

TITLE 11
SUBDIVISION REGULATIONS

CHAPTER 1
GENERAL PROVISIONS

SECTION:

11-1-1: Purposes

11-1-2: Scope

11-1-3: Definitions ~~Of Subdivision~~

11-1-4: Enforcement And Permits

11-1-5: Penalty

11-1-1: PURPOSES:

A. Promote Health And Welfare: The underlying purpose and intent of this Title is to promote the health, safety, convenience and general welfare of the inhabitants of the City in the matter of the subdivision of land and related matters affected by such subdivision.

B. Best Interest Of Public Welfare: Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and shall be in harmony with good neighborhood development of the area concerned, and the subdivider shall present evidence to this effect when requested to do so by the Planning Commission. (Sub. Ord.)

11-1-2: SCOPE:

A. Compliance: No person shall subdivide any tract of land which is located wholly or in part in the City, except in compliance with this Title.

B. Pursuant To Provisions: No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Title. (Sub. Ord.)

11-1-3: DEFINITIONS ~~OF SUBDIVISION~~:

In addition to the definitions set forth in Utah Code 10-9a-103, the following definitions apply, unless a different meaning clearly appears from the context:

1. “Administrative Land Use Authority” means:
 - a. The Planning Commission shall act as the approval authority for the Preliminary Plat.

- b. The Public Works Director or designee shall act as the approval authority for the Final Plat.
2. "Block" means the land surrounded by public streets and rights-of-way, or land which is designated as a block on any recorded subdivision plat.
3. "City" means Sunset City, Utah.
4. "County" means Davis County, Utah.
5. "Development Review" means the process by which the Public Works Director, acting as the administrative land use authority, receives comment and reviews documentation related to the subdivision, and, once all requirements and standards are met, issues final plat approval. The Public Works Director receives comments from city and county officials who provide technical expertise, policy requirements, and application of appropriate standards regarding development applications under the applicable codes.
6. "Easement" means that portion of a lot or lots reserved for present or future use by a person or entity other than the legal owner or owners of said property or properties. An easement may be for use under, on, or above said lots or lots.
7. "Planning Commission" means the Sunset City Planning Commission unless another planning commission is specifically named.
8. "Public Works Director" means the Public Works Director of Sunset City, Utah, or a consulting engineering firm designated as the Public Works Director by the City Council.
9. "Review Cycle" means the process for review of a complete subdivision application. There may be multiple fifteen (15) business day reviews for the preliminary plat review cycle. There shall be no more than four (4) total review cycles of twenty (20) business days for a final plat.
 - a. A single review cycle shall be considered complete when:
 - i. Complete Application is submitted to the Administrative Land Use Authority;
 - ii. The Administrative Land Use Authority Review is complete;
 - iii. The Applicant Response to Review is complete; and
 - iv. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.
 - b. Review Cycle, exceptions as follows:
 - i. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to

enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.

- ii. Additional Time for Review. If the Applicant does not submit a revised plat within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.

10. "Security" means the cash escrow or irrevocable letter of credit used by the applicant or developer to guarantee the proper installation of the total cost of public improvements determined by the Public Works Director, plus ten (10) percent of the total cost as contingency, and naming the City as a party eligible to draw upon said security.

11. "Streets" means various types of transportation corridors defined as follows:

- a. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare with a solid asphalt or concrete surface not less than twenty-six feet (26') wide which has been made public by right of use, and which affords the principal access to the abutting property, excepted where limited.
- b. "Collector street" means a street, existing or proposed, of considerable continuity which is the main means of access to the major street system.
- c. "Cul-de-sac" means a minor terminal street provided with an adequate turnaround.
- d. "Major Street" means a street, existing or proposed, which serves or is intended to serve as a major trafficway, and is designated on the Major Streets Plan as a limited or controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the Major Streets Plan.
- e. "Minor Street" means a street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.
- f. "Private Street" means a thoroughfare within a development which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the City and maintained by the subdivider or other private entity.

12. "Subdivision" means the division of a tract or parcel of land into three (3) or more parts for the purpose, whether immediate or future, of a sale of a building

development; provided, that if any person within one calendar year divides any tract into three (3) or more parts, such land shall be deemed a subdivision within the meaning of this Title. Providing, however, that this definition of a subdivision shall not include a bona fide division or partition of agricultural land in parcels of more than one acre for other than development purposes, nor shall it include the division of property in commercial or industrial districts for commercial or industrial developments where no new streets are required or are to be dedicated for public use; nor shall it include or apply to the allocation of land in the settlement of an estate, or a court decree for the distribution of property. (Sub. Ord.)

13. “Zoning or Land Use” refers to the zoning and land use regulations in the Sunset City Municipal Code.

11-1-4: ENFORCEMENT AND PERMITS:

The Building Department shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all provisions of this Title. No City officer shall issue any permit or license for the use of any building, structure or land when such land is a part of a subdivision, as defined in Section 11-1-3 of this Chapter, until such subdivision has been approved and recorded in the County Recorder's office and all other provisions of law have been complied with. Any license or permit issued in conflict with this Title shall be null and void. (Sub. Ord.; 1997 Code)

11-1-5: PENALTY:

~~Any subdivider or other person who shall violate or fail to comply with any of the provisions of this Title shall be guilty of a Class C misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. (Sub. Ord.; 1997 Code)~~ In accordance with Utah Code §10-3-703, the City imposes the following penalties for a violation of this Title:

1. Civil. In addition to other remedies as provided by law or equity, any subdivider, subdivider's agent, employee, purchaser, or assign (in whole or part) in violation of this Title is subject to a civil fine not to exceed \$750.00 per violation, per day, that a violation continues.
2. Criminal. Any subdivider, subdivider's agent or employee, purchaser, or assign (in whole or part) who violates the provisions of this Title guilty of a Class C misdemeanor with a fine not to exceed \$750 and/or a term of imprisonment up to ninety (90) days. Each violation constitutes a separate offense.

