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Sec 108-7-1 Purpose And Intent

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this title.

Sec 108-7-2 Projections

- a. *Projections permitted into a required yard setback.* Every part of a required yard setback shall be open to the sky, unobstructed except for accessory buildings meeting the required setbacks of the zone in which the building is located. Setbacks for all buildings are measured from the property line to the outermost surface of a building's foundation wall. However, the following projections into the required yard setbacks are permitted for single-family dwellings (including attached garages) only:
 - a. Belt courses, sills, and lintels may project 18 inches into required front, rear and side yard setbacks.
 - b. Cornices, eaves and gutters may project three feet into a required front yard setback, five feet into a required rear yard setback, and two feet into a required side yard setback.
 - c. Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight feet measured along the wall of a building, may project not more than five feet into a required front yard setback, ten feet into a required rear yard setback, and three feet into a required side yard setback.
 - d. Unwalled porches including roof-covered patios, terraces, and balconies may project five feet into a required front yard setback. Where the required rear yard setback is 30 feet or greater, a projection of ten feet into the rear yard setback is allowed. Where the required rear yard setback is less than 30 feet, a five-foot projection into the rear yard setback is allowed.
 - e. Cantilevers may project no more than two feet into the required front and rear yard setback. Cantilevers are not allowed in the required side yard setback.
- b. *Projections permitted into a private street right-of-way.* When a two-family dwelling, three-family dwelling, four-family dwelling, multi-family dwelling, condominium, or commercial structure is proposed to be built, and where the City's development standards allow a zero front yard setback, projections into private street rights-of-way may be permitted when the following limitations, requirements and standards are met:
 - a. Projections shall be defined as and limited to architraves, awnings, balconies, bay windows, belt courses, canopies, columns, cornices, eaves, footings, gutters, lintels, marquees, pedestrian walkways, pediments, pilasters, railings, signs, sills, steps, and terraces.
 - b. As determined by Ogden Valley City review agencies, the appropriate codes shall be applied and all projections shall be demonstrated as compliant with those codes.
 - c. The Ogden ValleyCity building official shall apply International Building Code standards related to encroachments into public rights-of-way.
 - d. Where a public utility easement does not strictly prohibit the location of a structure immediately adjacent to or within a private road right-of-way, a letter approving the projection(s), whether above grade or below, shall be provided by all utility service providers that have located utilities on the related side of the right-of-way or have plans, within two years, to locate utilities on the related side of the right-of-way.
 - e. A letter approving the projection(s), whether above grade or below, shall be provided by the owner of the right-of-way.
 - f. In addition to all required street improvements, high-back curb or other barrier, determined appropriate by the Ogden ValleyCity engineer, shall be installed to separate and

sufficiently protect pedestrian areas or sidewalks from dangers associated with street travel lanes.

- g. Pedestrian areas or sidewalks shall not be less than four and one-half feet in width.

Sec 108-7-3 Fencing Requirements

- a. A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height may be located anywhere on an interior lot except within the area comprising the required front yard setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a corner lot except within the areas comprising the required front yard setback and the required side yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the requirements of section 108-7-7.
- b. Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project. In addition, a permanent means of landscaping and maintaining the parking strip between the fence and the street curb shall be provided.
- c. Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, provided that in any event a protective fence or wall not more than four feet in height may be erected at the top of the retaining wall. These provisions shall comply with the requirements of section 108-7-7.
- d. Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence meets all of the required setbacks for an accessory building in the zone in which it is located and a land use and building permit are obtained.
- e. The provisions of this section shall not apply to fences required by state law to surround and enclose public utility subdivisions and public schools.
- f. Fencing used for agricultural purposes, including livestock containment, wildlife exclusion, crop protection, and rotational grazing, shall be exempt from residential fence height, material, and placement standards, provided such fencing does not create a traffic safety hazard or obstruct irrigation infrastructure. Agricultural fencing may include wire, electric, wildlife, and temporary fencing typical of accepted agricultural practices.

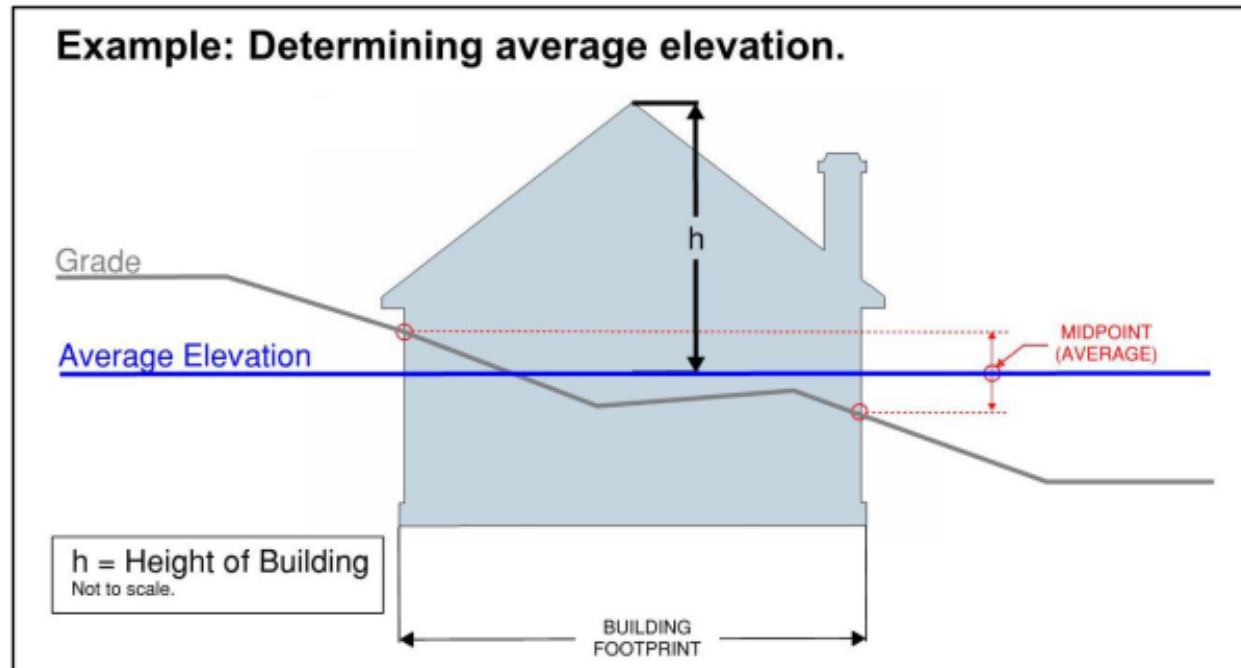
Sec 108-7-4 Area Of Accessory Building

- a. Accessory buildings shall comply with the following:
 - 1. In residential zones, total accessory building coverage shall not exceed 25 percent of the required rear yard **or** 15 percent of the total lot area, whichever is greater.
 - 2. This limitation shall not apply to:

- a. Agricultural buildings
 - b. Greenhouses
 - c. Agritourism support structures
 - d. Buildings located on parcels five acres or larger
3. Alternative construction types including, but not limited to, pole barns, fabric structures, greenhouses, and other agricultural support structures shall be allowed where otherwise permitted.
4. The Planning Director may approve alternative configurations where the placement reduces visual or neighbor impacts.

