

**NOTICE AND AGENDA**  
**SOUTH OGDEN CITY PLANNING COMMISSION MEETING**  
**Thursday, June 11, 2015**

**Notice is hereby given that the South Ogden City Planning Commission will hold a meeting June 11, 2015, beginning at 6:15 p.m. in the Council Chambers located at 3950 Adams Avenue, South Ogden, Utah.**

**A briefing session will be held at 5:30 pm in the conference room and is open to the public.**

- I. Call to Order and Overview of Meeting Procedures** - Chairman Todd Heslop
- II. Public Hearing** - Legislative  
To Receive and Consider Comments on the Following Items:
  - A.** Proposed Changes to Title 11 of the City Code having to do With Subdivision Regulations
  - B.** Proposed Changes to Title 10, Chapter 12 Having To Do With Cluster Subdivision Regulations
- III. Zoning Actions** - Legislative  
Discussion and Recommendation on:
  - A.** Title 11 Subdivision Regulations
  - B.** Title 10, Chapter 12 Cluster Subdivision Regulations
- IV. Conditional Use Actions** - Administrative
  - A.** Consideration of Conditional Use Application for a Small Animal Veterinarian Office Located at 5640 Wasatch Drive, Ste. 3
- V. Special Items** - Legislative
  - A.** Discussion on PRUD Ordinance
  - B.** Discussion on Conditional Use Ordinance
- VI. Other Business**
  - A.** Nomination and Election of Planning Commission Chair and Vice-Chair
- VII. Approval Of Minutes Of Previous Meeting**
  - A.** Approval of May 14, 2015 Briefing Meeting Minutes
  - B.** Approval of May 14, 2015 Meeting Minutes
- VIII. Public Comments**
- IX. Adjourn**

Posted and emailed to the State of Utah Public Notice Website [June 5, 2015](#)

The undersigned, duly appointed city recorder, does hereby certify that a copy of the above notice and agenda was posted in three public places with the South Ogden City limits on June 5, 2015. These public places being City Hall (1<sup>st</sup> and 2<sup>nd</sup> floors), the city website ([www.southogdencity.com](http://www.southogdencity.com)), and emailed to the Standard-Examiner. Copies were also mailed to each commissioner.

  
Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations, including auxiliary communicative aids and services during the meeting should notify Leesa Kapetanov at 801-622-2709 at least 48 hours in advance.

**FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA**

# Planning Commission Report



**Subject:** Proposed Changes to the Subdivision Ordinance  
(Title 11 of South Ogden City Code)

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** June 11, 2015

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## **Background**

Staff has conducted a review of the existing Subdivision Ordinance (Title 11 of South Ogden City Code) to ensure compatibility with recent changes made to the Zoning Ordinance in addition to recent revisions to the *Public Works Standard Drawings, Details and Technical Specifications*. This assessment also addresses possible improvements to make the ordinance more efficient, consistent and easier to implement.

## **Discussion/Analysis**

A copy of the South Ogden Subdivision Ordinance follows. Proposed text deletions are indicated by ~~red strikethrough~~ text; new text by blue underlined text. To summarize, many of the proposed changes have focused on specific modifications related to recent changes to the zoning ordinance and public works standards. In addition, a new chapter has been added to address the fact that the current title does not provide clear direction regarding amendments and changes to approved subdivisions. The title of the proposed chapter is

## **Chapter 5: SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS**

### **Recommendation**

Staff recommends that the Planning Commission consider the following changes to the Subdivision Ordinance.

# Title 11

## Subdivision Regulations

### Chapter 1

#### GENERAL PROVISIONS; DEFINITIONS

##### 11-1-1: PURPOSE AND INTENT:

A. Specified: The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of subdivision of land and related matters affected by such subdivision.

B. Evidence Of Best Interest: Any proposed subdivision and its ultimate use shall be ~~in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the planning commission.~~ supported by the General Plan.

**Comment [LK1]:** This wording suggested by Commissioner Sebahar.

C. Variations, Exceptions: ~~In cases where~~ Where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the city council after recommendation by the planning commission. (Ord. 793, 7-11-1989)

##### 11-1-2: SCOPE:

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

B. Sales, Exchanges Of Land: No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created ~~pursuant to~~ under and in accordance with the provisions of this title; provided, ~~that~~ this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the initial subdivision regulations adopted by the city on August 10, 1955. (Ord. 793, 7-11-1989)

##### 11-1-3: DEFINITIONS:

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory. ~~The following words and phrases used in this title shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:~~

**Comment [LK2]:** Staff could find no definitional changes below that were affected by the recently adopted Public Works Standards, which deals primarily with detailed technical specifications and standards related to construction.

Staff has indicated some changes to be considered based on recent discussions related to the zoning ordinance.

ALLEY: A public thoroughfare less than twenty six feet (26') wide. (Approval of public alleys will be given by city council only.)

BLOCK: The land surrounded by streets and other right of way, other than an alley, or land ~~which is~~ designated as a block on any recorded subdivision plat.



PERSON: Any individual, corporation, partnership, firm or association of individuals however styled or designated.

PLANNING COMMISSION: The South Ogden City planning commission.

PROTECTION STRIP: A strip of land running parallel and adjacent to a public street and the abutting private property, created ~~for the purpose of controlling the access of property owners to control the access of property owners~~ abutting the street.

STREET: A thoroughfare ~~which has been~~ dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to the abutting property.

STREET, ARTERIAL, ~~MAJOR OR MINOR~~: A street existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan, may be classified a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan. ~~A major arterial not less than one hundred feet (100') width of right of way, and a minor arterial not less than eighty feet (80') width of right of way.~~

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity which is the main means of access to the major street system. ~~A thoroughfare not less than sixty six feet (66') width of right of way.~~

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

STREET, MARGINAL ACCESS (FRONTAGE ROADWAY): A street which is parallel to and adjacent to a limited access major or minor arterial street and which provides access to abutting properties and provides protection from through traffic. ~~A thoroughfare not less than sixty feet (60') width of right of way.~~

STREET, PRIVATE: A street, existing or proposed, within a subdivision and/or planned residential development ~~which has been~~ reserved by dedication unto the subdivider, lot owners or homeowners association; to be ~~used as~~ private access to serve the lots and homes within the subdivision and/or planned residential development. ~~This street may be less than sixty feet (60') in width upon review and approval by the city.~~ This Any private street shall be maintained by the subdivider or other private agency.

STREET, STANDARD RESIDENTIAL: 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. ~~A thoroughfare not less than sixty feet (60') width of right of way.~~

SUBDIVISION: A. The division of any tract, lot or parcel of land owned ~~presently, or the time of adoption of the original subdivision regulations of South Ogden City on August 10, 1955,~~ as an undivided tract by one individual, or entity, or by joint tenants or tenants in common or by the entirety, into two (2) or more lots,

**Comment [LK4]:** Change made in consultation with City Engineer Brad Jensen. Any reference to specific widths will be removed as they are referenced in the Public Works Standards

**Comment [LK5]:** See LK3

**Comment [LK6]:** See Comment [LK3] above.

**Comment [LK7]:** See LK3

**Comment [LK8]:** See Comment [LK3] above.

**Comment [KDB9]:** Agree with LK8

**Comment [LK10]:** Recent discussions have indicated that private streets should not be allowed to be constructed to a lesser standard than the equivalent public street.

**Comment [LK11]:** Recent discussions related to the PRUD Ordinance have indicated that private streets should not be allowed to be constructed to a lesser standard than the equivalent public street.

**Comment [KDB12]:** See KDB7

**Comment [LK13]:** See Comment [LK3] above.

**Comment [LK14]:** See LK3

**Comment [KDB15]:** Removal is fine – better actually.

**Comment [LK16]:** Check with legal to see if this can be removed.

**Comment [LK17]:** Check with legal staff to see if this can be removed.

plots or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided, that said term shall not include a bona fide division or partition of agricultural land for agricultural development purposes. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision", as herein defined.

B. For ~~the purpose of~~ these regulations, a subdivision of shall land include: 1) the dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision"; 2) resubdivision of land heretofore divided or platted into lots, sites or parcels.

SUBDIVISION, CLUSTER<sup>1</sup>: A subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the zoning title and in which a significant part of the land is privately reserved or dedicated as permanent open space to provide an attractive low density character for the residential lots in the subdivision.

SUBDIVISION, PRUD:

SUBDIVISION, PRUD: A Planned Residential Unit Development is a residential development planned as a complete, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well-planned circulation system, attractive entrances and similar elements as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD to be considered.

- Comment [LK18]:** Planning Commission suggested this definition be added.
- Comment [KDB19]:** So.....do we actually HAVE such a definition?
- Comment [LK20]:** Planning Commission suggested this definition be added.

ZONING ORDINANCE: The zoning ordinance of South Ogden City as adopted by the city council of South Ogden City, on January 8, 1980, as amended from time to time (codified as ~~title 10~~title 10 of this code). (Ord. 793, 7-11-1989; amd. 2001 Code)

## Chapter 2 PLAT PROCEDURES

### 11-2-1: PRELIMINARY PLAT:

A. Preliminary Information: Each person who proposes to subdivide land in the city shall confer with the planning commission staff before preparing any plats, charts or plans ~~in order~~ to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. (Ord. 793, 7-11-1989)

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the Public Works Standard Drawings, Details & Technical Specifications and rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, school district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice ~~of the hearing~~ before the planning commission. (Ord. 06-09, 3-7-2006, eff. 3-7-2006)

C. Preliminary Plan Requirements:

1. All drawings and/or prints shall be clear and legible, drawn according to professional engineering practices, as outlined below: ~~in waterproof black India drawing ink on approved Mylar sheets. Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one half inch ( $\frac{1}{2}$ " ) border on top, bottom and right sides, left side border shall be one and one half inches ( $1\frac{1}{2}$ " )~~

Comment [LK21]: These are outdated practices.

The preliminary plan shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100'), on a 24'x36' sheet and shall show:

- a. The proposed name of the subdivision (such name must be cleared through the county recorder's office).
- b. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area and other surrounding areas.
- c. Sufficient information to locate accurately the property shown on the plan.
- d. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- e. Contours at intervals of two feet (2'), or as otherwise approved, five feet (5'), or ten feet (10').
- f. The boundary lines of the tract to be subdivided shall be indicated.
- g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, utility conduits, and buildings within or immediately adjacent to the tract to be subdivided.
- h. Existing sanitary sewers, storm drains, water supply mains, culverts and natural drainage channels within the tract and immediately adjacent thereto.
- i. The locations, widths and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public or designated as private streets.

Comment [LK22]: Change made in consultation with City Engineer and City Planner.

2. Plans or written statements regarding the proposed storm water drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots. (Ord. 793, 7-11-1989)

D. Preliminary Plan Approval: The preliminary plan shall be reviewed by the planning commission which shall act on the plan as submitted or modified within sixty (60) days after its presentation. If approved, the planning commission shall express its written approval with or without specific conditions. If the preliminary plan is disapproved, the planning commission shall indicate its disapproval in writing and list the reasons for such disapproval. Approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the final plat improvement drawings and specifications for the minimum improvements required by this title and the ~~standard drawings attached to the ordinance codified~~ [Public Works Standard Drawings, Details & Technical Specifications](#).

E. Time Limitation: Approval of the preliminary plan by the planning commission shall be valid for a maximum period of one year after approval, unless upon application of the subdivider, the planning commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the planning commission for reapproval; however, preliminary approval of a development shall not be voided; provided, that the final plat of the first section is submitted for final approval within the one year period. (Ord. 793, 7-11-1989; amd. 2001 Code)

F. Grading Limitation: No large scale excavation, grading or regrading shall take place on any land for which a subdivision preliminary plan has been submitted until such plan has been given preliminary approval by the planning commission. (Ord. 793, 7-11-1989)

## 11-2-2: FINAL PLAT:

A. Tentative Final Plat Required:

1. Prior to the submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the planning commission, who shall check the tentative final plat against the requirements and conditions of approval of the preliminary plan, and refer one copy to the city engineer for checking.
2. The planning commission shall return one copy of the checked tentative final plat to the subdivider indicating thereon any changes required by the planning commission and/or the city engineer.

B. Final Plat Required:

1. After compliance with the provisions of section ~~11-2-111-2-1~~ of this chapter, the subdivider shall submit a final plat with the "current required number of copies" thereof to the planning commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer and/or surveyor, indicating that all lots meet the requirements of the zoning title.
2. The final plat and accompanying information shall be submitted to the planning commission at least seven (7) days prior to a regularly scheduled planning commission meeting ~~in order to be considered at said meeting at the meeting.~~

**Comment [LK23]:** Should this be changed to ten days? Would work better with preparation of packet and finalization of agenda.

**Comment [KDB24]:** I suggest you use 10 days.

- C. Final Plat Requirements: ~~The final plat shall be submitted on a sheet of approved mylar. The outside or trim dimensions shall be twenty four inches by thirty six inches (24" x 36") and the borderline of the plat shall be drawn in heavy lines leaving a space of at least one half inch (1/2") margin on all four (4) sides of the sheet.~~ The final plat shall be clear and legible, drawn according to professional engineering standards ~~in waterproof black India drawing ink on approved Mylar sheets.~~ Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch (1/2") border on top, bottom and right sides, left side border shall be one and one-half inches (1 1/2").

The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. ~~All lines, dimensions and markings shall be made on approved mylar with black waterproof India drawing ink.~~ The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

**Comment [LK25]:** These are outdated methods.

**Comment [KDB26]:** It seems to me the better question for LK20 is: why was it removed from the PDF version of the first place? If removal is what the planning commission intended, then it should be removed in all versions. If removal is not what was intended, then it should be restored to both versions.

**Comment [LK27]:** This was removed in the pdf version. Remove here as well?

1. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.
2. Where a subdivision complies with the cluster subdivision provisions of the zoning title and ~~the provisions of~~ this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision".
3. A north arrow and scale of the drawing, and the current date.
4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
5. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.
6. Parcels of land to be dedicated as public park, storm water detention basins or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space", whichever ~~is applicable applies.~~
7. The standard forms approved by the planning commission for all subdivision plats lettered for the following:
  - a. Description of land to be included in subdivision, with total acres.
  - b. Land surveyor's certificate of survey.
  - c. Owner's dedication certificate.
  - d. Notary public's acknowledgement.
  - e. Planning commission's certificate of approval.

- f. City engineer's certificate of approval.
- g. City attorney's certificate of approval.

~~h. Public works director's certificate of approval.~~

- i. City council's certificate of acceptance, signed by the mayor and attested by the city recorder.

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

**Comment [LK28]:** City Engineer and staff agree this signature not needed.

#### D. Construction Drawings:

~~1. The subdivider shall cause to be prepared by a qualified professional engineer, not in the employ of the city, a complete set of plans and profiles, construction details and construction design data of all streets, existing and proposed, and all utilities and improvements to be constructed within the subdivision and furnish such information to the city engineer with the final plat. Size of drawings shall be twenty four inches by thirty six inches (24" x 36") with one half inch ( $\frac{1}{2}$ " ) border on top, bottom and right sides. Left side shall be one and one half inches ( $1\frac{1}{2}$ " ). All lines, dimensions and markings shall be made on approved mylar with black waterproof India drawing ink. The final plat shall be clear and legible, drawn according to professional engineering standards according to professional engineering practice in waterproof black India drawing ink on approved Mylar sheets.~~

~~2. In general, the following shall be included on the construction drawings:~~

- ~~a. North arrow (plan).~~
- ~~b. Scale and elevations above sea level referenced (benchmark established, shall be shown on the construction drawings).~~
- ~~c. Stationing and elevations for profiles.~~
- ~~d. Materials, slope, size and pressure class specified of all pipelines.~~
- ~~e. Typical roadway cross sections for all street sizes and variations.~~
- ~~f. Details of all structures (namely, catch basins, manholes, etc.)~~
- ~~g. Top of curb elevations at PC, PT, BCR and at ends and where needed, along with curve data.~~
- ~~h. Flow direction, high point, type of cross drainage structures at intersections with adequate flow line elevations.~~
- ~~i. Street survey monument locations and coordinates tied to the point of beginning.~~
- ~~j. BM location and elevations (use approved datum).~~
- ~~k. Location of street lighting.~~

~~3. Upon completion of all construction improvements, the developer shall cause to be submitted one set of mylar "as constructed" construction drawings for filing in the office of the city engineer.~~

Shall conform with ~~ORDINANCE NO. 15-09~~ Section 1.3 South Ogden City (Public Works Standards Drawings, Details & Technical Specifications) and as indicated below:

E. Engineer's Cost Estimate: The subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items, quantities and estimated unit bid prices and/or lump sum bid prices. This estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining ~~the amount of~~ the escrow amount or other agreements required of the developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.) (Ord. 793, 7-11-1989)

#### F. Approval Of Final Plat:

1. Prior to approving and signing the final plat, the planning commission shall submit the plat for approval to the city engineer who shall collect all checking fees from the subdivider and who shall check the engineering requirements of the drawings, and determine ~~the amount of~~ the escrow amount, or other agreements, to assure construction of the improvements where necessary. After approval and signature by the city engineer, the plat shall be submitted to the planning commission for approval and signing by the chair. The plat and financial guarantee shall be submitted to the city attorney and the city council, respectively, for their

approval. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder. No building construction shall be started until ~~the recording of~~ the final ~~the final~~ plat. (Ord. 930, 12-2-1997, eff. 12-2-1997)

2. No plats shall be recorded in the office of the county recorder and no lots ~~included~~ in such plat shall be sold or exchanged unless ~~and until~~ the plat is ~~so~~ approved, signed and accepted by the city.

3. At the time of recording, the subdivider shall pay all costs associated with supplying a reproducible mylar of the plat for filing in the office of the city engineer. (Ord. 793, 7-11-1989)

### 11-2-3: FILING:

A. General: This section ~~provides a summary of~~ summarizes the procedure required by the city for submitting preliminary and final plats, utility construction drawings and other supporting data for construction of subdivisions within the corporate limits of the city.

B. Preliminary Plat: The following procedure shall be followed in submittal and review of the preliminary plat:

1. Master Plan Review: A review shall be made by the subdivider with the planning commission to determine the master plan requirements for the area proposed to be subdivided.

2. Plat Submittal: ~~Thirteen (13) (or the current required amount) Applicant shall submit copies of the preliminary plat~~ copies as required by staff of the preliminary plat shall be submitted to the planning commission for review. These copies shall be distributed for review as follows: seven (7) each who will then distribute copies to the planning commission/consultant, ~~one each~~ and city engineer. ~~Applicant shall be responsible to deliver five (5) a copy to~~ each utility company ~~ies~~ (power, gas, telephone, ~~gas~~, television, irrigation, etc.).

3. Engineer's Report: After completion of his review, the city engineer will prepare and transmit to the planning commission a report summarizing the requirements for utilities and surface improvements, ~~together~~ with results of his review of the preliminary plat.

4. Approval/Rejection:

a. After completion of its review, the planning commission shall either approve, reject or conditionally approve the preliminary plat.

b. Approval or conditional approval is authorization for the subdivider to proceed with preparation of the final plat.

C. Final Plat: The following procedure shall be followed in submittal and review of the final plat:

1. Plat Submittal: ~~A black ink mylar reproducible original drawing and eight (8) (or the current required amount), blueprints~~ paper copies Copies as required by staff, shall be submitted to the planning commission.

2. Fees: There shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council. ~~to the city recorder as per current adopted fee schedule.~~

3. Construction Drawings: ~~Three (3) (or the current required amount), sets of prints of the drawings~~ Drawings as required by the city engineer showing ~~engineer~~ showing proposed construction shall be sent to the city engineer for ~~his review, comments and~~ approval.

4. Subdivision Agreement: An agreement between the city council and subdivider shall be approved by the city attorney. This agreement shall include the city engineer's approved estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.

5. Notice ~~Of of~~ Approval: After review and approval of the planning commission, city council, city engineer and city attorney, the subdivider will be notified by the planning commission that the plat has been approved.

6. Recording: The plat shall be recorded by the city recorder within a period of seven (7) days after all required signees on the plat have signed signatures have been obtained. ~~of all approvals.~~ The owners or

developers shall pay all recording fees, ~~along~~ with the cost to provide the city with a reproducible mylar copy of the recorded plat. (Ord. 793, 7-11-1989)

7. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished. (Ord. 793, 7-11-1989; amd. 2001 Code)

8. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider and city council of the results of the inspection. "As-built drawing" prints shall be submitted to the city engineer prior to his making this inspection. ~~Record mylar reproducibles for city files shall be submitted following the city engineer's approval of the "as-built drawing" prints.~~

9. Final Inspection: One year ~~after the completion of~~ after completing construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results ~~of this inspection~~ shall be made known to the city council and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city council. (Ord. 793, 7-11-1989)

#### 11-2-4: MINIMUM IMPROVEMENTS REQUIRED:

For a statement of the improvements required for development within the city, see section ~~11-4-111-4-1~~ of this title, adopting development standards and specifications for the city and providing that such standards shall be on file with the city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

## Chapter 3

### DESIGN STANDARDS

#### 11-3-1: GENERAL PROVISIONS:

##### A. Relation To Adjoining Street System:

1. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) ~~insofar as where such may be~~ deemed necessary by the planning commission for public requirements. The street arrangement must ~~be such as to cause no~~ not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access ~~to it. Half streets along the boundary of land proposed for subdivision will not be permitted.~~

**Comment [KDB29]:** This is redundant from the section above that provides that there are to be NO half streets approved for ANY future development.

2. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

##### B. Street Widths, Cul-De-Sacs, Easements, Etc.:

1. Street Dedication: All streets in subdivisions in the city shall be dedicated to the city.

2. Arterial And Collector Streets: Arterial and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, arterial and/or collector streets provided as required by the planning commission, with minimum ~~widths of eighty feet (80') and one hundred feet (100') for major and minor arterial streets and sixty six feet (66') for collector streets~~ according to- Public Works Standard Drawings, Details & Technical Specifications

**Comment [LK30]:** All changes in this section (11-3-1) were made in consultation with the City Engineer and City Planner.

3. Standard Residential Streets And Terminal Streets: Standard residential streets and terminal streets shall have a minimum width ~~according to as required by the Public Works Standard Drawings, Details & Technical Specifications~~ of sixty feet (60').

4. Terminal Streets (Cul-De-Sacs):

a. Terminal streets (cul-de-sacs) shall ~~not be longer than four hundred feet (400') to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred ten feet (110') in diameter, right of way dimension. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided.~~ be designed and constructed in accordance with Public Works Standard Drawings, Details & Technical Specifications

b. Where a street is designed to remain only temporarily as a dead-end street, an adequate asphalt/road base temporary turning area shall be provided as indicated in the Public Works Standard Drawings and Details in order to remain and be available for public use so long as the dead-end condition exists. ~~at the dead end thereof to remain and be available for public use so long as the dead end condition exists.~~

5. Marginal Access Streets (Frontage Roadway): Marginal access streets (frontage roadway) of not less than sixty feet (60') in right-of-way width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back onto such limited access streets ~~and shall be designed and constructed in accordance with Public Works Standard Drawings, Details & Technical Specifications~~

~~All standard improvements per the typical cross section are required.~~

6. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

**Comment [KDB31]:** Same comment as above regarding half streets.

7. Street Cross Section Standards: All proposed streets shall conform to the city street cross section standards indicated in the Public Works Standard Drawings and Details ~~or~~ as recommended by the planning commission and adopted by the city council.

8. Street Grades: Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:

a. On arterial and collector streets, eight percent (8%);

b. On standard residential and private streets, twelve percent (12%).

9. Alleys: Alleys shall have a minimum easement width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are ~~considered~~ found to be necessary by the planning commission and approved by the city council. The alley cross section shall be approved by the planning commission.

10. Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may place in trust a protection strip of not less than one foot (1') in width between said street and adjacent property; provided, that an agreement with the city and approved by the city attorney has been made with the subdivider, contracting to place in trust the one foot (1') or larger protection strip free of charge to the city, to be dedicated for street purposes upon payment by the then owners of the contiguous property to the subdivider or their heirs, of a consideration named in the agreement, such consideration to be equal to the current cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half ( $\frac{1}{2}$ ) the land in the street at the time of the agreement, until time of subdivision of such contiguous property.

#### C. Blocks:

1. The maximum length of blocks ~~generally~~ shall be one thousand three hundred feet (1,300') and the minimum length of blocks shall be five hundred feet (500'). Blocks over eight hundred feet (800') in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than ten feet (10') in width and shall be fenced.

2. The width of blocks ~~shall be sufficient to allow~~ shall allow two (2) tiers of lots, or as otherwise approved by the planning commission because of design, terrain or other unusual conditions.

3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

#### D. Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probable future requirements.

2. All lots ~~shown on the subdivision plat~~ must conform to the minimum area and width requirements of the zoning title for the zone in which the subdivision is located; or
  - a. Except as otherwise permitted by the ~~board of adjustment~~ City's Appeal Authority; or
  - b. As in accordance with cluster subdivision provisions of the zoning title.
3. Each lot shall abut on a public street, dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use with the asphalt width ~~at least thirty six feet (36') wide, and having a sixty foot (60') right of way~~ meeting the requirements of Public Works Standard Drawings and Details, ~~or as approved by the City Council. except as provided in subsection D4 of this section.~~ Interior lots having frontage on two (2) streets shall be allowed access on only one street except where unusual conditions make such other design undesirable and then only with planning commission approval. (The planning commission shall cause a note to be placed on the plat indicating the no access side.)
4. Flag Lots: Flag lots shall be approved by the ~~hearing officer~~ board of adjustment ~~after the a recommendation by the planning commission~~ planning commission has been provided. A lot or lots not having frontage or not having adequate frontage (flag lot) on a street, as required by the zoning title for the zone in which the subdivision is located, but upon a right of way, may be included within a subdivision, provided the following requirements are met:
  - a. The planning commission determines that it is impractical to extend streets to serve such lots.
  - b. The area of the right of way shall be in addition to the minimum lot area requirements of the zone in which the lot is located.
  - c. The grade of any portion of the right of way not exceed fifteen percent (15%).
  - d. Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.
  - e. The building setback line shall be established and approved by the planning commission and indicated on the plat.
5. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
6. Side Lines: Side lines of lots shall be approximately at right angles or approximately radial to the street line. Lot lines not radial shall be so noted on the final recording plat.
7. Remnants: All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as nonconforming or unusable parcels.
8. Parcels In Separate Ownership: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder.
9. Natural Drainage And Other Easements: The planning commission may require that easements for drainage through this and adjoining property be provided by the subdivider, and easements of not less than fourteen feet (14') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.

**Comment [LK32]:** This section needs to be reviewed by Mr. Bradshaw. Is a flag lot in essence a variance and need to follow the requirements of a variance?

**Comment [LK33]:** This section needs to be reviewed by legal staff. Is a flag lot in essence a variance and need to follow the requirements of a variance?

**Comment [KDB34]:** Response to LK26: The way this is presently set up (as it reads here) is that, yes, it is in essence a variance. The difference however is that the applicant will appear before the appeal authority with the recommendation in hand from the planning commission asking that approval be granted. Thus, since flag lots are "permitted" in the language of the ordinance, the request for a variance would be pro forma and normally uncontested by the city.

E. Parks, School Sites And Other Public Places:

1. In subdividing property, the planning commission shall give consideration to suitable sites for schools, parks, playgrounds and other areas for similar public use.
2. Such sites shall be indicated on the preliminary plan, which shall be referred to the city council and/or school board for their concurring approval.
3. If approved, the site shall be indicated on the approved preliminary subdivision plan in order that the city council and/or school board and subdivider may commence negotiations in exercising the option on the site granted by the subdivider to the city and/or school ~~board at the time of annexation of the land to the city in accordance~~ board during annexation of the land to the city in accordance with the then current annexation ordinance of the City<sup>1+</sup> ~~in force at the time.~~

F. Cluster Subdivision; Special Provisions:

1. Design Standards:

a. The design of the preliminary and final plat of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plans ~~that have been~~ adopted by the city council, and design standards recommended by the planning commission and approved by the city council.

b. Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

2. Provision For Common Open Space:

a. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning title, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the subdivision, surrounding residents and the general public.

b. The planning commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

3. Guarantee Of Common Open Space Improvements: As assurance of completion of common open space improvements, the subdivider, at the request of the city council, shall be required to file with the city council a bond or cash surety, or other agreement, in a form satisfactory to the city attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or cash surety, or other agreement, has been filed, the subdivider shall call ~~for inspection~~ ~~for inspection~~ by the city engineer, such inspection to be made within thirty (30) days from the ~~date of~~ request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released. If the bonds are not released, refusal to release and reasons therefor shall be given the subdivider in writing.

4. Continuation Of Common Open Space: As assurance of continuation of common open space ~~used in accordance with the plans~~ approved by the planning commission, the subdivider shall grant to the city ~~an~~ "open space easement" on and over the common open space prior to ~~the recording of~~ the final plat, which easement will not give the general public the right of access but will provide that the common open space remains open.

5. Maintenance Of Common Open Space, Etc.:

a. ~~In order to~~ ~~To~~ ensure maintenance of the common open space and other improvements where so required, the subdivider, prior to ~~the recording of~~ the final plat, shall cause to be incorporated under the laws of the state, a lot/homeowners' association. By proper covenants running with the land and through the articles of incorporation and bylaws ~~of said association of the association~~ it shall ~~, among other things,~~ provide that:

(1) Membership ~~in said association in the association~~ shall be mandatory for each lot/home purchaser, their grantees, successors and assigns.

(2) The common open space restrictions shall be permanent and not just for a period of years.

(3) The association ~~be responsible for maintaining~~ ~~must maintain~~ liability insurance, paying general property taxes and maintaining recreational and all other facilities.

(4) All lot owners shall pay their pro rata share of the costs of upkeep, maintenance and operation.

(5) Any assessment levied by the association may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.

(6) The association shall be able to levy and to adjust assessments on the lot owners to meet current conditions. (Ord. 793, 7-11-1989)

**Comment [LK35]:** M. Vlasic to review this section and determine if it should be removed and put in the Cluster Subdivision Ordinance or remain here and be referenced in Cluster Sub. Ord.

**Comment [LK36]:** This section is now referenced in the Cluster Subdivision chapter, which will help to ensure there are no conflicts.

**11-3-2: SUBDIVISION IMPROVEMENTS REQUIRED:**

A. Required; Time Limit: The owner of any land to be platted as a subdivision shall at their own expense install all improvements within a two (2) year time table following the date of recording of the final plat in accordance with the public works specifications adopted by the city council, except for septic tanks (see subsection A2b of this section), which must be installed according to the specifications contained in Public Works Standard Drawings, Details & Technical Specifications and under the inspection of the Weber-Morgan county County ~~health~~ Health department ~~Department~~. (Ord. 793, 7-11-1989; amd. 2001 Code)

Comment [LK37]:

1. Water Lines: Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, to ~~make the water supply available~~ provide the water supply to each lot within the subdivision, including laterals to the property line of each lot. The location and size of water mains shall be approved by the city engineer. (Ord. 793, 7-11-1989)

2. Sewage Disposal:

a. Where a public sanitary sewer is within three hundred feet (300') or is otherwise close enough in the opinion of the city council after recommendation of the city engineer to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by, the city council and city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

b. Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the state department of health for sewage disposal ~~by means of a septic tank~~ with a septic tank and drain field for each of the lots. Subdividers shall furnish to the board of health a report of percolation tests completed on the property proposed for subdivision ~~in accordance with~~ under the regulations of the Utah ~~State Department~~ state department of ~~Public Health~~ public health governing individual sewage disposal systems as currently adopted. A tentative final plat of the subdivision shall accompany the report showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the board of health shall be submitted to the planning commission before consideration of the final plat. Design of an individual system will be such that ~~at the time a public sanitary sewer system~~ when a public sanitary sewer system is installed, the private system ~~will be able to~~ can connect to the public sanitary sewer system. (Ord. 793, 7-11-1989)

c. Notwithstanding anything to the contrary in this subsection, should there be a conflict between the requirements of this subsection and the requirements of section ~~8-3-18-3-1~~ of this code (adopting the wastewater control rules and regulations of the ~~central~~ Central Weber ~~sewer~~ Sewer improvement ~~Improvement~~ district ~~District~~), the requirements of section ~~8-3-18-3-1~~ of this code, to the extent of such conflict, shall control. (Ord. 793, 7-11-1989; amd. 2001 Code)

3. Storm Water: The city council will require the subdivider to manage and dispose of storm water per the city engineer's recommendations. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

4. Street Grading And Surfacing: All public streets shall be graded in accordance with the specifications and drawings adopted by the city council.

5. Curbs And Gutters: Curbs and gutters shall be installed on existing and proposed streets by the subdivider in accordance with the specifications and drawings adopted by the city council.

6. Street Drainage and Drainage Structures: Street drainage and drainage structures shall be required where necessary in the opinion of the city council after recommendation by the city engineer in accordance with the specifications and drawings adopted by the city council.

7. Sidewalks: Sidewalks shall be required and installed in accordance with the specifications and drawings adopted by the city council.

8. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type shown on the drawings and all subdivision plats shall be tied to a survey monument of record. (Ord. 793, 7-11-1989)

9. Street Trees: Street trees are to be provided as required in approved development plans and following approval from and by ~~the City's Urban Forestry Commission~~<sup>24</sup> (Ord. 793, 7-11-1989; amd. 2001 Code)

10. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by recommendation of the fire department and/or city engineer ~~and contained in the-~~ [Public Works Standard Drawings, Details & Technical Specifications](#).

11. Street Signs: The city will furnish and install necessary street signs. The cost will be charged to the subdivider. ~~(Street signs shall include regulatory and address signs.)~~ [\(see Public Works Standard Drawings, Details & Technical Specifications.\)](#)

12. Fencing Of Hazards: A solid board, chain link or other non-climbable fence not less than six feet (6') nor greater than seven feet (7') in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights of way or nonaccess streets, and which are located within or adjacent to a subdivision, except where the planning commission and city council determine that park areas including streams or bodies of water shall remain unfenced. [\(see Public Works Standard Drawings, Details & Technical Specifications\)](#)

13. Staking Of Lots: Survey stakes shall be placed at all lot corners ~~so as~~ to completely identify the lot boundaries on the ground.

14. Street Lighting: Street lighting shall be installed by the subdivider/developer in such locations as determined by the city engineer. (Ord. 793, 7-11-1989) [\(see Public Works Standard Drawings, Details & Technical Specifications\)](#).

B. Guarantee Of Improvements: [\(see Public Works Standard Drawings, Details & Technical Specifications.\)](#)

1. In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified ~~as follows~~:

a. The subdivider may furnish and file with the city recorder a bond with corporate surety, or irrevocable letter of credit by a financial institution approved by the city council and city attorney, in an amount equal to the cost of the improvements plus ten percent (10%) contingency/inflation factor for improvements not previously installed, as estimated by the city engineer, to assure the installation of such improvements within ~~a period of~~ two (2) years immediately following the approval of the subdivision plat by the city council, and to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements. The bond required by this subsection shall be approved by the city council and city attorney.

b. The subdivider may deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor for improvements not then installed, as estimated by the city engineer, as aforesaid, under an escrow agreement conditioned for the installation ~~of said improvements of the improvements~~ within two (2) years from the approval of the subdivision plat by the city council, as aforesaid. The escrow agreement aforesaid shall be approved by the city council and the city attorney and shall be filed with the city recorder to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements.

2. The city council ~~is authorized to may~~ prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications ~~for the approval of~~ for approving a proposed subdivision and the strict compliance with the requirements of this subsection.

3. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be ~~made available~~ provided for the full, effective practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified.

4. ~~In the event the developer defaults~~ If the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the bond or escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The city council may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year. (Ord. 930, 12-2-1997, eff. 12-2-1997)

C. Engineering Checking Fees: There shall be paid to the city by the owners of the land petitioning for subdivision approval such sums of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council.

D. Inspection Of Improvements: The building official and city engineer shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants and water supply, and sewage disposal systems and other improvements in the course of construction, installation or repair. All concrete forms are to be inspected and approval given prior to the placement of any concrete. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the city engineer, nor shall any pavement on any street be laid unless ~~and until~~ the city engineer has been notified of the intention and the time and place ~~of said paving of the paving~~ and unless ~~and until~~ the engineer has approved the paving ~~of said street of the street~~ in all its aspects. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the building official and if any paving of any street is done without prior notification and approval of the city engineer, then the subdivider and any other responsible person would be liable for any costs incurred by the city in inspecting, repairing or replacing said pavement, whenever such inspection, repair or replacement shall result from inadequate paving by the subdivider or other responsible person. (Ord. 793, 7-11-1989)

**11-3-3: GUARANTEE OF WORK:** [\(see Public Works Standard Drawings, Details & Technical Specifications.\)](#)

The subdivider shall warrant and guarantee (and post bond or other security as required by this title) that the improvements provided ~~for hereunder~~, and every part ~~thereof~~ hereof, will remain in good condition from the date of the construction completion inspection report by the city engineer for ~~a~~ a period ~~of one year after as specified in Public Works Standard Drawings, Details & Technical Specifications.~~ the date of the construction completion inspection report by the city engineer. ~~The subdivider, and agrees shall agree~~ to make all repairs to and maintain the improvements, and every part thereof, in good condition during the warranty period with no cost to the city. The subdivider shall agree that the determination for necessity of repairs and maintenance of the work rests with the city engineer. His decision upon the matter shall be final and binding upon the subdivider, the guarantee ~~hereby~~ required shall extend to and include, but shall not be limited to, the entire streetbase, all pipes, joints, valves, backfill, compaction, as well as the working surface, curbs and sidewalks, as determined by the city engineer. (Ord. 793, 7-11-1989)

**Comment [LK38]:** City Engineer has made the suggested changes. Still needs to be reviewed by Mr. Bradshaw.

**Comment [LK39]:** City Engineer has made the suggested changes. Still needs to be reviewed by legal staff.

**11-3-4: ENFORCEMENT AND PERMITS:**

The building official shall not issue any permit unless the plans for the proposed erection, construction,

reconstruction, alteration or use fully conforms to all provisions of this title. No officer of the city shall grant any permit or license for ~~the use of~~ any building, structure or land, when such land is a part of a subdivision, ~~that has~~ not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void. (Ord. 793, 7-11-1989; amd. 2001 Code)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See [title 1, chapter 8 of this code](#).

