

NOTICE AND AGENDA
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
Thursday, January 14, 2016

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting, Thursday, January 14, 2016, 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. Zoning Hearing

To Receive and Consider Comments on the Following Items:

- A.** Adopting the Form Based Code and Amending the Zoning Map
- B.** Amending Title 10, Chapter 23, Replacing it With the Proposed Water Efficient Landscape Ordinance
- C.** Amending Title 11 of the City Code, removing the City Council from the subdivision approval process and making various other “housekeeping” corrections

III. Zoning Actions – Legislative

- A.** Discussion and Recommendation on Adoption of the Form Based Code and Amending the Zoning Map
- B.** Discussion and Recommendation on Amending Title 10, Chapter 23, Replacing it With the Proposed Water Efficient Landscape Ordinance
- C.** Discussion and Recommendation on Amending Title 11 of the City Code, Removing The City Council From The Subdivision Approval Process And Making Various Other “Housekeeping” Corrections

IV. Conditional Use Actions - Administrative

- A.** Consideration of Business License Applications for a Holding Company and Forensic Accounting Business Located at 6045 S Ridgeline Dr., Apt. B108 (Falls Apartments)

V. Special Items

- A.** Amending the Planning Commission h and Procedures

VI. Other Business

VII. Approval Of Minutes Of Previous Meeting

- A. Approval of December 10, 2015 Briefing Meeting Minutes
- B. Approval of December 10, 2015 Meeting Minutes

VIII. Public Comments

IX. Adjourn

Posted and emailed to the State of Utah Public Notice Website January 8, 2016

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 January 8, 2016. These public places being City Hall (1st and 2nd floors), the city website (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: Adopting the Form-Based Code and Amending the Zoning Map

Author: Mark Vlastic

Department: Planning & Zoning

Date: January 14, 2015

Background

Staff has reviewed the *Draft Form-Based Code for South Ogden City: South Ogden Town Center & 40th Street Corridor*, and discussed improvements and modifications with the Planning Commission during past meetings of the commission. Based on those actions, the following changes to **Chapter 2 – Street Types**, **Chapter 7-Landscape** and **Chapter 9 – Sign Types** have been proposed:

Chapter 2 – Street Types

- Who will own the alleys? If City, how will they maintain the alleys? Where will snow go? Will the city be able to use class C funds? It was noted that since the new ordinance was intended support good design and positive redevelopment, it should be assumed that the internal roads, parking lots, plazas, sidewalks and similar spaces will be private. It was agreed that this is fine, as long as development agreements are established, and that the Administration chapter be changed to clarify ownership. It was also felt that regulations for the timing of delivery and construction should be spelled out in the ordinance.
- It was also felt that the ordinance should note which streets are public. In the areas where the FBC applies, these include Washington Boulevard, Riverdale Road, 36th, 40th, Wall and Chimes View. The role of these public roads is to provide public access to the internal streets, which are private. The City Engineer noted that he does not have problems with the street sections indicated in the FBC, as long as they are private.

Chapter 7 – Landscape

- Title of Chapter should be "Landscape Standards"
- 7.1.3 - ". Should say "for landscape regulations regarding water efficient landscaping, tree and plant sizes and landscape design standards, refer to Title 10, Chapter 23.
- The existing Title 10, Chapter 23 should be replaced with the Water Efficient Landscape Ordinance.
- 7.3.4(4) (C) replace "Urban Forestry Commission" with "staff".

Chart 7.4 and 7.5 – remove "Hedge" and Replace with "Planting Area", with following definition: "A continuous planting area shall be provided consisting of a professionally-designed water-efficient planting design as required in Title 10, Chapter 23".

Chart 7.4 and 7.5 – remove "Hedge Composition" and Replace with "Planting Area Composition", with following definition: "A professionally-designed water-efficient planting design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses, small shrubs and trees as appropriate for meeting the requirements in Title 10, Chapter 23".

Chart 7.6 Interior Parking Landscape Requirement – Add the following rows.

4 – Shade Structures

Shade structures should be considered as an alternative for the required shade tree requirement in interior medians and islands. Detail designs for these Elements should be provided to staff for review and before they can be approved.

Chapter 9 – Sign Types

The Chief Building inspector believes that the signs are generally fine, with the following change:

Remove 9.8 in its entirety. Roof signs can cause roofs to leak, and are aesthetically not in line with the look envisioned for the new downtown area.

Recommendation

Staff believes that the suggested changes will make the FBC better adapted to the needs of South Ogden City, and recommends that the plan be adopted with the suggested changes.



City Center & 40th Street Corridor

Form-Based Code

South Ogden City

January 2016 - DRAFT



Form-Based Code Contents

1.0 Districts

- 1.1 Introduction
- 1.2 General Subdistrict Requirements

2.0 Street Types

- 2.1 General Requirements
- 2.2 General Street Type Standards
- 2.3 General Street Layout Requirements
- 2.4 Alley
- 2.5 Lane
- 2.6 Neighborhood Street
- 2.7 Connector Street
- 2.8 Avenue

3.0 Subdistricts

- 3.1 Introduction
- 3.2 Zoning Map

4.0 Uses

- 4.1 General Requirements
- 4.2 Definition of Uses

5.0 Building Types

- 5.1 Introduction to Building Type Standards
- 5.2 Explanation of Building Type Table Standards
- 5.3 Storefront Building
- 5.4 General Stoop Building
- 5.5 Limited Bay Building
- 5.6 Row Building
- 5.7 Yard Building
- 5.8 Civic Building
- 5.9 Entrance Types
- 5.10 Roof Types
- 5.11 Additional Design Requirements

6.0 Open Space Types

- 6.1 General Requirements
- 6.2 Plaza Open Space Type
- 6.3 Square Open Space Type
- 6.4 Green Open Space Type
- 6.5 Commons Open Space Type
- 6.6 Pocket Park Open Space Type
- 6.7 Park Open Space Type
- 6.8 Greenway Open Space Type

7.0 Landscape Standards

- 7.1 General Requirements
- 7.2 Installation of Landscape
- 7.3 Street Trees & Streetscape Design
- 7.4 Frontage Buffer
- 7.5 Side & Rear Buffer
- 7.6 Interior Parking Lot Landscape
- 7.7 Active Frontage Buffer
- 7.8 Screening of Open Storage, Refuse Areas, & Utility Appurtenances.

8.0 Parking

- 8.1 General Requirements
- 8.2 Parking Requirements
- 8.3 Parking Design Standards
- 8.4 Loading Requirements

9.0 Sign Types

- 9.1 General Requirements
- 9.2 Sign Types
- 9.3 Wall Sign
- 9.4 Projecting Sign
- 9.5 Projecting Marquee Sign
- 9.6 Awning Sign
- 9.7 Canopy-Mounted Sign
- 9.8 Roof Sign
- 9.9 Window Sign
- 9.10 Monument Sign
- 9.11 Ped-Scale Pole-Mounted Sign

10.0 Administration

- 10.1 General Provisions
- 10.2 Development Review Procedures
- 10.3 Exceptions & Variances
- 10.4 Nonconformances
- 10.5 Definitions

Appendix A - Subdistrict Overview

- 11.1 City Center “Core” Subdistrict
- 11.2 City Center “General” Subdistrict
- 11.3 Riverdale Road “General” Subdistrict
- 11.4 40th Street “General” Subdistrict
- 11.5 Edge Subdistrict

1.0 Districts

South Ogden City Center & 40th Street Corridor

1.0 South Ogden City Center & 40th Street Corridor

1.1. Introduction

In 2008, an update of the South Ogden City General Plan was completed. This plan presented a vision, and stated a number of goals and policies to direct future development in South Ogden.

Goal 1: Make South Ogden City distinct and identifiable from surrounding municipalities

Policy:

- (1) Develop the east and west sides of Washington Boulevard between 36th and 42nd Streets into a discernable and attractive downtown for South Ogden
- (2) Encourage a major transformation of Washington Boulevard into an urban setting that establishes the sense of downtown to motorists and passersby

Goal 2: Create a distinct city center or "heart of the community"

Policy:

- (1) Develop a community center in the existing downtown area where residents of South Ogden can gather for community events

Goal 3: Facilitate the careful integration of new development and redevelopment in existing neighborhoods

Policy:

- (1) Encourage existing residents to remain downtown and new residents to locate in residential areas between 36th and 40th South
- (2) Maintain stable areas by continuing the existing scale and feel of the surrounding residential blocks
- (3) Facilitate new development and encourage new investment through allowing uses in the core to redevelop in creative, mixed-residential ways
- (4) Facilitate good, non-conflicting transition between commercial and residential uses

Goal 4: Create places for the community to gather and events to draw residents to these places

Policy:

- (1) Clearly designate and signify routes which connect residents to other neighborhoods and important places within the city and adjacent to it
- (2) Improve neighborhood destinations throughout the community

This form-based code is a tool that will allow and promote these goals and policies to develop a city center consistent with the General Plan. This code plans for a future widening of 40th Street to accommodate a form of dedicated transit (streetcar, bus-rapid transit, etc.), and



Figure 1.1 (1). Districts.

provides a tool to promote high-quality, small scale development that maximizes development potential along the transit corridor, while minimizing impacts to adjacent neighborhoods.

1. Establishment of Districts.

Two distinct districts are hereby created.

- (1) South Ogden City Center
- (2) 40th Street Corridor

2. Establishment of Subdistricts.

The above districts are further broken down into subdistricts (See 3.0 Subdistricts). The following Subdistricts are hereby created.

- (1) City Center “Core”
- (2) City Center “General”
- (3) Riverdale Road “General”
- (4) 40th Street “General”
- (5) Edge

1.2 General Subdistrict Requirements.

1. Applicability.

The following are general block, lot, and street design requirements that are applicable to all subdistricts.

2. Block Configuration.

Refer to Figure 1.2 (1) for an illustration of Typical Block Elements.

- (1) The shape of a block shall be generally rectangular, but may vary due to natural features or site constraints.
- (2) Blocks shall typically be two lots deep with the exception of blocks containing open space. Blocks may also include an alley.
- (3) Blocks shall typically be fronted with lots on at least two faces, preferably on the longest street faces.

3. Maximum Block Size.

Block sizes for residential and commercial development and redevelopment should not exceed 660' by 330', which roughly matches the historic block size surrounding the city center. New streets should continue this block pattern.

4. Minimum Number of Access Points.

This requirement is intended to provide a minimum level of connectivity via vehicular rights-of-way between adjacent developments and to surrounding streets.

- (1) Recommendation. A minimum of one per every 1,500 feet of street frontage is recommended.

5. Designated Primary Streets.

Washington Boulevard and 40th Street shall be designated primary streets. The intent of the Primary street designation is to develop a network of streets with continuous building frontage and no or limited vehicular driveway access to reduce conflicts between pedestrians and vehicular traffic.

- (1) All lots adjacent to a primary street shall front on at least one primary street and that street frontage shall serve as the front of the lot, as referred to in the Building Type requirements.
- (2) Lots with two primary street frontages shall consult with staff to determine which street frontage warrants primary designation and the front of the lot.

6. Block Access Configurations.

- (1) Vehicular driveway access should not be located off a Primary Street, unless the parcel is fronted by more than two primary streets, in which case, staff shall determine which is the appropriate street for vehicular access. The determination shall

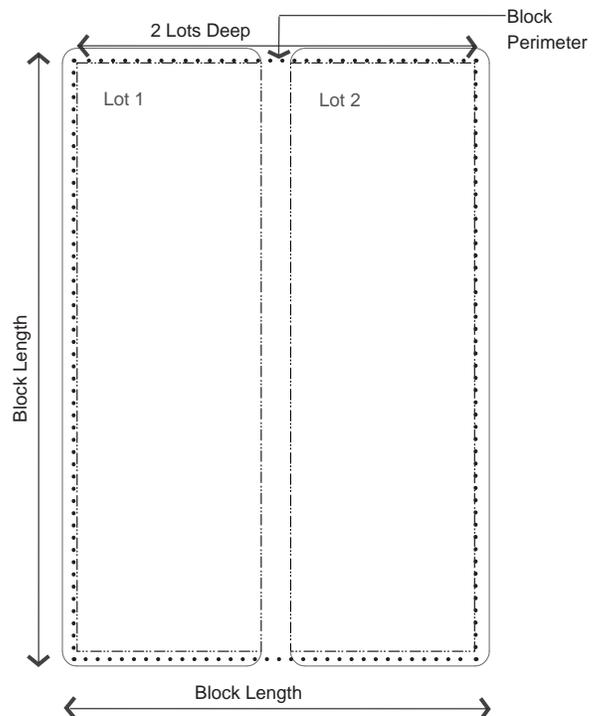
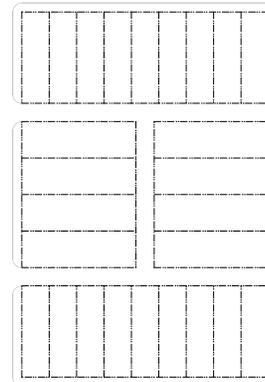


Figure 1.2 (1). Typical Block Elements.

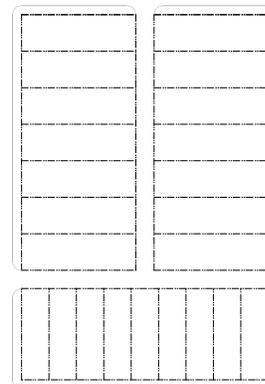
1.0 South Ogden City Center & 40th Street Corridor

be based on locations of existing and proposed vehicular access points of other developments along the Primary Streets.

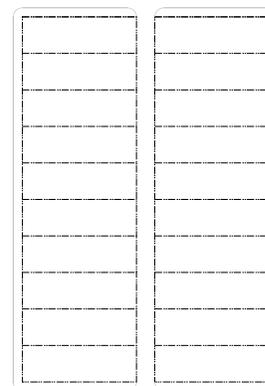
- (2) Blocks may include alleys, drives, or driveway entrances with the following recommended configurations. See Figure 1.2 (2).
 - (a) Mid-Block Access. This configuration includes an alley or drive running through the center of the block.
 - (b) "T" Configuration. This configuration includes two alleys within a Block that are perpendicular to each other, forming a "T," allowing development to front on three block faces.
 - (c) "H" Configuration. Similar to the "T" configuration, this configuration allows development to front on all four block faces.
- (3) Access to blocks shall be aligned and located on opposite sides of the block as well as aligned across the street from access to other blocks.
- (4) Mid-Block Pedestrianways. Mid-Block pedestrianways are required on blocks longer than 500 feet.
 - (a) When combined with mid-block street crossings, these pathways should align to facilitate easy pedestrian movements.
 - (b) Mid-Block pedestrianways should be located in the middle third of a block face.
 - (c) Minimum width for mid-block pedestrianways rights-of-way or easements is 20 feet.



"H" Alley



"T" Alley



Mid-Block Alley

7. Lots.

- (1) Typical Lot Dimensions. All lots of record shall be developed to meet the requirements outlined in 5.0 Building Type requirements.
- (2) Typical Lot Configuration. All lots shall have frontage along a public street unless otherwise specified in 5.0 Building Type requirements.
 - (a) Lot Shape. To create regular, rectangular lots, side property lines shall be perpendicular to the vehicular right-of-way to the extent practical.
 - (b) Through-Lots. Through lots fronting on two parallel streets are not permitted with the exception of a lot covering 50 percent or more of a block and the two longest parallel street faces are treated as front property lines per building type requirements (refer to 5.0 Building Types).
 - (c) Corner Lots. Corner lots have a front yard along one street and a corner yard along the other street. The front yard of a corner lot should be consistent with one adjacent Parcel.
 - (i) The rear yard of a corner lot is typically the yard against an alley or another lot's rear yard.
 - (ii) The side yard of a corner lot is adjacent to another lot.
 - (d) Flag Lots. Flag lots are prohibited.

8. General Open Space Requirements.

The following are requirements for provision of civic open space.

- (1) Development of parcels over 5 acres are required to provide 5% total lot size as civic open space. Developer shall work with City

Figure 1.2 (2). Alley Configuration.

to determine appropriate location of open space. See Section 6.0 Open Space.

9. General Zoning District/Subdistrict Layout.

For all Districts/Subdistricts, the following outlines how the Districts/Subdistricts should relate to one another.

- (1) All Districts. The following applies to all Zoning Districts/Subdistricts.
 - (a) Similar intensities of uses should face each other across the street.
 - (b) Blocks may contain multiple zoning subdistricts; however, changes in subdistricts should occur along an alley, the rear property line, or at a corner parcel.
- (2) Core Subdistricts. The following applies to all Core Subdistricts.
 - (a) Core subdistricts are intended to provide a node that primarily consists of retail uses on the ground floor.
- (3) Existing Residential Zones. When "Core" and/or "General" subdistricts back up to the rear of existing single family residential neighborhoods, a building stepback is required (see Figure 5.2(5)).

2.0 Street Types

2.0 Street Types

2.1 General Requirements.

1. Intent.

The standards outlined in this section are intended to:

- (1) Create complete streets that address all modes of travel, including pedestrian traffic, bicycle traffic, transit, and vehicular traffic.
- (2) Address all features of the street right-of-way, including sidewalks, parkways, traffic lanes, bicycle lanes, and medians.
- (3) Provide adequate access to all lots for vehicles and pedestrians.
- (4) Create streets that are appropriate for their contexts in residential, commercial, or mixed Use subdistricts and are designed to encourage travel at appropriate volumes and speeds.
- (5) Create streets and public rights-of-way that result in stormwater runoff quantity reduction and improved quality of stormwater runoff.

2. Applicability.

The standards in this section apply to all vehicular rights-of-way within all Subdistricts.

Exceptions. Washington Boulevard and Riverdale Road are UDOT roads, and the City should work with UDOT on any future design changes, so that these roads can better support the goals of this form based code.

The future re-design of 40th Street will vary depending on whether it contains a transit line, and should be designed specifically for the type of transit mode it will contain.

3. General Requirements.

All proposed streets, landscape or furnishings zones, and sidewalks shall be located in dedicated vehicular Rights-of-Way as required by this article.

- (1) Street Types. All new vehicular rights-of-way shall match one of the street types, refer to 2.4 through 2.8, whether publicly dedicated or privately held.
- (2) Public Use. All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted.

4. Street Construction Specifications.

All construction in the right-of-way shall follow specifications defined by the Department of Public Works.

2.2 General Street Type Standards.

1. Street Types.

Street Types defined in this section outline acceptable street configurations. New streets should be designed using the principles and characteristics defined by each street type. The City Manager or Designee, or Public Works Director may require additional right-of-way,

pavement width, or additional street elements depending on unique site characteristics.

2. Graphics.

The graphics provided here, illustrating each street type, are samples of recommendations and illustrate a possible configuration of that street type. By applying the standards outlined, and working with the Department of Public Works and the City Manager, other configurations are possible.

3. Typical Street Elements.

Typical elements of a vehicular Right-of-Way are divided into the vehicular and pedestrian realm. Each street type detailed in this article outlines which facilities are applicable. Refer to Figure 2.2 (1): Typical Right-of-Way Elements.

- (1) Vehicular Realm. The vehicular realm is comprised of vehicular travel lanes, bicycle lanes, and parking lanes.
- (2) Pedestrian Realm. The pedestrian realm is typically comprised of pedestrian facilities, such as sidewalk, path/trail, or off-street bicycle path, and a buffer area consisting of a landscape zone or furnishings zone that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm.
 - (a) Landscape Zone. A landscape area between the back of curb or edge of pavement to the sidewalk in which street trees, swales, lighting, and signage may be located. Typically used adjacent to residential buildings.
 - (b) Furnishings Zone. A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office buildings.

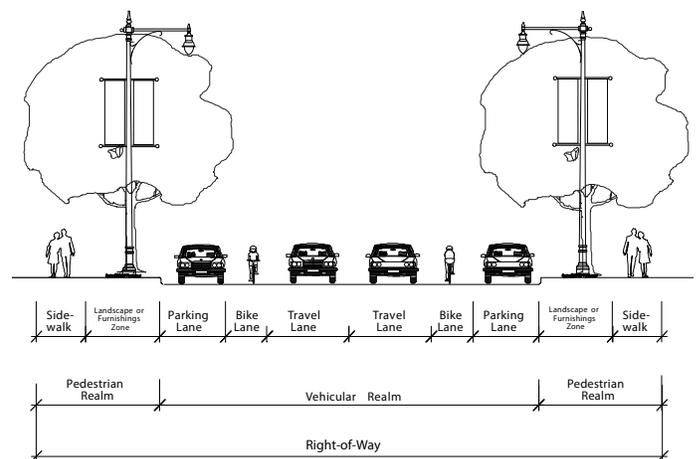


Figure 2.2 (1). Typical Right-of-Way Elements.

2.0 Street Types

4. Vehicular Travel Lanes

The number and width of vehicular travel lanes are determined by the Street Type.

5. Vehicular On-Street Parking.

On-street parking, as permitted on designated street types, shall meet the following requirements.

- (1) Parallel and diagonal parking is permitted on designated street types.
- (2) Vehicular Parking Space Dimensions. The appropriate dimensions for on-street parking spaces are outlined in Table 2.2 (1): On-Street Parking Space Dimensions and Figure 2.2 (2): On-street Parking Layout. The width of a parking space shall be measured from the center of a stripe.

6. Bicycle Facilities.

The following types of bicycle accommodations are permitted in the vehicular realm per Street Type. Refer to Figure 2.2 (3).

- (1) Cycle Track. A cycle track is a separate on-road bicycle facility that is typically adjacent to, but physically separated from, vehicular traffic and parking by a barrier.
- (2) Dedicated Bicycle Lane. Dedicated bicycle lanes are striped lanes

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)
0	20	7	7
45	12	8.5	17
60	10	8.5	18
90	9	8.5	18

Table 2.2 (1). On-Street Parking Space Dimensions.

on the outside of the outermost travel lanes that are designated for only bicycle use. This lane occurs on both sides of the street and shall be four to six feet wide.

- (3) Designated Shared Lane. A designated shared lane is a lane that is shared between vehicles and bicycles. This lane is typically wider than a standard vehicular lane, minimum 13 feet, in order to accommodate both types of users, and includes a painted bicycle marker combined with a double arrow (known as a “sharrow”). This improvement occurs on both directions.
- (4) Shared Lane. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

7. Stormwater Management.

Incorporation of stormwater management best practices into the Right-of-Way design is encouraged, such as incorporating drainage swales and slotted curbs into the Landscape Zone/Furnishing Zone, or permeable paving in the parking lane.

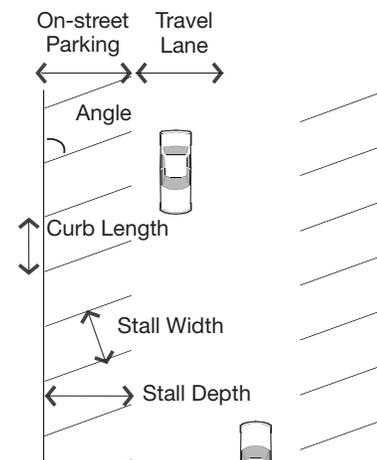


Figure 2.2 (2). On-Street Parking Layout.

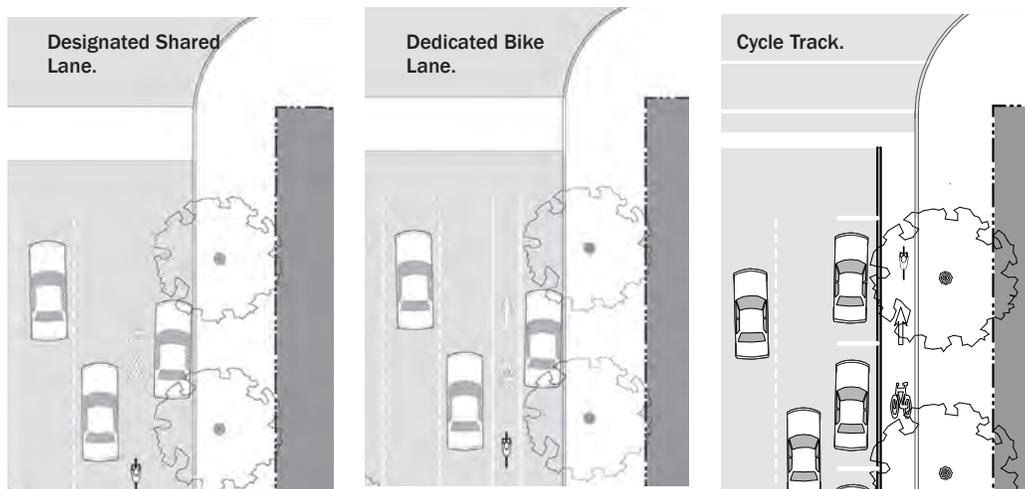


Figure 2.2 (3). On-Street Bicycle Facilities.

8. Street Trees.

Street trees are required along all street frontages, with the exception of the Lane and the Alley.

- (1) Street trees shall be located either in a Landscape Zone within a planting bed or lawn, or in a Furnishings Zone in tree wells with a grate as required.
- (2) Tree grates are required for all trees located in tree wells in Pedestrian Realms less than 10 feet in width.
- (3) Spacing for large street trees shall be 30 feet on center. City Manager or Designee may allow modifications based on site specific constraints.

9. Fire Access.

Street configurations have been calculated to provided fire truck access. Where the total width of all travel lanes totaled is narrower than 20 feet, the following shall apply.

- (1) Room to Pass. At 120 foot increments, a 20 foot opening in the on-street parking or a 20 foot dedicated pull-off space must be provided to allow vehicles to pull over for a fire truck to pass.
- (2) Driveway or Fire Hydrant Zone. A driveway or fire hydrant zone may be utilized to fulfill the requirement.

2.3 General Street Layout Requirements.

1. General Layout Standards.

The following standards apply to new streets or newly platted vehicular Rights-of-Way.

- (1) Treatment of Natural Features. Streets shall be designed to respect natural features, such as rivers, woodlands, or slopes, by following rather than interrupting or dead-ending at the feature, if applicable.
- (2) Street Network. The network of streets shall form an interconnected pattern with multiple intersections.
- (3) Existing Streets. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.
- (4) Cul-de-sac Streets. Cul-de-sacs are not permitted, unless approved by City Manager or Designee due to site constraints.

2. Intersections.

- (1) Curb Radii. The following curb radii shall be utilized unless otherwise authorized by the City Manager or Designee.
 - (a) Intersections should be designed for actual turning radius of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections shorten pedestrian crossing distances and reduce vehicle turning

speeds, thereby balancing the ease of travel of the vehicles and pedestrians. Refer to Figure 2.3 (1).

- (b) Neighborhood and Connector Streets. At the intersection of any street with a Neighborhood or a Connector Street, the following curb radii shall be utilized.
 - (i) With on-street parking on both streets, a 5 foot radius may be utilized.
 - (ii) Without on-street parking, a 15 foot radius is required.
- (c) Avenue Streets. At the intersection of Avenues to Avenues or Boulevards, the following curb radii shall be utilized.
 - (i) With on-street parking on both streets, a 10 foot radius is required.
 - (ii) Without on-street parking on either streets, a 25 foot radius is required.
- (d) Larger Radius. When the design vehicle requires a larger curb radius and no on-street parking exists, a 30 foot radius may be utilized for Avenues or Boulevards. Larger radii require approval of the Department of Public Works.
- (e) Alley Intersections. The curb radius at intersections involving Alleys shall be no greater than 5 feet.

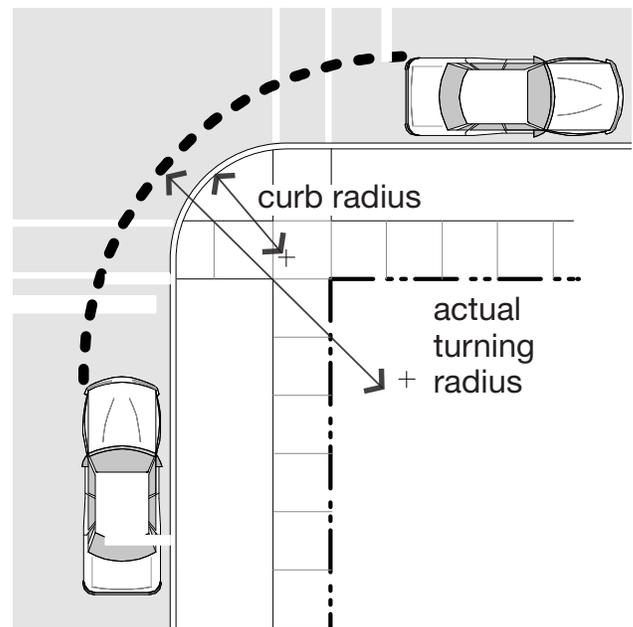


Figure 2.3 (1). Actual Right Turn Radius with On-Street Parking.

2.0 Street Types

- (2) Crosswalks. Crosswalks shall be required at all intersections and mid-block crossings involving Connectors, Avenues, and Boulevards.
 - (a) Dimensions. Crosswalks shall be minimum six feet in width, measured from mid-stripe to mid-stripe, per MUTCD.
 - (b) Markings. Crosswalks shall be appropriately indicated on the finished street surface with painted markings and/or textured or colored pavement.
 - (c) Crossing Distances. To encourage pedestrian activity, typical crosswalks shall not extend over 38 feet without a landscape median, bulb-outs and/or other pedestrian refuge to mitigate the negative effects of vehicular traffic on pedestrian crossing and increase pedestrian safety and comfort. Refer to Figure 2.3 (2) and 2.3 (3).
 - (d) Accessible ramps and warning panels, per the American Disabilities Act or any more stringent state or city requirement, are required where all sidewalks or trails terminate at a crosswalk or curb.
 - (e) Ramp Orientation. Ramps shall be oriented perpendicular to traffic, requiring two ramps per corner at intersecting streets.
- (3) Bulb-outs. To shorten pedestrian crossing distances, bulb-outs should be utilized at all intersections, unless otherwise required by the Department of Public Works. Refer to Figure 2.3 (3).
 - (a) The depth of the bulb-out shall match the utilized on-street parking, either the width of the parallel space or the depth of the diagonal space.
 - (b) The radius of the bulb-out shall match the requirements for the intersection.

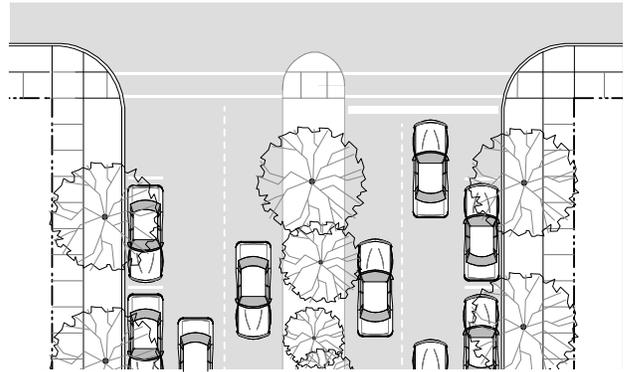


Figure 2.3 (2). Wide Street Crossing with Pedestrian Refuge Median.

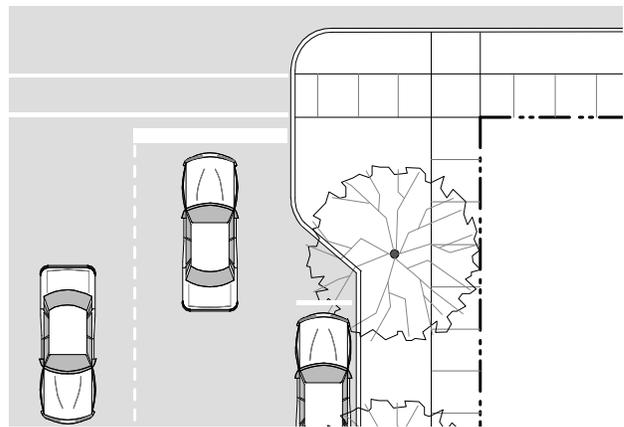


Figure 2.3 (3). Bulb Out.

2.4 Alley.

1. Intent.

The Alley is a very low capacity drive located at the rear of parcels. From the Alley, access to parking facilities, loading facilities, and service areas, such as refuse and utilities is possible without a curb cut or driveway interrupting a street type. Refer to the typical plan and section in Figure 2.4 (1).

2. General Requirements.

Alleys shall be developed using the standards in Table 2.4 (1).

Alley Requirements

Permitted Subdistricts All Subdistricts

Permitted Adjacent Building Types All Building Types

Typical Right-of-Way Width 20'

Vehicular Realm

Travel Lanes 1 yield lane

Lane Width 16'

Allowable Turn Lanes Not applicable

Parking Lanes Not applicable

Pavement Width Minimum 16'
Maximum 20'

Median

Bicycle Facilities¹ Shared

Pedestrian Realm

Pedestrian Facilities Shared; travel lanes are shared among drivers, pedestrians and bicyclists

Street Buffer None required

¹ Reference Figure 2.2 (3) for bicycle facility types and requirements

Section

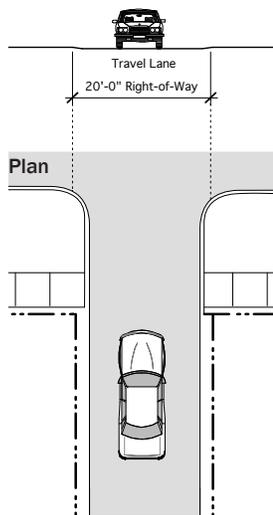


Figure 2.4 (1). Typical Alley.

Table 2.4 (1). Alley Requirements.

2.0 Street Types

2.5 Lane

1. Intent.

A Lane is a very low capacity Street Type that serves only those properties directly adjacent to it. Lanes can have designated realms for vehicular and pedestrian traffic, or these modes can share lanes given the low capacity and slow speed. Refer to the typical plan and section, Figure 2.5 (1).

2. General Requirements.

The Lane shall be developed using the standards in Table 2.5 (1).

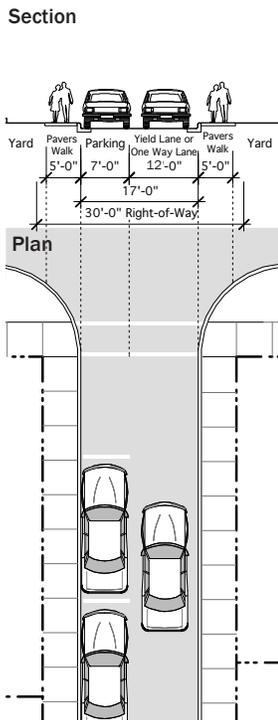


Figure 2.5 (1). Typical Lane.

Lane Requirements

Permitted Subdistricts All Subdistricts

Permitted Adjacent Building Types All Building Types

Typical Right-of-Way Width 27' to 32'

Vehicular Realm

Travel Lanes 1 yield lane

Lane Width 10'

Allowable Turn Lanes Not applicable

Parking Lanes¹ 1 parallel lane required

Pavement Width Minimum 17'
Maximum 20'

Median Prohibited

Bicycle Facilities² Shared

Pedestrian Realm

Pedestrian Facilities Shared; travel lanes are shared among drivers, pedestrians and bicyclists.

Street Buffer None required

¹ Reference 2.2 (3) for on-street parking requirements

² Reference 2.2 (4) for bicycle facility types and requirements

Table 2.5 (1). Lane Requirements.

2.6 Neighborhood Street.

1. Intent.

The Neighborhood Street is a low capacity street designed for slow speeds with a standard right-of-way. It primarily serves those residences or businesses directly adjacent to it. Refer to the typical plan and section, Figure 2.6 (1).

2. General Requirements.

The Neighborhood Street shall be developed using the standards in Table 2.6 (1).

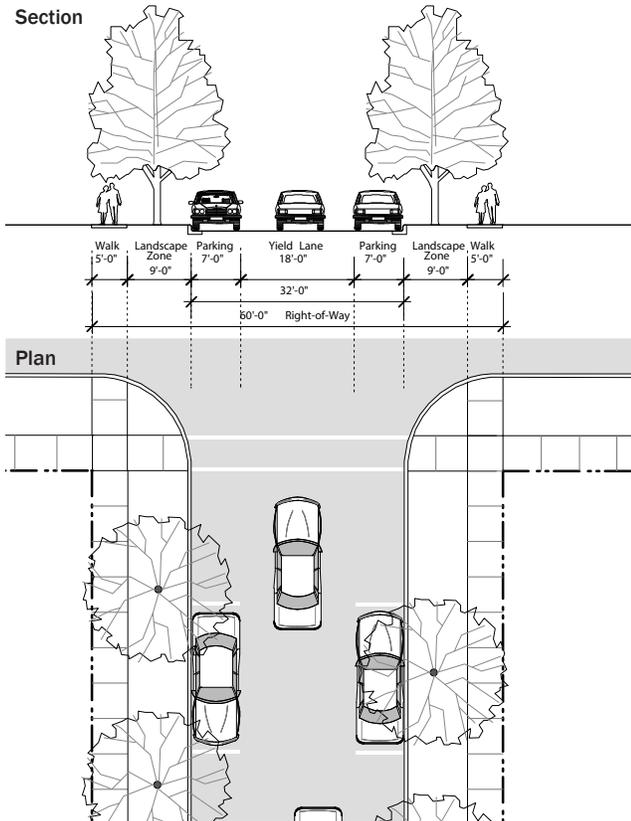


Figure 2.6 (1). Typical Neighborhood Street.

Neighborhood Street Requirements

Permitted Subdistricts All Subdistricts

Permitted Adjacent Building Types All Building Types

Typical Right-of-Way Width 60'

Vehicular Realm

Travel Lanes 1 yield lane

Lane Width 18'

Allowable Turn Lanes Not applicable

Parking Lanes¹ Parallel required on one side of street

Pavement Width 32', 20' for alternative

Median Prohibited

Bicycle Facilities² Shared

Pedestrian Realm

Pedestrian Facilities Minimum 5 feet wide clear sidewalk on both sides

Street Buffer Minimum 9 feet wide Landscape Zone (Parkway)

¹ Reference 2.2 (3) for on-street parking requirements

² Reference 2.2 (4) for bicycle facility types and requirements

Table 2.6 (1). Neighborhood Street Requirements.