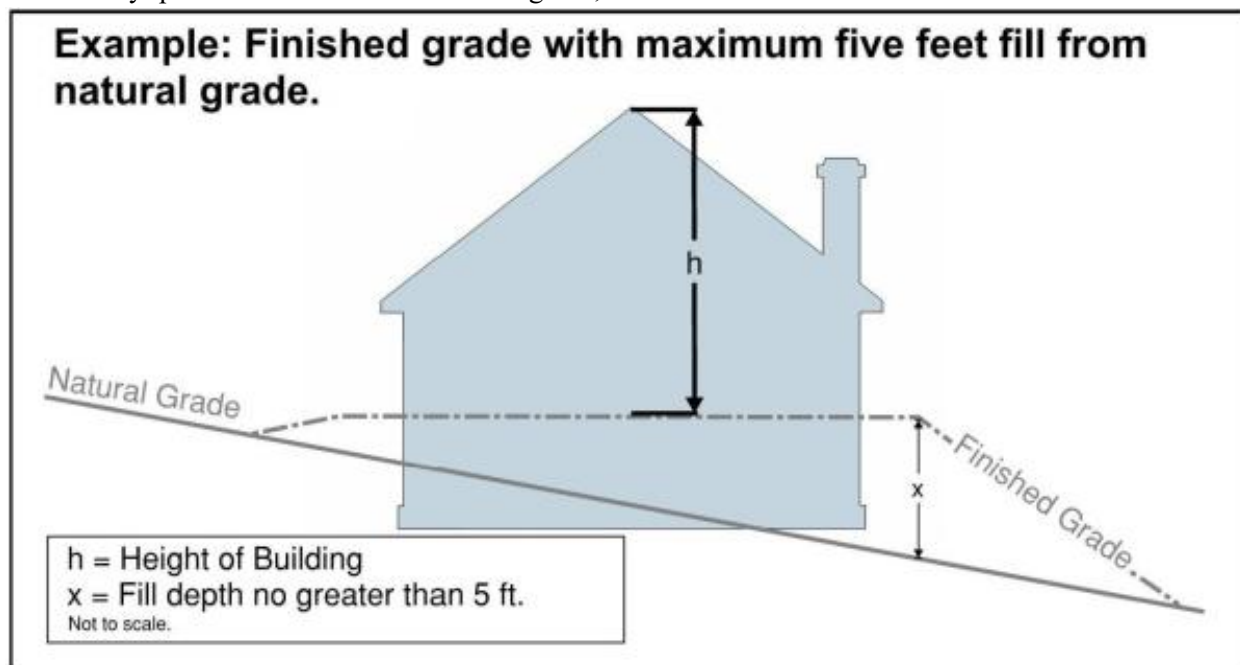
Sec 108-7-5 Building Or Structure Height Requirements

- a. *Measuring height.* For the purpose of determining "height of building," as defined in section 101-1-7, the following shall apply:
 - a. *Average elevation.* Average elevation shall be determined by averaging the highest elevation and the lowest elevation at the exterior footprint of the building or structure, including any support posts that require a footing. An alternative means of calculating average elevation may be approved by the planning director for an individual building if it follows industry best practices and is proposed by a licensed surveyor, engineer, or architect.



- b. *Fill affecting building height.* Except as provided in this subsection, when grading a site to obtain the finished grade, as defined in section 101-1-7, no fill may exceed five vertical

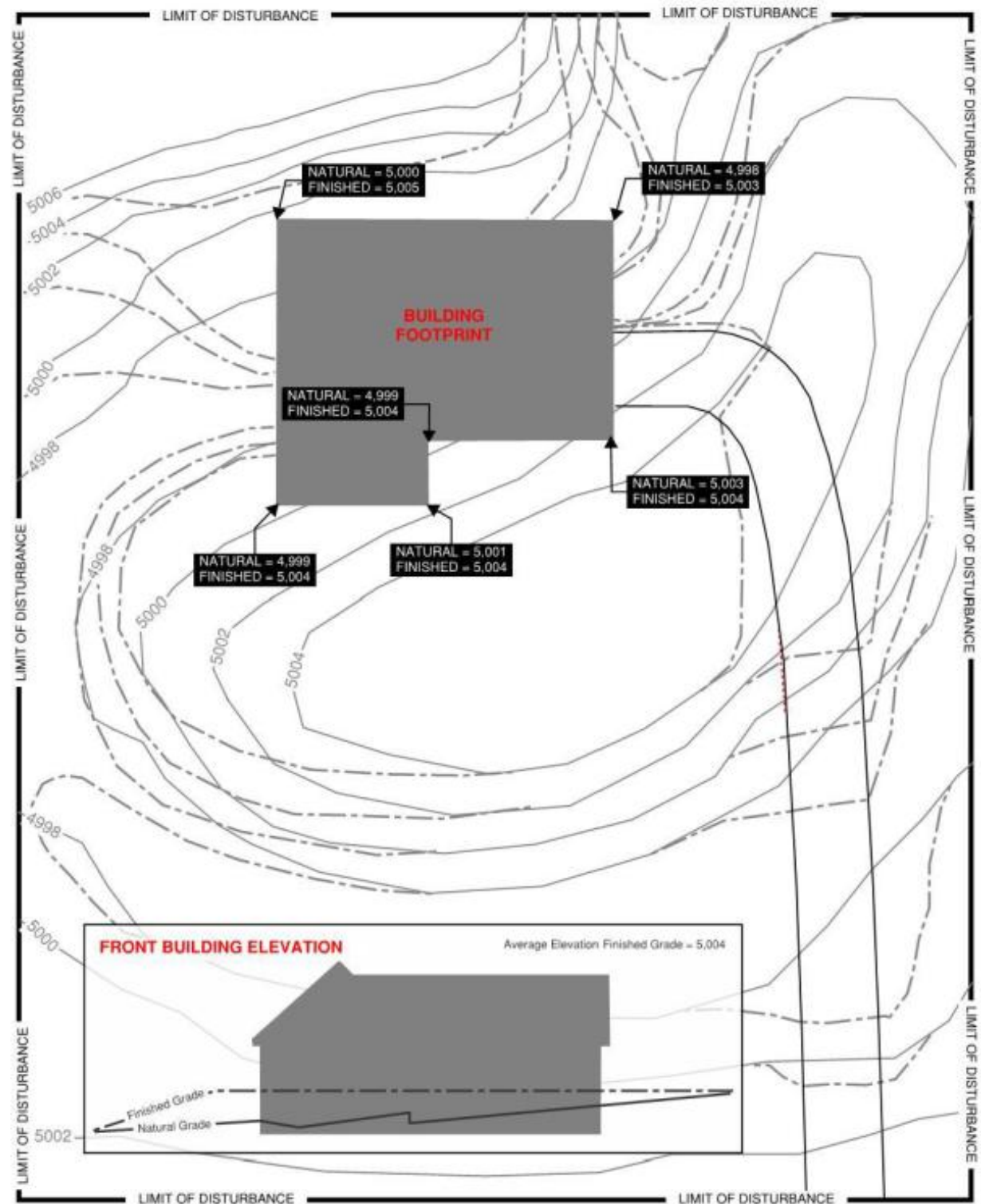
feet at any point from the site's natural grade, as also defined in section 101-1-7.