CHAPTER 2
PLANNING REGULATIONS

SECTION:

11-2-1: Site Plan Approval Required

11-2-2: Penalty

11-2-1: COMMERCIAL AND INDUSTRIAL SITE PLAN APPROVAL REQUIRED:

In any commercial or industrial zone, ~~church, school, fraternal or other public housing, or any housing development involving dwelling houses, housing units or apartment houses containing three (3) or more family dwelling units,~~ the location of main and accessory buildings on the site, the height and bulk of buildings, the provision of other open space in the site, and the display of signs shall be in accordance with the site plan or plans or subsequent amendment thereof, approved in any case by the Planning Commission prior to issuance of a building permit. In approving site plans, the Planning Commission may act on its own initiative in proposing and approving a site plan, including any conditions or requirements; designated or specified on or in connection therewith. A site plan may include landscaping, fences and walls designed to further the purposes of the regulations for commercial and industrial zones and such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. In considering any site plan hereunder, the Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such areas and contiguous land and buildings and adjacent neighborhoods. (Sub. Ord.)

11-2-2: PENALTY:

Any person violating any of these provisions shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Sub. Ord.; 1997 Code)

CHAPTER 3
PLANS AND PLATS

SECTION:

11-3-1: Preliminary ~~Plan~~ Plat

11-3-2: Final Plat

11-3-1: PRELIMINARY ~~PLAN~~ PLAT:

A. Information: Each person who proposes to subdivide land which is located in whole or in part in the City shall confer with the Planning Commission before preparing any plats, charts or plans in order to become familiar with the City subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract.

B. Complete Application: A complete application is required to be filed with the City before the Review Cycle commences. The determination of whether an application is complete is made by the Director of Community Development or designee. An application shall not be considered complete, and the first review cycle shall not begin unless and until the Applicant has submitted the following items:

1. A completed application as provided by the City.
2. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
3. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
4. Current Davis County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
5. A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
6. Will serve letters from all affected entities.
7. A digital copy of the preliminary plat as outlined in the Public Works Standards.
8. A digital copy of the preliminary improvement plans to include at a minimum the following:
 - a. Grading and drainage plan.
 - b. Storm Drain calculations.
 - c. Low Impact Design (LID) analysis and Water Quality Report

d. Utility plan.

9. Payment of all applicable fees.

~~Filing: A preliminary plan shall be prepared in conformance with the standards, rules and regulations contained herein and five (5) black and white prints thereof shall be submitted to the Planning Commission for approval or disapproval.~~

C. Investigation: The Planning Commission shall establish subdivision procedures for the City which shall set forth in detail all steps necessary to ensure that complete investigation of all proposed subdivisions are made prior to final approval. This investigation may include obtaining information and recommendations from the County Recorder, City Engineer, Fire Department, County School Board and from companies providing utility services to the area.

D. Fee: At the time of filing the preliminary plan, the subdivider shall deposit with the Planning Commission a nonrefundable fee made payable to the City. The City Council shall by resolution from time to time, prescribe the amount of such fee, which shall be for the purpose of reimbursing the City for the expenses incidental in connection with the checking and approving of such subdivision plans. A similar fee shall be paid whenever a subdivider submits any amended or revised plat.

E. Requirements: The preliminary plan shall be drawn to a scale not smaller than one hundred feet to one inch (100' = 1") and shall give the following information:

1. The proposed name of the subdivision.
2. Sufficient information to locate accurately the property shown on the plan.
3. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
4. Contour map at vertical intervals of not more than five feet (5') as determined by the Planning Commission.
5. The boundary lines of the tract to be subdivided.
6. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography and buildings within or immediately adjacent to the tract to be subdivided.
7. Existing sanitary sewers, storm drains, water supply mains, water wells and culverts within the tract and immediately adjacent thereto.
8. The locations, widths and other dimensions of proposed public streets, private streets or private access rights of way, alleys, utility easements, parks and other open spaces and lots, with proper labeling of spaces to be dedicated to the public, or designated as private streets or private access rights of way.
9. North point, scale and date.

10. Plans or written statements regarding the width and type of proposed pavement, location, size and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed utilities, proposed storm water drainage facilities and other proposed improvements, such as sidewalks, planting and parks, and any grading of individual lots.

F. Approval, Disapproval: Following a review of the preliminary plan, the Planning Commission shall act on the plan as submitted or modified. If approved, the Planning Commission shall express its written approval with whatever conditions are attached and by returning one approved copy of the preliminary plan to the subdivider. If the preliminary plan is disapproved, the Planning Commission shall indicate its disapproval in writing and reasons therefor by similarly signed copies. Notification of approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the final plat and specifications for the minimum improvements required in this Title. (Sub. Ord.)

G. Time Limitation: Approval of the preliminary plan by the Planning Commission shall be valid for a maximum period of twelve (12) months after approval unless, upon application of the subdivider, the Planning Commission grants an extension. If the final plat has not been submitted within the twelve (12) months or approved extended period, the preliminary plan must again be submitted to the Planning Commission for reapproval; however, preliminary approval of a large tract shall not be voided; provided, that the final plat of the first section is submitted for final approval within the twelve (12) month period. (Sub. Ord; 1997 Code)

H. Grading Limitation: No large scale excavation, grading or regrading as determined by the Planning Commission shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission. (Sub. Ord.)

11-3-2: FINAL PLAT:

~~—A. Tentative Final Plat Required:~~

~~—1. Prior to the submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the Planning Commission, who shall check the tentative final plat against the requirements and conditions of approval of the preliminary plan, and refer one copy to the County Recorder for checking.~~

~~—2. The Planning Commission shall return one copy of the checked tentative final plat to the subdivider, indicating thereon any changes required by the Planning Commission and/or the County Recorder.~~

~~—B. Final Plat Required:~~

~~—1. After compliance with the provisions of Section 11-3-1 of this Chapter subsection A of this Section, the subdivider shall submit a final plat with two (2) copies thereof to the Planning Commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer indicating that all lots meet the requirements of the Zoning Title 1.~~

—2. The final plat and accompanying information shall be submitted to the Planning Commission at least five (5) days prior to a regularly scheduled Planning Commission meeting in order to be considered at said meeting.

