AGENDA

MORGAN CITY PLANNING COMMISSION MEETING November 19th, 2024, Work Session 6pm, General Session 7pm, Morgan, Utah

The Planning Commission meeting will be held in-person on Tuesday, November 19th, 2024, at 7:00pm in the City Council room located at 90 W. Young Street with a Work Session at 6pm.

The public meeting will be live streamed on YouTube and a recording available on morgancityut.org.

6:00 p.m. **PLANNING COMMISSION WORK SESSION MEETING**

Discussion Title 11 Subdivision Regulations

7:00 p.m. **PLANNING COMMISSION GENERAL SESSION MEETING**

MINUTES APPROVAL: October 15th, 2024.

AGENDA ITEMS

ITEM #1	Public Hearing-Ordinance Update-Title 11; Subdivision Regulations.
ITEM #2	Public Hearing-Amending Ordinance Title 10; 10.04 Definitions.
ITEM #3	Trails, Parks, and Downtown Master Plan Update

Posted this 6th day of November 2024

Teresa Shope, Planning & Zoning Secretary

Planning Commission Meeting

Minutes of Morgan City Planning Commission WORK and GENERAL meeting held in open public session on October 15th, 2024, at 6 p.m.

MINUTES OCTOBER 15TH, 2024 6:00 PM MORGAN CITY COUNCIL ROOM

MEETING CALLED BY	Chair, Nathan McClellan.
MEMBERS	In-person: Mark Francis, Ray Little, Erin Bott, Justin Rees. Electronically: Jay Ackett.
EXCUSED	Wes Woods.
CITY STAFF	In-person: City Planner, Jake Young; Mayor, Steve Gale. Planning Legal Counsel, Gary Crane. Electronically: City Council, David Alexander.
OTHERS PRESENT	Kristen M. (Weber State Student), Easton Philips.
INTRODUCTION	Nathan McClellan welcomed all in attendance.

WORK SESSION 6:00pm

Discussion Amending Title 11-Subdivision Regulations-The Planning Commission has been reviewing the subdivision regulations as the State of Utah requires that smaller cities are to amend their Ordinance to comply with new State legislation by December 31st, 2024. Jake had indicated at the last Planning Commission meeting, the commission recommended not amending the current code as the code is cumbersome, outdated as well as lengthy. That the direction was to use some of the code in last meetings presentation of other cities as a starting point. Jake along with Attorney Crane and Engineer, Hartvigsen met to review the draft before the commission tonight.

The group defined a minor subdivision as five lots or less which process would be staff/land use authority review and approval with no review by the commission. Six lots or more will be defined as a subdivision. The process of a subdivision application would be one staff review prior to a subdivision coming before the Planning Commission at preliminary. Staff/land use authority would be the group that would process final subdivision approval. Each application is allowed 4 reviewing cycles and must be a whole complete application to be accepted. Jake discussed developers complying with a checklist. The discussion continued regarding land use authority, administrative approval, and other definitions. The work session was closed with the intent to continue the discussion as item one in the general session.

GENERAL SESSION 7:00pm

MINUTES PLANNING COMMISSION MEETING August 20th, 2024, and September 17th, 2024.

DISCUSSION	No discussion on the minutes.
MOTION	Mark Francis moved to approve the minutes of August 20th, 2024, and September 17th, 2024, as presented. Second: Erin Bott Unanimous

ITEM #1 DRAFT ORDINANCE REVIEW-TITLE 11-SUBDIVISION REGULATIONS

DISCUSSION	The commission along with staff continued the subdivision draft review that started during the work session. Jake Young continued by talking about the subdivision approval process with the addition of checklist. There is 4 step review cycle. Jake discussed prior to the commission reviewing the preliminary subdivision, to use one of the 4 step review cycle by staff. Commission only reviews the subdivision as a preliminary approval. The group discussed the addition of street connectivity as a new component to the code. Jake discussed the city is currently working on a grant with UDOT for a feasible study. Jake continued regarding connectivity with the requirement of blocks meaning that blocks can only be a certain footage and then there will be that component of a connector. The purpose is to help with walkability and not having residents walk the entire way around a block but instead through the subdivision. Ray Little had concerns with the recommended size of 600 feet and the commission discussed specific areas. Jake stated the language is in principle that dead-end roads are the exception than the rule. Currently, the city can ask the developer but not require. The commission was concerned with being too restrictive and asked Gary for some guidance. Gary indicated that the Planning Commission can always put language in that expresses the goal of connectivity and the need to follow the general plan meaning the language can be flexible. Jake noted to work on the language with Attorney Crane. The commission moved onto public works requirements with a few changes to that portion of the code. Gary stated that Morgan City has a utility standard that is reviewed, updated by the city engineer along with utility staff and then is adopted by the City Council yearly. Gary indicated the utility standards should be in the standards and not in both. Jake indicated that the appeals portion would be reviewed by legal staff. The commission along with staff continued through the draft pointing out minor changes. Nathan questioned how different the draft before the commission is from the current subdivision ordinance. Gary stated that he had done his review, and the draft is standard. That if there were any variations besides the new requirements, it's because the city had added them along the way. At the conclusion, Jake stated the engineer, legal staff, office staff and planning staff have scheduled a work meeting to go through the document to get the updated ordinance ready for a public hearing. That the commission would receive the document with time to review prior to the November 19th, 2024, Planning Commission meeting.

ITEM #2 DISCUSSION-DEVELOPMENT INCENTIVES FOR TRAILS

DISCUSSION	The team discussed potential development incentives to encourage the creation of trails. Jake provided background, explaining that work on the Trails Master Plan was underway and encouraged everyone to complete the public survey available on Morgan City's website. He mentioned a recently rezoned 77-acre subdivision, noting that while there had been no formal application, the team aimed to proactively leverage opportunities for trail development. A meeting with the subdivision's developer had been held, where the team informally proposed a trail along Canyon Creek. Although no formal agreements were reached, the discussion shifted towards possible city incentives for trail inclusion. Options such as impact fee reductions or a density bonus—allowing for 10% smaller lot sizes if trails were

	constructed—were presented. It was noted that cities sometimes use these strategies, with sidewalks and trails serving as interconnection points for both residents and the broader community. The group discussed that while sidewalks are a requirement in new developments, broader trail systems would encourage greater community engagement. Jake highlighted the absence of public land in Morgan, contrasting it with other areas like Ogden Valley, which benefit from extensive trails and parks due to public lands. He suggested that both "carrot" incentives, like voluntary trail easements, and "stick" requirements, such as street infrastructure, could be useful tools. Jake pointed out that the network effect makes trails more valuable as they expand, creating opportunities for children and adults alike. One proposal included creating wider sidewalks—upgrading standard sidewalks to 10-foot trails. He also mentioned the potential to incorporate trails along the river and other natural corridors, such as the East Canyon Creek area, if developers cooperated. On funding, Jake suggested that the city might pursue grants to support trail construction if developers provided easements. This approach, though contingent on grant availability, could expedite trail development. A discussion followed on similar incentive programs in other cities, with Jake noting examples from Cache Valley, where density bonuses were provided. The discussion concluded with a consensus on the value of future trail incentives. It was agreed that while trails may take decades to fully develop, like the Jordan River Parkway, they would ultimately be an asset to Morgan's growth and appeal. The Commission agreed to pursue language to be added to the code to provide incentive tools for developers for the promotion of trails and larger sidewalks.

ADJOURNMENT:

This meeting was adjourned at 9:00 pm.

_____

Teresa Shope, Secretary

These minutes were approved at the _____ Meeting.

ORDINANCE

AN ORDINANCE AMENDING

PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS,

WHEREAS,

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:

SECTION 1 Repealer. If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION 2. Enactment of the Morgan City Code is hereby enacted/amended to read as follows:

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon posting.

OR

This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the most remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this _____ day of _____, 20___.

_____

STEVE GALE, Mayor

ATTEST:

_____

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused	
Councilmember London		___	___	___
Councilmember Wardell	___	___	___	
Councilmember Turner		___	___	___
Councilmember Richins		___	___	___
Councilmember Alexander		___	___	___

(In the event of a tie vote of the Council):

Mayor Gale	___	___	

Chapter 10.04 DEFINITIONS

10.04.010 DEFINITIONS

10.04.010 DEFINITIONS (note grey text is existing and not intended to change)

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, and the plural the singular. "Shall" is always mandatory. Words not included herein, but which are defined in the building code, shall be construed as defined therein. Words which are not included herein or in the building code shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning.

Definitions of words applicable particularly to certain chapters may be included in those chapters.

ACCESS POINT: A two-way street into a subdivision or development that provides unrestricted access to residents, the public, and emergency services. This definition does not prohibit a gated community entrance that is designed to service residents, guests, and the general public.

ACCESSORY BUILDING: See definition of Building, Accessory.

ACCESSORY, RESIDENTIAL APARTMENT: A secondary dwelling unit, either in, added to, or unattached from an existing single-family detached dwelling, for use as a complete, independent living facility for a blood relative.

ACCESSORY, RESIDENTIAL DWELLING: A dwelling unit accessory to a nonresidential use

located on the same premises, to be used solely for persons employed on the premises.

ACCESSORY STRUCTURE: See definition of Structure, Accessory.

ACCESSORY USE: A use that: a) is clearly incidental to and customarily found in connection with a principal or main use; b) is subordinate to and serves a principal or main use; c) is subordinate in extent, area or purpose to the principal or main use; d) is located on the same lot as the principal or main use; and e) contributes to the comfort, convenience or necessity of occupants, businesses or industries of the principal or main use. Home occupations shall be considered an accessory use.

AGRICULTURE: A farming activity limited to the tilling of the soil, raising of crops, horticulture and gardening. The definition does not include any commercial activity or raising of animals or fowl.

ALTERED: Any change in the construction of, or addition to, a building, which would permit an increase in capacity, or a change of use.

ALTERED, STRUCTURALLY: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AMUSEMENT ARCADE: An establishment offering coin operated electronic games, shooting galleries, table games, and similar recreational diversions within an enclosed building.

AMUSEMENT, COMMERCIAL/INDOOR: Any place of amusement conducted wholly within a completely enclosed building.

AMUSEMENT, COMMERCIAL/OUTDOOR: Any place of amusement not conducted wholly within a completely enclosed building.

APPLICANT: The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.

ARCHITECTURAL AND INTEGRAL PART: Any portions of, appendage to, or part of the general building layout of a main use planned for and/or constructed within the buildable area of a lot; and which is a functional part thereof; and which may be a structural part of or a detached accessory structure separated from the main building by a court not less than six feet (6') in width; and which is of the same general design or style and comparable in excellence of quality and construction to the main building.

AUTO REPAIR, MAJOR: A building or premises used for the repair of any passenger auto, pickup truck, semi tractor, recreational vehicle or similar vehicle where the repair

includes, but is not limited to, the rebuilding of engines, transmissions or differentials.

AUTO WRECKING, SALVAGE YARD: See also definition of Junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

BED AND BREAKFAST: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for pay or compensation on a temporary basis.

BLOCK: Land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat. The block length does not include public right-of-way or streets.

BOARDING HOUSE, ROOMING HOUSE: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for pay or compensation of any kind for three (3) or more persons.

BOND AGREEMENT: Means and escrow agreement, cash bond or financial institution bond, required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat. -All bonds shall be on forms approved by the City Attorney, wherever a bond is required pursuant to this title.

BUILDABLE AREA: That portion of a building lot not included within any required yard or open space upon which a main building may be located. Buildable areas must be defined on subdivision plats in areas of thirty percent (30%) slope or less. "Buildable area" does not include any portion of a "special flood hazard area" as defined in the federal insurance rate map of Morgan City.

BUILDING: Any structure having a roof supported by columns or walls, intended or used for the shelter, housing or enclosure of any person, animal or property of any kind.

BUILDING, ACCESSORY: A building that:

Is clearly incidental to and customarily found in connection with a principal or main building;
Is subordinate to and serves a principal or main building;
Is subordinate in area, extent or purpose to the principal or main building served;
Is located on the same lot as the principal or main building served; and

Contributes to the comfort, convenience or necessity of the occupants, businesses or industries in the principal or main building.

BUILDING, ATTACHED: An addition to the main structure that is tied together with a common roofline, and access to the addition is obtainable from inside the main structure.

BUILDING, DETACHED: A freestanding building with open space on all four (4) sides.

BUILDING HEIGHT: The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING LOT: See definition of Lot, Building.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot. This also includes all of the appendages to a principal building constructed as an architectural and integral part thereof.

BUILDING OFFICIAL: The Morgan City building official.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the state of Utah or any of its subdivisions, including counties and municipalities in connection with a public use. It shall not be construed to mean buildings for use as warehouses, public garages and equipment sheds.

BUILDING, RESIDENTIAL: Building shall mean any one- and two- family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

CARPORT: A private garage not completely enclosed by walls or doors.

CHILDCARE CENTER: A childcare facility which regularly provides custodial care for six (6) or more children during the part of any day.

CHILDCARE HOME: A childcare facility operated on a residential premises.

CHURCH OR TEMPLE: A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CITY: Morgan City, Utah, a municipal corporation.

CITY COUNCIL: The City Council of Morgan City.

CITY PLANNER: The city planner employed by or officially representing the city.

CIVIC GREEN: A community gathering place such as a square, plaza, or functioning grass gathering area. Outdoor activities and community gatherings may occur in Civic Green.

CLINIC, DENTAL AND MEDICAL: A building in which a group of physicians, dentists and allied professional assistants are associated for the carrying on of their professions, including a dental or medical laboratory. "Clinic" does not include inpatient care or operating rooms for major surgery.

COLLEGE: An independent institution of higher learning offering a course of general study.

COLLECTOR STREET: See definition of Street, Major Collector or Street, Minor Collector.

COMMON GREEN: Property within a Homeowners Association (HOA) that is owned by the HOA and available for gatherings, recreation, and open space uses. All HOA members have access to Common Green. Landscaping around buildings and streets is not part of a Common Green unless associated with a larger gathering land area.

COMMUNITY USE: The uses which have the primary purpose of serving the educational, recreational, religious or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private nonprofit recreation grounds, public parks, public buildings, public faculties, cemeteries and other similar uses. This definition shall not include such uses as detention facilities, halfway houses, alcohol rehabilitation centers and other similar uses.

COMPLETE APPLICATION: An application that meets all the requirements of the applications, city ordinances, city standards, and requirements of the Planning Department and City Engineer.

CONCEPT PLAN: A sketch or concept drawing submitted before the preliminary plat application will enable the potential subdivider to receive guidance from the Design Review Committee in a pre-application meeting regarding the requirements for subdivisions within the City.

CONDITIONAL USE: A use that is not authorized as a permitted use in a particular zoning district, but which use may be allowed with conditions, or denied based upon compliance with standards and criteria set forth in this title for those uses.

CONDOMINIUM: The ownership of a single unit in a multiple unit project or structure

which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the condominium ownership act of the state of Utah.

CONVENIENCE STORE: A building that contains less than five thousand (5,000) square feet and is primarily engaged in the provision of frequently needed, day-to-day retail goods, including, gasoline, food and nonfood products.

CORNER LOT: See definition of Lot, Corner.

CROSS ACCESS: Legal access to adjacent property.

CUL-DE-SAC: See definition of Street, Cul-De-Sac.

DAIRY: A farming operation for the production of milk in commercial quantities and which is regularly inspected by the state department of agriculture or its cooperating agencies. It includes the raising of the natural increase to the dairy herd, but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.

DAIRY PROCESSING PLANT: A commercial establishment for the manufacture, processing or distribution of dairy products.

DAYCARE CENTER: See definition of Childcare Center.

DAYCARE HOME: See definition of Childcare Home.

DEVELOPER: As the case may be, either: a) an applicant for subdivision approval; b) an applicant for a building permit or another permit issued; or c) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.

DEVELOPMENT ACTIVITY:

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

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

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

DESIGN REVIEW COMMITTEE: Committee of City Staff, emergency service personnel, Utility Agencies, and Consultants who review land use applications and approve plans.

DISABLED PERSON: A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and

expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned or coordinated to allow the person to function in, and contribute to, a residential neighborhood.

DWELLING: Any building or portion thereof which is designed for residential purposes; except hotels, apartment hotels, boarding houses, rooming houses, tourist courts, and mobile homes when not connected to public utilities. A mobile home will be considered a "dwelling" when it is connected to public utilities and the occupants thereof make meals and sleep within the confines of the mobile home.

DWELLING, MULTIPLE-UNIT: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY ATTACHED: A dwelling sharing a common wall or walls, but located on an individual lot.

DWELLING, SINGLE-FAMILY DETACHED: A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

DWELLING, TWO-FAMILY: Two (2) dwellings sharing a common wall or walls and located on one lot.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A present or future right of use under, on, or above the surface of property by a person or agency other than the legal owner of the property.

ELDERLY PERSON: A person who is sixty two (62) years of age or older.

FEMA: An acronym for the federal emergency management agency.

FAMILY: See the definition of family (State Code ___).

FAMILY FOOD PRODUCTION: The production of food through gardening or horticulture, for the sole use of the family occupying the premises. The raising of animals or fowl is not included in this definition.

FARM ANIMALS: The keeping of animals and fowl such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for pleasure. The density allowed in various zones is contained in MCC 10.16.

FARM INDUSTRY: The keeping and raising of farm animals and/or fowl for domestic or commercial use, such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses, and accessory uses thereto.

FAST FOOD EATING ESTABLISHMENT: Any establishment where foods or beverages are prepared for consumption, and consumption occurs in either the building, on the premises or within a motor vehicle parked thereon, or off premises.

FLAG LOT: See definition of Lot, Flag.

FLOODPLAIN: Any land area subject to being inundated by water from any source. Floodplain areas are generally defined as "100-year flood areas", as defined in the federal insurance rate map of Morgan City.