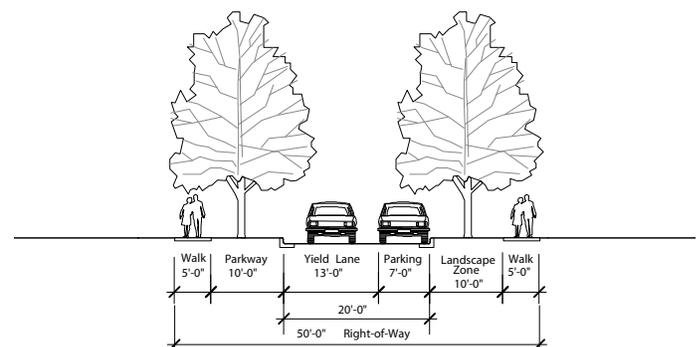


Figure 2.6 (2) Alternative 50' Right-of-Way Neighborhood Street.

2.0 Street Types

2.7 Connector Street.

1. Intent.

The Connector Street is a medium capacity street for slow speeds with a standard right-of-way. It primarily serves as a through street within the Neighborhood and connects Neighborhood Streets to Avenues. Refer to the typical plan and section, Figure 2.7 (1).

2. General Requirements.

Connectors shall be developed using the standards in Table 2.7 (1).

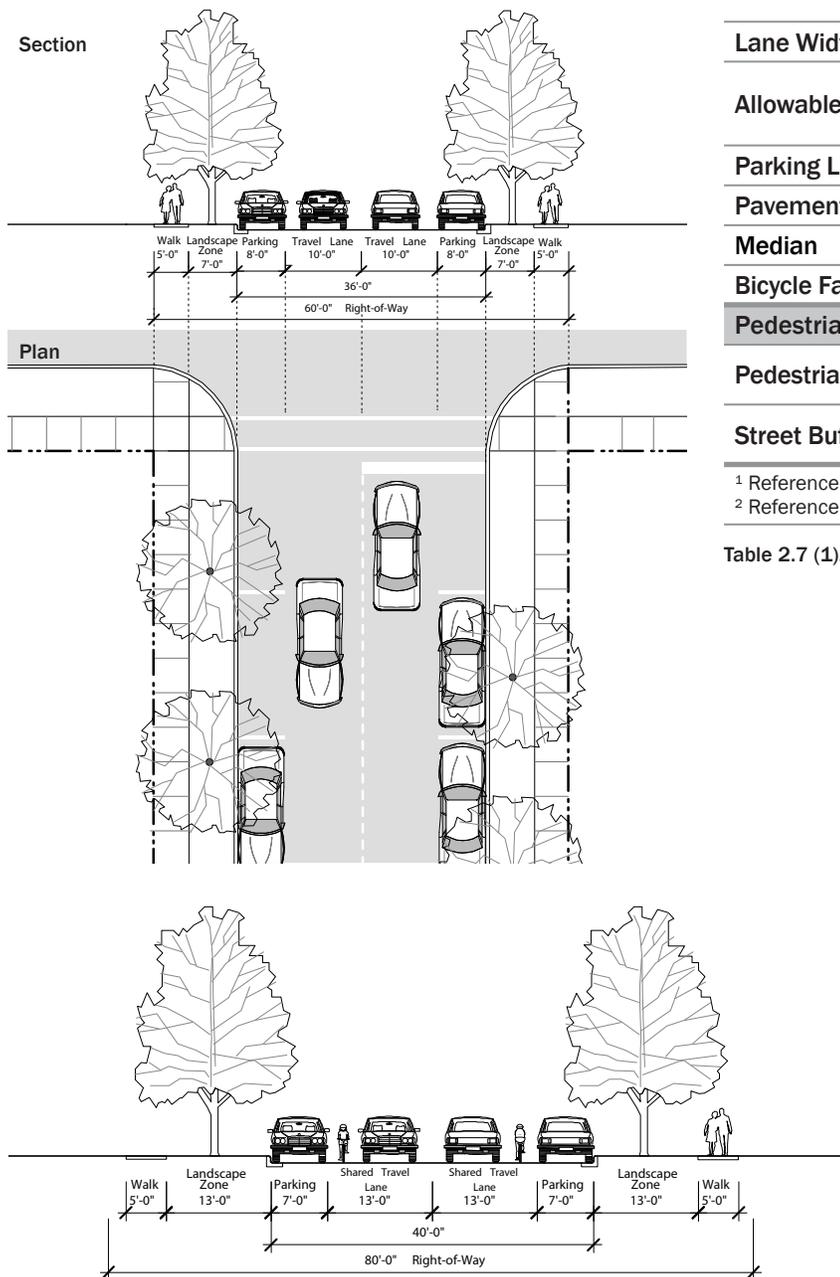


Figure 2.7 (1). Alternative 80' Shared Right-of-Way Connector.

Connector Street Requirements

Permitted Subdistricts	All Subdistricts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	60' to 70'
Vehicular Realm	
Travel Lanes	1 lane in each direction
Lane Width	10'
Allowable Turn Lanes	Right permitted in place of parking at intersections with Avenue; left only with median alternative
Parking Lanes ¹	Parallel required on both sides of street.
Pavement Width	36'; 40' for alternative
Median	Permitted with 80' or greater right-of-way.
Bicycle Facilities ²	Shared
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
Street Buffer	Minimum 7 feet wide landscape zone or furnishings zone

¹ Reference 2.2 (3) for on-street parking requirements
² Reference 2.2 (4) for bicycle facility types and requirements

Table 2.7 (1). Connector Requirements.

2.8. Avenue.

1. Intent.

The Avenue is a medium to high capacity street for higher speeds with a wider right-of-way. It serves all types of development and provides crosstown connections. Refer to the typical plan and section in Figure 2.8 (1).

2. General Requirements.

Avenues shall be developed using the standards in Table 2.8 (1).

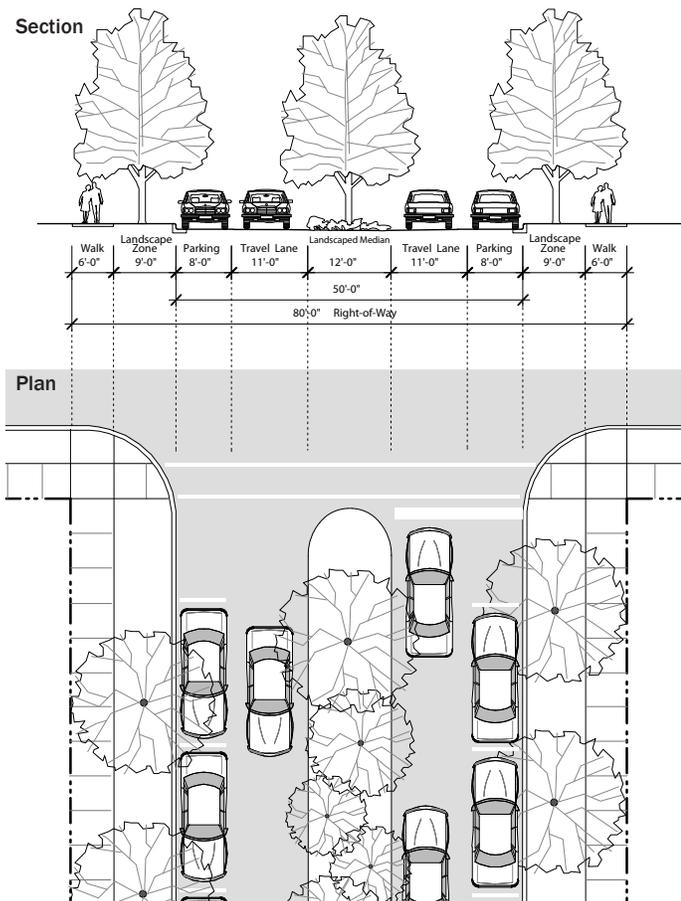


Figure 2.8 (1). Typical Avenue.

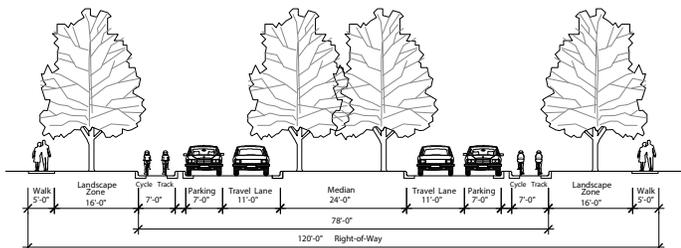


Figure 2.8 (2). Alternative 120' with Median & Cycle Track Connector.

Avenue Requirements

Permitted Subdistricts All Subdistricts

Permitted Adjacent Building Types All Building Types

Typical Right-of-Way Width 66' to 80'

Vehicular Realm

Travel Lanes 1 lane in each direction

Lane Width 11' or 12' with truck traffic

Allowable Turn Lanes Right permitted in place of parking at intersections with Connector; left only with median.

Parking Lanes¹ Parallel required on both sides of street; angled permitted for alternative.

Pavement Width 50'; 78' for alternative

Median Permitted with 80' or greater right-of-way.

Bicycle Facilities² Shared; dedicated bike lane with alternative.

Pedestrian Realm

Pedestrian Facilities Minimum 5' wide clear sidewalk on both sides

Street Buffer Minimum 7 feet wide landscape zone or furnishings zone

¹ Reference 2.2 (3) for on-street parking requirements

² Reference 2.2 (4) for bicycle facility types and requirements

Table 2.8 (1). Avenue Requirements.

3.0 Subdistricts

3.0 Subdistricts

3.1. Introduction

The following subdistricts are hereby created to regulate the location of distinct mixes of building forms and uses permitted within the City Center and 40th Street Corridor districts. Refer to 4.0 Uses for uses and 5.0 Building Types for building types permitted within each subdistrict.

Five subdistricts have been created, and each consists of a series of uses and building types that have been specifically calibrated for the subdistrict.

1. City Center “Core”.

The City Center “Core” constitutes the center of the community and heart of the new city center, and includes the majority of the shops and workplaces within the City Center. The storefront building type that comprises this subdistrict defines a street wall along the primary streets of the area with storefront glass windows. Upper stories of the storefront building may be utilized for living and working.

2. City Center “General”.

The City Center “General” Subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales.

3. Riverdale Road “General”.

The Riverdale Road “General” Subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. This Subdistrict also permits drive-through structures and the limited bay building type to allow more flexibility for auto-oriented uses.

4. 40th Street “General”.

The 40th Street “General” Subdistrict combines the storefront building and stoop building to create a corridor that supports a future transit line along 40th Street. Development along this corridor will be at a smaller scale and finer grain, in relation to the city center.

5. Edge Subdistricts.

The Edge Subdistricts are made up of smaller scale residential buildings, which provide a buffer between existing single family residential neighborhoods and the “Core” and “General” Subdistricts.

3.2 Zoning Map.

1. Mapped Subdistricts.

The areas and boundaries of the subdistricts listed in 3.1 are established as shown on the map entitled “Zoning Map of the City of South Ogden and referred to herein as “Zoning Map”. See Figure

3.2 (1) Zoning Map.

3.0 Subdistricts

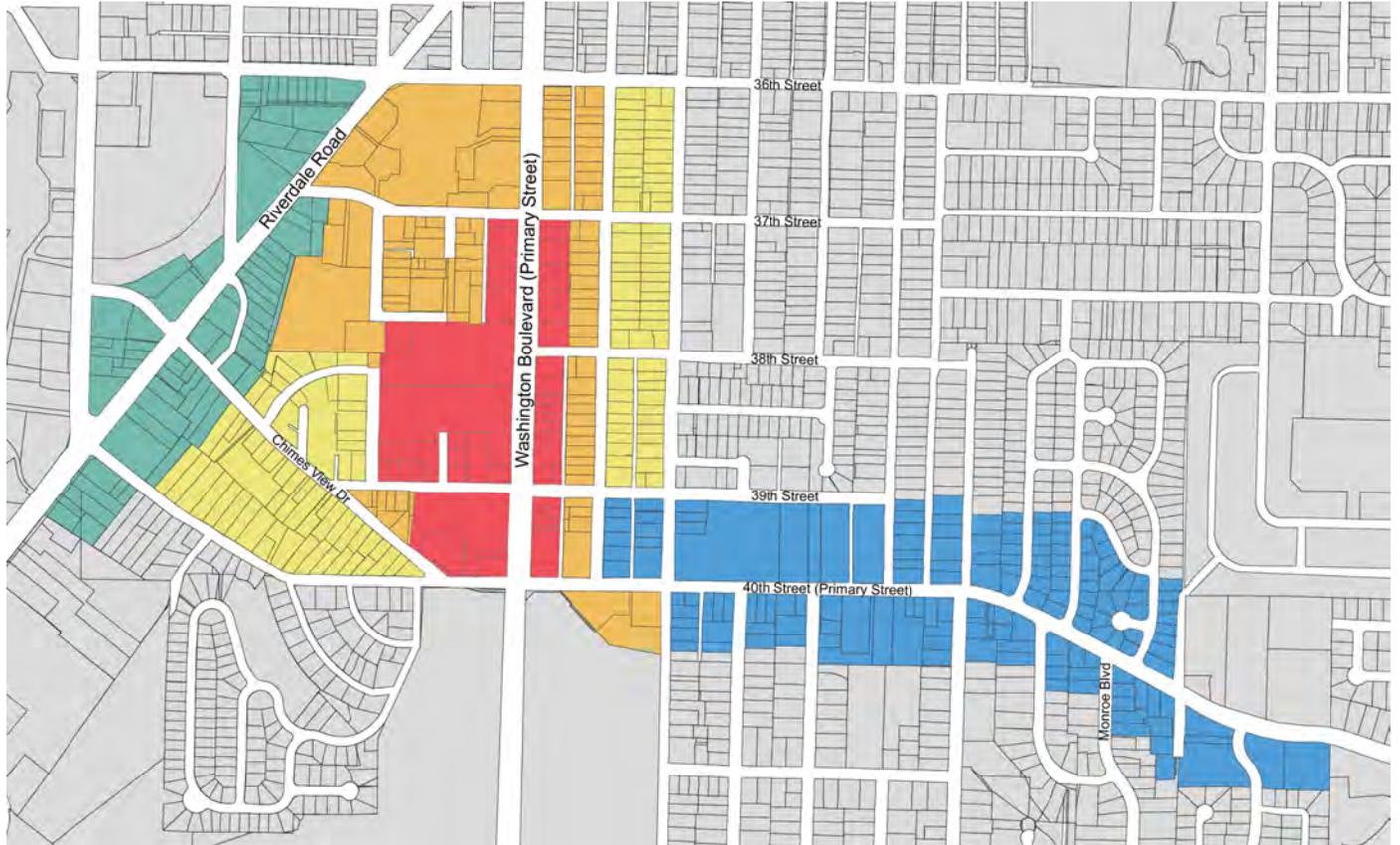


Table 3.2 (1). Zoning Map



4.0 Uses

4.0 Uses

4.1. General Requirements.

1. General Provisions.

The following general provisions apply to the uses outlined in this section.

- (1) A lot may contain more than one use.
- (2) Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
- (3) Uses are either permitted by-right in a subdistrict, permitted by-right with specific development or design parameters, or require a Conditional Use Permit (refer to 10.2.6) in order to be developed.
- (4) Each use shall be located within a permitted Building Type (Refer to 5.0 Building Types), unless otherwise specified.
- (5) Each use may have both indoor and outdoor facilities, unless otherwise specified.

2. Organization.

The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.

- (1) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a zoning subdistrict, the City Manager or Designee may interpret the use as permitted.
 - a. The unlisted use will be subject to any development standards applicable to the similar permitted use.
 - b. If the unlisted use is similar in nature and impact to a use requiring a Conditional Use Permit, the City Manager or Designee may interpret the use as also requiring a Conditional Use Permit.
- (2) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zoning subdistrict that is either permitted or requires a Conditional Use Permit, the use is not permitted and may only be approved through an amendment of this article.

3. Use Table.

Table 4.1 (1). Uses by Subdistrict outlines the permitted uses in each zoning subdistrict. Each use is given one of the following designations for each zoning subdistrict in which that use is permitted.

- (1) Permitted (“●”). These uses are permitted by-right in the subdistricts in which they are listed.
- (2) Permitted in Upper Stories Only (“◐”). These uses are permitted by-right in the subdistricts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least 30 feet from the front facade.
- (3) Permitted with Development Standards (“◑”). These uses are

permitted by-right in the subdistricts in which they are listed, provided that they are developed utilizing the listed development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a subdistrict where it otherwise might not have been appropriate.

- (4) Requires a Conditional Use Permit (“○”). These uses require administrative review and approval (refer to 10.2.7) in order to occur in the subdistricts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the Conditional Use.
- (5) Listed uses that are not permitted in the subdistrict are indicated by a blank space.

4. Building Types.

The uses permitted within the subdistrict may be further limited by the building types permitted. Refer to 5.0 Building Types.

4.2. Definition of Uses.

1. Residential and Lodging Uses.

A category of uses that include several residence types.

- (1) Residential. One or more dwelling units located within the principal structure of a lot, in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit or have individual entrances from the outside.
- (2) Hotel & Inn. A facility offering temporary to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the subdistricts where a Hotel or Inn is permitted with development standards (“◑”), the following applies:
 - a. The facility is limited to twelve rooms.
 - b. Bed and Breakfasts and pensions are permitted.
- (3) Residential Care. A facility offering temporary or permanent lodging to the general public consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Residential care includes such uses as independent and assisted living facilities, and nursing homes. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the subdistricts where a residential care facility is permitted with development standards (“◑”), the facility is limited to twelve rooms.

2. Civic Uses.

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

- (1) Assembly. A facility that has organized services, meetings, or

Uses					
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Residential & Lodging					
Residential	●	●	●	●	●
Hotel & Inn	●	●	●	●	●
Residential Care	○	○	○	○	○
Civic					
Assembly	○	○	○	○	●
Transit Station	●	●	●	●	●
Hospital & Clinic	●	●	●	●	
Library/Museum/Post Office (no distribution)	●	●	●	●	○
Police & Fire	○	○	○	○	○
School	●	●	●	●	●
Retail					
Neighborhood Retail	●	●	●	●	
General Retail	○	○	●	○	
Outdoor Sales Lot			○		
Service					
Neighborhood Service	●	●	●	●	
General Service		○	○		
Vehicle Service		○	●		
Office & Industrial					
Office	●	●	●	●	●
Craftsman Industrial	●	●	●		
Infrastructure					
Parking Lot	●	●	●	●	
Parking Structure	●	●	●	●	
Utility & Infrastructure	○	○	○	○	
Open Space	●	●	●	●	●
Accessory Uses					
Home Occupation	●	●	●	●	●
Outdoor Storage of Goods		●	●		
Parking Lot	●	●	●	●	
Parking Structure	●	●	●	●	

KEY

- Permitted
- Permitted in Upper Stories Only
- Permitted with Development Standards
- Requires a Conditional Use Permit

Table 4.1 (1). Uses by subdistrict.

4.0 Uses

programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, house of worship, and private clubs and lodges. In the subdistricts where an outdoor sales lot is permitted with development standards (“●”), the following applies:

- a. Parking shall be limited to an area less than the total building footprint area.
 - b. The facility shall primarily serve the adjacent neighborhood.
- (2) Transit Station. A covered passenger boarding and a lighting facility with a platform(s), which may include a waiting room, ticket office or machines, restrooms, or concessions.
 - (3) Hospital & Clinic. A licensed institution providing medical care and health services to the community. These services may be located in one building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, pharmacies, and gift shop.
 - (3) Library/Museum. A structure open to the general public, which houses educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.
 - (4) Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. Police and fire facilities require a Conditional Use approval. The facilities shall be housed in a permitted building, but shall have the following additional allowances:
 - a. Garage doors are permitted on the front facade.
 - b. Exempt from maximum driveway widths.
 - (5) Post Office. A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.
 - (6) School. An education facility with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service.

3. Retail Uses.

A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.

- (1) Neighborhood Retail. A use in this category occupies a space of less than 12,000 square feet. Neighborhood retail includes such uses as those listed in Table 4.2 (1). Typical Retail Uses.
- (2) General Retail. A use in this category includes all Neighborhood Retail uses occupying a space of greater than 12,000 square feet and such uses as those listed in Table 4.2 (1). Typical Retail Uses.
- (3) Outdoor Sales Lot. A use involving the sale of goods or

merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the subdistricts where an outdoor sales lot is permitted by Conditional Use (“○”), the following applies:

- (1) Not permitted on corner parcels.
- (2) Includes permanent construction of a building utilizing one of the permitted Building Types in the subdistrict.

4. Service.

A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.

- (1) Neighborhood Service. A use in this category occupies a space of less than 12,000 square feet. Neighborhood service includes such uses as those listed in Table 4.2 (2).
- (2) General Service. A use in this category includes all Neighborhood Service uses occupying a space of greater than 12,000 square feet and such uses as those listed in Table 4.2 (2).

5. Vehicle Service.

A business involving the servicing of vehicles and/or the distribution of fuel to residents of the community and region. A convenience store may also be included as a secondary use, as well as the sale of propane and kerosene. Vehicle service includes such uses as automotive filling stations, vehicle repair, car wash facilities, and tire sales and mounting. In the subdistricts where vehicle service is permitted with development standards (“●”), the following apply:

- (1) Use Limitation. Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are not permitted.
- (2) Service Bays. Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the Building Type.
- (3) Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
 - a. The vehicles are not stored for more than two days.
 - b. The storage area is located in the rear yard screened from view of the front lot line.
 - c. The storage area is screened using the Side & Rear yard buffer outlined in 7.0 Landscape, regardless of the adjacent land uses.
- (4) Outdoor Activities.
 - a. All repairs or washing activities must occur inside a structure.
 - b. Vacuuming activities may occur in open air, but must be

located in the side or rear yards, screened from the front lot line.

- c. Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours under the canopy and adjacent to the principal structure.

Neighborhood Retail

Alcohol & Liquor Sales
 Antique Shop
 Apparel & Accessory Store
 Art & Education Supplies
 Bakery, Retail
 Bicycle Sales & Repair
 Book, Magazine, & Newspaper Store
 Building Materials, Hardware, and Garden Supply
 Camera & Photo Supply Store
 China & Glassware Shop
 Convenience Store
 Drug Store/Pharmacy
 Fabric & Craft Store
 Florist
 Gift, Novelty, & Souvenir Shop
 Grocery Store
 Hardware Store
 Hobby Shop
 Jewelry Sales & Repair
 Luggage & Leather Goods
 Music Store
 Musical Instrument Repair & Sales
 Office Supply
 Optical Goods
 Paint & Wallpaper
 Party Supply Shop
 Pawn Shop
 Pet & Pet Supply
 Smoke Shop
 Specialty Food Market (Butcher, Candy, Fish Market, Produce, etc.)
 Sporting Goods Sales & Rental
 Stationary & Paper Store
 Toy Shop
 Video/Game Sales & Rental
 Wine & Liquor Shop

Table 4.2 (1). Typical Retail Uses.

General Retail

All Neighborhood Retail
 Appliance & Electronic Sales & Service
 Automotive Supply (no service)
 Computer Software Sales & Leasing
 Department Store
 Gun Shop
 Home Furnishings & Accessories Sales & Rentals
 Medical Supply Store & Rental
 Motorcycle & Motor Scooter Sales
 Heating, Air Conditioning & Plumbing Supplies, Sales, & Service
 Cabinet Supply (display only)
 Machine Sales and Rental
 Agriculture Equipment and Supply
 Electrical Supplies
 Merchandise Vending Machine Operators
 Medical Supply Store & Sales

Neighborhood Service

Arcade
 Bank or other Financial Service
 Barber Shop, Beauty Salon, & Spa
 Billiard Hall
 Catering
 Check Cashing
 Day Care, Adult or Child
 Dry Cleaning & Laundry
 Emergency Care Clinic
 Fitness, Dance Studio, & Gym
 Framing
 Home Furniture & Equipment Repair
 Locksmith
 Mailing Services
 Microbrewery
 Pet Grooming
 Photocopying & Printing
 Photography Studio & Supplies (on-site processing permitted)
 Restaurants (refer to state law for alcoholic beverage requests)
 Shoe Repair
 Tailor & Seamstress
 Tanning Salon
 Tattoo/Piercing Parlor
 Theater
 Training Center
 Travel Agency & Tour Operator
 Veterinarian

Table 4.2 (2). Typical Service Uses.

Office

Architecture/Engineering/Design
 Building Contractor (office only)
 Business Consulting
 Charitable Institutions
 Computer Programming & Support
 Detective Services
 Educational Services (tutor & testing)
 Employment Agency
 Financial & Insurance
 Government Offices
 Legal Services
 Management Services
 Physical Therapy/Physical Rehabilitation
 Medical & Dental with Laboratory
 PR & Advertising
 Property Development
 Radio & TV Studio
 Real Estate

Table 4.2 (3). Typical Office Uses.

General Service

All Neighborhood Services
 Animal Boarding (interior only)
 Aquatic Facilities
 Batting Cages
 Bowling Alley
 Concert Hall
 Exterminating & Disinfecting Service
 Funeral Home
 Miniature Golf Course
 Recreation, Commercial Indoor
 Repair of Small Goods & Electronics
 Shooting & Archery Ranges (indoor only)
 Skating Rink
 Tattoo/Piercing Parlor

4.0 Uses

6. Office Uses.

A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 4.2 (3). In the districts where an office use is permitted with development standards (“O”), the use is considered a home occupation and shall meet the following standards:

- (1) In a live/work building, the use is exempt from the following standards.
 - a. Hour of Operation. Permitted hours of operations are 6:00 AM to 9:00 PM.
 - b. Residence. The operator of the business shall reside in the dwelling unit.
 - c. Vehicles. Parking of a vehicle associated with the business must be accommodated on site.

Craftsman Industrial

Apparel & Finished Fabric Products
Bakery & Confections
Beverages, including Beer, Wine, Liquor, Soft Drinks, Coffee
Botanical Products
Brooms & Brushes
Canning & Preserving Food
Commercial Scale Copying & Printing
Construction Special Trade Contractors
Cut Stone & Cast Stone
Dairy Products
Electronics Assembly
Engraving
Electrical Fixtures
Fabricated Metal Products
Film Making
Furniture & Fixtures
Glass
Household Textiles
Ice
Jewelry, Watches, Clocks, & Silverware
Leather Products
Meat & Fish Products, no Processing
Musical Instruments & Parts
Pasta
Pottery, Ceramics, & Related Products
Printing, Publishing & Allied Industries
Shoes & Boots
Signs & Advertising
Small Goods Manufacturing
Smithing
Taxidermy
Textile, Fabric, Cloth
Toys & Athletic Goods
Upholstery
Woodworking

Table 4.2 (4). Typical Craftsman Industrial Uses.

7. Craftsman Industrial.

A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet that is accessible to the public. Craftsman industrial includes such uses as those found in Table 4.2 (4). This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited. The maximum overall gross floor area is limited to 20,000 square feet, unless otherwise noted. In the subdistricts where a craftsman industrial use is permitted with development standards (“CI”), the following apply:

- (1) A minimum 20% of gross floor area shall be dedicated to a showroom located at the front of the space and is in view of a public Right-of-Way.
- (2) Outdoor activities and storage of goods are not permitted.

8. Parking Lot.

A lot that does not contain a permitted building or Open Space Type and is solely used for the parking of vehicles. In the subdistricts where a parking lot is permitted with development standards (“P”), the following apply:

- (1) Corner Lots. A corner lot shall not be used as a parking lot.
- (2) Adjacent Parking Lots. Two parking lots cannot be located directly adjacent to one another.
- (3) Single Family. Parking lot cannot be associated with a single family use.
- (4) Distance. Parking lot must be within 1,300 feet of the principal entrance to the associated use unless:
 - a. At least 75% of the spaces are dedicated for public use.
 - b. An approved parking agreement is in place (refer to 8.0 Parking).
- (5) Pedestrian Access. Must be connected to associated use by a dedicated, public pedestrian pathway.
- (6) Commercial Vehicles. Parking lots for commercial vehicles are not permitted in these subdistricts.

9. Parking Structure.

A parking structure on a lot that does not contain a permitted Building Type and is solely used for the parking of vehicles. In the subdistricts where a parking structure is permitted with development standards (“PS”), the following apply:

- (1) Corner Lots. A corner lot shall not be used for a parking structure on primary streets. Parking structures may be used for corner lots on other streets if ground floor of structure is dedicated for commercial use.
- (2) Adjacent Parking Lots. Two parking facilities (lots or structures) cannot be located directly adjacent to one another.
- (3) Primary Street. Parking structures fronting Primary Streets must have ground floor dedicated to commercial uses.

- (4) Distance. Parking structure must be within 1,300 feet of the principal entrance to the associated use unless:
 - a. At least 75% of the spaces are dedicated for public use.
 - b. An approved parking agreement is in place (refer to 8.0 Parking).
- (5) Pedestrian Access. Must be connected to associated use by a dedicated, public pedestrian pathway.
- (6) Commercial Vehicles. Parking structures for commercial vehicles are not permitted in these subdistricts.

10. Utility and Infrastructure.

A lot that is primarily utilized for the City’s infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems. In all subdistricts, utilities and infrastructure require a Conditional Use Permit (“○”).

11. Open Space.

A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Refer to 6.0 Open Space Types for permitted forms of open space. Open space uses may also be utilized to host temporary private or community events, such as a farmer’s market or art fair. In the subdistricts where open space is permitted with development standards (“●”), the following apply:

- (1) Parking. Parking lots are not permitted in open space in any subdistrict unless otherwise approved by City Manager or Designee.
- (2) Stormwater Accommodations. Open space that incorporates stormwater management on a site or subdistrict scale is encouraged.
 - a. Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
 - b. Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.
- (3) This use may involve small scale food and beverage service, no more than 200 square feet in space, located in a kiosk, with no service access.
- (4) Buildings located directly adjacent to an open space use shall treat facades facing this use with street facade requirements.

12. Accessory Uses.

A category of uses that are not permitted to serve as the principal use on a zoning lot.

- (1) Home Occupation. An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.
- (2) Parking Lot. An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an

adjacent building on the lot. Parking lot locations are regulated by Building Type. Refer to 5.0 Building Types.

- (3) Parking Structure. A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking Structures within the buildings are regulated per Building Type. Refer to 5.0 Building Type. Separate structure locations are also regulated by Building Type, but shall also meet all of the requirements of 5.2.9. Parking Structure.
- (4) Outdoor Storage of Goods. Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the subdistricts where outdoor storage of goods is permitted with development standards (“●”), the following development standards apply:
 - (a) Outdoor storage areas shall be located in the rear or side yard of the lot.
 - (b) Loose materials shall not be stacked higher than six feet.
 - (c) Loose materials shall at a minimum be stored in a three-sided shelter and shall be covered.
 - (d) Materials shall be set back a minimum of five feet from any lot line.
 - (e) All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer, refer to 7.0 Landscape Requirements for Side and Rear Buffer.

5.0 Building Types

5.0 Building Types

5.1. Introduction to Building Type Standards

1. Introduction

The Building Types detailed in 5.0 Building Types outline the required building forms for new construction and renovated structures within the Subdistricts defined in 3.0.

2. General Requirements.

All Building Types must meet the following requirements.

- (1) Zoning Subdistricts. Each Building Type shall be constructed only within its designated subdistricts Refer to Table 5.1 (1) Permitted Building Types by Subdistricts.
- (2) Uses. Each Building Type can house a variety of uses depending on the subdistrict in which it is located. Refer to 4.0 Uses for uses permitted per subdistrict. Some Building Types have additional limitations on permitted uses.
- (3) No Other Building Types. All buildings constructed must meet the requirements of one of the Building Types permitted within the zoning subdistrict of the lot.
- (4) Permanent Structures. All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
- (5) Accessory Structures.
 - (a) Attached accessory structures are considered part of the principal structure.

- (b) Detached accessory structures are permitted per each Building Type and shall comply with all setbacks except the following:
 - (i) Detached accessory structures are not permitted in the front yard.
 - (ii) Detached accessory structures shall be located behind the principal structure in the rear yard.
 - (iii) Detached accessory structures shall not exceed the height of the principal structure.

5.2 Explanation of Building Type Table Standards

The following explains and further defines the standards outlined on the tables for each Building Type, refer to 5.3 through 5.8.

1. Building Siting.

The following explains the line item requirements for each Building Type Table within the first section entitled "Building Siting".

- (1) Multiple Principal Structures. The allowance of more than one principal structure on a lot.
- (2) Front Sidewalk Coverage. Refer to Figure 5.2 (1). Measuring Front Sidewalk Coverage. Measurement defining the minimum percentage of street wall or building facade required along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).
 - (a) Certain buildings have this number set to also allow the development of a courtyard along the front property line.
 - (b) Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one double loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a maximum of 72 feet.
- (3) Occupation of Corner. Occupying the intersection of the front and corner build-to zones with a principal structure.
- (4) Front Build-to Zone. The build-to zone or setback parallel to the front property line. Building components, such as awnings or signage, are permitted to encroach into the build-to zone

		Building Types by Subdistricts				
		City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Building Types	Storefront	●	●	●	●	
	General Stoop		●	●	●	
	Limited Bay			●		
	Row Building		●	●	●	●
	Yard Building					●
	Civic Building	●	●	●	●	●

● = Permitted

Table 5.1 (1). Permitted Building Types by subdistrict

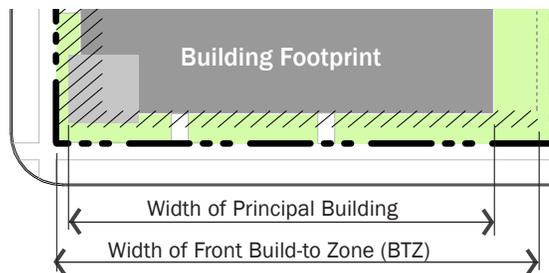


Figure 5.2 (1). Measuring Front Property Line Coverage

-
- (a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.
 - (5) Corner Build-to Zone. The build-to zone or setback parallel to the corner property line.
 - (a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.
 - (6) Minimum Side Yard Setback. The minimum required setback along a side property line.
 - (7) Minimum Rear Yard Setback. The minimum required setback along a rear property line.
 - (8) Minimum & Maximum Lot or Building Width. Depending on the Building Type, either the minimum or maximum building or unit width will be noted or the minimum and maximum width of a lot, all measured at or parallel to the front property line.
 - (9) Parking & Loading Location. The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.
 - (10) Vehicular Access. The permitted means of vehicular ingress and egress to the lot.
 - (a) Alleys, when present, shall always be the primary means of access.
 - (b) When alleys are not present, a driveway may be permitted per Building Type and, if an alternative is available, shall not be located off a Primary Street.
 - (a) Floor height is measured in feet between the floor of a story to the floor of the story above it.
 - (b) Floor height requirements apply only to street facing facades.
 - (c) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.
 - (4) Existing Single Family Residential Buffer. In order to assure compatibility of new construction with adjacent single family zones along the 40th "Transit" Street.
 - (a) Transitions fro Single Family Homes. A 20-foot setback is required from the property line adjacent to a single family detached home. At 20 feet, 25-foot building height is permitted in between the property line and 30 feet. After 30 feet, every 2 feet in additional horizontal distance from the property line permits 1 foot of additional vertical building height. See figure 5.2 (5).

2. Height

The following explains the line item requirements for each Building Type Table within the second section entitled "Height".

- (1) Minimum Overall Height. The minimum overall height for the building shall be located within the build-to zone; stories above the required minimum height may be stepped back from the facade.
- (2) Maximum Overall Height. The sum of a building's total number of stories.
 - (a) Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one half story above grade.
 - (b) A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.
 - (c) Some Building Types require a building facade to step back as its height increases. If required, the upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.
- (3) Ground Story and Upper Story, Minimum and Maximum Height. (Refer to Figure 5.2 (3). Measuring Height). Each frontage type includes a permitted range of height in feet for each story. Additional information is as follows:

5.0 Building Types

3. Uses

The following explains the line item requirements for each Building Type Table within the third section entitled "Uses." Refer to Section 4.0. Uses for uses permitted within each Zoning subdistrict. The requirements in this section of the Building Type Tables may limit those uses within a specific Building Type.

- (1) Ground and Upper Story. The uses or category of uses which may occupy the ground and/or upper story of a building.
- (2) Parking Within Building. The area(s) of a building in which parking is permitted within the structure.
- (3) Required Occupied Space. The area(s) of a building that shall be designed as occupied space, defined as interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

4. Street Facade Requirements

The following explains the line item requirements for each Building Type Table 5.3 through 5.8, within the fourth section of each table entitled "Street Facade Requirements". Street Facade Requirements apply only to facades facing a public or private right-of-way. The rear or interior side yard facades are not required to meet these standards unless otherwise stated.

- (1) Minimum Ground Story and Upper Floor Transparency. (Refer to Figure 5.2 (4), Measuring Transparency). The minimum amount of transparency required on street facades with street frontage.
 - (a) Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
 - (i) Ground Story Transparency, when defined separately from the overall minimum transparency, shall be measured between two feet and eight feet from the average grade at the base of the front facade.
 - (ii) A general Minimum Transparency requirement shall be measured from floor to floor of each story.
- (2) Blank Wall Limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:
 - (a) No rectangular area greater than 30% of a story's facade, as measured from floor to floor, may be windowless; and
 - (b) No horizontal segment of a story's facade greater than 15 feet in width may be windowless, unless approved by City Manager or Designee.
- (3) Entrance Type. The Entrance Type(s) permitted for the entrance(s) of a given Building Type. A mix of permitted Entrance Types may be utilized. Refer to 5.9 Entrance Types for definition of and additional requirements for each Entrance Type.
- (4) Principal Entrance Location. The facade on which the primary building entrance is to be located.
- (5) Required Number of Street Entrances. The minimum number of and maximum spacing between entrances on the ground floor building facade with street frontage.