—C. Requirements: The final plat shall consist of a sheet of approved tracing linen or mylar, to the outside or trim dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch (1/2") margin on all four (4) sides of the sheet. The plat shall be so drawn that the top of the sheet faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black "India drawing ink". The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100') and the workmanship on the finished drawing shall be neat, clean-cut and readable. The plat shall be signed by all parties mentioned in subsection C6 of this Section, duly authorized and required to sign, and shall contain the following information:

—1. A subdivision name, approved by the County Recorder and the general location of the subdivision, in bold letters at the top of the sheet.

—2. A north point and scale of the drawing, and the date.

—3. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

—4. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the Planning Commission. All proposed streets shall be named or numbered consecutively under a definite system approved by the Planning Commission and conform as far as practicable to the adopted street naming and numbering system of the City.

—5. Parcels of land to be dedicated as public parks or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space", whichever is applicable.

—6. The standard forms approved by the Planning Commission for all subdivision plats lettered for the following:

—a. Description of land to be included in subdivision.

—b. Registered professional engineer and/or land surveyor's "certificate of survey".

—c. Owner's dedication certificate.

—d. Notary public's acknowledgement.

—e. Planning Commission's certificate of approval.

~~— f. City Engineer's certificate of approval.~~

~~— g. City Council certificate of acceptance, attested by the City Recorder.~~

~~— h. A three inch by three inch (3" x 3") space in the lower right hand corner of the drawing for recording information.~~

~~— D. Engineering Data Required: The subdivider shall furnish a complete set of profiles, construction and design data of all streets, existing and proposed, and all utilities to be constructed within the subdivision to the City Engineer prior to the submission of the final plat.~~

~~— E. Approval Of Final Plat:~~

~~— 1. After approving and signing the final plat, the Planning Commission shall then submit the plat for approval to the City Engineer, who shall check the engineering requirements of the plat, and determine the amount of the bond to assure construction of the improvements where necessary 2. After approval and signature by the City Engineer, the plat and bond agreement shall be submitted to the City Council for their approval and acceptance. The final plat, bearing all official approvals as above required, shall be deposited in the office of the County Recorder for recording at the expense of the subdivider, who shall be notified of such deposit by the office of the County Recorder.~~

~~— 2. Any final plat, not so approved and signed, or which shall not be offered for recording within one year after the date of final approval, unless the time is extended by the Planning Commission, shall not be recorded or received for recording and shall have no validity whatsoever.~~

~~— 3. No street improvements or utilities shall be installed until after approval of the final plat by the City Council. No lots included in such plat shall be purchased, sold, exchanged, nor offered for sale or exchange and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.~~

~~— F. Exceptions: In subdivisions of less than ten (10) lots, land may be sold by metes and bounds without the necessity of recording a final plat, if all of the following conditions are met:~~

~~— 1. A preliminary subdivision plan must have been first approved in writing by the Planning Commission and the City Council.~~

~~— 2. The subdivision is not traversed by the mapped lines of a proposed street as shown on any official road map or maps of the City or proposed street or streets to be widened as shown on the Major Street Plan, and does not require the dedication of any land for streets or other public purposes.~~

~~— 3. Each lot in the subdivision meets the requirements of Title 11, Chapter 4 of this Code.~~

~~— 4. All preliminary plan requirements have been complied with.~~

~~—5. All provisions of these regulations have been complied with as they relate to required improvements on existing streets. (Sub. Ord.)~~

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Notes

1. See Title 10 of this Code.
2. See Chapter 5 of this Title.

A. Final Plat:

After compliance with the governing code requirements, the applicant or subdivider shall file a complete final plat application and pay the associated fees. The final plat shall contain all the modifications made during Development Review and the applicable review cycles.

1. The final plat, construction drawings, and accompanying documentation shall be submitted for Development Review.
2. Development Review shall complete a review of the plat within twenty (20) business days per review cycle after it is submitted for review. Development Review shall review the final plat, construction drawings, and other documentation to determine compliance with all applicable codes.
3. If Development Review determines that the final plat conforms to all applicable codes, the Public Works Director may approve the final plat by signing the same.
4. If Development Review determines that the final plat, construction drawings, and other documentations do not conform with the applicable code requirements, written comment shall be provided to the applicant to be addressed in the subsequent review and submittal.
5. No final plat shall have any force or effect unless the same has been approved by the Public Works Director.

B. Final Plat Requirements.

The final plat shall consist of a sheet of approved mylar or material of sufficient size, quality, and specifications of the County. The plat shall be signed by all parties designated on the final plat who are duly authorized and/or required to sign, and shall contain the following information:

1. A subdivision name, approved by the County and the general location of the subdivision, in bold letters at the top of the sheet.
2. A north point and scale of the drawing, and the date.
3. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

4. The names, widths, lengths, bearings and curve data on centerlines of proposed streets and easements.
5. The boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision.
6. All lots are to be numbered and addressed consecutively under a definite system approved during Development Review.
7. All proposed streets shall be numbered consecutively under a definite system and conform to the Major Streets Plan and street numbering system of the City.
8. Parcels of land to be dedicated as public property or permanently reserved for common open space shall be labeled as such.
9. The final plat should contain the standard approval information and certifications as follows:
 - a. Description of land to be included in the subdivision.
 - b. Registered land surveyor's certificate of survey.
 - c. Owner's dedication certificate.
 - d. Notary public acknowledgement.
 - e. City engineer's certificate of approval.
 - f. Other certificates of approval, as may be shown on the final plat.
 - g. Space for County to record.