FLOOR AREA: The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

FLOOD, 100-YEAR: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.
FLOOD, 10-YEAR: A flood having a ten percent (10%) chance of being equaled or exceeded in any given year.
FLOODPLAIN: Land that:
A. Is within the 100-year special flood hazard area designated by the Federal Emergency Management Agency; or
B. It has not been studied or designated by the Federal Emergency Management Agency, but it presents a likelihood of experiencing chronic flooding or a catastrophic flood event from any flood source.

FOSTER HOME: A dwelling unit where minor children, not related by blood, marriage or adoption, are cared for and furnished board and room, with or without compensation, on a continuing basis.

FRATERNAL AND BENEVOLENT SOCIETY: A chartered, nonprofit social club or lodge with or without dining faculties and cocktail lounges composing a branch of a fraternal order or society such as Elks, Masons, American Legion, Eagles, Optimists, Odd Fellows, Kiwanis, Rotary, and other similar nonprofit fellowship organizations which are open only to members and their duly authorized guests.

FRONT YARD: See definition of Yard, Front.

FRONTAGE: The distance between the two (2) side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access. State or federal highways, to which no access is allowed, shall not be considered as frontage. For the purposes of this title, neither temporary turnarounds nor dead ends of roadways shall be

used as frontage.

FUR FARM: The raising of any animal for the purpose of producing pelts to be sold commercially, or the raising of breeding stock for such commercial fur pelts, including, but not exclusive of, otters, fox, mink, rabbit, lynx, and chinchilla.

GENERAL PLAN: The comprehensive, long-range General Plan for proposed future development of land in the City, as provided in Utah Code Annotated section 10-9a-401 et seq., as amended.

GARAGE, PRIVATE: An attached or detached building, accessory to a dwelling on the premises, designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this title applicable to main buildings.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring or selling of motor driven vehicles.

GARAGE SALE OR YARD SALE: Sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises.

GASOLINE, RETAIL: A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

GRADE, FINISHED SURFACE: The average level of the finished surface of the ground adjacent to the front setback line of a building or structure; and, on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building. Where a lot has no frontage on a public street, the average level of the finished ground surface adjacent to and measured along all exterior walls shall be the finished surface grade.

HARD SURFACE: An impermeable, dust free surfacing such as concrete or asphalt.

HOME FOR THE ELDERLY: A service providing ambulatory care for more than eight (8) elderly persons.

HOME OCCUPATION: A nonresidential activity, conducted entirely within a dwelling unit, which is clearly incidental and secondary to the use of the dwelling for residential purposes. (See MCC 10.16.030.)

HORSES FOR PRIVATE USE: Horses kept and maintained as an accessory use to a dwelling for the pleasure and use of the occupants thereof, and not to be used for commercial purposes.

HOSPITAL: An institution licensed by the state of Utah providing inpatient health services for human beings, and primarily medical or surgical care of the sick or injured, and such other services and accessory uses as normally provided for its administration and operation.

HOTEL: A building containing guestrooms in which lodging is provided for compensation to transient or permanent guests, or both, and where no provision is made for cooking in the guestrooms, and in which commercial services may be provided for guests.

HOUSEHOLD PETS: Animals and fowl, which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants, but not raised or kept for commercial purposes, or for food.

INDUSTRIAL: See definition of Manufacturing.

INFILL DEVELOPMENT: Development of land that has been bypassed, remained vacant, and/or is underused because of current market conditions. Infill development is not on the perimeter of the city, located near outer annexation areas, and upper hillsides.

INTERIOR LOT: See definition of Lot, Interior.

JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. "Junk" includes, but is not limited to, tires, furniture, tools, paper, bags, plastics, cordage, scrap iron or other metal, glass, building materials, machinery and appliances, or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

JUNKYARD: An open area where junk or used or secondhand materials are bought, sold, exchanged, stored, processed or handled. An automobile wrecking yard or a salvage yard is also considered a junkyard (see definition of Auto Wrecking, Salvage Yard).

KENNEL, BOARDING[1]: Any lot or premises on which three (3) or more dogs at least four (4) months old are kept for a fee.

KENNEL, PRIVATE[2]: Any developed lot or premises on which three (3) or more dogs at least four (4) months old are kept.

Land use application:

A land use applicant is required to obtain a land use decision for subdivisions, rezones, site plan approval, and other act changing or enacting the legal use of the land.

LAND USE AUTHORITY: A person, board, commission, agency, or body, designated by the local legislative body to act upon a land use application.

LANDSCAPING: The installation of living plant materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs and trees) planted directly on the property and kept free from all hard surfaces. The use of water (i.e., pools, fountains, falls and streams) and sculptures are also included as landscape design materials.

LIVE-WORK UNIT: An owner occupied single-family home used jointly for commercial/office and residential purposes where the commercial or office use of the space is secondary or accessory to the primary use as a single-family residential dwelling.

LOT: A tract of land, regardless of any label, created by and shown on a final subdivision plat that has been recorded in the county recorder's office. Lots shall have essential facilities on the property at the time of recording. This is further understood to mean that utilities available at the street are extended into the lot. Lots must meet the minimum size and dimension standards established for the applicable zone at the time of recording.

LOT, BUILDING: A parcel of land which is of such dimensions as to comply with the minimum requirements of this title for area, width and depth applicable to the zone in which it is located, and having frontage on a public or approved private street. Said street shall be extended the full required frontage of the lot and improvements installed as required by the city. No lot shall utilize any part of the temporary end or dead end of a street for frontage.

LOT, CORNER: A building lot situated within a corner created by the intersecting lines of a street or streets.

LOT DEPTH FOR INSIDE LOTS: The distance from the front lot line and rear lot line as measured from the centerline.

LOT DEPTH FOR MULTI-FRONTAGE AND CORNER LOTS: The horizontal distance between opposite boundaries of the lot measured along the centerline thereof.

LOT, DOUBLE FRONTAGE: Any building lot which has both the front and rear yard line bounded by a street. This does not normally include corner lots.

LOT, FLAG: An "L" shaped lot comprised of a staff portion contiguous with the flag portion thereof, the minimum width of the staff being twenty feet (20') per flag lot and the maximum length determined by the Morgan City/county fire department.

LOT, INSIDE GORE SHAPED: A lot where lot lines converge towards the rear, and the rear lot line width is less than half the required width for the applicable zone.

LOT, INTERIOR: Any building lot other than a corner lot.

LOT LINE, FRONT: Any street right of way line of record, or established by use, which forms one or more boundaries of a lot.

LOT LINE, FRONT FOR FLAG LOT: The front lot line of a flag lot shall be determined to be the lot line nearest to a dedicated public street and at the end of the staff.

LOT LINE, REAR, FOR CORNER LOTS: That interior lot line which has been designated as the rear lot line determined by the direction the house faces.

LOT LINE, REAR, FOR INTERIOR LOTS: The interior line lying opposite of the front lot line.

LOT LINE, SIDE, FOR CORNER LOTS: All interior lot lines for multi-frontage lots; for other corner lots, that interior lot line which has been designated as the side lot line by the lot owner.

LOT LINE, SIDE, FOR INTERIOR LOTS: Those interior lines lying opposite each other, running between the front and rear lot lines, or in the case of a multi-frontage lot, those interior lines which run between the two (2) front lot lines.

LOT, MULTI-FRONTAGE: Any building lot, the centerline of which intersects two (2) front lot lines and which has no rear lot line.

LOT WIDTH FOR CORNER LOTS: The width of the lot as measured along both street frontages at the required setback.

LOT WIDTH FOR INTERIOR LOTS: The horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback.

MAIN BUILDING: See definition of Building, Main.

MANUFACTURED HOME: A home or other building of new construction without attached axles or wheels, which has been assembled fully, or in part, upon another site, or in a "factory", and moved to the site upon which it is to be permanently assembled by truck, timber, dolly or similar conveyance, and which is placed upon a permanent foundation in compliance with the provisions of the building code.

MANUFACTURING: The assembling, altering, converting, fabricating, finishing,

processing, or treatment of a product. This word is used interchangeably with "industrial" throughout this title.

MASTER TRAFFIC AND TRANSPORTATION PLAN(S): That portion of the General Plan that defines the future alignments of streets and their rights-of-way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Utah Code Annotated section 10-9a-401 et seq., as amended. This also includes additional TRANSPORTATION PLANS prepared by the City.

MASONRY: Stucco, brick or rock.

MINISTORAGE UNITS: Units to be used for dead storage of household goods.

MIXED USE: Allows for various land uses, often including commercial and residential, but not industrial/manufacturing.

MOBILE HOME: A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the building code, plumbing code, mechanical code and electrical code.

MOBILE HOME PARK: A parcel of land, not less than five (5) acres, designed to accommodate one or more mobile homes in a planned environment, with all public utilities available, for the purpose of permanent or long term residential dwelling.

MOBILE HOME PARK SERVICE BUILDING: A permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for mobile home occupants.

MOTEL: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

MULTIPLE-FAMILY DWELLING: See definition of Dwelling, Multiple-Unit.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the city council, or as shown on the city master drainage plan, or as designated by FEMA, in which no structure or building construction or placement is permitted.

NATURAL DRAINAGE COURSE: Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels.

NONCONFORMING BUILDING LOT: A parcel of land of record that was lawfully subdivided and in compliance with all laws at the time of division, and which no longer meets the minimum requirements for a building lot in the zone in which it is located because of a subsequent amendment to the applicable zoning ordinance.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure, or portion thereof, lawfully constructed which does not now conform to all the height, area, setback and yard regulations prescribed in the zone in which it is located. This term shall also include any existing building or structure which is rendered nonconforming by virtue of annexation or subsequent amendment to this title.

NONCONFORMING USE: Any existing use of a building or land which was lawful at its inception and has continued without interruption but does not now conform with the use regulations of the district in which it is situated, or for which a conditional or special use permit is required but has not been issued. The term also includes any existing use of a building or land which is rendered nonconforming by a subsequent amendment to this title.

NONVIEW OBSTRUCTING: A fence, wall or hedge in which no more than twenty five percent (25%) of the plane formed by the wall or hedge obstructs view, excluding two feet (2') in height above finished grade.

NURSING HOME: Any residential development providing dwelling units with common dining, recreation, and medical or nursing facilities for elderly persons or people with physical disabilities. A nursing home must: 1) be licensed and staffed for skilled care; 2) contain common kitchen and dining facilities; 3) have call button monitoring systems; 4) have on premises physical therapy; and 5) have on premises personal services (library, educational, social and available transportation).

OFFICE, BUSINESS: A place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed or sold.

OPEN SPACE: An open, landscaped area which is unoccupied and unobstructed by buildings or hard surfaces such as concrete or asphalt, except that such open space may be traversed by necessary sidewalks and access rights of way.

OWNER: Any person who alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

PARKING LOT: An open area, other than a street, used for the temporary parking of automobiles and available for public use, whether free, for compensation, or as an

accommodation for clients or customers.

PARK: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities.

PARK STRIP: The landscape area is between the sidewalks and curb/gutter.

PARKING SPACE, OFF STREET: The space within a building, lot or parking lot but not within any portion of any public street right of way, for the temporary parking of one vehicle.

PERMITTED USE: A use of land for which no conditional use permit is required.

PERSONAL SERVICES: Establishments primarily involved in providing personal grooming and related services. This definition includes, but is not limited to, barbershops, beauty parlors, tailors, etc., but does not include laundries or dry cleaners.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee or similar representative of any of the foregoing.

PLANNED DWELLING GROUP: Two (2) or more detached buildings used as residences located on a lot that is in single ownership and having yards, courts, or facilities in common.

PLANNING COMMISSION: The planning commission of Morgan City, Utah. The planning commission acts as the administrative land use authority for preliminary subdivision plats.

PLANNING DEPARTMENT: The City's Planning personnel and designees assigned to conduct city planning and review of applications.

PLAT, FINAL: The final drawing of a subdivision and dedication prepared for filing with the county recorder which complies with applicable requirements set forth in this title and other titles of this code and provisions adopted pursuant thereto. Such plat shall also be in conformity with Utah Code Annotated sections 10-9a-603, 17-23-17, or 57-8-13 et seq., as amended.

PLAT, PRELIMINARY: The initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this title.

PLOT PLAN: A plat of a lot drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets, and as further described in MCC 10.18.

PRESCHOOL CENTER: See definition of Childcare Center.

PRESCHOOL HOME: An educational facility operated on a residential premises, regularly providing an educational program for not more than twelve (12) children (including the operator's natural, adopted or foster children under 6 years of age) at any one time.

PROTECTION STRIP: A strip of land running parallel and adjacent to a public street and the abutting private property, created to control the access of property owners abutting the street until the adjacent owners share in the cost of infrastructure improvements.

PUBLIC IMPROVEMENTS: Streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, flood control facilities and other similar facilities which are required to be dedicated to the City in connection with subdivision, conditional use, or site plan approval.

PUBLIC RIGHT OF WAY: Any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right of way.

PUBLIC WORKS STANDARDS: Standard drawings and specifications adopted by the City to be used for the construction of public improvements.

PUBLIC BUILDING: See definition of Building, Public.

RADIO/TELECOMMUNICATION TOWER: A structure intended for transmitting or receiving television, radio or telephone communications which is primarily supported by its own foundation.

REAR YARD: See definition of Yard, Rear.

RESIDENTIAL DENSITY: The average number of dwelling units on one acre of land in a given area.

Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes.

Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks, and local shopping facilities, into the total number of dwelling units in said area.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A single-family or multiple-family dwelling unit that is or is not a business and offers primary care for any number of nonrelated elderly persons, and may include limited medical, recreational and

commercial services, if such services are limited to residents and their guests.

RESIDENTIAL ZONE: All residential and agricultural zoning districts.

RESTAURANT:

Any establishment which provides as a principal use, foods and beverages prepared for consumption within the establishment and whose operation includes both of the following characteristics:

Customers are provided with an individual menu and are served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and

The food and beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. A restaurant employee clears the table of trash.

Notwithstanding the above, a cafeteria where food and beverages are:

Generally consumed within the establishment; and

Served on non-disposable plates or containers with non-disposable utensils shall be included in this definition.

A restaurant may provide takeout service, provided such service is clearly not the principal business of the restaurant and the takeout function is totally conducted inside the building.

ROAD, PRIVATE: A thoroughfare, held in private ownership and controlled by one or more persons, firms or corporations, and used or held for use primarily as a means of access to adjoining properties.

ROAD, PUBLIC: See definition of Street, Public.

SCHOOL, COLLEGE, UNIVERSITY, PRIVATE OR QUASI-PUBLIC: A school operated by a private or quasi-public organization, or individual, which has a program similar to that provided in any public school in the state of Utah, except that such curriculum may include religious instruction. A private school may be a for profit or nonprofit organization. This definition shall not include commercial schools.

SCHOOL, COMMERCIAL: An establishment for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately and do not offer a complete educational curriculum.

SCHOOL, PUBLIC: An educational facility operated by a school district or other public agency of the state of Utah.

SECONDARY ACCESS ENTRANCE: See definition of Access Point.

SECONDARY WATER SYSTEM: Any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies, flowers and other nonculinary uses.

SECONDARY RESIDENTIAL UNIT: A living unit subordinate and accessory to the main structure with living space found within or detached from the dwelling unit for family of the occupants of the main structure only.

SECONDARY STRUCTURE: See definition of Structure, Accessory.

SECONDARY USE: Any use which is not a principal or main use or an accessory use thereto, which use is not customarily found in connection with the principal or main use.

SENSITIVE LANDS: Rivers, floodplains, natural drainage channels, drinking water source protection zones, hillsides, and other lands in the City that are to be protected to ensure that urban development in these sensitive areas be guided in a manner that will minimize the potential for flooding, erosion, and other environmental hazards and will protect the natural scenic beauty of the foothills and floodplain.

SERVICE STATION: A building or premises used for the sale of gasoline and oil products, including the servicing of motor vehicles and the retail sale and installation of tires, replacement parts and accessories in and upon such vehicles; but not including paint, body and frame repair, or rebuilding of engines, transmissions or differentials. Such premises may also include the sale of food products.

SETBACK: The shortest horizontal distance permitted in each zone, as set forth in this title, between the boundary lines of a lot and the building, structure or part thereof.

SIDEWALK: A passageway or pathway for pedestrians, excluding motor vehicles.

SIDE YARD: See definition of Yard, Side.

SINGLE-FAMILY DWELLING: See definition of Dwelling, Single-Family (Detached or Attached).

SOLID WASTE: Any discarded material that does not flow under stress.

SPECIALTY FOOD SHOP: A retail food store specializing in a certain food category. Examples would include: bakeries, butcher shops, confectioneries, delicatessens, health food stores and import shops.

STABLE, PRIVATE: A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A stable other than a private stable.

STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor or ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET, ARTERIAL: A street, existing or proposed, which serves or is intended to serve as a major trafficway and is designated in the master transportation plan as a controlled access highway, major street parkway, or other equivalent terms to identify those streets comprising the basic structure of the street plan.

STREET, CUL-DE- SAC: A minor terminal street provided with a turnaround.

STREET, DEAD END: An improved street or subsystem of streets with only one point of connection to the overall street system.

STREET, FREEWAY: A street with a fully controlled access designed to link major destination points. A freeway is designed for high-speed traffic with a minimum of four (4) travel lanes, and is owned by the state of Utah.

STREET, HALF: The portion of a street within a subdivision comprising sufficient right-of-way for the following: the full standard pavement width, curb, gutter, park strip, and sidewalk on one side. Half streets shall also include the full utilities with service laterals extended to one side of the road. Half streets are only to be used in locations where the property adjacent to the opposite side of the street is not developed, has the potential to be developed and is not owned by the developer..

STREET ARTERIAL: A street, existing or proposed, which supports traffic from collector streets and conveys traffic to freeways or interstate roads.

STREET, LOCAL: A minor street providing access to abutting properties and protection from traffic.

