failure to perform an act that is required to be performed by the Land Use Code or by rule or regulation authorized by the Land Use Code; or
 3. Failure to perform an act if the failure is declared a misdemeanor, an offense, or unlawful by the Land Use Code or by rule or regulation authorized by the Land Use Code.
2. In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use Code" does not include the failure of a county government officer or county government employee to perform an official duty unless this Land Use Code specifically provides that failure to perform the duty is to be punishable as provided in this section.
3. Unless more specifically provided for in this Land Use Code, the violation of any provision of this Land Use Code may be punished as a class C misdemeanor or by imposition of a civil penalty, or both.
4. If prosecuted as a misdemeanor, each day any violation of this Land Use Code continues shall constitute a separate offense. Any violation of this Land Use Code that constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the county for such purposes, or addressed through any other lawful action.
5. The imposition of a criminal or civil penalty under the provisions of this Land Use Code shall not prevent the revocation or suspension of any license, franchise, or permit issued or granted under the provisions of this Land Use Code.
6. The provisions of this Land Use Code may also be enforced and violations punished by any of the following methods:
 1. To remedy a violation of this Land Use Code, the county may order discontinuance of the use of any land, body of water, or building; the removal of any building, addition, or other structure; the discontinuance of any work being done; or any lawful act.

2. Specific provisions of this Code may provide for additional remedies.

2. *Authorization of code enforcement official, powers and duties.* The ~~county's~~city's planning director or designee is designated as the code enforcement official and is, empowered, and directed to enforce this Land Use Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided by law. The ~~county's~~city's code enforcement official is hereby authorized empowered, and directed to make inspection of properties within the unincorporated area of the county to determine whether there is any violation of this Land Use Code. This authorization extends to all methods of inspection allowed under the state and federal constitutions.
3. *Notice of violation, time to comply.* When a violation is found, before taking any other enforcement action the code enforcement official shall serve notice of the violation in writing to the owner or occupant of the land. The notice shall:
 1. Be delivered personally or by certified mail to the owner or occupant at the last known post office address as disclosed by the records of the county recorder or assessor;
 2. State the specific code or codes being violated and explain the nature and extent of the violation; and
 3. State that the owner or occupant, as the case may be, shall correct or remove the violation no later than 14 days after notice of the violation has been delivered personally or mailed.
4. *Alternative time to comply.* Within the 14 days as specified in section 102-4-4(c), the owner or occupant may arrange an alternative remedial schedule with the Code enforcement official. The alternative remedial schedule shall be no greater than is reasonable and necessary given the extent of the violation and the owner or occupant's ability to cure.
5. *Single notice sufficient.* One notice shall be deemed sufficient on any lot or parcel of property and the subsequent lapse of the notice period shall empower the county to take other and further action as may be lawful.
6. *Administrative citation and fines.* After issuance of a notice of violation, as specified in Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative citation and fine may be issued for any violation of this code.
 1. The fine schedule is as follows:
 1. First administrative citation: \$100.00 per violation per day.

2. Second administrative citation: \$200.00 per violation per day.
 3. Third or subsequent administrative citation: \$400.00 per violation per day.
2. An additional administrative citation specified by this section 102-4-4(f) occurs in circumstances when an earlier administrative citation has:
1. Not been resolved to the satisfaction of the code enforcement official for a period of 60 days from the date of the previous administrative citation; or
 2. Been resolved to the satisfaction of the code enforcement official but the same violation reoccurs within 12 months of the first administrative citation.
3. If a property owner or occupant fails to pay a fine issued under this section, the county may take reasonable steps to collect the fine. If the fine remains unpaid, the **county-city** may petition the applicable court for a judgment against the owner or ~~occupant~~ **occupant** in the amount of the unpaid fine. If the **county-city** also files a petition under section 102-4-4(g), the two petitions may be combined into one action.
7. *Abatement.* If a property owner or occupant fails to correct or remove the violation from the property after receiving an administrative citation, the **county-city** may petition the applicable court for a judicial order enabling the **county-city** to remove some or all violations from the property and ordering the property owner or occupant to pay all costs associated with correcting the violation. If any violation of this Land Use Code constitutes a nuisance under the provisions of State Law, the county may take any action as authorized by law in addition to any other penalty imposed pursuant to this section.
8. *Judgment lien.* Once a judicial order has been obtained under this section, ordering a property owner or occupant to pay fines or abatement costs, the code enforcement official shall record a judgment lien against any real property owned by the responsible party, to the extent allowed by law.
9. *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and penalties, including the **county's-city's** cost for abatement if applicable, and the terms of the judicial order are deemed satisfied, the code enforcement official shall record a notice of satisfaction of judicial order and shall release the lien as required by law.