C. Construction Drawings and Supporting Documentation.

The applicant or subdivider shall furnish a complete set of reproducible construction drawings of profiles, construction, and design data of all streets, existing and proposed, and all utilities to be constructed within the subdivision to the city engineer prior to the submission of the final plat. Supporting documentation includes:

1. Traffic studies, geological studies, feasibility studies, other studies of any kind related to development.
2. Covenants, conditions, and restrictions.
3. Any development agreement between the applicant and City.
4. Easement documents.
5. Other information and documentation relevant to the development.

D. Final Plat Approval.

1. The Public Works Director shall make final plat approval based upon compliance with the applicable codes and standards.
2. During final plat approval, Public Works Director, shall provide a cost estimate for improvements which amount shall be held by the City as security for the proper development of the subdivision and its improvements in accordance with the approval requirements and applicable codes and standards.
3. Applicant or subdivider shall reimburse the City for any expenses the City or an affected entity incurred related to the review, approval, and inspection of the subdivision improvements.
4. No street improvements or utilities shall be installed until after approval of the final plat. No lots included in the final plat shall be purchased, sold, exchanged, nor offered for sale or exchange and no construction of buildings upon such lots shall begin until the final plat is approved and recorded in the County.

E. Security.

At the time the final plat is approved by the Public Works Director, the applicant or subdivider shall deposit with the City the applicable security and security contingency, which contingency shall represent a minimum ten (10) percent of the total security.

CHAPTER 4
SUBDIVISION STANDARDS

SECTION:

11-4-1: Streets

11-4-2: Blocks

11-4-3: Lots

11-4-4: Public Use And Service Areas

11-4-5: Building Restrictions

11-4-6: Housing Developments

11-4-7: Variances

11-4-1: STREETS 1 :

A. Conformity To Major Street Plan: The subdivision of land shall conform to the Major Street Plan, both as to general alignment and right-of-way widths.

B. Extension Of Existing Streets: The proposed street system shall extend existing streets or their projections at the same or greater width (but in no case less than the required minimum width). ~~unless variations are deemed necessary by the Planning Commission. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.~~ Half streets along the boundary of land proposed for subdivision will not be permitted. Private streets shall not be accepted in any subdivision, nor shall public improvements be approved for any private street.

C. Street Widths: The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the Major Street Plan, or if not shown on such plan shall be:

1. Major streets, not less than fifty feet (50').
2. Collector streets, not less than fifty feet (50').
3. Local service streets or minor streets which cannot be extended in the future, not less than fifty feet (50').
4. Alleys, not less than twenty feet (20').

D. Grades: Grades on major streets shall not exceed eight percent (8%). Grades on other streets may be as much as fifteen percent (15%), ~~where in the opinion of the Planning Commission, the best subdivision of land is thereby secured.~~ Street grades at the gutter shall not be less than one-half of one percent (0.5%).

E. Rounded Corners: Curb radii at street intersections shall not be less than twenty feet (20') and where the angle of street intersection is less than seventy five degrees (75°), a greater curb radius may be required. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

F. Intersection Angles: Where an acute angle of less than seventy five degrees (75°) occurs between streets at their intersections, a grading plan showing existing and proposed contours at one foot (1') intervals may be required.

G. Curves: Where a deflection angle of more than ten degrees (10°) in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On major and secondary streets, the center line radius of curvature shall not be less than three hundred feet (300'); on minor and local streets, not less than one hundred feet (100').

H. Dead Ends: Streets designed to have one end permanently closed (cul-de-sac) shall not be more than six hundred feet (600') long and shall be provided at the closed end with a turnaround with a minimum radius of the outside curb of at least forty feet (40'). In determining the length of a cul-de-sac, the turnaround shall not be included.

I. Names: Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing street. In no case shall the name of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court. (Sub. Ord.)

Notes

1. See also Section 11-5-5 of this Title.

11-4-2: BLOCKS:

Blocks shall be not more than one thousand two hundred feet (1,200') in length. In blocks over eight hundred feet (800') in length, there may be required one or more public crosswalks not less than fifteen feet (15') in width. (Sub. Ord.)

11-4-3: LOTS:

A. Arrangement: Insofar as practical, side lot lines shall be at right angles to straight street lines or radical to curved street lines. Each lot shall front on a public street or road or highway system.

B. Minimum Size: The minimum width for a residence lot shall be sixty feet (60') at the building line and no lot shall contain less than six thousand (6,000) square feet. Corner lots shall have such extra width as will permit the establishment of a building line at least thirty feet (30') on the front street and twenty feet (20') on the side street. (Sub. Ord.)

11-4-4: PUBLIC USE AND SERVICE AREAS:

A. May Require Dedication: In any subdivision, the Planning Commission and/or ~~the City Council~~ Public Works Director may require the dedication to the public of not more than ten percent (10%) of the land for park or recreation purposes.

B. Easements For Utilities: Except where alleys are permitted for the purpose, easements, not exceeding twenty feet (20') in width, for poles, wires, conduits, storm and sewers, gas, water and heat mains or other utility lines, along all rear lot lines and along side lot lines may be required if necessary or advisable. (Sub. Ord.)

11-4-5: BUILDING RESTRICTIONS:

No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance. In general, a building line at least thirty feet (30') from the street line will be required on residential lot frontage, and in the case of corner lots, a building line at least thirty feet (30') from the front street and twenty feet (20') from the side street line, will be required. (Sub. Ord.)

11-4-6: HOUSING DEVELOPMENTS:

A comprehensive group housing development, including the construction of two (2) or more housing units, together with necessary drives and ways of access, may be approved if departures from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments must be submitted to and approved by the Planning Commission and City Council whether or not a plat is to be recorded and no building permits shall be issued therefor until such approval has been given. (Sub. Ord.)