~~title 1, chapter 8 of this code.~~

[Footnote 2](#): See [title 7, chapter 2](#) of this code.

## Chapter 4

### IMPROVEMENTS

#### 11-4-1: STANDARDS AND SPECIFICATIONS ADOPTED BY REFERENCE:

The standards and specifications for subdivision improvements, including any amendments thereto, are ~~hereby~~ adopted by this reference as if fully set forth ~~herein~~. Said standards and specifications are on file in the city engineer's office. (Ord. 793, 7-11-1989; amd. 2001 Code) ([see Public Works Standard Drawings, Details & Technical Specifications.](#)) ~~Should this be replaced and or/amended to include reference to the new Public Works standards?~~

## Chapter 5

### SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS

#### 11-5-1: DEFINITIONS:

**LOT COMBINATION:** The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.

**PLAT VACATION:** The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots, ~~as well as~~ roads, alleys, easements, and other areas depicted or dedicated on the plat.

**PROPERTY LINE ADJUSTMENT:** The adjustment of a mutual boundary line between the owners of adjacent parcels ~~that are~~ described by either a metes and bounds description or as a lot within a recorded plat.

**PUBLIC STREET OR ALLEY:** Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.

**Comment [LK40]:** The following is a new proposed chapter related to amended plats, and will require careful review before approval. Mr. Bradshaw to review.

**Comment [LK41]:** The following is a new proposed chapter related to amended plats, and will require careful review before approval. Legal staff to review.

**11-5-2: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL AUTHORITY:**

A. The city council may, with or without petition, consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat as provided under ~~the provisions of this chapter and Utah Code Annotated section 10-9a-608 as amended.~~

B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided ~~previously~~ in this chapter and Utah Code Annotated section 10-9a-208 or future amended section.

**11-5-3: STANDARDS AND PROCEDURES:**

A. Compliance with Zoning Title and Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the requirements of the zoning title. ~~The approval of~~ Approving an amended subdivision plat shall comply with the standards and procedures ~~for the approval of~~ for approving a new subdivision plat, except for those procedural requirements expressly waived in this title herein.

B. Preliminary Plat Approval:

1. ~~In addition to~~ Besides the petition requirements under section ~~11-1-2-111-1-2-1~~ of this chapter, any information or documents otherwise required for preliminary plat approval for any proposed amended subdivision plat that:

- a. Requires the additional dedication of any land for street or other public purposes; or
- b. Creates ~~more than five~~ over five (5) new additional lots.

2. Under such circumstances, the petitioner shall meet with the City Planner prior to submission of the petition ~~in order~~ to determine what additional documents or information will be necessary to adequately review the proposal.

C. Resubdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for ~~purposes of~~ the resubdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or resubdivided plat by the same procedures prescribed for the subdivision of land.

D. Approval and Recording: All subdivision amendments shall be approved by recording ~~of~~ an amended plat in the office of the Weber County recorder meeting all requirements of this title ~~for the approval of~~ for approving a final plat, except where approval by another instrument is authorized ~~herein.~~

E. Waiver of Requirement ~~to~~ File Amended Plat: ~~The filing of~~ an amended plat shall not be required to implement a subdivision amendment, alteration or vacation under the following circumstances:

1. A property line adjustment approved by the director ~~pursuant to~~ under section ~~14-7-914-7-9~~ of this chapter.

**Comment [LK42]:** The question was raised as to whether these definitions should be removed from this location and placed in the definitions (Chpt. 1) at the beginning of the Subdivision Title. Mr. Bradshaw?

**Comment [LK43]:** The question was raised as to whether these definitions should be removed from this location and placed in the definitions (Chpt. 1) at the beginning of the Subdivision Title. Legal staff should provide direction.

**Comment [KDB44]:** For my part, I would prefer that all of the relevant definitions be in one place rather than scattered throughout various sections or chapters. Unless there is some specific need to utilize a very unique definition within a given chapter or section, this should suffice.

**Comment [KDB45]:** I don't remember saying a definition of "director". Which city officer is this intended to represent? [This may need to be set out, like the definitions noted above, in the original, front end definitions section of the entire title.]

2. The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor, following approval by the City Council, quitclaiming any interest the city may have in the described easement.

3. The vacation of an entire subdivision plat, ~~wherein~~ where the resubdivision of the property is not intended, may be approved by recording ~~of~~ a resolution duly adopted by the city council containing a legal

**Comment [KDB46]:** There is obviously some language missing after the word "legal". This should be inserted and reviewed.

F. Planning Commission Review: All petitions to vacate, alter or amend a subdivision plat shall be reviewed by the planning commission and its recommendations made to the city council.

G. Required Owner Signatures: Any amended plat, or conveyance document effectuating a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.

H. Effective Period ~~of~~ Approval: Approval of a petition to amend a plat shall be valid for ~~a maximum period of~~ twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension upon the showing of good cause. If the amended plat has not been recorded within twelve (12) months, or the end of any approved extended period, the amended plat must ~~again~~ be submitted anew for approval.

I. Time Limit ~~for~~ Recording: After the mayor has approved a petition to amend a plat, an amended plat shall be prepared and approved in the same manner as final plats under the previous provisions of this title. An approved amended plat, in the form of a final plat, shall be recorded within one month after receiving approval from the city. If a final plat is not recorded within one month after receiving final approval, the approval shall be ~~considered~~ null and void and the petitioner must again submit for final approval.

#### 11-5-4: PETITION REQUIREMENTS:

A. A fee owner of land, as shown on the last county assessment roll, in a subdivision ~~that has been~~ laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley ~~in connection with~~ as part of the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as required. A petition shall include at a minimum:

**Comment [KDB47]:** Do we haven't definition of "department" as contemplated here? If not, we should.

1. The name and address of each owner of record of the land contained in the entire plat.

2. The signature of each of these owners within the plat who consents to the petition.

3. The name, address, telephone number, fax number and e-mail address of the designated contact person.

4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.

5. ~~Be accompanied by a minimum of~~ Copies ~~twelve (12) copies~~ of the proposed amended plat as determined by staff.

- 6. A recent title report covering the ~~subject~~ property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the director if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.
- 7. Any additional information or documents required to adequately review the proposed amendment, alteration or vacation.

B. Unless an amended plat is not required under ~~the provisions of~~ this chapter, a copy of the proposed amended plat is required.

C. No petition shall be accepted unless accompanied by the ~~applicable~~ fee required. Regardless of the outcome of any action ~~the action~~ on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have ~~previously~~ been agreed to or approved by the city in writing, specific to the petition.

D. ~~For purposes of determining whether~~ To determine whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the date of the petition requesting the amendment, alteration or vacation.

**11-5--5: CRITERIA:**

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding ~~that~~ there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions.

**11-5-6: NOTICE:**

A. Except for a lot combination or a property line adjustment involving un subdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

- 1. Mailing the notice to each record owner of property ~~located~~ within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting or public hearing where the matter will be considered. The notice shall include:
  - a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice;
  - b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and
  - c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.

2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality ~~that is~~ reasonably calculated to give notice to passersby, or as may otherwise be required by law.

B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:

1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification;
2. All of the owners in the subdivision have not signed the revised plat; or
3. Any owner of property ~~located~~ within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of mailed notification.

### 11-5-7: STREET OR ALLEY VACATIONS:

A. Procedure:

1. Any person desiring to ~~vacate~~ have a public street or alley vacated as part of a subdivision amendment or as a separate action ~~is required to file~~ must file a petition making the request and provide a recordable plat if such vacation is approved in any manner. The plat may be ~~either~~ a street vacation plat or, if the vacation is proposed as part of a resubdivision of property, a subdivision plat. The petition shall include:

- a. The name and address of each owner of record of land that is adjacent to the section of public street or alley proposed to be vacated and that is accessed by or within three hundred feet (300') of said section;
- b. The signature of each owner under subsection A1a of this section who consents to the vacation;
- c. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.

2. No petition shall be accepted unless accompanied by the ~~applicable~~ fee required by this code. Regardless of the outcome of any action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city, in writing.

3. No portion of any public street or alley may be vacated by the city council unless the vacation has been proposed by the planning commission or first submitted to the planning commission for its recommendation. Notice of the date, place and time of the planning commission meeting where such vacation shall be considered shall be mailed at least seven (7) days in advance to the record owner of each parcel ~~located~~ within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is ~~located~~ within the jurisdictional boundaries of the city.

4. The recommendation of the planning commission shall be forwarded to the city council.

**Comment [KDB48]:** I'm not sure that the term "section" as used here is either relevant or appropriate. It looks to me as though we actually intend some other term than section. My guess would be either "property" or "Street" or "Alley" etc.  
This needs to be clarified  
[NOTE: section b, just below, desktop about requiring a title report "disclosing how this section of public street..." It may be the case that the term "section" in "a", above refers to section in this sense. However there's no way for us to know this as we read section A. -  
Again, clarification here is the key

**Comment [KDB49]:** Just for continuity, and I failed to note that this is a couple of sections above, you may want to consider making all of these seven day notice requirements into 10 day requirements.

**Comment [KDB50]:** This part of the sentence "the portion of the street or alley to be vacated" is, as best I can tell from the context here and what concerned me above, probably what we're trying to talk about when we use the word "section". Entirely possible I am wrong, that makes more obvious the need for clarity in our word choice.

5. The city council shall hold a public hearing for any proposed vacation of a public street or alley. At least ten (10) days before the public hearing, notice of the date, place and time of the hearing shall be:

a. Mailed to each affected entity;

b. Published in a newspaper of general circulation in the city;

c. Mailed to the record owner of each parcel ~~that is~~ accessed by the portion of the public street or alley proposed to be vacated or that is ~~located~~ within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is ~~located~~ within the jurisdictional boundaries of the city; and

d. Posted on or near the public street or alley in a manner ~~that is~~ calculated to alert the public.

6. The city council may approve the proposed vacation if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation. The ordinance approving the vacation or narrowing of a public street or alley shall contain a legal description of the vacated portion.

7. The plat reflecting the vacation shall be signed by those persons within the city who sign subdivision plats, and shall be effective when recorded with the Weber County recorder's office. The plat and ordinance shall be recorded:

a. Within thirty (30) days of approval or of complying with any required conditions if the vacation is not part of a resubdivision of property; or

b. ~~At the time the subdivision plat~~ When the subdivision plat is filed if the vacation is included as part of a resubdivision of property.

8. The action of the city council vacating some or all of a public street or alley ~~that has been~~ dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated street or alley, but may not be construed to impair any right of way or easement of any lot owner or the franchise right of any public utility with existing utility lines in the portion vacated.

9. The action of the city council in vacating some or all of a public street or alley ~~that was~~ acquired by the city by use or conveyance to the city, or its predecessors, by deed, declaration, legislative act or other instrument of conveyance, other than a subdivision plat or street dedication plat, operates to remove the property from the category of public use property and the portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A ~~title 4, chapter 3, article A~~ of this code.

**11-5-8: PLAT VACATION BY CITY:**

A. Planning Commission Recommendation: The planning commission, on its own motion, may recommend that the plat of any recorded subdivision be vacated when:

1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;

2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city ~~is unable to~~ cannot obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots then owned by the developer or its successor;
3. The plat has been of record for ~~more than five~~ over five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots then owned by the developer or its successor.

B. Procedure: Upon ~~any~~ motion of the planning commission to vacate the plat of any previously approved and recorded subdivision, the proposed vacation shall be referred to the City Council, which may approve the vacation of the subdivision plat, by way of an adopted resolution, containing a legal description of the entire vacated subdivision, after notice and public hearing as provided ~~previously~~ in this chapter. ~~If approved a resolution of vacation containing a legal description of the entire vacated subdivision shall be prepared and submitted to the city council for their approval and thereafter.~~ The approved resolution shall be recorded in the records of Weber County.

C. Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats.

**11-5-9: PROPERTY LINE ADJUSTMENTS:**

- A. A property line adjustment may be approved by the City Council after the required notice and public hearing, that:
  1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;
  2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and
  3. The adjustment does not result in violation of applicable zoning requirements.
- B. The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.
- C. If the City Council approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.
- D. The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law.



# Title 11

## Subdivision Regulations

### Chapter 1

#### GENERAL PROVISIONS; DEFINITIONS

##### 11-1-1: PURPOSE AND INTENT:

- A. Specified: The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of subdivision of land and related matters affected by such subdivision.
- B. Evidence Of Best Interest: Any proposed subdivision and its ultimate use shall be supported by the General Plan.
- C. Variations, Exceptions: Where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the city council after recommendation by the planning commission. (Ord. 793, 7-11-1989)

##### 11-1-2: SCOPE:

- A. Compliance Required: No person shall subdivide any tract of land located wholly or in part in the city, except in compliance with this title.
- B. Sales, Exchanges Of Land: No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created under and in accordance with the provisions of this title; provided, this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the initial subdivision regulations adopted by the city on August 10, 1955. (Ord. 793, 7-11-1989)

##### 11-1-3: DEFINITIONS:

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory.

**ALLEY:** A public thoroughfare less than twenty six feet (26') wide. (Approval of public alleys will be given by city council only.)

**BLOCK:** The land surrounded by streets and other right of way, other than an alley, or land designated as a block on any recorded subdivision plat.

**BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL DEVELOPMENT PURPOSE:** The division of a parcel of land into two (2) or more lots or parcels, none of which is less than five (5) acres in area; and provided, that no dedication of any street is required to serve any such lots or parcels of agricultural land so created.

**CITY:** South Ogden City, Utah.

CITY COUNCIL: City Council of South Ogden City, Utah.

CITY ENGINEER: Any registered civil engineer appointed by the city council or city manager to accomplish the objectives of this title; provided, that no such person may serve the city and a subdivider in the city simultaneously where the engineer would have to check his own work or the work of a member of his firm regarding any subdivision in the city.

EASEMENT: That portion of a lot or lots reserved, granted or arising in behalf of and for the present or future use by a person or agency other than the legal owner or owners of the property or properties. The easement may be for use under, use on, or use above the lot or lots.

~~HALF STREETS: Approval and construction of half streets is not allowed in the city.~~

LOT: A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of ownership, with such yards, open spaces, lot width and area as required by the zoning title of South Ogden City having frontage upon street or upon right of way approved by the planning commission and/or the board of adjustment.

LOT COMBINATION: The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.

LOT RIGHT OF WAY: An easement of not less than sixteen feet (16') wide reserved by the lot owners as private access to serve the lots through which it passes.

MASTER STREET PLAN: A plan, labeled "master street plan of the city of South Ogden", approved by the city council.

OFFICIAL MAP: A map adopted by the city council under Utah Code Annotated sections 10-9a-103(33); 10-9a-401(2)(j); or, 10-9a-407(2)(a) as may, from time to time be amended.

PARCEL OF LAND: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

PLAT VACATION: The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots, roads, alleys, easements, and other areas depicted or dedicated on the plat.

PERSON: Any individual, corporation, partnership, firm or association of individuals however styled or designated.

PLANNING COMMISSION: The South Ogden City planning commission.

PROPERTY LINE ADJUSTMENT: The adjustment of a mutual boundary line between the owners of adjacent parcels described by either a metes and bounds description or as a lot within a recorded plat.

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.

STREET: A thoroughfare dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to the abutting property.

STREET, ARTERIAL: A street existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan, may be classified a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity which is the main means of access to the major street system.

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

STREET, HALF:

[Redacted text]

Approval and construction of half streets is not allowed in the city.

**Comment [LK1]:** Mr. Bradshaw to create a description of a half street.

STREET, MARGINAL ACCESS (FRONTAGE ROADWAY): A street which is parallel to and adjacent to a limited access major or minor arterial street and which provides access to abutting properties and provides protection from through traffic.

STREET, PRIVATE: A street, existing or proposed, within a subdivision and/or planned residential development reserved by dedication unto the subdivider, lot owners or homeowners association; to be private access to serve the lots and homes within the subdivision and/or planned residential development. Any private street shall be maintained by the subdivider or other private agency.

STREET, PUBLIC OR PUBLIC ALLEY: Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.

STREET, STANDARD RESIDENTIAL: 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.

**SUBDIVISION:**

A. The division of any tract, lot or parcel of land owned as an undivided tract by one individual, or entity, or by joint tenants or tenants in common or by the entirety, into two (2) or more lots, plots or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided, that said term shall not include a bona fide division or partition of agricultural land for agricultural development purposes. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision", as herein defined.

B. For these regulations, a subdivision of shall land include: 1) the dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision"; 2) resubdivision of land heretofore divided or platted into lots, sites or parcels.

SUBDIVISION, CLUSTER1: A subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the zoning title and in which a significant part of the land is privately reserved or dedicated as permanent open space to provide an attractive low density character for the residential lots in the subdivision.

SUBDIVISION, PRUD: A Planned Residential Unit Development is a residential development planned as a complete, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well-planned circulation system, attractive entrances and similar elements as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD to be considered.

ZONING ORDINANCE: The zoning ordinance of South Ogden City as adopted by the city council of South Ogden City, on January 8, 1980, as amended from time to time (codified as title 10 of this code). (Ord. 793, 7-11-1989; amd. 2001 Code)

## Chapter 2

### PLAT PROCEDURES

#### 11-2-1: PRELIMINARY PLAT:

**A. Preliminary Information:** Each person who proposes to subdivide land in the city shall confer with the planning commission staff before preparing any plats, charts or plans to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. (Ord. 793, 7-11-1989)

**B. Preliminary Plan Filing:** A preliminary plan shall be prepared in conformance with the *Public Works Standard Drawings, Details & Technical Specifications* and rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, school district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice before the planning commission. (Ord. 06-09, 3-7-2006, eff. 3-7-2006)

**C. Preliminary Plan Requirements:**

**1.** All drawings and/or prints shall be clear and legible, and drawn according to professional engineering practices. The preliminary plan shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100'), on a 24'x36' sheet and shall show:

- a.** The proposed name of the subdivision (such name must be cleared through the county recorder's office).
- b.** Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area and other surrounding areas.
- c.** Sufficient information to locate accurately the property shown on the plan.
- d.** The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- e.** Contours at intervals of two feet (1'), or as otherwise approved.,

- f. The boundary lines of the tract to be subdivided shall be indicated.
- g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, utility conduits, and buildings within or immediately adjacent to the tract to be subdivided.
- h. Existing sanitary sewers, storm drains, water supply mains, culverts and natural drainage channels within the tract and immediately adjacent thereto.
- i. The locations, widths and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public or designated as private streets.

2. Plans or written statements regarding the proposed storm water drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots. (Ord. 793, 7-11-1989)

D. Preliminary Plan Approval: The preliminary plan shall be reviewed by the planning commission which shall act on the plan as submitted or modified within sixty (60) days after its presentation. If approved, the planning commission shall express its written approval with or without conditions. If the preliminary plan is disapproved, the planning commission shall indicate its disapproval in writing and list the reasons for such disapproval. Approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the final plat improvement drawings and specifications for the minimum improvements required by this title and the *Public Works Standard Drawings, Details & Technical Specifications*.

E. Time Limitation: Approval of the preliminary plan by the planning commission shall be valid for a maximum period of one year after approval, unless upon application of the subdivider, the planning commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the planning commission for reapproval; however, preliminary approval of a development shall not be voided; provided, that the final plat of the first section is submitted for final approval within the one year period. (Ord. 793, 7-11-1989; amd. 2001 Code)

F. Grading Limitation: No large scale excavation, grading or regrading shall take place on any land for which a subdivision preliminary plan has been submitted until such plan has been given preliminary approval by the planning commission. (Ord. 793, 7-11-1989)

#### 11-2-2: FINAL PLAT:

##### A. Tentative Final Plat Required:

- 1. Prior to the submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the planning commission, who shall check the tentative final plat against the requirements and conditions of approval of the preliminary plan, and refer one copy to the city engineer for checking.
- 2. The planning commission shall return one copy of the checked tentative final plat to the subdivider indicating thereon any changes required by the planning commission and/or the city engineer.

##### B. Final Plat Required:

- 1. After compliance with the provisions of section 11-2-1 of this chapter, the subdivider shall submit a final plat with the current required number of copies thereof to the planning commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer and/or surveyor, indicating that all lots meet the requirements of the zoning title.
- 2. The final plat and accompanying information shall be submitted to the planning commission at least ~~seven~~ **ten** (7-10) days prior to a regularly scheduled planning commission meeting to be considered at the meeting.

**C. Final Plat Requirements:**

The final plat shall be clear and legible, [and](#) drawn according to professional engineering standards. Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch (1/2") border on top, bottom and right sides, left side border shall be one and one-half inches (1 1/2".) The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

1. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.
2. Where a subdivision complies with the cluster subdivision provisions of the zoning title and this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision".
3. A north arrow and scale of the drawing, and the current date.
4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
5. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.
6. Parcels of land to be dedicated as public park, storm water detention basins or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space", whichever applies.
7. The standard forms approved by the planning commission for all subdivision plats lettered for the following:
  - a. Description of land to be included in subdivision, with total acres.
  - b. Land surveyor's certificate of survey.
  - c. Owner's dedication certificate.
  - d. Notary public's acknowledgement.
  - e. Planning commission's certificate of approval.
  - f. City engineer's certificate of approval.
  - g. City attorney's certificate of approval.
  - h. City council's certificate of acceptance, signed by the mayor and attested by the city recorder.
8. A three inch by three inch (3" x 3") space in the lower right-hand corner of the drawing for recording information.

**D. Construction Drawings** shall conform with South Ogden City *Public Works Standard Drawings, Details & Technical Specifications* and as indicated [in 11-2-3\(C\)](#) below:

**E. Engineer's Cost Estimate:** The subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items, quantities and estimated unit bid prices and/or lump sum bid prices. This estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining the escrow amount or other agreements required of the

developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.) (Ord. 793, 7-11-1989)

**F. Approval Of Final Plat:**

1. Prior to approving and signing the final plat, the planning commission shall submit the plat for approval to the city engineer who shall collect all checking fees from the subdivider and who shall check the engineering requirements of the drawings, and determine the escrow amount, or other agreements, to assure construction of the improvements where necessary. After approval and signature by the city engineer, the plat shall be submitted to the planning commission for approval and signing by the chair. The plat and financial guarantee shall be submitted to the city attorney and the city council, respectively, for their approval. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder. No building construction shall be started until recording of the final plat. (Ord. 930, 12-2-1997, eff. 12-2-1997)
2. No plats shall be recorded in the office of the county recorder and no lots in such plat shall be sold or exchanged unless the plat is approved, signed and accepted by the city.
3. At the time of recording, the subdivider shall pay all costs associated with supplying a reproducible mylar of the plat for filing in the office of the city engineer. (Ord. 793, 7-11-1989)

**11-2-3: FILING:**

**A. General:** This section summarizes the procedure required by the city for submitting preliminary and final plats, utility construction drawings and other supporting data for construction of subdivisions within the corporate limits of the city.

**B. Preliminary Plat:** The following procedure shall be followed in submittal and review of the preliminary plat:

1. **Master Plan Review:** A review shall be made by the subdivider with the planning commission to determine the master plan requirements for the area proposed to be subdivided.
2. **Plat Submittal:** Applicant shall submit copies of the preliminary plat as required by staff who will distribute copies to the planning commission/consultant, and city engineer. Applicant shall be responsible to deliver a copy to each utility company (power, gas, telephone, television, irrigation, etc.).
3. **Engineer's Report:** After completion of his review, the city engineer will prepare and transmit to the planning commission a report summarizing the requirements for utilities and surface improvements, with results of his review of the preliminary plat.
4. **Approval/Rejection:**
  - a. After completion of its review, the planning commission shall approve, reject or conditionally approve the preliminary plat.
  - b. Approval or conditional approval is authorization for the subdivider to proceed with preparation of the final plat.

**C. Final Plat:** The following procedure shall be followed in submittal and review of the final plat:

1. **Plat Submittal:** Copies as required by staff, shall be submitted to the planning commission.
2. **Fees:** There shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council..
3. **Construction Drawings:** Drawings as required by the city engineer showing engineer proposed construction shall be sent to the city engineer for approval.

4. Subdivision Agreement: An agreement between the city council and subdivider shall be approved by the city attorney. This agreement shall include the city engineer's approved estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.
5. Notice of Approval: After review and approval of the planning commission, city council, city engineer and city attorney, the subdivider will be notified by the planning commission that the plat has been approved.
6. Recording: The plat shall be recorded by the city recorder within a period of seven (7) days after all required signatures have been obtained. . The owners or developers shall pay all recording fees, with the cost to provide the city with a reproducible mylar copy of the recorded plat. (Ord. 793, 7-11-1989)
7. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished. (Ord. 793, 7-11-1989; amd. 2001 Code)
8. 8. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider and city council of the results of the inspection. "As-built drawing" prints shall be submitted to the city engineer prior to his making this inspection. Final Inspection: One year after completing construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results shall be made known to the city council and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city council. (Ord. 793, 7-11-1989)

**11-2-4: MINIMUM IMPROVEMENTS REQUIRED:**

For a statement of the improvements required for development within the city, see section 11-4-1 of this title, adopting development standards and specifications for the city and providing that such standards shall be on file with the city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

## **Chapter 3**

### **DESIGN STANDARDS**

**11-3-1: GENERAL PROVISIONS:**

- A. Relation To Adjoining Street System:
  1. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) where deemed necessary by the planning commission for public requirements. The street arrangement must not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access.
  2. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).
- B. Street Widths, Cul-De-Sacs, Easements, Etc.:
  1. Street Dedication: All streets in subdivisions in the city shall be dedicated to the city.
  2. Arterial And Collector Streets: Arterial and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, arterial and/or collector streets provided as required by the planning commission, with minimum widths according to *Public Works Standard Drawings, Details & Technical Specifications*.

- 3. Standard Residential Streets And Terminal Streets:** Standard residential streets and terminal streets shall have a minimum width as required by the *Public Works Standard Drawings, Details & Technical Specifications*. Terminal Streets (Cul-De-Sacs):
- a. Terminal streets (cul-de-sacs) shall be designed and constructed in accordance with *Public Works Standard Drawings, Details & Technical Specifications*
  - b. Where a street is designed to remain only temporarily as a dead-end street, an adequate asphalt/road base temporary turning area shall be provided as indicated in the Public Works Standard Drawings and Details in order to remain and be available for public use so long as the dead-end condition exists.
- 4. Marginal Access Streets (Frontage Roadway):** Marginal access streets (frontage roadway) of not less than sixty feet (60') in right-of-way width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back onto such limited access streets, and shall be designed and constructed in accordance with *Public Works Standard Drawings, Details & Technical Specifications*
- 5. Half Streets:** Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.
- 6. Street Cross Section Standards:** All proposed streets shall conform to the city street cross section standards indicated in the Public Works Standard Drawings and Details as recommended by the planning commission and adopted by the city council.
- 7. Street Grades:** Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:
- a. On arterial and collector streets, eight percent (8%);
  - b. On standard residential and private streets, twelve percent (12%).
- 8. Alleys:** Alleys shall have a minimum easement width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are found to be necessary by the planning commission and approved by the city council. The alley cross section shall be approved by the planning commission.
- 9. Protection Strips:** Where subdivision streets parallel contiguous property of other owners, the subdivider may place in trust a protection strip of not less than one foot (1') in width between said street and adjacent property; provided, that an agreement with the city and approved by the city attorney has been made with the subdivider, contracting to place in trust the one foot (1') or larger protection strip free of charge to the city, to be dedicated for street purposes upon payment by the then owners of the contiguous property to the subdivider or their heirs, of a consideration named in the agreement, such consideration to be equal to the current cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of the agreement, until time of subdivision of such contiguous property.

**C. Blocks:**

1. The maximum length of blocks shall be one thousand three hundred feet (1,300') and the minimum length of blocks shall be five hundred feet (500'). Blocks over eight hundred feet (800') in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than ten feet (10') in width and shall be fenced.
2. The width of blocks shall allow two (2) tiers of lots, or as otherwise approved by the planning commission because of design, terrain or other unusual conditions.
3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

**D. Lots:**

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probable future requirements.

2. All lots must conform to the minimum area and width requirements of the zoning title for the zone in which the subdivision is located; or
    - a. Except as otherwise permitted by the City's Appeal Authority; or
    - b. As in accordance with cluster subdivision provisions of the zoning title.
  3. Each lot shall abut on a public street, dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use with the asphalt width meeting the requirements of Public Works Standard Drawings and Details , or as approved by the City Council. Interior lots having frontage on two (2) streets shall be allowed access on only one street except where unusual conditions make such other design undesirable and then only with planning commission approval. (The planning commission shall cause a note to be placed on the plat indicating the no access side.)
  4. Flag Lots: Flag lots shall be approved by the hearing officer after a recommendation by the planning commission has been provided A lot or lots not having frontage or not having adequate frontage (flag lot) on a street, as required by the zoning title for the zone in which the subdivision is located, but upon a right of way, may be included within a subdivision, provided the following requirements are met:
    - a. The planning commission determines that it is impractical to extend streets to serve such lots.
    - b. The area of the right of way shall be in addition to the minimum lot area requirements of the zone in which the lot is located.
    - c. The grade of any portion of the right of way not exceed fifteen percent (15%).
    - d. Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.
    - e. The building setback line shall be established and approved by the planning commission and indicated on the plat.
  5. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
  6. Side Lines: Side lines of lots shall be approximately at right angles or approximately radial to the street line. Lot lines not radial shall be so noted on the final recording plat.
  7. Remnants: All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as nonconforming or unusable parcels.
  8. Parcels In Separate Ownership: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder.
  9. Natural Drainage And Other Easements: The planning commission may require that easements for drainage through this and adjoining property be provided by the subdivider, and easements of not less than fourteen feet (14') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.
- E. Parks, School Sites And Other Public Places:**
1. In subdividing property, the planning commission shall give consideration to suitable sites for schools, parks, playgrounds and other areas for similar public use.
  2. Such sites shall be indicated on the preliminary plan, which shall be referred to the city council and/or school board for their concurring approval.
  3. If approved, the site shall be indicated on the approved preliminary subdivision plan in order that the city council and/or school board and subdivider may commence negotiations in exercising the option on the site granted by the subdivider to the city and/or school board during annexation of the land to the city in accordance with the then current annexation ordinance of the City1 .

**F. Cluster Subdivision; Special Provisions:**

**1. Design Standards:**

**a.** The design of the preliminary and final plat of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plans adopted by the city council, and design standards recommended by the planning commission and approved by the city council.

**b.** Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

**2. Provision For Common Open Space:**

**a.** The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning title, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the subdivision, surrounding residents and the general public.

**b.** The planning commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

**3. Guarantee Of Common Open Space Improvements:** As assurance of completion of common open space improvements, the subdivider, at the request of the city council, shall be required to file with the city council a bond or cash surety, or other agreement, in a form satisfactory to the city attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or cash surety, or other agreement, has been filed, the subdivider shall call for inspection by the city engineer, such inspection to be made within thirty (30) days from the request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released. If the bonds are not released, refusal to release and reasons therefor shall be given the subdivider in writing.

**4. Continuation Of Common Open Space:** As assurance of continuation of common open space approved by the planning commission, the subdivider shall grant to the city an "open space easement" on and over the common open space prior to recording the final plat, which easement will not give the general public the right of access but will provide that the common open space remains open.

**5. Maintenance Of Common Open Space, Etc.:**

**a.** To ensure maintenance of the common open space and other improvements where so required, the subdivider, prior to recording the final plat, shall cause to be incorporated under the laws of the state, a lot/homeowners' association. By proper covenants running with the land and through the articles of incorporation and bylaws of the association it shall provide that:

**(1)** Membership in the association shall be mandatory for each lot/home purchaser, their grantees, successors and assigns.

**(2)** The common open space restrictions shall be permanent and not just for a period of years.

**(3)** The association must maintain liability insurance, paying general property taxes and maintaining recreational and all other facilities.

**(4)** All lot owners shall pay their pro rata share of the costs of upkeep, maintenance and operation.

**(5)** Any assessment levied by the association may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.

(6) The association shall be able to levy and to adjust assessments on the lot owners to meet current conditions. (Ord. 793, 7-11-1989)

**11-3-2: SUBDIVISION IMPROVEMENTS REQUIRED:**

**A.** Required; Time Limit: The owner of any land to be platted as a subdivision shall at their own expense install all improvements within a two (2) year time table following the date of recording of the final plat in accordance with the public works specifications adopted by the city council, except for septic tanks (see subsection A2b of this section), which must be installed according to the specifications contained in *Public Works Standard Drawings, Details & Technical Specifications* and under the inspection of the Weber-Morgan County Health Department. (Ord. 793, 7-11-1989; amd. 2001 Code)

**1.** Water Lines: Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, to provide the water supply to each lot within the subdivision, including laterals to the property line of each lot. The location and size of water mains shall be approved by the city engineer. (Ord. 793, 7-11-1989)

**2.** Sewage Disposal:

**a.** Where a public sanitary sewer is within three hundred feet (300') or is otherwise close enough in the opinion of the city council after recommendation of the city engineer to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by, the city council and city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

**b.** Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the state department of health for sewage disposal with a septic tank and drain field for each of the lots. Subdividers shall furnish to the board of health a report of percolation tests completed on the property proposed for subdivision under the regulations of the Utah State Department of Public Health governing individual sewage disposal systems as currently adopted. A tentative final plat of the subdivision shall accompany the report showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the board of health shall be submitted to the planning commission before consideration of the final plat. Design of an individual system will be such that when a public sanitary sewer system is installed, the private system can connect to the public sanitary sewer system. (Ord. 793, 7-11-1989)

**c.** Notwithstanding anything to the contrary in this subsection, should there be a conflict between the requirements of this subsection and the requirements of section 8-3-1 of this code (adopting the wastewater control rules and regulations of the Central Weber Sewer Improvement District), the requirements of section 8-3-1 of this code, to the extent of such conflict, shall control. (Ord. 793, 7-11-1989; amd. 2001 Code)

**3.** Storm Water: The city council will require the subdivider to manage and dispose of storm water per the city engineer's recommendations. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

**4.** Street Grading And Surfacing: All public streets shall be graded in accordance with the specifications and drawings adopted by the city council.

**5. Curbs And Gutters:** Curbs and gutters shall be installed on existing and proposed streets by the subdivider in accordance with the specifications and drawings adopted by the city council.

**6. Street Drainage and Drainage Structures:** Street drainage and drainage structures shall be required where necessary in the opinion of the city council after recommendation by the city engineer in accordance with the specifications and drawings adopted by the city council.

**7. Sidewalks:** Sidewalks shall be required and installed in accordance with the specifications and drawings adopted by the city council.

**8. Monuments:** Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type shown on the drawings and all subdivision plats shall be tied to a survey monument of record. (Ord. 793, 7-11-1989)

**9. Street Trees:** Street trees are to be provided as required in approved development plans and following approval from and by the City's Urban Forestry Commission (Ord. 793, 7-11-1989; amd. 2001 Code)

**10. Fire Hydrants:** Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by recommendation of the fire department and/or city engineer and contained in the *Public Works Standard Drawings, Details & Technical Specifications*.

**11. Street Signs:** The city will furnish and install necessary street signs. The cost will be charged to the subdivider (see *Public Works Standard Drawings, Details & Technical Specifications*).

**12. Fencing Of Hazards:** A solid board, chain link or other non-climbable fence not less than six feet (6') nor greater than seven feet (7') in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights of way or nonaccess streets, and which are located within or adjacent to a subdivision, except where the planning commission and city council determine that park areas including streams or bodies of water shall remain unfenced (see *Public Works Standard Drawings, Details & Technical Specifications*).

**13. Staking Of Lots:** Survey stakes shall be placed at all lot corners to completely identify the lot boundaries on the ground.

**14. Street Lighting:** Street lighting shall be installed by the subdivider/developer in such locations as determined by the city engineer. (Ord. 793, 7-11-1989) (see *Public Works Standard Drawings, Details & Technical Specifications*).

**B. Guarantee Of Improvements:** See *Public Works Standard Drawings, Details & Technical Specifications*.

- 1.** In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified :
  - a.** The subdivider may furnish and file with the city recorder a bond with corporate surety, or irrevocable letter of credit by a financial institution approved by the city council and city attorney, in an amount equal to the cost of the improvements plus ten percent (10%) contingency/inflation factor for improvements not previously installed, as estimated by the city engineer, to assure the installation of such improvements within two (2) years immediately following the approval of the subdivision plat by the city council, and to secure the ten percent (10%) guarantee amount for one year beyond the

date of conditional final acceptance of improvements. The bond required by this subsection shall be approved by the city council and city attorney.

**b.** The subdivider may deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor for improvements not then installed, as estimated by the city engineer, as aforesaid, under an escrow agreement conditioned for the installation of the improvements within two (2) years from the approval of the subdivision plat by the city council, as aforesaid. The escrow agreement aforesaid shall be approved by the city council and the city attorney and shall be filed with the city recorder to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements.

**2.** The city council may prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for approving a proposed subdivision and the strict compliance with the requirements of this subsection.

**3.** Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be provided for the full, effective practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified.

**4.** If the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the bond or escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The city council may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year. (Ord. 930, 12-2-1997, eff. 12-2-1997)

**C.** Engineering Checking Fees: There shall be paid to the city by the owners of the land petitioning for subdivision approval such sums of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council.