1. Additional fill is allowed if required by city, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or
 - a. If the building or structure is within 75 feet of a public or private street upon which its lot or parcel has frontage, fill is allowed that will provide an average elevation of finished grade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.
 - b. This subsection shall not apply to normal agricultural grading, irrigation improvements, soil conservation work, drainage improvements, or other accepted agricultural land management practices that do not involve residential or commercial building pads.
- c. *Driveway slope.* The slope of a driveway shall not exceed 15 percent. The planning director may modify the applicability of this if it can be demonstrated that there is no other reasonable configuration of a driveway to avoid slopes over 15 percent.
- d. *Site plan submittal requirements.* A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the planning director or city engineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across lot or parcel lines shall require the consent of all affected owners. Building elevation drawings shall display natural grade and finished grade, and shall present the finished grade's elevation at each corner of the building. This requirement may be waived by the planning director or city engineer for sites that are relatively flat, or if evidence is presented that clearly show the proposed structures will not exceed the

maximum height of the zone.

Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.



b. Roof structure height exception. Steeples and flagpoles are permitted up to 15' higher than the maximum height of the zone. Screening and Roof structures for the housing of elevators,

ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, cupolas, solar panels, chimneys, wireless or television masts, or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and at no time shall the height be greater than 6 feet higher than the maximum height of the zone. Design review shall apply only to exterior screening of mechanical equipment where visible from a public street or adjacent residential use and shall not apply to agricultural structures, solar energy systems, silos, water tanks, or other functional infrastructure unless specifically required elsewhere in this code.

c. Air traffic height conflicts. If in proximity to an airport, no building or structure or other appurtenance is permitted above the maximum height allowed by the Federal Aviation Administration, or other applicable airport or airspace regulation.

d. Minimum height of a dwelling. No dwelling shall be constructed below finished grade in a manner that creates health or safety risks. This provision shall not prohibit single-story dwellings, accessible design, alternative construction methods, or agricultural or rural housing types otherwise permitted by this code.

Sec 108-7-6 Garbage, Junk, And Weeds Unlawful

- a. *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant of land to permit garbage, inoperable vehicles, or junk to accumulate where it creates a documented health hazard, fire hazard, or safety hazard, or where it constitutes a public nuisance as defined by this code. Cosmetic appearance alone shall not constitute a violation.
- b. *Weeds and unkempt yards.* Landowners are responsible for clearing all weeds from their property, including their property's perimeter and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portions of public rights-of-way. Properties shall be maintained so they do not create health hazards, fire hazards, vermin harborage, or safety hazards. Agricultural uses, native vegetation, and normal rural property conditions shall not be considered violations based solely on appearance. Weeds, except noxious or invasive weeds which shall be removed promptly, and turf grasses shall be maintained at a height of not more than eight inches at any time, and the cuttings shall be promptly disposed of in an organized manner or mulched in place. Native vegetation, including grasses, and wildflowers, and shrubs, maintained in a natural state are exempt from the eight-inch regulation. Where a street has curbing, or where a deferral agreement for curbing was required, it is the responsibility of the property owner, not the city, to maintain, cut, or remove any vegetation that is between the edge of the travel surface within the public right-of-way and the edge of the public right-of-way adjoining the owner's property.
- c. *Exemptions.* This section shall not apply to items which are clearly accessory and incidental to any agricultural use permitted in the zone, or to items completely and lawfully enclosed within a building or enclosure where it is not visible from a public or private way or other public or private property and which does not constitute a nuisance, endanger or adversely affect the health or welfare of the community, or the keeping of which does not violate any other law or ordinance. Agricultural uses shall be allowed to store equipment, materials, supplies, compost, soil amendments, irrigation components, and other items reasonably associated with agricultural

production, even if visible from a public way, provided they do not create a documented health or safety hazard.

- d. *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation of this section shall make proper arrangements for the correction of the violation.

- a. *Public streets and other public property.*

It is unlawful for any person to place or deposit in or upon any public street, right-of-way, or other public property in unincorporated areas of the city any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare of the people of the city.

It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

In addition to the requirements of section 32-8-2, owners or occupants of a platted building lot, or a lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure continual removal of snow from the pathway.