11-4-7: VARIANCES:

Where the subdivider can show that a provision of these general requirements and minimum standards of design would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission and City Council, a departure may be made without destroying the intent of such provisions, the Planning Commission and City Council may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the City Council and the reasoning on which the departure is justified set forth. (Sub. Ord.)

CHAPTER 5
REQUIRED IMPROVEMENTS

SECTION:

11-5-1: Scope

11-5-2: Water Supply

11-5-3: Sewage Disposal

11-5-4: Storm Water

11-5-5: Streets

11-5-6: Curbs And Gutters

11-5-7: Sidewalks

11-5-8: Monuments

11-5-9: Fire Hydrants

11-5-10: Fencing Of Canals

11-5-11: Survey Stakes

11-5-12: Guarantee Of Improvements

11-5-13: Inspection Of Improvements

11-5-1: SCOPE:

The owner of any land to be platted as a subdivision shall at his own expense install the following improvements prior to recording the final plat or guarantee the installation of such improvements provided in Section 11-5-12 of this Chapter, according to the specifications and under the inspection of the City Engineer, except for septic tanks which must be installed according to the specifications of the State Board of Health. (Sub. Ord.)

11-5-2: WATER SUPPLY:

A. Installation Of Lines: Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The subdivider shall furnish to the City Engineer three (3) copies of plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished.

B. Determination Of Adequacy: The City Engineer shall determine the adequacy of the existing water system to provide culinary water and fire protection to State Board of Health requirements to the lots in the subdivision. (Sub. Ord.; 1997 Code)

11-5-3: SEWAGE DISPOSAL:

Where a public sanitary sewer is within two hundred feet (200') or is close enough in the opinion of the ~~City Council and~~ City Engineer to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations of, and shall be approved by, the City Engineer ~~City Council.~~ (Sub. Ord.; 1997 Code)

11-5-4: STORM WATER:

The City Engineer shall require the subdivider to dispose of storm water and surface drainage if such provision is deemed necessary. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. (Sub. Ord.)

11-5-5: STREETS 1 :

A. Grading And Surfacing: All public and private streets shall be graded and surfaced in accordance with the standards and rules and regulations ~~of the City Council.~~

B. Drainage: Street drainage and drainage structures may be required by the City Engineer where necessary.

C. Trees: Street trees may be planted by the subdivider when so required by the City Planning Commission ~~and of a variety and location as approved by the Planning Commission.~~

D. Signs: Street signs shall be installed by the subdivider at all locations as designated by the City Engineer. Such signs shall be of such a type and of such material as shall be prescribed by the City Engineer. ~~The City Council shall have the option to install such signs and charge such costs to the subdivider.~~ (Sub. Ord.)

Notes

1 1. See also Section 11-4-1 of this Title.

11-5-6: CURBS AND GUTTERS:

Curbs and gutters shall be installed on existing and proposed streets by the subdivider, ~~where in the opinion of the Planning Commission and City Engineer they will be~~ where necessary to remove surface water, or for safety or other reasons. (Sub. Ord.)

11-5-7: SIDEWALKS:

Sidewalks shall be required ~~by the Planning Commission~~ for reasons of safety or public welfare. (Sub. Ord.)

11-5-8: MONUMENTS:

Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the City Engineer. All subdivision plats shall be tied to a corner or monument of record, or established land office survey corner. (Sub. Ord.)

11-5-9: FIRE HYDRANTS:

Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by the City Engineer. (Sub. Ord.)

11-5-10: FENCING OF CANALS:

A solid board, chainlink or other nonclimbable fence, not less than five feet (5') in height, shall be installed on both sides of existing irrigation ditches or canals which carry five feet (5') or more of water, or bordering open reservoirs, railroad rights of way or nonaccess streets, and which are located within or adjacent to the subdivision, except where the ~~Planning Commission~~ City Engineer determines that park areas, including streams or bodies of water, shall remain unfenced. (Sub. Ord.)

11-5-11: SURVEY STAKES:

Survey stakes shall be permanently set at all lot corners so as to completely identify the lot boundaries on the ground. (Sub. Ord.; amd. 1997 Code)

11-5-12: GUARANTEE OF IMPROVEMENTS:

A. Methods: In lieu of actual installation of the improvements required by this Chapter, the subdivider may guarantee the installation thereof by one of the methods specified as follows: (Sub. Ord.)

1. Bond: The subdivider may furnish and file with the City Recorder a bond with corporate surety in an amount equal to the cost of the improvements (plus 10 percent) not previously installed as estimated by the City Engineer to assure the installation of such improvements within a two (2) year period immediately following the approval of the subdivision plat by the Public Works Director ~~City Council~~, which bond shall be approved by the City Council and City Attorney and shall be filed with the City Recorder. (Ord. 99-01, 1-19-1999)

2. Escrow: The subdivider may deposit in escrow with an escrow holder approved by the City Council an amount of money equal to the cost of the improvements not then installed as estimated by the City Engineer, as aforesaid, under an escrow agreement to assure the installation of said improvements within a ~~two (2)~~ one (1) year period from the approval of the subdivision plat by the City Council as aforesaid. The escrow agreement aforesaid shall be approved by the City Council and City Attorney and shall be filed with the City Recorder.

3. Agreement: The subdivider may execute, acknowledge and cause to be recorded in the office of the County Recorder, a written agreement with the City, which shall specifically provide that it shall be deemed to be a covenant running with the subdivided lands for the benefit of the City and shall particularly and accurately describe such lands. By said agreement, the subdivider shall further give and grant to the City a lien on said lands to secure performance of the covenant and agreement hereinbefore specified and to secure the installation of all of the improvements required by this Chapter, together with the payment of all costs, including a reasonable attorney fee, which the City may incur in enforcing any of the terms and provisions of said agreement. Said agreement shall further provide that he will not lease or convey any of the subdivided property to anyone whomsoever unless he shall first, as a condition precedent thereto, either:

a. Install and pay for all of the improvements aforesaid necessary to the full, effective and practical use and enjoyment thereof by the lessee or grantee of the lands so to be conveyed, including, but not limited to, all street improvements in front of such property and thence along the dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest said existing improvements whichever is closer; or

b. File a bond as provided in subsection A1 of this Section to secure the installation and/or completion of all uncompleted improvements herein specified, or

c. Deposit in escrow as provided in subsection A2 of this Section, money to secure the installation and/or completion of all uncompleted improvements herein specified.