**D.** Inspection Of Improvements: The building official and city engineer shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants and water supply, and sewage disposal systems and other improvements in the course of construction, installation or repair. All concrete forms are to be inspected and approval given prior to the placement of any concrete. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the city engineer, nor shall any pavement on any street be laid unless the city engineer has been notified of the intention and the time and place of the paving and unless the engineer has approved the paving of the street in all its aspects. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the building official and if any paving of any street is done without prior notification and approval of the city engineer, then the subdivider and any other responsible person would be liable for any costs incurred by the city in inspecting, repairing or replacing said pavement, whenever such inspection, repair or replacement shall result from inadequate paving by the subdivider or other responsible person. (Ord. 793, 7-11-1989)

**11-3-3: GUARANTEE OF WORK:** (see *Public Works Standard Drawings, Details & Technical Specifications*) The subdivider shall warrant and guarantee (and post bond or other security as required by this title) that the improvements provided, and every part thereof, will remain in good condition from the date of the construction completion inspection report by the city engineer for a period as specified in *Public Works Standard Drawings, Details & Technical Specifications*. . The subdivider shall agree to make all repairs to and maintain the improvements, and every part thereof, in good condition during the warranty period with no cost to the city. The subdivider shall agree that the determination for necessity of repairs and maintenance of the work rests with the city engineer. His decision upon the matter shall

be final and binding upon the subdivider, the guarantee required shall extend to and include, but shall not be limited to, the entire streetbase, all pipes, joints, valves, backfill, compaction, as well as the working surface, curbs and sidewalks, as determined by the city engineer. (Ord. 793, 7-11-1989)

#### **11-3-4: ENFORCEMENT AND PERMITS:**

The building official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all provisions of this title. No officer of the city shall grant any permit or license for any building, structure or land, when such land is a part of a subdivision not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void. (Ord. 793, 7-11-1989; amd. 2001 Code)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See title 1, chapter 8 of this code.

Footnote 2: See title 7, chapter 2 of this code.

## **Chapter 4 IMPROVEMENTS**

#### **11-4-1: STANDARDS AND SPECIFICATIONS ADOPTED BY REFERENCE:**

The standards and specifications for subdivision improvements, including any amendments thereto, are adopted by this reference as if fully set forth. Said standards and specifications are on file in the city engineer's office. (Ord. 793, 7-11-1989; amd. 2001 Code) (see *Public Works Standard Drawings, Details & Technical Specifications.*)

## **Chapter 5 SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS**

#### **~~11-5-1: DEFINITIONS:~~**

~~LOT COMBINATION: The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.~~

~~PLAT VACATION: The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots, roads, alleys, easements, and other areas depicted or dedicated on the plat.~~

~~PROPERTY LINE ADJUSTMENT: The adjustment of a mutual boundary line between the owners of adjacent parcels described by either a metes and bounds description or as a lot within a recorded plat.~~

~~PUBLIC STREET OR ALLEY: Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.~~

~~11-5-2:~~[11-5-1](#): **PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL AUTHORITY:**

**A.** The city council may, with or without petition, consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat as provided under this chapter and Utah Code Annotated section 10-9a-608 as amended.

**B.** The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided in this chapter and Utah Code Annotated section 10-9a-208 or future amended section.

**~~11-5-2~~; 11-5-2: STANDARDS AND PROCEDURES:**

**A.** Compliance with Zoning Title and Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the requirements of the zoning title. Approving an amended subdivision plat shall comply with the standards and procedures for approving a new subdivision plat, except for those procedural requirements expressly waived in this title.

**B.** Preliminary Plat Approval:

**1.** Besides the petition requirements under section 11-1-2-1 of this chapter, any information or documents otherwise required for preliminary plat approval for any proposed amended subdivision plat that:

- a.** Requires the additional dedication of any land for street or other public purposes; or
- b.** Creates over five (5) new additional lots.

**2.** Under such circumstances, the petitioner shall meet with the City Planner prior to submission of the petition to determine what additional documents or information will be necessary to adequately review the proposal.

**C.** Resubdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for the resubdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or resubdivided plat by the same procedures prescribed for the subdivision of land.

**D.** Approval and Recording: All subdivision amendments shall be approved by recording an amended plat in the office of the Weber County recorder meeting all requirements of this title for approving a final plat, except where approval by another instrument is authorized.

**E.** Waiver of Requirement to File Amended Plat: filing an amended plat shall not be required to implement a subdivision amendment, alteration or vacation under the following circumstances:

- 1.** A property line adjustment approved by ~~staff. the director under section 14-7-9 of this chapter.~~
- 2.** The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor, following approval by the City Council, quitclaiming any interest the city may have in the described easement.
- 3.** The vacation of an entire subdivision plat, where the resubdivision of the property is not intended, may be approved by recording a resolution duly adopted by the city council containing a legal [description of the entire subdivision](#).

**F.** Planning Commission Review: All petitions to vacate, alter or amend a subdivision plat shall be reviewed by the planning commission and its recommendations made to the city council.

**G.** Required Owner Signatures: Any amended plat, or conveyance document effectuating a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.

**H.** Effective Period of Approval: Approval of a petition to amend a plat shall be valid for twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension upon the showing of good cause. If the amended plat has not been recorded within twelve (12) months, or the end of any approved extended period, the amended plat must be submitted anew for approval.

**I.** Time Limit for Recording: After the mayor has approved a petition to amend a plat, an amended plat shall be prepared and approved in the same manner as final plats under the previous provisions of this title. An approved amended plat, in the form of a final plat, shall be recorded within one month after receiving approval from the city. If a final plat is not recorded

within one month after receiving final approval, the approval shall be null and void and the petitioner must again submit for final approval.

**~~11-5-4:~~11-5-3: PETITION REQUIREMENTS:**

A. A fee owner of land, as shown on the last county assessment roll, in a subdivision laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley as part of the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as required. A petition shall include at a minimum:

1. The name and address of each owner of record of the land contained in the entire plat.
2. The signature of each of these owners within the plat who consents to the petition.
3. The name, address, telephone number, fax number and e-mail address of the designated contact person.
4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.
5. Copies of the proposed amended plat as determined by staff.
6. A recent title report covering the property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the director if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.
7. Any additional information or documents required to adequately review the proposed amendment, alteration or vacation.

**Comment [LK2]:** This is specific to Ogden City. Need to review and determine who could waive.

B. Unless an amended plat is not required under this chapter, a copy of the proposed amended plat is required.

C. No petition shall be accepted unless accompanied by the fee required. Regardless of the outcome of any action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have been agreed to or approved by the city in writing, specific to the petition.

D. To determine whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the date of the petition requesting the amendment, alteration or vacation.

**~~11-5-5:~~11-5-4: CRITERIA:**

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions.

**~~11-5-6:~~11-5-5: NOTICE:**

A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

1. Mailing the notice to each record owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting or public hearing where the matter will be considered. The notice shall include:
  - a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice;
  - b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and

- c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.
- 2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality reasonably calculated to give notice to passersby, or as may otherwise be required by law.
- B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:
  - 1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification;
  - 2. All of the owners in the subdivision have not signed the revised plat; or
  - 3. Any owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of mailed notification.

**~~11-5-7:~~11-5-6: STREET OR ALLEY VACATIONS:**

**A. Procedure:**

- 1. Any person desiring to have a public street or alley vacated as part of a subdivision amendment or as a separate action must file a petition making the request and provide a recordable plat if such vacation is approved in any manner. The plat may be a street vacation plat or, if the vacation is proposed as part of a resubdivision of property, a subdivision plat. The petition shall include:
  - a. The name and address of each owner of record of land that is adjacent to the section of public street or alley proposed to be vacated and that is accessed by or within three hundred feet (300') of said section;
  - b. The signature of each owner under subsection A1a of this section who consents to the vacation;
  - c. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.
- 2. No petition shall be accepted unless accompanied by the fee required by this code. Regardless of the outcome of any action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city, in writing.
- 3. No portion of any public street or alley may be vacated by the city council unless the vacation has been proposed by the planning commission or first submitted to the planning commission for its recommendation. Notice of the date, place and time of the planning commission meeting where such vacation shall be considered shall be mailed at least ~~seven~~ **ten (10)** days in advance to the record owner of each parcel within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is within the jurisdictional boundaries of the city.
- 4. The recommendation of the planning commission shall be forwarded to the city council.
- 5. The city council shall hold a public hearing for any proposed vacation of a public street or alley. At least ten (10) days before the public hearing, notice of the date, place and time of the hearing shall be:
  - a. Mailed to each affected entity;
  - b. Published in a newspaper of general circulation in the city;
  - c. Mailed to the record owner of each parcel accessed by the portion of the public street or alley proposed to be vacated or that is within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is within the jurisdictional boundaries of the city; and

- d. Posted on or near the public street or alley in a manner calculated to alert the public.
- 6. The city council may approve the proposed vacation if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation. The ordinance approving the vacation or narrowing of a public street or alley shall contain a legal description of the vacated portion.
- 7. The plat reflecting the vacation shall be signed by those persons within the city who sign subdivision plats, and shall be effective when recorded with the Weber County recorder's office. The plat and ordinance shall be recorded:
  - a. Within thirty (30) days of approval or of complying with any required conditions if the vacation is not part of a resubdivision of property; or
  - b. When the subdivision plat is filed if the vacation is included as part of a resubdivision of property.
- 8. The action of the city council vacating some or all of a public street or alley dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated street or alley, but may not be construed to impair any right of way or easement of any lot owner or the franchise right of any public utility with existing utility lines in the portion vacated.
- 9. The action of the city council in vacating some or all of a public street or alley acquired by the city by use or conveyance to the city, or its predecessors, by deed, declaration, legislative act or other instrument of conveyance, other than a subdivision plat or street dedication plat, operates to remove the property from the category of public use property and the portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A of this code.

**~~11-5-8~~11-5-7: PLAT VACATION BY CITY:**

- A. Planning Commission Recommendation: The planning commission, on its own motion, may recommend that the plat of any recorded subdivision be vacated when:
  - 1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;
  - 2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city cannot obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots then owned by the developer or its successor;
  - 3. The plat has been of record for over five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots then owned by the developer or its successor.
- B. Procedure: Upon motion of the planning commission to vacate the plat of any previously approved and recorded subdivision, the proposed vacation shall be referred to the City Council, which may approve the vacation of the subdivision plat, by way of an adopted resolution, containing a legal description of the entire vacated subdivision, after notice and public hearing as provided in this chapter. The approved resolution shall be recorded in the records of Weber County.
- C. Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats.

**~~11-5-9~~11-5-8: PROPERTY LINE ADJUSTMENTS:**

- A. A property line adjustment may be approved by the City Council after the required notice and public hearing, that:
  - 1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;

- 2.** The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording;  
and
  - 3.** The adjustment does not result in violation of applicable zoning requirements.
- B.** The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.
- C.** If the City Council approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.
- D.** The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law.

# Planning Commission Report



**Subject:** Proposed Change to the Cluster Subdivision  
Special Regulations (Title 10, Chapter 12 of the  
South Ogden City Code)

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** June 11, 2015

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## **Background**

Staff conducted a preliminary review of the existing Cluster Subdivision Ordinance (Chapter 12 of Title 10 of South Ogden City Code), which was presented for discussion at the May 2015 meeting of the Planning Commission to ensure compatibility with recent changes made to the Zoning Ordinance in addition to recent revisions to the *Public Works Standard Drawings, Details and Technical Specifications*.

**Residential Cluster Development** (also known as **conservation development**) is the grouping of residential properties on a development site in order to use the extra land as open space, for recreation purposes, to create closer community, and to optimize storm water management. It has become increasingly becoming popular in recent years, as it allows a developer to spend much less on land and obtain much the same price per unit as for detached houses. The shared garden areas can be a source of conflict, and such projects often encounter planning objections. In South Ogden, the Cluster Development Ordinance is nearly identical to the same ordinance used in Ogden, and it is assumed that the Ogden ordinance served as the model for the South Ogden version. which allows up to 25 single-family and duplex units to be developed in this manner in the R-1-10, R-1-8, R-1-6 and R-2 zones.

Cluster development has been practiced since the earliest communities — from the medieval village to the New England town. However, it wasn't formalized as a modern concept until the onset of suburban sprawl. Contemporary cluster development was created as an alternative to the 'conventional subdivision'. The first conscious application of a Cluster development was in Radburn, New Jersey in 1928. Today the model is applied throughout the United States, and is used extensively in areas have had problems with large lot suburban sprawl, such as Minnesota, Illinois, Ohio, and Wisconsin. On the Wasatch Front it is popular in rapidly growing communities such as Herriman, Bluffdale, Lehi and Layton.

In South Ogden a Cluster Development differs from a planned residential unit development (PRUD) primarily by extent (cluster subdivision projects are limited to a maximum of 25 units while PRUDs have only minimum size limitations), the lack of density incentives, and a focus on reducing individual lots by up to 33%, with the same amount of land will be used

for the creation of shared recreation or open space. In other words, a South Ogden Cluster Subdivision allows the same number of units as would normally be allowed on a given site in a given zone.

There are various distinct design features in cluster development, including the consideration of natural features/topography, smaller lot size and the use of smaller roads. Along with site design, unique storm water management design features are a principle aspect of cluster development.

### **Discussion/Analysis**

The existing Cluster Subdivision Ordinance is generally aligned with the *Public Works Standard Drawings, Details and Technical Specifications*, and requires no change in that regard. It was also felt that the ordinance provides a level of flexibility and the tools necessary to help ensure sites with unique site conditions (steep slopes, natural water features, drainages, natural stands of trees, etc.) are properly planned and developed.

Based on past experience and review of the Ogden Cluster Subdivision Ordinance, it was felt that additional language is required to clarify the responsibilities of maintaining the common land that may result from the cluster development process.

### **Recommendation**

A revised draft of the Cluster Subdivision Ordinance is provided for consideration by the Planning commission. The revised draft incorporates new language that addresses the maintenance and responsibility of common land resulting from the Cluster Development process, and references the Subdivision Ordinance for specific design standards and requirements.

**Title 10**  
**Chapter 12**  
**CLUSTER SUBDIVISIONS SPECIAL REGULATIONS**

**10-12-1: PURPOSE AND INTENT:**

Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of single-family and two-family dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area. (Ord. 673, 1-8-1980)

**10-12-2: GENERAL REGULATIONS:**

A. Zones Allowed As Conditional Use: A cluster subdivision shall be a conditional use in R-1-10, R-1-8, R-1-6 and R-2 zones, and notwithstanding any other provisions of this title, the provisions as hereinafter set forth shall be applicable if any conflict exists; provided, however, that no such cluster subdivision shall contain more than twenty five (25) dwelling units. (Ord. 919, 8-5-1997, eff. 8-5-1997)

B. Lot Area Reduction: Where land is proposed for subdivision into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located, may be approved by the planning commission, provided the provisions of this chapter are met, and further; provided, that the cluster subdivision receives subdivision approval. (Ord. 673, 1-8-1980)

**10-12-3: SITE DEVELOPMENT STANDARDS:**

A. Minimum Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but no lot shall have an area less than two-thirds ( $\frac{2}{3}$ ) of the minimum lot area required for such dwelling in the respective zone.

B. Minimum Lot Width And Yard Setbacks: The minimum lot width and side yard may be reduced below the side yard normally required in the zone in which the cluster subdivision is located, but no lot shall have a width or side yard of less than or three-fourths ( $\frac{3}{4}$ ) of the minimum lot width or side yard required in the respective zone. (Ord. 673, 1-8-1980)

**10-12-4: OPEN SPACE PROVISION:**

There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located. (Ord. 673, 1-8-1980)

**10-12-5: OPEN SPACE PRESERVATION AND MAINTENANCE:**

Recreation and/or open space areas to be permanently reserved shall be imposed, landscaped and maintained in accordance with a plan approved by the planning commission and the cluster subdivision provision of the subdivision title. (Ord. 673, 1-8-

1980)

**10-12-6: PROCEDURE:**

A preliminary plan of the cluster subdivision showing the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the planning commission before the cluster subdivision proposal becomes allowed. (Ord. 673, 1-8-1980; amd. 2001 Code)

**10-12-7: COMMON OPEN SPACE; OTHER REQUIREMENTS AUTHORIZED:**

A. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space maintained. A cluster subdivision must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.

B. The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired character for common open space, including plans for disposition or reuse of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

**10-12-8: DESIGN STANDARDS**

See Chapter 11-1-3-F Cluster Subdivision; Special Provisions for Cluster Subdivision design standards and requirements.

**Ogden City**  
**Title 15, Chapter 9**  
**CLUSTER SUBDIVISIONS; SPECIAL REGULATIONS**

**15-9-1: PURPOSE AND INTENT:**

~~Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of single-family and two-family dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied, but only when circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area. (Ord. 72-13, 7-6-1972)~~

**15-9-2: GENERAL REGULATIONS:**

~~A. Permitted Zones; Number Of Units: A cluster subdivision shall be a permitted use in R-1-10, R-1-8, R-1-6, and R-2 Zones and notwithstanding any other provisions of this Title, the provisions as hereinafter set forth shall be applicable if any conflict exists; provided however, that no such cluster subdivision shall contain less than twenty five (25) dwelling units.~~

~~B. Minimum Lot Area Reduction: Where land is proposed for subdivisions into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located, may be approved by the Planning Commission, provided the provisions of this Chapter are met; and further provided, that the cluster subdivision receives subdivision approval. (Ord. 72-13, 7-6-1972)~~

**15-9-3: SITE DEVELOPMENT STANDARDS:**

~~A. Minimum Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but no lot shall have an area less than two-thirds ( $\frac{2}{3}$ ) of the minimum lot area required for such dwelling in the respective zone.~~

~~B. Minimum Lot Width And Yard Setbacks: The minimum lot width and side yard may be reduced below the width and side yard normally required in the zone in which the cluster subdivision is located, but no lot shall have a width or side yard of less than three-fourths ( $\frac{3}{4}$ ) of the minimum lot width or side yard required in the respective zone.~~

~~C. Zero Side Yard: Notwithstanding the provisions of subsection B of this Section, one zero side yard may be permitted when approved by the Planning Commission and Mayor, and only if the following requirements are met:~~

- ~~1. The remaining one side yard is equal to the combined total of the required two (2) side yards of the zone in which it is located;~~
- ~~2. No window or other similar opening shall be installed in the building or any accessory~~

building along the side having a zero side yard; and  
3. No zero side yard will be permitted on the lot side bordering a nonresidential zone, or on a residential lot not utilizing zero side yard provisions.

D. Yard Use And Height Regulations: Yard use and height regulations shall be the same as for the zone in which the cluster subdivision is located. (Ord. 72-13, 7-6-1972; amd. Ord. 91-51, 12-19-1991)

**~~15-9-4: OPEN SPACE PROVISION:~~**

~~There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located. (Ord. 72-13, 7-6-1972)~~

**~~15-9-5: OPEN SPACE PRESERVATION AND MAINTENANCE:~~**

~~Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a plan approved by the Planning Commission and the cluster subdivision provisions of the Subdivision Title. (Ord. 72-13, 7-6-1972)~~

**~~15-9-6: PROCEDURE:~~**

~~A preliminary plan of the cluster subdivision showing the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the Planning Commission before the cluster subdivision proposal becomes a permitted use in the zone in which it is proposed. (Ord. 72-13, 7-6-1972)~~

**~~15-9-7: STREETS:~~**

~~Streets shall be designed as to take advantage of open space vistas and to create drives with a rural or open space character. (Ord. 98-37, 6-16-1998)~~

**~~15-9-8: COMMON OPEN SPACE; OTHER REQUIREMENTS AUTHORIZED:~~**

~~A. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space maintained. A cluster subdivision must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.~~

~~B. The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired character for common open space, including plans for disposition or reuse of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners. (Ord. 98-~~



**planning commission**

**south ogden city**

**CONDITIONAL USE APPLICATION**

Owners Name JENSAR LLC Phone 801-721-0907 email DRESSWELL7@GMAIL.COM

Address 1605 EAST BEECHWOOD DRIVE City LAYTON State UT Zip 84040

Agents Name - All information will be sent to the Agent.

Andy McCready Phone 801-476-9500 email andycr@comcast.net

Address 978 Chambers St. #3 City Ogden State UT Zip 84403

Property Address: 5640 SOUTH WASATCH DRIVE SUIT B SOUTH OGDEN UTAH 84403

Existing Zone R-5 No. of Acres or Sq. Ft. 1.32 ACRES #Res. Units 6 OFFICES IN COMPLEX

Bldg. Sq. Ft. 1248 Building Height (stories & ft.) 2 STORIES 25 FEET (ESTIMATED)

What Use is Requested?

BEST FRIENDS ANIMAL SOCIETY OF UTAH SMALL ANIMAL CLINIC

**The P.C. action is subject to appeal to the Hearing Officer. Appeal must be filed with the City Recorder, by any interested party, within 10 days from the date of the P.C. decision.**

**Fee - Conditional Use Application**

\$100.00 plus \$25.00 for each acre over one (1) to five (5) acres then \$10.00 for each additional acre or part thereof and \$100 for the City Engineer review. The Engineer fee is charged at a per hour rate and the balance over \$100 will be owing upon billing. The City collects these engineering hours on a project so the actual costs are recognized. As long as the project is under construction, the City engineer may incur costs that will be billed to the applicant.

**OFFICE USE**

Request for Recommendation sent to the following by copy and return of this form:

City Engineer -	Date _____	Received back -	Date _____
Fire Dept. -	_____		_____
Public Works -	_____		_____
Other -	_____		_____

RECOMMENDATION: (INCLUDE ATTACHMENT)

PLANNING COMMISSION ACTION:

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ Date \_\_\_\_\_

Applicant notified - Date \_\_\_\_\_ Effective date (10) days from the P.C. meeting granting final approval

**APPLICANT'S AFFIDAVIT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

I (we) Benjamin Hong, being duly sworn, depose and say I (we) am (are) the sole  
owner(s)/agent of the owner(s), of the property involved in this application, to-wit,  
5640 S. Wasatch Dr. #B5 Ogden UT and that the statements and answers contained herein, in  
the attached plans and other exhibits, thoroughly and to the best of my ability, present the argument  
in behalf of the application. Also, all statements and information are in all respects true and correct, to  
the best of my knowledge and belief.

Dated this 1 day of June, 2015.

Signed: Benjamin Hong \_\_\_\_\_  
Property Owner or Agent Property Owner or Agent

Subscribed and Sworn before me this 1 day of JUNE, 2015.

Notary Public: Linda Schiffman



Notary Stamp

**AGENT AUTHORIZATION**

State of \_\_\_\_\_  
County of \_\_\_\_\_

I (we) Benjamin Hong, the sole owner(s) of the real property located  
at 5640 S. Wasatch Dr. #B, South Ogden, Utah do hereby appoint  
Andy McCrady, as my (our) agent to represent me (us) with  
regard to this application affecting the above described real property, and to appear on my (our)  
behalf before any city boards considering this application.

Dated this 1 day of June, 2015

Signed: Benjamin Hong \_\_\_\_\_  
Property Owner Property Owner

Subscribed and Sworn before me this 1 day of JUNE, 2015.

Notary Public: Linda Schiffman



Notary Stamp



# Weber County Parcel Search

2380 Washington Blvd Ogden, Utah

Weber County Home - Parcel Search - Interactive Maps

[Print this page](#)

<b>Current Taxes</b>	<b>Ownership Info</b>	<b>Tax History</b>	<b>Property Characteristics</b>	<b>Delinquent Taxes</b>
----------------------	-----------------------	--------------------	---------------------------------	-------------------------

Today's Date: 06/01/2015

[<--Back to Search](#)

**Parcel # 07-176-0002**

### Ownership Info

Owner	JENSAR LLC
Property Address	5640 S WASATCH DR STE B SOUTH OGDEN 84403
Mailing Address	1605 E BEECHWOOD DR LAYTON UT 840402228
Tax Unit	27

[View in Geo-Gizmo](#)

#### Plat Map

Plat Map Last Uploaded:  
21 Jan 2015

07-176 [View PDF](#)

Viewing Plat Maps requires  
Adobe Reader



#### Dedication Plat

Meadows Professional Plaza Cond  
19-029(TIF)  
19-030(TIF)

### Current References

Entry #	Book	Page	Recorded Date
2712421			01-DEC-14
		Kind of Instrument WARRANTY DEED	

### Prior Parcel Numbers

070820046 (Dead)  
071760007 (Dead)

### Legal Description

*\* For Tax Purposes Only \**

ALL OF SUITE "B", MEADOWS PROFESSIONAL PLAZA CONDOMINIUM, SOUTH OGDEN CITY, WEBER COUNTY, UTAH.

PART OF N.E. 1/4 OF SEC. 22 T.5N., R.1W., S.L.B. & M.  
**MEADOWS PROFESSIONAL PLAZA CONDOMINIUM**

176

TAXING UNIT: 27

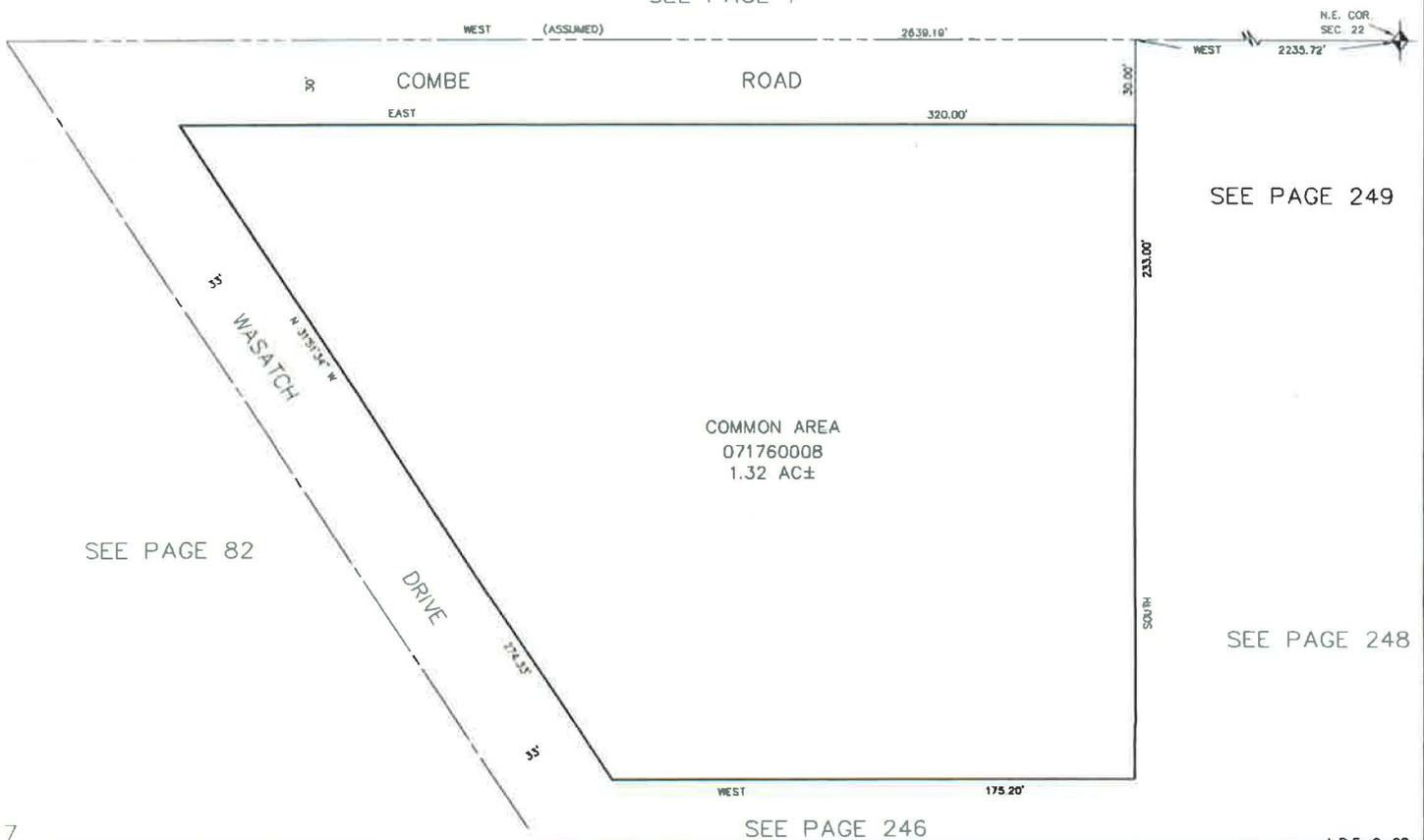
IN SOUTH OGDEN CITY  
 SCALE 1" = 30'

SURVEY PLAT: BOOK 19 OF DEDICATION PLATS, PAGES 29 & 30

NOTE: EACH UNIT INCLUDES 1/12 PERCENTAGE OF OWNERSHIP IN THE COMMON AREA

SUITE	SERIAL NO.	NAMES OF OWNERSHIPS
A	071760001	MTM PROPERTIES LLC
B	071760002	JENSAR, LLC
C	071760003	REX J PETERSON & WF KAY Y
D	071760004	REX J PETERSON
E	071760005	JENSAR, LLC
F	071760006	ATKIN, WTIGHT & MILES

SEE PAGE 7





May 28, 2015

South Ogden City Corporation  
Attn: Planning & Zoning  
3950 S. Adams Avenue  
South Ogden, UT 84403

Dear Planning Commissioners,

Best Friends Animal Society intends to lease a medical suite in the Meadows Professional Plaza located at:

5640 S. Wasatch Drive, #B  
South Ogden, UT 84403

The property will be used as a spay and neuter clinic for dogs, cats, and rabbits only. This parcel is zoned R-5. Per South Ogden City ordinance, a clinic for household pets is conditional use in this zone. We are requesting your board's approval for this use.

All surgeries performed at this clinic would be outpatient and the facility will not be used to house any animal overnight. In the event additional veterinary care is required for an animal, arrangements would be made for care at Erz Animal Hospital, located very close by at 5585 S. Harrison Boulevard.

The hours of operation for our clinic would generally be Monday through Saturday, 7:00 a.m. until 4:00 p.m. Clients are requested to drop their pets off in the morning, and retrieve them in the afternoon. Surgeries are by advance appointment only. Walk-in vaccinations, microchips, and heartworm tests will be available from 9 a.m. to 1 p.m.

The purpose of this clinic is to support spay and neuter of companion animals throughout Weber and Davis county. Our organization works closely with Weber County Animal Services, Davis County Animal Care & Control, as well as your own South Ogden Animal Services, to ensure all shelter animals are spayed or neutered prior to adoption.

Included with this description is a basic layout of the suite itself and the intended internal area uses. No changes to the exterior of the building are needed. Previously, this suite was used as a dental office. At present, Suite A, just to the north of the subject suite, is occupied by Burch Creek Family Dentistry. Suite C, just to the south, is open only part time as an orthodontist office. These are the three suites that comprise the upper level of the building.

Currently, Best Friends operates a Spay & Neuter Clinic in Orem, Utah. This facility is located in the Portofino Center, a retail location with various types of businesses as neighbors. Should you desire, we would be happy to provide references from our current landlord and co-tenants.

Best Friends Animal Society is the only national animal welfare organization dedicated exclusively to ending the killing of dogs and cats in America's shelters. We operate the nation's largest no-kill animal sanctuary in Kanab, Utah. Our Salt Lake City based program works with area shelters and rescue groups to reduce the number of animals that enter our state's shelters. A keystone of this work is a focus on ensuring all pet owners have access to spay and neuter services.

Should you have any question, please contact me at (801) 574-2439, or by email at [arlyn@bestfriends.org](mailto:arlyn@bestfriends.org).

Sincerely,

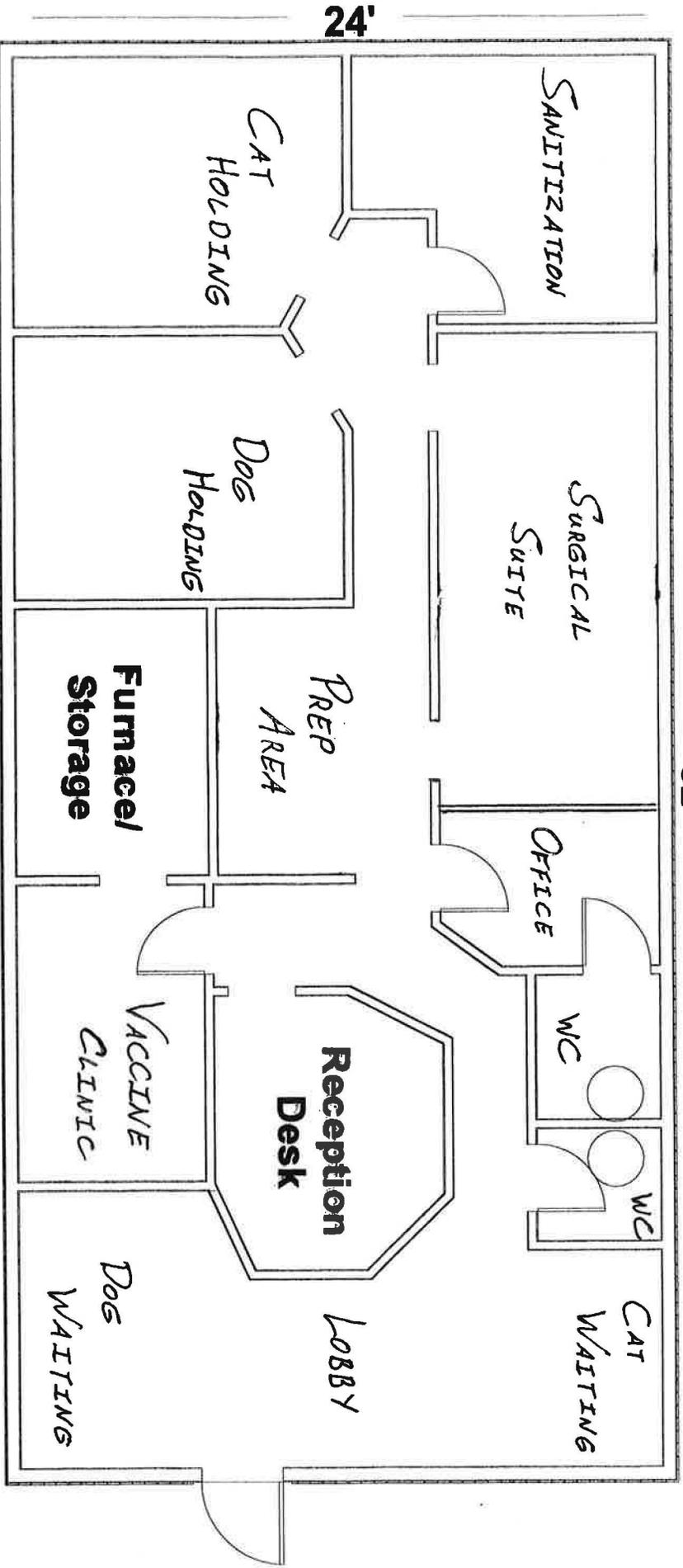
A handwritten signature in black ink that reads "Arlyn Bradshaw". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Arlyn Bradshaw  
Executive Director  
BFAS - Utah

**5640 S Wasatch Dr. Suite B**  
**Ogden, UT 84403**

**1248 sq Ft**

**52'**





**Upper Level of Meadows Professional Plaza**



**Entrance to Suite B  
(Suite A - Burch Family Dentistry in Background)**

# Planning Commission Report



**Subject:** Conditional Use Application to allow a veterinary clinic in an existing professional office located in an R-5 Zone

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** June 11, 2015

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## **Background**

This is an application to operate a spay and neuter clinic at an existing professional office (Meadows Professional Plaza) located at 5460 South Wasatch Drive. The proposed use is for outpatient services only; if the services of a full-service veterinary clinic are required, they will be referred to a nearby clinic. The proposed use is permitted as a Conditional Use. The unit proposed for this use has been occupied by a dentist office most recently; no changes to the site, parking, access road or other site conditions. Licensing and other operational requirements are regulated by other departments/agencies.

## **Discussion/Analysis**

The proposed use meets the requirements of a veterinary clinic for outpatient treatment, which is permitted as a conditional use. According to the applicant, there will be no boarding of animals.

According to the conditional use review procedure below, the application meets all requirements:

A. Necessity: That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community.

**The proposed use meets this requirement**

B. Detriment: That such use will not, under the operation proposed, be detrimental to the health, safety and general welfare of the community, nor any part thereof, nor threaten damage of the property.

**The proposed use meets this requirement, assuming all licensing and operational requirements/standards are met.**

C. Compatibility: That the use will be compatible with and not offensive to surrounding uses from the standpoint of building design, site layout, traffic both externally and internally, parking both externally and internally, signs, landscaping, pedestrian traffic, lighting considerations, material storage and operational characteristics, etc.

**The proposed use meets this requirement – no exterior changes anticipated (with the exception of a replacement sign.) Operational characteristics are similar to the previous use (reception, clinic space, waiting rooms, etc.)**

D. Compliance: That the proposed use will comply with the regulations and conditions specified in this title for such use.

**The proposed use meets this requirement - Hospital, sanitarium, clinic, including clinic for household pets for outpatient treatment only.**

E. Conformance: That the proposed use conforms to the goals, policies and governing principles and land use of the master plan for the city.

The proposed use meets this requirement

F. Environmental Deterioration: That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect, to any appreciable degree, public and private properties, including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole. (Ord. 673, 1-8-1980)

The proposed use meets this requirement, assuming all licensing and operational requirements/standards are met.

**Recommendation**

Staff recommends approval of the Conditional Use Application.