Sec 108-7-7 Supplemental Street, Access, And Right-Of-Way Standards

Sec 108-7-7.010 Obstructions In Right-Of-Way

Sec 108-7-7.020 Vegetation And Snow Removal - Pedestrian Right's Of Way

Sec 108-7-7.030 Clear View Of Intersecting Streets

Sec 108-7-7.040 Public Tree Care

Sec 108-7-7.010 Obstructions In Right-Of-Way

To ensure deposited items or materials do not interfere with pedestrian or vehicular traffic or in any way be dangerous to the health, safety, and welfare of the people of the city, it is unlawful for any person to place or deposit in or upon any Public Street, right-of-way, or other public property in unincorporated areas of the city any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation.

Sec 108-7-7.020 Vegetation And Snow Removal - Pedestrian Right's Of Way

It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

In addition to the requirements of Section 32-8-2 of the Citycity Code, owners or occupants of a platted building Lot, or a Lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure continual removal of snow from the pathway.

Sec 108-7-7.030 Clear View Of Intersecting Streets

- a. When an access way intersects with a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, the triangular areas described below shall provide unobstructed cross-visibility at a level between two and eight feet in height. Trees may be planted

inside the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be located closer than three feet from the edge of any access way pavement. No other obstruction to view in excess of three feet in height shall be allowed. The triangular areas referred to above are defined as follows:

- a. The area of property on either side of an access way formed by the intersection of each side of the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length measured from the point of intersection and the third side (hypotenuse) being a line connecting the ends of these two sides.
- b. The area of property located at a corner formed by the intersection of two or more public rights-of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length of 40 feet back from their intersection and the third side being a line connecting the ends of these two sides.

Sec 108-7-7.040 Public Tree Care

- a. The City may plant, prune, maintain, and remove trees, plants, and shrubs within rights-of-way, streets, and public property when reasonably necessary to protect public safety, maintain required clearances, preserve public infrastructure, or maintain public grounds.

1. Illegal to cut trees and/or top trees.

- a. It is unlawful for any person to remove trees situated on City property, including streets and roadways of the City, without obtaining permission from the Planning Division Director for that purpose.
- b. It is unlawful as a normal practice for any person, firm, or City department to top any tree within the City's right-of-way. Topping is the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Planning Division Director.

2. Pruning and corner clearance. Subject to the provisions of subsection (d), every owner of any tree or shrub overhanging any street, sidewalk, or right-of-way within the City shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct or create a hazard on a street, sidewalk, or right-of-way. Said owners shall remove and replace all dead, diseased, or dangerous trees and shrubs, or broken or decayed limbs, which constitute a hazard to the safety of the public. CityThe City may prune vegetation on private property that encroaches into a public right-of-way or creates a documented safety hazard after providing written notice to the property owner and allowing a reasonable compliance period of not less than 14 days, except in emergencies. If the owner fails to comply, the City may perform the work and recover actual costs. Any action shall be limited to the minimum work necessary to remove the hazard.

3. Removal and replacement of dead and/or hazardous trees/plantings on the city's right-of-way; property owner responsibility. The removal of any tree, living or dead, is subject to the permit

process, as outlined in subsection (d). Plantings and dead trees on the City's right-of-way that are determined by the City to be a hazard shall be removed and, if appropriate, replaced at the adjacent property owner's expense. If the adjacent property owner refuses to cooperate with the removal of a hazardous planting or dead tree, it shall be removed and, if appropriate, replaced by the City and any costs incurred will be collected from the adjacent property owner. Except for routine trimming, pruning, and watering, the City accepts responsibility for maintenance of planted areas on public property and the City's rights-of-way for City installed projects, which are regularly maintained by City staff.

4. *Permit to remove trees or vegetation from city property.* Any person desiring to cut and remove trees or vegetation from City property, including the City's rights-of-way, shall first make written application to the Planning Division Director. The application shall contain the following information:

- a. The exact number of trees to be removed and the location of each with reference to street designations.
- b. A statement that the applicant will cut and remove the trees at his/her own cost and expense within thirty (30) days of the date of the permit.
- c. A statement that the applicant will restore the City property to the satisfaction of the City and will replant such trees as the City may require and where the City may specify.
- d. That the applicant will indemnify the City against any damage to the City property or to the adjacent property owners and against any injury to persons or property sustained in cutting and removing the trees.

Sec 108-7-8 Setbacks For Animals And Fowl

a. Animal keeping shall comply with the following:

1. In agricultural zones, setbacks for animals and agricultural buildings shall follow the setbacks required for accessory agricultural buildings in the zone unless a greater setback is required for a specific nuisance condition.
2. In residential zones where animal keeping is permitted:
 - a. Animal enclosures shall be located at least 40 feet from any dwelling on the same lot.
 - b. Animal enclosures shall be located at least 50 feet from a dwelling on an adjacent lot.
3. Barns, coops, corrals, and similar structures shall meet the accessory building setbacks of the zone unless specifically modified by this section.
4. Nothing in this section shall prohibit normal agricultural practices protected under Utah Right-to-Farm law.
5. The Land Use Authority may require additional setbacks only where documented nuisance impacts are demonstrated.

Sec 108-7-9 Water And Sewage Requirements

- a. In all cases, where a proposed building or use will involve the use of sewage facilities, and a public sewer is not available, and in all cases where a proposed supply of piped culinary water is not

available, the sewage disposal and the domestic culinary water supply shall comply with requirements of the Weber Morgan Health Department and the application for a building and land use permit shall be accompanied by a certificate of approval from the Health Department.

- b. Building permits for dwellings, subdivisions, or structures requiring culinary water or sewage disposal shall not be issued unless private water supply and private sewage disposal are approved in accordance with subsection (a).
- c. This requirement shall not apply to agricultural buildings, storage structures, greenhouses, or other buildings that do not require water or sewer service.
 - a. Water availability verification shall be proportional to development impact:
 - i. **(1) Single-lot residential development**
 - 1. Evidence may consist of a water provider will-serve letter, approved well permit, or other documentation showing an approved culinary water source.
 - ii. **(2) Subdivisions creating two to four lots**
 - 1. Evidence shall include a water provider will-serve letter demonstrating service availability.
 - iii. **(3) Subdivisions creating five or more lots**
 - 1. The City may require documentation demonstrating long-term culinary water service capacity, which may include provider capacity verification or other documentation reasonably necessary to confirm service availability.
 - b. Requirements shall be reasonably related and roughly proportionate to the scale and impact of the proposed development.