10. *Appeals*. A violation determination under this section shall only be appealable to district court.

~~(Ord. of 1956, § 30-5; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015; Ord. No. 2019-14, Exh. A, 7-30-2019)~~

Sec 102-4-5 Building Permit Required

Building permits, as specified by the ~~county~~city, are required for any construction, alteration, repair, removal, or occupancy of any structure. Construction shall not be commenced, except after the issuance of a written permit by the ~~county~~city building official.

~~(Ord. of 1956, § 30-2; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)~~

Sec 102-4-6 Permits To Comply With Ordinance

The building official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration is in violation of any provision of this Land Use Code; nor shall any county official grant any permit or license for the use of any building or land if such use would be in violation of this Land Use Code.

~~(Ord. of 1956, § 30-6; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)~~

Sec 102-4-7 Powers And Duties Of Building Official

It shall be the duty of the building official to inspect or cause to be inspected all setbacks of buildings in the course of construction or repair. The building official shall assist in the enforcement of all provisions of this chapter. The building official shall not issue any permit unless the plans of, and for, the proposed erection, construction, reconstruction, alteration and use fully conform to this Land Use Code.

~~(Ord. of 1956, § 30-7; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28; Ord. No. 2015-13, Exh. A, 8-25-2015)~~

Chapter 102-5 Rezoning Procedures

Sec 102-5-1 Purpose And Intent

Sec 102-5-2 Development To Be In Conformance To The General Plan

Sec 102-5-3 Reserved

Sec 102-5-4 Application Requirements

Sec 102-5-5 Concept Development Plan

Sec 102-5-6 Rezone Procedure

Sec 102-5-7 Approved Development Proposals

Sec 102-5-8 Development Agreement

Sec 102-5-9 Rezone Expiration And Reversion

Sec 102-5-10 Rezone Of Property Disconnecting From Incorporated Cities

Sec 102-5-1 Purpose And Intent

~~Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s.~~ The purpose of this chapter is to establish a legislative means by which applications to the ~~county-city~~ are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the ~~countycity~~.

~~(Ord. of 1956, § 35-1; Ord. No. 2009-29; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

Sec 102-5-2 Development To Be In Conformance To The General Plan

Rezoning of property should further the purpose of the zoning regulations listed in Title 101, Chapter 2 of the ~~county's-city's~~ Land Use Code by complying with the ~~county's-city's~~ general plans.

~~(Ord. of 1956, § 35-2; Ord. No. 2009-29)~~

HISTORY

~~Amended by Ord. 2020-16 on 9/22/2020~~

~~Amended by Ord. 2023-10 on 5/16/2023~~

Sec 102-5-3 Reserved

HISTORY

~~Amended by Ord. 2020-16 on 9/22/2020~~

Sec 102-5-4 Application Requirements

1. **Application initiation.** A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be ~~countycity~~-initiated.
2. **Application preparation and submittal requirements.** An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:

1. The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
2. A conceptual street, pathway, trail, and accessway or Alley connectivity plan showing how the project or a future project can connect to existing, proposed, and potential future streets, pathways, trails, and accessways or Alleys.
3. A proposed parks and open space plan, including land, infrastructure, or monetary donations intended to be given to the park district, county, or other entity for the purpose of providing parks or open spaces.
4. A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.
5. A proposed rezone may be required to be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan, may be required.
6. The applicant shall provide a narrative explaining:
 1. The vision for the proposed zone change and, if known, the proposed development.
 2. How the change is in compliance with the general plan, or if not, the public interest the change is intended to address.
 3. Why the present zoning should be changed to allow the rezone.
 4. How the change is in the best interest of the public.
 5. The conditions and circumstances in the general area that have changed to warrant the rezone.
 6. The reasons or ways the rezone will promote the health, safety and general welfare of the inhabitants of the county.