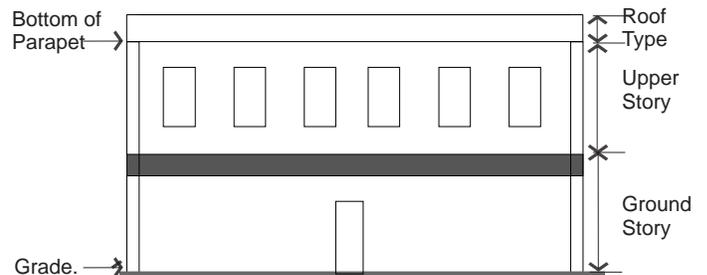
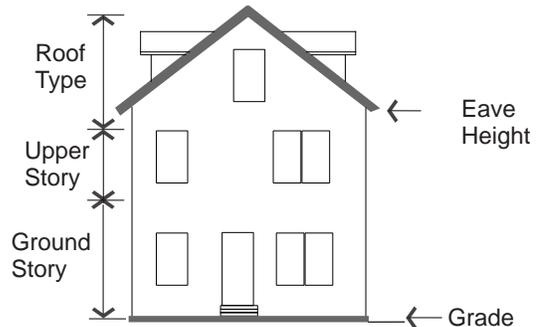


Figure 5.2 (3). Measuring Height

- (6) Vertical Facade Divisions. The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and a half inch depth.
- (7) Horizontal Facade Divisions. The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch depth.

5. Roof Type

The following explains the line item requirements for each Building Type Table in Sections 5.3 through 5.8, within the fifth section entitled "Roof Types".

- (1) Permitted Roof Type. The roof type(s) permitted for a given Building Type. Refer to 5.10. Roof Types for more specific requirements.
- (2) Tower. A vertical building extension that may be permitted in conjunction with another roof type on certain Building Types. Refer to 5.10. Roof Types.



Measuring Ground Floor Transparency on a Storefront base.

Measuring Transparency on Each Story.

Figure 5.2 (4). Measuring Transparency.

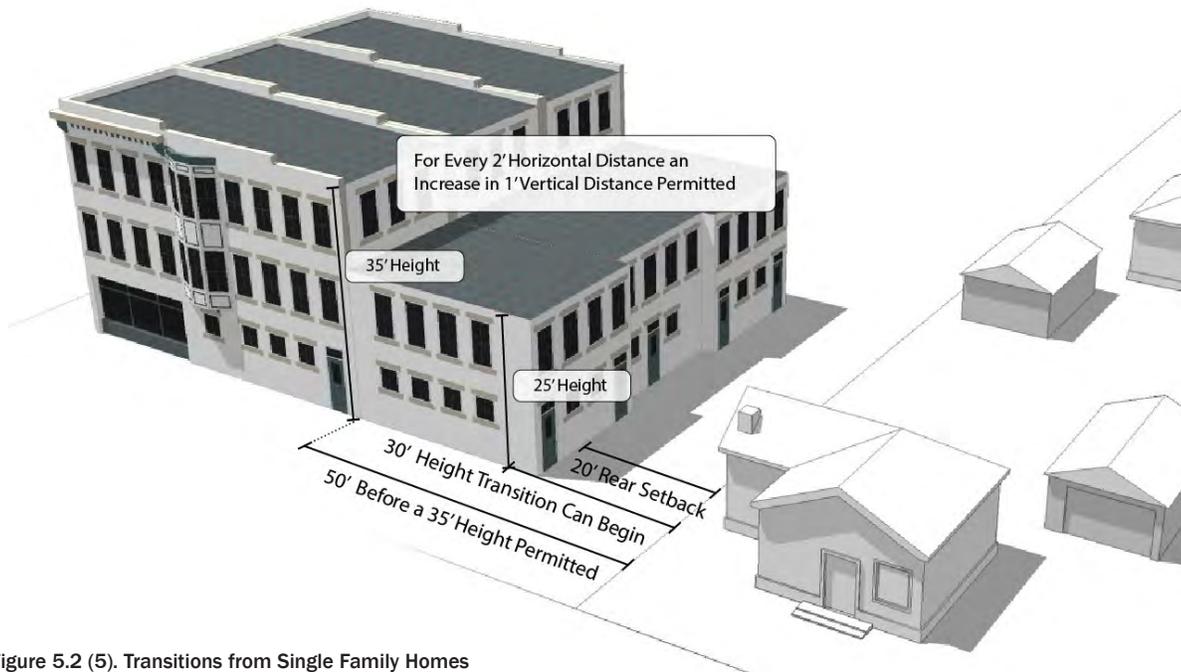


Figure 5.2 (5). Transitions from Single Family Homes

5.0 Building Types

5.3 Storefront Building

1. Description & Intent

The Storefront Building is intended for use as a mixed use building located close to the front property line with parking typically in the rear or side of the lot.

The key facade element of this Building Type is the storefront required on the ground floor front facade, with large amounts of glass and regularly spaced entrances.

This building is available in a variety of intensities, depending on the subdistrict within which it is located.

2. Regulations

Regulations for the Storefront Building Type are defined in the adjacent table.



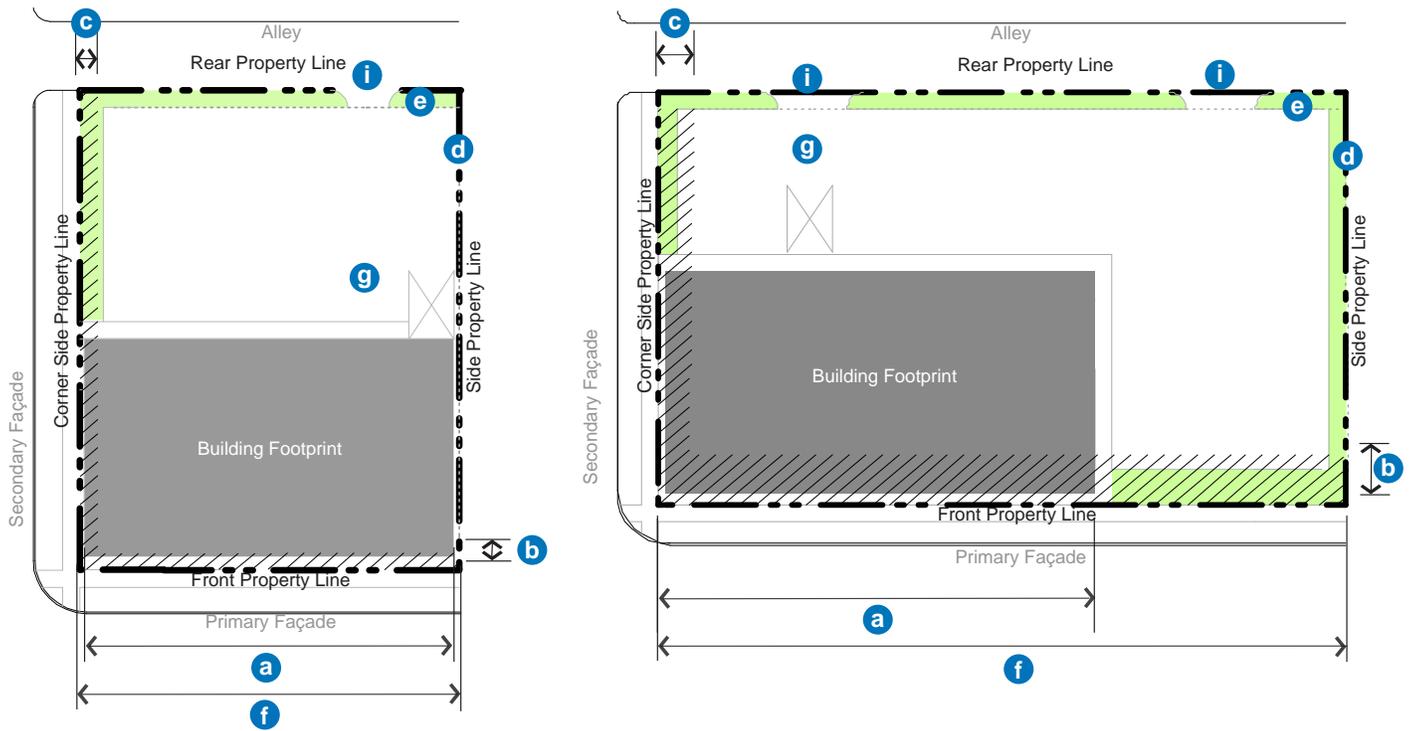
Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of surface parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² Above the third story, the upper stories of any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

³ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

	Permitted Subdistricts			
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"
(1) Building Siting Refer to Figure 5.3 (1).				
Multiple Principal Buildings	permitted	permitted	permitted	permitted
a Front Sidewalk Coverage	85%	80%	80%	80% ¹
Occupation of Corner	required	required	required	required
b Front Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 5'
c Corner Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 5'
d Minimum Side Yard Setback	0'	0'	0'	0'
e Minimum Rear Yard Setback	5'	5'	5'	5'
f Minimum Lot Width Maximum Lot Width	none none	none none	none none	none none
g Parking & Loading Location	rear yard	rear yard	rear yard	rear & side yard ¹
i Vehicular Access	Alley only; if no alley exists, 1 driveway is permitted per non-Primary Façade, or as approved by the City Manager or Designee	Alley; if no alley exists, 1 driveway is permitted per non-Primary Façade, or as approved by the City Manager or Designee	Alley; if no alley exists, 1 driveway is permitted per non-Primary Façade, or as approved by the City Manager or Designee	Alley; if no alley exists, 2 driveways are permitted off non-Primary Façades, or as approved by the City Manager or Designee
(2) Height Refer to Figure 5.3 (2).				
j Minimum Overall Height	2 story	1 story	1 story	1 story
k Maximum Overall Height	5 stories ²	5 stories ²	5 stories ²	3 stories ²
l Ground Story: Minimum Height Maximum Height	14' 20' ³	14' 20' ³	14' 20' ³	14' 20' ³
m Upper Stories: Minimum Height Maximum Height	9' 14'	9' 14'	9' 14'	9' 14'
(3) Uses Refer to Figure 5.3 (2). Refer to 4.0 Uses for permitted uses.				
n Ground Story	retail, service	retail, service, office	retail, service, office	retail, service, office,
o Upper Story	any permitted use			
p Parking within Building	permitted fully in any basement and in rear of upper floors			
q Required Occupied Space	30' deep on all full floors measured from the front facade			
(4) Street Façade Requirements Refer to Figure 5.3 (3).				
r Minimum Ground Story Transparency Measured between 2' and 8' above grade	75%	65%	65%	65% front only
s Minimum Transparency per each Story	15%	15%	15%	15%
Blank Wall Limitations	required, see 5.2.4 (2)			
t Front Façade Entrance Type	storefront, arcade	storefront, arcade	storefront, arcade	storefront, arcade
u Principal Entrance Location	front facade	front facade	front facade	front or corner facade
Required Number of Street Entrances	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 100' of front facade
Vertical Façade Divisions	every 30' of façade width	every 30' of façade width	every 50' of façade width	every 50' of façade width
Horizontal Façade Divisions	required within 3' of the top of the ground story, and every fifth floor above the first floor			
(5) Roof Type Requirements Refer to Figure 5.3 (3).				
v Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat
Tower	permitted	permitted	permitted	permitted



Typical Site Plan

Site Plan with Side Yard Parking "Core"

Figure 5.3 (1). Storefront Building: Building Siting.

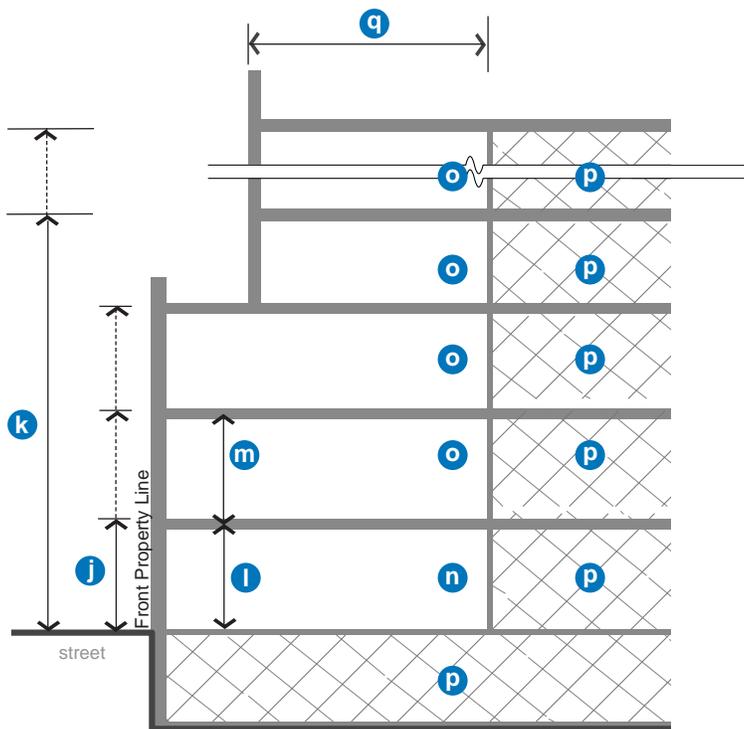


Figure 5.3 (2). Storefront Building: Height & Use Requirements.

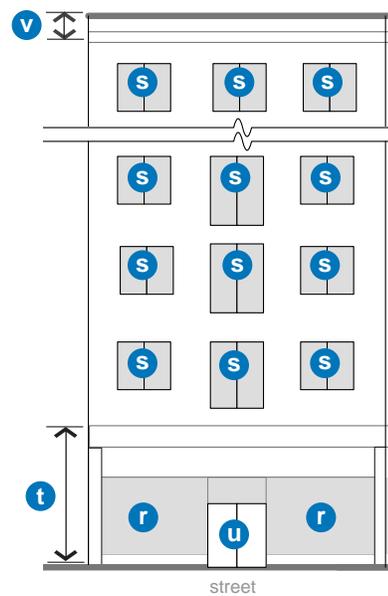


Figure 5.3 (3). Storefront Building: Street Facade Requirements.

5.0 Building Types

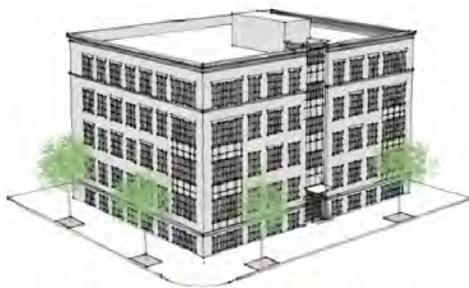
5.4 General Stoop Building

1. Description & Intent

The General Stoop Building Type is limited in terms of uses by the subdistrict within which it is located, generally housing office and/or residential uses. Similar to the Main Street Building, the General Stoop building is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the subdistrict within which it is located.

2. Regulations

Regulations for the General Stoop Building Type are defined in the adjacent table.



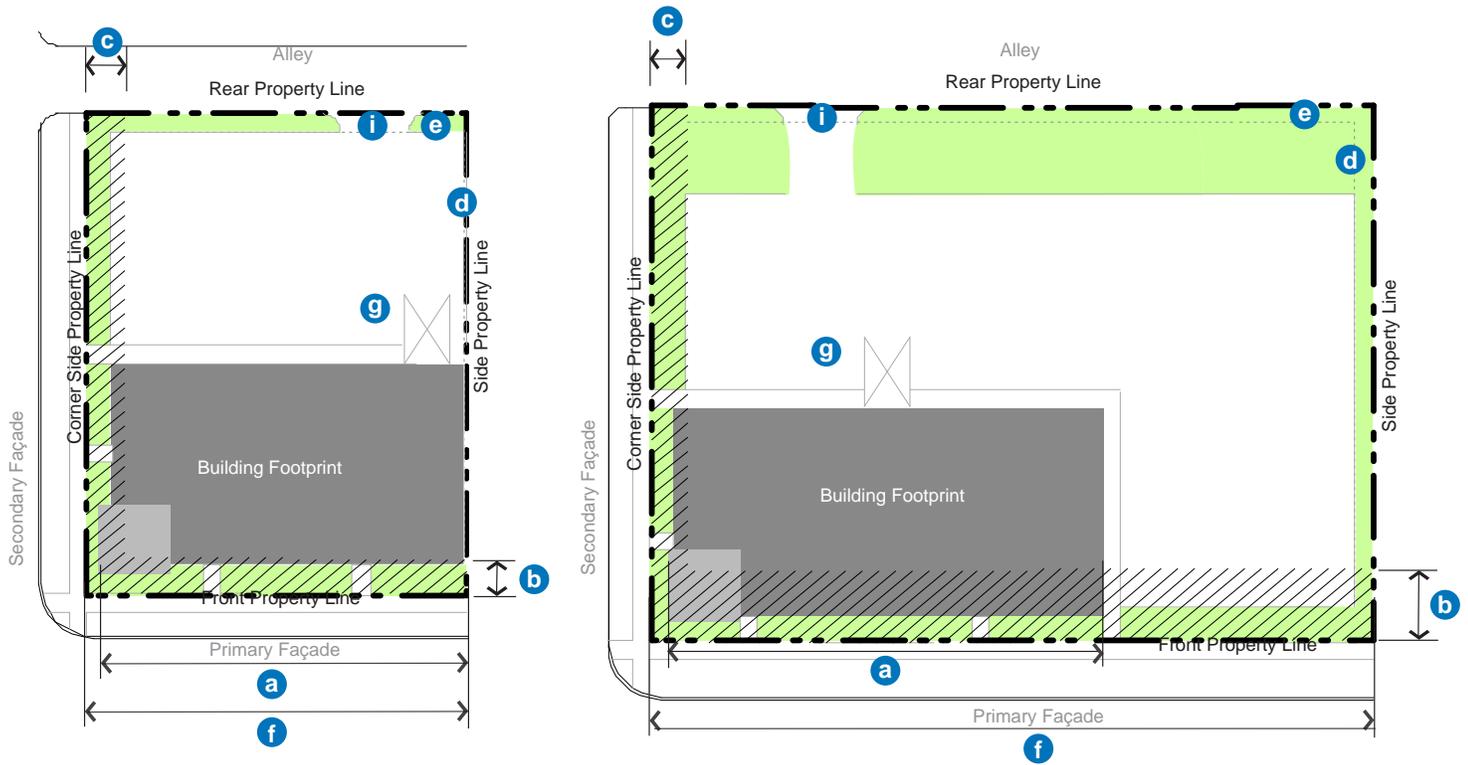
Notes

¹ A courtyard covering up to 35% of the front facade is permitted and may contribute to the Front Lot Line Coverage requirement.

² Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

³ Upper stories above the third story on any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

	City Center "General"	Riverdale Road "General"	40th Street "General"
(1) Building Siting Refer to Figure 5.4 (1).			
a Multiple Principal Buildings	not permitted	not permitted	permitted
Front Sidewalk Coverage	80% ¹	80% ¹	80%
b Occupation of Corner	required	required	required
c Front Build to Zone	0' to 10'	0' to 10'	0' to 10'
d Corner Build to Zone	0' to 10'	0' to 10'	0' to 10'
e Minimum Side Yard Setback	0'	0'	5'
f Minimum Rear Yard Setback	5'	5'	5'
Minimum Lot Width	none	none	100'
Maximum Lot Width	none	none	none
g Parking & Loading Location	rear yard	rear yard	rear & side yard
i Vehicular Access	Alley; if no alley exists, 1 driveway is permitted per non-Primary Façade, or as approved by the City Manager or Designee	Alley; if no alley exists, 1 driveway is permitted per non-Primary Façade, or as approved by the City Manager or Designee	Alley; if no alley exists, 1 driveway is permitted street, or as approved by the City Manager or Designee
(2) Height Refer to Figure 5.4 (2).			
j Minimum Overall Height	1 story	1 story	1 story
k Maximum Overall Height	5 stories ³	5 stories ³	3 stories ³
l All Stories: Minimum Height	9'	9'	9'
Maximum Height	14'	14'	14'
(3) Uses Refer to Figure 5.4 (2). Refer to 4.0 Uses for permitted uses.			
n All Stories	any permitted use		
p Parking within Building	permitted fully in basement and in rear of upper floors		
q Required Occupied Space	30' deep on all full floors from the front facade		
(4) Street Facade Requirements Refer to Figure 5.4 (3).			
r Minimum Transparency per each Story	35%	35%	15%
Blank Wall Limitations	required, see 5.2.4 (2)		
t Front Facade Entrance Type	stoop, porch, storefront	stoop, porch, storefront	stoop, porch storefront
u Principal Entrance Location	front facade	front facade	front or corner facade
Required Number of Street Entrances	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 150' of front facade
Vertical Facade Divisions	every 25' of facade width	every 50' of facade width	every 50' of facade width
Horizontal Facade Divisions	required within 3' of the top of any visible basement and of the ground story, and at the fifth floor above the ground floor		
(5) Roof Type Requirements Refer to Figure 5.4 (3).			
v Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat
w Tower	permitted	permitted	permitted



Typical Site Plan

Site Plan with Side Yard Parking "General"

Figure 5.4 (1). General Stoop Building: Building Siting.

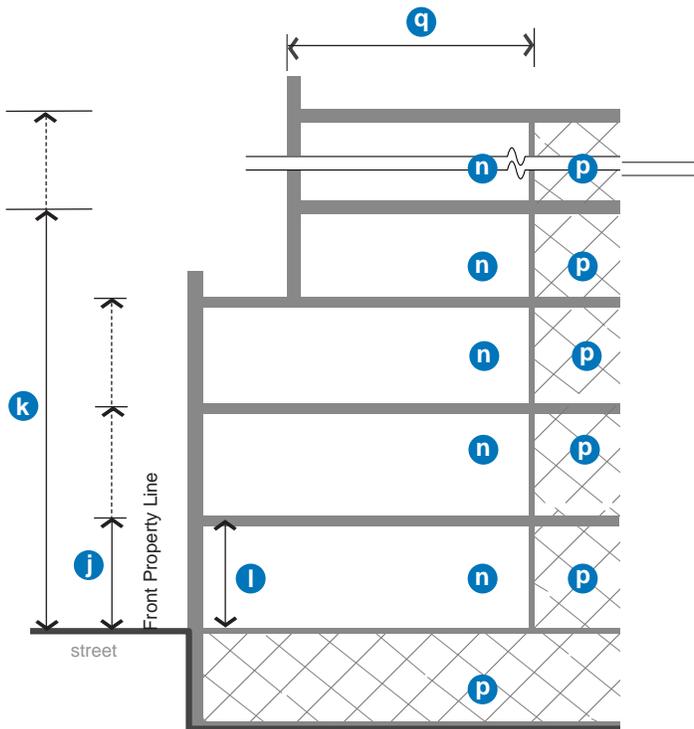


Figure 5.4 (2). General Stoop Building: Height & Use Requirements.

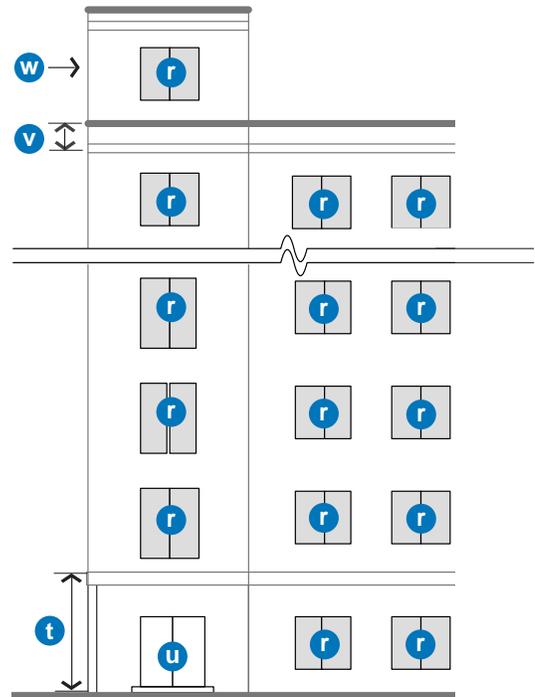


Figure 5.4 (3). General Stoop Building: Street Facade Requirements.

5.0 Building Types

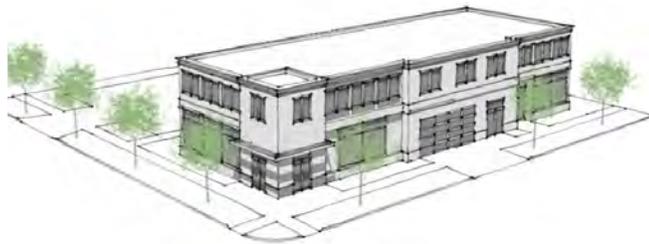
5.5 Limited Bay

1. Description & Intent

The Limited Bay Building Type permits a lower level of ground floor storefront facade and a single vehicle bay with garage door access on the Primary Street. A wider range of uses can also be accommodated within this Building Type, including craftsman industrial uses. This Building Type is still intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders, and continuing the fabric of the Storefront Building Type. Parking may be provided in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the subdistrict within which it is located.

2. Regulations

Regulations for the Limited Bay Building Type are defined in the adjacent table.



Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² Upper stories above the third story on any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

³ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

		Permitted Subdistricts
		Riverdale Road "General"
(1) Building Siting Refer to Figure 5.5 (1).		
Multiple Principal Buildings		not permitted
a Front Sidewalk Coverage		75%
Occupation of Corner		required
b Front Build to Zone		0' to 15'
c Corner Build to Zone		0' to 10'
d Minimum Side Yard Setback		5'
e Minimum Rear Yard Setback		5'
f Minimum Lot Width Maximum Lot Width		50' none
g Parking & Loading		rear & side yard
h Street Facade Service Bay Entrance		limited to one per street facade, maximum width 18'
i Vehicular Access		From alley; if no alley exists, maximum 1 driveway per street frontage
(2) Height Refer to Figure 5.5 (2).		
j Minimum Overall Height		1 story
k Maximum Overall Height		4 stories ²
l Ground Story: Minimum Height Maximum Height		14' 24' ³
m Upper Stories: Minimum Height Maximum Height		9' 14'
(3) Uses Refer to Figure 5.5 (2). Refer to 4.0 Uses for permitted uses.		
n Ground Story		retail, service, office, craftsman industrial
o Upper Story		any permitted use
p Parking within Building		permitted fully in basement and in rear of upper floors plus one service bay width at ground floor
q Required Occupied Space		30' deep on all full floors from the front facade
(4) Street Facade Requirements Refer to Figure 5.5 (3).		
r Minimum Ground Story Transparency Measured between 2' and 8' above grade		50% , Service Bay door shall be transparent
s Minimum Transparency per each Story		15%
Blank Wall Limitations		required, see 5.2.4 (2)
t Front Facade Entrance Type		storefront, stoop
u Principal Entrance Location		front or corner facade
Required Number of Street Entrances		1 per 100' of facade; service bay door not included; 1 per 150' of facade
Vertical Facade Divisions		every 60' of facade width
Horizontal Facade Divisions		required within 3' of the top of the ground story for all buildings over 2 stories
(5) Roof Type Requirements Refer to Figure 5.5 (3).		
v Permitted Roof Types		parapet, pitched, flat
Tower		permitted

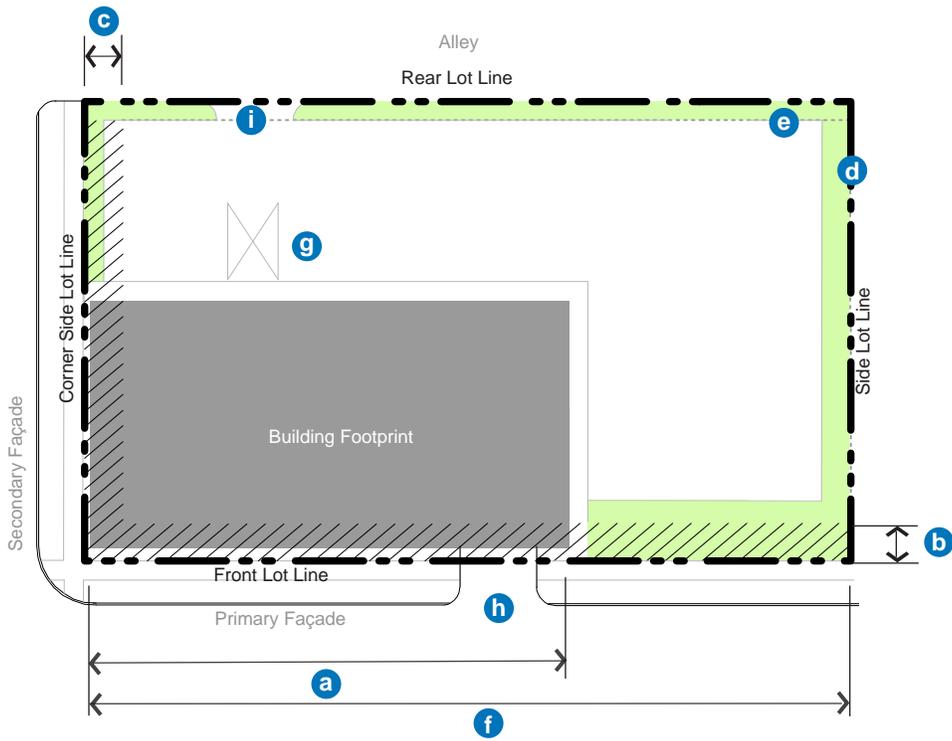


Figure 5.5 (1). Limited Bay Building: Building Siting.

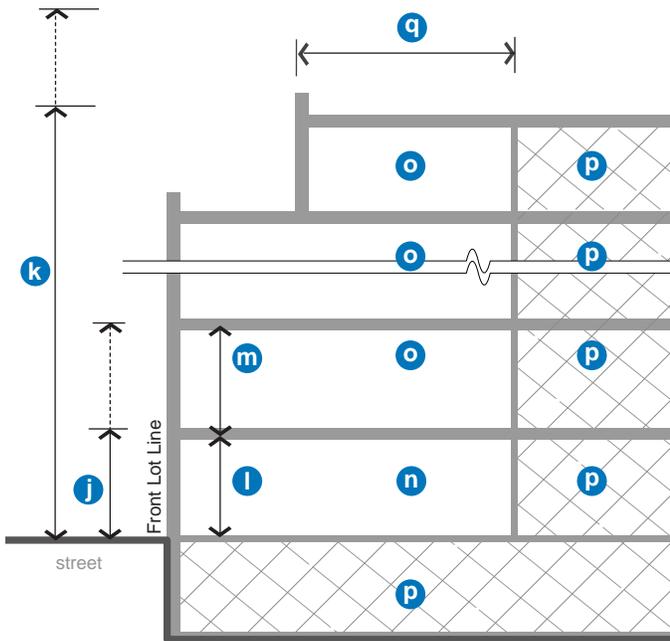


Figure 5.5 (2). Limited Bay Building: Height & Use Requirements.

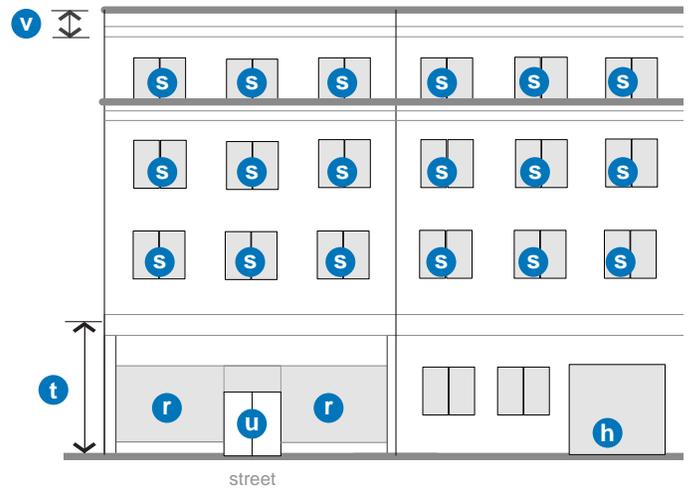


Figure 5.5 (3). Limited Bay Building: Street Façade Requirements.

5.0 Building Types

5.6. Row Building

1. Description & Intent

The Row Building is a building typically comprised of multiple vertical units, each with its own entrance to the street. This Building Type may be organized as townhouses or rowhouses, or it could also incorporate live/work units where uses are permitted.

Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

2. Regulations

Regulations for the Row Building type are defined in the adjacent table.



Notes:

¹ For the purposes of the Row Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the Building Type unless otherwise noted.

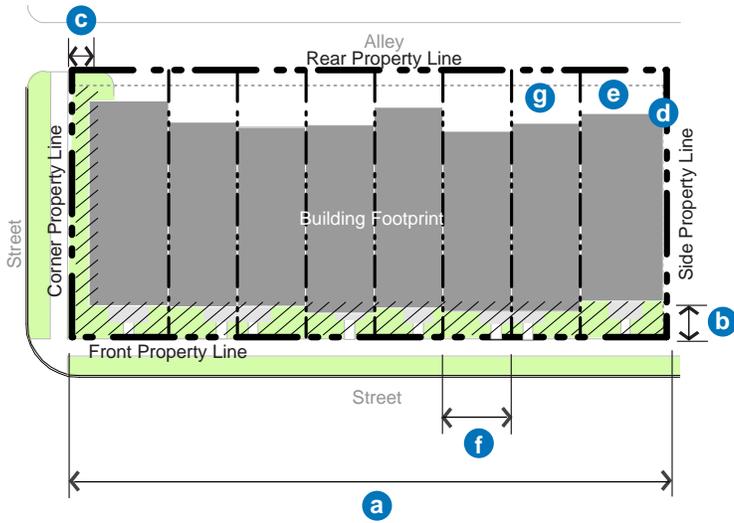
² Each building shall meet the front property line coverage requirement, except one of every five units may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.

³ Rear yard setback on alleys is five feet.

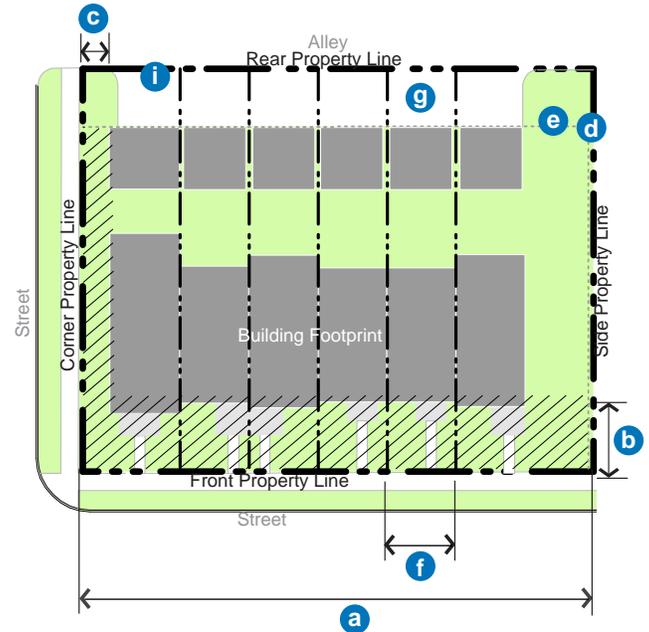
⁴ When the storefront entrance type is utilized, the maximum ground story transparency for the unit is 55% as measured between two feet and eight feet above grade.

⁵ The storefront entrance type is permitted only on corners or buildings that are designated for live/work units.

	Permitted Subdistricts		
	City Center "General" & Riverdale Road "General"	40th Street "General"	Edge
(1) Building Siting Refer to Figure 5.6 (1).			
Multiple Principal Buildings	permitted	permitted	permitted
a Front Sidewalk Coverage	65% ²	65% ²	65% ²
Occupation of Corner	required	required	required
b Front Build to Zone	0' to 10'	5' to 15'	10' to 20'
c Corner Build to Zone	0' to 10'	5' to 10'	5' to 10'
d Minimum Side Yard Setback	0' per unit; 10' between buildings	0' per unit; 15' between buildings	0' per unit; 15' between buildings
e Minimum Rear Yard Setback	5'	10' ³	15' ³
f Minimum Unit Width Maximum Building Width	18' per unit maximum of 10 units per building	20' per unit maximum of 8 units per building	22' per unit maximum of 6 units per building
g Parking	rear yard/facade	rear yard/facade	rear yard/facade
i Vehicular Access	From alley; if no alley exists, 1 driveway per building per street frontage. From alley on Washington Boulevard, 40th Street, and Riverdale Road, unless in Edge Subdistrict.		
(2) Height Refer to Figure 5.6 (2).			
j Minimum Overall Height	2 story	2 story	2 story
k Maximum Overall Height	4 stories	4 stories	3.5 stories
l All Stories: Minimum Height Maximum Height	9' 14'	9' 14'	9' 14'
(3) Uses Refer to Figure 5.6 (2). Refer to 4.0 Uses for permitted uses.			
n Ground Story	residential, service, office, limited craftsman industrial	residential, service, office, limited craftsman industrial	residential only
o Upper Story	residential only		
p Parking within Building	permitted fully in basement and in rear of all floors		
q Required Occupied Space	30' deep on all full floors from the front facade		
(4) Street Facade Requirements Refer to Figure 5.6 (3).			
r Minimum Transparency per each Story	15% ⁴	15%	15%
Blank Wall Limitations	required, see 5.2.4 (2)		
t Front Facade Permitted Entrance Type	stoop, porch, limited storefront ⁵	stoop, porch, limited storefront ⁵	stoop, porch
u Principal Entrance Location per Unit	front or corner side facade		
Vertical Facade Divisions	not required		
Horizontal Facade Divisions	for buildings over 3 stories, required within 3' of the top of any visible basement or ground story		
(5) Roof Type Requirements Refer to Figure 5.6 (3).			
v Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat
Tower	permitted	permitted	permitted



Site Plan with Rear Access Attached Garage



Site Plan with Rear Yard & Detached Garage

Figure 5.6 (1) Row Building: Building Siting

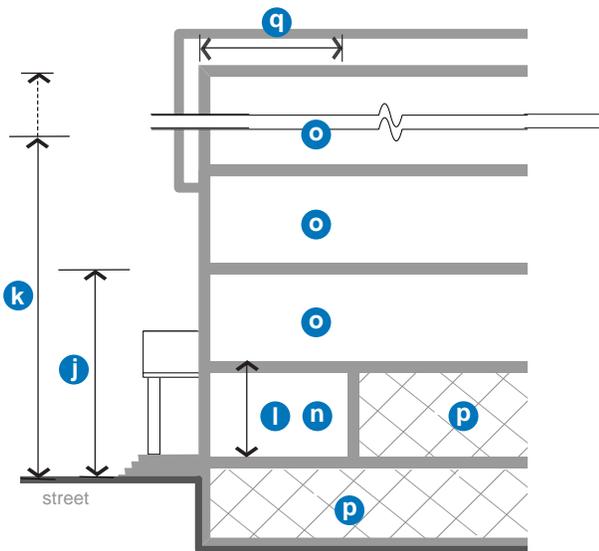


Figure 5.6 (2). Row Building: Height & Use Requirements

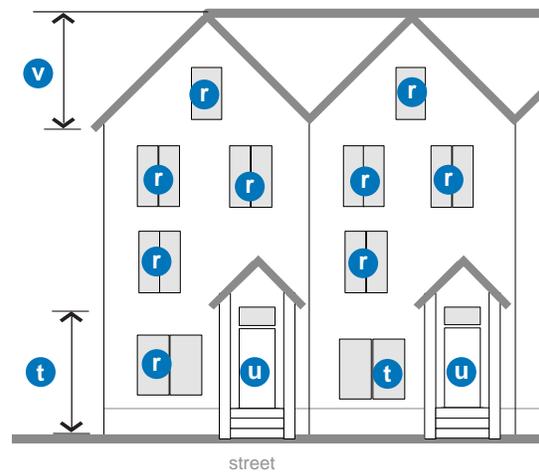


Figure 5.6 (3). Row Building: Street Facade Requirements

5.0 Building Types

5.7. Yard Building

1. Description & Intent

The Yard Building is a mainly residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only with preferred access from an alley.