# Planning Commission Report



**Subject:** Proposed Revisions to the PRUD Ordinance  
(Title 10, Chapter 11 of South Ogden City Code)

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** June 11, 2015

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## **Background**

Staff conducted a preliminary review of the existing Planned Residential Unit Development (PRUD) Ordinance - Title 10, Chapter 11 of South Ogden City Code in April 2015, and followed with a preliminary draft revision in May 2015, which was based on the Ogden PUD Ordinance. The purpose of these actions was to update the ordinance in line with recent residential zoning changes adopted by the City Council.

During the May Planning Commission meeting, staff was requested to contact the Ogden City Planning office in order to find out how well their PRUD Ordinance (Chapter 10) functions, and to determine if it is truly an improvement over the existing South Ogden PRUD Ordinance.

On June 3, 2015 staff spoke with John Mayer, a planner with Ogden City. Mr. Mayer indicated that in the 17 years he has worked for the city, the PRUD ordinance has only been used once. He attributes this in part to the fact that the city is nearly built out and PRUD opportunities are rare. However, he believes that the ordinance is hamstrung by minimum density requirements, in addition to the fact that it does not apply to all residential zones.

Mr. Mayer indicated that the Group Dwellings Ordinance (Chapter 8) may be a better model for South Ogden to consider as a replacement for our PRUD ordinance, and/or that the best of both ordinances might be merged to create an improved PRUD Ordinance. He also asked why South Ogden is making any changes when it isn't likely that the Ordinance will ever be used in our nearly built-out community. He also noted that Ogden has an infill ordinance, and that there is substantial opportunity for infill development in the city, similar to South Ogden. However, their infill ordinance has not been used to date, and is therefore currently being re-written to make it more friendly and easy to utilize.

A copy of both Ogden ordinances (PRUD and Group Dwellings) follows for review of the Planning Commission.

## **Discussion/Analysis**

Based on the conversations with Ogden City planning staff, we should be careful to ensure that any changes to our current ordinance are improvements. In order to ensure the two

ordinances suggested as possible models for a revised PRUD Ordinance in South Ogden (the Ogden PRUD an Group Dwelling Ordinances), a more detailed analysis is required.

# Chapter 8

## PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)



### 15-8-1: PURPOSE:

### 15-8-2: DEFINITIONS:

### 15-8-3: USE REGULATIONS:

### 15-8-4: DENSITY DETERMINATION:

### 15-8-5: MINIMUM DEVELOPMENT REQUIREMENTS:

### 15-8-6: BONUSES FOR MAXIMUM DENSITY:

### 15-8-7: BONUS DENSITY CALCULATIONS:

### 15-8-8: BONUS DENSITY DESIGN REQUIREMENTS:

### 15-8-9: SUBMISSION AND APPROVAL PROCESS:

### 15-8-10: APPLICABILITY OF SUBDIVISION TITLE:

### 15-8-11: FINAL PLAT RECORDATION:

### 15-8-12: CONDITIONAL USE PERMIT AND FINAL PLAN:

### 15-8-13: AMENDMENTS TO PERMIT, PLAN OR RECORDED PLAT:

### 15-8-14: TIME LIMITATION:

### 15-8-15: CONSTRUCTION PARAMETERS:

### 15-8-16: PROPERTY OWNERSHIP:

### 15-8-17: PHASING:

### 15-8-18: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:

### 15-8-19: ISSUANCE OF BUILDING PERMITS:

### 15-8-20: REVOCATION OF CONDITIONAL USE PERMIT:

### 15-8-21: VIOLATIONS:

### **15-8-1: PURPOSE:**

- A. The purpose of a planned residential unit development (PRUD) is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.
- B. A planned residential unit development is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well-planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD.

(Ord. 93-30, 7-23-1993)

### **15-8-2: DEFINITIONS:**

As used in this Chapter, the following terms shall mean:

ATTACHED DWELLING UNITS: Two (2) or more dwelling units connected by at least one wall or

floor of common construction.

**DEVELOPED COMMON ACTIVITY AREA:** Open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic pavilions, gazebos and water features. Common developed activity areas shall be held by all residents in common ownership through a homeowners' association or shall be available for use by all residents if the PRUD will be held in single ownership.

**FACADE:** All exterior walls of a building or structure.

**GROSS ACREAGE:** The total amount of acreage in a PRUD development.

**NET ACREAGE:** The total amount of acreage in a PRUD development, excluding right of ways or roads.

**OPEN GREEN SPACE:** A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership. It should be unoccupied and unobstructed by buildings and hard surface such as asphalt or cement, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

**PERIPHERY:** A one hundred foot (100') depth around the perimeter of the project measured inward from the property line.

(Ord. 93-30, 7-23-1993)

### **15-8-3: USE REGULATIONS:**

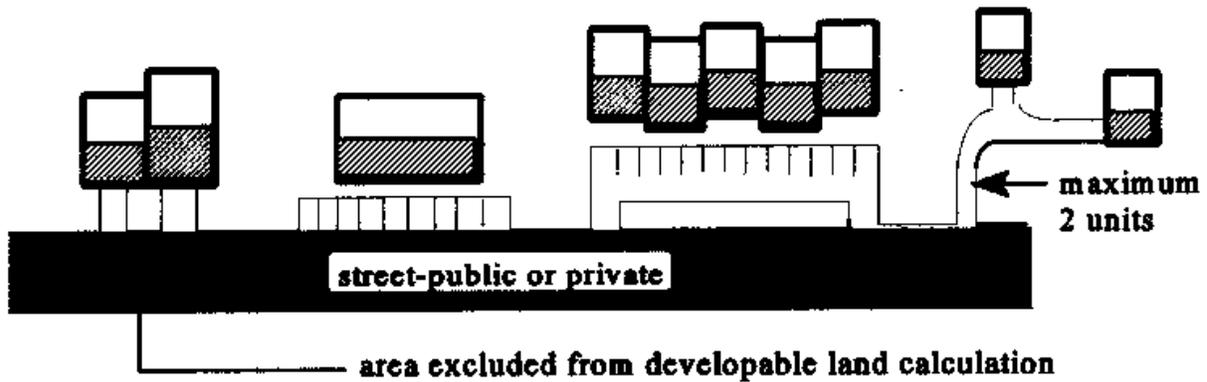
Uses in all PRUDs shall be limited to the permitted and conditional uses in the zone where the PRUD is located, with the following exceptions:

- A. Attached Dwelling Units: Attached dwelling units may be allowed in the R-1 and R-2 zones to provide a variety of housing options, provided all other requirements of this chapter are met.
- B. Accessory Uses: Accessory uses to the PRUD which are located in a common main building may be permitted. Accessory uses shall be limited to daycares, personal services and recreational facilities so long as adequate parking is provided as determined by the planning commission.

(Ord. 93-30, 7-27-1993)

### **15-8-4: DENSITY DETERMINATION:**

- A. Developable Acreage: Density in a PRUD shall be determined by using the developable acreage of the entire proposed development. Developable acreage is land under thirty percent (30%) slopes which is capable of being improved with landscaping, recreational facilities, buildings or parking. Land devoted to street usage (the right of way for public streets and the area from back of curb to back of curb for private streets) shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density.



B. Baseline Density: The maximum number of residential units allowed per developable acre in a PRUD which meet only the minimum development requirements per developable acre shall be calculated using the following chart. This shall be referred to as the baseline density:

<u>Zone</u>	<u>Square Footage</u>	<u>Baseline Density Units/Acre</u>
R-1-10	1 unit per 15,000 square ft.	2.9
R-1-8	1 unit per 12,000 square ft.	3.6
R-1-6	1 unit per 9,000 square ft.	4.8
R-2	1 unit per 8,000 square ft.	5.4
R-2A	1 unit per 7,000 square ft.	6.2
R-2EC	1 unit per 7,000 square ft.	6.2
R-3	1 unit per 6,000 square ft.	7.3
R-3EC	1 unit per 5,000 square ft.	8.7
R-4	1 unit per 6,000 square ft.	7.3

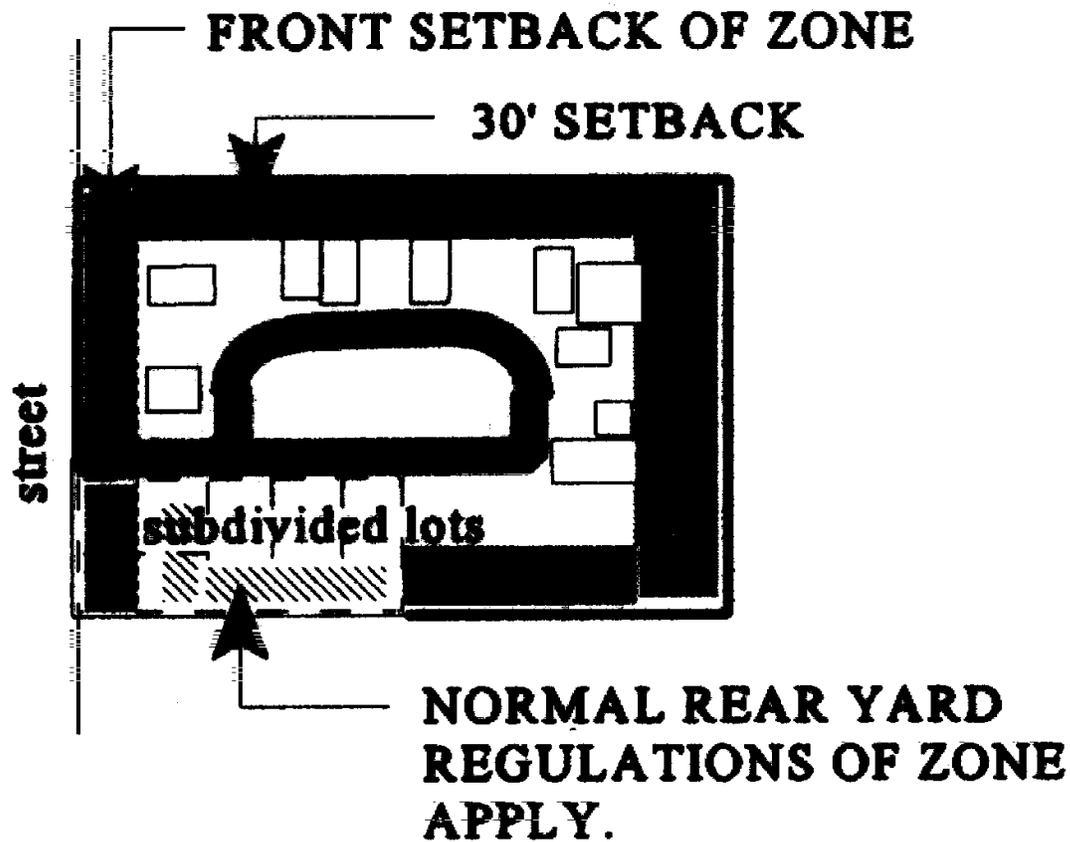
(Ord. 93-30, 7-27-1993; amd. Ord. 2000-70, 1-16-2001, eff. 1-18-2001)

### 15-8-5: MINIMUM DEVELOPMENT REQUIREMENTS:

All proposed PRUD developments shall comply with all minimum development requirements as provided in this section:

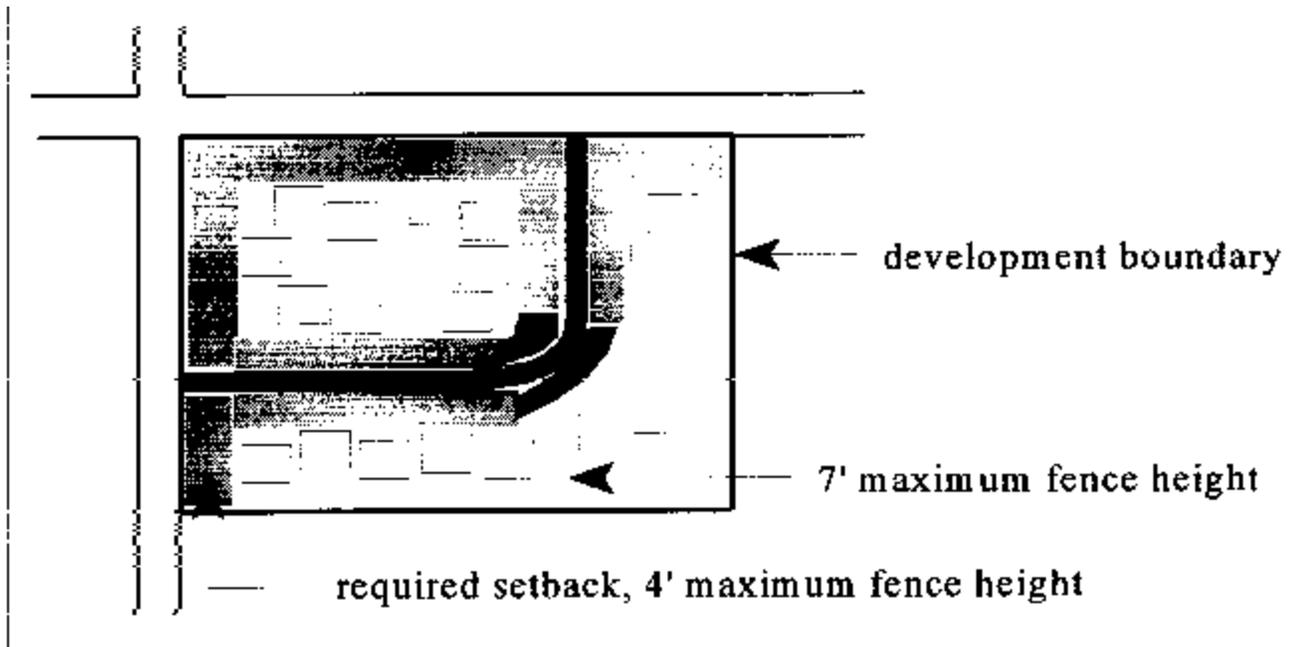
#### A. General Regulations:

1. A minimum of five (5) acres of land in an R-1 or R-2 zone, eight (8) acres in the R-3 zone and ten (10) acres in the R-4 zone is required for a proposal to be developed as a PRUD.
2. The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where development abuts a street and thirty foot (30') setback at those locations where development abuts other parcels of land. Notwithstanding the above provision, if the development has subdivided single-family lots which abut other parcels of land, the specific zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped.

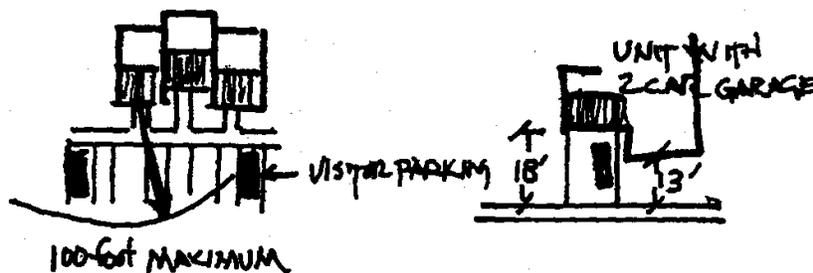


3. Minimum distance between main buildings in the development shall be ten feet (10') for single-story buildings, fifteen feet (15') for two (2) story buildings, and twenty feet (20') for three (3) or more stories.
4. If fencing is proposed adjacent to a public or private street, the maximum fence height shall be four feet (4') for fences located in the required front yard and side yard setback facing a street as determined in the underlying zone. The width of the setbacks shall be according to the required setback of the zone in which the development is proposed. Fence heights located outside of these setbacks shall be limited to a maximum height of seven feet (7'). The planning commission may vary the height or location if it determines the proposed fence design, materials and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:
  - a. Not isolate the surrounding neighborhoods;
  - b. Be consistent with the theme of the development; and
  - c. Be compatible with the neighborhood.

If fencing isolates property between the fence and the public street, the development shall provide means to ensure continued maintenance of this area.



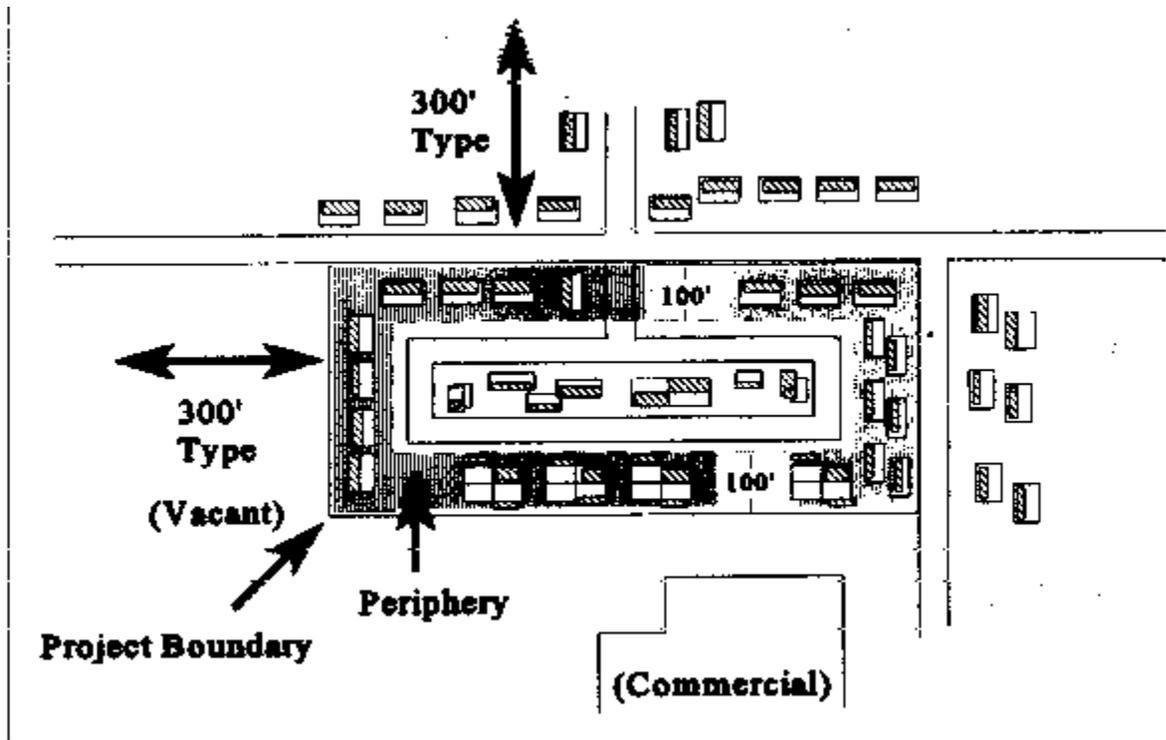
5. Two (2) parking stalls shall be required for each unit in the development. All parking and access shall be hard surfaced. Required parking for the unit shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. Units which have an attached garage shall have the garage set back a minimum of eighteen feet (18') from the road, street or from the walkway if a walkway is designed along the road or street. Units with an attached garage shall also have the garage recessed a minimum of five feet (5') from the front of the building.



6. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
7. If a group RV parking area is provided for the development, it shall be at a minimum of one RV space per five (5) dwelling units. The RV parking area shall not be located in the periphery of the development and shall be completely screened.
8. All utilities shall be placed underground where possible.

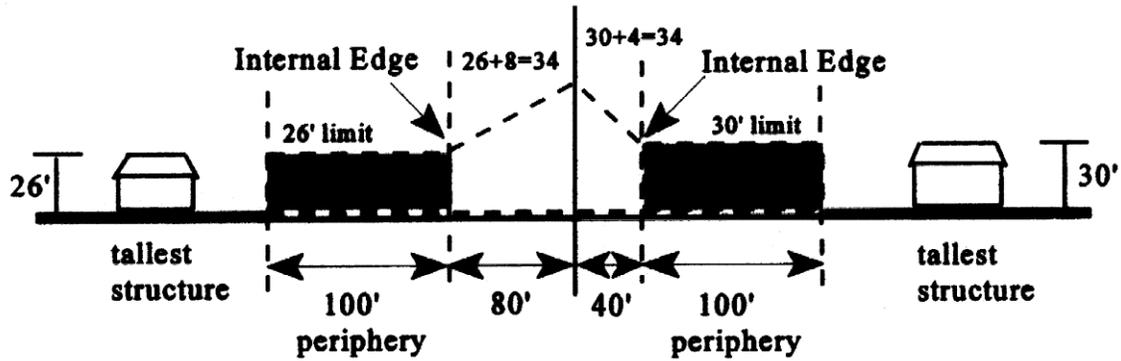
B. Compatibility:

1. The number of units per building within the periphery of the project shall be the same as seventy five percent (75%) of the surrounding neighborhood within three hundred feet (300') of the project boundary line; provided however, that where an adjacent residentially zoned property is vacant or occupied by schools or churches, then only single-family units are allowed along that side. The corner of the periphery development shall be developed with the least intense number of units when sides of the periphery development are different. The limitation on units per building does not apply if adjacent to a commercial, manufacturing, open space zone or property used for parks or cemeteries.



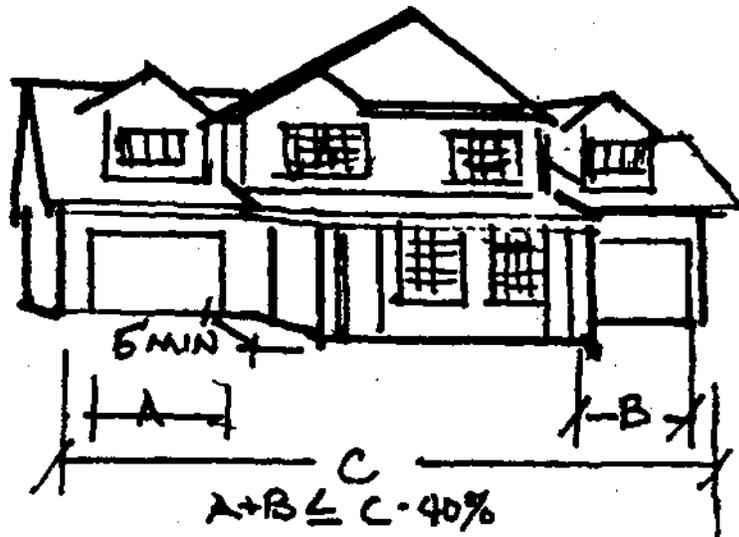
2. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PRUD. Units which are on corners may front either street. The planning commission may waive this provision due to unusual topographic features or unusual conditions, provided such waiver does not negatively impact the continuity of the existing streetscape.

3. The height of the buildings within the periphery shall not exceed the average height of the existing residential structures adjacent to each side of the development. When the periphery is next to vacant residentially zoned land, the maximum height shall be limited to thirty five feet (35'). The maximum height allowed beyond the internal edge of the periphery shall be limited to the height allowed in the periphery plus one additional foot in height for every ten feet (10') from the internal edge of the periphery.



4. The type of exterior building material and ratio of surface coverage for the proposed facade for other than single-family dwelling units shall be similar in material and ratio of coverage to fifty one percent (51%) of the existing residential structures adjacent to the development (e.g., the majority of the existing buildings have the lower  $\frac{1}{3}$  of the facade in brick on the front and the rest is siding, the new development shall have as a minimum  $\frac{1}{3}$  of the front in brick and the rest in siding). This provision shall not limit the use of brick in place of other material.

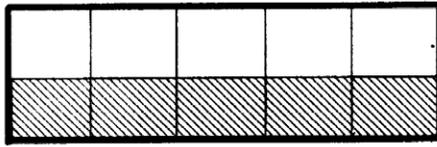
5. If a building has an attached garage and the garage doors are located along the front of the building facing a public or private street, the garage doors shall not occupy more than forty percent (40%) of the ground level building frontage facing the street. The portion of the building facing the street shall have ten percent (10%) of the wall surface area on the main level in glazing.



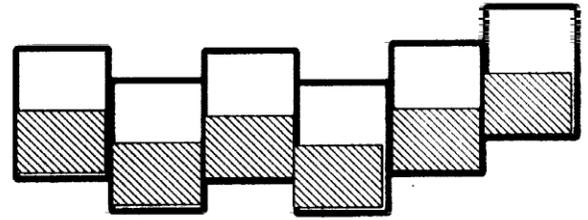
C. Design Theme:

1. Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development, surrounded by a variety of ground cover, shrubs, and trees.
2. All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not visible from the main circulation routes and do not restrict vehicular movement or parking. Enclosures shall not be located within the periphery of the project.

3. Attached dwelling units shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.



**not appropriate**



**appropriate**

#### D. Open Space:

1. A minimum of forty percent (40%) of the entire site shall be in open green space. Each phase of development shall provide its proportionate required open green space needed for that phase.
2. Developed common activity area for single-family and attached dwelling units shall be provided as follows:
  - a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
  - b. Subdivided, single-family lots shall provide developed common activity area at a ratio of one thousand (1,000) square feet per lot. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
3. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Planning Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create.

As one of the purposes of a PRUD is to protect natural features, the Planning Commission may deny approval of a PRUD if it is determined there has been removal of trees or shrubs prior to submittal.

4. A minimum of two (2) 2-inch caliper deciduous trees shall be required to be planted for each unit in the development and one 4-foot tall evergreen tree for every two (2) units in the development. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent plantings.

E. Street Design: PRUDs shall be designed to meet the circulation requirements of the Transportation Element of the General Plan, the design needs of the surrounding area, and the project. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the Engineering Division, shall determine if the street should be extended as a through street or as a cul-de-sac during the concept or preliminary approval.

Local streets which are internal to the development and do not provide access through the project may be designed as either public or private streets, provided they meet the following criteria:

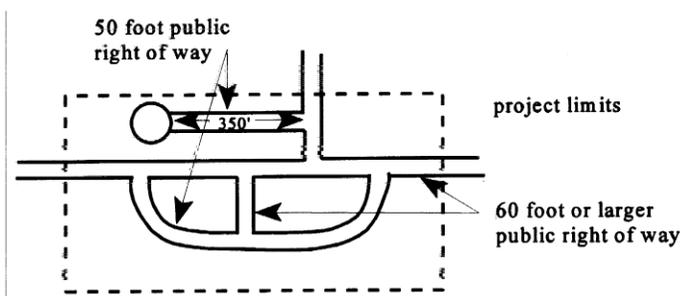
1. Public Street Requirements:

a. Right-Of-Way Width: Public streets shall meet the appropriate right-of-way widths as required in the Subdivision Ordinance or the General Plan, based on the function of the road for either a local, collector, or arterial road.

b. Neighborhood Local Streets: Projects may develop neighborhood local streets with a fifty foot (50') right of way (37 foot width from back of curb to back of curb) as part of a PRUD, provided the street meets one of the following criteria:

(1) The road is a cul-de-sac which does not exceed three hundred fifty feet (350') in length;

(2) The roadway is internal to the development, intersects at each end with a roadway which has a right of way of sixty feet (60') or larger, does not provide for access through the development, and is less than seven hundred feet (700') in length or is intersected by a standard width right of way.



c. Unusual Cross Sections: In cases where unusual topography or other exceptional conditions exist which would make the installation of required public street cross sections impractical to develop, variations from the standards may be considered. The Planning Commission shall consider the reasons for the request, the impact to the existing land, the development and the ability of the City to deliver services with the unusual cross section before any variation from the standard is approved.

d. Public Sidewalk: The sidewalks generally required to be installed in the public right of way may be varied in location. If the sidewalk is placed immediately next to the curb with no parkway in between, the sidewalk shall be six feet (6') wide. The applicant may request that a public sidewalk be located independent of the public street right of way due to topography or other design considerations, provided the design has reasonable access from one end of the development to the other, allows the public to pass through the neighborhood in a logical manner and is within the common area of the development. A public easement for such a walkway shall be required. Because such sidewalk is

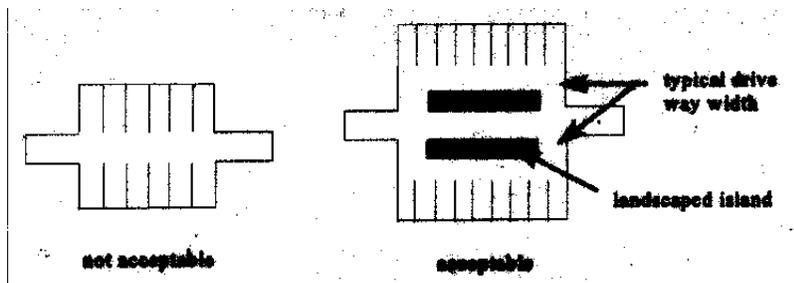
established independent of the street right of way, the sidewalk shall be maintained by a homeowners' association.

## 2. Private Street Requirements:

a. Street Design: Private street designs shall provide for the location of sidewalk, curb and gutter, parallel curbside parking on both sides of the street, and a two-way travel surface similar to a public street; however, flexibility in the location of these elements is allowed, provided the intent of each element is maintained. The minimum size for each street element is:

- (1) Two-way travel lanes, twenty four foot (24') width of pavement.
- (2) One-way travel lane, twenty foot (20') width of pavement.
- (3) Curb and gutter, two and one-half foot (2 $\frac{1}{2}$ ') width on each side.
- (4) Sidewalk, four feet (4') wide on each side of the street.
- (5) Curb side parking, six and one-half feet (6 $\frac{1}{2}$ ') on each side of the road.

A private street shall include curb and gutter on both sides of the road. If curb side parking is not provided for on the street, "no parking" shall be posted along the street and the parking shall be provided elsewhere in the project at a requirement of one stall per twenty two (22) lineal feet of curb length. This parking shall be located within reasonable distance to areas the curbside parking would have served and is additional to the required parking for the dwelling units. No angled parking shall be permitted along those streets which are used for through access in the development.



b. Private Sidewalk: The required sidewalks may be varied in location. The sidewalk may be located independent of the street, provided the design provides reasonable access for the development.

c. Maintenance And Cost: Homeowners' associations are responsible for maintenance, repair and replacement of private streets and sidewalks. To ensure adequate funds are set aside for the maintenance of private roads and sidewalks, the developer shall provide a cost analysis of the life expectancy of the entire private road and sidewalk system. The cost analysis shall include maintenance schedule and projected cost for sealing, resurfacing, and replacement of the road and the repair and replacement of sidewalks and an estimate of the annual homeowner fee to cover these projected costs.

(Ord. 93-30, 7-27-1993; amd. Ord. 97-19, 3-18-1997; Ord. 97-78, 10-21-1997; Ord. 97-90, 2-16-1997; 1999 Code; Ord. 2000-71, 1-16-2001, eff. 1-18-2001)

### 15-8-6: BONUSES FOR MAXIMUM DENSITY:

Density in excess of the baseline density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of bonus density design requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density allowed for the zone in which the development occurs according to the following chart:

<u>Zone</u>	<u>Baseline Density</u>	<u>Maximum Density</u>
R-1-10	2.9 units/acre	4.3 units/acre
R-1-8	3.6 units/acre	5.4 units/acre
R-1-6	4.8 units/acre	7.2 units/acre
R-2	5.4 units/acre	7.2 units/acre
R-2A	6.2 units/acre	8.7 units/acre
R-2EC	6.2 units/acre	8.7 units/acre
R-3	7.3 units/acre	20.3 units/acre
R-3EC	8.7 units/acre	20.3 units/acre
R-4	7.3 units/acre	26.0 units/acre

(Ord. 93-30, 7-27-1993; amd. Ord. 2000-70, 1-16-2001, eff. 1-18-2001)

### 15-8-7: BONUS DENSITY CALCULATIONS:

For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as provided in section [15-8-8](#) of this chapter and shall assign density points as applicable. The additional units per acre allowed above the baseline density for the PRUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project; provided, that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an R-3 zone and the design is awarded 75 bonus points.  $75 \times 0.0441 = 3.3$  additional units per acre.  $3.3 + 7.3$  [baseline density] = 10.6 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

<u>Zone</u>	<u>Density Coefficient</u>	<u>Maximum Density Points</u>
R-1-10	0.0175	80
R-1-8	0.02	85
R-1-6	0.024	100
R-2	0.02	90
R-2A	0.0177	85
R-2EC	0.0177	85
R-3	0.0441	295
R-3EC	0.043	270

(Ord. 93-30, 7-27-1993; amd. Ord. 2000-70, 1-16-2001, eff. 1-18-2001)

### **15-8-8: BONUS DENSITY DESIGN REQUIREMENTS:**

If greater density is requested above the baseline density, a PRUD development shall comply with one or more of the bonus density design requirements outlined in this section, depending upon the desired density increase. The planning commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency or building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The bonus density design requirements are as follows:

#### **A. Energy Efficiency:**

1. All dwellings and main buildings shall have R-19 wall insulation and R-38 ceiling insulation. (10)
2. All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning Commission. (Single feature per unit throughout the entire project, 20 points. Combination features per unit throughout the entire project, 30 points.)

#### **B. Building Design:**

1. All facades of each dwelling structure, exclusive of windows or doors, have a minimum coverage of eighty percent (80%) of the exterior surface in either brick or stone. (30)
2. Required parking for each unit is provided for by an attached garage. (25)
3. All required dwelling unit parking (2 stalls per unit) is covered by carports. (10)

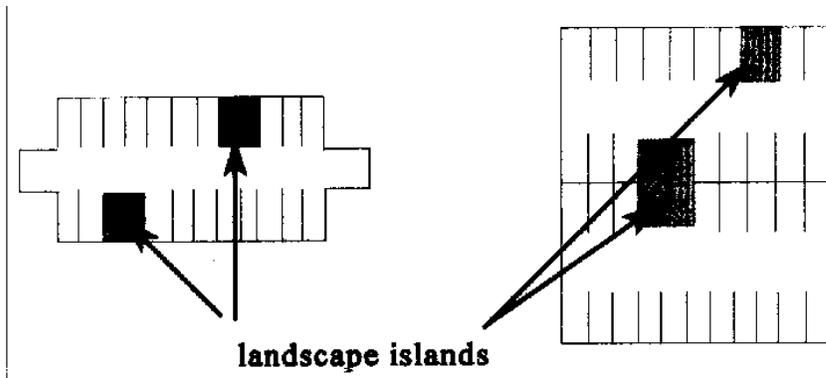
#### **C. Design Theme:**

1. Theme lighting is used throughout the development for street lighting, lighting of walkways, entrances and building exteriors. (15)
2. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest to the development. (20)
3. Architectural details of all buildings have a common theme which unifies the entire development. This theme is not so dominant, however, that all buildings are identical. (20)
4. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (25)

5. Large special features such as lakes and golf courses which define the theme of the development and are utilized throughout the entire project. (40)

D. Parking Areas:

1. Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (20)
2. Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety feet (90') in length has a landscaped island which provides landscaping at a ratio of one square foot of landscaping per thirteen (13) square feet of hard surface. (15)



3. Areas with five (5) or more uncovered parking stalls are designed to include a sufficient number of two inch (2") caliper trees located in such a manner as to shade fifty percent (50%) of the parking area upon maturation of the trees. (15)

E. Recreation Amenities:

1. The PRUD development includes a recreational amenity primarily for the use of the residents of the development. Recreational amenities include swimming pools, sports courts, spas, or other features as approved by the Planning Commission. The Planning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (5 to 35)
2. Development of a common building which shall be used for meetings, indoor recreation, or other common uses as approved by the Planning Commission. (20)
3. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access 15 points, public park 30 points)
4. Construction according to City standards of trail or park which has been dedicated to the City according to subsection E3 of this Section. (Trail 15 points, public park 40 points)

F. Landscaping:

1. Design and planting a minimum of four (4) 2-inch caliper deciduous trees for each dwelling unit in the development and two (2) 4-foot tall evergreen trees for every two (2) dwelling units in the development. (20)
2. Increasing caliper size of all the required trees from a minimum two inch (2") caliper to:

3" caliper	(5)
4" caliper	(10)
6' evergreen	(5)
8' evergreen	(10)

3. Increasing caliper size of all elected bonus design requirement trees to:

3" caliper	(10)
4" caliper	(20)
6' evergreen	(10)
8' evergreen	(20)

4. The majority of new plant material used for landscaping the development are drought-tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering. (20)
5. For the purpose of water conservation, the use of turf grass is limited to areas of high foot traffic, play areas, and other appropriate areas as determined by the Planning Commission. All other areas which are normally planted in lawn shall be planted with ground covers, shrubs or trees. (35)
6. Drip irrigation systems are designed and installed to irrigate all shrub and tree areas as needed. (20)
7. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs or trees. (15)

G. Open Green Space:

1. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development, linking dwellings and recreation amenities. (25)
2. Storm water detention facility areas are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (20)

H. Public Streets: All streets within the development are dedicated public streets. (25)

(Ord. 93-30, 7-27-1993; amd. 1999 Code)

**15-8-9: SUBMISSION AND APPROVAL PROCESS:**  

A. Steps Outlined: The PRUD approval process consists of three (3) basic review steps. The first step is submission and review of a conceptual sketch plan. The purpose of this step is to evaluate the appropriateness of the development as PRUD based on the consideration of the

existing features of the proposed site and the relationship to adjacent properties. The second step is submission and review of a preliminary development plan and conditional use permit based on the conceptual sketch plan. The purpose of this step is to determine if the preliminary plan/conditional use permit shall be granted. The third step is submission and review of a final development plan. The purpose of this step is to review compliance with the conditional use permit and the preliminary plan. For purposes of recordation, the PRUD shall be recorded as a subdivision. Upon compliance with final approval, a final plat shall be recorded.