Sec 108-7-10 Required Building Setback From Designated Collector Or Arterial Streets

Where a street is designated on the master street plan of the city as a Collector Street or Arterial Street, and where the existing street right-of-way requires widening to meet the right-of-way standards of the Collector Street or Arterial Street, the minimum front and side yard setback for all buildings shall be based upon the future designated right-of-way width as shown on the city master plan and shall be measured from the future street right-of-way line of the Collector Street or Arterial Street instead of the existing Lot Line of the present street right-of-way.

Sec 108-7-11 Group Dwellings

Yard regulations. Group dwellings shall be considered as one building for the purpose of front, side, and rear yard requirements, the entire group as a unit requiring one front, one rear, and two side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet for single-story buildings, 15 feet for two-story buildings and 20 feet for three- or more story buildings.

Group dwelling MPD. A group dwelling complex shall be developed as a MPD if the area of the complex is equal to or exceeds the minimum number of units or area required for a MPD for the zone in which the complex is located. (See section 108-5-5(a))

Sec 108-7-12 Water-Wise Landscaping

Landscape standards. The following water-wise landscaping standards apply to all new development in Ogden Valley the City:

In single-family residential developments, no more than 35 percent of the front and side yard of a lot or parcel, or no more than 3,000 square feet of the entire lot or parcel, may be irrigated turf grass, whichever is greater; and

In commercial, industrial, institutional, and multi-family developments, no more than 15 percent of the total landscaped area may be irrigated turf grass. This provision shall not apply to active recreational areas that meet the design and landscape standards of Weber Basin Water Conservancy District; and

Irrigated turf grass in a parkstrip, and any other yard area with a width of less than eight feet, is prohibited.

Amortizing nonconforming landscaping. After the effect of this section, which is September 26, 2023, all landscaping that does not comply with the requirements of this section shall be considered nonconforming landscaping. All nonconforming landscaping shall be phased out in accordance with the following schedule:

Landscaping replacement. The replacement of any nonconforming landscaping shall comply with the requirements of this chapter;

Site improvements. When a site improvement modifies an area that exceeds twenty-five percent of the site area or twenty thousand square feet, whichever is less, only the area directly affected by the improvement shall be required to comply with current landscaping standards.

This requirement shall not apply to agricultural uses, agritourism uses, parcels five acres or larger, or areas used for agricultural production. Existing landscaping outside the limits of disturbance may remain.

Sec 108-7-13 Residential Facility For Persons With A Disability Facility Requirements

The facility shall meet all city building, safety, and health codes applicable to similar dwellings. The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).

A minimum of two off-street parking spaces plus one off-street parking space for each staff member other than the resident manager or house parents shall be provided.

The facility shall be capable of use as a residential facility for persons with a disability without structural or landscaping alterations that would change the structure's residential character.

The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (U.C.A. 1953, § 57-21-1 et seq.) or its successor statutes.

No person being treated for alcoholism or drug abuse shall be placed in a residential facility for persons with a disability.

No person who is violent shall be placed in a residential facility for persons with a disability.

Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for persons or, if the structure fails to comply with the city's building, safety, and health codes or the requirements of this section.

These facilities must be licensed by the city's business licensing department with the original license and any renewals thereof subject to the inspection and prior approval of the city health and building departments.

No residential facility for persons with a disability shall be made available to any individual whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

Sec 108-7-14 Residential Facility For Troubled Youth; Facility Requirements

A residential facility for troubled youth shall:

- Be owned or leased by the residents or an immediate family member of the residents, or by a charitable, or beneficial organization, or by the state or a licensee thereof;

- Be consistent with existing zoning of the desired location;

- Be occupied on a 24-hour basis by no more than eight qualified youth in a family-type arrangement;

- Conform with applicable standards of the state department of human services and be inspected and licensed by that department.

The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings.

The facility shall be capable of use as a residential facility for troubled youth without structural or landscaping alterations that would change the structure's residential character and the structure shall not be used as a lock-down facility for the incarceration of the youth that it houses.

No residential facility for troubled youth shall be established within five miles of another residential facility for troubled youth as defined in this chapter.

Troubled youth who qualify for placement in the facility shall:

- All be of the same gender within any one facility;

- Be no less than ten years of age and no more than 18 years of age;

- Not be convicted of or charged with any sexual offence, arson or aggravated assault;

Not be individuals with such severe psychiatric problems that they present a danger to themselves or others;

Attend school classes and matriculate in local area schools.

No home for troubled youth shall house children whose respective ages span more than four years. For instance, if the home houses children ten years of age, the oldest child in the home can be no more than 14 years of age.

The land use permit and any other license granted in accordance with the provisions of this chapter, is not transferable and terminates if the structure is devoted to a use other than a residential facility for troubled youth or if the structure fails to comply with the city's building, safety and health codes or the requirements of this chapter.

No residential facility for troubled youth shall occupy a lot in a recorded subdivision of four or more lots, including all subdivision phases.

The facility shall be permanently occupied by a married couple who will serve as house parents to the youth who reside therein. Their duties will be as follows:

- To offer counseling and guidance to the youth under their care;

- To supervise the orderly functioning of the household;

- To provide meals to the youth who occupy the home;

- To assign the duties, chores and other tasks to each of the youth who occupy the home;

- Supervise the preparation of homework and studies each of the youth is required to complete for their education in local schools;

- To immediately report to the appropriate state agency any difficulties, problems, breaches of the peace or violations of law engaged in by any of the youth under their care;

- To also report the same conduct to the organization who employs them directly.

The house parents living within the home must meet the standards of the department of human services and obtain all licenses, permits or certificates required by the state before undertaking their duties as house parents.

In the event that the house parents terminate their employment without first training suitable replacements, the facility must replace them with trained house parents within 30 days, or the home for troubled youth must cease operating.

Sec 108-7-15 Residential Facility For Elderly Persons; Facility Requirements

A residential facility for elderly persons may not operate as a business.

A residential facility for elderly persons shall:

- Be owned by one of the residents or by an immediate family member of one of the residents, or by a charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident;

- Be consistent with existing zoning of the desired location;

- Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement; and

- Conform with applicable standards of the state department of human services and be licensed and inspected by that department.

A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than 15 percent of that fee.

A person charging a fee shall:

- Keep a record of all expenses and costs related to the fee; and

- Make that record available for inspection by any resident of the facility, the state department of human services, and city building or zoning officials.