STREET, MAJOR COLLECTOR: A street, existing or proposed, which is the main means of access to the major street system. See Master Street Plan/Transportation Plan.

STREET, MINOR COLLECTOR: 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.

STREET, PRIVATE: A right-of-way which has been reserved by dedication unto the subdivider, lot owners, or homeowners' association to be used as a private access to serve property and complying with the adopted street cross-section standards of the City. All private streets shall be approved by the City and maintained by the subdivider or other private entity.

STREET, PUBLIC: A right-of-way which has been dedicated to the City and accepted by the City Council, or which the City has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

STREET, STUB: A street ending extended up to an abutting property that is intended to be extended through the abutting property and/or provide cross access in the future.

STREET TREE: Trees planted in the park strip.

STRUCTURE: That which is framed, erected, constructed or placed upon the ground; but not including fences which are six feet (6') or less in height.

STRUCTURE, ACCESSORY: A subordinate structure detached from but located on the same lot as the principal or main structure, the use of which is incidental and accessory to that of the principal or main structure.

SUBDIVIDER: Any person who undertakes to create a subdivision.

SUBDIVISION: Land that has been legally divided from a larger tract of land or legally created by combining adjacent land(s) to provide lots that can be used for further development under City ordinances.

SUBDIVISION, MINOR: A subdivision of five (5) or fewer lots meets this title's requirements for minor subdivisions.

SWAP MEETS: A location where the owner or lessee rents, lends or leases portions of the premises to persons for use as an open market place to barter, exchange or sell goods. A flea market shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

SWIMMING POOL: Any constructed pool, any part of which is above or below grade. Also, any prefabricated pool, any part of which is below grade, or any prefabricated pool which is totally above grade and has a capacity of five thousand (5,000) gallons or more, used for

swimming or bathing.

TAVERN: Any business establishment operating under a private club or on premises beer license.

TEMPLE: See definition of Church Or Temple.

TRAIL: A path, hard or soft surfaced, intended for public use for recreation and/or alternative transportation methods, and which may provide access to City, State, or Federal open lands or recreation areas.

TRAVEL VEHICLE: A trailer, camper or motor home designed or used for sleeping by persons while traveling, but not intended as a permanent dwelling, and not constructed for permanent attachment to public utilities.

UTILITIES: Includes culinary water lines, pressure and gravity irrigation lines, sanitary sewer, and flood control facilities, electric power, natural gas, cable television telecommunication services, underground conduits and junction boxes.

VARIANCE: A variation of, or deviation from, the regulations or standards adopted by ordinance, which the land use appeal authority is permitted to grant.

VOCATIONAL SCHOOL: A school which specifically trains people for a skill or trade to be pursued as a trade.

WATER AND SEWER IMPROVEMENT DISTRICT: Any water or sewer improvement districts or service, existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

WATER CONVEYANCE FACILITY: A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. This definition does not include a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

YARD: A space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

YARD, FRONT: Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot.

YARD, REAR: A yard between the rear lot line and the setback line of a main building, extending across the full width of inside lots and for corner lots a yard between the rear lot line and the setback line of the building and extending between the side lot line and

the front yard lying opposite thereto.

YARD SALE: See definition of Garage Sale Or Yard Sale.

YARD, SIDE: Any yard between the side lot line and the setback line of a main building, extending from the front yard to the rear yard.

YARD, STREET SIDE: On corner lots, the yard determined by the owner to be the side yard on the street and running from the front setback line to the rear property line.

ZERO LOT LINE DEVELOPMENT: Single-family dwellings arranged on lots with one side wall of the building located on the property line. (Ord. 040202, 4-2-2002; amd. 2003 Code; Ord. 092804, 9-28-2004; Ord. 05-07, 5-10-2005; Ord. 05-14, 8-9-2005; Ord. 06-02, 2-28-2006; Ord. 06-03, 3-28-2006; Ord. 08-14, 11-25-2008; Ord. 12-05, 4-10-2012)

ZONING ORDINANCE: The Morgan City Planning and Zoning Ordinance is presently adopted and amended hereafter by the City Council, and is also referred to as Title 10 of this Code.

Footnote 1: See also licensing of kennels at MCC 5.02.050.
Footnote 2: See also licensing of kennels at MCC 5.02.050.

11.02.010 PURPOSES

___: PURPOSE:

The purpose of this title and any rules, regulations, standards, and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

A. To promote and protect public health, safety, and general welfare.

B. To regulate future growth and development activity within the City in a manner that promotes the physical integration of housing options, the preservation of community values, and the social integration of residents from diverse backgrounds under the General Plan; and to promote the efficient and orderly growth of the City.

C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the City, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, parks, trails, and open spaces. Also provide for the design of drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights of way, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon.

D. Tosafeguard from fire, flood, geologic, and other dangers.

E. To provide for harmonious and coordinated development of the City and to ensure sites suitable for building purposes and human habitation.

_____: INTERPRETATION:

In their interpretation and application, the provisions of this title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance, or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, or ordinanceshall prevail.

_____: DEFINITIONS:

See Definitions Section 10.04.010

Subdivision Approvals Procedures Table

	Subdivision Approvals Procedures Table Subdivision approvals are administrative. The decision-making body indicated in this table is the Land Use Authority for the Subdivision Type.			
Subdivision Type	***Administrative Staff (Planning, Engineering, Legal, Public Safety and Public Works)***	***Planning Commission***	***City Council***	
Minor Subdivision (5 lots or less) Preliminary and Final	Review and Decision			
Subdivision – Preliminary Plat	Review and Recommendation. The first review cycle is before the Planning Commission sees the Preliminary Plat.	Public Meeting and Decision		
Subdivision – Final Plat	Review and Decision			
Subdivision Amendment	Review and Recommendation	Decision		
Property Line Adjustment	Review and Decision			
Subdivision within Sensitive Lands – Preliminary Plat	Review and Recommendation	Review and Decision		
Subdivision within Sensitive Lands – Final Plat	Review and Decision			

Development Agreement	Review and Recommendation		Decision	
Overlay Zone Development (including MRO)	Review	Review and Recommendation	Decision	

Subdivision Approvals Process Subdivision approvals are administrative.		
	Subdivision Approval Process	***Minor Subdivision Approval Process***
Pre-Application	Pre-application Consultation (Optional)	Pre-application Consultation (Optional)
Step 1	Pre-application Consultation (Optional)	Pre-application Consultation (Optional)
Step 2	Design Review Consultation (DRC) (Optional)	Design Review Consultation (DRC) (Optional)
Pre-Plat	Preliminary Plat Process	Preliminary Plat Process (Minor)
Step 1	Preliminary Subdivision Land Use Application Submittal	Preliminary Subdivision Land Use Application Submittal
Step 2	Application Completeness Review by Administrative Staff	Application Completeness Review by Administrative Staff
Step 3	Review of Application by Administrative Staff	Review of Application by Administrative Staff
Step 4	Applicant's Reply to the Administrative Staff Comments	Applicant's Reply to the Administrative Staff Comments
Step 5	Complete First Review by Administrative Staff	Complete First Review by Administrative Staff
Step 6A	Notice of Public Meetings (Planning Commission)/Subdivision	No Public Meeting
Step 6B	Public Meetings (Planning Commission)/Subdivision	Administrative Staff Meeting
Step 7	Preliminary Subdivision Land Use Application Determination by Planning Commission	Preliminary Subdivision Land Use Application Determination by Administrative Staff
Step 8	Written Notification to Applicant: denial – approval – or approval with substantive material change	Written Notification to Applicant: denial – approval – or approval with substantive material change

Final-Plat	Final Plat Process	Final Plat Process (Minor)
Step 1	Final Subdivision Land Use Application Submittal	Final Subdivision Land Use Application Submittal
Step 2	Application Completeness Review	Application Completeness Review
Step 3	Review of Final Subdivision Land Use Application and feedback to Applicant. This may be repeated as allowed by State Code.	Review of Final Subdivision Land Use Application and feedback to Applicant. This may be repeated as allowed by State Code.
Step 4	Written Notification to Applicant: Approval of Final-Plat and Improvement Drawings	Written Notification to Applicant: Approval of Final-Plat and Improvement Drawings
Step 5	Cost Estimate Approval, Preconstruction Meeting, Construction of Subdivision	Cost Estimate Approval, Preconstruction Meeting, Construction of Subdivision
Step 5	Improvement Installations, Inspections, review, and approval of Subdivision Construction	Improvement Installations, Inspections, review, and approval of Subdivision Construction
Step 6	Establish Monetary Guarantee, Signing and Recording of Plat	Establish Monetary Guarantee, Signing and Recording of Plat
Step 7	Preliminary Acceptance of Improvements	Preliminary Acceptance of Improvements
Step 8	Final Acceptance of Improvements (after one year guarantee period) and Release of Remaining Escrow	Final Acceptance of Improvements (after one year guarantee period) and Release of Remaining Escrow

GENERAL DESIGN REQUIREMENTS:

A. General Plan: The General Plan shall guide the use and future development of all land within the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the zoning ordinance, and other applicable ordinances.

B. Preservation: Trees, native land cover, natural watercourses, and topography should be preserved where possible. Subdivisions shall be designed to prevent excessive grading and scarring of the existing landscape. The design of new subdivisions shall consider and relate to existing street widths and alignments.

C. Community Facilities: Community facilities, such as parks, recreation areas, trails, and transportation facilities, shall be provided in the subdivision in accordance with General Plan standards, this title, and other applicable ordinances. This title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of this subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider

may be required to dedicate, grant easements over or otherwise reserve land for , parks, public ways, utility easements, and other public purposes.

E. Street Connectivity: The intent of any new development or infill is to have high street connectivity to increase opportunities for walking, biking, reduced driving, access for emergency services, and efficient public services.

1. Block length shall not exceed six hundred feet (600'). All new developments and infill shall be planned to connect streets and stubs to potential future development. Subdivision layout and design shall conform to this ordinance, City Design Standards, and be consistent with the General Plan and Transportation Master Plan. Cul-de-sacs are not permitted except in cases of slopes greater than 20%, existing development, railroad lines, Interstate Highways, and rivers. Street stubs for future bridges may be required the City Engineer and Planning Department. Future street stubs shall be provided according to the City Engineer, Planning Department, and Transportation Master Plan.
2. The arrangement of streets in new subdivisions shall provide for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access is necessary as reasonably determined by the Planning Department and City Engineer. New streets, sidewalks, and trails shall connect with existing public streets, sidewalks, and trails.

1. Blocks shall accommodate a lot arrangement and design such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography, to the character of surrounding development, and to existing requirements.
2. Approved and dedicated walkways on blocks greater than six hundred feet (600') shall be required through the block to provide access to schools, existing and planned trails, community facilities, parks, trails, or a similar public amenity at a point designated by the Planning Department. For such walkways, the following standards apply:
    1. Walkways shall be located in the approximate middle of the block.
    2. Walkway/trail width shall be according to City Standards or Plans.
    3. The corridor must be a minimum of 10 feet wide.

____: GENERAL RESPONSIBILITIES:

A. The subdivider shall prepare subdivision plans and plats consistent with the City development standards and shall pay for the design, City review, construction and City inspection of all public and private improvements as needed to assure compliance with adopted standards. The City shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain, remove any vegetation from the proposed subdivision site, or engage in any site development until the subdivider has obtained the necessary approvals. The subdivider is responsible for obtaining and being familiar with all applicable subdivision ordinances, rules, and standards of the City.

B. The City shall review the plans and plats for design; for conformity to the General Plan and to the zoning ordinances, for the environmental quality of the subdivision design, and shall process the subdivision plats and reports as provided for in this title.

C. The City may refer Plats and/or plans of proposed subdivisions to any City departments and special districts, governmental boards, bureaus, utility companies, and other agencies that may provide public and private facilities and services to the subdivision for their information and comment. The Planning Department is responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plats and plans to.

D. City Staff and designated plan review consultants shall review for compliance the construction plans and specifications for the City required improvements for the subdivision and whether the proposed City required improvements are consistent with this title, City design and construction standards, and other applicable ordinances and shall be responsible for inspecting the City required public improvements, private storm drain, and on-site culinary water improvements within the City's service area, security proceeds collection and administration, and the collection of certain fees. The City Engineer and Planning Department shall review the street layout and overall circulation.

E. The City shall review and make comments on the design engineering plans and specifications for the City required improvements related to long-term maintenance and preservation provisions, snowplowing, snowplow storage areas, waste management collection, and vehicle turnaround, City culinary water infrastructure and service lateral maintenance, streetlight service and all other related aspects pertaining to public works utility and infrastructure maintenance to the Planning Department and other design review consultants.

F. Upon completion of the staff review process, the Planning Commission shall hold a public meeting to consider the proposed preliminary subdivision plat application. The Planning Commission may approve as proposed, approve with conditions, or, if the project does not meet requirements per City ordinances, deny the preliminary subdivision plat application.

G. All conditions of preliminary subdivision plat application approval shall be addressed with the final subdivision plat application submittal. If a final subdivision plat application complies with the State code and the preliminary subdivision plat approval and applicable municipal ordinances, the Design Review Committee shall approve the final subdivision plat application. Additional reviews as permitted under Utah Code will be allowed by the City to gather additional information or make modifications during the review process that will ensure compliance with municipal ordinances and approved standards or to clarify completeness.

H. The City Attorney shall verify that the Bond Agreement provided by the subdivider is acceptable, that the subdivider dedicating land for the use of the public is the owner of the record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review matters of title such as easements and restrictive covenants prior to signing the mylar of the final plat.

: ACCURATE INFORMATION:

A. All documents, plans, reports, studies, and information provided to the City by the applicant in accordance with the requirements of this title shall be accurate and complete. Any action taken or approval given by the City based upon incomplete or inaccurate documents, plans, reports, studies, or information supplied to the City by the applicant may be voidable prior to recording a plat.

B. All engineering drawings, plats, reports, and other similar documents shall be stamped by a registered engineer licensed to practice in the State of Utah.

: COMPLIANCE REQUIRED:

A. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with this title. No plat of any subdivision shall be recorded until it has been submitted and approved as set forth herein. A plat shall not be approved if the Planning Commission or the Planning Department determines such plat to be in conflict with any provision or portion of the General Plan, transportation plan, zoning ordinances, this title, or any other State law or City ordinance.

B. Land or lots within a proposed subdivision shall not be transferred or sold until a final plat of a subdivision has been recorded in accordance with this title and any applicable provisions of State law. Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and accepted. Construction of any improvements related to the subdivision, including any land disturbance, shall not be commenced until a land disturbance permit has been issued for the project. Building permits shall not be issued until all infrastructure improvements have been completed and accepted by the City Engineer; the warranty period has begun, or without all public agencies' written approval. No building depending on public or private water (potable), and sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational as determined by the City's building official and other departments of the City.

C. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

D. It shall be unlawful for any person to receive a building permit to construct a building or structure on a parcel or tract of land within a residential subdivision until:

1. All underground utilities located under the street surface are installed and accepted by the City and appropriate agencies.

2. Continuous access to the lot through the subdivision is provided by a street acceptable to the City, with an all-weather asphalt or concrete surface.

3. A trash receptacle has been located on the site of a size and nature suitable for containing all construction-related debris until the debris is removed from the site.

4. A sanitary toilet has been located onto the site for the use of construction workers. In situations where a general contractor has more than one residential dwelling unit simultaneously under construction in a subdivision plat, one toilet shall be sufficient for every ten (10) dwellings the contractor has under construction.

5. Fire hydrants are fully operational in the area of the subdivision where permits are requested.

6. Curb and gutter are installed unless the obligation to construct frontage improvements has been paid in lieu by agreement with the City;

7a. All underground utilities located under the street surface are installed and accepted by the City and appropriate agencies; and

7b. Continuous access to the lot through the subdivision is provided by a street, acceptable to the City, with an all weather rolled and compacted road base surface which is capable of supporting the imposed load of fire apparatus weighing at least seventy five thousand (75,000) pounds, and also meets all applicable AASHTO standards for construction; and

8. Model homes are limited to nonresidential occupancy. The conversion to residential occupancy shall be subject to an additional final building inspection and the installation of all required subdivision requirements in the entire subdivision.

E. Until the subdivision is completed and conditionally accepted by the City Engineer and the City, the subdivider shall be responsible for the following in the area where building permits have been issued:

1. Maintaining roads in a manner that allows continuous access for emergency vehicles; and

2. Maintaining roadways and drainage facilities free and clear of dirt and debris which might obstruct water flow or quality of stormwater flows; and

3. Maintaining continuous flow capacities to all hydrants in the subdivision.

F. All public improvements must be done in accordance with the following:

1. The City's subdivision ordinance, City standards and specifications;

2. The requirements of the City Engineer, City electrical design engineer, and sewer treatment design engineer;

3. Development Agreement between the subdivider and the City; and

4. All other applicable City ordinances and regulations.

: REQUIRED CERTIFICATES, PERMITS AND REVIEWS:

A. Application: Applications for each of the separate stages of subdivision approval (preliminary plat and final plat) shall be made to the City's Planning Department.

Applications shall be made on the respective forms provided and shall be accompanied by the proper fee and by the documents and information required by this chapter and other applicable titles of this code.

B. Review: Action on that application for a stage of a subdivision approval shall be completed in a timely manner after the date of submittal of all required information and items to the Planning Department. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications for property within identified geological hazard areas.

1. Preliminary Plat: No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision plat application, the City shall complete the initial review of the application, including subdivision improvement plans.

2. Final Plat: No later than 20 business days after the day on which an applicant submits a complete final subdivision plat application, the City shall complete the initial review of the application.

3. In reviewing the application submittal, the City may require additional information to ensure compliance with City ordinances and approved standards and specifications for the construction of public improvements and modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

a. The City's request for additional information or modifications to plans shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans. They shall be logged in an index of requested modifications or additions.