B. Conceptual Sketch Plan Approval Process: Prior to the submission of a PRUD proposal, the applicant shall meet with the current planning staff to discuss their proposal and its appropriateness for development as a PRUD. Upon completion of the pre-application meeting with the current planning staff, the applicant may choose to present the conceptual sketch plan to the Planning Commission. The purpose of this presentation is to provide the applicant with an opportunity to present why the PRUD proposal is appropriate for the site. The Planning Commission may comment as to the potential suitability of the site for a PRUD and present any concerns or comments they may have for the applicant relative to the proposed PRUD. If the applicant chooses to not present the conceptual sketch plan, it shall be done as part of the preliminary plan approval. For sites located in the Sensitive Area Overlay Zone, a conceptual review by the Planning Commission is required to determine if and what geo-technical studies are required in accordance with the zone. The application shall provide a conceptual sketch plan which shall include the following:

1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views and how they will be incorporated into the proposed development;
2. Traffic flow patterns into, through and out of the proposed development, including vehicular, pedestrian, and other;
3. The general location of the housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and
4. The existing land uses bordering the proposed site.

C. Preliminary Development Plan/Conditional Use Permit Submission: An application for a PRUD preliminary plan/conditional use permit shall be presented to the Planning Commission and shall include the following information:

1. Topographic maps of the entire site, including contour intervals of no greater than ten feet (10');
2. A tabulation of the total acreage of the site and the percentages to be designated for parking, streets and travel ways, various types of residential units, other buildings and structures, open space, and waterways, along with other relevant aspects of the site;
3. The proposed circulation patterns, including private and public streets, and any other path systems;
4. The proposed location of all parking and ingress and egress;
5. The proposed location of parks, common open spaces, playgrounds, school sites, recreation facilities, and other similar types of improvements;
6. The proposed location of all dwellings by type and number of dwelling units per building, along with other buildings (e.g., recreational buildings or club houses) or structures (e.g., fencing, lighting, and signage);

7. The proposed location of each phase, if the project is to be done in phases;
8. A table of densities for each development phase with a overall density for the development;
9. A general landscape plan showing the areas to be landscaped and the retention of existing plant materials and landscape features, along with the use of plant materials for buffers and screening;
10. Preliminary building elevations with notation of building materials of all building types proposed within the development, excluding detached single-unit dwellings;
11. A preliminary subdivision design, showing a general lot layout and buildable area;
12. A preliminary utility plan showing the manner in which adequate sewage disposal, subsurface drainage, storm drainage, and water are to be provided to the site, including the location from which said services will need to be extended;
13. If located in the Sensitive Area Overlay Zone, all necessary reports or information required for compliance with Chapter 27 of this Title; and
14. Such other information as may be necessary to determine whether the proposed PRUD is desirable and in accordance with the applicable standards.

D. Preliminary Development Plan Review Process:

1. The Planning Commission, subject to the requirements of this Chapter, may approve, deny or approve with conditions, the preliminary development plan for the proposed PRUD. Approval of a preliminary development plan shall result in the issuance of a conditional use permit. During the preliminary review process, notice shall be given to the public of the PRUD proposal in accordance with Planning Commission rules for conditional use permits.
2. In reviewing the proposed PRUD, the Planning Commission shall determine if the PRUD:
  - a. Encourages better utilization of the land, develops a sense of community and is compatible with the neighborhood;
  - b. Meets the minimum requirements in this Chapter;
  - c. Meets the requirements for any bonus density requested for the PRUD;
  - d. Provides an adequate traffic circulation system and whether streets should be designated as public or private; and
  - e. Meets the general intent and purpose of this Chapter and the General Plan.

E. Final Development Plan Submission: The final development plan, based on the conceptual sketch and preliminary plans, shall be presented to the Planning Commission and include the following information:

1. All of those items required by the Planning Commission as part of the approval of the preliminary development plan and conditional use permit;
2. A complete and accurate legal description of all property proposed for development;

3. A detailed site plan showing the precise location of all buildings and structures, the location of developed common activity area and recreational uses, waterways, detailed circulation patterns, including proposed ownership of common areas, streets and trails, along with other relevant aspects of the site;
4. Parking layout showing the location of individual stalls and all areas of ingress and egress;
5. Design of entryways, along with elevations of proposed signage;
6. A detailed landscape plan showing the location, types and sizes of all plant materials, sprinkling or irrigation systems, screening and fencing;
7. Final elevations of all buildings proposed within the development with notation of building materials, excluding detached single-unit dwellings;
8. A final plat of the PRUD, along with all covenants, conditions and restrictions which the City deems necessary to provide adequate guarantees for retention and maintenance of the development as approved;
9. Detailed engineering plans including site grading, street improvements, drainage and public utility locations; and
10. A time schedule for the completion of landscaping and amenities (e.g., common buildings, playground equipment, recreational facilities, trails and entry signage).

F. Final Development Plan Review Process:

1. The Planning Commission, subject to the requirements of this Chapter, may approve, deny, or approve with conditions, the final development plan for the proposed PRUD and the accompanying conditional use permit.
2. The Planning Commission review of the final development plan shall include the following:
  - a. Whether or not the requirements imposed addressed by the Planning Commission during the conceptual, preliminary processes and the conditions established by the conditional use permit have been adequately addressed in the final development plan;
  - b. Any additional changes from the preliminary development plan proposed by the developer; and
  - c. Any additional information relevant to the success of the proposed development.

(Ord. 93-30, 7-27-1993)

**15-8-10: APPLICABILITY OF SUBDIVISION TITLE:**

- A. Exceptions: A PRUD shall comply with the provisions of [Title 14](#), Subdivision Regulations, of this Code, or any successor title, except as follows:
1. A PRUD need not comply with those requirements of the Subdivision Title which are specifically waived under the provisions of this Chapter.

2. The procedures for preliminary and final plan approval required under the Subdivision Title shall be fulfilled upon approval of the preliminary development plan and final development plan as provided in this Chapter.

B. Plat Filing: A PRUD for which all of the real property is intended to be maintained as one lot, held in single ownership, shall require the filing of a plat as a single lot subdivision as part of the final development plan approval process, in order to provide for the dedication of public property, the recording of covenants, conditions and restrictions, notice to third parties of the requirements imposed under this Chapter, and the elimination of existing lot lines.

(Ord. 93-30, 7-27-1993)

### **15-8-11: FINAL PLAT RECORDATION:**

A. Required: For purposes of recordation, the final approved plat shall be recorded as a subdivision and be included in the subdivision plat records of the Weber County Recorder's office. Recordation by the City shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees are posted with the Public Works Department.

B. Covenants, Conditions And Restrictions:

1. The City may require the applicant to submit for recording covenants, conditions and restrictions which will provide adequate guarantees for the permanent retention and maintenance of open space area, landscaping, natural features, architectural design standards and design components used to achieve density bonus. The covenants, conditions and restrictions shall include, at a minimum, provisions for:

a. The establishment of a homeowners' association, unless the property will continue to be held in single ownership by either a corporation, partnership or an individual and restrictions are recorded requiring establishment of a homeowners' association in the event that the unity of title is not maintained; and

b. A notice to subsequent owners of the need to obtain City approval of changes to the PRUD which may require either an amendment to the final development plan or to the conditional use permit.

2. Streets not constructed to City standards for public roads shall be noted in a required covenant. Such covenant shall provide that such streets cannot be dedicated in the future unless brought up to City standards.

3. Each phase submitted for review shall include the covenants, conditions and restrictions for approval.

4. Where covenants, conditions and restrictions are imposed upon a PRUD, two (2) copies of the declaration of covenants, conditions and restrictions shall be submitted to the City, signed and prepared for recording at the Weber County Recorder's office prior to approval of a final plat.

(Ord. 93-30, 7-27-1993)

### **15-8-12: CONDITIONAL USE PERMIT AND FINAL PLAN:**

A conditional use permit stipulating all required conditions of development shall be maintained with a final approved site plan.

(Ord. 93-30, 7-27-1993)

**15-8-13: AMENDMENTS TO PERMIT, PLAN OR RECORDED PLAT:**

- A. Any changes in the proposed final development plan which involves a substantial change to the conditional use permit used in the preliminary plan review process shall be approved by amendment to the conditional use permit after notice as required in the Planning Commission's rules and procedures for issuance of a conditional use permit.
  
- B. All development shall conform to the final plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the director if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized under this section may cause any of the following:
  - 1. A change in the use or character of the development.
  - 2. An increase in the overall density or intensity of use.
  - 3. An increase in overall coverage of structures in designated common areas.
  - 4. A reduction or change in character of approved open space.
  - 5. A reduction of required off-street parking.
  - 6. A detrimental alteration to the pedestrian, vehicular and bicycle, circulation and utility networks.
  - 7. A reduction in required street pavement widths.
  - 8. Any substantial changes to the conditional use permit.
  
- C. Any major changes in use, or rearrangement of lots, blocks, building tracts or grouping, or any changes in the provision of open space and significant changes as noted above, must be approved by the planning commission as an amendment to the conditional use permit. In case of amendments after final approval, such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved. Any major changes must be recorded as amendments and be reviewed and approved in accordance with procedures established for final development plan review.

(Ord. 93-30, 7-27-1993; amd. Ord. 2001-32, 6-5-2001, eff. 6-30-2001)

**15-8-14: TIME LIMITATION:**

- A. Final Development Plan: A final development plan shall be submitted for approval within twelve (12) months of the issuance of the conditional use permit for the PRUD, and the preliminary development plan approved as part of the permit. Failure to submit a final development plan within the specified time period shall result in a revocation of the conditional use permit, and the permit and approved preliminary development plan shall be null and void; provided, however, that one extension of six (6) months may be granted by the planning commission for a showing of good cause.
  
- B. Recording Subdivision Plat: A final subdivision plat shall be recorded within six (6) months after approval of the final development plan. Failure to record the subdivision plat within the specified

time period shall result in the final development plan becoming null and void, and the conditional use permit shall be revoked. If phased development for the PRUD was approved by the planning commission, the above time limitation shall apply only to the recording of a final subdivision plat for the first phase.

- C. Conditional Use Revocation: Any property for which a conditional use permit has been revoked or a plan determined to be null and void for failure to comply with the above time limitations shall thereafter be subject to the zoning and subdivision ordinances otherwise applicable to said property.

(Ord. 93-30, 7-27-1993)

### **15-8-15: CONSTRUCTION PARAMETERS:**

- A. Financial Guarantees: Prior to the recording of a PRUD subdivision plat and prior to the issuance of any building permit on property covered by a PRUD final development plan, financial guarantees acceptable to the city as follows:

1. A financial guarantee meeting the requirements of section [15-13-23](#) of this title, sufficient in amount to cover the cost of all private infrastructure, amenities and required landscaping in common open space, and, public infrastructure improvements, if such financial guarantee mechanism is approved by the city engineer;
2. For public improvements, a financial guarantee meeting the requirements of the subdivision title.

- B. Completion Of Improvements:

1. Infrastructure: All street improvements, sidewalks, curb and gutter, storm drainage facilities, water and sewer lines, and all other such surface and underground improvements shall be completed prior to occupancy.
2. Amenities And Landscaping: Notwithstanding the provision above, all amenities shall be completed prior to occupancy unless inclement weather prevents their completion, in which case one extension of six (6) months for amenities and landscaping may be granted. If not completed at the end of the six (6) month period, the city will review the progress and may proceed to use the guarantee funds to make the improvements in accordance with the approved plan.

- C. Property Ownership: Plans submitted for preliminary and final development review may be filed jointly by multiple owners, provided all owners have signed the proposed plans. The applicant shall submit a title report demonstrating compliance with this subsection. The area proposed for a PRUD shall be in single ownership or corporate ownership prior to recording of the final plat in order to provide for full supervision and control of said development, and to ensure conformance with the provisions of this chapter.

- D. Phasing: If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by the planning commission. Such phasing plan shall have the written approval of all property owners. In addition, the approved phasing shall be submitted to the city recorder for recordation with the county

recorder's office as a covenant to run with the land.

(Ord. 93-30, 7-27-1993; amd. Ord. 98-37, 6-16-1998)

#### **15-8-16: PROPERTY OWNERSHIP:**

Plans submitted for preliminary and final development review may be filed jointly by multiple owners, provided all owners have signed the proposed plans. The area proposed for a PRUD shall be in single ownership or corporate ownership prior to recording of the final plat in order to provide for full supervision and control of said development, and to ensure conformance with the provisions of this chapter. The applicant shall submit a title report demonstrating compliance with this section.

(Ord. 93-30, 7-27-1993)

#### **15-8-17: PHASING:**

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by the planning commission. Such phasing plan shall have the written approval of all property owners. In addition, the approved phasing shall be submitted to the city recorder for recordation with the county recorder's office as a covenant to run with the land.

(Ord. 93-30, 7-27-1993)

#### **15-8-18: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:**

In case of failure or neglect to comply with any and all of the provisions of this chapter, and the conditions and stipulations herein established, and as specifically made applicable to a PRUD, the building official shall not authorize occupancy of any structure. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter.

(Ord. 93-30, 7-27-1993; amd. Ord. 2001-32, 6-5-2001, eff. 6-30-2001)

#### **15-8-19: ISSUANCE OF BUILDING PERMITS:**

The building official shall not issue a permit for any proposed building, structure, or use within the project unless such building, structure or use is in accordance with the approved plan and any conditions imposed in conjunction with its approval.

(Ord. 93-30, 7-27-1993; amd. Ord. 2001-32, 6-5-2001, eff. 6-30-2001)

#### **15-8-20: REVOCATION OF CONDITIONAL USE PERMIT:**

A conditional use permit may be revoked if any of the conditions or terms are violated; however, the holder of the permit shall first be afforded an opportunity to be heard before the planning commission and show cause as to why the permit should not be revoked. A violation of a condition or term of a permit shall constitute a violation of this code, and the revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation. The decision of the planning commission to revoke a conditional use permit may be appealed to the mayor, in writing, within fifteen (15) days of the planning commission's decision.

(Ord. 93-30, 7-27-1993)

## **15-8-21: VIOLATIONS:**

- A. The conditional use permit, the preliminary development plan approved as part of the conditional use permit, and the final development plan which have been issued in accordance with the provisions of this chapter shall have the full force of this title. Any violation of such approved plan or permit shall be grounds for the city to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the city.
- B. Violations of any plan approved under this chapter or of the conditional use permit issued in accordance with the provisions of this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title as provided in section [15-1-14](#) of this title.

(Ord. 93-30, 7-27-1993)

# Chapter 10

## GROUP DWELLINGS<sup>1</sup>

[15-10-1: PURPOSE AND INTENT:](#)

[15-10-2: TYPES OF GROUP DWELLINGS:](#)

[15-10-3: AREA REQUIREMENTS:](#)

[15-10-4: MINIMUM DESIGN STANDARDS:](#)

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[15-10-6: DENSITY INCREASE DESIGN STANDARDS FOR NEIGHBORHOOD GROUP DWELLINGS:](#)

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[15-10-8: TIME LIMITATIONS:](#)

[15-10-9: FINANCIAL GUARANTEE; INSTALLMENT OF IMPROVEMENTS:](#)

[15-10-10: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:](#)

[15-10-11: REVOCATION OF CONDITIONAL USE PERMIT:](#)

[15-10-12: VIOLATIONS:](#)

### 15-10-1: PURPOSE AND INTENT:

- A. The purpose of a group dwelling is to encourage better utilization of parcels of land up to ten (10) acres in size, to ensure neighborhood compatibility, and to provide land development patterns which meet the needs of those living in the developments and the surrounding community. This is accomplished by allowing more than one building on a lot, flexible placement of buildings, and allowing private infrastructure systems not ordinarily allowed.
- B. A group dwelling is a residential development which has more than one residential building on a lot and which is planned as a single complex. The ownership may be either in single ownership or units sold according to the condominium requirements. It incorporates a definite development theme which includes usable open space, a well defined circulation system, and is designed to be compatible with the land and the surrounding neighborhood.

(Ord. 2004-28, 7-13-2004)

### 15-10-2: TYPES OF GROUP DWELLINGS:

There are two (2) types of group dwellings: a small lot group dwelling and a neighborhood group dwelling. Because of the different character and impact of these two (2) types of developments, some development standards may be different. The types of group dwellings are distinguished by their size:

- A. Small Lot Group: Small lot group dwelling is development on a small parcel of land which is less than one acre in total area; and

B. Neighborhood Group: Neighborhood group dwelling is a development on property which is between one and ten (10) acres in total area.

(Ord. 2004-28, 7-13-2004)

**15-10-3: AREA REQUIREMENTS:**  

A. Lot Area Requirements: A group dwelling may be developed on a parcel of property which is between ten thousand (10,000) square feet and five (5) acres in an R-2 zone, eight (8) acres in an R-3 zone, ten (10) acres in R-4, R-5, PI, C-2, C-3 and CBD zones. If contiguous parcels are combined for the development, the entire acreage of the combined properties shall be considered for the total lot area of the group dwelling.

B. Minimum Lot Area: The minimum lot area required per unit shall be based on the following square footage requirements. In addition to these minimum lot area requirements, the development shall also meet the minimum design standards and the approval process of this chapter.

Zone	Small Lot Group Dwelling Minimum Square Footage Per Unit Type	Neighborhood Group Dwelling Minimum Square Footage Per Unit Type
R-2	6,000 square feet per single-family dwelling (7.26 dua <sup>1</sup> ). 12,000 square feet per duplex (7.26 dua <sup>1</sup> ).	6,000 square feet per single-family dwelling (7.26 dua <sup>1</sup> ). 14,000 square feet per duplex (6.2 dua <sup>1</sup> ).
R-2EC	5,000 square feet per single-family dwelling (8.7 dua <sup>1</sup> ). 10,000 square feet per duplex (8.7 dua <sup>1</sup> ).	5,000 square feet per single-family dwelling (8.7 dua <sup>1</sup> ). 12,000 square feet per duplex (7.26 dua <sup>1</sup> ).
R-3	6,000 square feet per single-family dwelling (7.26 dua <sup>1</sup> ). 7,500 square feet for each duplex, plus 4,000 square feet for each dwelling unit over 2 in each building (11.14 dua <sup>1</sup> ).	6,000 square feet per single-family dwelling (7.26 dua <sup>1</sup> ). 7,500 square feet for each duplex, plus 5,000 square feet for each dwelling unit over 2 in each building (9.7 dua <sup>1</sup> ).
R-3EC	5,000 square feet per single-family dwelling (8.7 dua <sup>1</sup> ). 7,500 square feet for each duplex, plus 3,000 square feet for each dwelling unit over 2 in each building (13.52 dua <sup>1</sup> ).	5,000 square feet per single-family dwelling (8.7 dua <sup>1</sup> ). 7,500 square feet for each duplex, plus 4,000 square feet for each dwelling unit over 2 in each building (11.14 dua <sup>1</sup> ).
R-4, R-5, PI, C-2/CP- 2, C-3/CP-	6,000 square feet per single-family dwelling (7.26 dua <sup>1</sup> ). 7,500 square feet for each	6,000 square feet per single-family dwelling (7.26 dua <sup>1</sup> ). 7,500 square feet for each duplex,

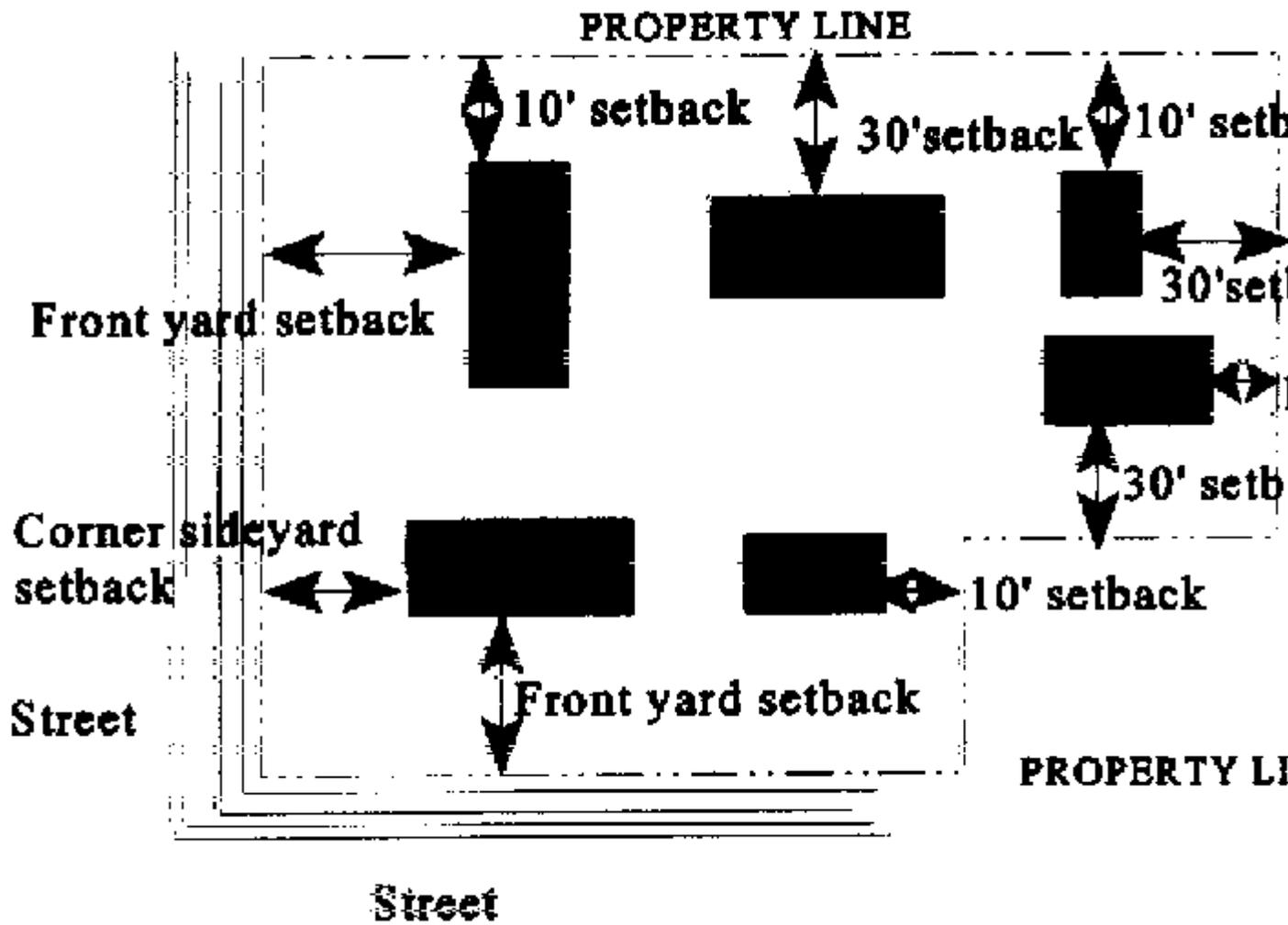
3	duplex, plus 2,000 square feet for each dwelling unit over 2 in each building (18.28 dua <sup>1</sup> ).	plus 3,000 square feet for each dwelling unit over 2 in each building (13.52 dua <sup>1</sup> ).
CBD	6,500 square feet for each triplex, plus 750 square feet for each dwelling unit over 3 in each building (46.74 dua <sup>1</sup> ).	6,500 square feet for each triplex, plus 1,150 square feet for each dwelling unit over 3 in each building (32.57 dua <sup>1</sup> ).
1. Dwelling units per acre (dua) are for reference purposes only.		

(Ord. 2004-28, 7-13-2004)

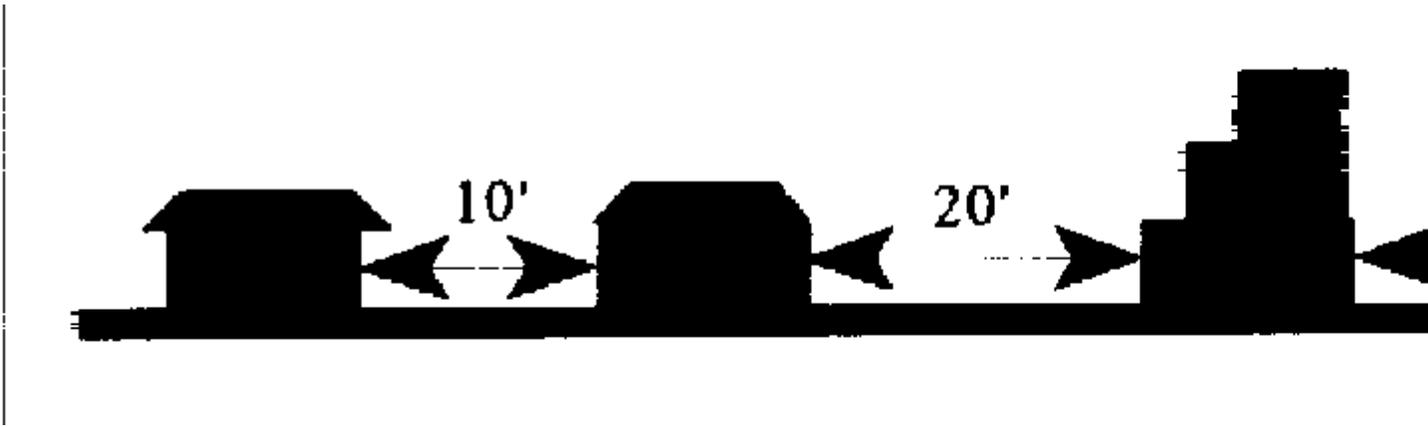
**15-10-4: MINIMUM DESIGN STANDARDS:**  

A. Building Setbacks:

1. Any building which is adjacent to a public street shall meet the minimum front yard setback required for the respective zone. If the building is on a corner, then the shortest side facing a street or either side of a square building shall meet the corner side yard setback of the respective zone. Only the building closest to the corner shall meet the corner side yard setback. Other buildings adjacent to the public street shall be required to meet the front yard setback of the respective zone. The minimum setbacks for all buildings from the interior property lines shall be based on the orientation and the comparative length of the sides of the buildings. If the longest portion of the building orients to the property line, then a thirty foot (30') setback shall be the minimum setback for that building. If the narrow part of the building orients to the property line, then a ten foot (10') setback shall be the minimum setback for the building. If the building is square, then the thirty foot (30') setback from the interior property line shall be the minimum setback.
2. If any main building is adjacent to any residential zoned property and is over two (2) stories in height, it shall be set back an additional ten feet (10') from the interior property lines for every additional story the building is over two (2) stories (e.g., if the building is 4 stories, then the interior property line setback is 10 feet [the original setback], plus 20 feet [2 stories x 10 feet], for a 30 foot setback. If the interior setback is 30 feet, then the setback is 30 feet plus 20 feet [2 stories x 10 feet]).

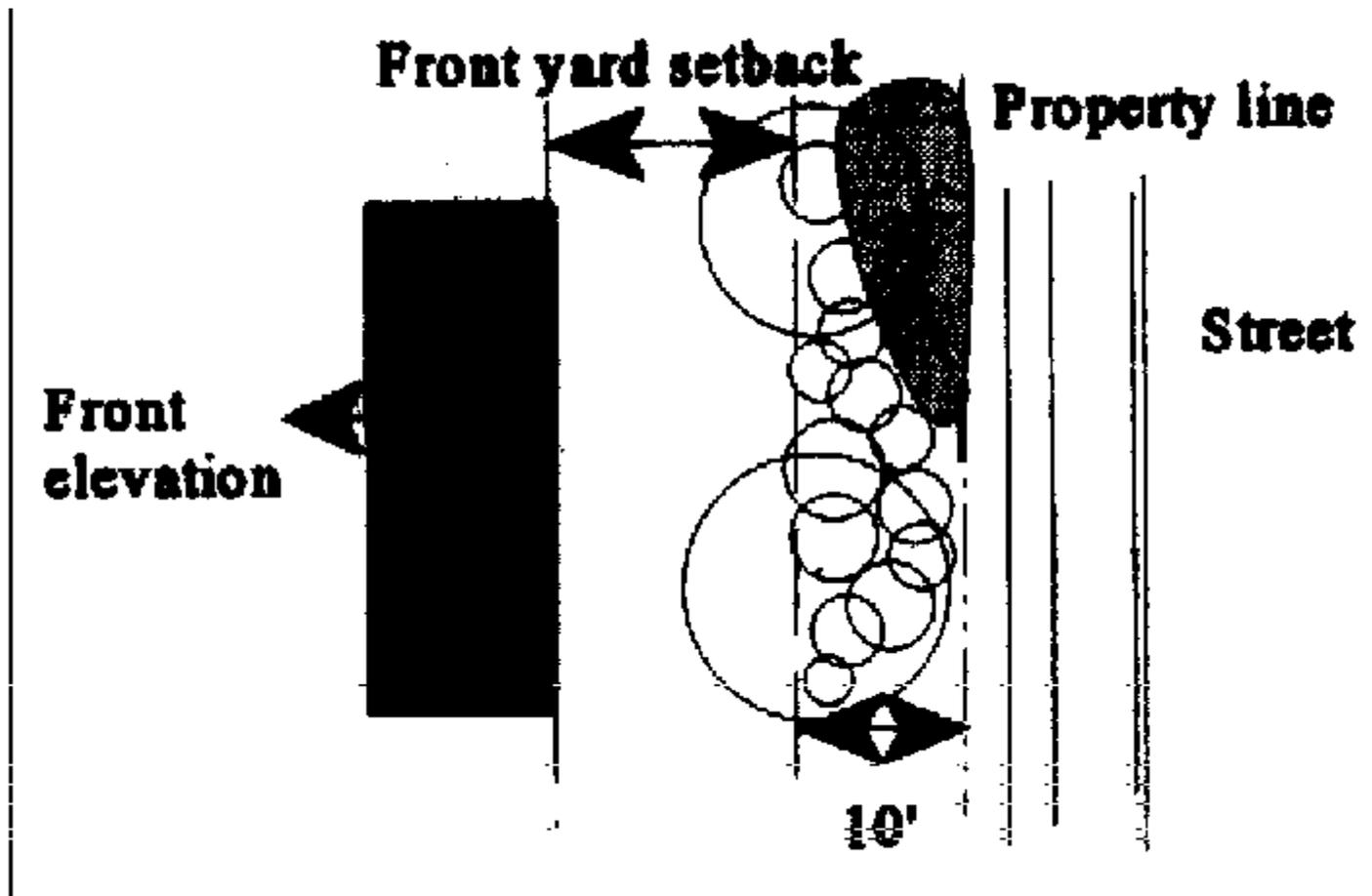


B. Distance Between Buildings: The minimum distance between buildings shall be ten feet (10') for single-story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for three-story buildings. Buildings which are over three (3) stories in all zones except the CBD shall have a separation of twenty feet (20'), plus ten feet (10') for every story over three (3) stories. In the CBD, twenty feet (20') shall be the minimum separation. If a lower building is next to a taller building, then the larger separation distance will apply.



C. Building Orientation:

1. Requirement: Those buildings which are adjacent to a public street shall have the front elevation of the building face the public street in order to retain the front yard appearance of the community. If the building is on a corner which abuts two (2) streets, only one front elevation is required for the building.
2. Exception: The planning commission may consider other orientations of the building if there is not an existing neighborhood which fronts the street or if other conditions exist which restrict such development and the planning commission determines that the surrounding neighborhood identity, front yard appearances and streetscape continuity will not be impacted by such a design. If it is determined that the front elevation should not face the street, an additional ten foot (10') setback shall be added to the front yard setback. This ten foot (10') area shall be landscaped with trees and plants in order to provide a transition from the public street to the private development. Any fencing which is installed shall not be placed in this ten foot (10') area.



D. Building Design:

1. All four (4) sides of the building, excluding doors and windows, shall have the same proportionate use of exterior finish materials (e.g., if brick is used on the front of the building it also is used on the other 3 elevations of the building). The use of vinyl siding materials on fifty percent (50%) or more of all four (4) sides is not acceptable. The planning commission may consider other options to having all four (4) sides of the building finished in the same materials. In considering other options the design needs to bring continuity to the entire building, development and neighborhood (e.g., privacy fences made of similar building materials which block the view of other portions of the building, quoins used to give relief to corners, facades having physical changes in the vertical planes so a flat facade is avoided). The commission may also consider other options when there are substantial grade differences from one side of the building to another and variations in the material will not impact neighborhood continuity.
2. Architectural detailing is required in order to provide interest and theme to the buildings. At a minimum, the building designs shall have a covered entry porch and at least two (2) of the following architectural elements which provide a defined character to the building:
  - a. Bay windows.
  - b. Quoins.
  - c. Dormers.

- d. Cantilevered floor.
  - e. Decorative cornice work.
  - f. Corbeling on wall.
  - g. Decorative lintel.
  - h. Roof style other than gable.
3. The architecture shall be visually compatible with the common elements of the existing architecture in the area. The planned architectural theme shall as a minimum use the common elements of the existing architecture in the area with respect to: a) the roof design and pitch, provided that pitch shall in all cases be four to twelve (4:12) or greater, b) the ratio of solid materials (walls) to glazing materials (windows). In the event the neighborhood is in transition or does not have a dominant architectural theme, the commission may approve architecture designs which enhance the neighborhood fabric.

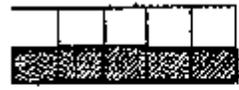


Proposed Architecture



Existing Architecture In Area

- 4. The architecture of the dwellings shall have visual relief in facade and rooflines that add variety and rhythm to the design, and avoids monotonous straight lines.



**Not appropriate**



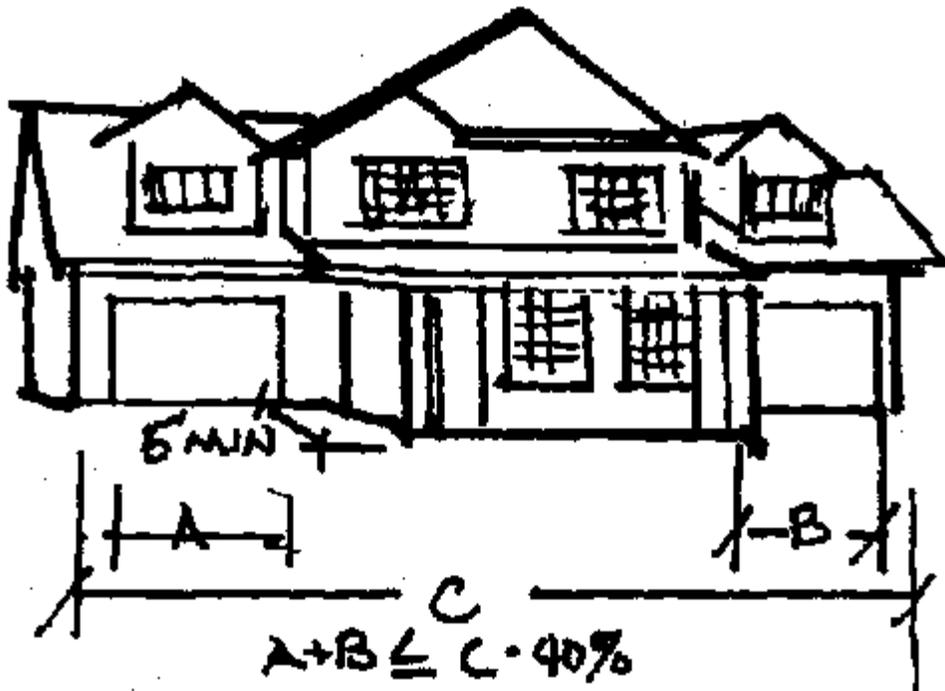
**Appropriate**



**Appropriate**

5. The front of each dwelling structure shall be designed so that:

- a. If a building has an attached garage or an area where a garage can be built along the front of the building, the garage doors or area where the garage can be built shall not occupy more than forty percent (40%) of the ground level building frontage.
- b. If the attached garage or area where the garage can be built is accessed from the front the garage or area where the garage can be built shall be set back a minimum of five feet (5') from the building front.
- c. The front of the building has as a minimum the design elements of a main entry door and ten percent (10%) of the wall surface area on the main level in glazing.



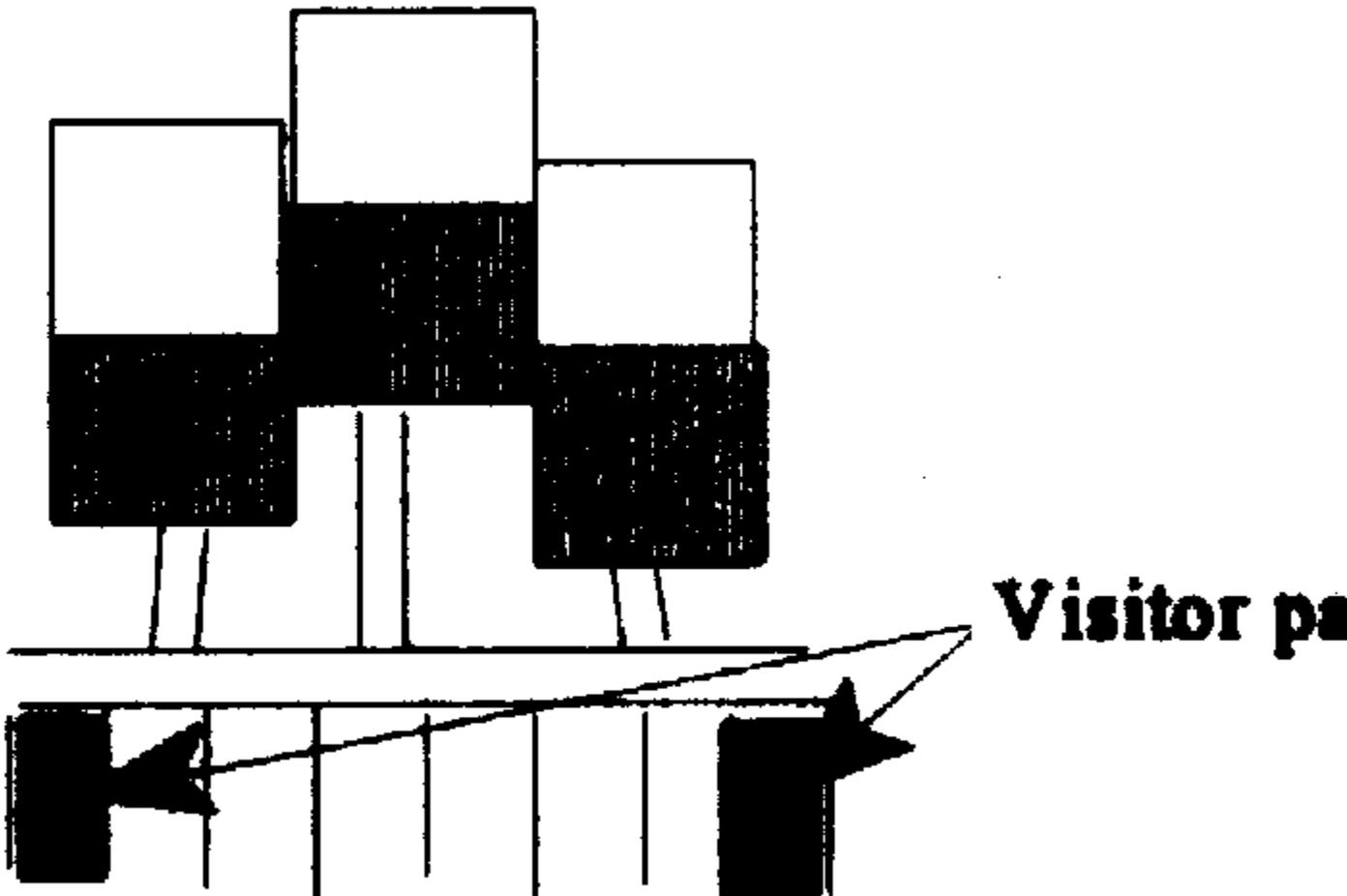
E. Site Layout: The materials and height of the building are to be sensitive to the existing topography and vegetation that exist on site. The buildings shall be built into the existing topography so that no major cuts occur (i.e., if for example the site slopes the building should be stepped into the hill). The existing vegetation shall be identified and shown how it will be preserved on site. In the

event that areas of vegetation are proposed to be removed, removal shall occur only upon approval by the planning commission based upon a site analysis and revegetation plan that is sensitive to the existing topography and vegetation.