3. ***Supplemental application requirements.***

1. For a rezone application of a large master planned area ~~or for a rezone to the Destination and Recreation Resort Zone~~, the additional information in Subsection (c)(3) of this section shall be submitted with the initial rezone application.

2. For a rezone other than those specified in Subsection (c)(1) of this section, after submittal of the initial rezone application, the additional information in Subsection (c)(3) of this section shall be submitted if requested by the Planning Director, Planning Commission, or ~~County Commission~~City Council at any point during the rezone procedure.
3. Supplemental application information.
 1. A concept development plan, which shall include the project's conceptual layout and shall include a mapped depiction of sensitive land areas as described/mapped in Title 104, Chapter 28, Ogden Valley Sensitive Lands Overlay Zone and potential geologic hazards as identified in Title 108, Chapter 22.
 2. If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.
 3. A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
 4. Traffic impact analysis.
 5. Cost benefit analysis.
 6. Recreation facilities plan.
 7. Workforce housing plan.
 8. Emergency services plan including a letter of feasibility from the Weber fire district and Weber County sheriff's office.
 9. Letter of feasibility from the electrical power provider.
 10. Density calculation table showing proposed density calculations.
 11. Thematic renderings demonstrating the general vision and character of the proposed development.
4. **File format.** All documents submitted as part of the application shall be in a PDF formatted file.

~~(Ord. of 1956, § 35-4; Ord. No. 2009-29)~~

HISTORY

~~Amended by Ord. 2020-16 on 9/22/2020~~

Amended by Ord. 2021-6 on 3/23/2021

Amended by Ord. 2022-09 on 3/29/2022

Amended by Ord. 2023-10 on 5/16/2023

Sec 102-5-5 Concept Development Plan

1. A concept development plan may be required to be submitted with a rezoning application to any zone, as provided in Section 102-5-6. The concept development plan shall supply sufficient information about the development to assist the Planning Commission and ~~County Commission~~City Council in making a decision on the rezoning application. Information supplied shall include text and illustration identifying or showing:
 1. Inventory of general land use types located within the project and the surrounding area.
 2. Approximate locations and arrangements of buildings, structures, facilities and open space.
 3. Architectural rendering of proposed buildings, structures, facilities and open space within the project.
 4. Access and traffic circulation patterns and approximate location of parking.
 5. A written description explaining how the project is compatible with surrounding land uses.
 6. The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
 7. Existing and proposed infrastructure.
 8. Project density and mass/scale in comparison to the existing developed area adjacent to the proposed rezone.
 9. Legal description of the property being proposed for rezone.
2. The applicant/owner, and any assignee or successor 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 ~~county-city~~ until such plan is amended by the ~~city council~~county commission after recommendation of the planning commission. Minor changes may be approved by the planning director. If the ~~county-city~~ denies such changes or amendments and/or the concept plan is abandoned, the ~~county~~

city may institute steps to revert the zoning to its former or other appropriate zone. The information shown on the concept plan may vary in detail depending on the size of projects.