B. Release Of Liens: ~~The City Council~~ City Engineer is authorized and directed from time to time, at the request of the subdivider or his successors in interest, to release of record from the burden of the covenant and lien aforesaid, all lots and parcels of land as to which the covenant and agreement has been fully performed, either by installation of improvements, by the deposit of a bond or the deposit of funds in escrow as aforesaid. The covenant and agreement aforesaid shall be approved as to form by the City Council and by the City Attorney. The City Council is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this Title.

C. Continuous Improvements: Whenever the subdivider develops a subdivision a portion at a time as contemplated by subsection A3 of this Section, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified. (Sub. Ord.)

11-5-13: INSPECTION OF IMPROVEMENTS:

A. Required: The City Engineer and Building Inspector shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for

fire hydrants, water and sewer mains and laterals shall not be covered over or backfilled until such installation shall have been approved by the City Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer.

B. Payment Of Costs: The subdivider or contractor, upon submission of his plans, shall deposit with the City a sum, in an amount estimated by the City Engineer, to cover engineering and inspection of the above improvements. (Sub. Ord.)

CHAPTER 6
CONDOMINIUM APPROVAL PROCEDURE

SECTION:

11-6-1: Purpose And Intent

11-6-2: Definitions

11-6-3: Submission Of Application

11-6-4: Staff Review

11-6-5: Preliminary Approval By Planning Commission

11-6-6: Notice To Tenants In Conversion Projects

11-6-7: Tenant Protest Review

11-6-8: Final Approval By Planning Commission

11-6-9: Approval By City Council

11-6-1: PURPOSE AND INTENT:

A. Applicability: The procedures and requirements of this chapter shall apply to and govern the processing of condominium record of survey maps pursuant to the requirements of the condominium ownership act of 1975, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement zoning, site development, health, building and other ordinances applicable to a particular condominium project, and shall apply to the approval of such projects involving new construction as well as those involving the conversion of existing structures. In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are not contained in existing or proposed buildings shall also be considered subdivisions requiring compliance with the applicable provisions of this chapter.

B. Impact Assessment: It is the intent of this chapter to establish a reasonable process whereby the city can assess the impact of mixing collective and individual ownerships, as presented in a particular condominium project, upon the public health, safety, welfare and convenience of the city. In the case of commercial or residential conversions of existing buildings, corrections of building code violations, the upgrading of vehicle parking facilities and safety of common functional elements of the structure or structures are of prime importance. It is also recognized that the conversion of existing apartments or similar multi-family rental dwelling structures presents the potential of relocation hardship to existing tenants, especially senior citizens, and warrants that reasonable notice and disclosure requirements be established by the city to minimize said hardships.

C. Impact Fees: The city could implement impact fees which would be set by the city council on the fee schedule. (Ord. 2009-07, 7-21-2009)

11-6-2: DEFINITIONS:

APARTMENT HOUSE: A building designed to be occupied by more than four (4) families.

CONDOMINIUM: A building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners.

DWELLING: A building designed and used for residential purposes, including one-, two-, three- and four-family dwelling units, but not including apartments, boarding houses, hotels, lodging houses or motels.

DWELLING, MULTIPLE-FAMILY: See definition of Apartment House.

DWELLING UNIT: One or more related or connected rooms occupied by or designed for residential purposes by one household.

TOWNHOUSE: A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof and with open space on at least two (2) sides. (Ord. 2009-07, 7-21-2009)

11-6-3: SUBMISSION OF APPLICATION:

The owner or developer of a proposed condominium project desiring approval shall file an application with the planning commission staff of the city on a form prescribed by the city, together with:

A. Map: Four (4) copies of the proposed map accurately drawn to scale as required by Utah Code Annotated section 57-8-13, as amended, which shall be made by a registered Utah land surveyor using a scale no smaller than one inch to equal forty feet (1" = 40'). In addition, said map or an additional site plan shall include diagrammatic floor plans identifying boundaries of the project units, convertible and expandable areas or spaces and common areas. Said map or plan should designate the intended use of common areas (e.g., storage, recreational, parking for guests as opposed to unit owners, open space, etc.), and should indicate whether such common areas are to be open to the public, assigned to specific units or semiprivate and available only to unit owners. Said map or site plan shall also identify and describe in detail the location of existing or proposed driveways, pedestrianways, curb cuts, walls, structures, fences, landscaping, utility easements, adjacent property and sprinkling system.

B. Declarations; Bylaws: Two (2) copies, signed in the original, of the proposed condominium declarations and bylaws, with a limit of two (2) years minimum transferable.

C. Property Report: Where conversion of an existing building is proposed as part of the condominium project, two (2) copies of the property report, prepared by a licensed

architect or engineer, including the following information, shall be submitted as part of the application, together with the plan for proposed improvements, renovations and repairs:

1. The age of the building or buildings.
2. The general condition, useful life and capacity of the building, structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler and other structural elements.
3. All known conditions constituting deficiencies requiring repair to meet existing NEC electrical and ICC codes.
4. All known conditions which may require repair or replacement within the next succeeding five (5) year period.
5. The property report shall certify that the structure or structures conform to the following minimum standards or the owner shall present plans to bring the structure or structures into conformity with said standards prior to issuance of certificates of occupancy:

a. Minimum Standards For Decent Sanitary And Safe Housing:

- (1) The NEC electrical and ICC codes shall be met in all condominium conversion projects.
- (2) Commercial condominium spaces shall conform to the uniform code for building conservation, as adopted by the city, with any amendments thereto, for occupancy separation, construction type and allowable area, existing height of building, etc.
- (3) Each dwelling shall comply with separation of utilities, soundproofing, fire ratings, fire sprinkler system and smoke detectors that are capable of notifying adjacent units.

b. Minimum Electrical Service And Devices:

- (1) Each dwelling unit shall be supplied with a minimum of a one hundred (100) amp service with proper breakers and main disconnect located within each unit. Each commercial space shall be wired in conduit and have a properly sized service and disconnects.
- (2) Each habitable room shall contain at least two (2) convenience outlets and one wall switch controlled light. Hallways, bathrooms and kitchens shall also have one wall switch controlled light.
- (3) All new electrical wiring shall comply with the current NEC code and be completed with proper permits and inspections.
- (4) A smoke detector conforming to ICC standards 43-6 and carbon monoxide detectors shall be installed in each dwelling unit as per the IRC code sections R314 and R315.

c. Plumbing And Culinary Water Service:

(1) A Utah licensed engineer, plumbing contractor or a general contractor shall determine the adequacy of the existing water service pressure based on the fixture unit.

(2) Individual shutoff valves must be provided for each unit or each plumbing fixture within the unit.

(3) All new installations must be completed with proper permits and inspections in accordance with current IPC codes.

d. Heating And Mechanical Systems:

(1) Each dwelling or commercial space must be provided with its own heating system, except when the building is provided with central water or steam facilities.

(2) All mechanical installations and repairs must be completed with proper permits and inspections and comply with current IMC codes.

e. Sanitary Sewer: Sanitary sewer main may be shared based upon a written approved plan concerning maintenance and responsibility.

f. Landscaping: Property must be landscaped in a way that it is able to retain water on own property and no trees or shrubs shall be placed in any area that might obscure the adjoining properties' view.

g. Variances: Where it is determined that physical conditions in an existing building do not allow the strict application of the above minimum standards, the city building inspector shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirements will be met.

D. Notice To Tenants: Proof of notice to tenants, as required by section 11-6-6 of this chapter, shall be required before final approval, but may be submitted at the owner/developer's option, after preliminary approval is obtained from the planning commission.

E. Incomplete Applications: Incomplete applications may be proffered and reviewed for advisory comments by the planning or building services divisions, but shall not be deemed accepted or received until complete, nor shall the condominium project be scheduled for any hearings before the planning commission until the application is complete, with only the exception of subsection D of this section. (Ord. 2009-07, 7-21-2009)

11-6-4: STAFF REVIEW:

Upon receipt of a completed application for approval of a condominium project, the city planning staff shall route copies of the application and development plans in the same manner as a standard subdivision as outlined in this title. Additional preliminary review by the planning staff, fire chief and the building inspector shall include, but not be limited to, the following:

A. Planning:

1. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project for staff review. The condominium declaration and bylaws shall be reviewed as part of the final approval process and will include provisions addressing and fixing responsibility for the maintenance, upkeep and repair of common areas, including common walls, electrical, mechanical, plumbing of utility systems, recreational areas, landscaping and parking areas. The declarations shall also restrict the use of any individual residential dwelling unit to single families as defined in this code. The staff shall also review said declaration to require appropriate disclosure of any unusual circumstances, variances or conditions placed upon the condominium project for approval. (Ord. 2009-07, 7-21-2009)

2. Plans And Related Documents: The staff shall review the plans and related documents to determine whether the project conforms to applicable requirements of the zoning title, the status or extent of nonconforming rights, applicable conditions imposed upon the building or use by ordinance, appeal authority variance, conditional use permit, and/or prior approval under a PRUD, clustered or group dwelling plan. If the planning staff finds there are violations of applicable zoning ordinances or requirements, the staff may recommend denial of the condominium project until such violations have been corrected or requirements completed or bonded for prior to final approval by the planning commission. (Ord. 2015-08, 11-4-2015)

B. Building Inspection:

1. Upon receipt of the application for approval of a condominium project, the inspection department shall review the proposed building plans for new construction, and/or in the case of a conversion project, the property report and plan of improvement, renovation and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision and resubmission of the property report where necessary. (Ord. 2009-07, 7-21-2009)

2. In the preliminary review report to the planning commission, the building department shall note corrections, repairs and replacements which must be made to bring the structures into code compliance; together with a list of renovation improvements proposed by the owner/developer which are not required by code. The chief building official shall also list any requirement of the building code that needs appeal authority consideration due to unique circumstances associated with the structure. The building official may then recommend denial until such time as existing violations of the code are corrected or may recommend preliminary approval of the project and building report, subject to correction of the violations prior to final approval. (Ord. 2015-08, 11-4-2015)

C. Fire Chief: The city fire chief shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff, outlining the conditions of the structures as they relate to fire safety. The fire chief shall stipulate those conditions requiring improvement, prior to occupancy, in the report. (Ord. 2009-07, 7-21-2009)

11-6-5: PRELIMINARY APPROVAL BY PLANNING COMMISSION:

A. Consideration: Upon completion of the recommendations of the building department, the planning staff, engineering staff and the fire chief, the matter shall be set for consideration by the planning commission.

B. Compliance; Final Approval: If the planning commission finds that the project is in full compliance with: 1) applicable city ordinances; 2) the requirements of the condominium ownership act of 1975; 3) that proper notice to tenants has been given; and 4) that in every way the project is ready for final approval, the planning commission may grant final approval of the project, authorize the signature of the chairman to be placed upon the necessary documents and forward the project on to the city council for consideration.

C. Changes; Modifications: If the planning commission finds that the project substantially complies with the above mentioned criteria, but that certain facets of the proposal require changes or modifications prior to final approval, or that tenant notification has not been completed, the planning commission may grant preliminary approval to the project with instruction as to what criteria must be met prior to submission for final approval.