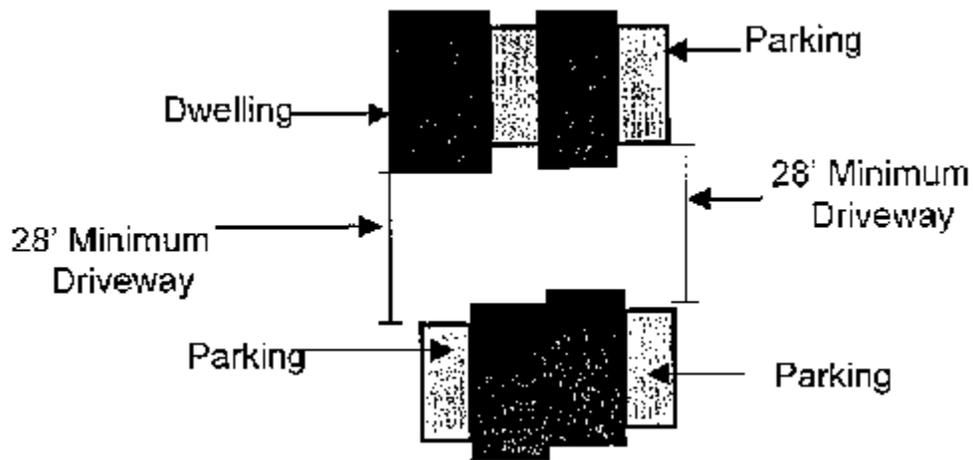
F. Building Height: The height of the main buildings shall be limited to the maximum height allowed in the respective zone of the project. Accessory buildings shall be one story with a maximum height of fifteen feet (15').

G. Parking Requirements And Design:

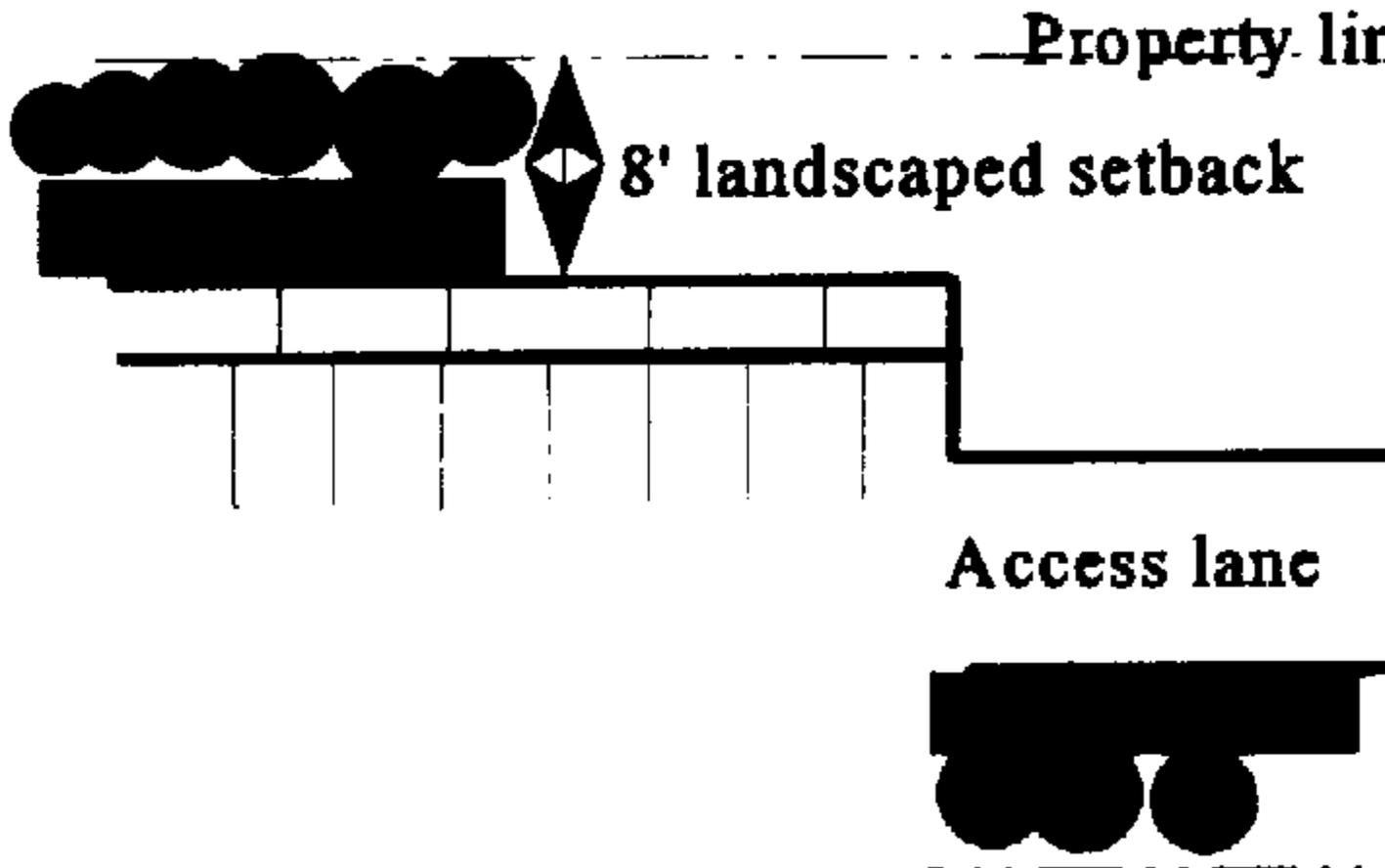
1. Two (2) parking stalls per dwelling shall be required for each unit in the development in all zones except the CBD. All parking and access shall be hard surfaced. Garages attached to the unit and used for required parking shall be set back eighteen feet (18') from the road or street or eighteen feet (18') from the walkway if a walkway is designed along the road or street. Detached unit parking shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. One and one-half (1<sup>1/2</sup>) stalls per unit shall be the minimum requirement in the CBD zone. Parking in the CBD shall be located within a five hundred foot (500') radius measured from any main entrance to the dwelling.



2. Driveways shall be a minimum of twenty eight feet (28') in width whenever the driveway is used to provide ingress and egress to any parking space between dwellings including parking within attached garages.



3. Parking adjacent to any public street and any access parallel to the street shall be set back the required front yard setback for the respective zone of the development. Parking stalls and access lanes shall be set back a minimum of eight feet (8') from any property line which is not adjacent to a street. The eight foot (8') setback area shall be landscaped. The planning commission may reduce the eight foot (8') setback for access lanes if it is determined that the accessway is adequately screened, the proximity and amount of traffic will not adversely impact existing neighboring uses, and there is adequate landscaping to soften the appearance of the access area.



4. Landscaped islands shall be required at the end of each row of stalls if the row exceeds ten (10) parking stalls in length. A row of parking that has over twenty (20) parking stalls shall have one landscaped island placed between every twenty (20) stalls in the row. Required parking areas shall install landscaped islands with raised curbs. Islands shall not be placed over hard surface. The landscaped island shall be a minimum width of nine feet (9') and a minimum length of eighteen feet (18').

#### H. Open Green Space And Landscaping:

1. Required Yard Setbacks: All required yard setbacks shall be landscaped.
2. Parkways: All parkways within the public right of way which abut the development shall be landscaped with grass, or other material approved by the planning commission, and two inch (2") caliper shade trees spaced no farther than forty feet (40') apart. Street trees are required along interior roads whether public or private at a maximum spacing distance of forty feet (40') apart. A "private road" shall be defined as any interior road that is accessed from a public street, that has no parking backs onto the road, and is used for primary circulation within the development.
3. Incorporation Of Natural Features: Developments shall be designed to incorporate existing trees, clusters of trees or clusters of shrubs and natural settings along rivers, streams or canals. The planning commission shall review the appropriateness of removal of portions of these types of vegetation if removal is planned. The planning commission may approve removal of some or all

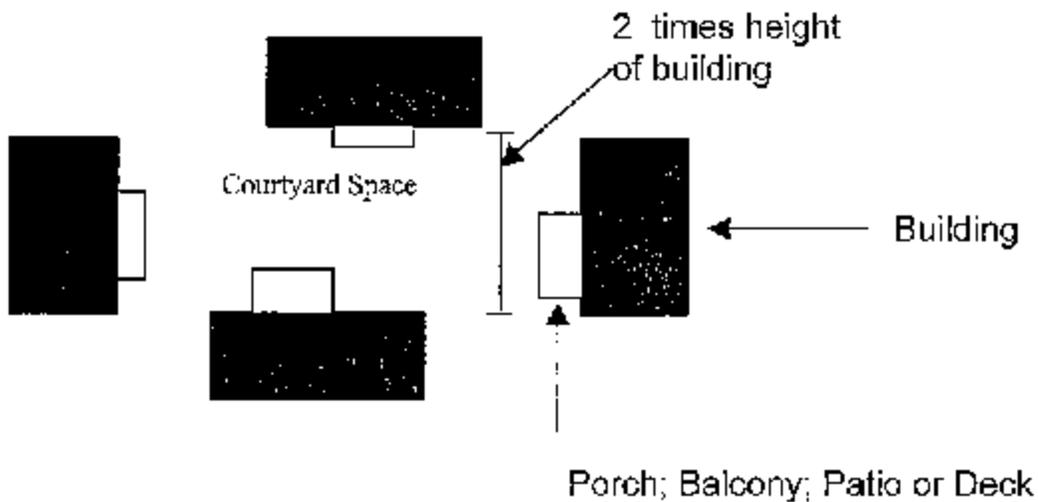
vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create. If existing vegetation is removed prior to submittal or not in keeping with the approved plan, the maximum density allowed for the development shall be the area requirement for single-family units in the zone of the project.

4. Use Of Turf Grass Limited: Grass shall not be the ground cover used in areas which are eight feet (8') or less in width within the property lines. Shrubs or planted ground covers shall be used in these areas and shall be planted at such a spacing that they will cover the entire designed area within five (5) years. Mulches shall be part of the initial planting design in these areas. The use of turf grass shall be limited to areas of high foot traffic, recreation areas and planned open spaces.
5. Minimum Plantings Required: A minimum of one 2-inch caliper tree and five (5) 5-gallon shrubs (at least 1 shrub a flowering shrub) shall be planted on the property for each unit in the development of a small lot group dwelling. Neighborhood group dwellings require a minimum of two (2) 2-inch caliper trees and five (5) 5-gallon shrubs (at least 1 shrub a flowering shrub) to be planted on the property for each unit in the development. Group dwellings located in the CBD zone shall require one 2-inch caliper tree and five (5) 5-gallon shrubs for each three (3) units in the development.
6. Minimum Landscaped Area Abutting Parking Or Access Lanes: A minimum six foot (6') landscaped area excluding sidewalk is provided between the unit and any parking or access lanes.
7. Entrance Feature Required: An entrance feature to the development is required. The minimum entrance feature shall consist of a monument sign naming the development surrounded by a variety of ground covers, shrubs and trees.
8. Screened Enclosures: All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not in the required setback areas, not visible from the public street and do not restrict vehicular parking or circulation.
9. Storm Water Detention Facilities: Storm water detention facilities are designed and used for multiple functions. The design of the facility shall blend in with the overall theme of the open space. Factors which will be used in determining compliance may include, but not be limited to, freeform design, grading and landscaping to provide gradual transitions, or artistic design elements.
10. Small Lot Group Dwellings: Rear and abutting dwelling units within small lot group dwellings shall be separated by a minimum thirty foot (30') landscaped area.
11. Neighborhood Group Dwelling: All neighborhood group dwellings shall include open space designed as either visual passive open space, courtyard open space, active area open space or natural features open space as provided herein. Such open space shall be a minimum of thirty percent (30%) of the total lot area. The required yard setbacks from property lines shall not be included in meeting the thirty percent (30%) open space minimum.
  - a. Visual Passive Open Space: Common open space designed to create a viewing or garden path experience by having planting areas with minimal or no sod that creates a visual experience provided that all of the following conditions are met:
    - (1) A minimum of eighty percent (80%) of the open space area needs to be covered with a variety of plants, including trees, shrubs, annuals and perennials to create a garden atmosphere that can be viewed from windows or pedestrianways.

- (2) The size of the passive area shall be a minimum of ten percent (10%) of the required thirty percent (30%) open space.
  - (3) The plants used shall provide a variety of colors, textures and leaves for all seasons.
  - (4) Fountains, sundials, statues or other similar elements shall be included in the design and shall take into account the scale of the space in which they are located.
  - (5) A maintenance plan shall be submitted that will identify how these areas will be cared for in the future.
- b. Courtyard Open Space: Common open space whose perimeter is defined by the placement of buildings or walls that enclose the open space area provided that all of the following conditions are met:

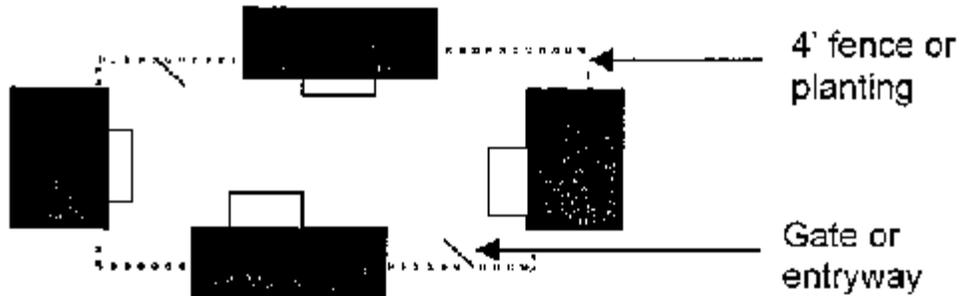
(1) Dimensions:

- (A) Minimums: The minimum width and length of the courtyard shall be two (2) times the height of the surrounding buildings.
- (B) Exception: The distance may be reduced by the planning commission in the CBD zone if the courtyard area is designed with a decorative paved plaza having a combination of plantings, seatings, lighting and artistic features as shown below.



- (2) Views And Access: The building elevation of the dwelling units facing the courtyard shall be designed to allow views of and access to the adjacent courtyards.
- (3) Minimum Coverage Of Plantings: A minimum of forty percent (40%) of the courtyard areas shall be covered with a variety of trees, shrubs and ground covers. For group dwellings in the CBD zone this coverage may be reduced by using an appropriate amount of decorative paving material in combination with plantings, seating, lighting and artistic features.
- (4) Private Space: The courtyard space shall be designed to create a private space for the development. In addition to the buildings a low fence or wall, low plantings or a combination of these shall be used to define the boundaries of each area. A fence or wall should have a gate or entryway

that provides easy access to the open space area as shown below:



- (5) Playground: If a children's playground area is to be part of the courtyard it shall be visible from the main living space of the adjacent dwelling units.
  - (6) Shaded Areas: Thirty percent (30%) of the courtyard area needs to be designed to provide shade during the midday of the summer months. The use of trees, buildings, awnings and pergolas can be used to provide for shade in the courtyard areas. If a swimming pool is used then the swimming pool area is excluded.
- c. Active Area Open Space: Common open space designed to provide active recreation such as basketball, volleyball, soccer, trails, open field play or swimming pool. In developing active area it can be one or a multiple of the above mentioned uses provided that all of the following conditions are met:
- (1) Playgrounds shall be separated by a minimum of thirty feet (30') from sport areas (i.e., tot lots would not be closer than 30 feet from a basketball court).
  - (2) Active areas shall not be located in areas next to local, collector or arterial streets.
  - (3) The active area needs to be more than an open field.
  - (4) Elements of shade need to be provided in the active area.
  - (5) When trails are used they shall meet the following requirements:
    - (A) The length of trail shall be a minimum of 0.5 mile long, except if it ties into another trail that meets this minimum.
    - (B) The trail shall be located a minimum of thirty feet (30') from the rear of any dwelling units and fifteen feet (15') from the side of any dwelling units and separated with shrubs, trees or landforms so the trail and the back of the units have a visual separation.
    - (C) Trail width needs to be a minimum of four feet (4') wide and pavement materials are limited to concrete or asphalt.
    - (D) The trail needs to lead to destination areas or focal points within the open space.
    - (E) When lighting is provided along the trail it shall be directed downward so it does not impact adjacent residence. The lighting shall not be taller than two feet (2').

(6) The required active areas shall begin at a point fifteen feet (15') from the rear of any dwelling unit.

d. Natural Features Open Space: A site that has unique natural features such as woodlands, ponds, ravines, canals, streams and wetlands provided that all of the following conditions are met:

(1) If a natural feature is used an analysis of the site needs to be submitted which identifies how the natural features will be preserved and how it will function as an open space.

(2) A plan is submitted that identifies how the natural features will be integrated into the landscaped areas.

(3) Shrubs, trees and ground covers shall be added to the natural features that would enhance the setting of the natural features.

(4) If a trail system is used, the trail system needs to be accessible from the units to these areas that leads to a focal point or destination area. The trail shall meet the following conditions:

(A) The trail shall be located a minimum of thirty feet (30') from the rear of any dwelling units and separated with vegetation and or landforms so the trail and the back of the units have a visual separation.

(B) The width and material needs to be a minimum of four feet (4') wide and constructed out of crushed gravel or a material approved by the planning commission that is compatible with the natural features in the area.

(C) When lighting is provided along the trail it shall be directed downward so it does not impact adjacent residence. The lighting shall not be taller than two feet (2').

I. Street Design: Group dwellings shall be designed to meet area transportation plans.

Developments which are located on or next to a collector or arterial public street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local streets or in areas where local streets may be of benefit to the development of the general area may be required to design and install a local public street through the development. The planning commission shall review the future and existing circulation needs of the area, existing road patterns, and emergency access needs in determining if a local public street should be required or extended. Interior private streets shall have a minimum twenty four foot (24') pavement width.

(Ord. 2004-28, 7-13-2004)

J. Fencing:

1. Requirements: The portions of the development that do not front a street shall be fenced with a maximum seven foot (7') high fence. The fence needs to be constructed out of either masonry, wood, vinyl or black powder coated chainlink. Fencing in the front yard is optional. The maximum height for a fence in the front yard setback is four feet (4') high. Front yard fencing shall be constructed out of masonry, wood, vinyl or decorative wrought iron.

2. Exceptions; Maintenance; Waivers:

- a. The planning commission may vary the height of the fence fronting a street if the buildings do not front the street and it is determined the proposed fence design, materials, and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:
- (1) Not isolate the surrounding neighborhoods;
  - (2) Be consistent with the theme of the development; and
  - (3) Be compatible with the neighborhood.
- b. If fencing isolates property between the fence and the public street, the development shall provide a means to ensure continued maintenance of this area.
- c. The planning commission may waive the seven foot (7') high fencing requirement provided it is determined that:
- (1) Waiving such fencing will not impact adjoining properties by creating potential trespassing conditions; and
  - (2) There is a natural or manmade feature that fencing would hinder access to or damage the aesthetic attributes of the feature as it relates to the development.

(Ord. 2005-4, 2-15-2004)

**15-10-5: DENSITY INCREASES FOR NEIGHBORHOOD GROUP DWELLINGS:**  

A. Neighborhood group dwellings may receive additional density considerations. The planning commission shall review the proposed development plan and determine if the proposed design complies with the intent of the density increase design standards. Once compliance with one or more standards is determined, a proportionate increase in density can be considered. The proportionate increase shall be based on the points earned by complying with the density increase design standards in section [15-10-6](#) of this chapter, as determined by the planning commission. Once compliance is determined by the planning commission to all requirements of this chapter, the appropriate number of points will be added to the development to determine the total number of units allowed in the development. The chart below is used to determine the total number of units allowed:

Zone	Points Needed To Reduce 1 Square Foot Of Lot Area Per Unit From Minimum	Maximum Points Possible	Group Dwelling Minimum Square Footage Per Unit
R-2EC	33.33 points	60	12,000 square feet per duplex
R-2	11.11 points	180	14,000 square feet per duplex
R-3	8.1 points	307	7,500 square feet for each duplex, plus 5,000 square

			feet for each dwelling unit over 2 in each building
R-3EC	5.36 points	373	7,500 square feet for each duplex, plus 4,000 square feet for each dwelling unit over 2 in each building
R-4, R-5, PI, C-2/CP-2, C-3/CP-3	3.125 points	480	7,500 square feet for each duplex, plus 3,000 square feet for each dwelling unit over 2 in each building
CBD	1.25 points	480	6,500 square feet for each triplex, plus 1,500 square feet for each dwelling unit over 3 in each building

B. Each zone has a maximum number of points needed to reach the maximum density. If fewer points than the maximum are obtained, then the maximum number of units allowed is determined by dividing the number of points by the points needed to reduce one square foot of lot area per unit. This number is then subtracted from the minimum lot area needed per unit of the respective zone and then used to calculate how many units are maximum given the lot area of the development. (Example: The development is in an R-3 zone and 180 points are earned.  $180 \text{ [points earned]} \times 8.1 \text{ [R-3 points needed to reduce 1 square foot]} = 1,458 \text{ [square foot reduction from minimum square footage]}$ . This number is then subtracted from 5,000 square feet [the minimum lot area per unit in the R-3 zone] to give a sum of 3,542. The requirement for the project then is 7,500 square feet per building, plus 3,542 square feet for each dwelling unit over 2 in each building.)

C. The maximum number of units allowed shall not exceed the following maximum square footage requirements for the respective zone:

Zone	Neighborhood Group Dwelling Maximum Square Footage Per Unit
R-2EC	10,000 square feet per duplex (7.2 to 8.7 dua <sup>1</sup> )
R-2	12,000 square feet per duplex (6.2 to 7.2 dua <sup>1</sup> )
R-3	7,500 square feet for each duplex, plus 2,500 square feet for each dwelling unit over 2 in each building (9.7 to 15.4 dua <sup>1</sup> )
R-3EC	7,500 square feet for each duplex, plus 2,500 square feet for each dwelling unit over 2 in each building (11.1 to 18.3 dua <sup>1</sup> )
R-4, R-5, PI, C-	7,500 square feet for each duplex, plus 1,500 square feet for

2/CP-2, C-3/CP-3	each dwelling unit over 2 in each building (13.5 to 23 dua <sup>1</sup> )
CBD	6,500 square feet for each triplex, plus 550 square feet for each dwelling unit over 3 in each building (32.57 to 52.74 dua <sup>1</sup> )
1. Dwelling units per acre (dua) are for reference purposes only.	

(Ord. 2004-28, 7-13-2004)

## 15-10-6: DENSITY INCREASE DESIGN STANDARDS FOR NEIGHBORHOOD

### GROUP DWELLINGS:

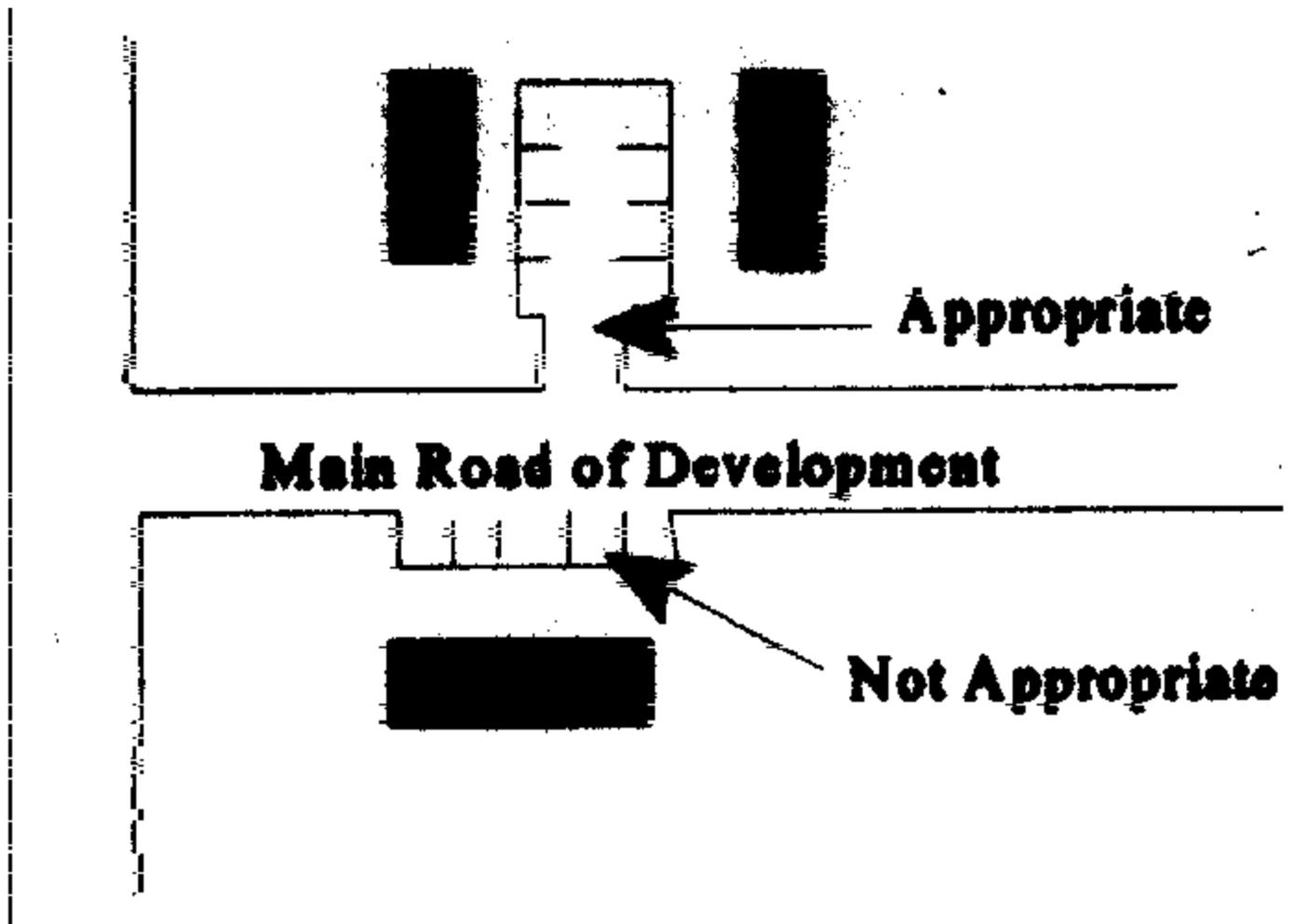
In order to receive increased density for neighborhood group dwellings, the development shall comply with one or more of the following design features. The three (3) main design considerations are architecture, parking and circulation, and landscaping. The points awarded for successful use of these elements are in parentheses at the end of each design option.

A. Architecture; Building Materials: All facades of each dwelling structure exclusive of windows or doors have a minimum coverage of eighty percent (80%) of exterior surface in either brick or stone. (60 points)

B. Development In Specified Zones: The development is located in the R-3EC, C-2, CP-2, C-3, CP-3, or CBD zones. (80 points)

C. Parking And Circulation:

1. The development provides two (2) car covered carports for each dwelling unit. (25 points)
2. The circulation system of the development is designed to provide a circulation hierarchy. The main circulation road does not have perpendicular parking which backs out into the travel lane, but branches off into development areas which have parking areas. The parking needs to be designated so that more than one building shares the parking area. (80 points)



3. The development provides a two (2) car garage which is attached to the dwelling structure. (50 points)
4. Each dwelling unit has an attached two (2) car garage that is side or rear loaded. (70 points)
5. The development provides one covered parking stall for each unit located below grade and under the habitable floor space of the building. (80 points)
6. The development provides two (2) covered parking stalls for each unit located below grade and under the habitable floor space of the building. (120 points)

D. Landscaping:

1. The development has a unified landscaping design of trees, shrubs, theme lighting, natural features, ponds, streams, fountains, waterfalls, sculptures and other design elements which create interest and visual unity and displays creativity in providing usable open space for the residents of the development. (50 points)
2. The landscaping plan for the development provides ten (10) 5-gallon shrubs (4 of which are a flowering shrub) for each dwelling unit. (10 points)

3. The landscaping plan for the development provides three (3) 2-inch caliper trees for each dwelling unit. (20 points)
4. The landscape plan provides additional five (5) gallon shrubs above the ten (10) per unit and additional two inch (2") caliper trees above the three (3) per unit. Additional points will be awarded at ten (10) points per every five (5) additional shrubs per unit up to fifty (50) points maximum and twenty (20) points per additional tree per unit up to one hundred (100) points maximum.
5. The entire landscape design of the project takes into consideration the need to conserve water. In addition to the principles of limiting turf grass areas to high foot traffic areas and recreational areas, the plant selections of shrubs and ground covers shall use drought tolerant plants. Shrub areas shall be mulched to reduce watering demands. The irrigation system shall be designed to water plants of similar water needs and avoid wasteful watering. No more than ten percent (10%) of the entire landscaping surface area can be in rocks or other nonliving ground cover. The ten percent (10%) limitation does not include areas where the ground cover is rocks or other material and is planted with plants spaced so they will completely cover the area in five (5) years. (100 points)
6. The design retains natural settings along streams or rivers and provides a trail and public easement, in cases where the city is willing to accept it, for public access. (80 points)
7. In the CBD zone, the landscape plan provides two (2) 2-inch caliper trees per three (3) units (20 points) or ten (10) 5-gallon shrubs per three (3) units. (10 points)

#### E. Recreation Center:

1. A recreation building which provides the following amenities: meeting room with a minimum floor area of fifteen (15) square feet per unit for residents of the development, restroom facilities, manager's office, exercise/spa area with equipment. (50 points)
2. Swimming pool with a minimum water surface area of six hundred (600) square feet and a concrete deck of eight feet (8') wide around the pool. (70 points)

(Ord. 2004-28, 7-13-2004)

### **15-10-7: SUBMISSION AND APPROVAL PROCESS:**

#### A. General Review Process:

1. Two Step Process: The group dwelling process consists of a two (2) step review process. The first step is submission and review of a preliminary plan conditional use permit. The purpose of this review is to determine general compliance with the regulations of this chapter and the appropriateness of the development through a conditional use permit review. The second step is submission and review of a final plan. The purpose of the final review is to ensure all conditions and details needed to build the project are met. For group dwellings which are permitted uses (8 or less total units in the R-3 or higher zone) compliance with sections [15-10-3](#), 15-10-4, 15-10-9 and [15-10-10](#) of this chapter are required for approval.
2. Group Dwelling Condominiums: If the development is to be developed as a condominium, the condominium approval process can either occur together with the general approval process or as a condominium conversion after development approvals have been given.

3. PRUD Subdivision: A group dwelling may not be subdivided with individual lots unless it complies with the conditions of final approval and the requirements of [title 14, chapter 5](#) of this code. Any subdivision of existing group dwelling construction shall first comply with the requirements of the building code, as adopted by [title 16, chapter 2](#) of this code, or its successor provisions, regarding construction in relation to property lines.

B. Preliminary Plan/Conditional Use Permit Submission: A complete application for a conditional use permit for a group dwelling shall be submitted to the planning office for review and comment. Once the plan has been reviewed and found meeting the minimum site plan requirements for submittal, it shall be scheduled for the next appropriate planning commission meeting for review of the project to consider whether or not the request should be approved. The minimum site plan requirements for the submittal shall include the following accurate information:

1. The property boundary location, direction and length;
2. Contour lines at no greater than five foot (5') intervals if there is more than a ten foot (10') grade difference on any portion of the site;
3. Existing vegetation, buildings, canals, ditches, streams, easements, utility poles, or other existing features whether manmade or natural;
4. Any adjacent buildings, parking lots, streets, sidewalks and curbs within thirty feet (30') of the property boundary;
5. The proposed location of buildings, parking, carports, driveways, sidewalks and fences. These shall be dimensioned. The distance of these items from property lines and from each other shall also be dimensioned;
6. A general landscaping plan which shows areas to be landscaped, general types of landscaping to be used (i.e., trees, shrubs and grass), areas to be preserved in their existing conditions, and any open space amenities;
7. A table which indicates total acreage of the development, total hard surface, building coverage and landscape area square footage;
8. Preliminary building elevations of all four (4) sides and the types of materials proposed to be used on the building;
9. Preliminary utility plan showing the manner in which water, sewer and storm sewer services will be provided; and
10. If located in the sensitive area overlay zone, all necessary reports or information required for compliance with the sensitive area overlay zone.

C. Preliminary Plan Conditional Use Permit Review And Consideration: The planning commission, subject to the requirements of this chapter, may approve, approve with conditions or deny the preliminary plan/conditional use permit for a group dwelling. In reviewing a preliminary plan/conditional use permit, the planning commission shall consider if the group dwelling:

1. Meets the minimum lot area and design standard requirements of this chapter;

2. Provides an adequate interior traffic circulation system which does not adversely impact neighboring properties. In considering impacts to the neighbors, such things as car lights, visibility of parking areas, screening, access location and distance of parking areas from neighboring buildings shall be considered;
3. Interrupts or restricts future local or community traffic patterns;
4. Site design is compatible with the topography and other existing features of the site;
5. Architecture is compatible with the character of the neighborhood. In determining compatibility, the planning commission shall consider types of building materials, color, architectural relief to the face of the building, roof style and height of the building;
6. Site design and building design does not adversely impact neighboring properties. Such things as building location and orientation, landscaping, screening, privacy and other specific site issues shall be considered in determining if the neighborhood is adversely impacted beyond permitted development possibilities;
7. Open space development meets the needs of the residents of the development by providing private outdoor areas, common play areas and areas of interest;
8. Meets the design requirements of this chapter for increased density.

D. Final Development Plan Submission: Once preliminary plan/conditional use permit approval has been given, a final development plan shall be submitted for review and approval. The final plan shall meet all the conditions established when the preliminary plan/conditional use permit was approved. A small lot group dwelling may submit for a conditional use permit/final approval without going through the preliminary plan/conditional use review, provided the submitted plan has all information needed as required for submittal for both approval processes. Only upon approval of the final development plan shall the conditional use become effective. The final development plan shall include the following accurate information:

1. The property boundary with bearings and length of each property line;
2. Final site grading plan at no more than two foot (2') contour intervals showing all walls, cuts and fills proposed;
3. A detailed site plan showing the precise location and size of all buildings and structures, parking areas, access lanes, canals, ditches, streams, easements, utility poles, sidewalks, and public street, curb, gutter and sidewalk;
4. A final landscape plan showing the location, types and sizes of all plant material;
5. Final building elevations of all four (4) sides and the types of materials proposed to be used on the building;
6. Detailed engineering plan including site drainage, street improvements, and utility plans (showing location, sizes and slopes of lines); and
7. All conditions established with the preliminary plan conditional use permit approval.

E. Final Development Plan/Conditional Use Permit Approval: The planning commission may approve, deny or approve with conditions the final development plan/conditional use permit for the group dwelling. The planning commission review of the final development plan/conditional use permit approval shall consider the following:

1. Whether or not the issues addressed as conditions for preliminary plan/conditional use permit have been adequately addressed.
2. Any changes from the preliminary plan/conditional use permit which are now being proposed by the developer.
3. Compliance with all applicable requirements of this chapter and the development code.

(Ord. 2011-39, 6-28-2011)

#### **15-10-8: TIME LIMITATIONS:**

A final development plan/conditional use permit shall be submitted for approval within twelve (12) months of the preliminary plan/conditional use permit approval. Failure to submit a final development plan/conditional use permit within the year time period shall result in a revocation of the preliminary approval/conditional use permit and the permit and approval shall be null and void. Once a final development plan/conditional use permit has been approved, the applicant has six (6) months to obtain a building permit and begin construction. Failure to obtain a building permit within the six (6) month time period shall result in a revocation of the approval of the project and all approvals shall be null and void.

