

Chapter 108-1 Design Review

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Sec 108-1-1 Purpose

The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the intended aesthetics during development of the neighborhood or impair investment in and occupation of the neighborhood.

It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by the Ogden Valley Architectural and Landscape chapter.

Sec 108-1-2 Application And Review

All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the planning commission.. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.

All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.

The applicability of the provisions of this chapter may be waived or modified by the City Council by means of an executed and recorded development agreement. The specific waiver or modification shall be explicitly stated in the development agreement. The specific waiver or modification is subject to a public hearing with, and recommendation from, the Planning Commission prior to the City Council final decision.

Design review decisions shall be based on the objective standards contained in this Title and shall not be based solely on aesthetic preference.

Uses subject to design review are those listed in the land use table as commercial, resort, public, or multifamily uses.

Sec 108-1-3 Exceptions

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met.

Design review shall not regulate the architectural design, materials, or layout of agricultural buildings, agricultural uses, and buildings primarily supporting agricultural production unless:

1. Public safety issues are involved;
2. Public infrastructure impacts exist; or
3. The structure functions primarily as commercial retail or lodging unrelated to active agricultural production.

Structures supporting value-added agriculture, processing, farm retail, and agricultural wellness activities, as those terms are defined in Section 108-1-2, shall be considered agricultural for purposes of this exemption when associated with and directly supportive of an active farm on the same property.

Sec 108-1-4 Considerations In Review Of Applications

The planning commission and/or the planning director shall consider the following matters and others when applicable, in their review of applications and where the plan is found deficient, the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

Considerations relating to traffic safety and traffic congestion.

The effect of the development on traffic conditions on abutting streets.

The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.

The arrangement and adequacy of off street parking facilities to prevent traffic congestion. The location; arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.

The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.

The surfacing and lighting of off street parking facilities.

Considerations relating to outdoor advertising. The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project, with adjacent development and with Sign Standards Chapter 110__.

Considerations relating to landscaping.

Screening. The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.

Ground cover. The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in Chapter 108-2 of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.

Drought tolerant plants. A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, following Xeriscape procedures, or as required in Title 108, Chapter 2.

Size and number of plants. The number and type of mature and planted size of all landscape plantings.

Watering. All landscaped areas containing living plant material shall be provided with an automatic watering system except as authorized by the land use authority. An automatic watering system shall provide unique watering stations, each with their own valve, whereon vegetation with similar watering needs are grouped. Low emitting watering devices shall not be located on the same station as sprinkler heads.

Removing trees. The location, type, and size of any existing trees over four-inch caliper that are to be removed.

Landscape standards. Plant sizes at the time of installations shall be as follows:

Deciduous trees shall have a minimum trunk size of two inches caliper.

Evergreen trees shall have a minimum height of six feet as measured from top of root ball.

All woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.

Vines shall be five-gallon minimum size.

Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one growing season. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.

Areas where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30 percent shall be planted with deep-rooting water-conserving plants for erosion control and soil conservation. Impervious surfaces should be limited to no more than 60 percent of the landscaping.

Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.

Plants to be hardy. Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.

Maintenance. The owner of the premises shall be responsible for the maintenance, repair, and replacement, within 30 days of removal, of all landscaping materials on the site. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.

Considerations relating to buildings and site layout.

Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.

Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements or structures on the parcel.

Alternative building materials and construction methods may be approved where the applicant demonstrates structural integrity, durability, and compliance with applicable building codes. Use of natural, traditional, or innovative materials shall not be prohibited solely because they are uncommon.

Considerations relating to utility easements, drainage, and other engineering questions.

Provision within the development shall be made to provide for adequate storm water and surface water drainage, retention facilities, and for utilities to and through the property.

Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.

Does any proposed phase or phasing sequence of an approved concept or preliminary development plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?

Is this plan or phase thereof a more detailed refinement of the approved concept plan?

Are any modifications of a significant nature that first need to follow the procedure for amending the approved concept plan?

Design review shall be based on objective, measurable standards and shall not regulate architectural style, construction methods, or building materials except where directly related to adopted design standards, building code, fire code, or engineering standards.

Alternative building materials or construction methods, including but not limited to straw bale, rammed earth, mass timber, earthen construction, modular construction, or other innovative systems, shall be permitted if they meet applicable building code and safety requirements.

The planning commission shall not require changes based solely on architectural style preference.

Agricultural and agritourism structures shall be reviewed with consideration of functional agricultural needs, durability, and cost practicality.

Approval or denial shall cite specific code standards. Compatibility alone shall not be grounds for denial.