~~(Ord. of 1956, § 35-5; Ord. No. 2009-29; Ord. No. 2017-14, Exh. A, 5-9-2017)~~

HISTORY

~~Amended by Ord. 2020-16 on 9/22/2020~~

~~Amended by Ord. 2022-09 on 3/29/2022~~

Sec 102-5-6 Rezone Procedure

1. ***Preapplication meeting; concept plan requirement.*** Prior to submittal of a rezone application, the applicant shall attend a pre-application meeting in which the proposal is discussed with County City planning staff. After the pre-application meeting, the Planning Director or designee may require a concept development plan to be submitted with the application. After application submittal, if no concept plan was previously required, the Planning Director or designee, the Planning Commission, or the County Commission City Council may require a concept development plan or any other information to address emerging impacts.
2. ***Application process.*** A rezone application is not entitled to be reviewed until it meets the requirements outlined in Section 102-5-4 of this chapter, and after the application is deemed complete by the Planning Director or designee. Once complete, the application is entitled to be processed in the following manner:
 1. ***Planning Commission review and recommendation.*** Upon receiving a recommendation from staff regarding a rezone application, and after holding a public hearing pursuant to State Code, the Planning Commission shall review the application and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications, or denial of the proposed amendment. The Planning Commission's recommendation shall then be submitted to the County Commission City Council for review and decision.
 2. ***County Commission City Council review and decision.*** Upon receiving a recommendation from the Planning Commission regarding a rezone application, the County Commission City Council shall schedule and hold a public hearing to review and make a decision on the application. Following the public hearing the County Commission City Council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the Planning Commission's

recommendation, the ~~County Commission~~City Council may, but is not obligated to, remand the application to the Planning Commission with a request for another recommendation with additional or specific considerations.

3. ***Decision criteria.*** A decision to amend the zoning map is a matter committed to the legislative discretion of the ~~County Commission~~City Council and is not controlled by any one standard. However, in making an amendment, the ~~County Commission~~City Council and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the ~~County's~~City's general plan.
2. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.
3. The extent to which the proposed amendment may adversely affect adjacent property.
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.
5. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
6. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

~~4.—***Supplementary approval considerations for a destination and recreation resort zone.*** The Planning Commission and County Commission are also encouraged to consider the following factors, among other factors they deem relevant, when making an amendment to the DRR-1 zone:~~

- ~~1.—Whether a professional and empirical study has provided substantial evidence determining that the proposed resort is viable and contributes to the surrounding community's economic well-being.~~

~~2.—Whether the natural and developed recreational amenities, provided by the resort, will constitute a primary attraction and provide an exceptional recreational experience by enhancing public recreational opportunities.~~

~~3.—Whether the proposed resort's seasonal workforce housing plan will provide a socially, economically, and environmentally responsible development.~~

5.4. **One-year period before reapplication if denied.** Where a rezoning application has been denied, the ~~County~~ City shall not accept a substantially similar zoning amendment application within one (1) year of a denial unless there is a substantial change of conditions since the earlier application. A new application, with the applicable fee, shall be required and processed in accordance with the procedure outlined in this section.

3. **Application expiration.** Rezoning applications shall expire 18 months after submittal, if not acted upon. The Planning Director may extend the expiration date for six months for just cause.
4. **Notice.** The first public hearing regarding the rezone shall be noticed as required by State Code, and mailed to the owner of record of each parcel within 500 feet of the boundary of the area proposed to be rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public hearing.

~~(Ord. of 1956, § 35-6; Ord. No. 2009-29; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

HISTORY

~~Amended by Ord. 2020-16 on 9/22/2020~~

~~Amended by Ord. 2021-23 on 7/6/2021~~

~~Amended by Ord. 2023-10 on 5/16/2023~~

Sec 102-5-7 Approved Development Proposals

After rezoning is granted, applications for development within the rezoned area shall be reviewed as required by the Land Use Code. An application for development shall be consistent with the approved concept development plan and development agreement, if applicable.

~~(Ord. of 1956, § 35-7; Ord. No. 2009-29)~~

HISTORY

Amended by Ord. ~~2020-16~~ on 9/22/2020

Amended by Ord. ~~2022-09~~ on 3/29/2022

Amended by Ord. ~~2023-10~~ on 5/16/2023

Sec 102-5-8 Development Agreement

The ~~county commission~~city council may require an applicant, at the time of zoning approval, to enter into a zoning development agreement as outlined in Title 102, Chapter 6. Any rezone that is conditioned on a concept development plan requires a development agreement in order for the concept development plan to govern the development.