The Yard Building can be utilized in newly developing locations to create somewhat denser traditional neighborhoods, or as a buffer to existing neighborhoods.

2. Regulations

Regulations for the Yard Building Type are defined in the adjacent table.



Notes

¹ Each building shall meet all requirements of the Building Type.

² When multiple buildings are located on a single lot, each building shall meet the front property line coverage requirement, except one of every three buildings may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.

³ Rear yard setback for detached garages on alleys is five feet.

Permitted Subdistricts	
Edge	

(1) Building Siting <small>Refer to Figure 5.7 (1).</small>	
Multiple Principal Buildings	permitted ¹
a Front Sidewalk Coverage	65% ²
Occupation of Corner	required
b Front Setback	15'
c Corner Setback	7.5'
d Minimum Side Yard Setback	5'
e Minimum Rear Yard Setback	15' ³
f Minimum Lot Width Maximum Lot Width	30' 60'
g Parking	rear yard/facade
i Vehicular Access	From alley; if no alley exists, 1 driveway per street frontage
(2) Height <small>Refer to Figure 5.7 (2).</small>	
j Minimum Overall Height	1.5 story
k Maximum Overall Height	3.5 stories
l All Stories: Minimum Height Maximum Height	9' 14'
(3) Uses <small>Refer to Figure 5.7 (2). Refer to 4.0 Uses for permitted uses.</small>	
n All Stories	residential
p Parking within Building	permitted fully in basement and in rear of all floors
q Required Occupied Space	25' deep on all full floors from the front facade
(4) Street Facade Requirements <small>Refer to Figure 5.7 (3).</small>	
r Minimum Transparency per each Story	15%
Blank Wall Limitations	required, see 5.2.4 (2)
t Front Facade Entrance Type	stoop, porch
u Principal Entrance Location per Unit	front, corner, or corner side facade
Required Number of Street Entrances	not required
Vertical Facade Divisions	not required
Horizontal Facade Divisions	not required
(5) Roof Type Requirements <small>Refer to Figure 5.7 (3).</small>	
v Permitted Roof Types	parapet, pitched, flat
Tower	not permitted

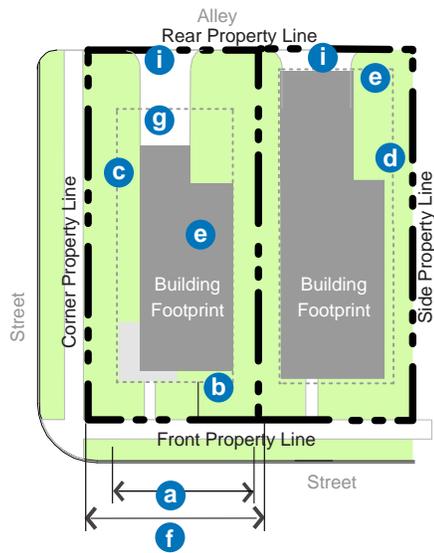


Figure 5.7 (1) Yard Building: Building Siting

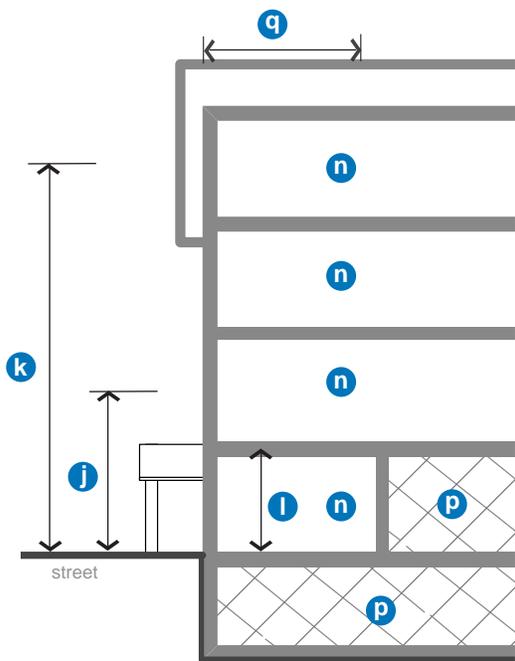


Figure 5.7 (2). Yard Building: Height and Use Requirements

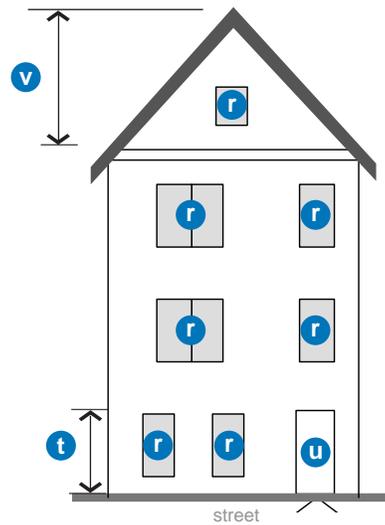


Figure 5.7 (3). Yard Building: Street Facade Requirements

5.0 Building Types

5.8. Civic Building

1. Description & Intent

The Civic Building is the most flexible Building Type intended only for civic and institutional types of uses. These buildings are distinctive within the urban fabric created by the other Building Types and could be designed as iconic structures. In contrast to most of the other Building Types, a minimum setback line is required instead of a build to zone, though this setback is required to be landscaped. Parking is limited to the rear in most cases.

The minimum and maximum heights of this Building Type depend on the subdistrict within which it is located.

2. Regulations

Regulations for the Civic Building type are defined in the adjacent table.



Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

	Permitted Subdistricts				
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street General	Edge
(1) Building Siting Refer to Figure 5.8 (1).					
Multiple Principal Buildings	permitted				
Front Sidewalk Coverage	not required				
Occupation of Corner	not required				
b Front Setback	5'	10'	10'	10'	5''
c Corner Setback	0'	5'	5'	5'	5'
d Minimum Side Yard Setback	5'	5'	5'	5'	5'
e Minimum Rear Yard Setback	5'	5'	5'	5'	5'
f Minimum Lot Width Maximum Lot Width	50' none	50' none	50' none	50' none	50' none
g Parking & Loading	rear	rear	rear & interior side yard ¹	rear & interior side yard ²	rear & interior side yard ¹
i Vehicular Access	From alley; if no alley exists, 1 driveway per street frontage				
(2) Height Refer to Figure 5.8 (2).					
j Minimum Overall Height	1 story	1 story	1 story	1 story	1 story
k Maximum Overall Height	5 stories	5 stories	5 stories	3 stories	2 stories
l All Stories: Minimum Height Maximum Height	9' 20' ²	9' 20' ²	9' 20' ²	9' 20' ²	9' 20' ²
(3) Uses Refer to Figure 5.8 (2). Refer to 4.0 Uses for permitted uses.					
n All Stories	limited to civic & institutional uses only				
p Parking within Building	permitted fully in basement and in rear of upper floors				
q Required Occupied Space	30' deep on all full floors from the front facade				
(4) Street Facade Requirements Refer to Figure 5.8 (3).					
r Minimum Transparency per each Story	10%				
Blank Wall Limitations	not required				
t Front Facade Permitted Entrance Type	arcade, stoop				
u Principal Entrance Location	front or corner facade	front or corner facade	front or corner facade	front or corner facade	front or corner facade
Required Number of Primary Street Entrances	1 per 100' of facade	1 per 150' of facade	1 per 150' of facade	1 per 150' of facade	1 per 150' of facade
Vertical Facade Divisions	not required				
Horizontal Facade Divisions	not required				
(5) Roof Type Requirements Refer to Figure 5.8 (3).					
v Permitted Roof Types	parapet, pitched, flat; other roof types are permitted by Conditional Use				
w Tower	permitted				

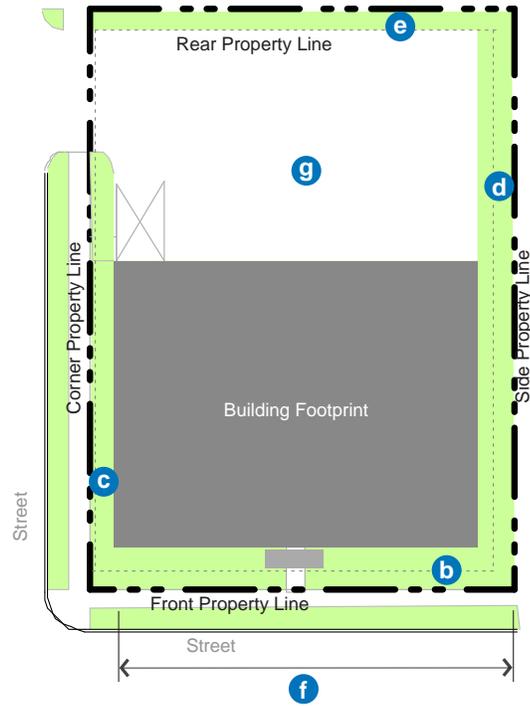


Figure 5.8 (1). Civic Building: Building Siting

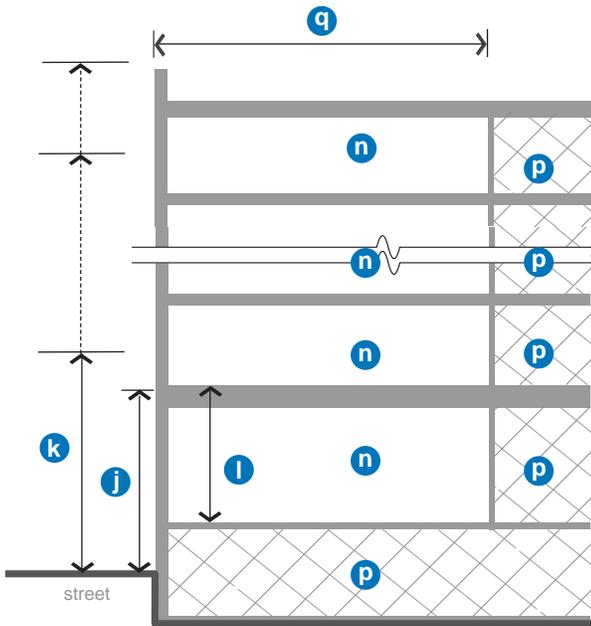


Figure 5.8 (2). Civic Building: Height and Use Requirements

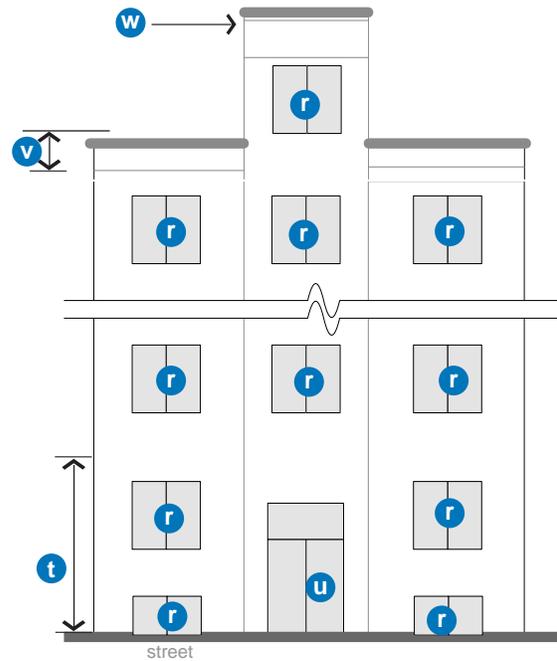


Figure 5.8 (3). Civic Building: Street Facade Requirements

5.0 Building Types

5.9 Entrance Types.

Entrance type standards apply to the ground story and visible basement of front facades of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 5.3 through 5.8.

1. General.

The following provisions apply to all entrance types.

- (1) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard (refer to Building Types 5.3 through 5.8).
- (2) Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one of the permitted entrance types, unless otherwise stated.
- (3) Measuring Transparency. Refer to 5.2 Explanation of Building Type Table Standards, for information on measuring building transparency.
- (4) Visible Basements. Visible basements, permitted by entrance type, are optional. The visible basement shall be a maximum of one-half the height of the tallest story.

2. Storefront Entrance Type.

(Refer to Figure 5.9 (1)). The Storefront entrance type is a highly

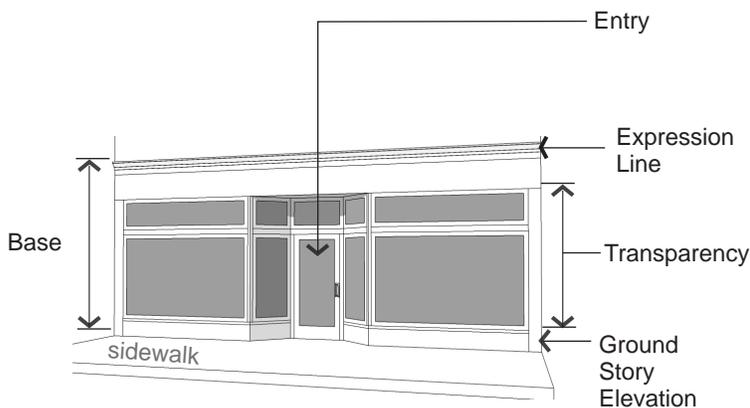


Figure 5.9 (1). Storefront Entrance Type

transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.

- (1) Transparency. Minimum transparency is required per Building Type.
- (2) Elevation. Storefront elevation shall be between zero and two feet above sidewalk.
- (3) Visible Basement. A visible basement is not permitted.
- (4) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- (5) Entrance. All entries shall be recessed from the front facade closest to the street.
 - (a) Recess shall be a minimum of three feet and a maximum of eight feet deep, measured from the portion of the front facade closest to the street.
 - (b) When the recess falls behind the front build-to zone, the recess shall be no wider than eight feet.

3. Arcade Entrance Type.

(Refer to Figure 5.9 (2)). An Arcade entrance type is a covered pedestrian walkway within the recess of a ground story.

- (1) Arcade. An open-air public walkway is required to be recessed into the building, from the face of the building, a minimum of eight and a maximum of 15 feet.

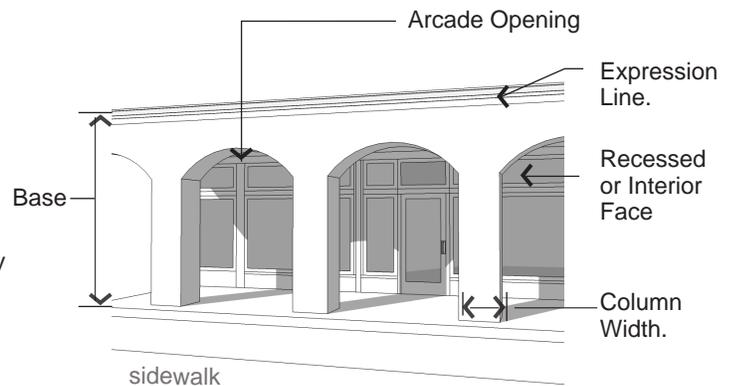


Figure 5.9 (2). Arcade Entrance Type

- (2) Build-to Zone. When the Arcade is utilized, the outside face of the Arcade shall be considered the front facade, located within the required build-to zone.
- (3) Recessed or Interior Facade. Storefront entrance type is required on the recessed ground story facade.
- (4) Column Spacing. Columns shall be spaced between ten feet and 18 feet on center.
- (5) Column Width. Columns shall be a minimum of 1'-8" and a maximum 2'-4" in width.
- (6) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
- (7) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- (8) Visible Basement. A visible basement is not permitted.

4. Stoop Entrance Type.

(Refer to Figure 5.9 (3)). A stoop is an unroofed, open platform.

- (1) Transparency. Minimum transparency is required per Building Type.
- (2) Stoop Size. Stoops shall be a minimum of three feet deep and six feet wide.

- (3) Elevation. Stoop elevation shall be located a maximum of 2'-6" above the sidewalk without visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
- (4) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
- (5) Entrance. All entries shall be located off a stoop.

5. Porch Entrance Type.

(Refer to Figure 5.9 (4)). A porch is a raised, roofed platform that may or may not be enclosed on all sides. If enclosed, the space shall not be climate controlled.

- (1) Transparency.
 - (a) Minimum transparency per Building Type is required.
 - (b) If enclosed, a minimum of 40% of the enclosed porch shall be comprised of highly transparent, low reflectance windows.
- (2) Porch Size. The porch shall be a minimum of five feet deep and eight feet wide.
- (3) Elevation. Porch elevation shall be located a maximum of 2'-6" above the sidewalk without a visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
- (4) Visible Basement. A visible basement is permitted.
- (5) Height. Porch may be two stories to provide a balcony on the second floor.
- (6) Entrance. All entries shall be located off a porch.

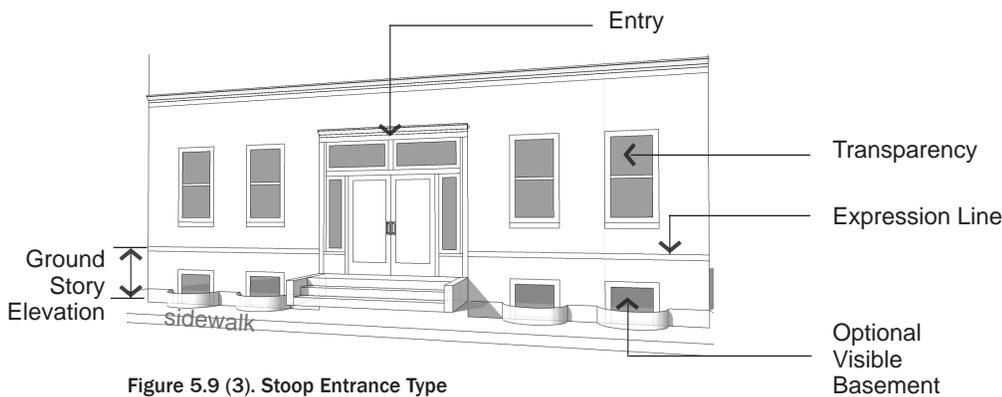


Figure 5.9 (3). Stoop Entrance Type

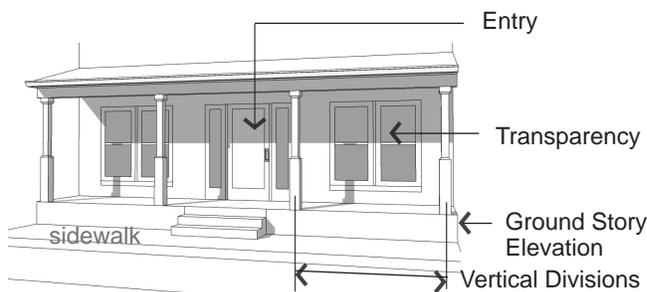


Figure 5.9 (4). Porch Entrance Type

5.0 Building Types

5.10 Roof Types.

Roof type standards apply to the roof and cap of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 5.3 through 5.8.

1. General Provisions.

The following provisions apply to all roof types.

- (1) Intent. To guide the design of the cap of all buildings.
- (2) Applicability. All buildings shall meet the requirements of one of the roof types permitted for the Building Type.
- (3) Measuring Height. Refer to Section 5.2.2 for information on measuring building height.
- (4) Other Roof Types. Other building caps not listed as a specific type may be made by a request to the City Manager or Designee with the following requirements:
 - (a) The roof type shall not create additional occupiable space beyond that permitted by the Building Type.
 - (b) The shape of the Roof Type shall be significantly different from those defined in this section 5.10 Roof Types, i.e. a dome, spire, vault.
 - (c) The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the roof type and the meaning of the building use.

2. Parapet Roof Type.

(Refer to Figure 5.10 (1), Parapet Roof Type). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit

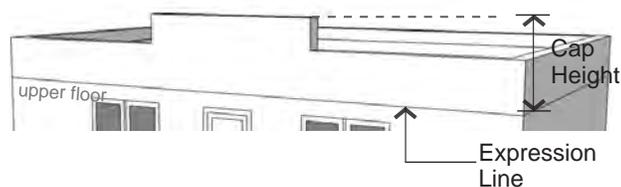


Figure 5.10 (1). Parapet Roof Type

the view of roof-top mechanical systems from the street.

- (1) Parapet Height. Height is measured from the top of the upper story to the top of the parapet.
 - (a) Minimum height is two feet with a maximum height of six feet.
 - (b) The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).
- (2) Horizontal Expression Lines. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
- (3) Occupied Space. Occupied space shall not be incorporated behind this roof type.

3. Pitched Roof Type.

(Refer to Figure 5.10 (2), Pitched Roof Type). This roof type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

- (1) Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.
 - (a) Slopes less than 4:12 are permitted to occur on second story or higher roofs. (Refer to Figure 5.10 (2) - Low Pitched Roof).
- (2) Configurations.
 - (a) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
 - (b) Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight feet, inclusive of overhang.
 - (c) Gambrel and mansard roofs are not permitted.
- (3) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof when the ridge line runs

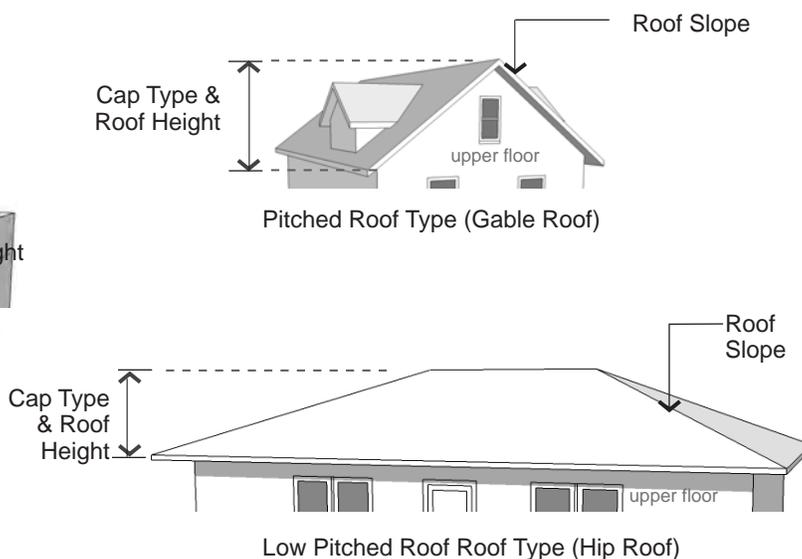


Figure 5.10 (2). Pitched Roof Type

parallel to the front lot line. (Refer to Figure 5.10 (3). Parallel Ridge Line).

- (4) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Building Type.
- (5) Occupied Space. Occupied space may be incorporated behind this roof type.

4. Flat Roof Type.

(Refer to Figure 5.10 (4). Flat Roof Type). This roof type has a flat roof with overhanging eaves.

- (1) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
- (2) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least 14 inches.
- (3) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight inches thick.
- (4) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - (a) No more than one-half of the front facade can consist of an interrupting vertical wall.
 - (b) Vertical walls shall extend no more than four feet above the top of the eave.



Figure 5.10 (3). Parallel Ridge Line

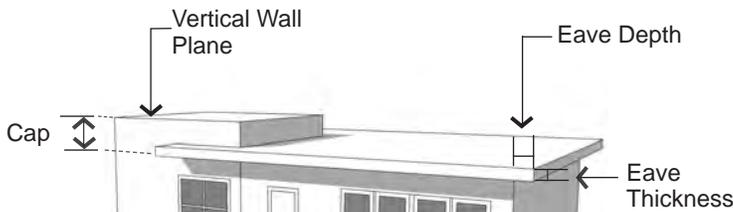


Figure 5.10 (4). Flat Roof Type

- (3) Occupied Space. Occupied space shall not be incorporated behind this roof type.

5. Towers.

(Refer to Figure 5.10 (5) Tower). A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types.

- (1) Quantity. All Building Types, with the exception of the Civic Building, are limited to one tower per building.
- (2) Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.
- (3) Tower Width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.
- (4) Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential Building Types.
- (5) Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the Building Type to which it is applied.
- (6) Application. May be combined with all other roof types.
- (7) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof roof types, or the spire may cap the tower.

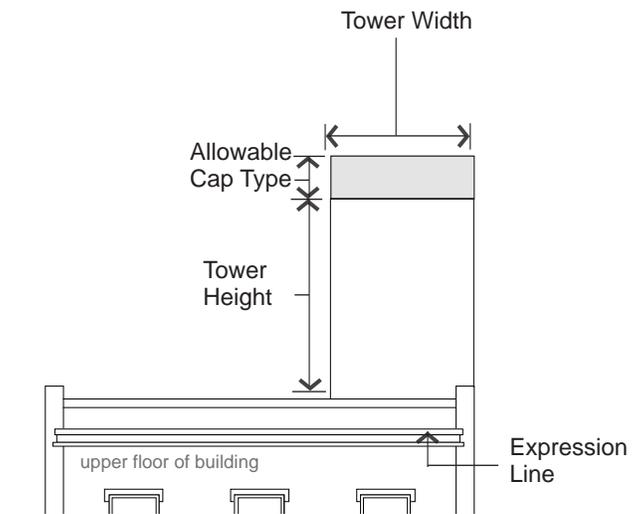


Figure 5.10 (5). Tower

5.0 Building Types

5.11 Additional Design Requirements.

The following outlines the subdistrict design guidelines that affect a building's appearance and subdistrict cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials and Color.

- (1) **Primary Facade Materials.** 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
 - (a) Permitted primary building materials include high quality, durable, natural materials, such as stone, brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.11 (1).

- (2) **Secondary Facade Materials.** Secondary materials are limited to details and accents and include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding.
 - (a) Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
- (3) **Roof Materials.** Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. "Engineered" wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.11 (2).
- (4) **Color.** Main building colors shall be complementary to existing building stock.
- (5) **Appropriate Grade of Materials.** Commercial quality doors, windows, and hardware shall be used on all Building Types with



Primary Materials: Brick



Primary Materials: Stone



Primary Materials: Painted Wood

Figure 5.11 (1). Primary Materials.



Roof Materials: Asphalt Composite Shingles



Roof Materials: Ceramic Tile

Figure 5.11 (2). Roof Materials.

the exception of the Row Building and the Yard Building. Refer to Figure 5.11 (3).

2. Windows, Awnings, and Shutters.

- (1) Windows. All upper story windows on all historic, residential, and mixed use buildings shall be recessed, double hung. Percent of transparency is required per Building Type.
- (2) Awnings. All awnings shall be canvas or metal. Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated. Refer to Figure 5.11 (4).
- (3) Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood. "Engineered" wood may be approved by City Manager or Designee during the site plan process with an approved sample and examples of successful, high quality local installations.



Permitted Awnings: Metal



Prohibited: Residential Grade Doors on Commercial Buildings.



Permitted Awnings: Canvas



Permitted: Commercial Grade Doors & Windows on Commercial Buildings.



Prohibited Awnings: Plastic

Figure 5.11 (3). Commercial Grade Doors & Windows.

Figure 5.11 (4). Awnings.

5.0 Building Types

3. Balconies.

The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 5.11 (5).

- (1) **Size.** Balconies shall be a minimum of six feet deep and five feet wide.
- (2) **Connection to Building.** Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- (3) **Facade Coverage.** A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4. Treatments at Terminal Vistas.

When a street terminates at a parcel, the parcel shall be occupied by one of the following:

- (1) If the parcel is open space, any Open Space Type with the exception of the Pocket Park shall be utilized and a vertical element shall be terminate the view. Acceptable vertical elements include a stand or grid of trees, a sculpture, or a fountain.
- (2) If the parcel is not utilized as an Open Space Type, the front or corner side of a building, whether fronting a Primary Street or not, shall terminate the view.



Figure 5.11 (5). Balconies Integral to Facade.



Figure 5.11 (7). Building Variety.

5. Building Variety.

Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following. Refer to Figure 5.11 (7) for one illustration of this requirement.

- (1) The proportion of recesses and projections.
- (2) The location of the entrance and window placement, unless storefronts are utilized.
- (3) Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. Drive-through Structures.

Refer to Figure 5.11 (8) for one illustration of the following requirements.

- (1) **Application.** Drive-through structures are only allowed in the Riverdale Road “General” subdistrict.
- (2) **Structure/Canopy.** Drive-through structures or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The structure shall not be visible from any Primary Street.
- (3) **Stacking Lanes.** Stacking lanes shall be located perpendicular to the Primary Façade or behind the building.
- (4) The canopy and structure shall be constructed of the same materials utilized on the building.

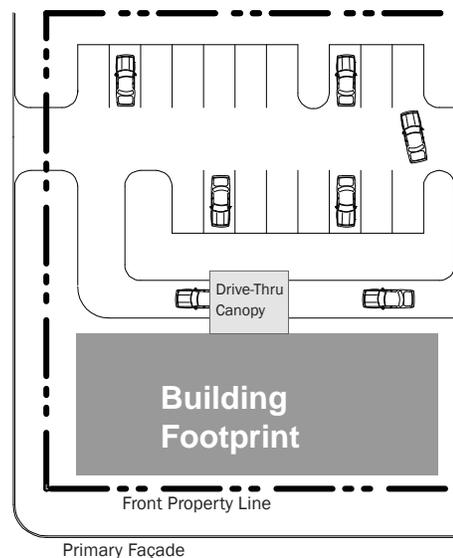


Figure 5.11 (8). Recommended Drive-Through Facility Layout.

6.0 Open Space Types

6.0 Open Space Types

6.1 General Requirements.

1. Intent.

To provide open space as an amenity that promotes physical and environmental health within the community and to provide each household with access to a variety of active and passive open space types.

2. General Requirements.

Development of parcels over 5 acres are required to provide 5% total lot size as civic open space. Developer shall work with City to determine appropriate location of open space.

- (1) All open space provided within any Core, General, or Edge Zoning Subdistrict shall comply with one of the Open Space Types defined by 6.2 through 6.8.
- (2) Access. All Open Space types shall provide public access from a vehicular right-of-way.
- (3) Location. Open Space Types shall be platted as a lot or, with permission of the City, may be located within the right-of-way. Open Space Types shall either be zoned as an open space zoning designation, or an adjacent zoning designation, such as Core, General, or Edge Zoning Subdistricts.
- (3) Fencing. Open Space Types may incorporate fencing provided that the following requirements are met.
 - (a) Height. Fencing shall be a maximum height of 48 inches, unless approved by the City Manager or Designee for such circumstances as proximity to railroad right-of-way and use around swimming pools, ball fields, and ball courts.
 - (b) Level of Opacity. Fence opacity shall be no greater than 60% except in Edge subdistricts where opacity shall be no greater than 80%.
 - (c) Type. Chain-link fencing is not permitted along any street frontage, with the exception of dedicated sports field or court fencing approved by the City Manager or Designee.
 - (d) Spacing of Openings. Openings or gates shall be provided on every street face at key locations and intersections, and at a minimum of every 200 feet.
- (4) Ownership. Open Space Types may either be publicly or privately owned.
- (5) Parking Requirements. Parking shall not be required for any Open Space Type, unless a use other than open space is determined by the City Manager or Designee.
- (6) Continuity. Connections to existing or planned trails or open space types shall be made when the Open Space abuts an existing or planned trail right-of-way or other civic open space type.

3. Definition of Requirements.

The following further explains or defines the requirements included in Tables 6.2 (1) through 6.8 (1) for each Open Space Type. Refer to each table for the specific requirements of each Open Space Type.

- (1) Size.
 - (a) Minimum Size. The minimum size of the Open Space Type is measured within the parcel lines of the property.
 - (b) Maximum Size. The maximum size of the Open Space Type is measured within the parcel lines of the property.
 - (c) Minimum Dimension. The minimum length or width of the Open Space Type, as measured along the longest two straight lines intersecting at a right angle defining the maximum length and width of the lot. Refer to Figure 6.1 (1).
- (2) Minimum Percentage of Vehicular Right-of-Way Frontage Required. The minimum percentage of the civic open space perimeter, as measured along the outer parcel line, that shall be located directly adjacent to a vehicular right-of-way, excluding alley frontage. This requirement provides access and visibility to the Open Space.
- (3) Adjacent Parcels. Parcels directly adjacent to as well as directly across the street from an Open Space Type.
 - (a) Frontage Orientation of Adjacent Parcels. The preferred orientation of the adjacent parcels' frontages to the civic open space. Front, corner side, side, and rear refers to the property line either adjacent to the Open Space or facing the Open Space across the street.
- (4) Improvements. The following types of development and improvements may be permitted on an Open Space Type.
 - (a) Designated Sports Fields Permitted. Sports fields, ball courts, or structures designated for one or more particular sports including, but not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, tennis courts, climbing walls, and skate parks are permitted.
 - (b) Playgrounds Permitted. Playgrounds include a defined area with play structures and equipment typically for children under 12 years of age, such as slides, swings, climbing structures.
 - (c) Fully Enclosed Structures Permitted. Fully enclosed structures may include such uses as park offices, maintenance sheds, community centers, and restrooms.
 - (i) Maximum Area. For some civic open space types, fully enclosed structures are permitted, but limited to a maximum building coverage as a percentage of the open space area.
 - (ii) Semi-Enclosed Structures. Open-air structures, such as gazebos, are permitted in all open space types.
 - (d) Maximum Percentage of Open Water Body. The maximum amount of area within an Open Space Type that may be covered by an open water body, including, but not limited to, ponds, lakes, and pools.

4. Stormwater in Open Space Types.

Stormwater management practices, such as storage and retention facilities, may be integrated into Open Space Types and utilized to meet stormwater requirements for surrounding parcels.

- (1) **Stormwater Features.** Stormwater features in civic open space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy. Stormwater facilities shall be designed for public safety so that in the case of a storm event so that water depths are minimized.
- (2) **Qualified Professional.** A qualified landscape design professional, such as a landscape architect or certified landscape designer, shall be utilized to incorporate stormwater features into the design of the civic open spaces.



Figure 6.2 (1). Typical Plaza.

6.2 Plaza.

1. Intent.

To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. The Plaza may contain a greater amount of impervious coverage than any other Open Space Type. Special features, such as fountains and public art installations, are encouraged.

2. Plaza Requirements

(1) Dimensions

Minimum Size (acres)	0.05
Maximum Size (acres)	1.5
Minimum Dimension (feet)	30'
Minimum % of Vehicular ROW Frontage Required	50%; 80% building frontage required on non-street frontage

(2) Adjacent Parcels

Permitted Subdistricts	All
Frontage Orientation of Adjacent Parcels	Front or Corner Side

(3) Improvements

Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Not permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	50%

(4) Additional Design Requirements

- (a) **Minimum Building Frontage.** At least 80% of the plaza's perimeter that does not front on vehicular right-of-way shall be lined by building frontages.
- (b) **Fully Enclosed Structures Permitted.** Fully enclosed structures are permitted, and are allowed to cover a maximum of 5% of the total area of the plaza.

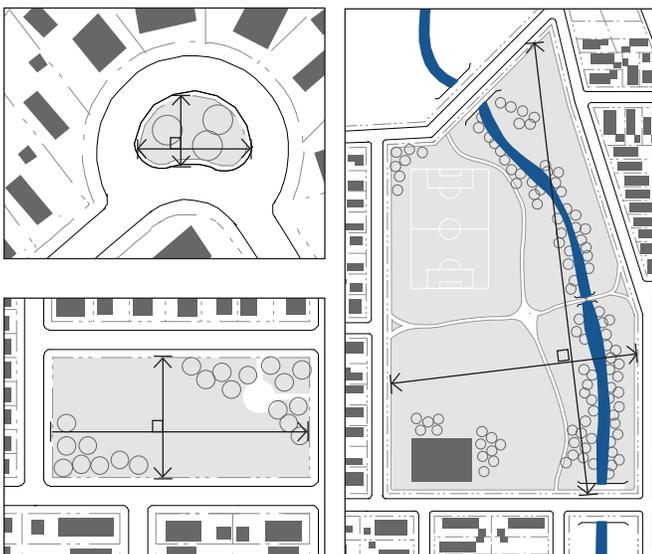


Figure 6.1 (1). Examples of Measuring the Minimum Dimension of Open Space Types.

6.0 Open Space Types

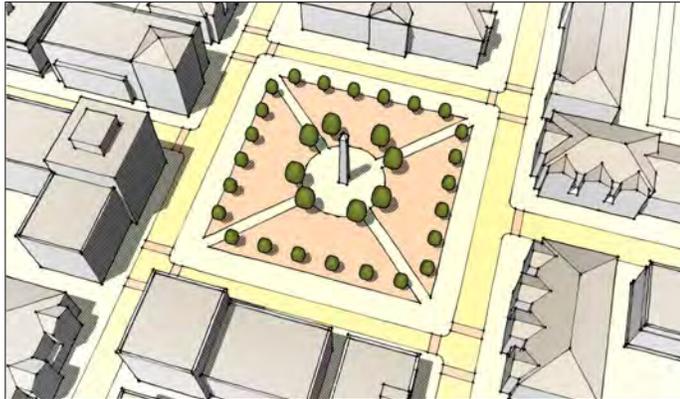


Figure 6.3 (1). Typical Square.

6.3 Square.

1. Intent.

To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.

2. Square Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	3
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	100%
(2) Adjacent Parcels	
Permitted Districts	City Center "Core" City Center "General" 40th Street "General"
Frontage Orientation of Adjacent Parcels	Front or Corner Side
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Not permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	30%
(4) Additional Design Requirements	

(a) Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are allowed to cover a maximum of 5% of the total area of the Square.



Figure 6.4 (1). Typical Green Layout.

6.4 Green.

1. Intent.

To provide informal, medium scale active or passive recreation for neighborhood residents within walking distance, mainly fronted by streets..