4. Resubmittal: The applicant's resubmittal shall include a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

a. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

b. If an applicant fails to address a review comment in the response, the review cycle is incomplete, and the subsequent review cycle may not begin until all comments are addressed.

5. Subject to the circumstances listed in 5a through 5b below, the City may not require more than four review cycles for each application.

a. Unless a change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's review is waived.

b. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

6. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final plat application, but only with respect to the portion of the plan set that the material change substantively affects.

7. The property owner may request an appeal if the City fails to respond within 20 business days on the fourth and final review.

: PUBLIC NOTIFICATION:

A. Required Notice: The Planning Commission shall hold a Public Meeting to review the Preliminary Plat Subdivision.

: PROHIBITED ACTS:

A. 1. An owner of any land located in a subdivision, as defined in Utah Code Annotated section 10-9a-103, who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

2. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of subsection A1 of this section or from the penalties or remedies provided in this chapter.

3. Notwithstanding any other provision of this subsection A, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this section:

a. Does not affect the validity of the instrument or other document; and

b. Does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

B. 1. The City may bring an action against an owner to require the property to conform to the provisions of this chapter.

2. An action under this subsection B may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

3. The City need only establish the violation to obtain the injunction.

C: Protection Strips shall not be permitted under any circumstances.

: PENALTIES:

It shall be a Class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this title, including, but not limited to, injunctive relief.

: APPEALS:

A. Subject to subsection D, an appeal may be made to the Appeals and Variance Hearing Officer from any decision, determination or requirement of the Planning Department or Planning Commission hereunder by filing with the Planning Department an application and notice thereof in writing within ten (10) calendar days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider or other adversely affected party deems themselves adversely affected.

B. The Planning Department shall set the appeal for hearing before the Appeals and Variance Hearing Officer within a reasonable time after receipt of the appeal. Such hearing may be continued by order of the Appeals and Variance Hearing Officer. The appellant shall be notified of the appeal hearing date at least seven (7) calendar days prior to the hearing. After hearing the appeal, the Appeals and Variance Hearing Officer may affirm, modify, or reverse the decision, determination or requirement appealed and enter any such orders as are in harmony with the spirit and purpose of this title. The Appeals and Variance Hearing Officer shall notify the appellant in writing of its ruling. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeals and Variance Hearing Officer.

C. An adversely affected party may appeal the Appeals and Variance Hearing Officer's decision to the District Court as provided in Utah Code Annotated title 10, chapter 9a.

D. An applicant may appeal the City's failure to respond within twenty (20) business days on the fourth day. If the City fails to respond within 20 business days on the fourth and final review, the City shall, upon request of the property owner and within 10 business days after the day on which the request is received:

1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel, in accordance with Utah Code 10-9a-508(5)(d), to review and approve or deny the final revised set of plans or

2. For a dispute arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and the right to appeal the determination to the Appeals and Variance Hearing Officer per this section.

: TEXT AMENDMENTS:

A decision to amend the text of this title is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;

B. Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the land development ordinance;

C. The proposed amendment will not create a conflict with any other section or part of this title or the General Plan;

D. Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represent an overall community benefit; and

E. The extent to which a proposed text amendment implements the best current, professional practices of urban planning, design, and engineering practices.

: INACTIVE APPLICATIONS:

All subdivision applications shall be actively pursued until the City makes a final decision. If no activity, such as plan submittals, reviews, or meetings, has occurred on an application for a period of one (1) year from the date of the last City review, the application will voided and the file closed. Before the one (1) year period expires, the applicant may submit a written request to maintain the application as active. The Planning Department may grant a one-time extension for six (6) months upon the Planning Department's finding that there is good cause. If the applicant wishes to pursue an application after it has been voided due to inactivity, a new application, including fees and conformance to current applicable codes, is required. No fees shall be refunded for applications that are voided due to inactivity.

: EXACTIONS:

A. The City may impose an exaction or exactions on development proposed in a land use application, if:

1. An essential link exists between a legitimate governmental interest and the exaction; and

2. The exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

B. An applicant may request the Community Development Director or designee review an exaction or exactions for compliance with the standards listed in subsection A. The Director or designee will issue a written opinion.

C. An applicant may appeal the decision in accordance with Morgan City Municipal Code _____

Commented [GU1]: Should we take out the community development director language

10-9a-508

: PURPOSE OF THE PRELIMINARY PLAT:

The purpose of the preliminary plat is to require formal preliminary approval of a subdivision to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat shall, in all respects, comply with the provisions of this title and all other applicable provisions of this code.

: APPLICATION AND FEES:

A subdivider shall file an application for preliminary plat approval with the Planning Department on a form prescribed by the City, together with an electronic copy of the preliminary plat, and the application fee as set forth in the consolidated fee schedule. No application shall be scheduled for a public meeting before the planning commission until all required information has been received and reviewed by the City Staff or after the fourth review, whichever comes first. A final subdivision plat application may be submitted and process concurrently with the application for the preliminary subdivision plat.

: PRELIMINARY PLAT SUBMITTAL:

Commented [GU2]: Are we taking out this section and have checklists?

The preliminary plat shall include:

A. Vicinity Map: A vicinity map drawn at a scale of one thousand feet (1,000') to the inch showing:

1. All existing and proposed roadways in the vicinity of the development;
2. A north arrow;
3. The nearest section corner tie; and
4. The subdivision name.

B. Preliminary Plat: A preliminary plat drawn at a scale not smaller than one hundred feet (100') to the inch and prepared, stamped, and signed by a professional engineer licensed by the state of Utah, showing:

1. All facilities within one hundred feet (100') of the subdivision boundaries;
2. A north arrow;
3. The subdivision name;
4. The layout and names and widths of existing and future road rights of way;
5. A tie to a permanent survey monument at a section corner;
6. The boundary lines of the subdivision with bearings and distances;
7. The layout and dimensions of proposed lots with lot areas in square feet;
8. The location, dimensions and labeling of all other spaces, including open spaces, parks, trails, and public spaces;
9. The location of manmade features, including bridges, railroad tracks, and buildings;

10. All recorded easements and existing rights-of-way located within the plat for:

a. An underground facility;

b. A water conveyance facility; or

c. Any other utility facility; and

d. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code Annotated 10-9a-603(6)(c), as amended; and

11. Ownership of all adjoining tracts of land.

C. Grading, Drainage Plan: A grading and drainage plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing:

1. The road and lot layout;

2. Topography at two-foot (2') contour intervals;

3. A north arrow;

4. The subdivision name;

5. Areas of substantial earthmoving and including in such cases, an erosion control plan;

6. The location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains;

7. The location of any 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA);

8. Any existing wetland; and

9. All drainage facilities, including water flow directions, side and rear yard swales, gutter flow capacities, inlets, outlets, catch basins, pipes, culverts, outlets to off-site facilities, stormwater control facilities, control structures, and orifice plates planned to accommodate, convey and control the project's storm drainage and detention storage for the 2-year, 10-year and 100-year storms defined in Morgan City drainage design criteria, and which also comply with the following:

a. A stormwater-controlled release rate of 0.1 cubic feet per second shall be the maximum permitted discharge in the urban area, and no discharge shall exceed the demonstrated historical flows identified in Morgan City drainage design criteria.

b. Drainage facilities shall divert surface water away from cut faces and sloping surfaces of fill areas.

c. Existing natural drainage systems shall be utilized to the extent possible in their unimproved state. The concentration of flows discharged from stormwater quantity control facilities that exceed demonstrated historical flow rates shall be armored and protected to prevent soil erosion, sediment deposition and other deleterious impacts to the existing natural drainage system.

d. The design and establishment of drainage channels shall consist of wide, shallow swales lined with appropriate vegetation, rock, or other material to avoid the erosive cutting of narrow, deep, and unstable ditches.

D. Utility Plan: A utility plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing:

1. The road and lot layout;

2. A north arrow;

3. The subdivision name;

4. All existing and proposed utilities, including sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights; and

5. The location and dimensions of all utility easements.

E. Geotechnical Report and Geological Hazard Study: Two (2) printed copies and one (1) electronic copy of a geotechnical report and geologic hazard study for the site.

F. Storm Drainage Calculations: Hydraulic and hydrologic storm drainage calculations.

G. Traffic Study: A traffic impact study when required by the City Engineer which complies with the Morgan City traffic impact study guidelines.

H. Title Report: A preliminary title report.

I. Utility Service Agreements: Service agreements from all utility companies.

J. Storm Drainage Agreements: Any agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval.

K. Subsurface Maintenance Agreements: Maintenance agreements for subsurface drains serving the subdivision.

L. Sensitive Lands Review: in addition to the geotechnical & geologic hazard reports, property in the sensitive lands district shall also require a vegetation report and a

comprehensive grading and drainage report per City Standards. See Hillside/Slope Development Checklist.

M. Evidence Of Compliance: Evidence of compliance with all applicable Federal, State, and local laws and regulations if requested by the Design Review Committee.

N. Floodplain Development Permit: if a floodplain or floodway is located on the property to be developed, the developer shall submit a Floodplain Development Permit. See Floodplain Development Checklist.

O. Covenants: A copy of proposed protective covenants in all cases where subsurface

p. AutoCAD Copies: Electronic copies of preliminary plat drawings in AutoCAD (DWG) format.

: DISTRIBUTION:

The Planning Department, upon receipt of the Complete Application for preliminary plat approval, shall distribute copies of the submittal to the Design Review Committee and other agencies or advisors as in the opinion of the department, and the Planning Commission may contribute to a decision in the best interest of the public.

: STAFF REVIEW:

: REVIEW:

A. Planning Commission: For Minor Subdivisions the City Engineer, Planner and Attorney shall take the role of Preliminary Plat review and approval. The Planning Commission shall review the Preliminary Plat submittal (greater than 5 lots) and determine compliance with the standards and criteria set forth in this chapter and all other ordinances of Morgan City, including, but not limited to, the land use ordinance, General Plan, master street plan, and City standard specifications and design criteria. Review of the preliminary plat submittal shall follow the process outlined in City ordinances. The Planning Commission shall make findings specifying any inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering, and the need for any additional information. The Planning Commission may review all relevant information pertaining to the proposed development, including fire protection, sufficient supply of culinary and secondary water to the proposed subdivision, sewer service, traffic considerations, and the potential for flooding. The Planning Commission shall hold a public meeting and shall approve, approve with conditions or if the preliminary subdivision plat application does not meet City ordinances or minimum utility service requirements, deny the preliminary subdivision plat application.

B. Limitation Of Approval: Granting of preliminary plat approval shall not constitute a final acceptance of the subdivision by the City. Approval of the preliminary plat and subdivision plans shall not relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

: PHASING:

When a subdivision is proposed to be developed in phases, the subdivider shall, as a requirement of preliminary plat submittal, identify the location of all proposed phases along with a proposed timeline for the construction of proposed public improvements.

: EXPIRATION F PRELIMINARY PLAT APPROVAL:

A. The subdivider may apply for final plat approval concurrently with the application for the preliminary subdivision plat, or after the preliminary subdivision plat application has been approved. For phased developments, the subdivider may separately apply for final plat approval for each phase.

B. Except as provided in subsection C below, if the subdivider has not applied for final subdivision plat approval, or for phased developments, the final subdivision plat approval for the first phase, within one (1) year of the date of preliminary subdivision plat approval, the preliminary subdivision plat approval shall be void. For approved phased developments, the preliminary plat approval shall expire two (2) years from the date of the previous phases' final plat recordation. Should the approval of the preliminary subdivision plat expire, the subdivider can submit a new preliminary subdivision plat application for approval again in accordance with this chapter.

C. The preliminary subdivision plat approval and the deadline for submitting the final subdivision plat application may be extended up to twelve (12) months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. However, only one (1) twelve-month extension may be granted.

: FINAL PLAT; PURPOSE:

The Final Plat requires formal approval by the Planning Department and City Engineer before a subdivision plat is recorded in the Office of the County Recorder.

: FILING DEADLINE, APPLICATION AND FEES:

A. Applications for final subdivision plat approval shall adhere to the submittal provisions found in this ordinance Title 11.

B. The Final Plat, associated construction drawings, title report, application fees, and all required information shall be submitted at the time of final plat application and shall conform to those requirements specified in this title.

C. The subdivider shall file an application for final plat approval with the Planning Department on a form prescribed by the City, together with a single electronic copy of the proposed Final Plat, and associated final construction drawings per Title 11 and the City's Design Standards.

: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

A. The final subdivision plat shall be printed on mylar sheets(s), or other comparable material approved by the City, with the outside or trim line dimensions not smaller than twenty-two inches by thirty-four inches (22" x 34"). The printed mylar shall not be submitted to the City until after the Planning Department and City Engineer has first approved the final subdivision plat. Until that date, an electronic copy of the final subdivision plat shall be submitted for review. The borderline of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches (1-1/2") on the left side and a margin of at least one-half inch (1/2") on the other sides. The plat shall be drawn with the north being either up or to the left when reading the sheet, whichever accommodates the exhibit best. All lines, dimensions, and markings shall be with waterproof black ink. The plat shall be drawn to a scale large enough to clearly show all details, but the exhibit shall not be depicted at scales greater than eighty feet (80') to the inch. The workmanship on the finished drawing shall be neat and legible.

B. The final plat shall show the subdivision name in a title heading and the general location of the subdivision in bold letters at the top of the sheet.

C. The plat shall contain a north arrow and a drawing scale. The month and year shall be indicated under the title heading, and the location designation will be at the top of the plate.

D. Prior to recording, the plat shall be signed by all required and authorized parties, with appropriate notarial acknowledgments. The final plat shall contain all information set forth in this section.

E. An accurate and complete survey of the land being subdivided shall be made to second-order accuracy. When computed from field measurements on the ground, a traverse of the exterior boundaries of the tract and of each block shall close within a tolerance of one foot (1') to twenty thousand feet (20,000').

F. Plats shall include accurately drawn boundaries showing the bearings and dimensions of all subdivision boundary lines tied to public survey monuments. These lines shall be slightly heavier than street and lot lines.

G. The final plat shall show all survey and mathematical information necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, central angle, radius and arc length of curves with associated chord bearing and distance, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments shall show the calculated County coordinates. Lot and boundary closure shall not be greater than 0.003 of a foot.

H. All lots, blocks, and parcels offered for dedication for any purpose shall be designated with dimensions, boundaries, and clearly shown courses. The square footage of each lot shall be shown. Parcels being dedicated, including streets and easements, shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.

I. The plat shall show the right-of-way lines of each street, the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.

J. Lots shall be numbered consecutively under a definite system. Numbering shall continue throughout the subdivision with no omissions or duplications. Amendments shall result in a new numbering commencing from the last lot number of the original subdivision. Lettering of lots is not permitted. Each lot shall show the street addresses assigned thereto according to the standard addressing methods approved by the City. In the case of corner lots, an address will be assigned for each street frontage.

K. Streets shall be numbered in accordance with and in conformity with the street numbering system adopted by the City. Named streets shall also be numbered.

L. The sidelines of all easements shall be shown in fine dashed lines. The width of all easements and bearing, distances, dimension, ties or other depictions to definitely locate the same on the ground shall be shown. All easements shall be clearly labeled and identified.

M. The plat shall show all stakes, monuments, and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the City Engineer. The following monuments shall be shown on the final plat:

1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and

2. All right-of-way monuments to be set or otherwise installed at angle points and intersections as approved by the City Engineer.

N. The final plat shall contain the name, stamp, and signature of a registered surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:

1. A registered land surveyor's "certificate of survey";

2. An owner's dedication certificate in the following form or as otherwise specified by the City Engineer:

OWNERS DEDICATION

Know all men by these presents that I/we, the undersigned owner(s) of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat and name said plat Subdivision Name, and do hereby dedicate, grant and convey to Morgan City, Utah: (1) all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever; (2) those certain public utility and drainage easements as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage; and (3) those parcels designated as public open space, parks, trail or easements, or of similar designation. In witness whereof, we have hereunto set our hands this ____ day of _____, 20____.

_____

(Add appropriate acknowledgments)

3. A notary public's acknowledgment for each signature on the plat;

4. A correct metes and bounds description of all property included within the subdivision;

5. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, this title, or by the City Attorney.

O. Prior to the recordation of the plat, the subdivider shall submit a title report prepared and dated not more than sixty (60) days before the proposed recordation of the final plat, to be reviewed by the City Attorney.

P. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat the name, proposed articles of incorporation, and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements.

Q. The final plat shall show all recorded easements and existing rights-of-way located within the plat for:

1. An underground facility;

2. A water conveyance facility;

3. Any other utility facility; and

4. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code Annotated 10-9a-603(6)(c), as amended.

: DISTRIBUTION:

The Planning Department, upon receipt of the complete application for final plat approval, shall distribute copies of the submittal to the Design Review Committee and other agencies or advisors as in the opinion of the department and the Planning Department may contribute to a decision in the best interest of the public.

: REVIEW:

A. Upon receipt of the final plat, the Design Review Committee, including the City Engineer, shall review the final plat and construction drawings and determine whether the final plat conforms to the preliminary plat and is in compliance with the engineering and surveying standards and criteria set forth in this chapter and all other applicable standards and ordinances of the City and the State of Utah. If the final plat complies, the Design Review Committee shall forward the plat to the Planning Department, through the Planning Department. If the final plat does not comply, the Design Review Committee shall return the plat to the subdivider, through the Planning Department, with comment. Review of the final plat submittal shall follow the process outlined in section _____ of this title.

B. After the fourth or final review, the Planning Department and City Engineer shall either approve the final plat, or deny the final plat if it does not conform with this title or other applicable ordinances. If the Planning Department and City Engineer denies the

final plat, the Planning Department and City Engineer shall specify the reasons for the denial.

C. No final plat shall have any force or effect unless the same has been approved by the Planning Department and signed by the Mayor and the City Recorder.