(Ord. 2004-28, 7-13-2004)

#### **15-10-9: FINANCIAL GUARANTEE; INSTALLMENT OF IMPROVEMENTS:**

A. Prior to issuance of any building permit on the property approved for a group dwelling, a financial guarantee in accordance with section [15-13-23](#) of this title shall be required. The guarantee shall be sufficient to cover the cost of all infrastructure, right of way improvements and landscaping shown on the final approved plan. Unless otherwise approved pursuant to subsection B of this section, landscaping and site improvements shall be installed prior to occupancy of any structure within the group dwelling unless inclement winter weather prevents their completion. In no case shall time for completion be extended beyond June 1 immediately following the completion date. If the development is to occur in phases, then the landscaping and other improvements which make the phase functional shall be installed prior to occupancy.

B. In a neighborhood group dwelling, the director, or the director's designee, may approve occupancy of one or more of the buildings without completion of all improvements, if all of the following required improvements have been installed and determined to be in compliance with the approved plan and an adequate financial guarantee is in place to ensure completion of the remaining improvements:

1. All private roads and utilities within the group dwelling;
2. All landscaping within the common open space to be established for the entirety of the group dwelling and along the private roads;

3. Entryway signage and associated landscaping;
4. All accessways and parking associated with the building to be occupied; and
5. All landscaping around and associated with the building to be occupied.

(Ord. 2004-28, 7-13-2004)

### **15-10-10: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:**

In case of failure or neglect to comply with any and all of the provisions of this chapter and the conditions and stipulations herein established and as specifically made applicable to a group dwelling, the building official shall not authorize occupancy of any structure. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter.

(Ord. 2004-28, 7-13-2004)

### **15-10-11: REVOCATION OF CONDITIONAL USE PERMIT:**

A conditional use permit may be revoked if any of the conditions or terms are violated; however, the holder of the permit shall first be afforded an opportunity to be heard before the planning commission and show cause as to why the permit should not be revoked. A violation of a condition or term of a permit shall constitute a violation of this code, and the revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation. The decision of the planning commission to revoke a conditional use permit may be appealed to the mayor, in writing, within fifteen (15) days of the planning commission's decision.

(Ord. 2004-28, 7-13-2004)

### **15-10-12: VIOLATIONS:**

Violations of any plan approved under this chapter or of the conditional use permit issued in accordance with the provisions of this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title as provided in section [15-1-14](#) of this title.

(Ord. 2004-28, 7-13-2004)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): Prior ordinance history: Ord. 97-35, 5-27-1997; Ord. 97-78, 10-21-1997; Ord. 97-90, 12-16-1997; Ord. 98-37, 6-16-1998; Ord. 99-8, 1-26-1999; Ord. 99-9, 1-26-1999; Ord. 99-10, 1-26-1999; Ord. 99-37, 9-28-1999; Ord. 2000-25, 5-16-2000, eff. 7-1-2000; Ord. 2000-52, 10-17-2000; Ord. 2000-70, 1-16-2001, eff. 1-18-2001; Ord. 2000-71, 1-16-2001, eff. 1-18-2001; Ord. 2001-32, 6-5-2001)

# Planning Commission Report



**Subject:** Continuation Discussion of the Conditional Use Ordinance  
(Title 10, Chapter 10 of the South Ogden City Code)

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** June 11, 2015

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## **Background**

This is a continuation of the discussion regarding the Conditional Use Ordinance from the previous May 2015 meeting of the planning commission. At that time staff conducted a preliminary review of the existing Conditional Use Chapter, focusing on two primary issues as follow:

- **Controlling the size and intensity of larger-scale uses permitted in residential zones (schools and churches, for example) or permitted as conditional uses in some residential districts (daycares, nursing homes, offices, hospitals, etc.)**  
This discussion item addressed existing tools for controlling the size and intensity of uses (height limits, setback requirements, maximum building coverage/minimum open green space requirements), and possible new tools such as the application of floor area limits and Floor Area Ratios (FARs), the use of design guidelines and/or the formation of a design review board. Staff expressed some concern that the latter would be difficult to apply without significant changes to existing operations and inputs. *Staff did not recommend any of the new tools, pending discussion and input from the Planning Commission.*
- **Strengthening the legal basis of the Conditional Use Chapter**  
This discussion item reviewed the South Ogden Conditional Use Ordinance, comparing it to similar ordinances used in Ogden, Draper and Provo. *Staff did not recommend any actions for strengthening the legal basis, citing the lack of expertise.*

Following the May 2015 Planning Commission meeting, Neil Lindberg of York, Howell & Guymon was contacted by the city manager, with a request that he provide a revised conditional use chapter for consideration by the Planning Commission.

The following is a copy of the responding email (page 3) provided by Mr. Lindberg, which is followed a proposed draft of Conditional Use chapter (Track Changed version is on page 3 Clean version begins on page 11). The sample general provisions mentioned in the email for possible placement in Chapter 1 of Title 10 begin on page 15.

## **Discussion/Analysis**

A revised draft of the conditional use ordinance has been provided by legal counsel, focusing on bringing the existing ordinance in compliance with LUDMA. In addition to the suggested draft, the addition of a Substantial Action statement and General provisions are also provided.

## **Recommendation**

Staff believes that the general direction suggested by Mr. Lindberg will help alleviate future problems related to the conditional use ordinance. However, the Planning Commissions will need to carefully consider some of the key details, particularly the Standards Section (10-15-6), which as Mr. Lindberg suggests, may need to be pared back. Otherwise staff defers to the recommendations of Mr. Lindberg.

Regarding the suggestion that the size and intensity of larger-scale uses permitted in some residential zones should be controlled, staff believes this issue is secondary to the legal basis of the ordinance, and should be considered once the legal basis has been resolved. This issue may also require review and input by legal staff.

Hi Matt,

Here is a draft of the revised conditional use chapter as we discussed (clean and legislative versions). While the zoning code could benefit from a number of updates, I've prepared the revision so it fits within the now existing zoning ordinance framework. The principal change is language, based on the Land Use, Development, and Management Act, that requires approval of a conditional use unless reasonably anticipated detrimental effects cannot be substantially mitigated by imposing reasonable conditions. As a result of this state law "presumption of approval" requirement, many communities have revised their zoning ordinances to remove many, if not most, conditional uses from various zones where approval might be a problem.

The standards section addresses a number of potential concerns and may need to be pared back. There may also be some which should be added. Since many different kinds of conditional uses are possible, the standards section (10-15-6) requires the Planning Commission to decide which ones apply to a particular conditional use request. A "detrimental effects" analysis is required only for those standards deemed relevant. This allows a standard to be in place in case it is needed for a particular case. It also relieves the Planning Commission from having to conduct a detrimental effects analysis when a concern is not relevant.

The draft also includes revisions to existing sections and a number of new ones regarding the status of a CUP once it is approved (effect of approval, later amendment, transfer to another party, periodic review, revocation, and expiration). I recommend that the Planning Commission add a definition of "substantial action" as follows for the benefit of the expiration section. It may also be applicable to other sections of the code.

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of this title, or to exercise development rights authorized pursuant to such an approval.

Also attached is sample general provisions that could be included in Chapter 1 of Title 10 of the city zoning ordinance. I have used it in a number of zoning codes that I've rewritten. Although it includes several things that appear in LUDMA, I favor including them in a local ordinance because it helps both the city and public be aware of applicable rules. (I haven't verified that it is totally consistent with the current version of LUDMA, so if you decide to use it, that should be done.) It also includes a description of the difference between legislative and administrative approvals and their associated standards (which LUDMA does not include).

Please let me know if you have comments or questions. Thanks.

Chapter 15  
CONDITIONAL USES:

10-15-1: PURPOSE AND INTENT:

10-15-2: AUTHORITY:

10-15-3: CONDITIONAL USE PERMIT REQUIRED:

10-15-~~3~~4: REVIEW PROCEDURE:

~~10-15-4: DETERMINATION:~~

10-15-5: ~~BASIS FOR ISSUANCE OF~~ PLANNING COMMISSION ACTION:

10-15-6: CONDITIONAL USE STANDARDS:

10-15-7: NOTICE OF DECISION:

10-15-8: APPEAL OF DECISION:

10-15-9: EFFECT OF APPROVAL:

10-15-10: AMENDMENT:

10-15-11: TRANSFER OF PERMIT:

10-15-~~6~~12: ~~BUILDING~~ ENFORCEMENT OF PERMIT REQUIREMENTS:

10-15-~~7~~13: PERIODIC REVIEW:

10-15-14: REVOCATION:

10-15-15: EXPIRATION:

10-15-1: PURPOSE AND INTENT:

~~The purpose and intent of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner.~~

This chapter sets forth requirements for considering and approving conditional use permits. The purpose of a conditional use permit is to allow evaluation of a land use proposed at a particular location to determine if the use may detrimentally affect the city, surrounding neighbors, or adjacent land uses. Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the standards set forth in this chapter.

10-15-2: AUTHORITY:

The planning commission is authorized to approve or deny conditional use permits as provided in this chapter.

10-15-3: CONDITIONAL USE PERMIT REQUIRED:

A conditional use permit shall be required for ~~all uses~~ any land use listed as a conditional ~~uses~~ use in the zone regulations. ~~A conditional use permit may be revoked by the city council after review and recommendation by the planning commission, upon failure to comply with the conditions imposed with the original approval of the permit set forth in this title.~~

10-15-~~34~~: REVIEW PROCEDURE:

A. Application: Application for a conditional use permit shall be made to the ~~planning commission~~ building official using application forms provided by the city.

B. Information Required: Detailed location, site, and building ~~plan~~ plans shall accompany ~~the complete~~ an application ~~forms provided by the city for a conditional use.~~ For ~~structures in existence~~ a conditional use located in an existing structure, only a location plan needs to be provided.

C. Consideration: The application, together with all pertinent information, shall be considered by the planning commission at its next regularly scheduled meeting.

D. Public Hearing: The planning commission may ~~call~~ hold a ~~specific~~ public hearing on any application after adequate notice if it is deemed in the public interest. The planning commission shall take action on the application by the second meeting of the planning commission after the application filing date. ~~A record of the hearing, together with a decision for the denial or approval of the conditional use permit with conditions of approval or reasons for denial, shall be forwarded to the city council.~~

10-15-~~4~~: ~~DETERMINATION~~ 5: PLANNING COMMISSION ACTION:

~~—The planning commission may deny or permit~~ A. Approval: A conditional use to be located within any zone in which the particular conditional use is permitted. In authorizing any conditional use, the planning commission shall impose such requirements and be approved if reasonable conditions ~~necessary for the protection of adjacent properties and the public welfare.~~

~~10-15-5: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:~~

~~—The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:~~

~~A. Necessity: That the~~ are ~~proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community.~~

~~B. Detriment: That such use will not, under the operation proposed, or can be~~ imposed, to mitigate the reasonably anticipated detrimental to the health, safety and general welfare of the community, nor any part thereof, nor threaten damage of the property effects of the use pursuant to the standards set forth in Section 10-15-6 of this chapter. Any such conditions shall be included in a written document authorizing the conditional use permit.

~~C. Compatibility: That the use will be compatible with and not offensive to surrounding uses from the standpoint of building design, site layout, traffic both externally and internally, parking both externally and internally, signs, landscaping, pedestrian traffic, lighting considerations, material storage and operational characteristics, etc.~~

~~D. Compliance: That the proposed~~ B. Denial: A proposed conditional use may be denied only if substantial evidence demonstrates:

1. The use is not a conditional use in the zone where the use is proposed to be located.

2. The use ~~will~~does not comply with the regulations and conditions specified in this title for such use-; or

~~E. Conformance: That~~3. The anticipated detrimental effects of the use cannot be substantially mitigated by the imposition of reasonable conditions.

C. Detrimental Effects Analysis: In analyzing the potential detrimental effects of a proposed conditional use, the planning commission may consider any of the factors set forth in Section 10-15-6 of this chapter that may be applicable and whether the use should be approved as proposed by the applicant, approved with conditions, or denied. The planning commission may require an applicant to provide reasonably available information that the planning commission considers necessary to address such factors.

#### 10-15-6: CONDITIONAL USE STANDARDS:

This section sets forth standards for determining whether a conditional use will have any detrimental effect and should be approved as proposed, approved with conditions, or denied. Because some standards may, or may not, be relevant to a particular conditional use, the planning commission shall determine which standards will be considered in analyzing the possible detrimental effects that may result from a proposed conditional use.

A. General Plan: The proposed use conforms to ~~the goals, applicable~~ policies and ~~governing principles and land use~~ of the ~~master~~city's general plan ~~for the city~~.

~~F. Environmental Deterioration: That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect, to any appreciable degree, public and private properties, including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.~~

#### 10-15-6: BUILDING PERMIT:

~~Upon receipt of a conditional use permit, the developer shall take such permit~~B. Site Design: The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.

C. Access: Access to the site is designed to avoid traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.

D. Circulation: On-site vehicle circulation and truck loading areas are designed to mitigate adverse impacts on adjacent property.

E. Parking: The location and design of off-street parking complies with applicable standards of this title.

F. Refuse Collection: The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.

G. Utility Services: Utility capacity is sufficient to support the use at normal service levels.

H. Screening: The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening and landscape treatments and other features are designed to increase attractiveness of the site and protect adjoining property owners from noise and visual impacts.

I. Operating Hours: The hours of operation of the use and delivery of goods are not likely to adversely impact surrounding uses.

J. Signs: Sign size, location, and lighting are compatible with, and do not adversely impact, surrounding uses.

K. Public Services: Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection, are adequate to serve the use.

L. Environmental Impact: The use does not significantly impact the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.

M. Nuisance: Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation.

#### 10-15-7: NOTICE OF DECISION:

Within ten (10) days after the planning commission makes a final decision to approve or deny a conditional use permit, the building official ~~who will review the~~ shall send written notice thereof to the applicant, including any conditions of approval. If a conditional use is approved, such notice shall be recorded against the property by the city recorder.

#### 10-15-8: APPEAL OF DECISION:

Any person adversely affected by a final decision of the planning commission regarding a conditional use permit may appeal such decision to the hearing appeals officer as provided in Section 10-4-3 of this title.

#### 10-15-9: EFFECT OF APPROVAL:

A conditional use permit shall not relieve an applicant from obtaining any other authorization, ~~permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the building official may approve an application for a building,~~ or license required under this title or any other title of this code.

#### 10-15-10: AMENDMENT:

A conditional use permit ~~and~~ may be amended subject to the original approval procedure set forth in this chapter.

#### 10-15-11: TRANSFER OF PERMIT:

A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

#### 10-15-12: ENFORCEMENT OF PERMIT REQUIREMENTS:

The building official shall ensure ~~that~~ development under a conditional use permit is undertaken and completed in compliance with ~~said~~the permit and any conditions pertaining thereto.

#### 10-15-~~7~~13: PERIODIC REVIEW:

The planning commission may periodically review whether a conditional use is being conducted in compliance with applicable requirements.

#### 10-15-14: REVOCATION:

A. Grounds: Any of the following shall be grounds for revocation of a conditional use permit:

1. The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use.
2. The holder or user of a permit has failed to construct or maintain the site as required by an approved site plan.
3. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

B. Appearance By Permit Holder or User: No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the planning commission and show cause as to why the permit should not be revoked. Revocation of a conditional use permit shall not limit the city's ability to initiate or complete other legal proceedings against the holder or user of the permit.

#### 10-15-15: EXPIRATION:

~~Unless there is substantial action under~~A. Substantial Action: A conditional use permit ~~within a period of~~shall expire one (1) year ~~of its~~after issuance unless substantial action, as determined by the planning commission, ~~the conditional use permit shall expire.~~is taken to implement the permit. Upon request by the holder or user of a permit, filed with the building official prior to the expiration date, the planning commission may grant a maximum extension of six (6) months.

B. Cessation of Use: Once substantial action has been taken under exceptional circumstances, a conditional use permit, the permit shall expire if the use for which the permit was granted has ceased for one (1) year or more. The permit holder shall be given written notice that the permit has expired.

Chapter 15  
CONDITIONAL USES

- 10-15-1: PURPOSE AND INTENT:
- 10-15-2: AUTHORITY:
- 10-15-3: CONDITIONAL USE PERMIT REQUIRED:
- 10-15-4: REVIEW PROCEDURE:
- 10-15-5: PLANNING COMMISSION ACTION:
- 10-15-6: CONDITIONAL USE STANDARDS:
- 10-15-7: NOTICE OF DECISION:
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- 10-15-10: AMENDMENT:
- 10-15-11: TRANSFER OF PERMIT:
- 10-15-12: ENFORCEMENT OF PERMIT REQUIREMENTS:
- 10-15-13: PERIODIC REVIEW:
- 10-15-14: REVOCATION:
- 10-15-15: EXPIRATION:

10-15-1: PURPOSE AND INTENT:

This chapter sets forth requirements for considering and approving conditional use permits. The purpose of a conditional use permit is to allow evaluation of a land use proposed at a particular location to determine if the use may detrimentally affect the city, surrounding neighbors, or adjacent land uses. Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the standards set forth in this chapter.

10-15-2: AUTHORITY:

The planning commission is authorized to approve or deny conditional use permits as provided in this chapter.

10-15-3: CONDITIONAL USE PERMIT REQUIRED:

A conditional use permit shall be required for any land use listed as a conditional use in the zone regulations set forth in this title.

10-15-4: REVIEW PROCEDURE:

A. Application: Application for a conditional use permit shall be made to the building official using application forms provided by the city.

B. Information Required: Detailed location, site, and building plans shall accompany an application for a conditional use. For a conditional use located in an existing structure, only a location plan needs to be provided.

C. Consideration: The application, together with all pertinent information, shall be considered by the planning commission at its next regularly scheduled meeting.

D. Public Hearing: The planning commission may hold a public hearing on any application after adequate notice if it is deemed in the public interest. The planning commission shall take action on the application by the second meeting of the planning commission after the application filing date.

#### 10-15-5: PLANNING COMMISSION ACTION:

A. Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the use pursuant to the standards set forth in Section 10-15-6 of this chapter. Any such conditions shall be included in a written document authorizing the conditional use permit.

B. Denial: A proposed conditional use may be denied only if substantial evidence demonstrates:

1. The use is not a conditional use in the zone where the use is proposed to be located.

2. The use does not comply with the regulations and conditions specified in this title for such use; or

3. The anticipated detrimental effects of the use cannot be substantially mitigated by the imposition of reasonable conditions.

C. Detrimental Effects Analysis: In analyzing the potential detrimental effects of a proposed conditional use, the planning commission may consider any of the factors set forth in Section 10-15-6 of this chapter that may be applicable and whether the use should be approved as proposed by the applicant, approved with conditions, or denied. The planning commission may require an applicant to provide reasonably available information that the planning commission considers necessary to address such factors.

#### 10-15-6: CONDITIONAL USE STANDARDS:

This section sets forth standards for determining whether a conditional use will have any detrimental effect and should be approved as proposed, approved with conditions, or denied. Because some standards may, or may not, be relevant to a particular conditional use, the planning commission shall determine which standards will be considered in analyzing the possible detrimental effects that may result from a proposed conditional use.

A. General Plan: The proposed use conforms to applicable policies of the city's general plan.

B. Site Design: The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.

C. Access: Access to the site is designed to avoid traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.

D. Circulation: On-site vehicle circulation and truck loading areas are designed to mitigate adverse impacts on adjacent property.

E. Parking: The location and design of off-street parking complies with applicable standards of this title.

F. Refuse Collection: The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.

G. Utility Services: Utility capacity is sufficient to support the use at normal service levels.

H. Screening: The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening and landscape treatments and other features are designed to increase attractiveness of the site and protect adjoining property owners from noise and visual impacts.

I. Operating Hours: The hours of operation of the use and delivery of goods are not likely to adversely impact surrounding uses.

J. Signs: Sign size, location, and lighting are compatible with, and do not adversely impact, surrounding uses.

K. Public Services: Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection, are adequate to serve the use.

L. Environmental Impact: The use does not significantly impact the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.

M. Nuisance: Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation.

#### 10-15-7: NOTICE OF DECISION:

Within ten (10) days after the planning commission makes a final decision to approve or deny a conditional use permit, the building official shall send written notice thereof to the applicant, including any conditions of approval. If a conditional use is approved, such notice shall be recorded against the property by the city recorder.

#### 10-15-8: APPEAL OF DECISION:

Any person adversely affected by a final decision of the planning commission regarding a conditional use permit may appeal such decision to the hearing appeals officer as provided in Section 10-4-3 of this title.

#### 10-15-9: EFFECT OF APPROVAL:

A conditional use permit shall not relieve an applicant from obtaining any other authorization, permit, or license required under this title or any other title of this code.

#### 10-15-10: AMENDMENT:

A conditional use permit may be amended subject to the original approval procedure set forth in this chapter.

#### 10-15-11: TRANSFER OF PERMIT:

A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

#### 10-15-12: ENFORCEMENT OF PERMIT REQUIREMENTS:

The building official shall ensure development under a conditional use permit is undertaken and completed in compliance with the permit and any conditions pertaining thereto.

#### 10-15-13: PERIODIC REVIEW:

The planning commission may periodically review whether a conditional use is being conducted in compliance with applicable requirements.

#### 10-15-14: REVOCATION:

A. Grounds: Any of the following shall be grounds for revocation of a conditional use permit:

1. The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use.
2. The holder or user of a permit has failed to construct or maintain the site as required by an approved site plan.
3. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

B. Appearance By Permit Holder or User: No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the planning commission and show cause as to why the permit should not be revoked. Revocation of a conditional use permit shall not limit the city's ability to initiate or complete other legal proceedings against the holder or user of the permit.

#### 10-15-15: EXPIRATION:

A. Substantial Action: A conditional use permit shall expire one (1) year after issuance

unless substantial action, as determined by the planning commission, is taken to implement the permit. Upon request by the holder or user of a permit, filed with the building official prior to the expiration date, the planning commission may grant a maximum extension of six (6) months.

B. Cessation of Use: Once substantial action has been taken under a conditional use permit, the permit shall expire if the use for which the permit was granted has ceased for one (1) year or more. The permit holder shall be given written notice that the permit has expired.

Draft of the General Decision-Making Standards to be considered for inclusion in Chapter 1 of Title 10:

A. Legislative and Administrative/Quasi-Judicial Distinction: The decision-making standards set forth in this subsection are based on the fundamental distinction between legislative and administrative/quasi-judicial proceedings. Legislative proceedings establish public law and policy applicable generally, while administrative/quasi-judicial proceedings apply such law and policy to factually distinct, individual circumstances.

1. Legislative Proceedings: The following types of applications are hereby declared to be legislative:

- a. General Plan amendments.
- b. Zoning map amendments.
- c. Zoning text amendments.
- d. Temporary land use regulations.

2. Basis for Approving Legislative Applications: Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

a. The land use authority shall determine what action, in its sole judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare of the public.

b. In making such determination, the land use authority may consider the following:

(1) Testimony presented at a public hearing or meeting.

(2) Personal knowledge of various conditions and activities bearing on the issue at hand, such as, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the city.

c. The land use authority shall state on the record the rationale for its decision.

3. Administrative Proceedings: The following types of applications are hereby declared to be administrative:

- a. Subdivision approval.
- b. Site plan review.
- c. Conditional use permit.
- d. Permitted use review.
- e. Temporary use permit.
- f. Sign permit.

- g. Building permit review.
- h. Nonconformity determination.
- i. Administrative interpretation.

4. Basis for Approving Administrative Applications: Decisions regarding an administrative application shall be based on the "substantial evidence" standard as follows:

a. Any administrative application for which substantial evidence in the record shows compliance with requirements applicable to the application shall be approved.

(1) Substantial evidence is that quantity and quality of relevant evidence adequate to convince a reasonable mind to support a conclusion.

(2) Conditions may be imposed to conform an application with applicable requirements of this title.

b. A decision under this subsection shall include at least the following elements:

(1) A statement of approval, approval with conditions, or disapproval, as the case may be.

(2) A summary of evidence presented which forms the basis for the decision, including specific references to applicable standards set forth in this title, other provisions of the South Ogden City Code, or other applicable law.

5. Quasi-Judicial Proceedings: The following types of applications are hereby declared to be quasi-judicial:

a. Appeal of administrative decision.

b. Variance.

6. Basis for Approving Quasi-Judicial Applications: For an appeal of an administrative decision, see section \_\_\_\_\_ of this title. For a variance, see section \_\_\_\_\_ of this title.

B. Fundamental Fairness: Consideration of any land use application shall be fundamentally fair, which for the purpose of this title means:

1. In any land use proceeding, notice is provided as required by this title and fair procedure is applied to the proceeding; and

2. In a legislative proceeding, a decision by the city council advances a legitimate public purpose and could advance the public welfare.

C. Pending Zoning Map or Text Amendments:

1. An applicant is entitled to approval of a land use application if the application conforms to applicable requirements of this title in effect when a complete application is submitted and all fees have been paid, unless:

a. The city council or planning commission find, on the record, a compelling, countervailing public interest would be jeopardized by approving the application; or

b. Before a complete application is submitted, proceedings have been formally initiated to amend this title in a manner that would prohibit approval of the application.

2. If a zoning map or text amendment which may affect an application is pending when the application is submitted, the applicant shall not be entitled to rely on such provisions but may be required to comply with newly enacted provisions, as set forth below.

a. A proposed amendment shall be deemed “pending” when the amendment proposal first appears on a duly noticed planning commission or city council agenda, as the case may be.

b. An application affected by a pending amendment shall be subject to the following requirements:

(1) The application shall not be acted upon until six (6) months from the date when the pending amendment was first noticed on a planning commission or city council agenda unless:

(A) The applicant voluntarily agrees to amend his application to conform to the requirements of the proposed amendment; or

(B) The proposed amendment is sooner enacted or defeated, as the case may be.

(2) If a pending amendment is enacted within six (6) months after being noticed on a planning commission or city council agenda, an affected application which was filed while the amendment was pending shall conform to the enacted amendment.

c. If a pending amendment to this title is not enacted within one hundred eighty (180) days since the proceedings were initiated and the proceedings have not resulted in an enactment that prohibits approval of the application as submitted, the application shall be processed without regard to the proposed amendment.

D. Permit Requirements: No requirement may be imposed on a permit holder unless the requirement is expressed in the land use permit or documents on which the land use permit is based, this chapter, or the South Ogden City Code.

E. Certificates of Occupancy: Issuance of a certificate of occupancy may not be withheld because an applicant fails to comply with a requirement that is not expressed in the building permit or in documents on which the building permit is based, this title, or the South Ogden City Code.

F. Exactions:

1. An exaction may be imposed on development proposed in a land use application if:

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

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

2. If the city plans to dispose of surplus real property that was acquired under this section and has been owned by the city for less than five (5) years, the city shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the city.

a. A person to whom the city offers to reconvey property under subsection 2a has ninety (90) days to accept or reject the city's offer.

b. If a person to whom the city offers to reconvey property declines the offer, the city may offer the property for sale.

c. Subsection 2 does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

G. Vested Rights: Except as otherwise provided in this subsection, a person who submits a complete application pursuant to the provisions of this title is entitled to have such application considered on the basis of provisions in effect when the application is submitted.

1. If within one (1) year after a complete application has been submitted the applicant has not taken substantial action to pursue approval of the application, the application shall expire and any vested rights thereunder shall terminate.

2. An applicant who has obtained vested rights under this title shall proceed with reasonable diligence to exercise development rights authorized by an approved application. Failure to take substantial action on an approved application prior to the expiration date of such application, as set forth in this title, shall terminate vested rights associated with the application.

3. An applicant with vested rights shall continually conform to all conditions of approval of an application. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's vested rights under the application.

4. An application approved pursuant to this title only authorizes the thing applied for in the application.

5. Vested rights may be voided if the city council finds, on the record, a compelling, countervailing public interest reason to do so.

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**SOUTH OGDEN CITY  
PLANNING COMMISSION BRIEFING MEETING MINUTES**

**May 14 9, 2015  
Council Chambers, City Hall  
5:30 P.M.**

**PLANNING COMMISSION MEMBERS PRESENT**

Chairman Todd Heslop, Commissioners Shannon Sebahar, Steve Pruess, and Mike Layton

**PLANNING COMMISSION MEMBERS EXCUSED**

Commissioners Raymond Rounds, Chris Hansen and Dax Gurr

**STAFF PRESENT**

City Manager Mark Vlastic, City Planner Mark Vlastic and City Recorder Leesa Kapetanov

**OTHERS PRESENT**

Walt Bausman

Chair Todd Heslop began the briefing meeting at 5:40 pm. He began discussion on the commercial site plan for Popeye's by expressing his concern about getting everything in writing from Warren's for the shared access and parking. City Planner Mark Vlastic said the City would not grant anything until the agreements were made. City Recorder Leesa Kapetanov suggested the motion to approve the site plan be made on condition that the City receives copies of the agreements. Planner Vlastic commented that the items listed by the engineer should be added to the approval conditions as well. Commissioner Sebahar said it appeared as if Popeye's and Warren's were also sharing a sign and the sign agreement should be required as well.

Mr. Heslop then moved on to discussion of the various ordinances on the agenda. Mr. Vlastic began with the Subdivision Ordinance. He said his main goal was to get the Ordinance coordinated with the Public Works Standards. He had also added a new chapter dealing with amendments to subdivisions. Staff and commission went through the Subdivision Ordinance pointing out areas they had concerns about and corrections that needed to be made. City Recorder Leesa Kapetanov suggested that she, Mr. Vlastic, and City Engineer Brad Jensen meet and go over the ordinance to ensure that important things were not removed.

Mr. Vlastic then spoke briefly about the PRUD Ordinance. He said he had not tried to make small changes to what the City already had, but had chosen to just eliminate it altogether. He then used Ogden City's PRUD Ordinance as a guideline but had tailored it for South Ogden. The new ordinance used a point system that determined how dense a developer could make the PRUD. He pointed out that the City Attorney had yet to review the new Ordinances from a legal standpoint. Planner Vlastic concluded by letting the commissioners know he had not made any changes to the Cluster Subdivision Ordinance.

Chair Todd Heslop then concluded the briefing meeting and the Planning Commissioners moved to the Council Room for the regular meeting.

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Not Approved

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Briefing Meeting held Thursday, May 14, 2015.

  
Leesa Kapetanov, City Recorder

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Date Approved by the Planning Commission

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**MINUTES OF THE  
SOUTH OGDEN CITY PLANNING COMMISSION MEETING  
Council Chambers, City Hall  
Thursday, May 14, 2015 – 6:15 p.m.**

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**PLANNING COMMISSION MEMBERS PRESENT**

Chairman Todd Heslop, Commissioners Shannon Sebahar, Steve Pruess and Mike Layton

**PLANNING COMMISSION MEMBERS EXCUSED**

Commissioners Raymond Rounds, Chris Hansen and Dax Gurr

**STAFF PRESENT**

City Manager Mark Vlastic, City Planner Mark Vlastic and City Recorder Leesa Kapetanov

**OTHERS PRESENT**

Jerry Cottrell, Walt Bausman, LeeAnn Miller

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**I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES**

The meeting began at 6:19 pm. Chair Todd Heslop called for a motion to open the meeting.

**Commissioner Pruess moved to open the meeting, with a second from Commissioner Sebahar. Commissioners Sebahar, Pruess, and Layton all voted aye.**

Mr. Heslop read through the items on the agenda and then turned the time to City Planner Mark Vlastic to give an overview of the item of business.

**II. COMMERCIAL SITE PLAN ACTIONS - Administrative**

**A. Consideration of Commercial Site Plan for Popeye's Located at 3920 Wall Avenue**

Mr. Vlastic gave some basic information about the project, explaining the current building on the site would be torn down to make way for a new restaurant. In order to meet parking requirements, the owners were proposing to share parking with the restaurant (Warren's) on the adjacent property. The owner had also been conferring with UDOT concerning the access to the property, as the roads on both sides of the property were owned by UDOT. UDOT had given them several options in handling the access, one of which was to share an access with Warren's; this is the option they had chosen. Mr. Vlastic said the developer had submitted all the required drawings for the site plan review. Both the City Engineer and Fire Department had reviewed the drawings; the engineer had made a few notes and the fire department was fine with what had been submitted. Mr. Vlastic said the site plan met the general requirements, but he recommended the following items be required before approval was granted; first, that all the points brought out by the engineer be met; second, that the type of signs be clarified as well as if a sign would be shared with Warrens; and third, a copy of the formal agreement with Warren's concerning shared access, shared parking and a

50 shared sign be provided to the City.  
51 Chairman Heslop asked if a representative for Popeye's was present. LeAnne Miller,  
52 engineer for the project and representative of Popeye's came forward. She explained  
53 her client would be installing monument signs, but that Warren's was requesting the  
54 large sign be shared as part of the agreement for sharing parking and access. City  
55 Recorder Leesa Kapetanov said the City had a sign ordinance concerning shared signs  
56 and they should make sure the terms of the shared sign agreement would still meet the  
57 City's Ordinance. There was no more discussion. Chairman Heslop called for a  
58 motion.  
59

60 **Commissioner Sebahar moved to grant preliminary site plan approval for the**  
61 **commercial site plan for Popeye's located at 3920 Wall Avenue contingent on the**  
62 **following items: 1) all signs meet sign ordinance requirements, 2) the City receive**  
63 **copies of written agreements with UDOT and Warrens, and 3) the City Engineers**  
64 **recommendations are met. The motion was seconded by Commissioner Pruess.**  
65 **The chair made a roll call vote:**

67	Commissioner Sebahar-	Yes
68	Commissioner Layton-	Yes
69	Commissioner Pruess-	Yes
70	Chairman Heslop-	Yes

71  
72 **The motion passed.**  
73  
74

75 **III. SPECIAL ITEMS – Legislative**

76 **A. Discussion on Subdivision Ordinance (South Ogden City Code (SOCC) Title 11)**

77 City Planner Vlastic indicated the changes in the Subdivision Ordinance were precipitated  
78 by the recent adoption of new Public Works Standards, some of which were already  
79 cited in the Subdivision Ordinance; they needed to be removed so as to not create  
80 conflict. He also pointed out a new chapter had been added concerning amendments  
81 to subdivisions and how they should be handled. He alluded to the fact that some  
82 issues with the proposed ordinance had been brought up in the briefing meeting, and he  
83 would still need to make some changes to it.

84 The commissioners went through the ordinance page by page, with both staff and the  
85 commission pointing out changes that needed to be made. City Recorder Leesa  
86 Kapetanov made notes of the changes to be made (see Attachment A).  
87

88 **B. Discussion on PRUD Ordinance (SOCC Title 10, Chapter 11)**

89 Planner Vlastic noted that he had taken Ogden City's PRUD Ordinance and tailored it to  
90 South Ogden City's needs. He said this ordinance would put more onus on city staff as  
91 well as developers.

92 The Planning Commission discussed the requirements of the proposed ordinance and if  
93 they would be appropriate for the City. Mr. Vlastic said he did not want to alter the  
94 point system already set up for a PRUD subdivision for fear it would not offer an  
95 applicant the incentive needed to build a PRUD. Commissioner Sebahar suggested  
96 that staff contact Ogden City to see how the ordinance was working in their city or if  
97 they thought some adjustments should be made.

98 City Manager Dixon pointed out the PRUD approval process was not clear and should be  
99 better defined. It also referenced the conditional use process; however a PRUD was  
100 not a conditional use. There was also a reference to a development director which

needed to be removed. There was no more discussion on the PRUD Ordinance.

**C. Discussion on Cluster Subdivision Ordinance (SOCC Title 10, Chapter 12)**

Mr. Vlastic explained the difference between a PRUD Subdivision and a Cluster Subdivision, saying there was a need for both in the city's code. He had not made any changes the current Cluster Subdivision Ordinance.

Commissioner Pruess noted that the ordinance did not make reference to who would maintain the common area in the subdivision. City Planner Vlastic pointed out some language in the ordinance that said the common area would be maintained as stipulated by the Planning Commission at the time the subdivision was approved; however, the commissioners had the prerogative to tighten the ordinance as far as the maintenance of the common areas was concerned. They moved on to the next item of discussion.

**D. Discussion on Conditional Use Ordinance (SOCC Title 10, Chapter 15)**

City Planner Vlastic said this ordinance would need to be discussed over several meetings. It was one of the key things the City Council had asked the Planning Commission to look at and change. The current ordinance was very weak as to a legal defense standpoint. He reminded the commission they had tried to eliminate as many conditional uses as possible from the residential zones, but they had found in the higher density zones that conditional uses were a better way to handle some of the more commercial type uses that were added. Conditional uses were useful tool in the transitional zones between residential and commercial.

The City Council had also asked that the size of some uses, such as churches and assisted living facilities, be limited so that they would better fit in the surrounding residential neighborhoods. The current code limited size by specifying height limits, minimum set back requirements and minimum open space requirements. Other cities had used tools such as floor area limits and floor area ratios. These tools may be useful to our city as well; however, sometimes such requirements prohibited good design. Another approach to limiting certain uses was to create more specific guidelines or the creation of a design review board. Mr. Vlastic said the Planning Commission needed to determine what method they felt was best to restrict the sizes of some uses and direct staff to move forward with it. He had also provided conditional use ordinances from Ogden, Draper and Provo for the commission members to review. He hoped they could highlight points they felt should be included in our ordinance.

Commissioner Sebahar suggested they first determine where the current ordinance was weak so they could fix it; they may need to consult the city attorney to determine where it was legally weak. City Manager Dixon shared some of the points brought out in previous discussions on conditional use; if a condition was in the code it should be reasonable, measurable and enforceable. He suggested staff come up with an ordinance that had been legally vetted and then let the commission work with it. Commissioner Pruess agreed. The rest of the commission concurred.