2. Green Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	2
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	100%; 50% for over 1.25 acres
(2) Adjacent Parcels	
Permitted Subdistricts	All
Frontage Orientation of Adjacent Parcels	Front or Corner Side
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	30%



Figure 6.5 (1). Typical Commons Layout.



Figure 6.6 (1). Typical Pocket Park Layout.

6.5 Commons.

1. Intent.

To provide an informal, small to medium scale space for active or passive recreation for a limited neighborhood area. Commons are typically internal to a block and tend to serve adjacent residents.

2. Commons Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	1.5
Minimum Dimension (feet)	45'
Minimum % of Vehicular ROW Frontage Required	0%; 2 access points required, minimum width each of 20'
(2) Adjacent Parcels	
Permitted Subdistricts	All
Frontage Orientation of Adjacent Parcels	Side or Rear
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%
(4) Additional Design Requirements	
(a) Access Points. Commons shall have a minimum of two access points from a vehicular right-of-way. Each access point shall have a minimum width of 20 feet.	

6.6 Pocket Park Open Space Type.

1. Intent.

To provide small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance.

2. Pocket Park Requirements	
(1) Dimensions	
Minimum Size (acres)	0.05
Maximum Size (acres)	1
Minimum Dimension (feet)	None
Minimum % of Vehicular ROW Frontage Required	15%
(2) Adjacent Parcels	
Permitted Subdistricts	All
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%

6.0 Open Space Types



Figure 6.7 (1). Typical Park.

6.7 Park.

1. Intent.

To provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees.

2. Park Requirements	
(1) Dimensions	
Minimum Size (acres)	1
Maximum Size (acres)	None
Minimum Dimension (feet)	100'
Minimum % of Vehicular ROW Frontage Required	30%; up to 5 acres; 20% over 5 acres
(2) Adjacent Parcels	
Permitted Subdistricts	City Center "General" 40th Street "General" Riverdale Road "General" Edge
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted, maximum 5% of area
Maximum % of Open Water	30%
(4) Additional Design Requirements	
(1) Vehicular Right-of-Way Frontage of Parks Less Than 5 Acres. At least 30% of the park shall continuously front on a vehicular right-of-way.	
(2) Vehicular Right-of-Way Frontage of Parks Larger Than 5 Acres. At least 20% of the park shall continuously front on a vehicular right-of-way.	



Figure 6.8 (1). Typical Greenway.

6.8 Greenway.

1. Intent.

To provide informal, primarily natural linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways are linear open spaces that often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

2. Greenway Requirements	
(1) Dimensions	
Minimum Size (acres)	1
Maximum Size (acres)	None
Minimum Dimension (feet)	30'; recommended minimum average width 50'
Minimum % of Vehicular ROW Frontage Required	0%; 1 access point required per quarter mile of length, minimum 20' width
(2) Adjacent Parcels	
Permitted Subdistricts	All
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%

7.0 Landscape Standards

7.0 Landscape Standards

7.1 General Requirements.

1. Intent.

The landscape standards outlined in this section are designed to meet the following set of goals.

- (1) To provide for healthy, long-lived street trees within all public ways to improve the appearance of streets and create a buffer between pedestrian and vehicular travel lanes.
- (2) To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- (3) Refer to South Ogden City Code, Title 10, Chapter 23 for landscape regulations regarding water efficient landscaping, tree and plant types and sizes, and other elements related to efficient landscape design standards.
- (4) To shade large expanses of pavement and reduce the urban heat island effect.

2. Applicability.

Landscaping, trees, and buffers shall be installed as detailed in this section.

- (1) General Compliance. Application of this section to existing uses shall occur with the following developments.
 - (a) Any development of new or significant improvements to existing parking lots, loading facilities, and driveways. Significant improvements include new driveways, new spaces, new medians, new loading facilities, or complete reorganization of the parking and aisles.
 - (b) Alteration to an existing principal or accessory structure that results in a change of 15% or more in the structure's gross floor area.
 - (c) When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements.
- (2) Buffers. Landscape buffers are required according to the provisions in this section with the following exceptions.
 - (a) Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared between two adjoining lots.
 - (b) Points of Access. Buffering is not required at driveways or other points of access to a lot.
- (3) Temporary Uses. These provisions do not apply to temporary uses, unless determined otherwise by the City Manager or Designee.
- (4) Street Trees. Refer to section 2.0 Streets for appropriate street tree specifications.

3. Water Efficient Landscaping.

Refer to South Ogden, Utah City Code, Title 10, Chapter 23 for landscape regulations regarding water efficient landscaping.

7.2 Installation of Landscape.

1. Intent.

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

2. Applicability.

These provisions apply to landscape installation as required by this section.

3. General Installation Requirements.

The installation of landscaping shall adhere to the following standards.

- (1) National Standards. Best management practices and procedures according to the nationally accepted standards shall be practiced.
 - (a) Installation. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.
 - (b) Maintenance and Protection. All landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
- (2) Installation. Landscaping shall be fully installed prior to the issuance of a certificate of completeness.
 - (a) If seasonal conditions preclude the complete installation, a cash escrow or irrevocable letter of credit, equal to 1.5 times the installation costs as estimated by a qualified professional.
 - (b) Complete installation is required within nine months of the issuance of the temporary certificate of completeness or occupancy permit or the cash escrow or letter of credit may be forfeited.
- (3) Plant Size Requirements. Plant material shall be sized according to Table 7.2 (1) at the time of installation, unless otherwise noted in this section.
- (4) Condition of Landscape Materials. The landscaping materials used shall be:
 - (a) Healthy and hardy with a good root system.
 - (b) Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - (c) Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - (d) Appropriate for the conditions of the site, including slope, water table, and soil type.
 - (e) Protected from damage by grates, pavers, or other measures.
 - (f) Plants that will not cause a nuisance or have negative impacts on an adjacent property.

- (g) Species native or naturalized to the Wasatch Front, whenever possible.
- (5) Compost, Mulch, and Organic Matter. Compost, mulch, and organic matter may be utilized within the soil mix to reduce the need for fertilizers and increase water retention.
- (6) Establishment. All installed plant material shall be fully maintained until established, including watering, fertilization, and replacement as necessary.

4. Ground Plane Vegetation.

All unpaved areas shall be covered by one of the following.

- (1) Planting Beds.
 - (a) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
 - (b) Nonliving materials, such as bark mulch, colored gravel, or mulch, are permitted for up to 50% of a bed area.
 - (c) Annual beds must be maintained seasonally, replanting as necessary.
- (2) Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas.
 - (a) Grass shall be established within 90 days of planting or the area must be reseeded, replugged, or resodded.

5. Tree Installations.

Refer to the list of permitted tree types, available from South Ogden Parks Division.

- (1) Tree Measurement. New trees shall be measured at six inches above the mean grade of the tree's trunk when four inch caliper or less and twelve inches for tree trunks above four inches, and noted as caliper inches throughout this ordinance.
- (2) Tree Maintenance. Tree trimming, fertilization, and other similar work shall be performed by or under the management of an ISA certified arborist.
- (3) Tree Size. All trees to be installed to meet the requirements of this section shall be a minimum of 2 inch caliper at the time of installation.
- (4) Tree Spacing. See Section 7.3.4 (4).
- (5) Permeable Surface. For each tree preserved or planted, a minimum amount of permeable surface area is recommended, unless otherwise stated in this ordinance.
 - (a) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 7.2 (2) for details.
 - (b) Permeable area for one tree cannot count toward that of another tree.
- (6) Structural Soil. When the Soil Surface Area (per Table 7.2 (2)) of a tree will extend below any pavement, structural soil is required underneath that pavement. Structural soil is a medium that can

be compacted to pavement design and installation requirements while still permitting root growth. It is a mixture of gap-graded gravels (made of crushed stone), clay loam, and a hydrogel stabilizing agent to keep the mixture from separating. It provides an integrated, root penetrable, high strength pavement system that shifts design away from individual tree pits (source: Cornell University, Urban Horticulture Institute).

Plant Material Type	Minimum Size
Deciduous Shade/Overstory Tree	
Single Trunk	2" caliper
Multi Trunk	10' in height
Evergreen Tree	8' in height
Understory Tree	6' in height
Ornamental Tree	1.5" caliper
Shrubbery - Deciduous	container class 5
Shrubbery - Evergreen	container class 5
Groundcover	3" in height

Table 7.2 (1). Plant Material Size at Installation.

Tree Size	Soil Volume (cubic ft)	Soil Surface Area (sq ft) with 2.5' Soil Depth	Permeable Surface Area Requirement (sq ft)
Very Small	181	72 (approx. 8.5' x 8.5')	25 (5' x 5')
Small	736	294 (approx. 17' x 17')	100 (10' x 10')
Medium	2852	1141 (approx. 34' x 34')	225 (15' x 15')
Large	6532	2681 (approx. 50' x 50')	400 (20' x 20')

Table 7.2 (2). Minimum Recommended Soil Volumes and Permeable Area per Planted Tree.

6. Irrigation Systems.

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

- (1) All irrigation systems shall be designed to minimize the use of water.
- (2) Non residential landscape irrigation shall have an automatic clock-activated permanent system.
- (3) The irrigation system shall provide sufficient coverage to all landscape areas.

7.0 Landscape Standards

- (4) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.
- (5) All systems shall be equipped with a back-flow prevention device.
- (6) All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view.

7. Maintenance of Landscape.

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

- (1) All required landscape shall be maintained to adhere to all requirements of this ordinance.
- (2) **Replacing Unhealthy Landscaping.** Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- (3) **Maintenance Responsibility.** The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.
- (4) **Maintain Quality and Quantity.** Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
- (5) **Fences and Other Barriers.** Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- (6) **Tree Topping.** Tree topping is not permitted. When necessary, crown reduction thinning or pruning is permitted. Refer to 7.3.4(2) for clear branch height of street trees.

7.3 Street Trees & Streetscape Design.

1. Intent.

To line all new streets with a consistent and appropriate planting of trees, pavement design, and identity to establish tree canopy for environmental benefit and a sense of identity for all new streets.

2. Applicability.

The requirements herein apply to all new development requiring Regulating Plan approval.

3. Streetscape Design Submittal.

A consistent streetscape design shall be submitted for approval for all new streets within the development. At a minimum, the submittal shall include the following:

- (1) **Street Trees.** Trees meeting the minimum requirements of 7.3.4, below, shall be included in the streetscape design, with details related to tree pits, tree planting to meet the requirements of 7.2.5 Tree Installations.

- (1) **Sidewalk Pavement Design.** Sidewalk paving materials and pattern shall be set for each street type (refer to 2.0 Street Types).
- (2) **Street Furnishings.** Benches, seatwalls, planters, planter fences, trash receptacles, and bicycle racks at the least shall be specified and quantities and locations listed for each street type (refer to 2.0 Street Types).
- (3) **Landscape Design.** Ground plane vegetation shall be designated for any landscape bed areas, planter areas, and tree wells.
- (4) **Lighting.** Pedestrian and vehicular lighting shall be specified and locations and quantities noted.
- (5) **Identity Elements.** Any other elements designed to establish the identity of each Street, such as banners, pavement markers, artwork, or signage, shall be included in the streetscape design submittal.

4. Minimum Street Tree Requirements.

The following standards apply to the installation of street trees.

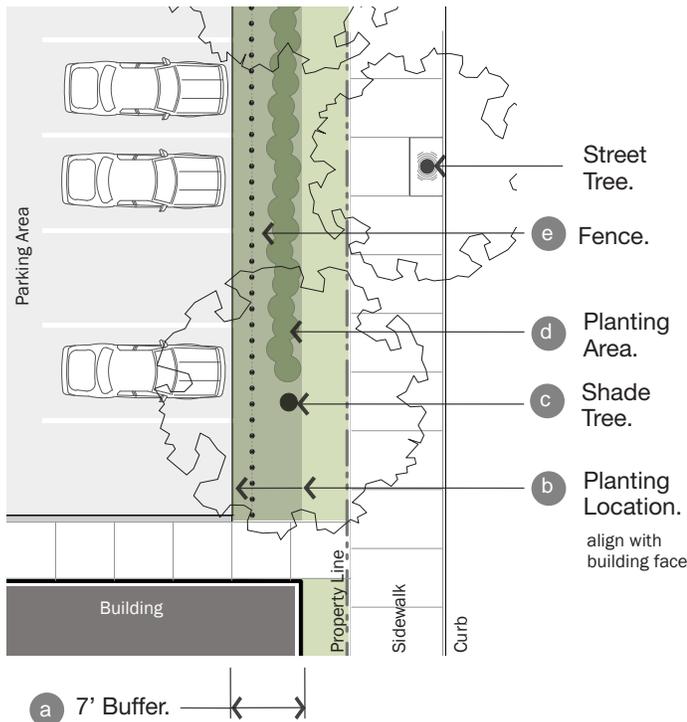
- (1) **Exception.** Street Trees are not required on Alleys or the Lane Street Types (refer to 2.4 and 2.5 Street Types).
- (2) **Clear Branch Height.** Minimum clear branch height is eight feet.
- (3) **Street Tree Type.** Medium and large shade trees are permitted to be installed as street trees. Refer to the list of permitted tree types in the South Ogden City Approved Shade Tree List for Park Strip Planting.
- (4) **Street Tree Spacing.** Street trees shall be planted as follows.
 - (a) Each Lot is required to have one tree for every 30 feet of street frontage with a minimum of one street tree per street frontage.
 - (b) **Spacing.**
 - (i) Large trees must be spaced a minimum of 30 and a maximum of 60 feet on center.
 - (ii) Medium trees must be spaced a minimum of 20 and a maximum of 30 feet on center.
 - (c) No trees may be planted closer to any curb or sidewalk than as follows unless a permeable surface is provided:
 - (1) **Medium trees: three feet.**
 - (2) **Large trees: four feet.**
 - (d) **Limited Distance between Curb and Sidewalk.** Where the distance from the back of the curb to the edge of the right-of-way or property line is less than nine feet with a sidewalk, Applicant shall work with the City staff to determine the appropriate tree species.
 - (i) City Manager or Designee may waive the street tree requirement in spaces less than nine feet.
- (5) **Tree Wells.** In commercial subdistricts, where the sidewalk extends from the back of curb to the property line, tree wells shall be utilized.
 - (a) For tree wells adjacent to sidewalks five feet wide or less, open pit is not permitted.

- (i) The opening must be covered with a tree grate or pervious pavement.
- (ii) The opening in a tree grate for the trunk must be expandable.

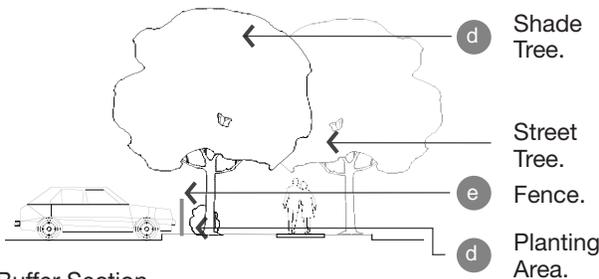
7.4 Frontage Buffer.

1. Intent & Applicability.

- (1) Intent. To lessen the visual impact of vehicular areas visible from the street.
- (2) General Applicability. Applies to properties in all “Core”, “General”, and “Edge” subdistricts where a vehicular area is located adjacent to a right-of-way.
 - (a) Exceptions. Vehicular areas along alleys, except when a residential subdistrict is located across the alley; Single and two family residences.



Front Buffer Plan.



Front Buffer Section.

Figure 7.4 (1). Frontage Buffer Plan and Section.

7.4 Frontage Buffer Requirements

1. Buffer Depth & Location ¹

Depth	7'	a
Location on the Site	Between street facing property line and parking area ²	b

2. Buffer Landscape Requirements

Uses & Materials	Uses and materials other than those indicated are prohibited in the buffer	
Shade Trees	Medium or large shade tree required at least every 40'; Locate on the street side of the fence; Spacing should alternate with street trees	c
Planting Area	Required continuous planting area on street side of fence, between shade trees & in front of vehicular areas	d
Planting Area Composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48".	
Existing Vegetation	May be credited toward buffer area	

3. Fence **e**

Location	2' from back of curb of vehicular area
Materials	Composites, steel, wood, or colored PVC; Masonry columns (maximum width 2'6") and base (maximum 18" height) permitted
Minimum Height	3'
Maximum Height	4'
Colors	No bright or white colors
Opacity	Minimum 30%; Maximum 80%
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6'

Notes:

¹ This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

² In front, corner, and rear yards (on a through lot), when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.

7.0 Landscape Standards

7.5 Side & Rear Buffer.

1. Intent & Applicability.

- (1) Intent. To minimize the impact that one zoning subdistrict may have on a neighboring subdistrict and to provide a transition between subdistricts.
- (2) General Applicability. Applies to all directly adjoining properties in all "Core", "General", and "Edge" subdistricts.

7.5 Side & Rear Buffer Requirements	
1. Buffer Depth & Location	
Depth	Varies based on the zoning subdistrict of the lot and the adjacent lot; see Table 7.5 (1). a
Location on the Site	Locate buffers on more intensively zoned lot; Buffer is measured from side and rear property lines.
2. Required Landscape Screen	
Width	5' landscape screen in addition to any other buffer landscaping b
Location	Directly adjacent to the rear or side property line
Planting Area	Continuous double row of shrubs required between shade trees c
Planting Area Composition	A professionally-designed water-efficient planting design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting the requirements of Title 10, Chapter 23 – Water Efficient Landscaping d
Planting Frequency	Minimum of 15 shrubs per 100' of property line is required
Shade Trees	At least 1 medium or large shade tree per every 30' within the buffer
3. Buffer Landscape Requirements	
Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer
Tree Canopy Coverage	1 medium or large shade tree required per 2,000 square feet of buffer, excluding the area within the required landscape screen
Existing Vegetation	May be credited toward buffer area

Notes:

¹ City Manager or Designee may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and topography.

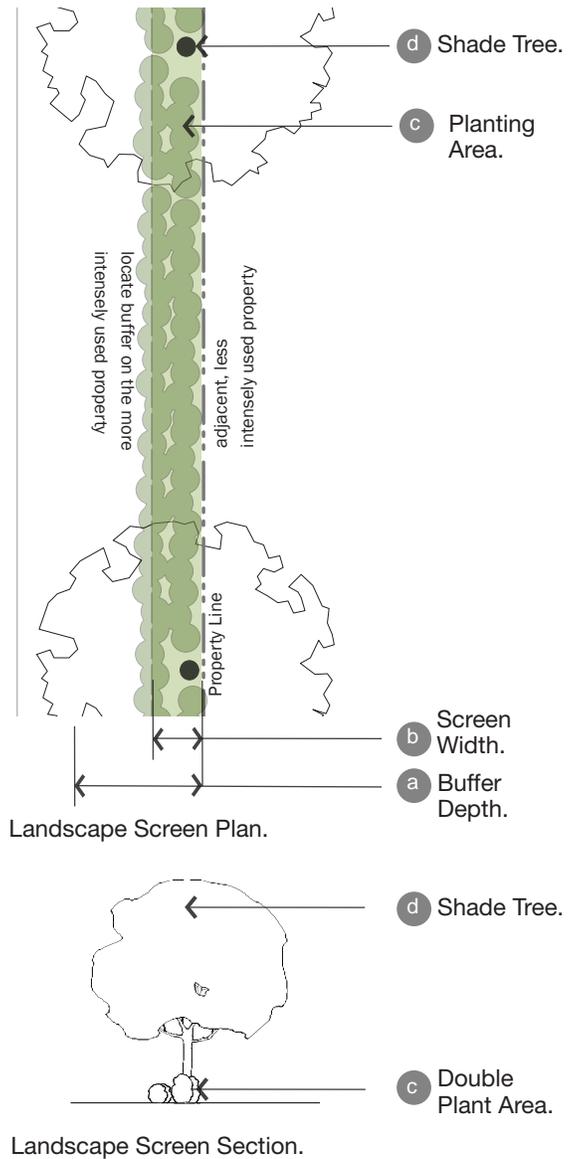


Figure 7.5 (1). Landscape Screen within Light Side & Rear Buffer.

Buffer Requirements between Subdistricts			
Buffer Required by these Subdistricts			
	Core	General	Edge
Core	not required	not required	not required
General	not required	not required	not required
Edge	5'	5'	not required
any existing single family	20'	10'	not required

Table 7.5 (1). Side & Rear Buffer Requirements between subdistrict.

7.6 Interior Parking Lot Landscape.

1. Intent & Applicability.

- (1) Intent. To provide shade, minimize paving & associated stormwater runoff, & improve the aesthetic look of parking lots.
- (2) General Applicability. All open-air, off-street parking lots in all “Core”, “General”, and “Edge” subdistricts.

7.6 Interior Parking Lot Landscape Requirements	
1. Landscape Island Requirements a	
Required Island Locations b	Terminal ends ² of free standing rows or bays of parking; After every ninth parking space for rows of parking greater than 8 spaces in length ³
Minimum Width	5'; Islands less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement
Required Trees Within Islands c	Minimum of 1 medium or large shade tree per island
2. Landscape Median Requirements d	
Required Median Location	Required in each free-standing bay of parking along the length of the bay
Minimum Width	5'; Medians less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement
3. Tree Requirements	
Requirements per Parking Space ⁴	Each parking space must be located within 50' of a tree planted within parking lot interior Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces
Tree Shade Goal	Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Refer to Table 7.6 (1) for calculation.
4. Shade Structure Requirements	
Shade Structure Requirements	Shade structures should be considered an acceptable alternative for meeting the tree shade goal that 30% of the interior parking lot should be shaded. Detail designs for such features should be submitted as part of Chapter 10.2 Development Review Procedures for review and approval.

¹ Parking lot interior is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement.
² Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
³ There shall be no more than 8 continuous parking spaces in a row without a landscape island.
⁴ Trees within a designated buffer area may not be utilized to meet these requirements

- (3) Other Internal Parking Lot Areas. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650' thereafter.
- (4) Existing Vegetation. Existing vegetation may be credited toward these requirements.

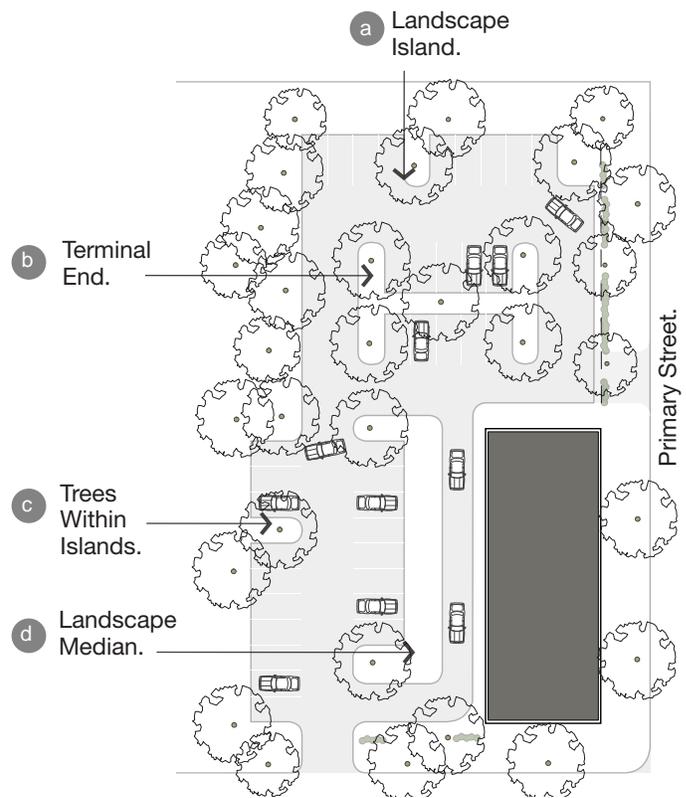


Figure 7.6 (1). Interior Parking Lot Landscaping.

Tree Size	Estimated Canopy at Maturity (sq ft)	Estimated Height at Maturity (ft)
Very Small	150	under 15'
Small	400	15'-25'
Medium	900	25'-40'
Large	1600	40'+

Table 7.6 (1). Estimated Canopy and Height at Maturity.

7.0 Landscape Standards

7.7 Active Frontage Buffer.

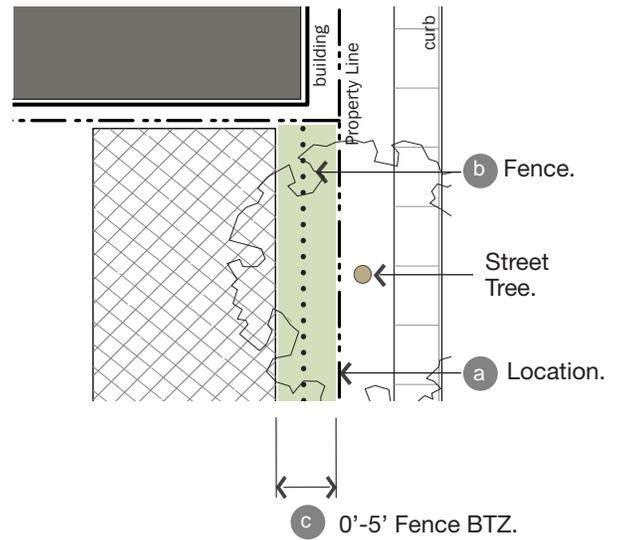
1. Intent & Applicability

- (1) Intent. To continue the street wall of adjacent facades.
- (2) General Applicability. Applies to non-vehicular outdoor sites all in all "Core", "General", and "Edge" subdistricts. For vehicular areas, refer to the 7.4 Frontage Buffer.

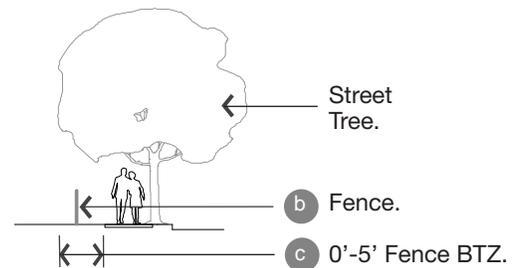
7.7 Active Frontage Requirements	
1. Frontage Location	
Location on the Site	Required adjacent to dining patio or display area
2. Required Fence	
Location	Between 0' and 5' from the front and corner side property lines; Only required in front of patio/display area a
Materials	Steel or colored PVC; Masonry base or columns permitted b
Minimum Height	3' c
Maximum Height	4'
Opacity	Minimum 30%; Maximum 60% ¹
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6'

Notes:

¹ Fence may be solid if 42" or less in height



Active Frontage Plan.



Active Frontage Section.

Figure 7.7 (1). Active Frontage.

7.8 Screening of Open Storage, Refuse Areas, and Utility Appurtenances.

1. Intent & Applicability.

- (1) Intent. To reduce the visibility of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.
- (2) General Applicability. All dumpsters, open storage, refuse areas, and utility appurtenances in all "Core", "General", and "Edge" Subdistricts.

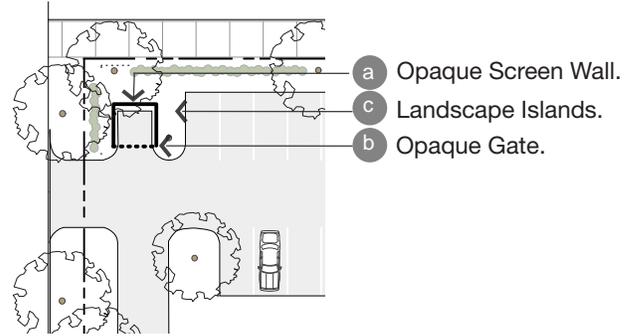


Figure 7.8 (1). Screening of Open Storage & Refuse Areas.

7.8 Screening of Open Storage, Refuse Areas, & Utility Appurtenances

1. Open Storage & Refuse Area Screening Requirements

Location on the Site	Not permitted in front or corner side yards
Opaque Screen Wall ¹	Required around 3 sides of the dumpster and trash bin area a
Screen Wall Height	Height shall be the higher of the following: <ol style="list-style-type: none"> 1. 6' 2. Height of use to be screened 3. Height as determined by City to accomplish objective of the screen
Visible Openings	Openings visible from the public way or adjacent properties must be furnished with opaque gates b
Landscape Requirement	If refuse area is located within larger paved area, such as a parking lot, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in at least 1 of the landscape areas ² c

2. Utility Appurtenance Screening Requirements

Large Private Mechanical Equipment ³	Shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way
Small Private Mechanical Equipment ⁴	Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36" on center

Notes:

¹ Vertical structured barrier to visibility at all times such as a fence or wall

² This tree, if located within 50' of a parking space, may be utilized to meet the minimum shade requirements

³ Large private mechanical equipment is equal to or greater than 4' in height-

⁴ Small private mechanical equipment is smaller than 4' in height

8.0 Parking

8.0 Parking

8.1 General Requirements.

1. Intent.

The following provisions are established to accomplish the following:

- (1) Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- (2) Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning subdistricts.
- (3) Provide specifications for vehicular site access.

2. Applicability.

This section shall apply to all new development and changes in use or intensity of use for existing development, in any subdistrict.

- (1) Compliance. Compliance with the standards outlined shall be attained in the following circumstances:
 - (a) Development of all new parking facilities, loading facilities, and driveways.
 - (b) Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, enlargement, or the addition of curbs, walkways, fencing, or landscape installation.
 - (c) Change in use requiring a change in the amount of parking.
- (2) Damage or Destruction. When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities must be reestablished based on the requirements of this section.
- (3) Site Plan Approval Required. Parking quantities and parking design and layout shall be approved through the Site Plan Approval process. Refer to 10.2.5 Site Plan Approval for more information.

8.2 Parking Requirements.

1. General Requirements for Parking.

Off-street parking spaces shall be provided in conformance with Tables 8.2 (1) Bicycle Parking and 8.2 (2) Required Vehicular Parking.

- (1) Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility.
- (2) Requirements for Unlisted Uses. Upon receiving a site plan approval, occupancy certificate, or other permit application for a use not specifically addressed in this section, the City Manager or Designee is authorized to apply off-street parking standards specified for the Use deemed most similar to the proposed Use. In instances where an equivalent may not be clearly determined, the City Manager or Designee may require the applicant to submit a parking study or other evidence that will help determine the appropriate requirements.

- (3) Private Off-Premises Parking. Where private off-site parking facilities are approved, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory
 - (a) Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the use served by the parking.
 - (b) The agreement providing for the use of off-site parking, executed by the parties involved, shall be in a form approved by the City Attorney and filed with the City Manager or Designee.
 - (c) The deed or lease shall require the owner to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
 - (d) Location Parking. Any off-premise parking must be within 1,300 feet from the entrance of the use to the closest parking space measured along a dedicated pedestrian path.
- (5) Tandem Parking. Tandem parking is permitted with approval of the City Manager or Designee through the site plan review process.

2. Required Vehicular and Bicycle Parking.

Tables 8.2 (1) and 8.2 (2) outline the required vehicular and bicycle parking requirements.

- (1) Organized by Use. The parking requirements are organized by use, in a similar fashion to Table 4.1 (1) Use Table in 4.0 Uses.
 - (a) Parking rates are provided for general use categories; these numbers are applicable for all of the uses within these categories.
 - (b) If a specific use requires a different parking rate than its use category, it is also listed in Tables 8.2 (1) and 8.2 (2) Required Vehicular and Bicycle Parking.
- (2) Vehicular Spaces Required. The vehicular spaces required column indicates the required off-street parking ratio, which may be subject to credits and other reductions and a maximum number, as are detailed in this section.
- (3) Maximum Allowable Vehicular Spaces. When a use requires more than 20 spaces, it is not permitted to provide greater than 20% over the minimum parking requirement.
 - (a) For those uses with no requirements, the maximum number of spaces required should be no more than the next level up of that use. For example, for Neighborhood Retail, the number of spaces should be no more than the requirements for General Retail.
- (4) Required Bicycle Parking. The Required Bicycle Parking Table 8.2 (1) indicates the minimum bicycle parking ratio for a given use.
- (5) Computation. Off-street parking spaces shall be calculated using the following information.
 - (a) Area Measurements. The following units of measurements shall be utilized to calculate parking requirements.

- (i) Dwelling Unit. Parking standards for residential buildings shall be computed using dwelling unit as the unit of measure, unless otherwise stated.
 - (ii) Gross Square Footage. Unless otherwise expressly stated, parking standards for non-residential Uses shall be computed on the basis of gross floor area in square feet.
 - (iii) Occupancy- or Capacity-Based Measurements. Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.
 - (iv) Bench Seating. For uses in which users occupy benches, pews, or other similar seating facilities, each 24 inches of such seating shall be counted as one seat.
- (b) Fractions. When computation of the number of required off-street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- (c) Multiple Uses on a Lot. When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduce parking. (Refer to 8.2 (3) and 8.2 (4), below.)

3. Multiple Use Reductions.

The following reductions may be taken for multiple non-residential uses.

- (1) Shared Vehicular Parking. An arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.
 - (a) General Provisions. Through review of the site plan the City Manager or Designee may permit up to 100% of the parking

Use	Bicycle Spaces
Multifamily	Minimum 2 spaces or .05 spaces / bedroom, whichever is greater
Civic/Institutional	Minimum 2 spaces, 1 / additional 10,000 sf
Retail	Minimum 2 spaces, 1 / additional 5,000 sf
Services	Minimum 2 spaces, 1 / additional 5,000 sf
Office	Minimum 2 spaces, 1 / additional 10,000 sf
Open Space	Per City Manager or Designee

Table 8.2 (1). Required Bicycle Parking.

Use	Required Vehicle Space
Residential	
Single Family, all sizes, or Multifamily, 1 Bedroom	1.5 / Dwelling Unit
Multifamily, 2 Bedrooms	2 / Dwelling Unit
Multifamily, 3 or 3+ Bedrooms	2 / Dwelling Unit
Hotel & Inn	1 / Room & 1 / 200 sq.ft. Office and Dining Room
Residential Care	.33 / Unit & .66 / Employee
Civic/Institutional	
Assembly	1 / 5 Seats
Transit Station	City Manager or Designee
Hospital	.20 / Bed & .66 / Employee
Library / Museum / Post Office (no distribution)	1 / 600 sq. ft.
Police & Fire	City Manager or Designee
Post Office (distribution)	1 / 400 sq. ft.
School: Pre K to Jr. High	1 / Classroom & 1 / 200 sq. ft Office
School: High School, Higher Education	1 / Classroom, 1 / 200 sq. ft Office, & .17 / Student
Retail	
Neighborhood Retail	1 / 300 sf
General Retail	1 / 300 sf
Outdoor Sales Lot	1 / 250 sq. ft. of Sales Area, with 1 / 10 Vehicle Display
Service	
Neighborhood Service	1 / 250 sf
General Service	1 / 250 sf
Eating & Drinking Establishments	1.0 / 3 seats + 1/3 number of employees
Vehicle Services	2 / Service Bay & 1 / 200 sq.ft of retail
Office & Industrial	
Neighborhood, General Office	1 / 300 sf
Craftsman Industrial	1 / 1,000 sq. ft. of Production Space & 1 / 500 sq. ft. of Retail Space
Open Space & Recreation	
Open Space & Recreation	City Manager or Designee

Table 8.2 (2). Required Off-Street Vehicular Parking.

8.0 Parking

required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice versa.

- (b) Approval. In order to approve a shared parking arrangement, the City Manager or Designee must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
 - (c) Description of Uses with Weekday, Nighttime, and Sunday Peak Parking.
 - (i) The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the City Manager or Designee.
 - (ii) The following uses are typically considered predominantly nighttime or Sunday uses: eating and drinking establishments, assembly uses, and other similar uses with peak activity at night or on Sundays, as authorized by the City Manager or Designee.
- (2) Cooperative Vehicular Parking. When two or more categories of non-single family residential uses share a parking lot and are located on the same lot or adjacent lots, the following applies:
- (a) General Provisions. Cooperative parking will be approved in accordance with the following. Refer to Table 8.2 (3).
 - (i) For each applicable land use category, calculate the number of spaces required as if it were the only use. Refer to Table 8.2 (2).
 - (ii) Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 8.2 (3). This table establishes six time periods per use.
 - (iii) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
 - (iv) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required and use that as the total

number of parking spaces required for the site on a share parking basis.

- (b) Uses in Different Buildings. Through review of the site plan the City Manager or Designee may approve the cooperative agreement if any of the uses are not located in the same structure or building.
- (c) Location of Cooperative Parking. Any cooperative parking must be within 660 feet from the entrance of the use to the closest parking space within the cooperative parking lot, measured along a dedicated pedestrian path.
- (d) Off-Site Cooperative Parking Agreement. An agreement approved by the City Attorney providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the City Manager or Designee during review of the site plan.
 - (i) Off-site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.
 - (ii) If the agreement is no longer in force, then parking must be provided as otherwise required in this section.

4. Parking Credits.

Vehicular parking standards in Table 8.2 (2) may be reduced by achieving one or all of the following credits.

- (1) On-Street Parking Credit. For all non-residential uses, on-street parking spaces that meet the following shall be credited one for one against the parking requirement.
 - (a) Spaces shall be designated on-street parking available 24 hours of every day.
 - (b) On-street space must be located adjacent to the property line.
- (2) Public Parking Credit. For all non-residential uses, public parking spaces located within 660 feet of any property line may be credited against the parking requirement at a rate of one credit for every three public parking spaces.
- (3) Transit Credit. For all uses, vehicular parking requirements may be

Use Category	Weekdays			Weekends		
	Midnight-7:00 am	7:00 am-6:00 pm	6:00 pm-Midnight	Midnight-7:00 am	7:00 am-6:00 pm	6:00 pm-Midnight
Residential	100%	50%	80%	100%	80%	80%
Retail & Service	5%	100%	80%	5%	100%	60%
Hotel & Inn	100%	65%	100%	100%	65%	100%
Place of Worship	0%	30%	50%	0%	100%	75%
Eating & Drinking Establishment	50%	70%	100%	70%	60%	100%
Office	5%	100%	5%	5%	5%	5%
Theater / Entertainment	5%	30%	100%	5%	80%	100%

Table 8.2 (3). Cooperative or Shared Vehicular Parking Spaces.

reduced with proximity to any commuter rail station or transit line with up to 15 minutes headways. Proximity is measured along a walking path from any point along the property line to the platform or transit stop.