D. Disapproval: If the planning commission finds the project in conflict with the ordinances of the city and/or the state and is not in the best interests of the city as a whole and/or the specific neighborhood in which the project is proposed to be located; or if it is not satisfied with the site development plans of the project; the planning commission may disapprove the project, specifying in detail the reasons for disapproval. (Ord. 2009-07, 7-21-2009)

11-6-6: NOTICE TO TENANTS IN CONVERSION PROJECTS:

A. Required: As part of the application for approval of a condominium project, when said project involves the conversion of an existing structure where the structure has been occupied by residential or commercial tenants prior to application for conversion, the owner/developer shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to a structure that was vacant and remained so during the year prior to filing of the developer's application for conversion; nor shall it preclude the approval of a project to the expiration date where every tenant has executed a waiver relinquishing his or her right of notice under this provision.

B. Contents: Such notice shall include:

1. The proposal for the conversion of the building to a condominium project;
2. The established dates of construction period and termination of occupancy which shall not be less than sixty (60) days from the date notice is served upon occupants or expiration of individual leases, whichever is longer;
3. The disclosure of the sales price for each unit shall be no greater than the price initially advertised and offered to the general public at such time as when the condominiums are offered for public sale;

4. Relocation information for the tenants, specifying available alternative housing relocation resource agencies and organizations and a plan of any services to be voluntarily provided by the owner/developer.

C. Dissemination: A copy of said notice, together with a list prepared by the owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and other known special handicaps or factors affecting relocation needs of the tenants, shall be submitted to the city to advise the city of the conversion and/or solicit city assistance with relocation services. No final approval of such conversion project shall be granted by the planning commission until the owner/developer has provided proof of notice by certified mail or subsequent proof of actual delivery by method of services allowed under Utah Code Annotated, 1953, section 78B-6-805, of such notices and relocation information as required above, and any plans for relocation services to be voluntarily provided by the owner/developer and the time designated therein (a minimum of 60 days) has expired. (Ord. 2009-07, 7-21-2009)

11-6-7: TENANT PROTEST REVIEW:

A. Procedure: When a tenant of a residential dwelling has received written formal notice of eviction without cause and without at least sixty (60) days' notice of conversion required above and has reason to believe that notice was issued because of a proposed condominium project they may, within thirty (30) days of the date of the notice of eviction, initiate an appeal regarding the issue of proper notice to the city council on a form provided in the city office. The filing of such a protest shall stay the issuance of any approval or issuance of any permits for the structure in question for a period not to exceed thirty (30) days and the matter shall be set for hearing before the city council. Subsequent appeals shall not act to further stay the issuance of approval of the condominium project and no stay shall be granted if the building official certifies to the city council that a stay would, in their opinion, cause imminent peril to life or property. In such cases, approval shall not be stayed other than by order issued by the district court upon petition, notice and due cause being shown.

B. Agency Assistance: Upon filing, a copy of the appeal shall be forwarded to the city for relocation advice and assistance.

C. Investigation: Upon filing a tenant appeal, the planning staff shall institute an investigation to determine if the notice requirements set forth above were satisfied. They shall then report their findings to the city council within ten (10) days of filing the appeal.

D. Hearing:

1. The city council shall fix a reasonable time for the hearing of the appeal, give due notice to the appellant and to the owner/developer of the condominium project and shall, at said hearing, review said appeal together with agency and department reports, recommendations and related permit or subdivision applications, and shall decide the same within thirty (30) days from the date of filing the appeal.

2. The city council, with regard to the hearing of said appeals, may:
 - a. Enforce the attendance of witnesses, the production of books and papers and administer oaths;
 - b. Direct municipal resources, if necessary and appropriate for the alleviation of relocation hardships;
 - c. Hear and decide allegations of error in any order requirement, decision or determinations made by a municipal official in performance of his duties as related above;
 - d. See that laws and ordinances are faithfully executed and direct investigations accordingly;
 - e. Institute any appropriate actions or proceeding to prevent persons from or punish persons for performing any act contrary to the building and zoning titles of the city;
 - f. Impose reasonable conditions relating to the terms and conditions upon which the project will be approved, which may include suspension of approval pending preparation and implementation of a reasonable relocation plan or services for tenants who have not been given proper notice, or denial of the application, in which event the owner/developer may not reapply for twelve (12) months from the date of denial. (Ord. 2009-07, 7-21-2009)

11-6-8: FINAL APPROVAL BY PLANNING COMMISSION:

If, upon submission of the building official and planning staff, engineering staff and fire marshal, the planning commission finds that the project is in compliance with applicable ordinances and the requirements of preliminary approval, the planning commission may grant final approval. The planning commission will review recommendations from the planning staff, engineering staff, the fire chief and building official for work that is proposed for subsequent completion, bonding or waiver and may otherwise impose appropriate terms upon such bonding or conditions upon its approval. (Ord. 2009-07, 7-21-2009)

11-6-9: APPROVAL BY CITY COUNCIL:

A. Upon final approval by the planning commission, the planning staff shall ensure all conditions of approval have been completed, all final documentation is signed and submitted, including any required bonds or agreements required to be filed, and shall then submit the matter, together with the recommendation of the planning commission, with the chair's signature upon the map, before the city council for final approval. If the city council shall determine said project is not in conformity with the requirements of the ordinances of the city or if they reject any offers to dedication; or if not satisfied with plans of a project which constitutes a subdivision, the city council may disapprove said map, specifying reasons for disapproval.

B. Within thirty (30) days after the city council has disapproved any project, the developer may file with the planning staff a map or documents altered to meet the requirements of the city council. Upon receipt of said map or documents, the matter shall be referred back to the city council by the planning staff for reconsideration.

C. No final map shall have any force or effect until the same has been approved by the city as reflected by the signature of the city council and is officially recorded with the city recorder within twelve (12) months from the date of the city council's approval. (Ord. 2009-07, 7-21-2009)