(Ord. of 1956, § 35-8; Ord. No. ~~2009-29~~)

HISTORY

Amended by Ord. ~~2020-16~~ on 9/22/2020

Amended by Ord. ~~2023-10~~ on 5/16/2023

Sec 102-5-9 Rezone Expiration And Reversion

1. Unless authorized otherwise in an adopted development agreement, a rezone that is approved based on a concept development plan, as provided in Section 102-5-5, shall by default expire after three years of no substantial construction action toward installing the improvements depicted in the development plan. For the purpose of this section, "substantial construction action" shall mean the actual installation, inspection, and acceptance by the ~~County~~City Engineer of a subdivision or development improvement, as provided in Title 106, Chapter 4.
2. A request for an extension, if applicable, shall be submitted to the Planning Division in writing with a new rezone fee. After receiving recommendation from the Planning Commission, the ~~County Commission~~City Council may extend the rezone expiration timeframe if the ~~County Commission~~City Council determines that nothing has substantially changed since the original approval that would alter the outcome of a resubmittal of the same rezone application and concept development plan.
3. Unless authorized otherwise in an adopted development agreement, upon expiration, the zone shall immediately and automatically revert back to the zone or zones that existed prior to the rezone approval.
4. Nothing in this part shall be construed to limit the ~~County Commission's~~City Council's legislative authority to rezone the property in the future.

HISTORY

Amended by Ord. 2020-16 on 9/22/2020

Amended by Ord. 2022-09 on 3/29/2022

Amended by Ord. 2023-10 on 5/16/2023

Sec 102-5-10 ~~Rezone Of Property Disconnecting From Incorporated Cities~~Reserved

~~Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county planning division. Prior to any disconnection, the subject property needs to comply with its current city zoning and approved site plan.~~

~~(Ord. of 1956, § 35-10; Ord. No. 2009-29)~~

HISTORY

Amended by Ord. 2023-10 on 5/16/2023

Chapter 102-6 Development Agreements

Sec 102-6-1 Purpose And Intent

Sec 102-6-2 Applicability

Sec 102-6-3 Minimum Requirements

Sec 102-6-4 Development Agreement Procedures

Sec 102-6-5 Effect Of Approval

Sec 102-6-6 Binding Nature Of Development Agreements

Sec 102-6-7 Expenses

Sec 102-6-8 Enforcement

Sec 102-6-9 Modification Or Suspension To Comply With State Or Federal Laws

Sec 102-6-10 Noncompliance

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-1 Purpose And Intent

The purpose of this chapter is to provide procedures and minimum standards for the review, consideration, and possible approval of development agreements by the ~~County Commission~~City Council. A development agreement may only be approved, if in the opinion of the ~~County Commission~~City Council, such development agreement is found:

1. To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the ~~county's~~city's existing land use ordinances; or

2. To advance the policies of the ~~county~~city.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-2 Applicability

1. Unless expressly required elsewhere in this Land Use Code, a development agreement is an optional land use regulatory tool that may be used, at the discretion of the ~~City Council~~County Commission.
2. All persons entering into a development agreement with the ~~county~~city must have a legal or equitable interest in the property that is the subject of the development agreement.
3. The ~~county commission~~city council may require additional provisions and requirements depending on the nature and scope of the parcel(s) affected and the particular purposes and intent(s) of the development agreement.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-3 Minimum Requirements

All development agreements entered into by the ~~county~~city shall, at a minimum, comply with the following standards:

1. Be in writing.
2. Provide an accurate legal description of the subject property and the names of all legal and equitable owners.
3. Provide a concept plan including, but not limited to, the location and arrangement of all allowed uses, traffic circulation patterns, buildings, and all required dedications and improvements
4. Provide the terms of the agreement, including any extension requirement(s).
5. Identify all allowed uses for the subject property and the procedures required for the approval of each use.