- (a) Within 400 feet. A reduction of 15% of the required off-street parking.
 - (b) Within 800 feet. A reduction of 10% of the required off-street parking.
- (4) Car-Share Parking Credit. The vehicular parking requirements can be reduced with the inclusion of car-share parking spaces as follows.
- (a) Per each car-share parking space provided, required parking spaces shall be reduced by four spaces.
 - (b) Required parking spaces may be reduced up to 40%.
 - (c) Approval. Applicant must provide documentation of an agreement with a car-share company. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.

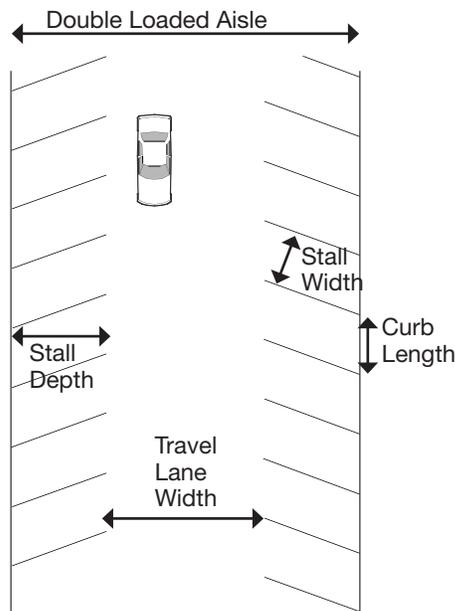


Figure 8.3 (1). Parking Lot Layout.

- (5) Other Parking Reductions. Additional reductions may be approved by the City Manager or Designee with the submittal of a parking study illustrating the reduction.

8.3 Parking Design Standards.

1. Vehicular Off-Street Parking Lots.

The design or redesign of all off-street parking facilities shall be subject to the site plan approval procedure. Refer to 10.2.5 Site Plan Approval for more information.

- (1) Vehicular Parking Space Dimensions. The appropriate dimensions for parking spaces are outlined in Table 8.3 (1) Parking Space Dimensions and Figure 8.3 (1) Parking Lot Layout.
 - (a) The width of a parking space shall be measured from the center of a stripe.
 - (b) Each space shall have a vertical clearance of at least seven feet.
- (2) Wheel Stops. Install wheel stops or bumper guards when parking is adjacent to a pedestrian pathway to limit vehicle overhang that reduces the sidewalk width. Such stops or guards shall be properly anchored or secured.

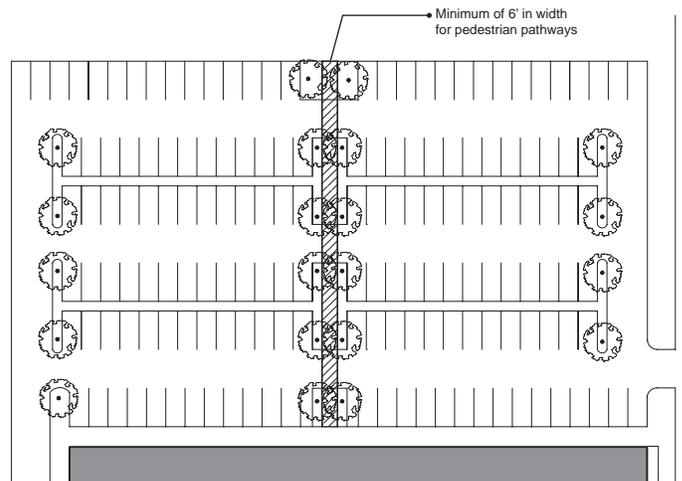


Figure 8.3 (2). Parking Lot Pedestrian Walkway.

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)	Travel Lane Width: One-Way (feet)	Travel Lane Width: Two-Way (feet)
0	20	7	-	12	20
45	12	8.5	17	12	20
60	10	8.5	18	18	20
90	9	8.5	18 ¹	22	22

Note
¹ Stall depth may be reduced 2' when stall directly abuts an interior parking lot median that includes an additional area beyond the minimum width outlined in 6.14.3, permitting the overhang of the adjacent parked vehicle's front bumper.

Table 8.3 (1). Parking Space Dimensions.

8.0 Parking

- (3) Location of Parking. Refer to 5.0 Building Type Standards for information on the location of parking facilities.
 - (4) Access. All off-street parking and loading facilities shall open directly onto an aisle, alley, or driveway designed to provide safe access to such facilities. Exceptions include:
 - (a) Tandem Parking. No more than two spaces may be included in a tandem parking spot, and the rear space must meet the access requirement.
 - (b) Parking Lifts. The lift exit shall meet the access requirement.
 - (5) Edge of Lot and Drives. All curb and gutter shall be located a minimum of 3 feet from any adjacent property line or right-of-way.
 - (6) Slopes. All parking and driveway or sidewalk access shall meet the requirements of the Utah Accessibility Code.
 - (7) Landscape Screening. All parking areas shall meet the requirements of in 7.0 Landscape Standards.
 - (8) Landscape Areas. Areas not used specifically for sidewalks, parking spaces, driving aisles, loading, or refuse shall not be paved. Areas striped with diagonal striped islands are not permitted.
 - (9) Pavement Construction. All parking and driveways shall be constructed using asphalt, concrete, pavers, or other semi-pervious material approved by the City Manager or Designee. One of the following shall be met:
 - (a) Paving materials with a solar reflectance index (SRI) of at least 29.
 - (b) Recycled content of 15% or more.
 - (10) Illumination. All off-street parking lots or parking structures shall provide a level of illumination at any point in the parking lot or structure not less than one foot-candle measured at the pavement. All lighting shall be shielded or otherwise optically controlled to provide glare-less illumination and limit trespass on adjacent properties.
- (c) counted toward bicycle parking requirements.
 - (c) Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
 - (3) Racks and Structures. Racks and structures shall be provided for each unprotected parking space, and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.
 - (4) Bicycle Storage. In multifamily or office uses bicycle storage shall be lockable and enclosed.
 - (5) Surface. The parking surface shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted provided that edging materials, so that the bicycle parking area is clearly demarcated and the rock material is contained.
 - (6) Signage. If required bicycle parking for public use is not visible from the street, signs must be posted indicating their location.
 - (7) Maintenance and Lighting. Areas used for required bicycle parking must be well-lit with acceptable drainage to be reasonably free of mud and standing water. Accessory off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which a bicycle may be locked by the user.
 - (8) Shower Facilities. Office and manufacturing uses with more than 50 employees shall provide shower and changing room facilities.
 - (9) Long Term Parking. For multifamily residential uses, half of the bicycle parking spaces should be provided as long term parking, safe and secure from vandalism and theft, and protected from the elements.

3. Bicycle Parking Design.

Bicycle parking (refer to Table 8.2 (1) Required Bicycle Parking for quantity required) shall be designed and located as follows.

- (1) Dimensions.
 - (a) Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
 - (b) An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
 - (c) A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
 - (d) Racks shall be installed a minimum of two feet from any wall or other obstruction.
- (2) Location. Bicycle parking should be located within 50 feet of the entrance of the use.
 - (a) Indoor or outdoor spaces are permitted, provided they are located on the lot with which they are associated.
 - (b) Spaces located within individual dwelling units may not be

8.4 Loading Requirements.

1. General Requirements.

All loading facilities shall adhere to the following requirements, unless otherwise approved during Site Plan Approval (refer to Section 10.2.5).

- (1) Use of Off-Street Loading Areas. Space allocated to any off-street loading use shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (2) Location. Unless otherwise specified, all required loading facilities shall be located on the same lot as the use to be served. No loading space shall block or project into a street, alley, access drive, or parking area.
- (3) Building Frontage. Loading facilities shall be located per 5.0 Building Type requirements.
- (3) Access. Loading facilities shall have clear access onto an alley or be connected to an alley or street via a driveway.

- (a) Direct access to a public way, other than an alley, is prohibited.
- (b) Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

2. Loading Requirements.

All uses except in the residential and lodging, open space, and civic and institutional categories shall provide off-street loading spaces in compliance with Table 8.4 (1) Required Loading Facilities.

3. Computation.

Loading facilities shall be calculated using the following information.

- (1) Gross Square Footage. Unless otherwise expressly stated, loading standards for non-residential buildings shall be computed on the basis of gross floor area in square feet.
- (2) Fractions. When computation of the number of required off-street loading spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- (3) Shared or Central Loading Facilities. Shared or central loading facilities are permitted if the following conditions are met.
 - (a) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys.
 - (b) Total off-street loading spaces provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served unless reviewed and approved by the City Manager or Designee through site plan review.
 - (c) No zoning lot served shall be more than 500 feet from the central loading area.

4. Dimensions.

A standard off-street loading space shall be a minimum of ten feet in width by 26 feet in length and an oversized loading space shall be a minimum of 12 in width and 40 feet in length, exclusive of aisle and maneuvering space and shall have a minimum vertical clearance of 15 feet.

5. Pavement Materials.

Refer to in the City Code for details. One of the following shall also be met.

- (1) Paving materials with a solar reflectance index (SRI) of at least 29.
- (2) Pervious pavement.
- (3) Recycled content of 15% or more.

Gross Floor Area (sq. ft.)	Loading Spaces Required
Under 5,000	0
5,000 to 20,000	1
20,001 to 40,000	2
40,001 to 70,000	3
70,001 to 100,000	4
100,001+	4 + 1 for each 100,000 over 100,001

Table 8.4 (1). Required Loading Facilities.

8.5 Site Access and Driveways.

1. General Requirements.

These standards shall supplement the provisions for access provided in 5.0 Building Type Standards. Each driveway providing site access from a street, alley, or other vehicular right-of-way shall be designed, constructed, and permanently maintained as follows.

2. Quantity of Driveways.

The number of driveways permitted for each Building Type is located in 5.0 Building Type Standards.

3. Dimensions and Design.

- (1) Driveway Width at Property Line. All driveways shall have a maximum width of 22 feet as measured at the property line (Figure 8.5 (1) Driveway Width) except as stated below.
 - (a) Residential Building Types. Driveways constructed in residential subdistricts shall have a maximum width of 11 feet when crossing the front or corner property line.
 - (c) Maximum width for one-way driveways is 12 feet at the property line.
- (2) Maximum Width. When a garage door is located on the front facade of the structure, the driveway shall be no more than two feet wider than the garage door at any location.
- (3) Shared Access. When possible, adjacent developments should share points of access to minimize impervious surface.
 - (a) Shared Driveway Width. When access is shared between three or more non-residential users, a dedicated turn lane may be constructed, allowing an increase in the maximum driveway width from 22 feet to 32 feet provided that:
 - (i) A traffic impact study states its necessity.
- (4) Sidewalk Pavement. Sidewalk pavement elevation, width, design, scoring, material, and design shall extend continuously over the driveway pavement with the intent of prioritizing the sidewalk path over the driveway. If the driveway and sidewalk are of the same material, the sidewalk path shall be scored or designated linearly over the driveway.

8.0 Parking

4. Location.

Specific location information can be found in 5.0 Building Type Standards. Refer to Figure 8.5 (1)

- (1) Driveways accessing rear yard garages are permitted within the side or rear yard setback, no closer than two feet from a side or rear property line, unless the driveway is shared. .
- (2) Driveways shall not be closer than 25 feet from the intersection of two streets (corner), unless otherwise stated in 5.0 Building Type Standards.

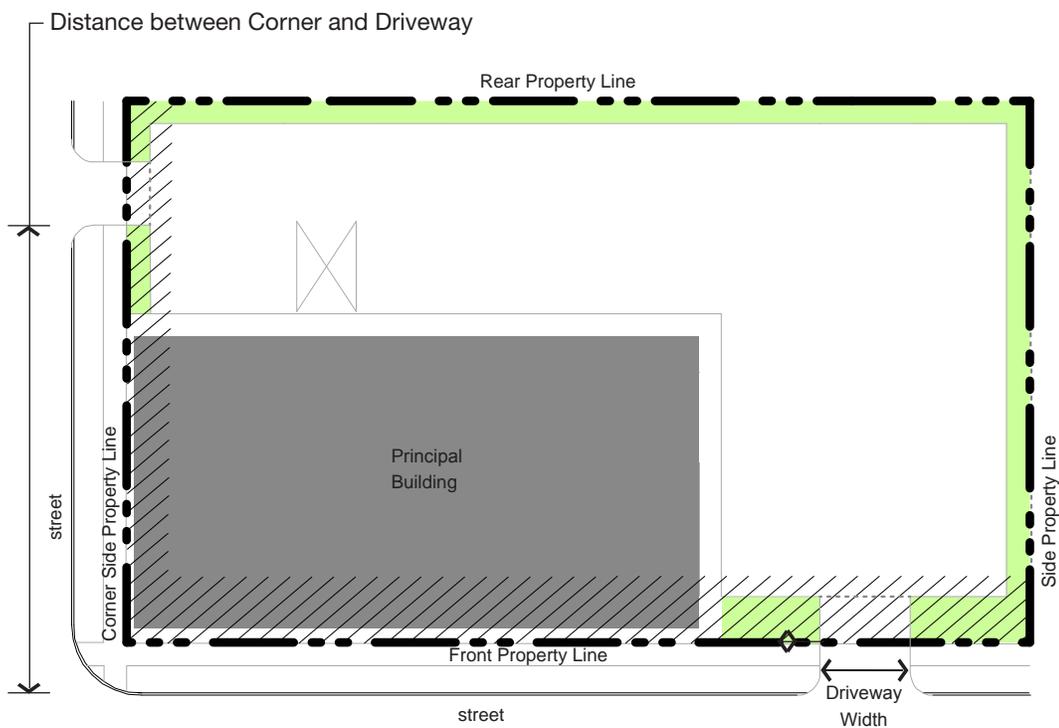


Figure 8.5 (1). Driveway Width and Location.

9.0 Sign Types

9.0 Sign Types

9.1 General Requirements.

1. Intent.

This section seeks to enhance the economic and aesthetic appeal in each Subdistrict through the reasonable, orderly, safe, and effective display of signage.

2. Applicability.

These standards shall apply to all Subdistricts for non-residential uses only. Unless otherwise stated in this chapter, all requirements of the South Ogden, Utah City Code pertaining to sign requirements shall apply. Refer to the South Ogden City Sign Code (Title 10, Chapter 21) for permit processes, construction, design, and maintenance standards.

3. General Compliance.

Compliance with the regulations outlined shall be attained under the following situations.

- (1) **Newly Constructed or Reconstructed Signage.** All new signs and structural improvements to existing signs.
- (2) **Change in Use for Single Business Signage.** For signage serving one business, whenever the existing Use is changed to a new use resulting in a change in signage, including rewording.
- (3) **Multiple-Business Signage.** For signage serving multiple businesses, whenever 50% or more of the existing uses are changed to new uses resulting in a change in signage, including rewording.
- (4) **Damage or Destruction.** When a sign has been damaged or destroyed by fire, collapse, explosion or other cause and the cost of restoration is greater than 50% of the replacement value at the time of the destruction or damage, the replacement sign shall comply with the standards in this article.

4. Prohibited, Temporary, Exempt Signage

Refer to the South Ogden, Utah City Code for information on Prohibited, Temporary, and Exempt Signs.

5. Sign Location.

Unless otherwise specified, signs shall only be located within the boundaries of the lot and not in the right-of-way or on public property.

- (1) Certain Sign types may extend beyond a property line into the right-of-way or public property with permission from the City and in accordance with the regulations outlined in this section.
- (2) No sign shall be attached to a utility pole, tree, standpipe, gutter, or drain.
- (3) Signs shall be erected so as to permit free ingress to or egress from any door, window, the roof, or any other exit-way required by the building code or by fire department regulations.
- (4) No Sign shall be erected or maintained in such a manner as to

obstruct free and clear vision of, interfere with, or be confused with any authorized traffic sign, signal, or device.

6. Illumination.

All signs shall be illuminated according to the following provisions unless otherwise stated.

- (1) Signs shall be illuminated only by steady, stationary light sources directed solely at the Sign or internal to it, except as permitted for Electronic Message Boards.
- (2) Individual letters or logos may be internally illuminated as permitted per each sign type; no other portion of the sign shall be internally illuminated, except as permitted for Electronic Message Boards or unless otherwise stated.
- (3) When an external artificial light source is used to illuminate a sign, the lamp (or bulb) shall be located, shielded, and directed so as to not be visible from any public street or private residence.
 - (a) No receptacle or device housing a permitted light source which is attached to the sign itself shall extend more than 18 inches from the face of the Sign.
 - (b) If ground lighting is used to illuminate a sign, the receptacle or device should not extend more than 12 inches above ground and must be fully screened and housed.
- (4) The illumination of any sign, resulting from any internal or external artificial light source, shall not exceed 250 nits at the Sign face during the day and 125 nits at the Sign face after sunset, with no light trespass onto adjacent property.
 - (a) Signs located within "Core" subdistricts are exempt from this standard.

7. Computation.

The following standards generally apply to computing the area of signs by type and by building lot. Refer to the Sign Types 9.3 - 9.11 for more information.

- (1) Exempt and temporary signs are not included in the maximum signage area calculations, unless otherwise specified.
- (2) Height for freestanding signs is measured from the average grade at the front property line to the top of the sign, sign cabinet, or cap, whichever is highest.
- (3) For the purposes of determining area, lot width or frontage is measured along the front property line.
 - (a) If the lot is a corner lot, the width shall be measured along the front yard.
 - (b) Building frontage is the width of the front facade of a building.

9.2 Sign Types.

1. Sign Type Requirements.

The following pertain to specific sign types detailed in this section.

- (1) Permitted Quantity of Signage by Subdistrict. Table 9.2 (1) details

the maximum permitted amount of signage on a lot within each subdistrict. Refer to 3.0 Subdistricts for more information on each subdistrict.

- (b) Window Signs. Window Signs shall not count towards a lot’s maximum permitted amount of signage. Refer to 9.9 Window Signs.
 - (c) Signs Located on Parking Lots. One sign is permitted in addition to the maximum Signage quantities detailed in Table 9.2 (1) provided the following.
 - (1) Permitted Sign Types are a wall, projecting, or awning sign.
 - (2) Maximum sign area is 30 square feet.
 - (3) Permitted location is either the side or rear facade along a parking lot;
 - (d) Through Lots. In addition to the maximum amount of signage permitted per lot, through lots may incorporate an additional 30 square feet of signage permitted for the Lot located in either the rear yard or along the rear facade.
- (2) Exempt/Temporary Signs. Table 9.2 (1) does not apply to exempt or temporary signs unless otherwise specified.
- (3) Iconic Sign Elements. Iconic Sign Elements of three dimensional symbols or logos are permitted under the following conditions.
 - (a) Symbol or Logo Size. The symbol may not be larger than four feet in any direction, included in overall sign area and the surface area counts towards the Maximum Permitted Quantity of Signage per Lot.
 - (b) No moving parts or external illumination of the symbol may be provided.
 - (c) Text. The text component of the sign may not be more than 30% of the overall area of the sign.

Maximum Permitted Quantity of Signage Per Lot		
“Core” Subdistricts	“General” Subdistricts	“Edge” Subdistricts
2 square feet per 1 linear foot of lot width with a maximum of 200 square feet. An additional 40 square feet per additional tenant over 3 tenants permitted	1.5 square feet per 1 linear foot of lot width with a maximum of 200 square feet	No signage permitted

Table 9.2 (1). Permitted Quantity of Signage by Subdistrict.

9.0 Sign Types

9.3 Wall Sign.

1. Description.

Wall Signs, also known as flat or band signs, are mounted directly to the building face to which the sign is parallel. Refer to Figures 9.3 (1) and 9.3 (2).

2. General Requirements.

Wall Signs shall be developed according to the standards in Table 9.3 (1).

- (1) Building Openings. Wall Signs shall not cover windows or other building openings.
- (2) Architectural Features. Wall Signs shall not cover architectural building features.
- (3) Murals. Murals, a type of Wall Sign painted onto the building face displaying the business name or activity, are prohibited on front facades.

3. Computation.

The area of a Wall Sign is calculated using the following information.

- (1) Wall Signs. Area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements, as is illustrated in Figure 9.3 (2).
 - (a) Area Credit. All areas that utilize individual alphanumeric characters or logos (including only those using wood, wood substitute, metal, or masonry) may use a total area of 90% of the calculation as outlined above.
- (2) Mural Sign. Area is calculated by measuring the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background.

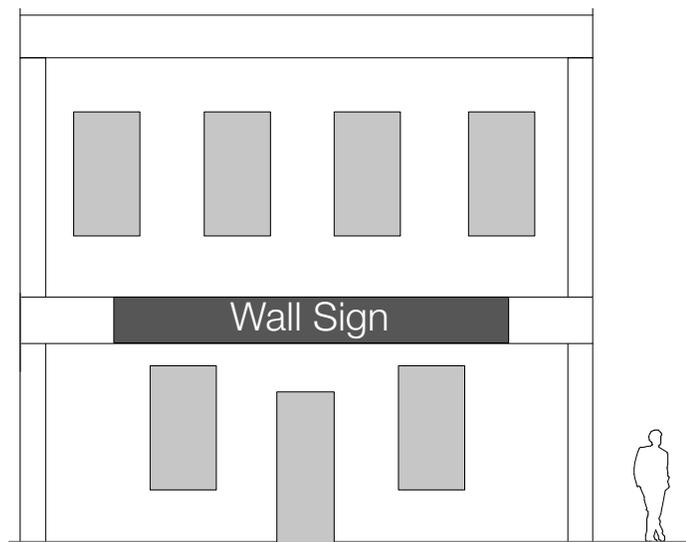


Figure 9.3 (1). Wall Sign.

Wall Sign Requirements	
Permitted Subdistricts	All Subdistricts
Sign Area	No maximum area for sign type; Refer to Table 9.2 (1) for maximum per lot
Height	2' maximum letter or element height
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	1' maximum projection from building face
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.3 (1). Wall Sign Requirements.



Figure 9.3 (2). Measuring Wall Signs.

9.4 Projecting Sign.

1. Description.

A Projecting Sign is attached to and projects from a building face or hangs from a support structure attached to the building face. Sign faces are typically perpendicular to the building face, but may be at an angle greater than 45 degrees from the facade. The sign may be vertically or horizontally oriented. Refer to Figure 9.4 (1).

2. General Requirements.

Projecting Signs shall be developed according to the standards in Table 9.4 (1).

3. Computation.

The area of a Projecting Sign is equal to the area of one of the sign's faces.

Projecting Sign Requirements

Permitted Subdistricts	All non-residential Subdistricts
Sign Area	No maximum area for sign type; Refer to Table 9.2 (1) for maximum per lot
Height	8' maximum sign length, 8' minimum clearance to walk required
Location on the Building or Site	Permitted on all facades; Sign and structural supports shall not extend above the eave or parapet
Placement on the Building or Site	Shall not project closer than 3' from back of curb
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.4 (1). Projecting Sign Requirements.

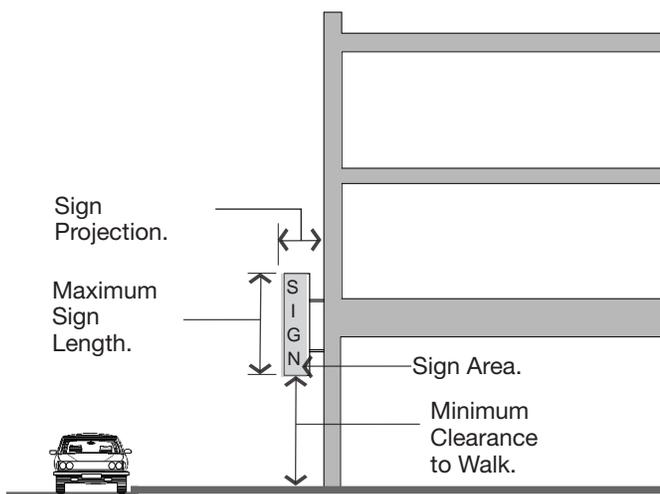


Figure 9.4 (1). Projecting Sign.

9.0 Sign Types

9.5 Projecting Marquee Sign.

1. Description.

A Projecting Marquee Sign is a projecting sign designed to have manually changeable copy and two to three sign faces. Refer to Figure 9.5 (1).

2. General Requirements.

Projecting Marquee Signs shall be developed according to the standards in this section and Table 9.5 (1).

- (1) Manually Changeable Copy Boards. Manually Changeable Copy Boards are permitted on Projecting Marquee Signs in the Core Subdistricts by right, provided the following conditions are met:
 - (a) The area of the boards cannot equal greater than 30% of the area of the sign face on which it is located or 32 square feet, whichever is less.
 - (b) One sign of any type containing a Manually Changeable Copy Board is permitted per lot.

3. Computation.

The sign area is calculated by combining the area of all exposed sign faces and the cabinet or structure surrounding them.

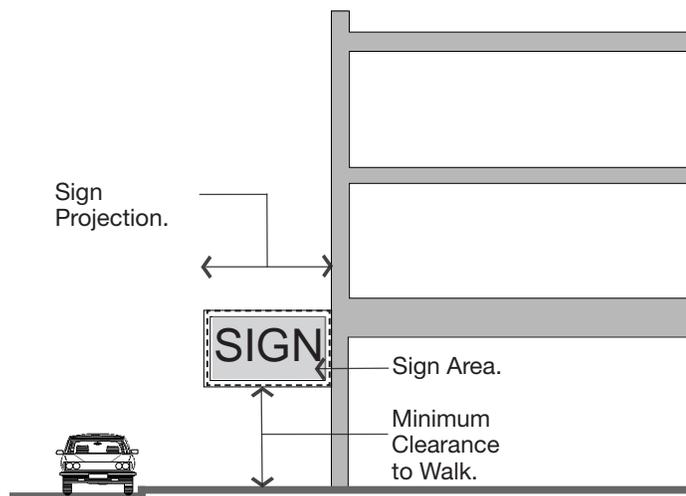


Figure 9.5 (1). Projecting Marquee Sign.

Projecting Marquee Sign Requirements	
Permitted Subdistricts	All "Core" and "General" Subdistricts, limited to Assembly Uses or Theater Uses per 4.0 Uses.
Sign Area	No maximum area for sign type; minimum two faces per sign. Refer to Table 9.2 (1) for maximum per lot
Height	10' minimum clearance to walk required
Location on the Building or Site	Front & corner side facades only
Placement on the Building or Site	Maximum projection from building is 6'; Shall not project closer than 1' from back of curb
Quantity	1 per lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only on Sign face; [Electronic Message and] Manually Changeable Copy Boards permitted with conditions ¹

Table 9.5 (1). Projecting Marquee Sign Requirements.

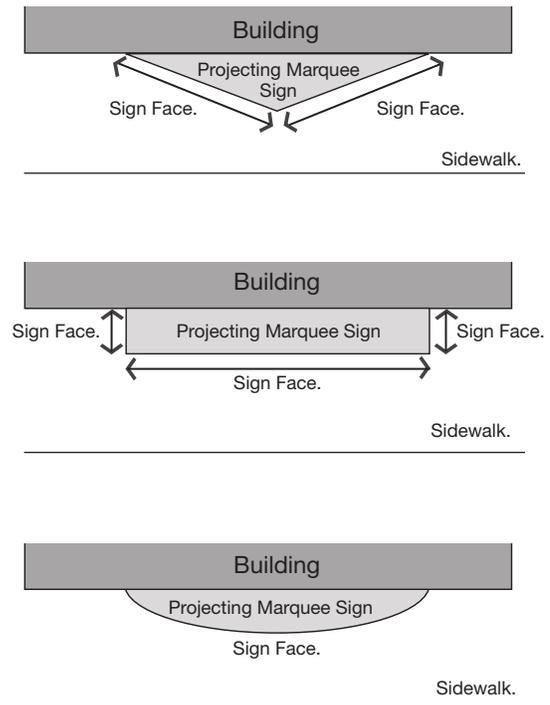


Figure 9.5 (2). Projecting Marquee Sign Plan.

9.6 Awning Sign.

1. Description.

A sign that is mounted, painted, or otherwise applied on or attached to an awning or canopy. Refer to Figures 9.6 (1) and 9.6 (2).

2. General Requirements.

Awning Signs shall be developed according to the standards in Table 9.6 (1).

3. Computation.

The area of an Awning Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the awning, as is illustrated in Figure 9.6 (2).

Awning Sign Requirements

Permitted Subdistricts	All Subdistricts
Sign Area	Up to 50% of the awning may be used for Signage; Refer to Table 9.2 (1) for maximum per lot
Height	8' minimum clearance to walk required
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Maximum projection from building is 6'; Shall not project closer than 2' from back of curb; Shall not block any window, door, or the building roof.
Quantity	1 per tenant per street frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Not permitted
Materials	Cloth, canvas, metal, or wood; All supports shall be made of metal or wood

Table 9.6 (1). Awning Sign Requirements.

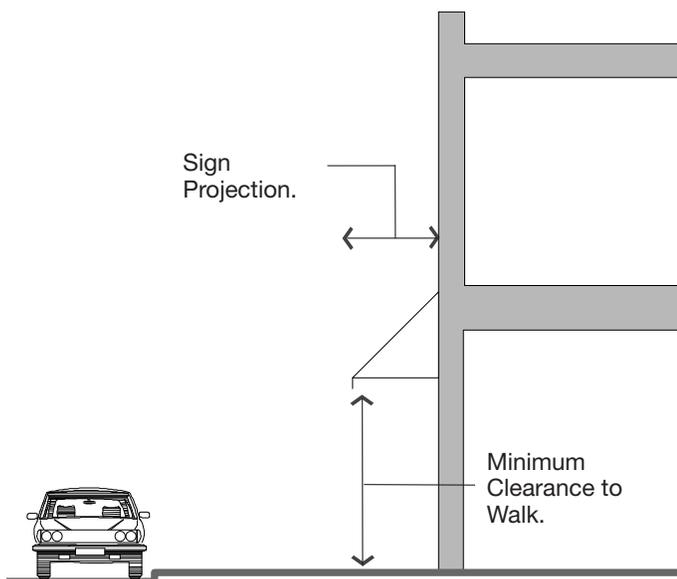


Figure 9.6 (1). Awning Sign.

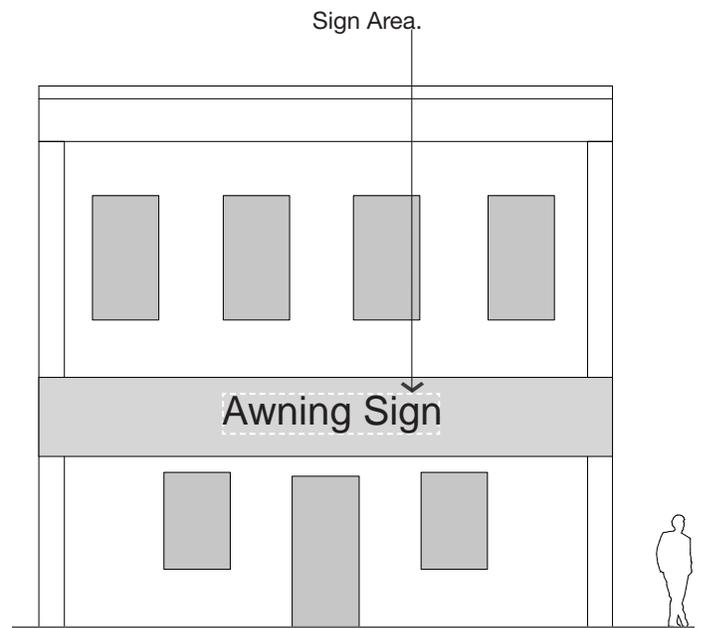


Figure 9.6 (2). Measuring Awning Signs.

9.0 Sign Types

9.7 Canopy-Mounted Sign.

1. Description.

A sign with individual alphanumeric characters and/or logos that is mounted on top of a permanent canopy. Refer to Figures 9.7 (1) and 9.7 (2).

2. General Requirements.

Canopy-Mounted Signs shall be developed according to the standards in Table 9.7 (1).

3. Computation.

The area of a Canopy-Mounted Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the Canopy-Mounted Roof Sign, as is illustrated in Figure 9.7 (2).

Canopy-Mounted Sign Requirements

Permitted Subdistricts	All Subdistricts
Sign Area	No maximum area for sign type; Refer to Table 9.2 (1) for maximum per lot
Height	2' maximum letter or element height; Cannot project more than 2' above roof line of canopy
Location on the Building or Site	Permitted on all facades; not intended for the principal roof of the building
Placement on the Building or Site	Shall not project beyond the front edge of the canopy; Shall not block any window, door, or the building roof.
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.7 (1). Canopy-Mounted Sign Requirements.

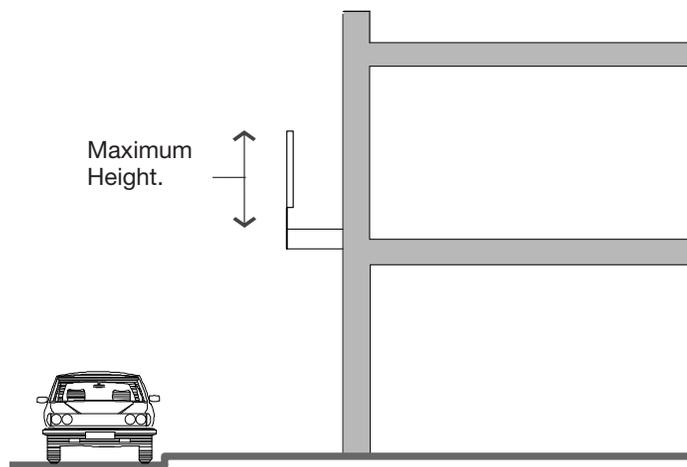


Figure 9.7 (1). Canopy-Mounted Sign.

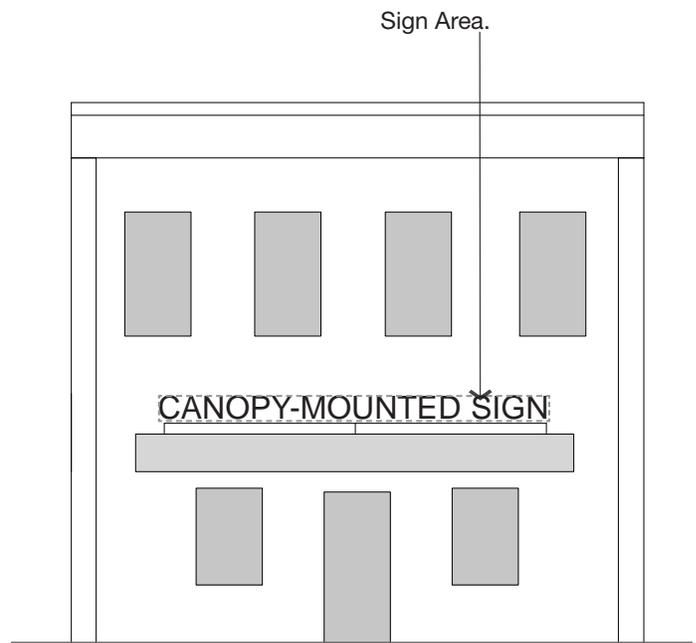


Figure 9.7 (2). Measuring Canopy-Mounted Signs.

9.9 Window Sign.

1. Description

A Window Sign is posted, painted, placed, or affixed in or on a window exposed for public view or is a sign hung inside the building facing the window for public view. Refer to Figure 9.9 (1).

2. General Requirements.

Window Signs shall be developed according to the standards in Table 9.9 (1).

3. Computation.

A series of windows that are separated by frames or supporting material of less than six inches in width shall be considered a single window for the purposes of computation.

- (1) Measurement. To measure sign area percentage, divide the total sign area by the total window area, as illustrated in Figure 9.9 (1).
- (2) Maximum Allowance. Window Signs are not counted toward a site's maximum signage allowance.
- (3) Exempt Signs. Address and hours of operation are considered exempt Signs and are not counted in the Window Sign area calculation. Refer to 9.2.1 (2) Exempt Signs.
- (4) Temporary Window Signs. Temporary Window Signs must be included in the total percentage of signage per window calculation. Refer to 9.2.1 (2) Temporary Signs.
- (5) Window Signs may not be internally illuminated except for neon or similar illuminated window signs.

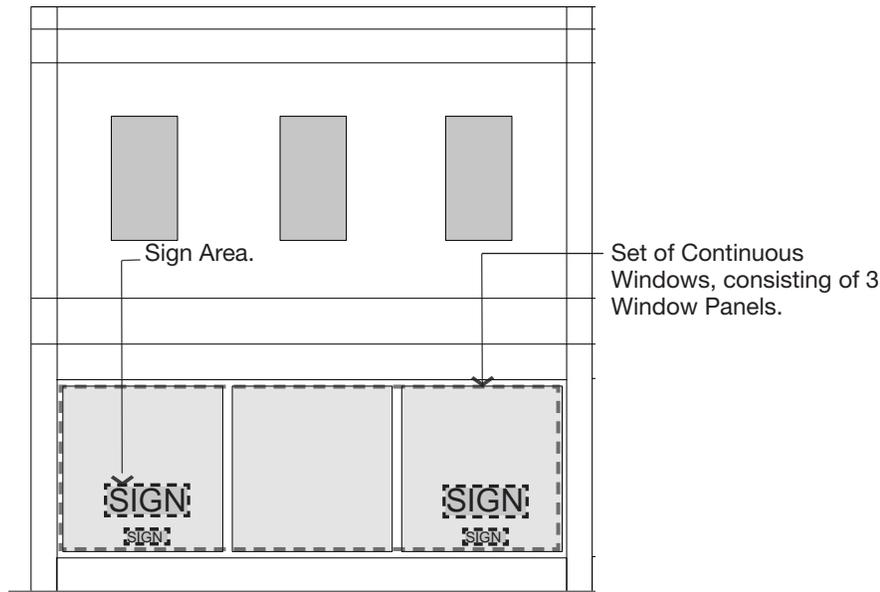


Figure 9.9 (1). Measuring Window Signs.

Window Sign Requirements

Permitted Subdistricts	"Core" & "General" Subdistricts
Sign Area	Up to 30% of a set of continuous windows may be covered with signage; No more than 50% of any one window panel may be covered with signage
Height	No maximum
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Ground or upper story windows; May be affixed to window or hung/mounted behind glass
Quantity	No maximum quantity, based on window Sign area for ground story; 1 per tenant per floor for upper stories
Internal Illumination	Not permitted, except on neon or similarly illuminated window signs
Materials	Drawn, painted, or affixed on the glass; Wood, metal, neon glass, plastic, or other similar materials also permitted

Table 9.9 (1). Window Sign Requirements.

