

CHAPTER 1. - DESIGN REVIEW

Sec. 108-1-1. - Purpose.

- (a) 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 orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.
- (b) 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.

(Ord. of 1956, § 36-1; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-2. - Application and review. *No application is required for reasons highlighted in yellow below.*

- (a) 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 with the exception that small buildings or additions with a total footprint of less than 10,000 square feet, and which impact an area of less than one acre may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, the buildings with a total footprint of less than 75,000 square feet may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances and/or the intent of the applicable master plan. 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.
- (b) 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.

(Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014; Ord. No. 2016-4, Exh. C2, 5-24-2016)

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. *No separate application is required.*

Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4. *Agri-tourism is "exempt" from these requirements. Agri-tourism is an approved use.*

All open space parcels will be privately owned and not dedicated to Weber County or an HOA.

(Ord. of 1956, § 36-3; Ord. No. 2012-19, pt. 12(§ 36-3), 12-18-2012; Ord. No. 2014-6, § 1, 4-1-2014)

There is no new application required. Please refer to PRUD Notice of Decision Letter dated April 21, 2017, items #13 & #14, and preliminary plan approval Notice of Decision Letter dated December 13, 2017. Landscape and

Sec. 108-1-4. - Considerations in review of applications.

agri-tourism plans were submitted and approved as required during the preliminary subdivision process. No deferment to final approval was requested nor granted. Open space parcels will not be dedicated to Weber County or an HOA.

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:

- (1) *Considerations relating to traffic safety and traffic congestion.*
 - a. The effect of the development on traffic conditions on abutting streets.
 - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 - c. The arrangement and adequacy of off street parking facilities to prevent traffic congestion.
 - d. 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.
 - e. 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.
 - f. The surfacing and lighting of off street parking facilities.
- (2) *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 and with adjacent development.
- (3) *Considerations relating to landscaping.*
 - a. 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.
 - b. The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in subsection (3)g of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.
 - c. A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required by the Ogden Valley Architectural and Landscape chapter.

- d. The number and type of mature and planted size of all landscape plantings.
 - e. The method of irrigation and approximate location of the water meter, point of connection, sprinkler and/or drip irrigation heads, and any blow-out or winterizing system. Water conserving methods, such as bubblers and drip systems and electronic timer devices are encouraged.
 - f. The location, type, and size of any existing trees over four-inch caliper that are to be removed.
 - g. Landscape standards. Plant sizes at the time of installations shall be as follows:
 - 1. Deciduous trees shall have a minimum trunk size of two inches caliper.
 - 2. Evergreen trees shall have a minimum height of six feet as measured from top of root ball.
 - 3. 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.
 - 4. Vines shall be five-gallon minimum size.
 - 5. 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 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 sod or other deep-rooting, water conserving plants for erosion control and soil conservation.
 - 6. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.
 - 7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
 - 8. Water conserving landscaping methods and materials are recommended and encouraged.
 - h. 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.
 - i. 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.
- (4) *Considerations relating to buildings and site layout.*
- a. 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.

- b. Consideration of exterior design and building materials in relation to adjoining structures in height, openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangement of the parcel.
- (5) *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.
- (6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.*
- a. 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?
 - b. Is this plan or phase thereof a more detailed refinement of the approved concept plan?
 - c. Are any modifications of a significant nature that first need to follow the procedure for amending the approved concept plan?

(Ord. of 1956, § 36-4; Ord. No. 19-94; Ord. No. 2002-5; Ord. No. 2003-13; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-5. - Conditions.

Design approval may include such other conditions consistent with the considerations of this, and/or any other chapter of the Weber County Land Use Code, as the commission or planning director deem reasonable and necessary under the circumstances to carry out the intent of the Land Use Code.

(Ord. of 1956, § 36-5; Ord. No. 2002-5; Ord. No. 2014-6, § 1, 4-1-2014)

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 county commission.

(Ord. of 1956, § 36-6; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-7. - Agreement for improvements.

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

(Ord. of 1956, § 36-7; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-8. - Time limitations on approval.

If construction of any development for which design approval has been granted has not been commenced within 18 months from date of design review approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the planning commission.

(Ord. of 1956, § 36-8; Ord. No. 2014-6, § 1, 4-1-2014)

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 Weber County Land 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.

(Ord. of 1956, § 36-9; Ord. No. 2014-6, § 1, 4-1-2014)

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.

(Ord. of 1956, § 36-10; Ord. No. 2014-6, § 1, 4-1-2014)

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.

De minimis revisions. The planning director may approve revisions to an approved design review plan that he/she determines are de minimis. Proposed revisions shall be considered de minimis 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 de minimis revision(s) shall be appended to the written decision of the planning commission. Revisions that are de minimis 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.

(Ord. of 1956, § 36-11; Ord. No. 2014-6, § 1, 4-1-2014)