: IMPROVEMENT COMPLETION:

The subdivider must install all streets, utilities, public landscaping, and all public infrastructure improvements required under this title following the approval of the Planning Department and City Engineer and prior to recording a plat. Alternatively, the developer may set up escrow for any incomplete improvements plus ten (10) percent of the total development improvement cost as allowed by the State Code.

: IMPROVEMENT COMPLETION ASSURANCES:

A. An applicant may provide the City with an improvement completion assurance as defined in Utah Code Ann. § 10-9a-103 in an amount equal to one hundred percent (110%) of the estimated completion costs in lieu of an obligation required by this title. Acceptable forms of an improvement completion assurance limited by this code are:

1. A business check from a FDIC insured financial institution within 50 miles of Morgan City hall with funds immediately available to the City;

2. Cash assignment;

3. A cash bond;

4. A cashier's check from a FDIC insured financial institution with offices within 50 miles of Morgan City Hall and funds immediately available to the City upon default;

5. Other method of security as agreed upon by applicant, the City Engineer, and the City Attorney.

B. Each person who provides an improvement completion assurance must also enter into an improvement completion assurance agreement with the City. An improvement completion assurance agreement may specify additional details for the completion of work contemplated by the agreement.

C. Procedures for processing completion assurance bonds, including improvement completion assurances for public landscaping or infrastructure are detailed below:

1. The developer shall be required to provide to the City a bid detailing the cost to install public landscaping improvement and infrastructure improvements included in the approved plans that have not been installed and accepted by the City. Submitted bids must be on company letterhead. For landscaping the bid must come from a licensed

and insured landscape company or landscape contractor, or for other infrastructure improvements, a licensed and insured contractor that can complete the work.

2. Funds from an improvement completion assurance will be held by the Morgan City Planning Department.

3. After the improvements detailed in the bid are installed, the developer may request a refund of those portions of the improvement completion assurance that correlate with the installed improvements per the bid.

4. Requests for a release of funds held as an improvement completion assurance shall be processed as per this code and department policies and shall not be released until the installation is acceptable to the City and in accordance with approved plans.

: PAYMENT OF FEES:

All required application fees shall be paid by the subdivider prior to submitting the final plat to the Planning Department. All inspection fees shall be paid prior to being issued a land disturbance permit and proceeding with the construction of landscape and infrastructure improvements.

: PAYMENT OF PROPERTY TAX:

The subdivider shall pay in full of all prior year Property Taxes, any greenbelt or rollback taxes, and its prorated share of the present year's taxes for all properties located within the boundaries of the subdivision prior to the recording of the plat. Following approval of the final plat by the Planning Department and upon verification of payment for all prior year Property Taxes, the City shall obtain from the County Treasurer's Office an estimated pro-rata Property Tax amount for the portion of the subdivision to be dedicated or otherwise given to the City for right-of-way or other public use. Prior to the mylar being submitted to the County Recorder for recordation, the subdivider shall post a cash escrow with the Morgan City Finance Department in an amount not less than one hundred fifty percent (150%) of the County Treasurer's estimate. Following the recordation of the plat or at the time of receipt of the tax notice from the County Treasurer, the City shall pay the taxes due for those areas of the subdivision identified as a part of the estimate from the cash escrow and any remaining funds of the cash escrow shall be returned to the subdivider.

: RECORDING OF FINAL PLAT:

After Planning Department approval, and upon receipt of all required signatures on the final mylar copy of the plat, the final plat shall be presented to the County Recorder of

the county in which the property is located for recordation, provided improvements have been completed and accepted or an improvement guarantee agreement has been executed.

: EXPIRATION OF FINAL PLAT APPROVAL:

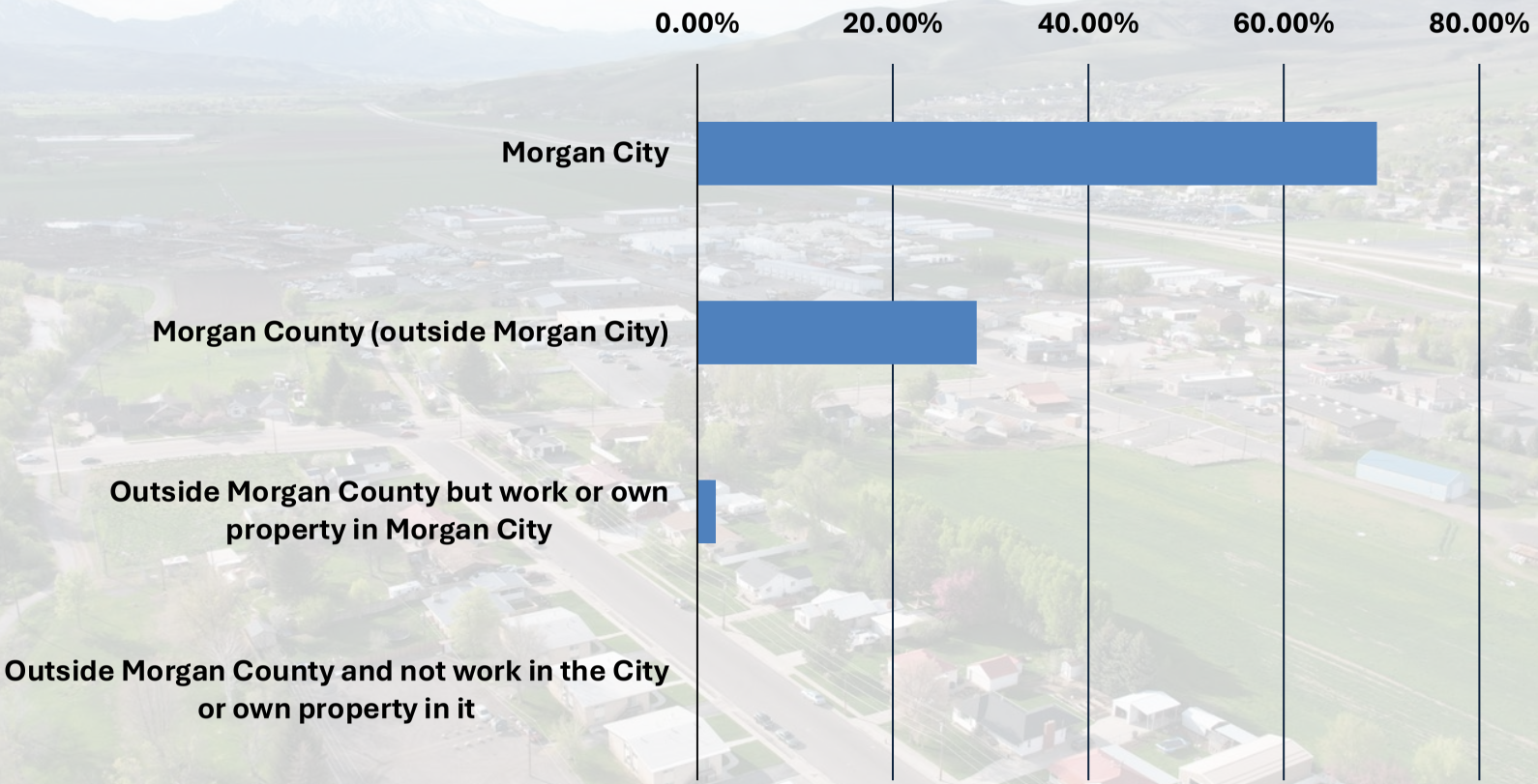
If the final plat is not recorded within one (1) year from the date of Planning Department approval or construction of the required landscaping and infrastructure has not commenced, such approval shall be null and void. This time period may be extended by the Planning Department for up to one additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original one (1) year.

Morgan City
Public Survey Results

Public Survey on the Scenario Alternatives
August-October 2024

For the Trails, Parks, and & Downtown Plan

Question 1: Which area do you call home?



Morgan City: 69.52%
Morgan County (outside Morgan City): 25.57%
Outside Morgan County but work or own property in Morgan City: 1.90%
Outside Morgan County and not work in the City or own property in it: 0.00%

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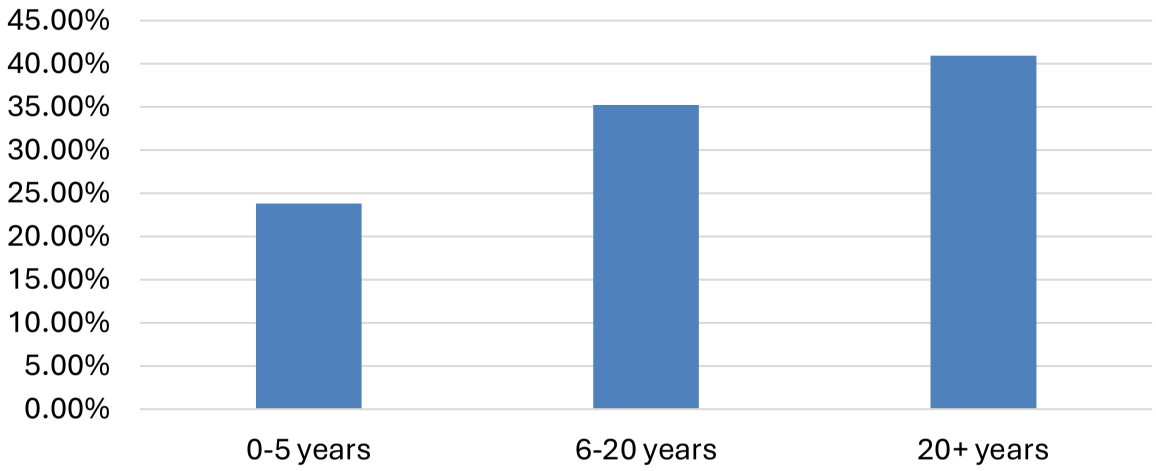
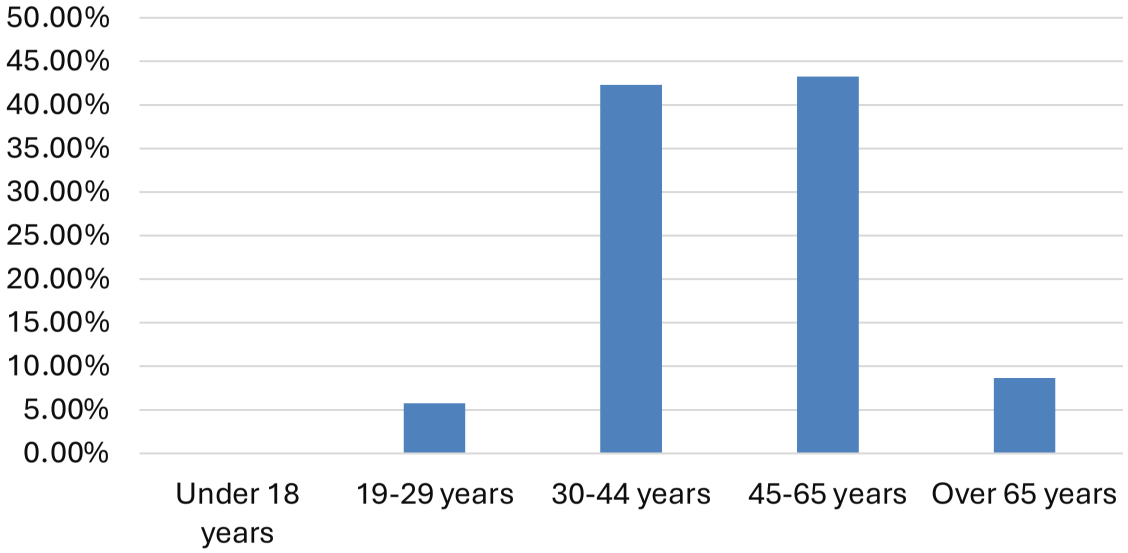
Building Tomorrow Together

Question 2: How long have you lived in the Morgan area?



0-5 years: 23.81%
6-20 years: 35.24%
20+ years: 40.95%

Question 3: How old are you?



Under 18 years: 0.00%
19-29 years: 5.77%
30-44 years: 42.31%
45-65 years: 43.27%
Over 65 years: 8.65%

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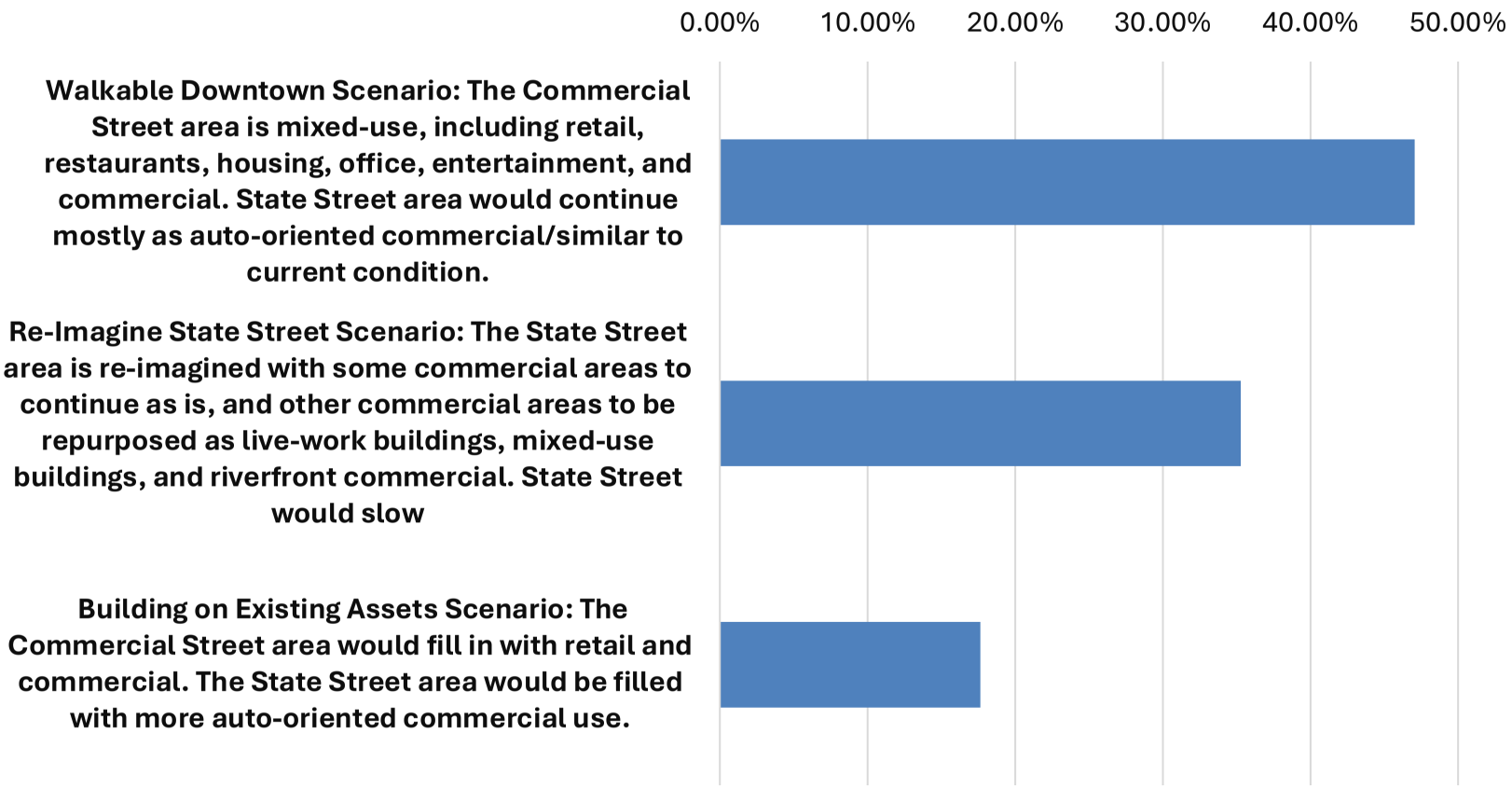
Question 4: Which approach do you prefer for commercial/downtown areas with restaurants, shopping, services, and things to do? (select one)



Walkable Downtown Scenario: 47.06%
Re-Imagine State Street Scenario: 35.29%
Building on Existing Assets Scenario: 17.65%