9.0 Sign Types

9.10 Monument Sign.

1. Description.

A Monument Sign is freestanding; it is located in a front or side yard of a lot. Refer to Figures 9.10 (1) and 9.10 (2).

2. General Requirements.

Monument Signs shall be developed according to the standards in Table 9.10 (1).

- (1) Multiple Tenants. Multiple tenant buildings on a lot with a width of greater than 300 feet, measured across the front property line, may have signage with the following parameters:
 - (a) Up to two Monument Signs on one frontage.
 - (b) Signs shall be at least 150 feet apart.
- (2) Pole-Mounted Signs. Monument Signs may not be pole-mounted.
- (3) Manually Changeable Copy. The area of any Manually Changeable Copy cannot equal greater than 50% of the area of the sign face on which it is located or 20 square feet, whichever is less.

3. Computation.

The area of a two-sided Monument Sign is equal to the area of one Sign face. The area of a three- or four-sided Monument Sign is equal to the total area of each sign face. This measurement includes the sign, any cabinet in which it is enclosed and the electronic message center, but excludes the base of the sign.

- (1) Measuring Height. Height shall include the sign face, base, cabinet, and ornamental cap.

Monument Sign Requirements	
Permitted Subdistricts	“Core” & “General” Subdistricts
Sign Area	Maximum 70 sq ft per Sign face
Height	Maximum height 6’
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	10’ Setback from driveways & side property line; 3’ Setback ¹ from front & corner property lines
Quantity	1 per public ROW frontage
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on Sign face; Electronic Message Board permitted in certain subdistricts.

¹ If placed closer than five feet from the front and corner side property lines, sign must not be located in a sight triangle extending 10 feet from either side of an intersection of a driveway and a vehicular right-of-way or two vehicular rights-of-way.

Table 9.10 (1). Monument Sign Requirements.

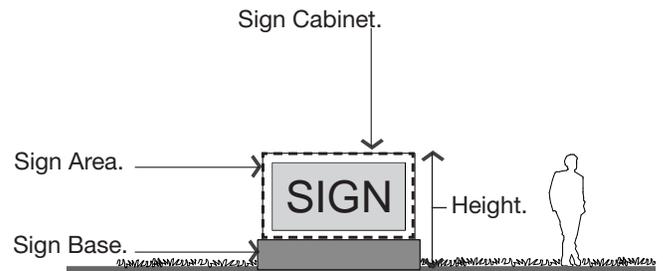


Figure 9.10 (1). Monument Sign.

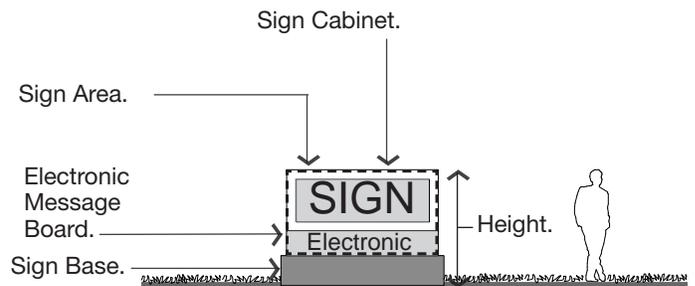


Figure 9.10 (2). Monument Sign with EMB.

9.11 Ped-Scale Pole-Mounted Sign.

1. Description.

A Ped-Scale Pole-Mounted Sign is freestanding and may be mounted on one or two poles. Three configurations are permitted. Refer to Figure 9.11 (1).

- (1) A sign mounted onto a double set of poles.
- (2) A sign mounted on a single pole.
- (3) A sign hanging from a single pole.

2. General Requirements.

Ped-Scale Pole-Mounted Signs shall be developed according to the standards in Table 9.11 (1).

3. Computation.

The area of a Pole-Mounted Sign is equal to the area of one sign face, including the Electronic Message Board.

Ped-Scale Pole-Mounted Sign Requirements

Permitted Subdistricts	"Core" & "General" Subdistricts
Sign Area	8 sq ft maximum area per sign face
Height	8' maximum height for sign mounted or hanging on a single pole; 5' for sign mounted on double set of poles; Each pole shall have a maximum size of 3.5" by 3.5"
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	2' setback from front & corner property lines; Cannot overhang property lines
Quantity	1 per lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on Sign face

Table 9.11 (1). Ped-Scale Pole-Mounted Sign Requirements.

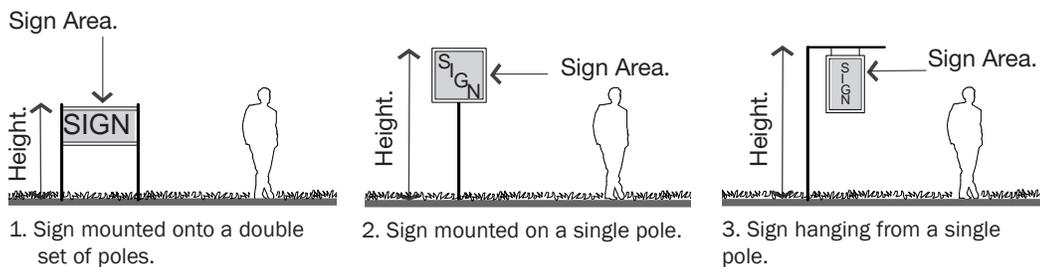


Figure 9.11 (1). Three Types of Ped-Scale Pole-Mounted Signs.

10.0 Administration

10.0 Administration

10.1 General Provisions.

1. Purpose.

It is the intent of this code to promote public health, safety, and general welfare of the community, reflecting the goals established within the South Ogden City General Plan. It includes but is not limited to the specific purposes below.

- (1) To achieve mixed use development that is appropriate in scale and intensity for the neighborhoods and sites proximate to transit stops and stations.
- (2) To establish a relationship between buildings, streets, and open spaces that is pedestrian, bicycle, and transit-oriented.
- (3) To preserve and enhance the City's natural resources, energy, water, and open spaces and to promote innovative development that sustainably manages these issues, including stormwater runoff and mitigation the urban heat island effect.
- (4) To ensure that a variety of housing types and sizes can be developed to meet the needs of the entire community.
- (5) To promote a variety of transportation options for residents and visitors.

2. Scope of Regulations.

- (1) **New Development.** All development, construction, and establishment of uses within the limits of this code occurring after the effective date of this code shall be subject to all applicable regulations of this code.
- (2) **Renovated Structures.** All building renovations affecting greater than 25% gross square footage of a structure within the limits of this code shall be subject to all applicable regulations of this code.
- (3) **In-Process Development.** Where a building permit for a development has been applied for in accordance with the prior law in advance of this code's effective date, said development may comply with the plans from which the permit was approved and, upon completion, receive a certificate of occupancy or zoning certificate (provided all conditions are met) provided the following.
 - (a) Work or construction is begun within one year of the effective date of this code.
 - (b) Work or construction continues diligently toward completion.
- (4) **Nonconformance.** After the effective date of this code, existing buildings and uses that do not comply with the regulations of this code shall be considered nonconforming and are subject to the standards of 10.4 Nonconformances.
- (5) All roads, alleys, parking lots, service areas and similar facilities proposed for development and not specifically designated as public shall be assumed to be privately owned. South Ogden City will not be responsible for constructing, managing, operating or maintaining any private roads, alleys, parking lots, service areas, utilities or infrastructure propose for inclusion in the districts controlled by this code.

3. Administration & Enforcement.

The provisions of this code shall be administered and enforced by the City manager or designee, unless otherwise specifically stated. For the purposes of this code, the term City Manager shall be inclusive of his or her designees.

Where provisions of this code differ from the City's Code, the requirements of this code shall apply.

4. Development Application.

Applications (form, fees, and plan sets) shall be filed with the City Manager or designee.

- (1) **Application Form.** Application forms are available from the City.
- (2) **Fees.** Fee amounts are available from the City and are due at the time the application is made; the application will be considered incomplete if fees are not paid.
- (3) **Plan Set Requirements.** Number of copies and minimum scale of drawings shall be noted on the application form. All plans shall be submitted in both a paper and an approved digital format using NAD1983 state plane coordinates.
- (4) **Filing Deadline.** Filing deadlines are established by the City and available at City location.
- (5) **Withdrawal of Application.** Applicant may withdraw application whole or in part at any point in the process prior to being acted or ruled upon; new application form, fees, and plan sets are required for reapplication.
- (6) **Records on File.** Applications and the resulting recommendations and rulings shall be kept on file by the City Manager or Designee and shall be considered public record.
- (7) **Notice requirements for each process are detailed in the City code.**

5. Zoning Map

The areas and boundaries of the subdistricts listed in 3.0 are hereby established to scale as shown on the map entitled Zoning Map of the city and referred to herein as "Zoning Map".

6. Process

Any development within a subdistrict shall be administered in accordance with the procedures defined in 10.2. and Title 10 of the City Code.

- (1) The application shall include the following processes
 - (a) **Pre-Application Meeting.** Refer to 10.2.2.
 - (b) **Site Plan Approval,** including building, site, and streetscape. Refer to 10.2.5.

7. Staff Review Committee

The City Manager or Designee shall serve approve, deny, or approve with conditions all submittals for Regulating Plans and Site Plans within the Subdistricts upon review by a Staff Review Committee.

- (1) The Staff Review Committee shall include members of each regulatory agency, a representative of each affected City Department [i.e. Planning, Zoning, Public Works, Transportation, Utilities].
- (2) The Staff Review Committee shall meet regularly to process applications within the time lines established by 10.2.1 through 10.2.5.
- (3) The decision regarding approval or denial of a Regulating Plan or Site Plan shall state in writing the reasons for approval or denial.
- (4) If a Regulating Plan or Site Plan is denied by the City Manager or Designee, the applicant may appeal the decision to the Planning Commission.

10.2 Development Review Procedures.

1. General Requirements.

The processes included in this section, 10.2, are required for approval of new development in the South Ogden City Center & 40th Street Corridor

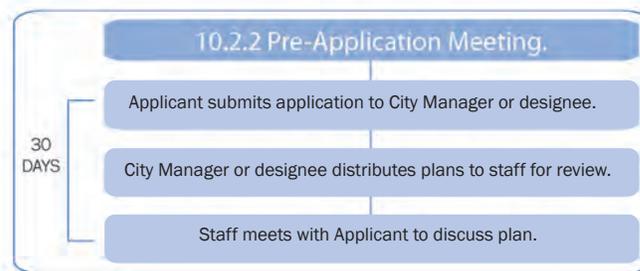
- (1) Appeal. If any application is disapproved, applicant may appeal the decision through the appeals process (refer to existing city code title 10-4-3).
- (2) Expiration of Approval. Approval of any application shall expire 12 months from the date of approval, if permits for development have not been submitted for review or construction has not begun.
 - a. Applicant can request an extension if done so in writing to the City Manager or Designee at least 30 days prior to the end of the 12 month period.
 - b. Failure to act within the 12 month period shall require a new application, including all forms, fees, and plan sets.
- (3) Review Criteria. All Regulating Plan, Site Plan, and Exception applications shall be reviewed using the following criteria.
 - (a) Plan complies with the standards within the intents of the General Plan.
 - (b) Plan's design is consistent with the intent, character, and planning criteria of any plan in place.
 - (c) Plan's design meets all of the requirements of this code.
 - (d) Proposed development is sufficiently served by or provides essential public facilities, such as access and open space, and services, such as utilities and emergency services.
 - (e) Plan is designed with regard to preserving the lot's natural features and topography.

2. Pre-Application Meeting.

- (1) Intent. To afford the applicant an opportunity to receive the advice and assistance of the professional staff before preparing formal plans and making an official application.
- (2) Eligible Applicant. Applicant must apply for a pre-Application meeting prior to submitting an application for Rezoning, Preliminary Plat Approval, Exception, or Variance. The pre-Application meeting is encouraged for Site Plan Approval

processes.

- (3) Application. Applicant shall submit the following.
 - (a) Application, Form, and Applicable Fees.
 - (b) Sketch Plan. A sketch plan or plans shall detail the proposal, including the following.
 - (i) General rough layout of block, and lots, with types of streets and Open Space Type noted.
 - (ii) Existing conditions such as topography, water bodies, aerial photograph, and flood plane.
 - (iii) Approximate distribution of Subdistricts, Building Types, and Uses.
 - (iv) Anticipated method of achieving parking requirements.
 - (v) Site survey if available.
 - (c) Exceptions or Variances. A description of any desired Exception or Variance (per 10.3).
- (4) Pre-Application Meeting. Staff shall meet with the Applicant to discuss the proposed plan within 30 days of receipt of the complete application.



3. Rezoning Process.

Refer to the City Code for information on the rezoning process.

4. Subdivision Plat Approvals.

Refer to Title 11 in the City Code for information on the subdivision plat approvals processes.

5. Site Plan Approval.

- (1) Intent. To establish a process that allows the City to administratively review development and redevelopment of sites and Building Types, uses, and other site requirements within all subdistricts to ensure that the full standards and intents of this code are met.
- (2) Eligible Applicant. Applicant shall apply for Site Plan Approval for all projects within all subdistricts listed in section 3.0.
- (3) Application. The following information shall constitute a complete application. Application shall be submitted in a form as determined by the City Manager or Designee.
 - (a) Complete Application, Form, and Applicable Fees.
 - (b) Applicant shall submit the following in compliance with

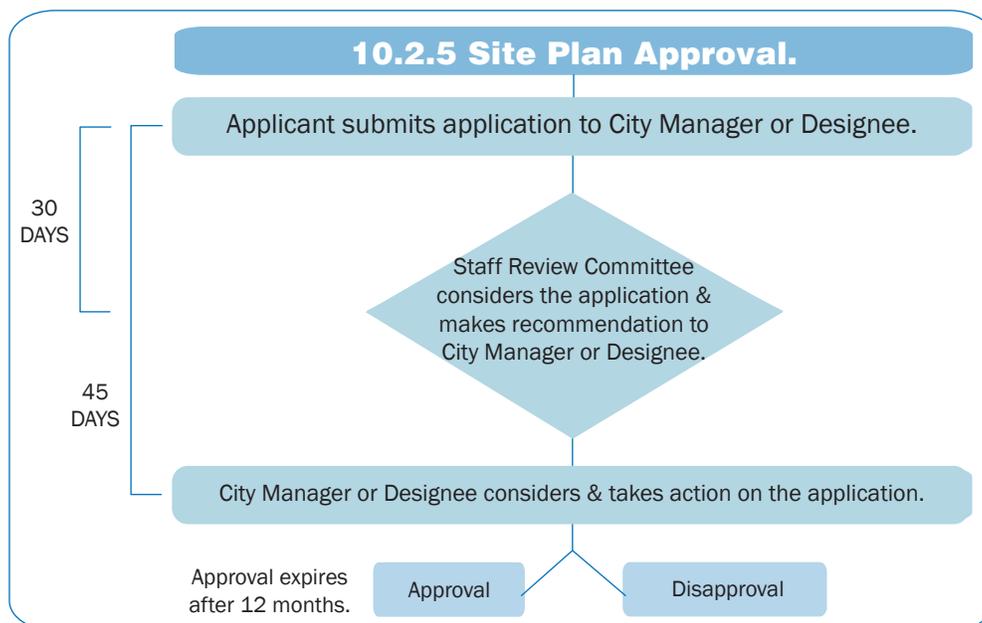
10.0 Administration

the requirements of 3.0 Subdistricts, 4.0 Uses, 5.0 Building Types, 6.0 Open Space Types (when submitting an application for development of a Open Space Type), 7.0 Landscape, 8.0 Parking, and 9.0 Sign Types. All maps and plans shall include date of preparation, north arrow, and scale.

- (i) Site Location Map, Legal Description/Limits of Plan.
- (ii) Survey Plat. Dimensions of property lines, easements, rights-of-way.
- (iii) Development Boundaries and Proposed Phasing, if applicable.
- (iv) Existing Conditions Plan. Existing on-site and adjacent off-site structures, streets, utilities, easements, pavement noted either on an aerial photograph or site survey.
- (v) Existing Natural Conditions Plan. Existing topography, vegetation, drainageways, floodplain/way, or other unique features either on an aerial photograph or site survey.
- (vi) Site Plan. A Site Plan delineating all proposed structures and surfaces, including parking, pavement, decks, patios, landscape, and retaining walls.
- (vii) Building Plan(s). Floor plans for all buildings illustrating compliance with the requirements of 5.0 Building Types.
- (viii) Table of Uses. A table of uses is required on the Building Plan delineating locations and gross square footages of categories of uses, and illustrating compliance with 4.0 Uses.
- (ix) Building Elevations. Building elevations of all facades, rendered to illustrate compliance with the requirements of 5.0 Building Types.
- (x) Landscape Plan. Landscape Plan illustrating compliance

with the requirements of 7.0 Landscape. All ground plane vegetation shall be illustrated. For sites with less than ten percent landscape area, the Landscape Plan may be combined with the Site Plan.

- (xi) Parking Plan. Parking layout plan with table of spaces keyed to plan, illustrating compliance with 8.0 Parking. Driveways, shared parking arrangements, cooperative parking, and any other parking reductions shall be included and noted for compliance with 8.0 Parking.
 - (xii) Signage Plan, if Signage is included. Signage Plan illustrating compliance with the requirements of 9.0 Sign Types.
 - (xiii) Open Space Plan, if Open Space is included. Open Space Plan shall define all paving, structures, site furnishings, and landscape areas.
- (4) Application Process Timeline. Upon submittal of a complete application, the application will be reviewed using the following process and timeline.
- (a) Staff Review Committee. The Staff Review Committee shall review and make recommendations on the application within 30 days of the submission of the complete application.
 - (b) The City Manager or Designee shall render a decision to approve or disapprove the application within 45 days of the submission of the complete application.
 - (i) 45 days may be extended with the applicant's written consent.
 - (ii) The City Manager or Designee may approve, approve with conditions, or disapprove the application, providing the reasons for disapproval or any conditions for approval in writing.
 - (c) If a Site Plan Approval is being sought for the same property,



the Conditional Use Permit shall be submitted concurrently and the timelines shall match.

- (5) Procedure for Site Plan Adjustments. The City Manager or Designee may permit Minor Adjustments to an approved site plan, if the revisions are within the scope and intent of the original approval.
- (a) Process. The process to review plan adjustments is as follows.
- (i) Applicant shall submit a revised plan and letter of explanation detailing the change to the City Manager or Designee.
 - (ii) The City Manager or Designee shall review the request and notify the applicant of the decision.
 - (iii) If the City Manager or Designee deems the change to be a Major Adjustment to the plan, applicant must resubmit for Site Plan Review for approval of the new plan, including a new application (forms, fees, and plan sets).
 - (iv) If the City Manager or Designee deems the changes to be Minor Adjustments and approves them as within the scope and intent of the original approval, the Applicant shall revise the plan providing copies to the City Manager or Designee for filing prior to applying for building or construction permits.
- (b) Minor Adjustments are limited to the following, while still meeting the requirements of this code. All other adjustments are considered Major.
- (i) Changes in dimensions or quantities less than ten percent of previous amounts.

6. Conditional Use Permit.

- (1) Intent. To establish a process to review requests for the following.
- (a) Development of Uses permitted within a Zoning Subdistrict, but that may not be appropriate for development on every lot within that Subdistrict because of potential negative impacts associated with the Use.
- (2) Eligible Applicant. Applicant shall apply for a Conditional Use Permit prior to the development, installation, or opening of a use in a Core, General, or Edge Subdistrict, designated as a Conditional Use in 4.0.
- (3) Application. The following information shall constitute a complete application. Application shall be submitted in a form as determined by the City Manager or Designee.
- (a) Complete Application, Form, and Applicable Fees.
- (b) Applicant shall submit the following in compliance with the requirements of 4.0 Uses.
- (i) Site Location Map , Legal Description/Limits of Plan.
 - (ii) Survey Plat. Dimensions of property lines, easements, rights-of-way.
 - (iii) Development Boundaries and Proposed Phasing, if applicable.
 - (iv) Map of existing category of uses and use descriptions

on parcel and all adjacent parcels within 600 feet, utilizing nomenclature found in 4.0.

- (v) Map of proposed category of uses and use descriptions,utilizing nomenclature found in 4.0.
 - (vi) Statement of Intent. Statement describing existing and proposed Use and zoning classification.
- (4) Application Process Timeline. Upon submittal of a complete application, the application will be reviewed using the following process and timeline.
- (a) Staff Review Committee. The Staff Review Committee shall review and make recommendations on the application within 30 days of the submission of the complete application.
- (b) The City Manager or Designee shall render a decision to approve or disapprove the application within 45 days of the submission of the complete application.
- (i) 45 days may be extended with the applicant's written consent.
 - (ii) The City Manager or Designee may approve, approve with conditions, or disapprove the application, providing the reasons for disapproval or any conditions for approval in writing.
- (c) If a Site Plan Approval is being sought for the same property, the Conditional Use Permit shall be submitted concurrently and the timelines shall match.

10.3 Exceptions and Variances.

1. Exceptions.

- (1) Intent. To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
- (2) Eligible Applicant. Applicant is eligible to apply for an Exception to the code upon submittal of an application for Site Plan Approval, in cases that involve such standards as the following:
- (a) Regulating Plan Requirements
- (i) Distribution of permitted Subdistricts within 100' of required amount. (Substitution of subdistricts is not permitted.)
 - (ii) Block Size within 100' of required dimensions and with the provision of a Mid-Block Pedestrianway (refer to 1.0)
 - (iii) Street Type Requirements within one foot of required dimensions. (refer to 2.0)
 - (iv) Open Space Requirement within 100' of required distance for no more than ten units and with the availability of two Open Spaces within that dimension (refer to 1.0 and 6.0)
 - (v) Building Type Requirements within one foot of required dimensions. (refer to 5.0)
- (b) Site Plan Requirements
- (i) Landscape Requirements within one foot of required dimensions. (refer to 7.0)
 - (ii) Parking and Loading Facilities within one foot of required dimensions. (refer to 8.0)
 - (iii) Sign Type Requirements within one foot of required

10.0 Administration

- dimensions. (refer to 9.0)
 - (iv) Building Type Requirements within one foot of required dimensions. (refer to 5.0)
 - (v) Additional exceptions may be granted based on a formal request in writing by the applicant, stating specific reasons why the request does not impact the overall intent of this section, and is essential for success of the development.
- (4) Application Process Time Line. An Application for Exception shall be submitted concurrently with the process seeking exception from, either Regulating Plan Approval or Site Plan Approval.
- (a) Staff Review Committee. The Staff Review Committee shall review and make recommendations on the application within the same time line as the applicable process, Regulating Plan or Site Plan approval.
 - (b) The City Manager or Designee shall render a decision to approve or disapprove the application within the same time line as the applicable process, Regulating Plan or Site Plan approval.

2. Variances

Refer to Title 10-4-6 (C) of the City Code for information on the variance process.

10.4. Nonconformances.

1. General Requirements.

- (1) Intent. To provide a set of regulations for legal nonconforming buildings and uses and to specify those circumstances and conditions under which those nonconformances shall be gradually eliminated.
- (2) Applicability. The standards in this section apply as follows.
 - (a) The provisions detailed in this section apply to all structures, uses, or site characteristics that lawfully existed prior to the adoption of or Amendment to this code, but that may not occur under the current provisions of this code Title 10-16.
 - (b) Structures, uses, and site characteristics that did not lawfully exist prior to the effective date or amendment to this code shall not be considered legal nonconformances and therefore are not protected under the provisions of this section.
- (3) Continuation. All nonconformances are permitted to continue subject to the restrictions outlined in this section.
- (4) Maintenance. All nonconformances shall be maintained as required by law to protect public health safety, and welfare, provided said maintenance does not result in the expansion of the nonconformity.

2. Nonconforming Structures.

- (1) Intent. To provide regulations for the continuation of a structure

that was legally constructed prior to the adoption or amendment to this code, but that could not occur under the current provisions of this code.

- (2) Restrictions on Continuation. A nonconforming structure may continue based upon the following conditions.
 - (a) Alterations. The standards of this code shall apply to alterations under the following circumstances.
 - (i) Where the renovation includes an addition of more than 25 percent in gross building square footage, the building shall be brought into conformance.
 - (ii) When a renovation of the front facade occurs with no added building square footage, the street facade Requirements and Entrance Type Requirements (refer to 5.9) shall be met when the existing building front or corner facade is located within the build to zone and the renovation includes any one of the following:
 - i. Installation of additional doors or a change in location of a door.
 - ii. Expansion or change in location of 30% of windows on any street façade.
 - iii. Replacement of 30% or more of facade materials on any street facing facade with a different facade material.
 - (iii) When a renovation of the shape or style of the roof occurs with no added building square footage, the Roof Type Requirements (refer to 5.10) shall be met when the existing building front or corner facade is located within the build-to zone.
 - (b) Ordinary Repairs. Ordinary repairs required for safety and continued use of the structure, such as replacement of window or door glass; and interior alterations that do not affect the exterior of the building do not trigger conformance to this code.
 - (c) Impact on Nonconformity. No alteration or repair shall expand the existing or create a new nonconformity unless otherwise permitted by this section, 10.4.2 Nonconforming Structures.
 - (d) Damage or Destruction. A nonconforming structure may be repaired and its use continued if damaged by any means not within the control of the owner per the Utah Code.
 - (e) Abandonment. The right to utilize a nonconforming structure shall be terminated if the structure is not utilized or is abandoned for a period of 12 consecutive months.
 - (i) If the owner is actively seeking another tenant for the use or structure, the 12 month period may be extended up to an additional 12 months with permission of the City Council.
 - (ii) To obtain this extension, the owner must provide evidence of this activity, including solicitation, showing the site to potential tenants, and maintenance of utilities and other site facilities for reuse; simply listing the site as available real estate is not sufficient.

3. Nonconforming Uses.

Refer to Title 10-16 in the City Code for information on the nonconforming uses.

4. Nonconforming Site Characteristics.

- (1) **Intent.** To establish regulations for the continuation of site characteristics, such as curb cut quantity, signage, parking, landscaping, or other non-structural, physical characteristics of a site, that was legally constructed or installed prior to the approval or amendment of this code, but that cannot be created under the provisions of this code.
- (2) **Restrictions to Continuation.** A nonconforming site characteristic may continue based upon the following conditions.
 - (a) **10% Percent Exception.** A site characteristic is not considered nonconforming if the size of the nonconformance is 10% or less of this code's requirement.
 - (b) **Change in Associated Use.** The right to continue shall be terminated if the associated use changes or changes in intensity through such additions as an increase in the dwelling units, gross floor area, or capacity by 15% or more.
 - (i) Single or individual business signs within a multiple business center are exempt from this standard. A new tenant is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign does not increase the lot's nonconformance.
 - (c) **Change in Associated Structure.** The right to continue shall be terminated if the associated structure is altered to increase its gross floor area by 15% or more.
 - (d) **Abandonment.** The right to continue shall be terminated if the associated Use or structure, conforming or not, is abandoned for a period of 12 consecutive months.

10.5 Definitions.

1. Graphics.

The graphics, tables, and text utilized throughout this code are regulatory. In case of a conflict, text shall control over tables and graphics and tables shall control graphics.

2. Defined Terms.

For the purposes of this code, the following terms shall have the following meanings.

- (1) **Animal.** All non-human members of the animal kingdom, including domestic and livestock species.
- (2) **Applicant.** The owner of a subject property or the authorized representative of the owner on which a land development application is being made.
- (3) **Block.** The aggregate of lots, passages, lanes, and alleys bounded on all sides by streets.
- (4) **Block Depth.** A block measurement that is the horizontal distance between the front property line on a block face and the front property line of the parallel or approximately parallel block face.
- (5) **Block Ends.** The lots located on the end of a block; these lots are often larger than the lots in the interior of the block or those at the opposite end of the block and can be located on a more intense street type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.
- (6) **Block Face.** The aggregate of all the building facades on one side of a block.
- (7) **Block Length.** A block measurement that is the horizontal distance along the front property lines of the lots comprising the block.
- (8) **Build-to-Zone.** An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line. Refer to Figure 10.5 (2) Build-to Zone vs. Setback Line.
- (9) **Building Type.** A structure defined by the combination of configuration, form, and function. Refer to 5.0 Building Types for more information and the list of permitted Building Types.
- (10) **City Manager or Designee.** The South Ogden City Manager, or a person that is designated to make decisions by the City Manager.
- (11) **Courtyard.** An outdoor area enclosed by a building on at least two sides and is open to the sky.
- (12) **Coverage, Building.** The percentage of a lot developed with a principal or accessory structure.
- (13) **Critical Root Zone.** Also referred to as drip line. The area of soil and roots within the radius beneath the tree's canopy, within the dripline, or within a circular area of soil and roots with a radius out from the trunk a distance of 1.5 feet for every inch of the tree's width (measured at 4.5 feet above the mean grade of the tree's trunk, noted as diameter breast height or DBH throughout this code).
- (14) **Dedication.** The intentional appropriation of land by the owner to the City for public use and/or ownership.
- (15) **Density.** The number of dwelling units located in an area of land, usually denoted as units per acre.
- (16) **Dwelling Unit.** A room or group of rooms connected together that include facilities for living, sleeping, cooking, and eating that are arranged, designed, or intended to be used as living quarters for one family, whether owner occupied, rented, or leased.
- (17) **Easement.** A legal interest in land, granted by the owner to another person or entity, which allows for the use of all or a portion of the owner's land for such purposes as access or placement of utilities.
- (18) **Eave.** The edge of a pitched roof; it typically overhangs beyond the side of a building.

10.0 Administration

- (19) **Entrance Type.** The permitted treatment types of the ground floor Facade of a Building Type. Refer to 5.9 for more information and a list of permitted Entrance Types.
- (20) **Expression Line.** An architectural feature. A decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior facade or a building typically utilized to delineate floors or stories of a building.
- (21) **Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front property line.
- (22) **Family.** Family is defined as one of the following.
- Two or more persons, each related to the other by blood, marriage, or adoption together with usual domestic servants and not more than one bona fide guest, all living together as a common household unit.
 - Up to three persons all of whom are not necessarily related to each other by blood, marriage, or adoption, and their children living together as a common household unit.
 - For the purposes of this code, an unrelated family shall not include persons living together in a residential care home or transitional treatment facility in accordance with the requirements of this code.
- (23) **Grade.** The average level of the finished surface of the ground story adjacent to the exterior walls of a building.
- (24) **Gross Floor Area.** The sum of all areas of a building, including accessory storage areas or closets within sales spaces, working spaces, or living spaces and any basement floor area used for retailing activities, the production or processing of goods, or business offices. It shall not include attic space having headroom of seven feet or less and areas devoted primarily to storage, balconies, off-street parking and loading areas, enclosed porches, roof decks, roof gardens, or basement floor area other than specified above.
- (25) **Impervious Surface.** Also referred to as impervious material. Any hard surface, man-made area that does not absorb water, including building roofs, sidewalks, parking, driveways, and other paved surfaces.
- (26) **Landscape Area.** Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.
- (27) **Lot.** Also referred to as parcel. A plot of land intended to be separately owned, developed, or otherwise used as a unit. Refer to Figure 10.5 (1) Lots.
- (28) **Lot, Corner.** A parcel of land abutting at least two vehicular rights-of-way, excluding an alley, at their intersection. Refer to Figure 10.5 (1) Lots.
- (29) **Lot, Flag.** A parcel of land having its only access to the adjacent vehicular right-of-way, excluding an alley, through a narrow strip of land. Refer to Figure 10.5 (1) Lots.
- (30) **Lot, Interior.** A parcel of land abutting a vehicular Right-of-Way, excluding an Alley, along one (1) Property Line; surrounded by Lots along the remaining Property Lines.
- (31) **Lot, Through.** Also referred to as a double frontage lot. An interior lot having frontage on two approximately parallel vehicular rights-of-way, excluding an alley. Refer to Figure 10.5 (1) Lots.
- (32) **Lot Area.** The computed area contained within the property lines; it is typically denoted in square feet or acres.
- (33) **Lot Depth.** The smallest horizontal distance between the Front and Rear Property Lines measured approximately parallel to the Corner and/or Side Property Line. Refer to Figure 10.5 (1) Lots.
- (34) **Lot Frontage.** The horizontal distance between the Side Property Lines, measured at the Front Property Lines. Refer to Figure 10.5 (1) Lots.
- (35) **Nonconformance.** A structure, use, lot, or site characteristic that was legally constructed or operated prior to the effective date of or Amendment to this code, but that cannot be constructed, platted, or operated after the effective date of or Amendment to this code.
- (36) **Occupied Space.** Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.
- (37) **Open Space Type.** The permitted and regulated types of open spaces in this code. Refer to 6.0 Open Space Types for more information and a list of the permitted types.
- (38) **Open Water.** A pond, lake, reservoir, or other water feature with the water surface fully exposed.
- (39) **Owner.** The legal or beneficial title-holder of land or holder of a written option or contract to purchase the land.
- (40) **Pedestrianway.** A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.
- (41) **Pervious Surface.** Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.
- (42) **Plat.** A map or chart of a division and/or combination of lots.
- (43) **Primary Façade.** The façade facing the street from which the building derives its street address.
- (44) **Primary Street.** A major corridor that receives priority over other streets in terms of setting front property lines and locating building entrances.
- (45) **Property Line.** Also referred to as lot line. A boundary line of a parcel of land or lot. Refer to Figure 10.5 (1) Lots.
- (46) **Property Line, Corner.** A boundary of a lot that is approximately perpendicular to the front property line and is directly adjacent to a public Right-of-Way, other than an alley or railroad. Refer to Figure 10.5 (1) Lots.
- (47) **Property Line, Front.** The boundary abutting a right-of-way, other

- than an Alley, from which the required setback or build-to zone is measured, with the following exceptions.
- (a) Corner and Through Lots that abut a Primary Street shall have the front property line on that Primary Street.
 - (b) Corner and Through Lots that abut two Primary Streets or do not abut a Primary Street shall utilize the orientation of the two directly adjacent lots, or shall have the front property line determined by the City Manager or Designee.
- (48) **Property Line, Rear.** The boundary of a lot that is approximately parallel to the front property line; this line separates lots from one another or separates a lot from an alley. Refer to Figure 10.5 (1) Lots.
 - (49) **Property Line, Side.** The boundary of a lot that is approximately perpendicular to the front and rear property lines; it is not adjacent to the public right-of-way. Refer to Figure 10.5 (1) Lots.
 - (50) **Right-of-Way.** Land dedicated or utilized for a Street Type, trail, pedestrianway, utility, railroad, or other similar purpose.
 - (51) **Roof Type.** The detail at the top of a building that finishes a Facade, including a pitch roof with various permitted slopes and a parapet. Refer to 5.10 for more information and a list of the permitted Roof Types.
 - (52) **Scale.** The relative size of a building, street, sign, or other element of the built environment.
 - (53) **Semi-Pervious Surface.** Also referred to as semi-pervious material. A material that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.
 - (54) **Setback.** The horizontal distance from a property line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this code. Refer to Figure 10.5 (2) Build-to Zone vs. Setback Line.
 - (55) **Sign.** An object, device, or structure used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by such means as words, letters, figures, images, designs, symbols, or colors. Flags or emblems of any nation, state, city, or organization; works of art which in no way identify a product; and athletic field score boards are not considered signs.
 - (56) **Solar Reflectance Index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.
 - (57) **Story.** A habitable level within a building measured from finished floor to finished floor.
 - (58) **Story, Ground.** Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.
 - (59) **Story, Half.** A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.
 - (60) **Story, Upper.** Also referred to as upper floor. The floors located above the ground story of a building.
 - (61) **Street Face.** The facade of a building that faces a public right-of-way.
 - (62) **Street Frontage.** Also refer to lot frontage. The portion of a building or lot directly adjacent to a vehicular right-of-way.
 - (63) **Street Type.** The permitted and regulated types of streets in this code. Refer to 2.0 Street Types for more information and a list of the permitted Street Types.
 - (64) **Streetwall.** The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.
 - (65) **Structure, Accessory.** The general term for a subordinate structure detached from, but located on the same Lot as the Principal Structure; it may or may not be inhabitable.
 - (66) **Structure, Principal.** Also referred to as the principal building. A building that contains the dominant Use of the Lot. It is typically located toward the front of the Lot in the front Build-to Zone or behind the Front Yard Setback.
 - (67) **Swale.** A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of stormwater.
 - (68) **Tree Canopy.** The uppermost area of spreading branches and leaves of a tree.
 - (69) **Tree Canopy Coverage.** The area of ground covered or shaded by a tree's canopy, measured in square feet.
 - (70) **Use.** Also referred to as land use. A purpose or activity that may occur within a building or a lot.
 - (71) **Use, Accessory.** A use customarily, incidental, and subordinate to the principal use or structure and located on the same lot with such principal use or structure.
 - (72) **Use, Principal.** The specific, primary purpose for which a lot or building is utilized.
 - (73) **Use, Special.** A use that may not be appropriate in certain locations based on the potential negative impacts associated with the use and requires approval of a Special Use Permit.
 - (74) **Visible Basement.** A half story partially below grade and partially exposed above with required transparency on the street facade.
 - (75) **Water Body.** A body of water, such as a river, pond, or lake that may be man-made or naturally occurring.
 - (76) **Yard.** The space on a lot which is unoccupied and unobstructed from the ground to the sky by the principal structure. Lots without a structure do not have yard designations. Refer to Figure 10.5 (3) Yards.

10.0 Administration

- (77) **Yard, Corner Side.** A yard extending from the corner side building facade along a corner side property line between the front yard and rear property line.
- (78) **Yard, Front.** A yard extending from the front facade of the principal structure along the full length of the front property line, between the side property lines or side and corner side property lines. Figure 10.5 (3) Yards.
- (79) **Yard, Rear.** A yard extending from the rear building facade along the rear property line between the side yards or, on a corner lot, the corner side and side yards. Figure 10.5 (3) Yards.
- (80) **Yard, Side.** A yard extending from the side building facade along a side property line between the front yard and rear property line. Figure 10.5 (3) Yards.
- (81) **Zoning Subdistrict.** A designation given to each lot within the city that dictates the standards for development on that Lot. Refer to 3.0 Zoning Subdistricts for more information and a list of permitted Zoning Subdistricts



Figure 10.5 (1). Lots.