The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings:

- A minimum of one off-street parking space for each adult resident person or married couple shall be provided;

- The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons;

- Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;

- The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the city's building, safety and health codes or the requirements of this chapter; and

- The decision by the city regarding an application for a conditional use permit for a residential facility for elderly persons shall be based upon legitimate land use criteria and shall not be based upon a general discrimination against the grouping of elderly persons in such a facility or because of age and its attendant characteristics. Upon application for a conditional use permit in any area where residential dwellings are allowed, the city shall determine only whether or not the facility conforms to this Land Use Code. If the city determines that the facility complies with the ordinances, it shall grant the requested permit.

State Law reference—Residential facilities for elderly persons, U.C.A. 1953, § 17-27a-515; city ordinances governing elderly residential facilities, U.C.A. 1953, § 17-27a-516; city approval of elderly residential facilities, U.C.A. 1953, § 17-27a-517; elderly residential facilities in areas zoned exclusively for single-family dwellings, U.C.A. 1953, § 17-27a-518.

Sec 108-7-16 Large Accessory Buildings (1,000 Square Feet Or Larger)

Accessory buildings 1,000 square feet or larger in area that accommodate uses meeting zoning requirements shall:

- Be located at least six feet from the rear of a dwelling in the residential estates zones and at least ten feet from the rear of a dwelling in the agricultural and forest zones.

- Have a side yard setback of at least ten feet on an interior lot and 40 feet on a corner lot where the side property line is adjacent to a street.

Have a maximum height of 25 feet.

Exceptions. The side yard may be reduced to three feet (except in a forest zone) and the height increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.

One accessory building which is subordinate to the dwelling in area and height may be located in front or to the side of the dwelling provided:

It is located not less than 40 feet from any property line adjacent to a street.

Large accessory buildings in residential zones shall use exterior materials reasonably compatible with the primary dwelling when visible from a public street. Agricultural buildings, workshops, storage buildings, and agritourism support structures are exempt from architectural compatibility requirements. Large accessory buildings on agricultural parcels containing at least 5.25 acres and a single-family dwelling shall be exempt from this requirement provided that the accessory building is located at least 100 feet from a property line adjacent to a street.

It meets the side yard requirement for a main building in the zone in which the building is located, and it is located at least 40 feet from a dwelling on an adjacent parcel.

In no case shall the front yard setback be less than the required front yard setback for a main building in the zone in which the building is located.

Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review unless the building is an agricultural or agritourism support structure located on a parcel five acres or larger, in which case Planning Commission review shall not be required..

Accessory buildings used for the keeping of animals and fowl shall also meet the requirements of section 108-7-8. Accessory buildings shall also meet the requirements of section 108-7-4.

Sec 108-7-17 New Construction In Residential And Commercial Developments

In approved residential and commercial developments, where developers may have up to two years to complete utility, road and other improvements, land use permits and building permits shall not be issued until all utility improvements requisite for residential occupancy are installed, except for the asphalt, curb, gutter, and sidewalk on the road.

Sec 108-7-18 Swimming Pools

An outdoor, permanent, in ground swimming pool shall be permitted to the side or rear of a dwelling or private/public facility as an accessory use provided the requirements listed below are met. This section does not apply to outdoor, temporary, above ground pools.

The location of the outdoor, permanent, in ground swimming pool or accessory machinery shall not be less than ten feet from any property line; however, if a zone requires a larger setback, the more restrictive requirement shall apply. Structures that enclose pool accessory machinery are permitted with the same setbacks required for other accessory buildings in the zone in which they are located.

An outdoor, permanent, in ground swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height, or by a power safety cover meeting the requirements of the

International Building Codes. The term "substantial fence" shall mean any fence that will not allow normal passage by any person except through an otherwise locked gate.

Lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away from adjoining premises.

Natural swimming pools or swimming ponds using biological filtration systems may be approved as accessory uses. Alternative safety measures such as shallow shelves, gradual slopes, controlled access, or equivalent safety design may be approved in place of fencing where appropriate. Agricultural and irrigation ponds not designed primarily for swimming are exempt from this section.

Accessory wellness amenities serving residents, guests, or agritourism uses shall be considered accessory uses and shall not be classified as commercial recreation unless operated as a primary use open to the general public for a fee.

Sec 108-7-19 Development On A Substandard Street Or Public By Right-Of-Use Road

Section definitions. For purposes of this section, the following definitions apply:

“Development activity” means:

any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

any change in use of a building or structure that creates additional demand and need for public facilities;
or

any change in the use of land that creates additional demand and need for public facilities.

“Greater public street network” means the network of public streets that are interconnected, with multiple street routes available to and from any location, not including terminal streets or street-routes that have a single point of access connecting to and from the public street network.

“Substandard” means not meeting minimum public street standards that are adopted by the city or required by law, including standards related to improvements and standards related to public right-of-way width.

A ***“substandard street,”*** with reference to proposed development activity, means a public or private street or street-route that is substandard at any location along the street or street-route between the proposed

development activity and the greater public street network, or that is substandard at any location adjacent to the proposed development activity.

A “**standard street**,” with reference to proposed Development Activity, means a public or private street or street-route that is not Substandard at any location between the proposed Development Activity and the Greater Public Street Network.

“**Development on a substandard street**” means any development activity for which one of the following conditions is true:

The existing street adjacent to at least one of the Lots or Parcels being developed, from which the Lot or Parcel will be accessed, is Substandard at any location adjacent to that Lot or Parcel; or

At least one of the Lots or Parcels being developed cannot access the Greater Public Street Network via an existing Standard Street.

Compliance required. Development on a substandard street is not permitted unless in compliance with this section. New or improved accesses exclusively used for agricultural vehicles are exempt from these requirements.

Roughly proportionate contribution. An application for a permit, subdivision, or any other approval authorized by this Land Use Code that proposes to provide, add, or increase the intensity of access to a Lot or Lots from a Substandard Street shall not be approved unless the Substandard nature of the street or street-route is cured. However, if curing the Substandard nature of the street or street route is not roughly proportionate to the increased impact of the proposal, then the following provisions shall apply:

Right-of-way dedication or conveyance. In all cases, the applicant shall dedicate, by subdivision plat or deed conveyance, to the City the minimum required street right-of-way width that abuts the applicant’s subdivision, lot, or parcel being developed.