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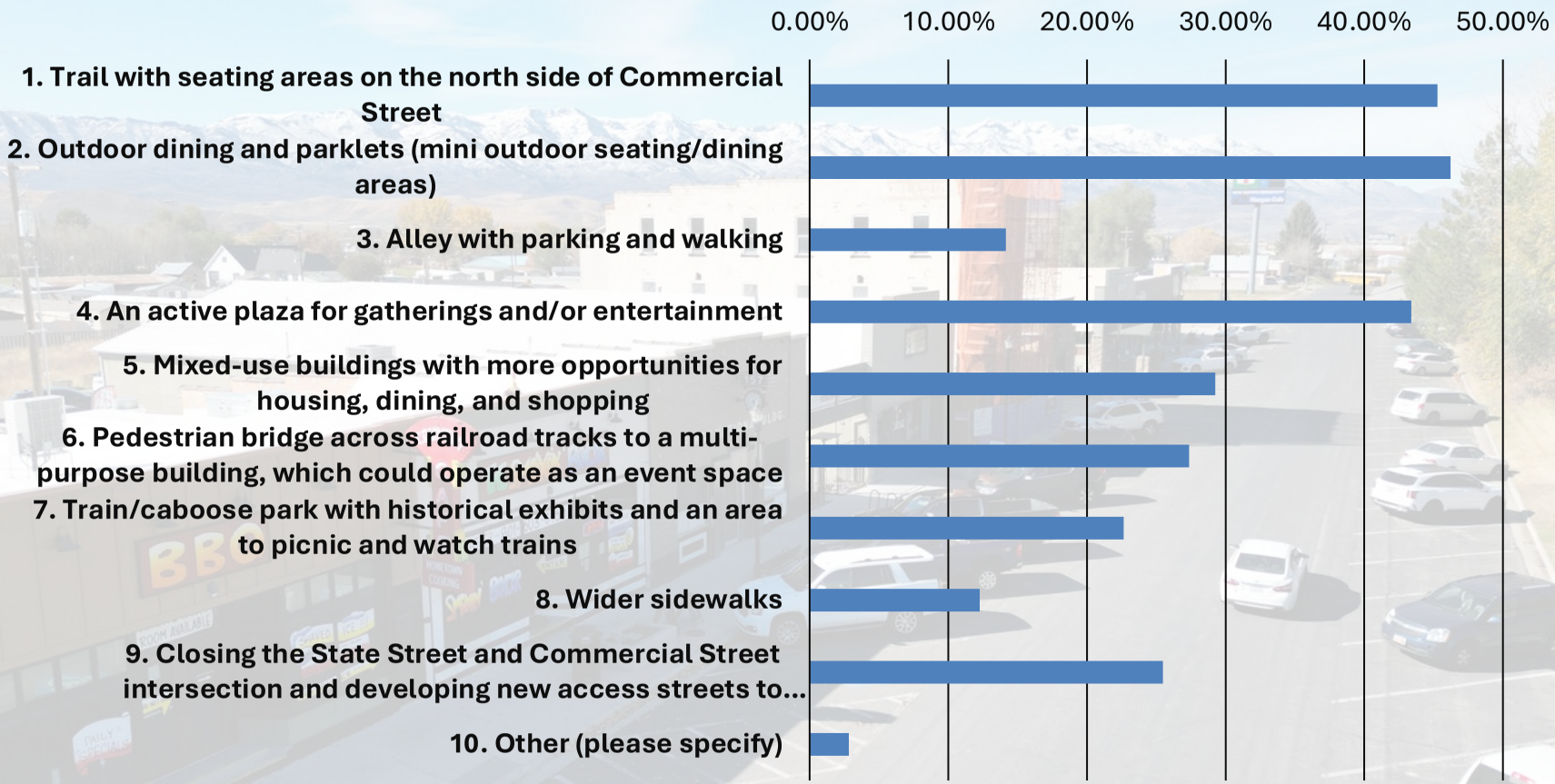
Q5: What Commercial Street Area ideas from the three different scenarios are you most excited about? (select up to three)



1: 45.28%	**6:** 27.36%
2: 46.23%	**7:** 22.64%
3: 14.15%	**8:** 12.26%
4: 43.40%	**9:** 25.47%
5: 29.25%	**10:** 2.83%

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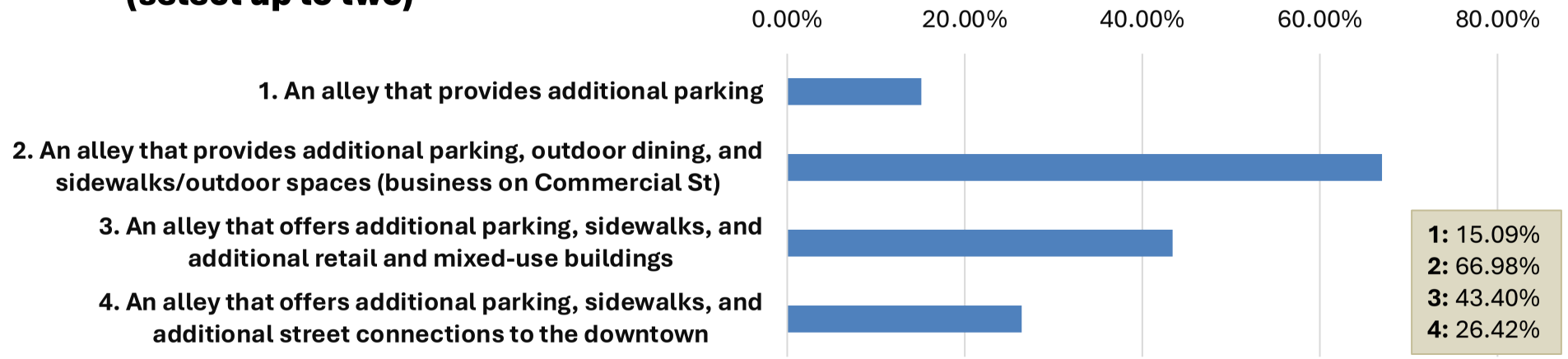
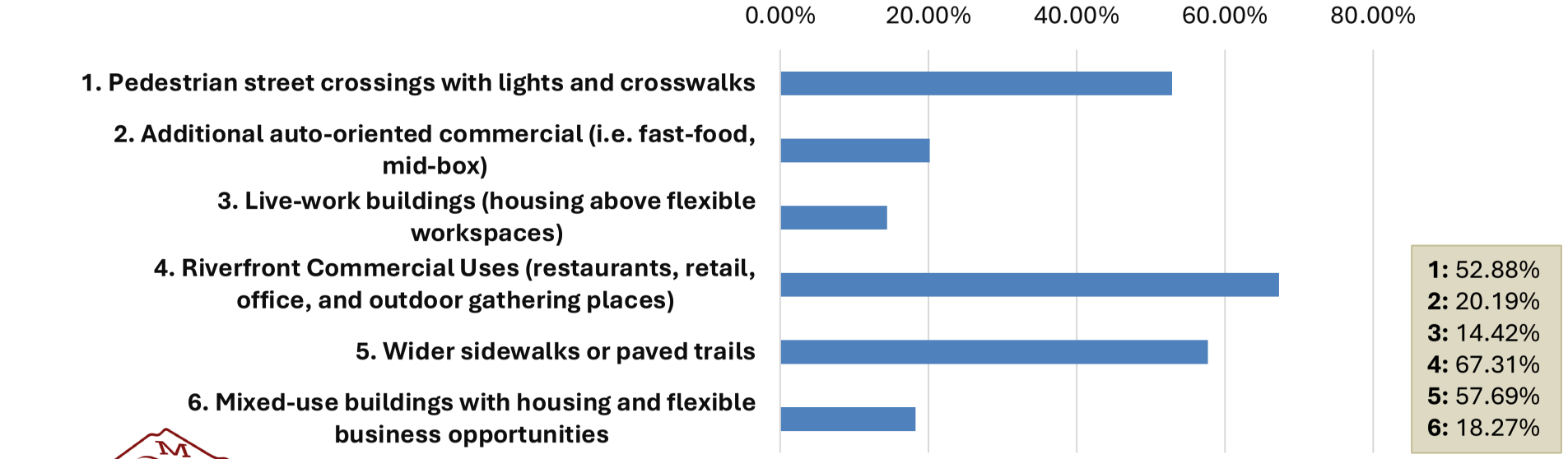
Question 6: The City is considering an alley behind Commercial Street to improve access and circulation. What is your preference for the alley concept? (select up to two)



Question 7: What State Street Area ideas from the three different scenarios are you most excited about? (select up to three)



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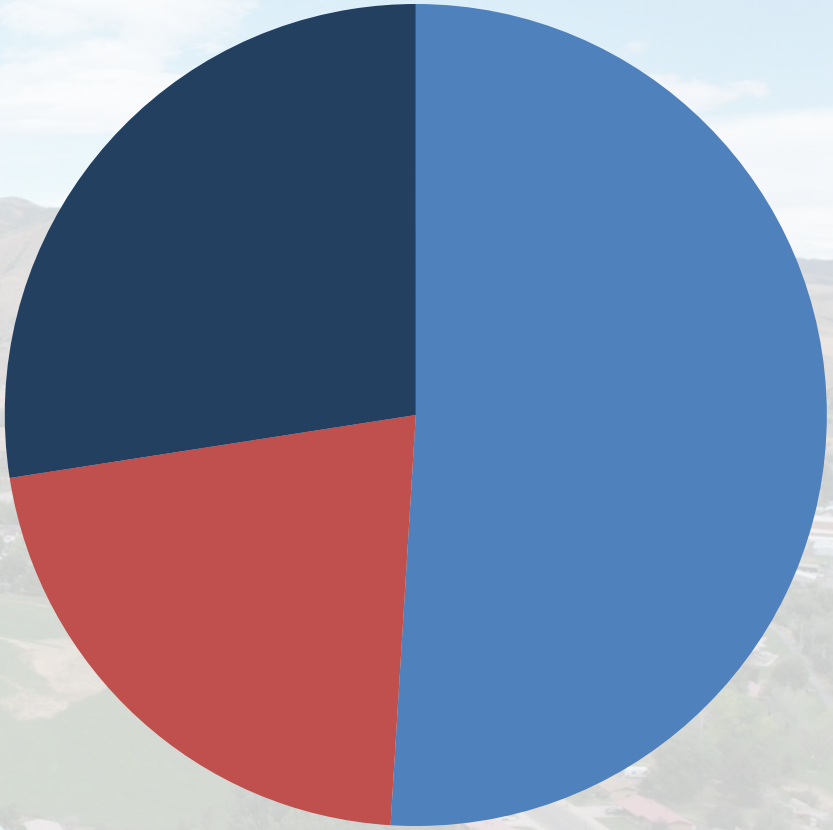
Question 8: What new housing combination do you prefer? (select one)

- Walkable Downtown Scenario: Near Commercial Street, new buildings or remodels are encouraged to be vertical mixed-use buildings with housing above. Mobile home units would be relocated within the City, and the remaining area would be used for mixed-use do
- Re-Imagine State Scenario: All existing residential stays the same; the area south of Commercial Street is developed as a mixture of residential buildings mostly attached. Also, some new State Street buildings are mixed-use, allowing housing on the second
- Building on Existing Assets Scenario: All existing residential areas stay the same, with some attached housing infill in the remaining vacant lands.



Walkable Downtown Scenario: 50.98%
Re-Imagine State Street Scenario: 21.57%
Building on Existing Assets Scenario: 27.45%

MORGAN CITY
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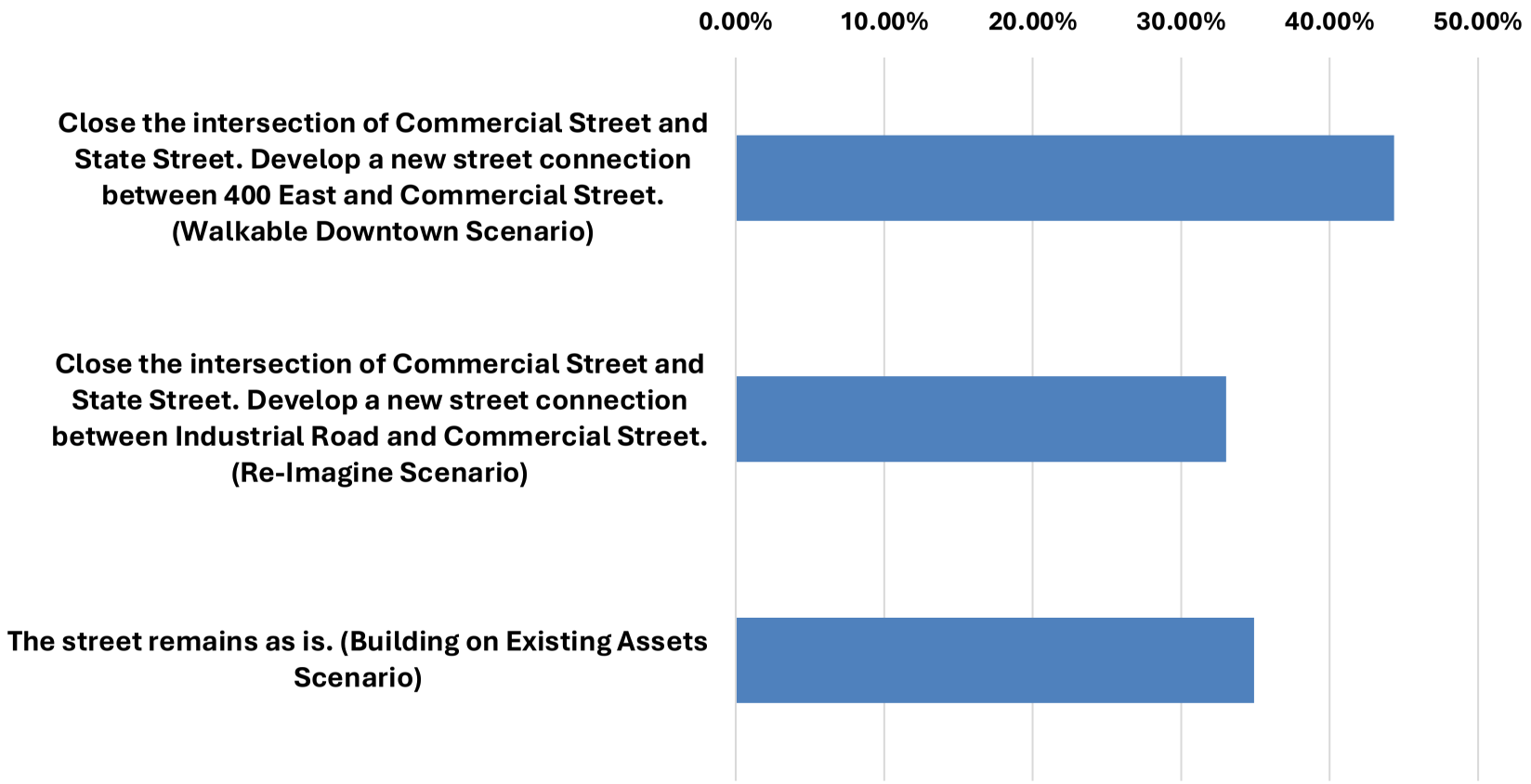
Question 9: Which emphasis do you generally prefer for Commercial Street? (select all that apply)



Walkable Downtown Scenario: 44.34%
Re-Imagine State Street Scenario: 33.02%
Building on Existing Assets Scenario: 34.91%

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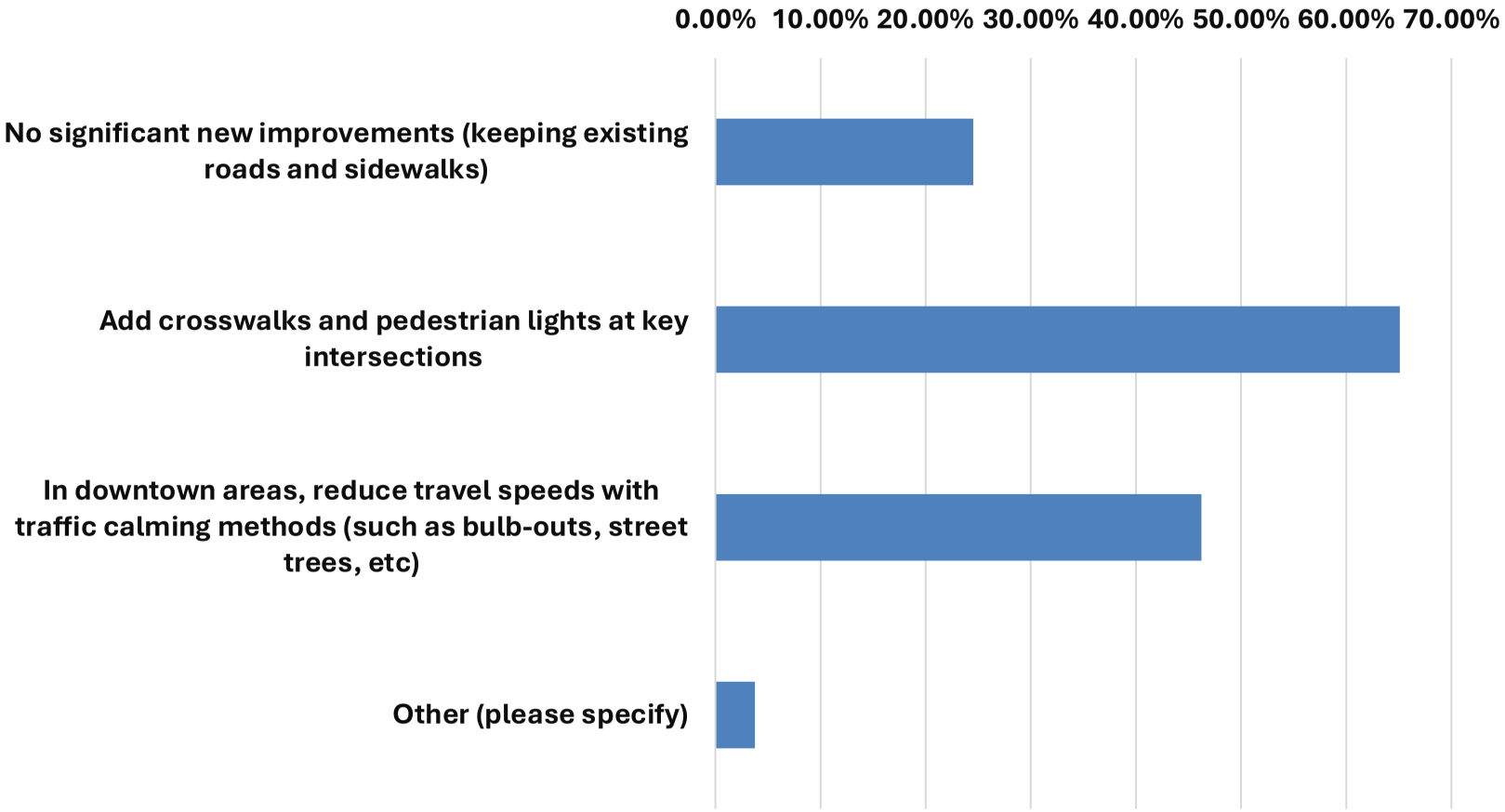
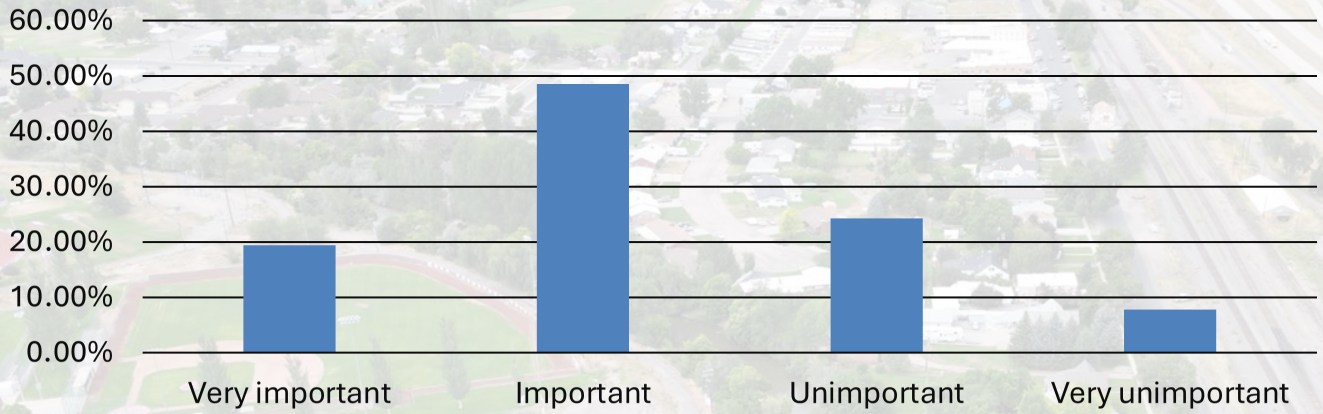
Question 10: Which roadway strategy do you prefer for State Street? (select all that apply)



