

Title 102 Administration

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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.

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.

Sec 102-1-3 Fees For Processing Applications

1. Fees for processing applications shall be established by ordinance.
2. **Expiration.** An application, except a subdivision application, expires if the applicant fails to respond to a written city request for information within 180 days. An application does not expire due to city delay.
3. **Extension.** The Planning Director may extend an application deadline for good cause upon written request of the applicant.
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.

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. 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.”

Sec 102-1-5 Reserved

Sec 102-1-6 Permits And Licensing

All departments, officials, and public employees of the city, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this 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.

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 board of adjustment.

Sec 102-1-8 Temporary Exceptions

The 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 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 city council with or without a recommendation from the planning commission. Such temporary exceptions may be granted upon the city council 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 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 Reserved

Chapter 102-3 Reserved

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

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.

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.

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.

Sec 102-4-4 Reserved

Sec 102-4-5 Building Permit Required

Building permits, as specified by the 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 city building official.

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 city 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.

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.

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

The purpose of this chapter is to establish a legislative means by which applications to the city are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the city.

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 city's Land Use Code by complying with the city's general plans.

Sec 102-5-3 Reserved

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 city-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 city.

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

1. For a rezone application of a large master planned area , 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 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.

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 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 city until such plan is amended by the city council after recommendation of the planning commission. Minor changes may be approved by the planning director. If the city denies such changes or amendments and/or the concept plan is abandoned, the 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.

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 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 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 City Council for review and decision.
 2. ***City Council review and decision.*** Upon receiving a recommendation from the Planning Commission regarding a rezone application, the City Council shall schedule and hold a public hearing to review and make a decision on the application. Following the public hearing the 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 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 City Council and is not controlled by any one standard. However, in making an amendment, the 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 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. **One-year period before reapplication if denied.** Where a rezoning application has been denied, the 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 (ten) calendar days prior to the first public hearing.

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.

Sec 102-5-8 Development Agreement

The 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.

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 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 City Council may extend the rezone expiration timeframe if the 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 City Council's legislative authority to rezone the property in the future.

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

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 City Council. A development agreement may only be approved, if in the opinion of the 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 city's existing land use ordinances; or

2. To advance the policies of the city.

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.
2. All persons entering into a development agreement with the city must have a legal or equitable interest in the property that is the subject of the development agreement.
3. The 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.

Sec 102-6-3 Minimum Requirements

All development agreements entered into by the 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 city, 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 determined necessary to advance the interests of the city or to protect the public health, safety, and welfare, of the city and its residents.

Sec 102-6-4 Development Agreement Procedures

1. The City Council , as the legislative body, shall consider a development agreement at a regular city council meeting. If a development agreement contains any provision proposing to amend the city general plan or land use ordinance, including zoning designation of the subject property, the procedures of the city 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 City Council may approve or deny the proposed development agreement, with or without requirements and conditions and with necessary findings. If approved, the Mayor , on behalf of the city, and the applicant shall sign and execute the development agreement, as approved.
3. Within fourteen (14) business days of signature by the Mayor 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 city.
4. The City Council, 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 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.

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 city's land use ordinances to the extent specifically identified by the development agreement.
2. Only those 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 city from applying any new provisions or regulations to the subject property that do not conflict with those contained within the development agreement.

Sec 102-6-6 Binding Nature Of Development Agreements

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

Sec 102-6-7 Expenses

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

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 city 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.

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.

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 automatically revert to the zoning designation that existed prior to the enactment of the development agreement. All development agreements shall include a clause expressly stating this reversion requirement as a condition of the agreement.