Street frontage improvements. The applicant shall be financially responsible for the improvement of the applicant’s own street frontage. However, at the discretion of the City Engineer, a Lot that is not fully developed to the maximum potential of the zone’s minimum Lot Width and Lot Area may be allowed to have this reduced to no less than a width that is three times the applicable minimum Lot Width allowed in the zone, or the Lot’s entire frontage, whichever is less. City The City Engineer may determine required improvements based on adopted street standards and the demonstrated impacts of the proposed development. Required improvements shall be reasonably related and roughly proportionate to the development’s impact.

Paying proportionate share. As part of a "project improvement," as defined in UCA 11-36a-102, the applicant shall pay the cost of a proportionate share of street design, street improvements, and, if

applicable, street right-of-way acquisition to bring that street into or closer to compliance with City standards. The cost of the proportionate share shall be determined as follows:

Engineer's cost estimate. Estimate the cost to improve the substandard street or street-route to City standards from the point it becomes substandard, or from the nearest intersection with a non-terminal street or street-route, whichever is closer, to the furthest extent of the applicant's proposed development adjacent to the street.

This shall be furnished by the applicant in the form of an engineer's cost estimate. The estimate shall use up-to-date market costs for engineering and design, surveying, construction material, labor, and any other expense necessary to improve the street to City standards. The added expense of an intersection or other street component that is not related to providing a standard street to the applicant's subdivision shall be excluded from the calculation;

The City Engineer may require the applicant to furnish engineered drawings of the street and an itemized cost-estimate in order to substantiate the estimated cost;

The City Engineer has the discretion to adjust the cost-estimate for inflation or market fluctuations during the duration of construction of the applicant's obligations; and

A subdivision improvement that is required of the applicant by the Land Use Code regardless of the condition of the street shall not be included in this calculation, and shall be provided as otherwise required by this Title.

Determine street's estimated buildout potential. Find the street's estimated buildout potential, which is the sum of the estimated number of lots expected along the street at buildout plus the applicant's proposed number of lots, as follows:

Measure the length of the substandard street or street-route from the point it becomes substandard to the furthest extent of the applicant's subdivision along the substandard street or street-route;

Divide the length of the street, the result of Subsection (c)(3)b.1. of this section, by the standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even if the applicant's subdivision has them; then

Combine the estimated number of lots expected along the street at buildout, the results of Subsection (c)(3)b.2. of this section with the applicant's proposed number of subdivision lots.

Final proportionate share calculation. Divide the cost to improve the street or street-route to City standards, the result of Subsection (c)(3)a. by the sum of the street's estimated buildout potential plus the applicant's proposed number of lots, the results of Subsection (c)(3)b.

Required improvements, escrow, and allowed deferral. The City Engineer shall:

Required improvements. Require the applicant to make improvements to the substandard street or street-route in an amount up to but not exceeding the applicant's cost of the proportionate share, as determined herein. The City Engineer has full authority and discretion to determine the specific improvements required of the applicant;

Escrow. Require this cost to be deposited with the City for the City to add a street's needed improvements into scheduled road maintenance and improvements; or

Deferral. If the City Engineer determines that the funds that would be made available are insufficient to provide meaningful project improvements along the substandard street or street-route, a substandard road agreement may be allowed in lieu of the project improvements required in this section. In this case, the applicant, and all owners having interest in the subject Lot or Lots shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the City, but at a minimum it shall:

For a terminal substandard street or street route, explain that the subject Lot or Lots has or have only a single street access connecting it to the greater interconnected Public Street network, and the single street access is not built to the adopted minimum design and safety standards;

Require a deferral agreement that specifies that the owners or successors and heirs are responsible, at a time the governing authority deems it necessary, to pay for their proportionate share of curing the substandard nature of the street or street-route;

Allow the governing authority, at its option to withhold any written protest filed by the owners or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided, however, that the revenue generated by the mechanism is used to improve access to the Lot or Lots; and

Be recorded to the property at the time of subdivision recordation or sooner for subdivision approval, or prior to the issuance of a land use permit or final approval for other types of approvals.

Sec 108-7-20 Occupying Recreational Vehicles

1. Occupying any parked, self contained, recreational vehicle within the city is allowed as a temporary use in the following locations:

Forest zones.

Recreational vehicle parks.

Mobile home parks with recreational vehicle provisions.

2. Occupying a parked recreational vehicle, by the property owner, may be permitted for a period of six months on the property where a home is under construction, provided that the recreational vehicle is hooked up to an approved wastewater disposal system.

3. Recreation vehicles lawfully parked at a private residence are allowed to be used exclusively by the owner or guests, if self contained, and no remuneration is received.4. Recreational vehicle occupancy associated with an approved agricultural use, agritourism use, or temporary farmworker housing shall be regulated under Section 104-2-4 and Section 108-21.

Sec 108-7-21 No Obstruction Of Irrigation Ditches, Drains And/Or Canals

No development shall obstruct, impair, relocate, pipe, culvert, or otherwise alter the function, maintenance access, or historic drainage patterns of any irrigation ditch, canal, lateral, drain, or conveyance without approval from the irrigation company and the City.

Where crossings are necessary, culverts and crossings shall be sized to maintain historic flow capacity and allow maintenance access.

Development shall not interfere with irrigation easements or maintenance access routes.

As part of any subdivision, site plan, or development approval, known irrigation facilities, easements, and drainage conveyances shall be identified on submitted plans where reasonably known or visible.

Sec 108-7-22 Temporary Real Estate Sales Office

A temporary real estate sales office may, by conditional use permit, be allowed within a model home or the garage area of a model home located within a residential subdivision development of ten or more lots or phase of more than ten lots, for the sale of real estate within that specific subdivision or phase subject to the following conditions:

Prior to use of the structure as a temporary real estate office, it shall have a certificate of occupancy. The front yard of a model homes with a temporary sales offices shall be landscaped, as approved by the planning commission.

If the sales office is established in the garage, the garage door may be temporarily replaced with French doors, sliding glass doors or as approved by the planning commission. Permanent changes to the site are prohibited. When the temporary use expires, the applicant shall restore the structure to its originally intended use as a residence and/or garage.

Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Land Use Code for the zone in which the use will be conducted and as approved with the conditional use permit. All signs shall be removed when the permit expires. Any zoning requirements for lighting shall be complied with.

A temporary real estate sales office may operate daily between 8:00 a.m. and 8:00 p.m.

The use shall not create excessive noise, traffic congestion, outdoor events, or lighting impacts beyond those typical of residential development sales activity

A conditional use permit for a temporary sales office in a model home shall be limited to a five-year time period from the time that the certificate of occupancy is issued. Time extensions may be considered by the planning commission on a case-by-case basis.