No significant new improvements: 24.53%
Add crosswalks and pedestrian lights at key intersections: 65.09%
In downtown areas, reduce travel speeds with traffic calming methods:46.23%
Other (please specify): 3.77%

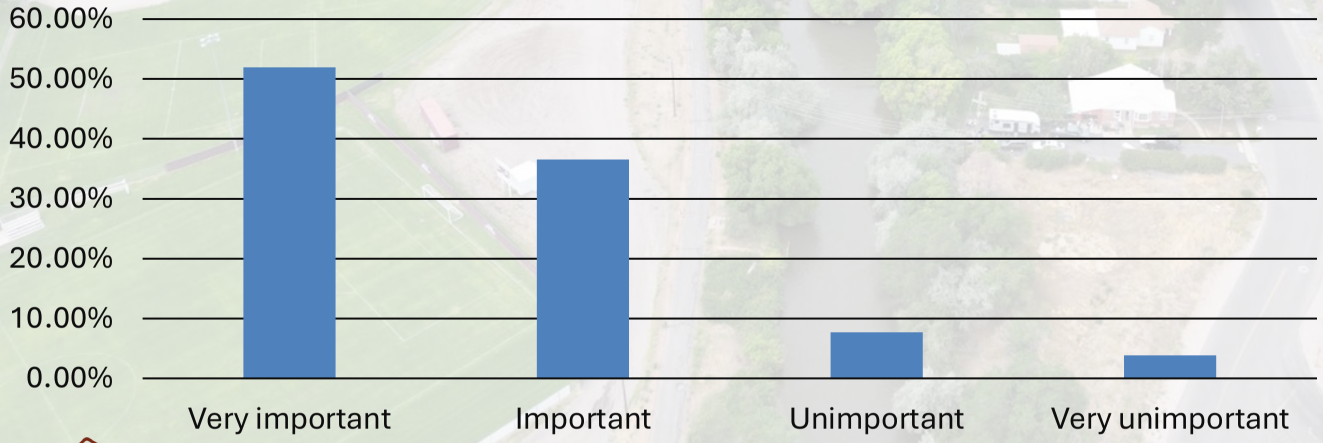
MORGAN CITY
Building Tomorrow Together

Question 11: How important is improving local road connections, like completing segments in the current street network and adding bridges where needed? (select one)



Very important: 19.42%
Important: 48.54%
Unimportant: 24.27%
Very unimportant: 7.77%

Question 12: How important is adding sidewalks on key roads within the City? (select one)



Very important: 51.92%
Important: 36.54%
Unimportant: 7.69%
Very unimportant: 3.85%

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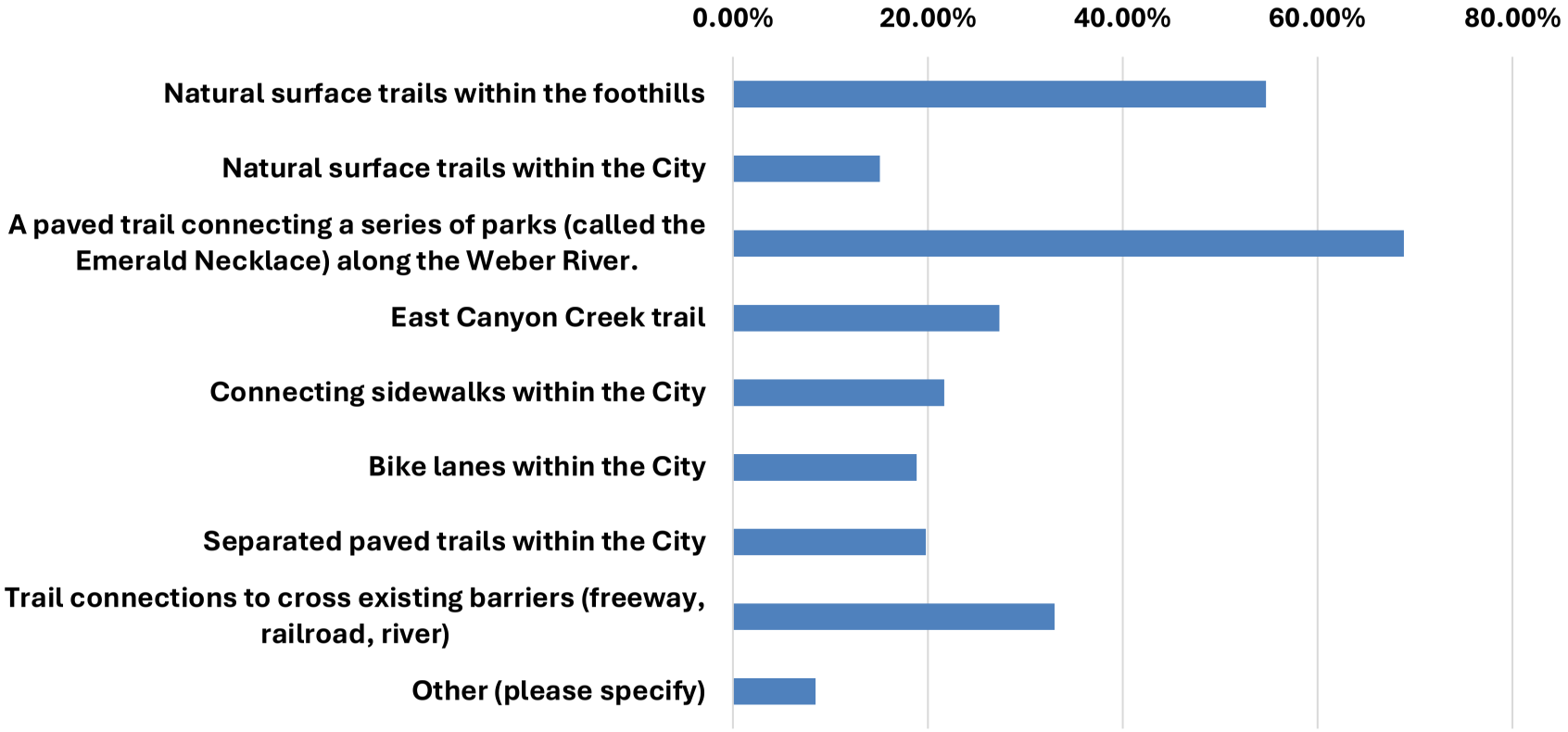
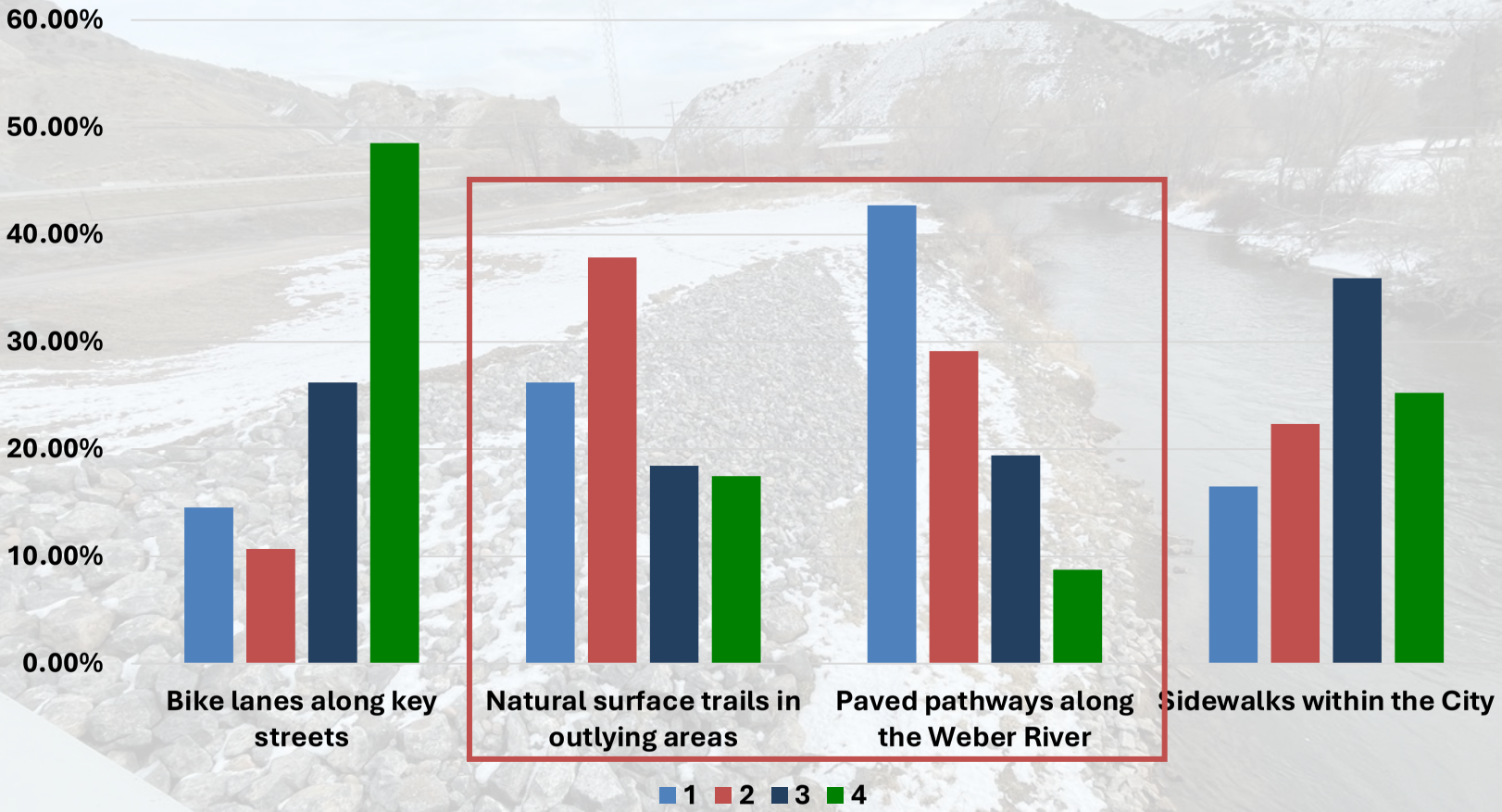
Question 13: Which trails would you most like to see developed? (select up to three)



Natural surface trails within the foothills: 54.72%
Natural surface trails within the City: 15.09%
A paved trail connecting a series of parks along the Weber River: 68.87%
East Canyon Creek trail: 27.36%
Connecting sidewalks within the City: 21.70%
Bike lanes within the City: 18.87%
Separated paved trails within the City: 19.81%
Trail connections to cross existing barriers (freeway, railroad, river): 33.02%
Other (please specify): 8.49%

MORGAN CITY
Building Tomorrow Together

Question 14: Which overall trail concept are you most excited about? (rank 1-4; 1 is most important)



Bike lanes along key streets: 1.91
Natural surface trails in outlying areas: 2.73
Paved pathways along the Weber River: 3.06
Sidewalks within the City: 2.3

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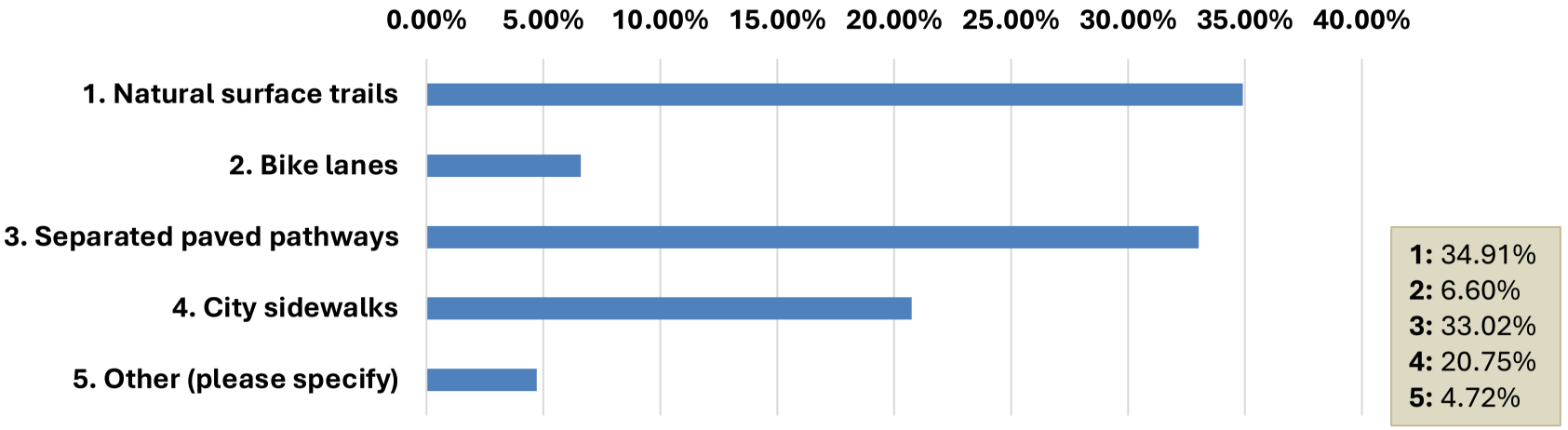
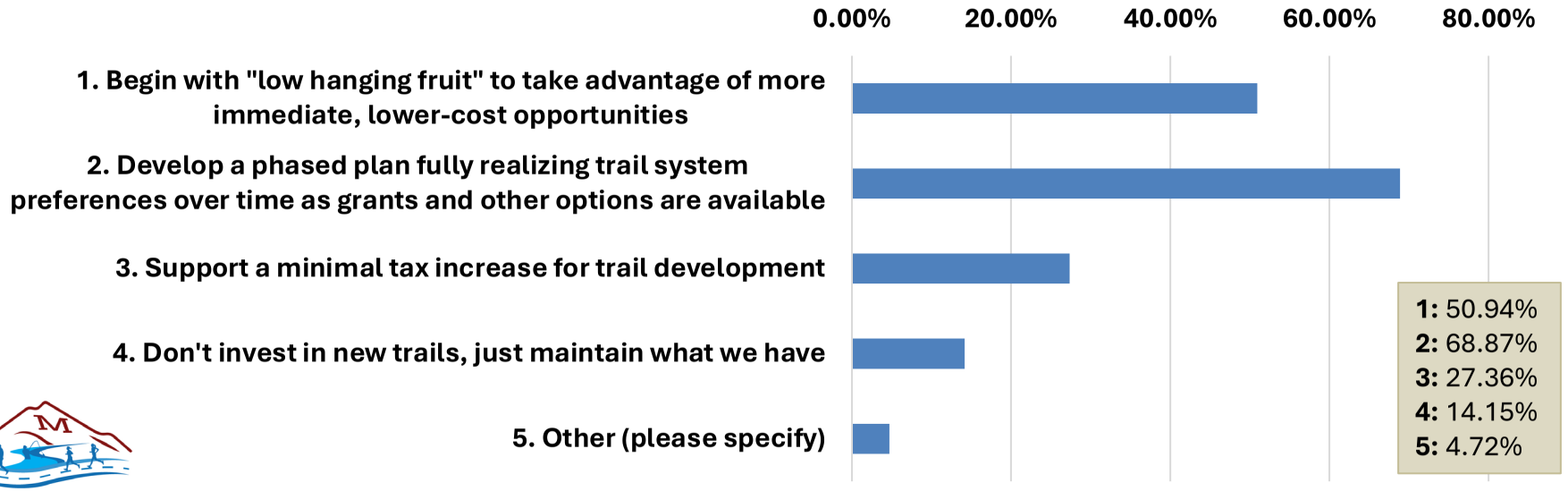
Question15: Which type of trail are you and your household most likely to use and enjoy? (select one)