6. Identify development standards that will be implemented, including the timing and obligations associated with the provision of necessary infrastructure and services.
7. Provide for the provision and installation of required public infrastructure and services.
8. Provide a listing of all features and facilities being voluntarily provided to the countycity, or other public or private agency.
9. Provide a description of any reservation or dedication of lands for public purposes.
10. Identify enforcement mechanisms determined necessary to ensure compliance.
11. Provide for the recording of the approved development agreement in the office of the Weber County recorder.
12. Include any requirements and conditions identified by the City Council County Commission determined necessary to advance the interests of the countycity or to protect the public health, safety, and welfare, of the countycity and its residents.
13. Include a clause that states that in the event a development agreement is terminated as a result of noncompliance by the subject property owner, the subject property shall revert to the zoning district designation that existed prior to the enactment of the development agreement.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-4 Development Agreement Procedures

1. The City Council County Commission, as the legislative body, shall consider a development agreement at a regular commissioncity council meeting. If a development agreement contains any provision proposing to amend the countycity general plan or land use ordinance, including zoning designation of the subject property, the procedures of the countycity required for a general plan or land use ordinance amendment shall be followed, including complying with all noticing and public hearing requirements.
2. After consideration of materials, the CommissionCouncil may approve or deny the proposed development agreement, with or without requirements and conditions and with necessary findings. If approved, the countycommissioncity council chair,

on behalf of the ~~county~~city council, and the applicant shall sign and execute the development agreement, as approved.

3. Within fourteen (14) business days of signature by the ~~City Council~~ County Commission Chair and the applicant, the development agreement shall be recorded in the Office of the County Recorder. The recorded agreement constitutes the official document of the county.
4. The ~~City Council~~ County Commission, in considering a development agreement, may request a recommendation of the Planning Commission on planning concerns, allowed uses, or other development matters that may be associated with the proposed development agreement.
5. In reviewing a proposed development agreement, the ~~City Council~~ County Commission may consider, but shall not be limited to considering, the following:
 1. Public impacts and benefits.
 2. Adequacy in the provision of all necessary public infrastructure and services.
 3. Appropriateness and adequacy of environmental protection measures.
 4. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

HISTORY

Adopted by Ord. ~~2020-16~~ on 9/22/2020

Sec 102-6-5 Effect Of Approval

1. An approved and recorded development agreement shall be controlling for the subject property, and shall modify the ~~county's~~ city's land use ordinances to the extent specifically identified by the development agreement.
2. Only those ~~county~~ city land use ordinance provisions specifically identified by the development agreement shall be modified. All other land use ordinance requirements shall remain in full force and effect.
3. A development agreement shall not prevent the ~~county~~ city from applying any new provisions or regulations to the subject property that do not conflict with those contained within the development agreement.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-6 Binding Nature Of Development Agreements

All development agreements shall be binding on the countycity, the applicant, and on all successors and assigns for the term of the agreement.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-7 Expenses

The countycity may require the applicant to reimburse the countycity for all reasonable expenses incurred by the countycity related to the preparation and adoption of a development agreement.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-8 Enforcement

Violation of a development agreement by an applicant or developer shall constitute a violation of this Land Use Code. The countycity may utilize all legally available enforcement mechanisms necessary to achieve compliance with this chapter and a development agreement including, but not limited to, the withholding of necessary land use approvals or permits.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-9 Modification Or Suspension To Comply With State Or Federal Laws

In the event that federal or state laws or regulations prevent or preclude compliance with one or more provisions of the agreement, such provisions of the agreement shall be suspended, as may be necessary to comply with the specific laws or regulations preventing or precluding compliance with the agreement.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020

Sec 102-6-10 Noncompliance

In the event a development agreement is terminated as a result of noncompliance by the subject property owner, the subject property shall revert to the zoning designation that existed prior to the enactment of the development agreement.

HISTORY

Adopted by Ord. 2020-16 on 9/22/2020