If construction of the model home temporary sales office is not completed within one year of the conditional use approval by the planning commission, the permit shall be considered null and void.

Sec 108-7-23 River And Stream Corridor Setbacks

See Title 104, Chapter 28 (Ogden Valley Sensitive Lands Overlay Districts) for Ogden Valley River and Stream Corridor Setbacks.

Sec 108-7-24 Supplemental Energy Generation Standards

Small Wind Energy System. The intent of this section is to regulate the placement and installation of small wind energy conversion systems in the city while providing for the safe, effective, and efficient use of such systems. These systems will be used primarily to produce clean energy and reduce on-site consumption of utility power for individual properties. The following regulations shall apply to all small wind energy conversion systems:

The minimum lot size required for a small wind energy system shall be 20,000 square feet.

Small wind energy systems shall be set back a distance equal to the tower height from property lines unless a greater setback is required to address demonstrated safety risks. On parcels five acres or larger used for agricultural purposes, setbacks may be reduced where an engineered fall zone is demonstrated.

The maximum height of a small wind energy system (including tower and blades) shall not exceed 70 feet. Small wind energy systems proposed to be over 70 feet will require approval from the planning commission as part of the conditional use permit. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest point of the arc of the blades.

Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.

Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color approved by the planning commission as part of the conditional use, and shall not be artificially lighted unless required by the FAA.

Small wind energy systems shall not exceed noise limits as specified in Municipal Code 5.02.010 at the nearest property line, averaged over a 10-minute period, excluding short-duration severe wind events. Noise measurements shall follow ANSI or similar recognized acoustic standards. Ambient wind noise shall be considered in determining compliance. Manufacturer specifications for components and installation shall be required with an application for a small wind energy system.

Solar energy systems.

Small solar energy system. A small solar energy system, as defined in Title 101, Chapter 2, is allowed in any zone, and shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.

Large solar energy system. A large solar energy system, as defined in Title 101, Chapter 2, is regulated by Title 104, Chapter 30 of this Land Use Code.

Sec 108-7-25 (Reserved)

Sec 108-7-26 Land Use Applications Involving Lots/parcels With Existing Violations

A land use application may be reviewed and approved notwithstanding an existing violation on the subject lot or parcel, unless the existing violation:

1. creates an immediate threat to public health or safety; or
2. directly prevents the proposed application from complying with this Land Use Code.

As a condition of approval, the Land Use Authority may require correction of the violation when the correction is reasonably related to the proposed application.

An application submitted for the purpose of curing or reducing an existing violation shall not be denied solely because the violation exists.

Sec 108-7-27 (Reserved)

Sec 108-7-28 Garage Sales/Yard Sales

Garage sales/yard sales of personal used items from a single-family dwelling shall not be held more than once every three months.

Sec 108-7-29 Access And Standards For A Land Locked Residential Lot Or Parcel

Access. Unless otherwise allowed in this Land Use Code, the provisions of this section shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code, an adopted general plan, master transportation plan, development agreement, or other adopted document intended to govern the placement, connectivity, or creation of a street or Street-Block. Otherwise, a land-locked Lot or Parcel intended for residential use shall have an access road or driveway that extends from a public right-of-way to the area of the Lot that will be developed. The access road or driveway shall be:

Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum improved surface width of 20 feet. A greater right-of-way width may be required by the City Engineer for a cross-slope easement.

Configured and constructed so that curves can safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.

Constructed of all-weather material, have a grade of no greater than ten percent, and a clearance no less than 14 and a half feet.

Be on a Parcel that is held in common ownership by a homeowner's association that governs the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that gain access therefrom.

If terminal, no longer than 600 feet.

If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around approved by the local fire authority at the end.

Other requirements.

The address of the Lot or Parcel shall be displayed in a prominently visible location at the street entrance to the Lot or Parcel's access from a public right-of-way.

A fire hydrant or other suppression method may be required by the fire district.

A site plan showing the location of the home, any proposed access roads and driveways, along with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the fire district for review.

Buildings shall be set back a minimum of 30 feet from the edge of the improved access surface or from the access easement boundary, whichever is greater, unless a different setback is required by the underlying zone or by the fire authority for demonstrated access or safety reasons.

Conditions shall be objective, written, and tied to adopted code standards and shall not be based on subjective compatibility concerns.

Sec 108-7-30 (Reserved)

Sec 108-7-31 (Reserved)

Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line

Access to a Lot or Parcel at a location other than across the Front Lot Line is not allowed unless otherwise specifically provided elsewhere in this Land Use Code or if the applicant can demonstrate that:

Special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the Front Lot Line; and
Appropriate and legal alternative access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

Sec 108-7-33 Building Parcel Designation

Separate adjoining lots within an approved subdivision plat may be combined for building purposes without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

A building parcel designation shall be approved provided that:

An application shall be submitted on a form approved by the planning director;

The application shall include a copy of the subdivision plat;

All lots proposed to be combined shall be under the same ownership;

No additional lot shall be created; and

The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or master planned development. Existing lots that do not conform to current zoning shall require an amended subdivision plat.

Lots combined through a building parcel designation shall not be subsequently separated unless processed through a subdivision plat amendment in compliance with current zoning requirements.

Sec 108-7-34 Cannabis Production Establishment

In addition to any other site development standard or use regulation, a cannabis production establishment, where allowed by the zone, is governed as follows:

The establishment shall control exhaust air so that cannabis odor is not detectable at the property line.

Where permitted by zone:
following standards shall apply to the cannabis production establishment:

A cannabis production establishment is restricted to only a cultivation facility, as defined by state code.

No more than one cannabis production establishment is allowed to be in operation at any one time.

The minimum lot area required is 20 acres.

The minimum setback from any lot line is 100 feet.

The architectural, landscape, and screening design standards of Title 108 Chapter 2 are applicable to the use.

The establishment shall be located on land that has access from a street that meets currently adopted street standards.

As defined by state code, if a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

Outdoor cultivation of plants, as defined by state code, is prohibited.

Sec 108-7-35 Agricultural Building Exemption

Agricultural buildings used solely in conjunction with agriculture use as defined in Utah Code § 15A-1-202, are exempt from the building code requirements per Utah Code: §15A-1-204(11)(a) , except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.