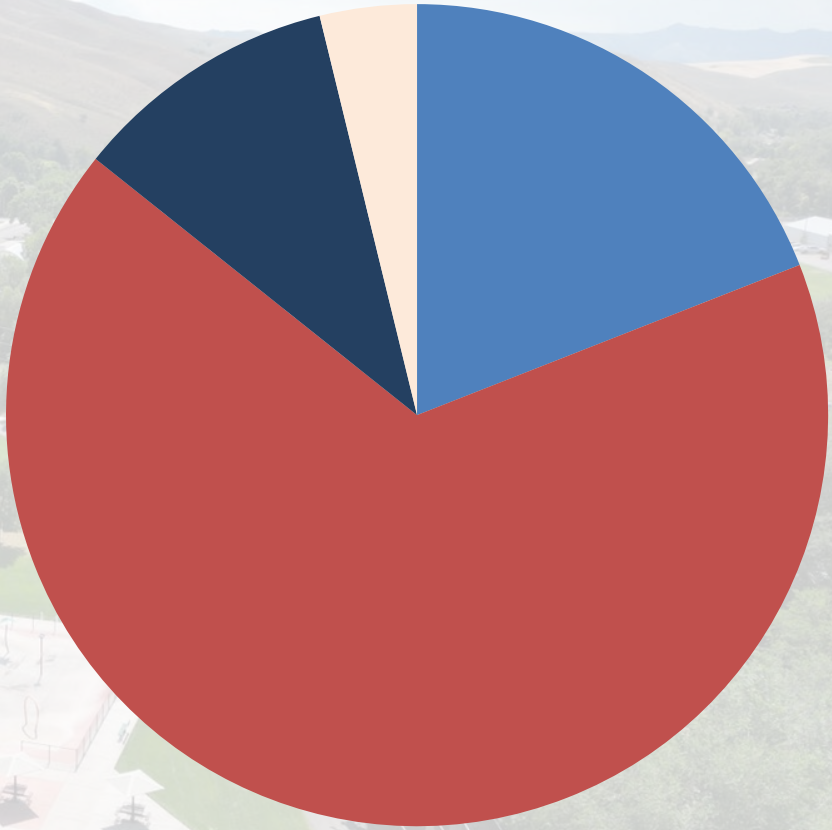
Question 16: As you consider the costs of trails, which approach makes the most sense? (select all that apply)



MORGAN CITY
Building Tomorrow Together

Question 17: Overall, which park option would you prioritize? (select one)

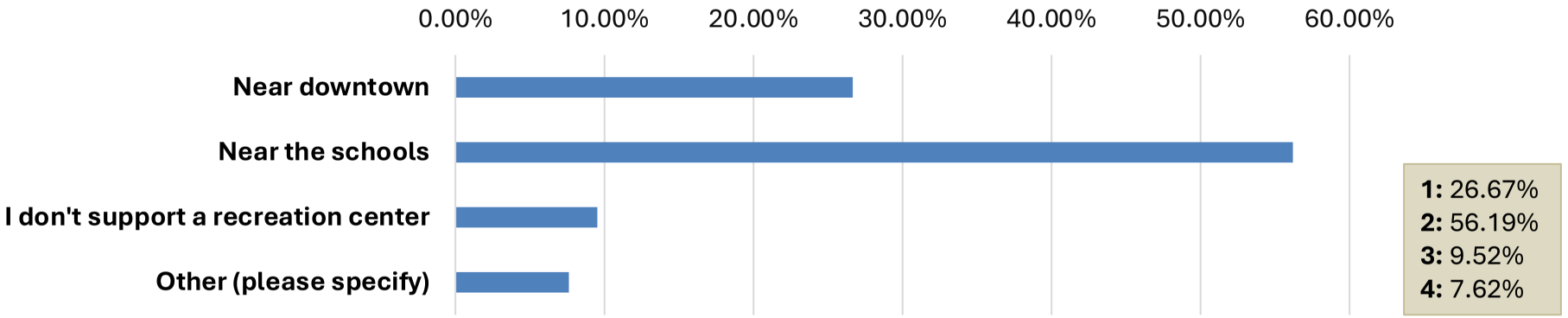
- Regional park, new neighborhood park north of I-84 and improve existing parks (Building on Existing Assets Scenario)
- Emerald Necklace parks along Weber River, and work with the School and County to enhance the school area and fairgrounds (Walkable Downtown Scenario)
- Three new neighborhood parks (Re-Imagine State Street Scenario)
- Other (please specify)



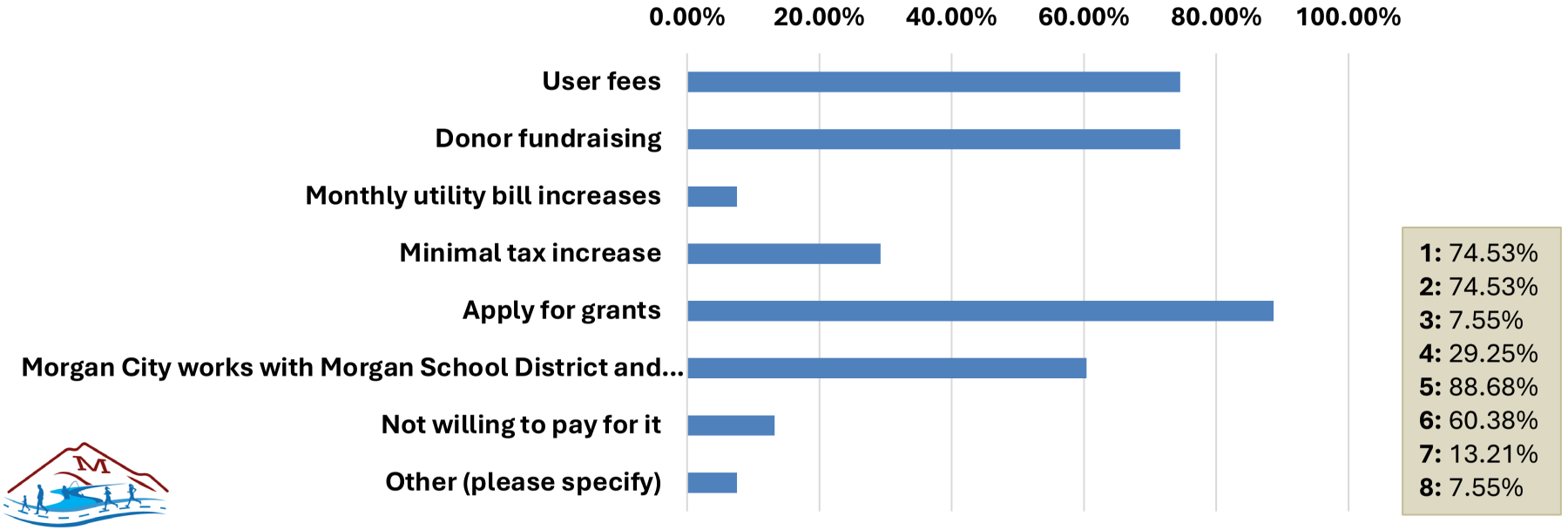
Regional park, new neighborhood park north of I-84 and improve existing parks (Building on Existing Assets Scenario): 19.05%
Emerald Necklace parks along Weber River, and work with the School and County to enhance the school area and fairgrounds (Walkable Downtown Scenario): 66.67%
Three new neighborhood parks (Re-Imagine State Street Scenario): 10.48%
Other (please specify): 3.81%

MORGAN CITY
Building Tomorrow Together

Question 18: If a recreation center were to be built in Morgan City, in what area would you like it to be located:



Question19: Many residents have expressed a desire for a recreation center. How should this be paid for if built? (select all that apply)



MORGAN CITY
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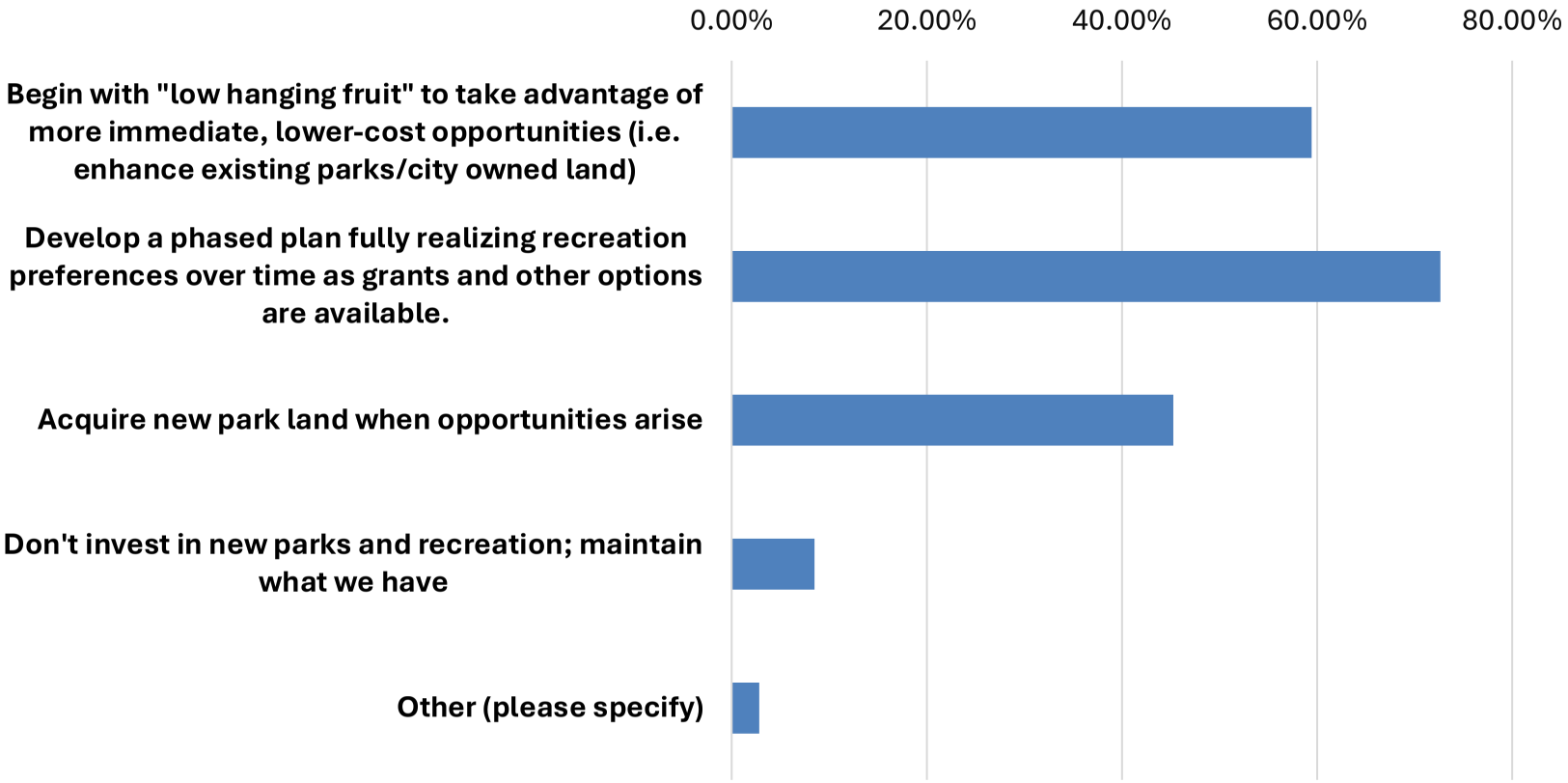
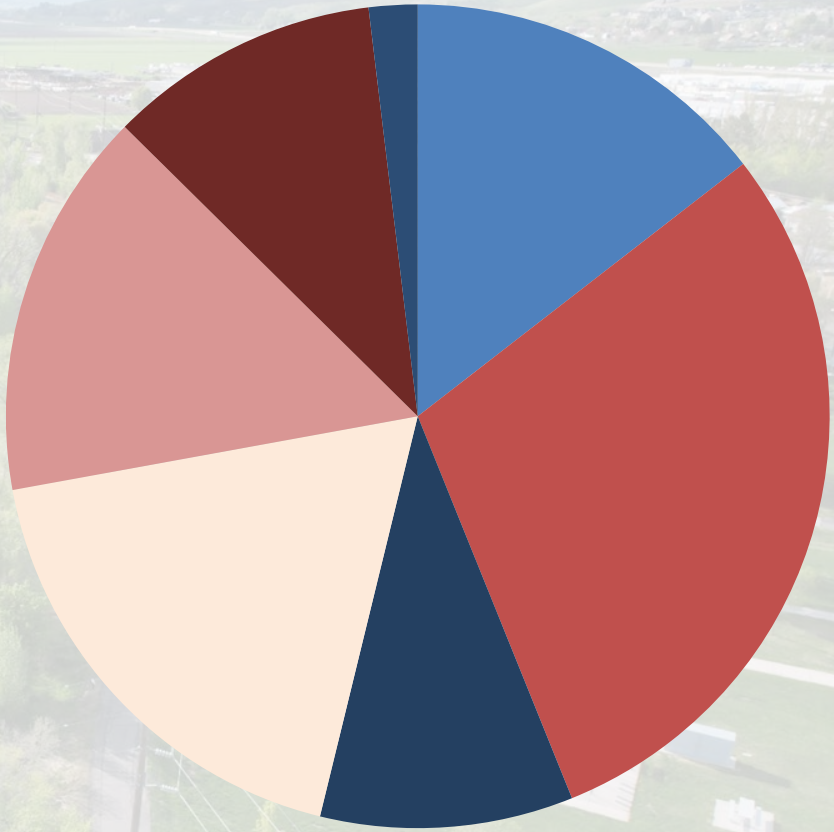
Question 20: As you consider the costs of recreation, which approach makes the most sense? (select all that apply)



Begin with "low hanging fruit" to take advantage of more immediate, lower-cost opportunities (i.e. enhance existing parks/city owned land): 59.43%
Develop a phased plan fully realizing recreation preferences over time as grants and other options are available: 72.64%
Acquire new park land when opportunities arise: 45.28%
Don't invest in new parks and recreation; maintain what we have: 8.49%
Other (please specify): 2.83%

MORGAN CITY
Building Tomorrow Together

Question 21: What river-related ideas do you support the most? (select up to three)



Fishing pond/park near the river: 35.85%
Paved pathway along the river: 72.64%
Kayak/river surf park along the river: 24.53%
River beach area for wading and swimming: 45.28%
Working with water agencies and landowners to make the river navigable by tube, kayak, etc., within the City: 37.74%
Additional parks along the river: 26.42%
Other (please specify): 4.72%

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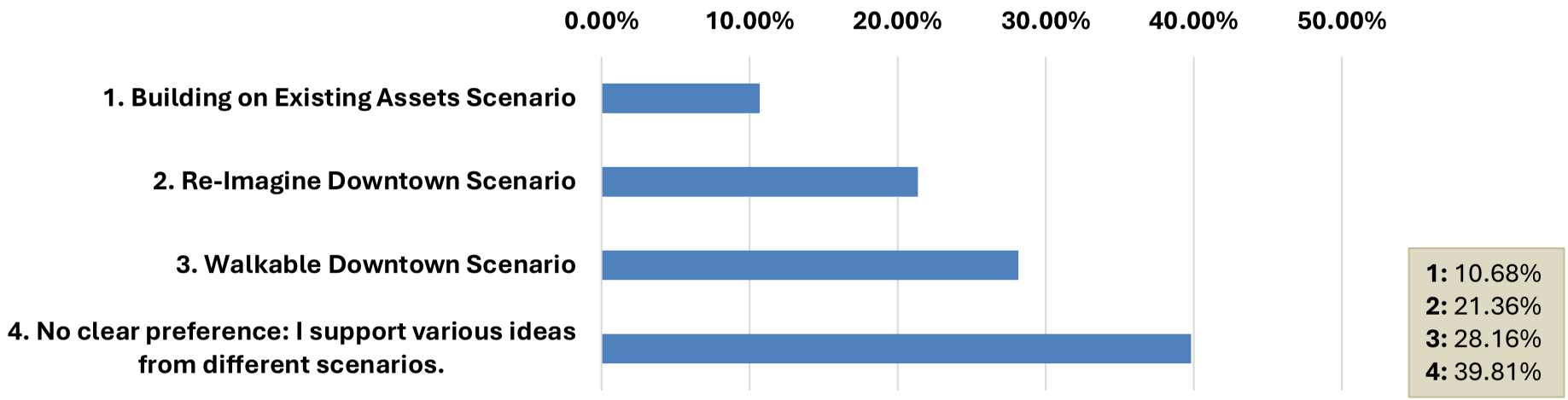
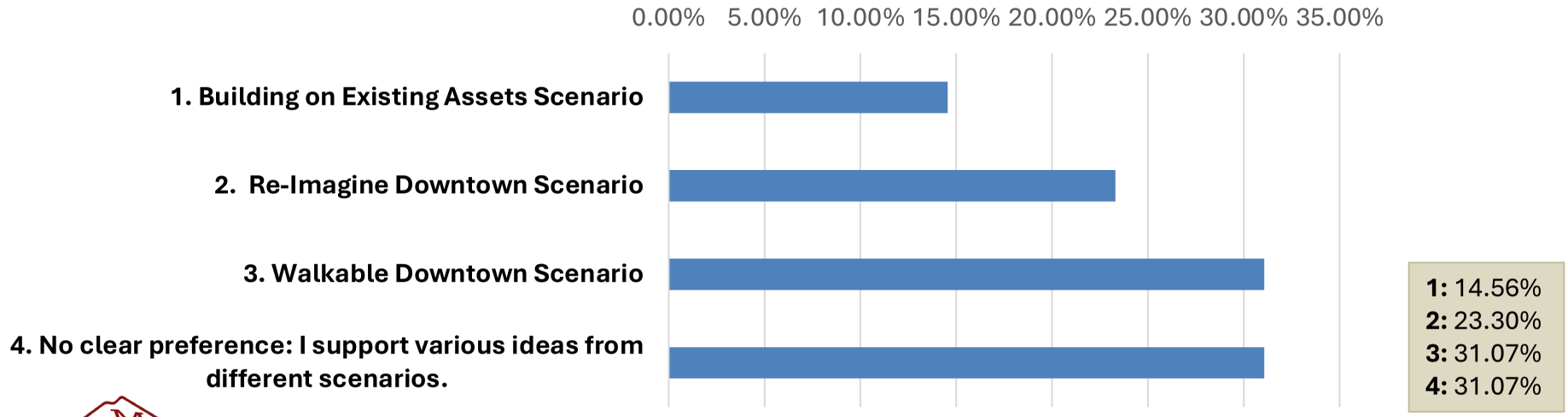
Question 22: Overall, which scenario do you prefer? (select one)



Question 23: Overall, which scenario provides the best opportunities for our kids and grandkids? (select one)



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