**E. Set Date for Public Hearing (June 11, 2015 at 6:15 pm or as soon as the agenda permits) to Receive and Consider Comments on the Following Items:**

1. **Proposed Changes to the Subdivision Ordinance (SOCC Title 11)**
2. **Proposed Changes to the PRUD Ordinance (SOCC Title 10, Chapter 11)**
3. **Proposed Changes to the Cluster Subdivision Ordinance (SOCC Title 10, Chapter 12)**

Chair Todd Heslop indicated it was time to set the date for the public hearing for the items they had been discussing. He reminded them they would only be setting it for the Subdivision and Cluster Ordinances and not the PRUD Ordinance. He then called for a motion.

153 Commissioner Sebahar moved to set the public hearing for the Subdivision and Cluster  
154 Subdivision Ordinances for June 11, 2015. The motion was seconded by  
155 Commissioner Pruess. The vote was unanimous in favor of the motion.

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158 **IV. OTHER BUSINESS**

159 The Chair asked if there was any other business. Commissioner Pruess suggested that outlets  
160 be installed where they sat so that their personal devices could be plugged in. Since they no  
161 longer had computers to view, it had become a problem to be able to plug in.  
162 Recorder Leesa Kapetanov then reminded the commissioners they would be electing a new  
163 chair and vice-chair at the June meeting.  
164 City Manager Dixon also updated the Planning Commission on the Harrison Boulevard/Highway  
165 89 Intersection project.  
166 Commissioner Pruess concluded by asking some questions about 40<sup>th</sup> Street and the proposed  
167 form based code.  
168

169  
170 **V. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

171 **A. Approval of April 9, 2015 Briefing Meeting Minutes**

172 Mr. Heslop called for a motion concerning the April 9, 2015 Briefing Meeting Minutes.  
173

174 **Commissioner Pruess moved to approve the April 9, 2015 Briefing Meeting Minutes,**  
175 **followed by a second from Commissioner Sebahar. All present voted aye in favor of**  
176 **the motion.**  
177

178 **B. Approval of March 12, 2015 Meeting Minutes**

179 The Chair then called for a motion concerning the April 9, 2015 meeting minutes.  
180

181 **Commissioner Sebahar moved to approve the April 9, 2015 meeting minutes.**  
182 **Commissioner Pruess seconded the motion. The voice vote was unanimous in favor**  
183 **of the motion.**  
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186 **VI. PUBLIC COMMENTS**

187 There were no comments from the public.  
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190 **VII. ADJOURN**

191 Chairman Heslop called for a motion to adjourn the meeting.  
192

193 **At 8:49 pm, Commissioner Sebahar moved to adjourn, followed by a second from**  
194 **Commissioner Pruess. All present voted aye.**  
195

196  
197 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission  
198 Meeting held Thursday, May 14, 2015.  
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201 Leesa Kapetanov, City Recorder

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Date Approved by the Planning Commission

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**Attachment A**  
Subdivision Ordinance with Noted Changes

Not Approved

**Proposed Revision:**  
**SOUTH OGDEN CITY CODE**  
**Title 11**  
**Subdivision Regulations**

**Chapter 1**  
**GENERAL PROVISIONS**

**11-1-1: PURPOSE AND INTENT:**

A. Specified: The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of subdivision of land and related matters affected by such subdivision.

B. Evidence of Best Interest: Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the planning commission. 

C. Variations, Exceptions: In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the city council after recommendation by the planning commission. (Ord. 793, 7-11-1989)

**11-1-2: SCOPE:**

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

B. Sales, Exchanges Of Land: No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title; provided, that this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the initial subdivision regulations adopted by the city on August 10, 1955. (Ord. 793, 7-11-1989)

**11-1-3: DEFINITIONS:**

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular. Words not included herein but defined

**Summary of Comments on NOTICE**

Page: 1

Author: klapetanov Subject: Study Note Date: 5/20/2015 11:18:17 AM  
Need to reference General Plan instead of "best interest". Any proposed subdivisions and its ultimate use shall be supported by the general plan.

elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory.

ALLEY: A public thoroughfare less than twenty six feet (26') wide. (Approval of public alleys will be given by city council only.)

BLOCK: The land surrounded by streets and other right of way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL DEVELOPMENT PURPOSE: The division of a parcel of land into two (2) or more lots or parcels, none of which is less than five (5) acres in area; and provided, that no dedication of any street is required to serve any such lots or parcels of agricultural land so created.

CITY: South Ogden City, Utah.

CITY COUNCIL: City Council of South Ogden City, Utah.

CITY ENGINEER: Any registered civil engineer appointed by the city council to accomplish the objectives of this title; provided, that no such person may serve the city and a subdivider in the city simultaneously where he would have to check his own work or the work of a member of his firm in connection with any subdivision in the city.

EASEMENT: That portion of a lot or lots reserved, granted or arising in behalf of and for the present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, use on, or use above said lot or lots.

HALF STREETS: Approval and construction of half streets is not allowed in the city.

LOT: A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of ownership, together with such yards, open spaces, lot width and area as required by the zoning title of South Ogden City having frontage upon street or upon right of way approved by the planning commission and/or the board of adjustment.

LOT RIGHT OF WAY: An easement of not less than sixteen feet (16') wide reserved by the lot owners as private access to serve the lots through which it passes.

MASTER STREET PLAN: A plan, labeled "master street plan of the city of South Ogden", approved by the city council.

OFFICIAL MAP: A map adopted by the city council under the provisions of Utah Code Annotated section 10-9-306, as amended.

PARCEL OF LAND: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

PERSON: Any individual, corporation, partnership, firm or association of individuals

This page contains no comments

however styled or designated.

PLANNING COMMISSION: The South Ogden City planning commission.

PROTECTION STRIP: A strip of land running parallel and adjacent to a public street and the abutting private property, created for the purpose of controlling the access of property owners abutting the street.

STREET: A thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to the abutting property.

STREET, ARTERIAL, MAJOR OR MINOR: A street existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan, may be classified a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan. A major arterial not less than one hundred feet (100') width of right of way, and a minor arterial not less than eighty feet (80') width of right of way.

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity which is the main means of access to the major street system. A thoroughfare not less than sixty six feet (66') width of right of way.

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

STREET, MARGINAL ACCESS (FRONTAGE ROADWAY): A street which is parallel to and adjacent to a limited access major or minor arterial street and which provides access to abutting properties and provides protection from through traffic. A thoroughfare not less than sixty feet (60') width of right of way.

STREET, PRIVATE: A street, existing or proposed, within a subdivision and/or planned residential development which has been reserved by dedication unto the subdivider, lot owners or homeowners association; to be used as private access to serve the lots and homes within the subdivision and/or planned residential development. These streets shall meet all design and development requirements of equivalent public roads, and be maintained by the subdivider or other private agency.

STREET, STANDARD RESIDENTIAL: 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. A thoroughfare not less than sixty feet (60') width of right of way.

SUBDIVISION: A. The division of any tract, lot or parcel of land owned presently, or the time of adoption of the original subdivision regulations of South Ogden City on August 10, 1955, as an undivided tract by one individual or by joint tenants or tenants in common or by the entirety, into two (2) or more lots, plots or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided, that said term shall not include a bona fide division or partition of agricultural land for agricultural development.

Page: 3

Author: kapestanov Subject: Sticky Note Date: 5/20/2015 11:18:17 AM  
Verify with PWS and engineer. Should these be included in PWS instead of here? Take out and make reference to PWS.

purposes. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision", as herein defined.

B. For the purpose of these regulations, a subdivision of shall land include: 1) the dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision"; 2) re-subdivision of land heretofore divided or platted into lots, sites or parcels.

**SUBDIVISION, CLUSTER:** A subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the zoning title and in which a significant part of the land is privately reserved or dedicated as permanent open space to provide an attractive low density character for the residential lots in the subdivision.

**ZONING ORDINANCE:** The zoning ordinance of South Ogden City as adopted by the city council of South Ogden City, on January 8, 1980, as amended from time to time (codified as [title 10](#) of this code). (Ord. 793, 7-11-1989; amd. 2001 Code)

## Chapter 2 PLAT PROCEDURES

### 11-2-1: PRELIMINARY PLAT:

A. Preliminary Information: Each person who proposes to subdivide land in the city shall confer with the planning commission staff before preparing any plats, charts or plans in order to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. (Ord. 793, 7-11-1989)

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the standards, rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, school district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice of the hearing before the planning commission. (Ord. 06-09, 3-7-2006, eff. 3-7-2006)

#### C. Preliminary Plan Requirements:

1. All drawings and/or prints shall be clear and legible, drawn according to professional engineering practice, and when submitted in final format drawn on approved Mylar sheets as indicated in the Public Works Standard Drawings.

The preliminary plan shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100'), and shall show:

a. The proposed name of the subdivision (such name must be cleared through the county recorder's office).

b. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area and other surrounding areas.

c. Sufficient information to locate accurately the property shown on the plan.

d. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.

e. Contours at intervals of two feet (2'), or five feet (5'), or ten feet (10').

f. The boundary lines of the tract to be subdivided shall be indicated.

g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, utility conduits, and buildings within or immediately adjacent to the tract to be subdivided.

h. Existing sanitary sewers, storm drains, water supply mains, culverts and natural drainage channels within the tract and immediately adjacent thereto.

i. The locations, widths and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public or designated as private streets.

2. Plans or written statements regarding the proposed storm water drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots. (Ord. 793, 7-11-1989)

D. Preliminary Plan Approval: The preliminary plan shall be reviewed by the planning commission which shall act on the plan as submitted or modified within sixty (60) days after its presentation. If approved, the planning commission shall express its written approval with or without specific conditions. If the preliminary plan is disapproved, the planning commission shall indicate its disapproval in writing and list the reasons for such disapproval. Approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the final plat improvement drawings and specifications for the minimum improvements required by this title and the standard drawings attached to the ordinance codified herein.

E. Time Limitation: Approval of the preliminary plan by the planning commission shall be valid for a maximum period of one year after approval, unless upon application of the subdivider, the planning commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the planning commission for re-approval; however, preliminary approval of a development shall not be voided; provided, that the final plat of the first section is submitted for final approval within the one year period. (Ord. 793, 7-11-1989; amd. 2001 Code)

F. Grading Limitation: No large scale excavation, grading or re-grading shall take place on any land for which a subdivision preliminary plan has been submitted until such plan has been given preliminary approval by the planning commission. (Ord. 793, 7-11-1989)

**11-2-2: FINAL PLAT:**

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**A. Tentative Final Plat Required:**

1. Prior to the submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the planning commission, who shall check the tentative final plat against the requirements and conditions of approval of the preliminary plan, and refer one copy to the city engineer for checking.
2. The planning commission shall return one copy of the checked tentative final plat to the subdivider indicating thereon any changes required by the planning commission and/or the city engineer.

**B. Final Plat Required:**

1. After compliance with the provisions of section **11-2-1** of this chapter, the subdivider shall submit a final plat with the "current required number of copies" thereof to the planning commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer and/or surveyor, indicating that all lots meet the requirements of the zoning title.
2. The final plat and accompanying information shall be submitted to the planning commission at least seven (7) days prior to a regularly scheduled planning commission meeting in order to be considered at said meeting.

**C. Final Plat Requirements:** The final plat shall be clear and legible, drawn according to professional engineering standards as detailed in the Public Works Standard Drawings; the size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch (1/2") border on top, bottom and right sides, left side border shall be one and one-half inches (1 1/2").

The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

1. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.
2. Where a subdivision complies with the cluster subdivision provisions of the zoning title and the provisions of this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision".
3. A north arrow and scale of the drawing, and the current date.
4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
5. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission.

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The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.

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

7. The standard forms approved by the planning commission for all subdivision plats lettered for the following:

- a. Description of land to be included in subdivision, with total acres.
- b. Land surveyor's certificate of survey.
- c. Owner's dedication certificate.
- d. Notary public's acknowledgement.
- e. Planning commission's certificate of approval.
- f. City engineer's certificate of approval.
- g. City attorney's certificate of approval.
- h. Public works director's certificate of approval.

i. City council's Certificate of Acceptance signed by the mayor and attested by the city recorder.

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

D. Construction Drawings:

The subdivider/applicant shall conform with **ORDINANCE NO. 45-09 Section 4.3 (Public Works Standard Drawings, Details and Technical Specifications - Standards for Construction Drawings.)**

E. Engineer's Cost Estimate: The subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items, quantities and estimated unit bid prices and/or lump sum bid prices. This estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining the amount of the escrow or other agreements required of the developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.) (Ord. 793, 7-11-1989)

F. Approval Of Final Plat:

1. Prior to approving and signing the final plat, the planning commission shall submit the plat for approval to the city engineer who shall collect all checking fees from the subdivider and who shall check the engineering requirements of the drawings, and determine the amount of the escrow, or other agreements, to assure construction of the improvements where necessary. After approval and signature by the city engineer, the plat shall be submitted to the planning commission for approval and signing by the chair. The plat and financial guarantee shall be submitted to the city attorney and the city council, respectively, for their approval. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder. No building construction shall be started until the recording of the final plat. (Ord. 930, 12-2-1997, eff. 12-2-1997)

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2. No plats shall be recorded in the office of the county recorder and no lots included in such plat shall be sold or exchanged unless and until the plat is so approved, signed and accepted by the city.

3. At the time of recording, the subdivider shall pay all costs associated with supplying a reproducible mylar of the plat for filing in the office of the city engineer. (Ord. 793, 7-11-1989)

**11-2-3: FILING:**

A. General: This section provides a summary of the procedure required by the city for submitting preliminary and final plats, utility construction drawings and other supporting data for construction of subdivisions within the corporate limits of the city.

B. Preliminary Plat: The following procedure shall be followed in submittal and review of the preliminary plat:

1. Master Plan Review: A review shall be made by the subdivider with the planning commission to determine the master plan requirements for the area proposed to be subdivided.
2. Plat Submittal: Thirteen (13) copies (or the current required amount as indicated in the Public Works Standard Drawings, copies of the preliminary plat shall be submitted to the planning commission for review. These shall be distributed for review as follows: seven (7) each planning commission/consultant, one each city engineer, five (5) each utility companies (power, gas, telephone, gas, television, irrigation).
3. Engineer's Report: After completion of his review, the city engineer will prepare and transmit to the planning commission a report summarizing the requirements for utilities and surface improvements, together with results of his review of the preliminary plat.
4. Approval/Rejection:
  - a. After completion of its review, the planning commission shall either approve, reject or conditionally approve the preliminary plat.
  - b. Approval or conditional approval is authorization for the subdivider to proceed with preparation of the final plat.

C. Final Plat: The following procedure shall be followed in submittal and review of the final plat:

1. Plat Submittal: A black ink, reproducible original drawing and eight (8) paper copies shall be submitted to the planning commission.
2. Fees: There shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city recorder as per current adopted fee schedule.
3. Construction Drawings: Three (3) prints of the drawings showing proposed construction shall be sent to the city engineer for his review, comments and approval.
4. Subdivision Agreement: An agreement between the city council and subdivider shall be approved by the city attorney. This agreement shall include the city engineer's estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.

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5. Notice Of Approval: After review and approval of the planning commission, city council, city engineer and city attorney, the subdivider will be notified by the planning commission that the plat has been approved.

6. Recording: The plat shall be recorded by the city recorder within a period of seven (7) days after completion of all approvals. The owners or developers shall pay all recording fees, along with the cost to provide the city with a reproducible mylar copy of the recorded plat. (Ord. 793, 7-11-1989)

7. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished. (Ord. 793, 7-11-1989; amd. 2001 Code)

8. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider and city council of the results of the inspection. "As-built drawing" prints shall be submitted to the city engineer prior to his making this inspection. Recorded mylar drawings for city files shall be submitted following the city engineer's approval of the "as-built drawing" prints as detailed in the Public Works Standard Drawings.

9. Final Inspection: One year after the completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results of this inspection shall be made known to the city council and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city council. (Ord. 793, 7-11-1989)

**11-2-4: MINIMUM IMPROVEMENTS REQUIRED:**

For a statement of the improvements required for development within the city, see section 11-4.1 of this title, adopting development standards and specifications for the city and providing that such standards shall be on file with the city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

**Chapter 3  
DESIGN STANDARDS**

**11-3-1: GENERAL PROVISIONS:**

**A. Relation To Adjoining Street System:**

1. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the planning commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Half streets along the boundary of land proposed for subdivision will not be permitted.

2. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

**B. Street Widths, Cul-De-Sacs, Easements, Etc.:**

1. Street Dedication: All streets in subdivisions in the city shall be dedicated to the city.  
2. Arterial And Collector Streets: Arterial and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a

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master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, arterial and/or collector streets provided as required by the planning commission, with minimum widths of eighty feet (80') and one hundred feet (100') for major and minor arterial streets and sixty six feet (66') for collector streets.

3. Standard Residential Streets And Terminal Streets: Standard residential streets and terminal streets shall have a minimum width of sixty feet (60').

4. Terminal Streets (Cul-De-Sacs):

a. Terminal streets (cul-de-sacs) shall not be longer than four hundred feet (400') to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred ten feet (110') in diameter, right of way dimension. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided.

b. Where a street is designed to remain only temporarily as a dead-end street, an adequate asphalt/road base temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists.

5. Marginal Access Streets (Frontage Roadway): Marginal access streets (frontage roadway) of not less than sixty feet (60') in right-of-way width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back onto such limited access streets. (All standard improvements per the typical cross section are required.)

6. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

7. Street Cross Section Standards: All proposed streets shall conform to the city street cross section standards as recommended by the planning commission and adopted by the city council.

8. Street Grades: Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:

a. On arterial and collector streets, eight percent (8%);

b. On standard residential and private streets, twelve percent (12%).

9. Alleys: Alleys shall have a minimum easement width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission and approved by the city council. The alley cross section shall be approved by the planning commission.

10. Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may place in trust a protection strip of not less than one foot (1') in width between said street and adjacent property; provided, that an agreement with the city and approved by the city attorney has been made with the subdivider, contracting to place in trust the one foot (1') or larger protection strip free of charge to the city, to be dedicated for street purposes upon payment by the then owners of the contiguous property to the subdivider or their heirs, of a consideration named in the agreement, such consideration to be equal to the current cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of the agreement, until time of subdivision of such contiguous property.

C. Blocks:

1. The maximum length of blocks generally shall be one thousand three hundred feet (1,300') and the minimum length of blocks shall be five hundred feet (500'). Blocks over eight hundred feet (800') in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than ten feet (10') in width and shall be fenced.

2. The width of blocks shall be sufficient to allow two (2) tiers of lots, or as otherwise approved by the planning commission because of design, terrain or other unusual conditions.

3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

D. Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probable future requirements.

2. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning title for the zone in which the subdivision is located; or

a. Except as otherwise permitted by the board of adjustment; or

b. As in accordance with cluster subdivision provisions of the zoning title.

3. Each lot shall abut on a public street, dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right-of-way with the asphalt width at least thirty six feet (36') wide, and having a sixty foot (60') right-of-way, except as provided in subsection D4 of this section. Interior lots having frontage on two (2) streets shall be allowed access on only one street except where unusual conditions make such other design undesirable and then only with planning commission approval. (The planning commission shall cause a note to be placed on the plat indicating the no access side.)

4. Flag Lots: Flag lots shall be approved by the board of adjustment after the recommendation by the planning commission. A lot or lots not having frontage or not having adequate frontage (flag lot) on a street, as required by the zoning title for the zone in which the subdivision is located, but upon a right-of-way, may be included within a subdivision, provided the following requirements are met:

a. The planning commission determines that it is impractical to extend streets to serve such lots.

b. The area of the right of way shall be in addition to the minimum lot area requirements of the zone in which the lot is located.

c. The grade of any portion of the right-of-way shall not exceed fifteen percent (15%).

d. Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.

e. The building setback line shall be established and approved by the planning commission and indicated on the plat.

5. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

6. Side Lines: Side lines of lots shall be approximately at right angles or approximately radial to the street line. Lot lines not radial shall be so noted on the final recording plat.

7. Remnants: All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as nonconforming or unusable parcels.

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- 2 Author: ikapetanov Subject: Sticky Note Date: 5/20/2015 11:18:17 AM  
Should say they are a variance and need to be approved by hearing officer. Talk to Bradshaw. Does it need to be in code or can we take it out and someone just come and ask for a variance anyway? Leave and talk to Ken.

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- 4 Author: ikapetanov Subject: Sticky Note Date: 5/20/2015 11:18:17 AM  
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8. **Parcels In Separate Ownership:** Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder.

9. **Natural Drainage And Other Easements:** The planning commission may require that easements for drainage through this and adjoining property be provided by the subdivider, and easements of not less than fourteen feet (14') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.

**E. Parks, School Sites And Other Public Places:**

1. In subdividing property, the planning commission shall give consideration to suitable sites for schools, parks, playgrounds and other areas for similar public use.

2. Such sites shall be indicated on the preliminary plan, which shall be referred to the city council and/or school board for their concurring approval.

3. If approved, the site shall be indicated on the approved preliminary subdivision plan in order that the city council and/or school board and subdivider may commence negotiations in exercising the option on the site granted by the subdivider to the city and/or school board at the time of annexation of the land to the city in accordance with the current annexation ordinance of the City<sup>1</sup> in force at the time.

**F. Cluster Subdivision; Special Provisions:**

**1. Design Standards:**

a. The design of the preliminary and final plat of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plans that have been adopted by the city council, and design standards recommended by the planning commission and approved by the city council.

b. Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

**2. Provision For Common Open Space:**

a. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning title, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the subdivision, surrounding residents and the general public.

b. The planning commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

3. **Guarantee Of Common Open Space Improvements:** As assurance of completion of common open space improvements, the subdivider, at the request of the city council, shall be required to file with the city council a bond or cash surety, or other agreement, in a form satisfactory to the city attorney guaranteeing such completion within two (2) years after

such filing. Upon completion of the improvements for which a bond or cash surety, or other agreement, has been filed, the subdivider shall call for inspection by the city engineer, such inspection to be made within thirty (30) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released. If the bonds are not released, refusal to release and reasons therefor shall be given the subdivider in writing.

4. Continuation Of Common Open Space: As assurance of continuation of common open space used in accordance with the plans approved by the planning commission, the subdivider shall grant to the city "open space easement" on and over the common open space prior to the recording of the final plat, which easement will not give the general public the right of access but will provide that the common open space remains open.

5. Maintenance Of Common Open Space, Etc.:

a. In order to ensure maintenance of the common open space and other improvements where so required, the subdivider, prior to the recording of the final plat, shall cause to be incorporated under the laws of the state, a lot/homeowners' association. By proper covenants running with the land and through the articles of incorporation and bylaws of said association it shall, among other things, provide that:

(1) Membership in said association shall be mandatory for each lot/home purchaser, their grantees, successors and assigns.

(2) The common open space restrictions shall be permanent and not just for a period of years.

(3) The association is responsible for maintaining liability insurance, paying general property taxes and maintaining recreational and all other facilities.

(4) All lot owners shall pay their pro rata share of the costs of upkeep, maintenance and operation.

(5) Any assessment levied by the association may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.

(6) The association shall be able to levy and to adjust assessments on the lot owners to meet current conditions. (Ord. 793, 7-11-1989)

#### 11-3-2: SUBDIVISION IMPROVEMENTS REQUIRED:

A. Required; Time Limit: The owner of any land to be platted as a subdivision shall at their own expense install all improvements within a two (2) year time period following the date of recording of the final plat in accordance with the public works specifications adopted by the city council, except for septic tanks (see subsection A2b of this section), which must be installed according to the specifications and under the inspection of the Weber-Morgan county health department. (Ord. 793, 7-11-1989; amd. 2001 Code)

1. Water Lines: Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The location and size of water mains shall be approved by the city engineer. (Ord. 793, 7-11-1989)

2. Sewage Disposal:

a. Where a public sanitary sewer is within three hundred feet (300') or is otherwise close enough in the opinion of the city council after recommendation of the city engineer to

require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by, the city council and city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

b. Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the state department of health for sewage disposal by means of a septic tank and drain field for each of the lots. Subdividers shall furnish to the board of health a report of percolation tests completed on the property proposed for subdivision in accordance with the regulations of the Utah state department of public health governing individual sewage disposal systems as currently adopted. A tentative final plat of the subdivision shall accompany the report showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the board of health shall be submitted to the planning commission before consideration of the final plat. Design of an individual system will be such that at the time a public sanitary sewer system is installed, the private system will be able to connect to the public sanitary sewer system. (Ord. 793, 7-11-1989)

c. Notwithstanding anything to the contrary in this subsection, should there be a conflict between the requirements of this subsection and the requirements of section 2-3-1 of this code (adopting the wastewater control rules and regulations of the central Weber sewer improvement district), the requirements of section 2-3-1 of this code, to the extent of such conflict, shall control. (Ord. 793, 7-11-1989; amd. 2001 Code)

3. Storm Water: The city council will require the subdivider to manage and dispose of storm water per the city engineer's recommendations. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

4. Street Grading And Surfacing: All public streets shall be graded in accordance with the specifications and drawings adopted by the city council.

5. Curbs And Gutters: Curbs and gutters shall be installed on existing and proposed streets by the subdivider in accordance with the specifications and drawings adopted by the city council.

6. Street Drainage and Drainage Structures: Street drainage and drainage structures shall be required where necessary in the opinion of the city council after recommendation by the city engineer in accordance with the specifications and drawings adopted by the city council.

7. Sidewalks: Sidewalks shall be required and installed in accordance with the specifications and drawings adopted by the city council.

8. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type shown on the drawings and all subdivision plats shall be tied to a survey monument of record. (Ord. 793, 7-11-1989)

9. Street Trees: Street trees are to be provided as required in approved development plans and following approval from and by the city's urban forestry commission (Ord. 793, 7-11-1989; amd. 2001 Code)

10. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by recommendation of the fire

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department, city engineer and as contained in Section 13 of the Public Works Standard Drawings.

11. Street Signs: The city will furnish and install necessary street signs. The cost will be charged to the subdivider (See Section 21 of the Public Works Standard Drawings for specific directions.)

12. Fencing Of Hazards: A solid board, chain-link or other non-climbable fence not less than six feet (6') nor greater than seven feet (7') in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights of way or non-access streets, and which are located within or adjacent to a subdivision, except where the planning commission and city council determine that park areas including streams or bodies of water shall remain unfenced. (See Section 19 of the Public Works Standard Drawings for specific directions.)

13. Staking Of Lots: Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

14. Street Lighting: Street lighting shall be installed by the subdivider/developer in such locations as determined by the city engineer. (Ord. 793, 7-11-1989)  
(See Section 20 of the Public Works Standard Drawings for specific directions.)

B. Guarantee Of Improvements: (See Section 1.12 of the Public Works Standard Drawings for specific directions.)

1. In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified as follows:

a. The subdivider may furnish and file with the city recorder a bond with corporate surety, or irrevocable letter of credit by a financial institution approved by the city council and city attorney, in an amount equal to the cost of the improvements plus ten percent (10%) contingency/inflation factor for improvements not previously installed, as estimated by the city engineer, to assure the installation of such improvements within a period of two (2) years immediately following the approval of the subdivision plat by the city council, and to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements. The bond required by this subsection shall be approved by the city council and city attorney.

b. The subdivider may deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor for improvements not then installed, as estimated by the city engineer, as aforesaid, under an escrow agreement conditioned for the installation of said improvements within two (2) years from the approval of the subdivision plat by the city council, as aforesaid. The escrow agreement aforesaid shall be approved by the city council and the city attorney and shall be filed with the city recorder to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements.

2. The city council is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this subsection.

3. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available for the full, effective practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified.

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4. In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the bond or escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The city council may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year. (Ord. 930, 12-2-1997, eff. 12-2-1997)

C. Engineering Checking Fees: There shall be paid to the city by the owners of the land petitioning for subdivision approval such sums of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council.

D. Inspection Of Improvements: The building official and city engineer shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants and water supply and sewage disposal systems and other improvements in the course of construction, installation or repair. All concrete forms are to be inspected and approval given prior to the placement of any concrete. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the city engineer, nor shall any pavement on any street be laid unless and until the city engineer has been notified of the intention and the time and place of said paving and unless and until the engineer has approved the paving of said street in all its aspects. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the building official and if any paving of any street is done without prior notification and approval of the city engineer, then the subdivider and any other responsible person would be liable for any costs incurred by the city in inspecting, repairing or replacing said pavement, whenever such inspection, repair or replacement shall result from inadequate paving by the subdivider or other responsible person. (Ord. 793, 7-11-1989)

**11-3-3: GUARANTEE OF WORK:** (See Section 2.7 of the Public Works Standard Drawings for specific directions.)

The subdivider shall warrant and guarantee (and post bond or other security) that the improvements provided for hereunder, and every part hereof, will remain in good condition for a period of one year after the date of the construction completion inspection report by the city engineer, and agrees to make all repairs to and maintain the improvements, and every part thereof, in good condition during the warranty period with no cost to the city. The subdivider shall agree that the determination for necessity of repairs and maintenance of the work rests with the city engineer. His decision upon the matter shall be final and binding upon the subdivider, the guarantee hereby required shall extend to and include, but shall not be limited to, the entire street base, all pipes, joints, valves, backfill, compaction, as well as the working surface, curbs and sidewalks, as determined by the city engineer. (Ord. 793, 7-11-1989)

**11-3-4: ENFORCEMENT AND PERMITS:**

The building official shall not issue any permit unless the plans for the proposed erection,

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construction, reconstruction, alteration or use fully conforms to all provisions of this title. No officer of the city shall grant any permit or license for the use of any building, structure or land, when such land is a part of a subdivision that has not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void. (Ord. 793, 7-11-1989; amd. 2001 Code)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#); See [title 1, chapter 8](#) of this code.

[Footnote 2](#); See [title 7, chapter 2](#) of this code.

#### **Chapter 4 IMPROVEMENTS**

##### **11-4-1: STANDARDS AND SPECIFICATIONS ADOPTED BY REFERENCE:**

The standards and specifications for subdivision improvements, including any amendments thereto, are hereby adopted by this reference as if fully set forth herein. Said standards and specifications are on file in the city engineer's office. (Ord. 793, 7-11-1989; amd. 2001 Code) (See the Public Works Standard Drawings for specific directions.)

#### **Chapter 5 SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS**

##### **11-5-1: DEFINITIONS:**

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory.

**LOT COMBINATION:** The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.

**PLAT VACATION:** The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots as well as roads, alleys, easements, and other areas depicted or dedicated on the plat.

**PROPERTY LINE ADJUSTMENT:** The adjustment of a mutual boundary line between the owners of adjacent parcels that are described by either a metes and bounds description or as a lot within a recorded plat.

**PUBLIC STREET OR ALLEY:** Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.

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**11-5-2: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL  
AUTHORITY:**

A. The city council may, with or without petition, consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat under the provisions of this chapter and Utah Code Annotated section 10-9a-608 as amended.

B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided previously in this chapter and Utah Code Annotated section 10-9a-208.

**11-5-3: STANDARDS AND PROCEDURES:**

A. Compliance with Zoning Title and Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the requirements of the zoning title. The approval of an amended subdivision plat shall comply with the standards and procedures for the approval of a new subdivision plat, except for those procedural requirements waived herein.

**B. Preliminary Plat Approval:**

1. In addition to the petition requirements under section ~~11-1-2-1~~ of this chapter, any information or documents otherwise required for preliminary plat approval for any proposed amended subdivision plat that:

- a. Requires the additional dedication of any land for street or other public purposes; or
- b. Creates more than five (5) new additional lots.

2. Under such circumstances, the petitioner shall meet with the City Planner prior to submission of the petition in order to determine what additional documents or information will be necessary to adequately review the proposal.

C. Re-subdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for purposes of the re-subdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or re-subdivided plat by the same procedures prescribed for the subdivision of land.

D. Approval and Recording: All subdivision amendments shall be approved by recording of an amended plat in the office of the Weber County recorder meeting all requirements of this title for the approval of a final plat, except where approval by another instrument is authorized herein.

E. Waiver of Requirement to File Amended Plat: The filing of an amended plat shall not be required to implement a subdivision amendment, alteration or vacation under the following circumstances:

- 1. A property line adjustment approved by the City Planner or other comparable staff.

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2. The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor quitclaiming any interest the city may have in the described easement.

3. The vacation of an entire subdivision plat, wherein the re-subdivision of the property is not intended, may be approved by recording of a resolution duly adopted by the city council.

F. Planning Commission Review: All petitions to vacate, alter or amend a subdivision plat shall be reviewed by the planning commission and its recommendations made to the city council.

G. Required Owner Signatures: Any amended plat, or conveyance document effectuating a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.

H. Effective Period Of Approval: Approval of a petition to amend a plat shall be valid for a maximum period of twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension. If the amended plat has not been recorded within twelve (12) months or the approved extended period, the amended plat must again be submitted for approval.

I. Time Limit for Recording: After the mayor has approved a petition to amend a plat, an amended plat shall be prepared and approved in the same manner as final plats under the previous provisions of this title. An approved amended plat, in the form of a final plat, shall be recorded within one month after receiving approval from the city. If a final plat is not recorded within one month after receiving final approval, the approval shall be considered null and void and the petitioner must again submit for final approval.

**11-5-4: PETITION REQUIREMENTS:**

A. A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley in connection with the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as required. A petition shall include at a minimum:

1. The name and address of each owner of record of the land contained in the entire plat.
2. The signature of each of these owners within the plat who consents to the petition.
3. The name, address, telephone number, fax number and e-mail address of the designated contact person.
4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.

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5. Accompaniment by a minimum of twelve (12) copies of the proposed amended plat, according to standards contained in the Public Works Standard Drawings.

6. A recent title report covering the subject property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the City Planner or equivalent staff if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.

7. Any additional information or documents required to adequately review the proposed amendment, alteration or vacation.

B. Unless an amended plat is not required under the provisions of this chapter, a copy of the proposed amended plat is required.

C. No petition shall be accepted unless accompanied by the applicable fee required. Regardless of the action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city.

D. For purposes of determining whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the date of the petition requesting the amendment, alteration or vacation.

**11-5-5: CRITERIA:**

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding that there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions.

**11-5-6: NOTICE:**

A. Except for a lot combination or a property line adjustment involving un subdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

1. Mailing the notice to each record owner of property located within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting or public hearing where the matter will be considered. The notice shall include:

a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice;

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As required by staff

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- b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and
  - c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.
2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby.
- B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:
- 1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification;
  - 2. All of the owners in the subdivision have not signed the revised plat; or
  - 3. Any owner of property located within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of mailed notification.

**11-5-7: STREET OR ALLEY VACATIONS:**

A. Procedure:

- 1. Any person desiring to vacate a public street or alley as part of a subdivision amendment or as a separate action is required to file a petition making the request and provide a recordable plat if such vacation is approved in any manner. The plat may be either a street vacation plat or, if the vacation is proposed as part of a re-subdivision of property, a subdivision plat. The petition shall include:
  - a. The name and address of each owner of record of land that is adjacent to the section of public street or alley proposed to be vacated and that is accessed by or within three hundred feet (300') of said section;
  - b. The signature of each owner under subsection A1a of this section who consents to the vacation;
  - c. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.
- 2. No petition shall be accepted unless accompanied by the applicable fee required by this code. Regardless of the action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city.

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3. No portion of any public street or alley may be vacated by the city council unless the vacation has been proposed by the planning commission or first submitted to the planning commission for its recommendation. Notice of the date, place and time of the planning commission meeting where such vacation shall be considered shall be mailed at least seven (7) days in advance to the record owner of each parcel located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city.

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4. The recommendation of the planning commission shall be forwarded to the city council.

5. The city council shall hold a public hearing for any proposed vacation of a public street or alley. At least ten (10) days before the public hearing, notice of the date, place and time of the hearing shall be:

- a. Mailed to each affected entity;
  - b. Published in a newspaper of general circulation in the city;
  - c. Mailed to the record owner of each parcel that is accessed by the portion of the public street or alley proposed to be vacated or that is located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city; and
  - d. Posted on or near the public street or alley in a manner that is calculated to alert the public.
6. The city council may approve the proposed vacation if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation. The ordinance approving the vacation or narrowing of a public street or alley shall contain a legal description of the vacated portion.
7. The plat reflecting the vacation shall be signed by those persons within the city who sign subdivision plats, and shall be effective when recorded with the Weber County recorder's office. The plat and ordinance shall be recorded:
- a. Within thirty (30) days of approval or of complying with any required conditions if the vacation is not part of a re-subdivision of property; or
  - b. At the time the subdivision plat is filed if the vacation is included as part of a re-subdivision of property.
8. The action of the city council vacating some or all of a public street or alley that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated street or alley, but may not be construed to impair any right of way or easement of any lot owner or the franchise right of any public utility with existing utility lines in the portion vacated.

9. The action of the city council in vacating some or all of a public street or alley that was acquired by the city by use or conveyance to the city, or its predecessors, by deed, declaration, legislative act or other instrument of conveyance, other than a subdivision plat or street dedication plat, operates to remove the property from the category of public use property and the portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A of this code.

**11-5-8: PLAT VACATION BY CITY:**

A. Planning Commission Recommendation: The planning commission, on its motion, may recommend that the plat of any recorded subdivision be vacated when:

1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;
2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the developer or its successor;
3. The plat has been of record for more than five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the developer or its successor.

B. Procedure: Upon any motion of the planning commission to vacate the plat of any previously approved and recorded subdivision the proposed vacation shall be referred to the City Council, which may approve the vacation of the subdivision plat after notice and public hearing as provided previously in this chapter. If approved a resolution of vacation containing a legal description of the entire vacated subdivision shall be prepared and submitted to the city council for their approval and thereafter recorded in the records of Weber County.

C. Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats.

**11-5-9: PROPERTY LINE ADJUSTMENTS:**

A. A property line adjustment may be approved by the City Council after the required notice and public hearing, that:

1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;

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2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and

3. The adjustment does not result in violation of applicable zoning requirements.

B. The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.

C. If the City Council approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.

D. The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law.

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