Sec 108-1-5 Conditions

Design approval may include conditions necessary to ensure compliance with this Title.

All conditions shall:

- 1 Be reasonably related to identified impacts of the proposed development
- 2 Be roughly proportional to those impacts
- 3 Be based on adopted ordinance standards
- 4 Be clearly stated in writing
- 5 Not regulate architectural style preferences
- 6 Not regulate construction methods unless required for safety or engineering standards

Conditions shall not be imposed to regulate operational characteristics of agricultural uses except where necessary to address documented public health or safety impacts and supported by written findings.

Conditions shall cite the specific code section or impact being addressed.

The City shall not impose conditions unrelated to land use impacts of the proposed development.

Sec 108-1-6 Planning Commission Approval

The planning commission, or the planning director, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the planning director may

be appealed to the planning commission, and denial by the planning commission may be appealed to the City Council.

Approval may be granted if:

- circulation and access are safe
- parking is adequate
- landscaping and screening mitigate impacts
- development is consistent with zoning standards

Sec 108-1-7 Agreement For Improvements

Upon the grant of design approval, the developer shall enter into an agreement with the City detailing the public and private improvements to be constructed on and off site and acknowledging their responsibility for such installation within the time allowed. Financial guarantees for completing improvements shall be bonded or deposited into an escrow account approved by the OVC. . Financial guarantees of \$25,000.00 or less may be approved by the city engineer. Occupancy shall not occur until all improvements have either been installed or guaranteed.

Improvements may include roads, utilities, drainage, landscaping, parking, and other infrastructure required by this title.

Sec 108-1-8 Time Limitations On Approval

Design approval shall remain valid for a period of **thirty-six (36) months** from the date of approval.

Design approval shall expire if substantial progress toward construction has not occurred within that time.

For purposes of this section, **substantial progress** may include:

- 1 Issuance of a building permit
- 2 Completion of site grading or excavation
- 3 Installation of utilities or infrastructure
- 4 Execution of required development agreements
- 5 Financial investment in project implementation
- 6 Phased construction activity
- 7 Other similar good-faith progress as determined by the Planning Director

The Planning Director may grant administrative extensions of up to **twenty-four (24) months** if:

- A The project remains compliant with applicable code
- B Good faith progress has been demonstrated
- C Delays resulted from financing, permitting, infrastructure coordination, seasonal construction limitations, or similar reasonable circumstances

Agricultural, agritourism, and phased developments may receive extensions recognizing the seasonal and economic realities of agricultural construction.

Approvals shall not be considered abandoned where the applicant demonstrates continued intent to proceed and compliance with the approved plans.

Sec 108-1-9 Transfer Of Approval Upon Change In Use

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the planning commission. The planning director may authorize the transfer of design approval provided that all requirements of the OVCLand Use Code are met for the new use. If a conflict arises concerning the interpretation of the Land Use Code, the planning director shall refer the change in use to the planning commission for review and approval.

Design approval shall not be deemed revoked for changes involving agricultural, agritourism, or value-added agricultural uses where such uses remain permitted within the zoning district and do not substantially increase impacts related to traffic, utilities, public infrastructure, or public safety as determined by the Planning Director.

Normal evolution of agricultural operations including farm retail, processing, agritourism, storage, and wellness uses accessory to an active farm shall be considered continuation of agricultural use for purposes of this section.

For purposes of this section, an active farm shall mean land used for ongoing agricultural production consistent with the zoning district, regardless of the relative revenue of agricultural versus accessory activities.

Sec 108-1-10 Conformance To Approval

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

Sec 108-1-11 Modification

Upon request of the applicant, modifications in the approved plan may be made by the planning commission or the planning director.

Non-substantial revisions. The planning director may approve revisions to an approved design review plan that he/she determines are non-substantial. Proposed revisions shall be considered non-substantial if the planning director determines the changes to be slight, inconsequential, and not in violation of any substantive provision of this Code. The planning director's written approval of a non-substantial revision(s)

shall be appended to the written decision of the planning commission. Non-substantial revisions that are shall not require public notice.

The planning commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

Sec 108-1-12 Administrative Design Flexibility

The Planning Director may approve minor modifications to design standards where strict application would:

- 1 Conflict with agricultural operations
- 2 Conflict with site topography or natural features
- 3 Conflict with water conservation objectives
- 4 Prevent use of alternative building materials or methods
- 5 Create unnecessary hardship without advancing the purpose of this Chapter

Such modifications shall:

- A Maintain the general intent of the code
- B Not create adverse impacts to neighboring properties
- C Not compromise public health or safety