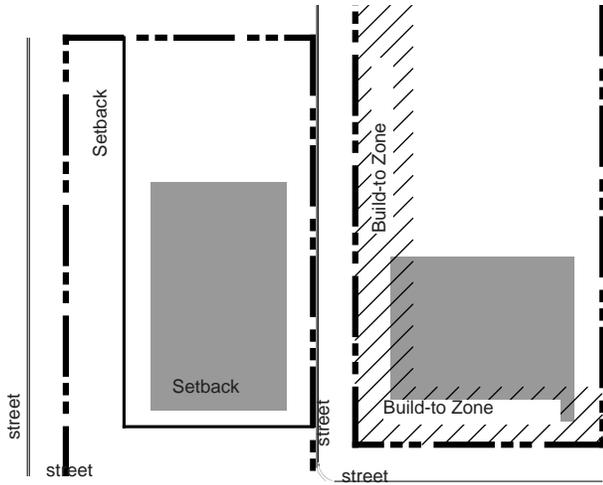


Figure 10.5 (2). Setback Line vs. Build-to-Zone.

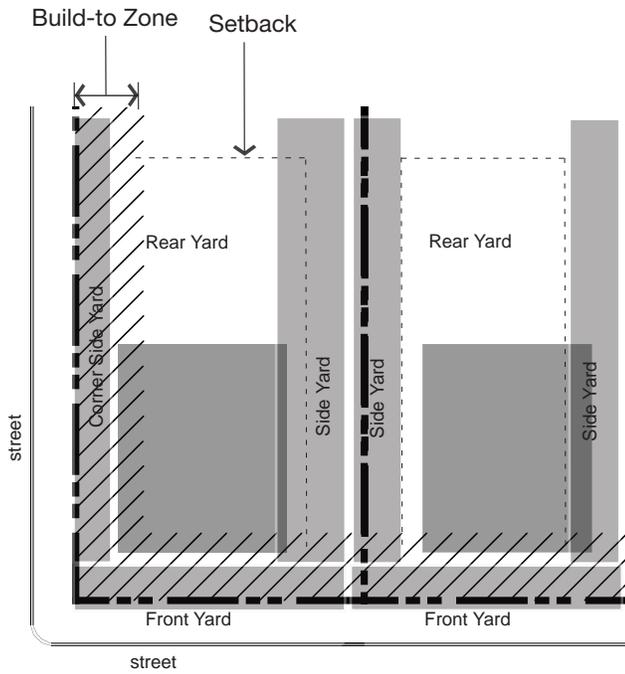


Figure 10.5 (3). Yards.

Appendix A Subdistrict Overview

Appendix A - Subdistrict Overview

A-1 City Center “Core” Subdistrict

The City Center “Core” constitutes the center of the community and heart of the new city center, and includes the majority of the shops and workplaces within the City Center. The storefront building type that comprises this subdistrict defines a street wall along the primary streets of the area with storefront glass windows. Upper stories of the storefront building may be utilized for living and working. Building heights range from 2 - 5 stories.

Allowed Building Types



Storefront



Civic



Appendix A - Subdistrict Overview

A-2 City Center “General” Subdistrict

The City Center “General” Subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. Building heights range from 1 - 5 stories.

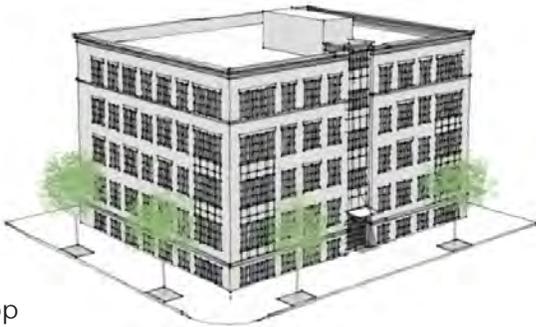
Allowed Building Types



Storefront



Row Building



Stoop



Civic



Appendix A - Subdistrict Overview

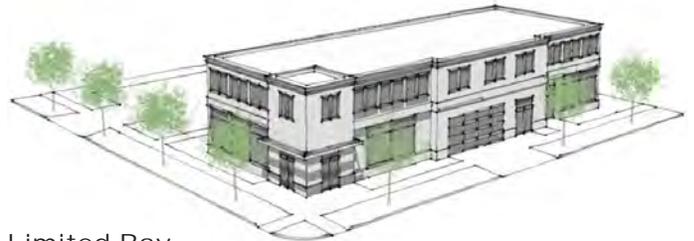
A-3 Riverdale Road "General" Subdistrict

The Riverdale Road "General" Subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. This Subdistrict also permits drive-through structures and the limited bay building type to allow more flexibility for auto-oriented uses. Building heights range from 1 - 4 stories.

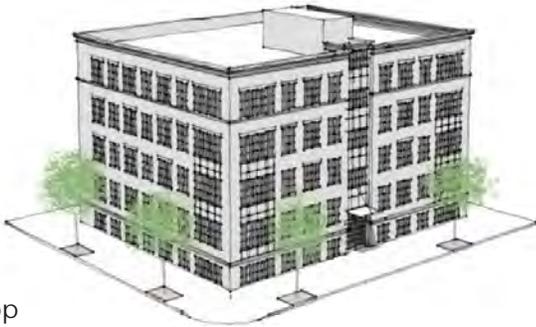
Allowed Building Types



Storefront



Limited Bay



Stoop



Row Building



Civic



Yard Building



Appendix A - Subdistrict Overview

A-4 40th Street “General” Subdistrict

The 40th Street “General” Subdistrict combines the storefront building and stoop building to create a corridor that supports a future transit line along 40th Street. Development along this corridor will be at a smaller scale and finer grain, in relation to the city center. Building heights range from 1 - 4 stories.

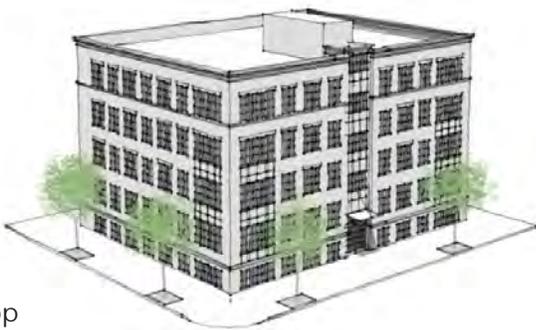
Allowed Building Types



Storefront



Row Building



Stoop



Civic



Appendix A - Subdistrict Overview

A-5 Edge Subdistrict

The Edge Subdistricts are made up of smaller scale residential buildings, which provide a buffer between existing single family residential neighborhoods and the “Core” and “General” Subdistricts. Building heights range from 1 - 3.5 stories.

Allowed Building Types



Row Building



Yard Building



Civic



Planning Commission Report



Subject: Amending Title 10, Chapter 23 and replacing it with the Proposed Water Efficient Landscape Ordinance

Author: Mark Vlastic

Department: Planning & Zoning

Date: January 14, 2016

Background

A draft Water Efficient Landscape Ordinance was prepared and presented to the Planning Commission in 2013 for discussion. Since that time the draft Form-Based Code (FBC) has been prepared for the commercial core of the city, which includes a Landscape Chapter which provides generally good design and implementation direction, yet lacks specificity regarding water-efficient design, plant selection, and implementation. Section 7.1.3 of the FBC refers users to Chapter 23 of the existing zoning ordinance for water efficient landscape requirements.

Staff believes that referring users of the FBC to Chapter 23 is a good way to provide the necessary detail and guidance for creating landscapes that are more water-efficient and sustainable. However, staff finds Chapter 23 to be inadequate for achieving that goal, and has created a revised version of the Water Efficient Landscape Ordinance as a replacement for Chapter 23, which follows.

A copy of the *Salt Lake City Plant List and Hydrozone Schedule 2013* (http://www.slcdocs.com/utilities/PDF%20Files/2013_SLCPlantList_ver2-1.pdf), which was prepared by Salt Lake City Public Utilities is provided for review and reference, as this is a proposed reference document in the proposed ordinance that is intended to help users select appropriate plants and implement water efficient landscapes.

It should also be noted that the South Ogden Attorney has reviewed the proposed revisions and suggested modifications and changes, which are reflected in this draft.

Recommendation

Staff suggests that the proposed revised ordinance be considered for adoption once the changes have been made.

Water Efficient Landscape Ordinance – Zoning Hearing Draft (1.14.16)

1. Purpose

It is in the public interest conserve the public's water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for the designing, installing and maintaining of water efficient landscapes throughout the City.

2. Definitions

The following definitions shall apply to this ordinance:

Bubbler: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Evapotranspiration: The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

Drought Tolerant Plant: A plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

Grading Plan: The Grading Plan shall be shown at the same scale as the Planting and Irrigation Plan. The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths (does not include driveways and sidewalks.)

Irrigated Landscaped Area: All portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the Irrigated Landscaped Area.

Irrigation Efficiency: The measurement of the water beneficially applied, divided by the total water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Contractor: A person certified by the Irrigation Association (IA) to install irrigation systems.

Irrigation Designer: A person certified by the Irrigation Association to prepare irrigation system designs, and/or a Professionally Licenced Landscape Architect.

Irrigation Plan: The irrigation plan shall be shown at the same scale as the planting plan. The irrigation plan shall show the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Irrigation Auditor (IA) A person certified by the Irrigation Association to conduct a landscape irrigation audit.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, a Grading Plan, a Soils Report, a Landscape Water Allowance, and an Irrigation Schedule.

Landscape Water Allowance: For design-purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the local Reference Evapotranspiration Rate, the ETO adjustment factor and the size of the landscaped area.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Mulch: Any material such as bark, wood chips or other materials left loose and applied to the soil.

Non-Drought Tolerant Plant: A plant that will require regular irrigation for adequate appearance, growth and disease resistance.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, Hardscape features, and fences.

Precipitation Rate: The depth of water applied to an area, usually measured in inches per hour.

Professional Landscape Architect: A person who holds a license to practice landscape architecture in Utah.

Rain Shut-Off Device: A device wired to the automatic controller that shuts off the irrigation system when it rains.

Reference Evapotranspiration Rate or ETO: A standard measurement of environmental parameters which affect the water use of plants. ETO is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool season grass that is well watered. The average annual ETO for the __ City area is __ inches.

Runoff: Irrigation water not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

Soils Report: A report by a soils laboratory indicating soil type(s), soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the top soil and subsoil for a site. The soils report also includes recommendations for soil amendments.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can survive with rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Water Audit: An on-site survey and measurement of irrigation equipment and management efficiency, and the generation of recommendations to improve efficiency.

3. Applicability of Water Efficient Landscape Ordinance

This ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects.

This section does not apply to:

- Home-owner provided landscaping at single family projects;
- Landscapes irrigated exclusively with secondary water (non-potable); or
- Projects with a total irrigated landscaped area less than 2,500 square feet.

In addition, sports fields, turf play areas within public parks, school yards, golf courses and cemeteries are exempt from the Landscape Water Allowance limitations of this ordinance. . All other portions of this ordinance shall apply.

4. Documentation

Landscape Plan Documentation Package.

A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to issuance of any permit. The Landscape Plan Documentation Package shall be prepared by a Professional Landscape Architect.

The Irrigation Plan shall be prepared by an Irrigation Designer certified by the Irrigation Association and/or a Professional Landscape Architect.

The Landscape Plan Documentation Package shall consist of the following items:

A. Project Data Sheet. The Project Data Sheet shall contain:

1. Project name and address;
2. Applicant or applicant' agent's name, address, phone and fax number;
3. Landscape Designer/Landscape Architect's name, address, phone and fax number; and
4. Landscape contractor's name, address, phone and fax number, if available.

B. Planting Plan. A detailed Planting Plan shall be drawn at a scale that identifies:

1. Location of all plant materials, a legend with botanical and common names and size of plant materials;
2. Property lines and street names;
3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
4. Existing trees and plant materials to be removed or retained;
5. Designation of Landscape Zones, and

6. Details and specifications for tree staking, soil preparation, and other planting work.

C. Irrigation Plan. A detailed Irrigation Plan shall be drawn at the same scale as the planting plan and shall contain:

1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
4. Installation details for irrigation components.

D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain:

1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
2. Existing and finished contour lines and spot elevations for the proposed site improvements.

E. Soils Report. A Soils Report will be required where irrigated landscaped areas exceed 2,500 square feet. The Soils Report shall describe the depth, composition, and bulk density of the top soil and subsoil at the site, and shall include recommendations for soil amendments. The Planting Plan shall incorporate the recommendations of the Soils Report into the planting specifications.

F. Landscape Water Allowance. The annual Landscape Water Allowance shall be calculated using the following equation:

Landscape Water Allowance = $ETO \times 1.0 \times 0.62 \times A$, where
Landscape Water Allowance is in gallons per year
ETO = Reference Evapotranspiration in inches per year
1.0 = ETO adjustment factor, 100% of turf grass ETO (water year adjustment factor)
0.62 = conversion factor (to gallons per square feet)
A = total Irrigated Landscape Area in square feet

G. Irrigation schedule. A monthly Irrigation Schedule shall be prepared that covers the initial 120-day plant establishment period and the typical long-term use period. This schedule shall consist of a table with the following information for each valve:

1. Plant type (turf, trees, low water use plants);
2. Irrigation type (sprinklers, drip, bubblers);
3. Flow rate in gallons per minute;
4. Precipitation rate in inches per hour (sprinklers only);
5. Run times in minutes per day;
6. Number of water days per week, and
7. Cycle time to avoid Runoff.

5. Landscape Design Standards

A. Plant Selection.

Plants selected for landscape areas shall consist of plants that are well-suited to the microclimate and soil conditions at the project site.

Plants with similar water needs shall be grouped together as much as possible. For projects at the interface between urban areas and natural open space (non-irrigated), Drought Tolerant Plants shall be selected that will blend with the native vegetation and that are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water-conserving Plants for erosion control and soil stabilization.

Parking strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving Plants.

The *Salt Lake City Plant List and Hydrozone Schedule 2013* (http://www.slcdocs.com/utilities/PDF%20Files/2013_SLCPlantList_ver2-1.pdf) prepared by Salt Lake City Public Utilities shall be a primary reference document for the selection, design and installation of water-conserving plants and landscapes as modified from time to time by the City's certified arborist or the Planning Commission.

B. Mulch.

After completion of planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of Mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

C. Soil Preparation.

Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per recommendations of the Landscape Designer/Landscape Architect based on the Soils Report.

6. Irrigation Design Standards

- A. Irrigation design standards for this ordinance are outlined in the latest version of the "Minimum Standards for Efficient Landscape Irrigation System Design and Installation" prepared by the Utah Irrigation Association. In addition, the remainder of this section shall also apply.
- B. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- C. Landscape Water Meter. A water meter shall be installed for landscape irrigation systems, and shall be separate from the water meter installed for culinary uses. The size of the meter shall be determined based on irrigation demand.
- D. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ETO.
- E. On slopes exceeding 33 percent, the irrigation system shall consist of Drip Emitters, Bubblers or sprinklers with a maximum Precipitation Rate of 0.85 inches per hour and adjusted sprinkler cycle times to eliminate Runoff.

- F. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on separate valves.
- G. Drip Emitters or a Bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- H. Sprinklers shall have matched Precipitation Rates with each control valve circuit.
- I. Check valves shall be required where elevation differences will cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
- J. Drip irrigation lines shall be undergrounded, except for Emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Valves shall be programmed for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

7 Plan Review, Construction Inspection and Post-Construction Monitoring

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before a permit shall issue and construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Worksheet shall be completed by a landscape designer and submitted to the City. Once approved, the Landscape Water Allowance Worksheet will be transmitted to the local water purveyor.
- B. All Landscape Plan Documentation Packages submitted must be certified by a licensed Landscape Architect or UNLA certified Landscape Designer. The Irrigation Plan must be prepared by an IA certified Irrigation Designer, or a Landscape Architect.
- C. All landscape irrigation systems shall be installed by an IA certified Irrigation Contractor. The certified person representing the contracting firm shall be directly involved with the project and complete and document at least weekly site visits.
- D. All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- E. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
- F. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or Landscape Designer/Landscape Architect and submitted to the City.

- G. Following construction and prior to issuing the approval for occupancy, a Water Audit will be conducted by an IA certified Landscape Irrigation Auditor. The auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this ordinance. The minimum efficiency required for the irrigation system is 60% for the distribution efficiency for all fixed spray systems and 70% distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and shall also submit an irrigation schedule. Compliance with this provision is required before the City will issue the letter of final acceptance and approval for occupancy.

- H. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Chapter 23

LANDSCAPE REGULATIONS

10-23-1: PURPOSE:

It is in the public interest to conserve the public's water resources and to promote water efficient landscaping. The purpose of this chapter is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish water efficient landscapes throughout the city. (Ord. 07-15, 9-4-2007, eff. 9-4-2007)

10-23-2: DEFINITIONS:

DROUGHT TOLERANT PLANTS: A plant that can survive with available rainfall once established although supplemental water may be desirable for disease resistance and survival.

MANICURED GRASS: A grass that will require regular irrigation and mowing for adequate appearance and growth. (Ord. 07-15, 9-4-2007, eff. 9-4-2007)

10-23-3: GRASS AREA ALLOWED BY ZONES:

- A. C-1, C-2, C-3, and CRC-1 zones: Twenty percent (20%) maximum of the landscaped area. (General commercial uses.)

- B. R-3 zones: Forty percent (40%) maximum of the landscaped area. (Includes nursing homes, etc.)

- C. R-4 zones: Thirty percent (30%) maximum of the landscaped area. (Includes offices, hospitals, nursing homes, etc.)

- D. R-5 zones: Thirty percent (30%) maximum of the landscaped area. (Includes offices, hospitals, nursing homes, etc.)

E. Specific uses where allowed:

1. Churches: Fifty percent (50%) maximum of the landscaped area.
2. Multiple housing and PRUDs: Seventy five percent (75%) maximum of the landscaped area.

F. Drought tolerant plants that are allowed: South Ogden City will provide a list of acceptable plant materials. (Ord. 07-15, 9-4-2007, eff. 9-4-2007)

10-23-4: WHERE REQUIREMENTS DO NOT APPLY:

A. Homeowner provided landscaping at single- and two-family sites. (The city will provide suggestions for drought control practices.)

B. Registered historical sites.

C. Public parks and schools and daycare centers. (Ord. 07-15, 9-4-2007, eff. 9-4-2007)

10-23-5: EXCEPTIONS:

Projects that are over two (2) acres in size may present a plan for exception to the above for review by the planning commission. The commission may reject an exception, amend and approve, or approve a plan. (Ord. 07-15, 9-4-2007, eff. 9-4-2007)

Planning Commission Report



Subject: **Zoning Hearing/Actions** Removing the City Council from the Subdivision Approval Process And Making Various Other “Housekeeping” Corrections

Author: Mark Vlastic

Department: Planning & Zoning

Date: January 14, 2016

Background

The City Council has decided it should be removed from the process for approving subdivisions, requiring modifications to the recently adopted ordinance. Furthermore, a number of minor corrections to the ordinance have been cited by Sterling Codifiers during the ordinance codification process, as indicated in the redlined copy of the ordinance provided at the conclusion of this report.

Discussion and Recommendation

Planning and legal staff has reviewed the ordinance the inconsistencies, and recommends that that the changes indicated in the redlined copy be forwarded for adoption by the City Council.

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~~ planning commission ~~after recommendation by the planning commission.~~

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~~ under 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.

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~~ defined therein. The word "shall" is mandatory.

ALLEY: A public thoroughfare with a minimum easement width of twenty feet (20') ~~less than twenty six feet (26') wide~~ but which otherwise meets the requirements of the City's Public Works Standard Drawings, Details & Technical Specifications. ~~Alleys shall be approved (Approval of public alleys will be given by city council only.)~~ only in accordance with the provisions of 11-3-1B8 of this Title. See also: STREET, PUBLIC OR PUBLIC ALLEY

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.

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 upon recommendation of the planning commission.

OFFICIAL MAP: A map adopted by the city council under Utah Code ~~Annotated sections 10-9a-103(343); §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: Half-street means a right-of-way dedicated for a new street by a developer along such developer's perimeter property line equal to only one-half of the total right-of-way width required by this Code. Dedication of a "half-street" presumes future dedication of a corresponding amount of right-of-way from adjoining land in order to provide the total right-of-way required for a proposed street. The dedication of additional right-of-way along an existing street is not considered a "half-street."

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

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 the 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~~ Incorporating one or two (2) of these elements into a development does not make that development a PRUD. The combination of all of these elements is necessary for the development ~~of a PRUD~~ to be considered and approved as a PRUD.

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.

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, gas company, telephone company, and other public service utility providers, 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.
- 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 one foot~~ (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~~ with preparing 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.
- 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.

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 ten (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~~ stated 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.)
- 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~~ his/her 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 identified 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~~ data to construct 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 [planning commission and finance director](#) ~~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 [planning commission](#) ~~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.

**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~~ when the preliminary plan is submitted to the planning commission, arterial and/or collector streets shall be 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~~ under Public Works Standard Drawings, Details & Technical Specifications.
 - b. Where a street ~~is designed to remain~~ remains only temporarily as a dead-end street, an adequate asphalt/road base temporary turning area shall be provided as ~~indicated in~~ stated 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~~ under 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~~ stated 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, following the Public Works Standard Drawings and Details as closely as possible.
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~~ between the 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 nevertheless 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, [in accordance with the City's adopted comprehensive plan](#) ~~which and~~ 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. [If annexation is required as part of the subdivision approval process, site acquisition negotiations may occur](#) during annexation of the land to the city ~~in accordance with~~ [under](#) the then current annexation ordinance of the City.
- 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~~ [city council planning commission](#), 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.

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~~ under 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.
 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.
 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~~ planning commission 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~~ planning commission 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.

- 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~~ for such conflict, shall control.
3. Storm Water: The ~~city council~~ planning commission will require the subdivider to manage and dispose of storm water per the city engineer's recommendations and any city wide storm water management plan. 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~~ under the Public Works Standard Drawings, Details & Technical Specifications ~~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~~ under the Public Works Standard Drawings, Details & Technical Specifications ~~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~~ planning commission after recommendation by the city engineer ~~in accordance with~~ under the Public Works Standard Drawings, Details & Technical Specifications ~~specifications and drawings~~ adopted by the city council.
7. Sidewalks: Sidewalks shall be required and installed ~~in accordance with~~ under the Public Works Standard Drawings, Details & Technical Specifications ~~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 Public Works Standard Drawings, Details & Technical Specifications ~~drawings~~ and all subdivision plats shall be tied to a survey monument of record.
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.
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 non-access streets, and which are ~~located~~ within or adjacent to a subdivision, except where the planning commission ~~and city council~~ determines 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. (see Public Works Standard Drawings, Details & Technical Specifications).
- B. Guarantee Of Improvements: See Public Works Standard Drawings, Details & Technical Specifications [on file in the South Ogden Public Works Department or online at southogdencity.com.](#)
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~~ [finance director](#) 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 [finance director](#) ~~city council~~ and city attorney.
 - b. The subdivider may deposit in escrow with an escrow holder approved by the [finance director and city attorney](#) ~~city council~~ an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor, [as estimated by the city engineer](#), for improvements not then installed, ~~as estimated by the city engineer, as aforesaid~~, under an escrow agreement conditioned ~~for~~ [upon](#) 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 [finance director and city attorney](#) ~~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~~ [planning commission](#) 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~~ [planning commission](#) may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year.
- 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~~ [planning commission](#) may require to cover engineering review and field inspection costs [per adopted fee schedule which may be amended from time to time by the city council](#). 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~~ [during](#) 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.

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 and~~ 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~~ [shall issue no 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.

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. (see Public Works Standard Drawings, Details & Technical Specifications.)

Chapter 5 SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS

11-5-1: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL AUTHORITY:

- A. The land use authority may 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~~-609.5 or future amended section.

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.
 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 as 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.

11-5-3: 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 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 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.

11-5-4: 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.

11-5-5: 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~~the date of the notice;
 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~~the date of the notice.

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 shall file a petition to that effect following the requirements of Utah Code §10-9a-609.5, or any successor legislation thereto
 2. The action of the planning commission and city council in vacating some or all of a public street or alley, howsoever acquired by the city, shall be accomplished following the requirements of Utah Code §10-9a-609.5, or any successor legislation thereto. ~~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 of the 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 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 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.~~

11-5-7: 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.

11-5-8: 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.

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 planning commission.

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.

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.

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.

BOA 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 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.

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(34); 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: Half-street means a right-of-way dedicated for a new street by a developer along such developer’s perimeter property line equal to only one-half of the total right-of -way width required by this Code. Dedication of a “half-street” presumes future dedication of a corresponding amount of right-of-way from adjoining land in order to provide the total right-of-way required for a proposed street. The dedication of additional right-of way along an existing street is not considered a “half-street.”

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

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.

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, gas company, telephone 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.

- 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 one foot (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.

- 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.

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 ten (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.
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.)

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 for his/her 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.
 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 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 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. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider 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. (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.

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. 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.

Comment [LK1]: This needs to be reviewed by Ken.

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.. 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 City.

Comment [LK2]: This needs to be reviewed by Ken.

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.

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.
 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.
 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.

- 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.

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.
 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.
 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. (see Public Works Standard Drawings, Details & Technical Specifications).
- B. Guarantee Of Improvements: See Public Works Standard Drawings, Details & Technical Specifications on file in the South Ogden Public Works Department or online at southogdencity.com.

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.
- 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.

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.

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. (see Public Works Standard Drawings, Details & Technical Specifications.)

Chapter 5

SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS

11-5-1: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL AUTHORITY:

- A. The land use authority may 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: 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.
 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.

11-5-3: 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 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 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.

11-5-4: 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.

11-5-5: 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 the date of the notice;
 - 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 the date of the notice.

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 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 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

Comment [LK3]: Bradshaw was going to look into this chapter as it may be violating state law.

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.

11-5-8: 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.

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 planning commission.

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, unless such subdivision has been created under and under 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.

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 defined therein. The word "shall" is mandatory.

ALLEY: A public thoroughfare with a minimum easement width of twenty feet (20') but which otherwise meets the requirements of the City's Public Works Standard Drawings, Details & Technical Specifications. Alleys shall be approved only in accordance with the provisions of 11-3-1B8 of this Title. See also: STREET, PUBLIC OR PUBLIC ALLEY

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 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.

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 upon recommendation of the planning commission.

OFFICIAL MAP: A map adopted by the city council under Utah Code §10-9a-407as 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: Half-street means a right-of-way dedicated for a new street by a developer along such developer's perimeter property line equal to only one-half of the total right-of-way width required by this Code. Dedication of a "half-street" presumes future dedication of a corresponding amount of right-of-way from adjoining land in order to provide the total right-of-way required for a proposed street. The dedication of additional right-of-way along an existing street is not considered a "half-street."

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

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 the 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. Incorporating one or two (2) of these elements into a development does not make that development a PRUD. The combination of all of these elements is necessary for the development to be considered and approved as a PRUD.

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.

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, gas company, telephone company, and other public service utility providers, 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.
- 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 one foot (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 preparing 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.
- 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.

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 ten (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.
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 stated 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.)

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 for his/her 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 identified 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 to construct 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.
 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 planning commission and finance

director 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 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 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. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider 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 planning commission and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city. (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.

**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 when the preliminary plan is submitted to the planning commission, arterial and/or collector streets shall be 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 under Public Works Standard Drawings, Details & Technical Specifications.
 - b. Where a street remains only temporarily as a dead-end street, an adequate asphalt/road base temporary turning area shall be provided as stated in the Public Works Standard Drawings and Details 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 under 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 stated 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. The alley cross section shall be approved by the planning commission, following the Public Works Standard Drawings and Details as closely as possible.
 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 the 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 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. 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.. 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, may nevertheless 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, in accordance with the City's adopted comprehensive plan and 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. If annexation is required as part of the subdivision approval process, site acquisition negotiations may occur during annexation of the land to the city under the then current annexation ordinance of the City.

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 planning commission, shall be required to file with the city 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.

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 under 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 in Public Works Standard Drawings, Details & Technical Specifications and under the inspection of the Weber-Morgan County Health Department.
 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.
 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 planning commission 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 planning commission 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 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.
 - 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, for such conflict, shall control.

3. Storm Water: The planning commission will require the subdivider to manage and dispose of storm water per the city engineer's recommendations and any city wide storm water management plan. 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 under the Public Works Standard Drawings, Details & Technical Specifications adopted by the city council.
5. Curbs And Gutters: Curbs and gutters shall be installed on existing and proposed streets by the subdivider under the Public Works Standard Drawings, Details & Technical Specifications 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 planning commission after recommendation by the city engineer under the Public Works Standard Drawings, Details & Technical Specifications adopted by the city council.
7. Sidewalks: Sidewalks shall be required and installed under the Public Works Standard Drawings, Details & Technical Specifications 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 Public Works Standard Drawings, Details & Technical Specifications and all subdivision plats shall be tied to a survey monument of record.
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.
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 non-access streets, and which are within or adjacent to a subdivision, except where the planning commission determines 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. (see Public Works Standard Drawings, Details & Technical Specifications.
- B. Guarantee Of Improvements: See Public Works Standard Drawings, Details & Technical Specifications on file in the South Ogden Public Works Department or online at southogdencity.com.
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 finance director 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 finance director and city attorney.
 - b. The subdivider may deposit in escrow with an escrow holder approved by the finance director and city attorney an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor, as estimated by the city engineer, for improvements not then installed, under an escrow agreement conditioned upon 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 finance director and 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 planning commission 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 planning commission may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year.
- 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 planning commission may require to cover engineering review and field inspection costs per adopted fee schedule which may be amended from time to time by the city council. Fees shall be paid to the city treasurer.
- 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 during 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.

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 construction completion inspection report by the city engineer for a period as specified in Public Works Standard Drawings, Details & Technical Specifications. . The subdivider shall 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, and 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 issue no 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.

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. (see Public Works Standard Drawings, Details & Technical Specifications.)

Chapter 5 SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS

11-5-1: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL AUTHORITY:

- A. The land use authority may 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-609.5 or future amended section.

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 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 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.
 - 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 showing 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, as 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.

11-5-3: 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 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 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 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 petition requesting the amendment, alteration or vacation.

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.

11-5-5: 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 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 the date of the notice;
 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 the date of the notice.

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 shall file a petition to that effect following the requirements of Utah Code §10-9a-609.5, or any successor legislation thereto.
2. The action of the planning commission and city council in vacating some or all of a public street or alley, howsoever acquired by the city, shall be accomplished following the requirements of Utah Code §10-9a-609.5, or any successor legislation thereto.

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.

11-5-8: 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: Consideration of Business License Applications for a Holding Company and Forensic Accounting Busir Located at 6045 S Ridgeline Dr., Apt. B108 (Falls Apartments)

Author: Mark Vlastic

Department: Planning & Zoning

Date: January 14, 2016

Background:

This application is for the operation of two home businesses in a residential unit at the Falls at Canyon Rim. The residence is located in a multi-family structure, which is located in an R-5B zone. The applicant has completed a Home Occupation Compliance review checklist and provided a letter from the owner of the Falls at Canyon Rim as required as part of the application process.

Discussion

This application falls under Title 10, Chapter 19 Home Occupations of the City Code, the purpose and intent of which is to allow persons residing in dwellings in residential areas to provided limited services or develop products for sale to the public while at the same time maintaining the peace, quiet and domestic tranquillity within residential neighborhoods of the city.

Both uses applied for meet the requirements of permitted uses within the R-5B zone. They also meet the limits of no more than two (2) persons who actually reside on the premises taking part in the stated activities. No alterations are required, nor do they require more than 400 square feet or 25% of the floor area, no space in a garage or accessory building is required, nor will the uses require the storage on or sale from the premises of goods or commodities which are not produced on the premises. The uses will not be open to the public earlier than eight o'clock (8:00) A.M. nor later than nine o'clock (9:00) P.M./

According to the ordinance, more than one home occupation may be permitted in a dwelling so long as the maximum cumulative impact of all such businesses do not exceed the impact of a single home occupation. This condition is met.

Since the businesses are located in a multi-family dwelling units, additional requirements are required to be met. These include no parking or storage of trucks or special vehicles, and no uses that require a gathering place for off-site workers and employees. Multi-family home

occupations are limited to internet, online, mail order and similar minimal impact uses only. All of these conditions are met.

As part of the application process for a home occupation license where the business will be at a rental property and the applicant is not the property owner, a letter from the property owner stating he/she knows of the application and interposes no objection to the operation of the business must be provided. Such a letter has been provided, with the following stated conditions:

- There shall be no customer traffic coming or going from the apartment, or business related traffic coming onto the Falls property;
- There shall be no storage of flammable or hazardous materials in the apartment or on the premises; and
- The peaceful enjoyment of the Falls Community shall not be disrupted. Any business related activities that cause a nuisance will not be permitted. has been provided

Recommendation

Staff recommends that the Conditional Use be approved, subject to the inclusion of the stated conditions stipulated by the property owner.

Return only the pages below

South Ogden City Home Occupation Application

Business Name: Shupe Cornerstone, LLC

License # _____

State Business Entity/Registration # 9602313-0160
(Required if using an assumed name [dba])

Owner approved Y

Neighbors notified Y

Sales Tax No. _____
(If applicable)

State License # _____
(Certification if occupation is monitored by the state)

Brief description of business: Holding company for businesses of James Shupe

Date your business is planning to open: 12/1/2015

Applicant Name: James Shupe DL # 164811480 State UT

Address: 6045 S Ridgeline Dr, Apt B108, South Ogden UT Zip 8440 5

Daytime Phone: 801-389-3347 Alternate phone # _____

E-mail Address: jshupe@shupeforensics.com

APPLICANT'S AFFIDAVIT

State of Utah
County of Weber

I (we) James Shupe say that I (we) am (are) the resident or authorized agent(s) of the property involved in the attached application and that the statements and answers therein contained and the information provided in the South Ogden City Home Occupation License Application, the Compliance Review Checklist, and any other copies of documents present thoroughly to the best of my (our) ability, the agreement in behalf of the application herewith requested and that the statements above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

I have read and understand the standards given in the compliance check list and my proposed home occupation will comply with them. I UNDERSTAND VIOLATION MAY RESULT IN REVOCATION.

James Shupe
Signature(s) of Applicant(s)

12/1/2015
Date

Note: Violations of the standards set forth in Chapter 10.19.3 of the South Ogden City Code may result in revocation of your business license.

Return only the pages below

South Ogden City Home Occupation Application

Business Name: Shupe Forensics

License # _____

Owner approved Y

Neighbors notified Y

State Business Entity/Registration # 8767011-0151 ✓
(Required if using an assumed name [dba])

Sales Tax No. _____
(If applicable)

State License # _____
(Certification if occupation is monitored by the state)

Brief description of business: Forensic accounting services.

Date your business is planning to open: 12/1/2015

Applicant Name: James Shupe DL # 164811480 State UT

Address: 6045 S Ridgeline Dr, Apt B108 South Ogden UT Zip 8440 5

Daytime Phone: 801-389-3347 Alternate phone # _____

E-mail Address: jshupe@shupeforensics.com

APPLICANT'S AFFIDAVIT

State of Utah
County of Weber

I (we) James Shupe say that I (we) am (are) the resident or authorized agent(s) of the property involved in the attached application and that the statements and answers therein contained and the information provided in the South Ogden City Home Occupation License Application, the Compliance Review Checklist, and any other copies of documents present thoroughly to the best of my (our) ability, the agreement in behalf of the application herewith requested and that the statements above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

I have read and understand the standards given in the compliance check list and my proposed home occupation will comply with them. I UNDERSTAND VIOLATION MAY RESULT IN REVOCATION.

James Shupe
Signature(s) of Applicant(s)

12/1/2015
Date

Note: Violations of the standards set forth in Chapter 10.19.3 of the South Ogden City Code may result in revocation of your business license.

HOME OCCUPATION COMPLIANCE REVIEW CHECKLIST

The Zoning Ordinance for South Ogden City allows you to use a portion of your residence for a home occupation. You are required to establish and operate your home business in a manner which will not compromise your use of your home as your own and/or your family's primary residence nor adversely affect the residential character of the neighborhood in which your home is situated. Please complete the following questions to determine compliance with the standards set forth in Chapter 10.19.3 of the South Ogden Code Book.

1. Will your business allow you and your family, as well as other property owners in your neighborhood, to continue to feel that your home is primarily a residence and the home occupation secondary to that use? (✓) Yes () No
2. The home occupation shall not require interior/exterior alterations and shall retain the character and appearance of a residential dwelling. Do you agree not to alter your home for this business? (✓) Yes () No
3. The home occupation is limited to not more than two (2) persons who actually reside on the premises. Do you agree to have no outside employees working from your home? (✓) Yes () No
4. A home occupation which teaches voice, dance or other instruction shall be limited to five (5) students on the premises at any time. Instruction on musical instruments (piano, violin, etc.) shall be limited to two (2) students on the premises at any time. Do you agree to limit the number of people to your home according to the above mentioned statement? (✓) Yes () No
5. A home occupation that attracts customers, clients or students to the premises for sales or services shall not be allowed in multi-family dwelling units. Do you live in a multi-family dwelling unit? (✓) Yes () No () N/A *OK*
6. The home occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling. Do you agree your business will be wholly contained inside the home? (✓) Yes () No
7. The home occupation may not use more than 400 square feet or 25% (whichever is less) of the floor area of the residence including the basement. Are you able to operate your business within these limits? (✓) Yes () No
8. The home occupation shall not include the storage of, or the sale from, the premises of goods or commodities which are not produced on the premises. This does not apply to phone, internet or mail order sales with delivery direct to any off-premises buyer. Will all goods be produced on site or mailed directly to consumer? (✓) Yes () No
9. Your business must be conducted no earlier than 8:00 a.m. and no later than 9:00 p.m. Will all services and activities associated with your home occupation be conducted during those hours? (✓) Yes () No
10. A home occupation that attracts customers, clients or students to the premises shall provide adequate off street parking as determined by the building inspector or ordinance officer. In addition to the two (2) parking spaces required for every residence, parking must be provided on your property (either in your driveway or in your garage, or on the street - but not on your lawn or landscaped areas) for the vehicles of customers, clients, or business-related visitors to your home business. Does your property now have adequate parking area not only for residents' vehicles but also for all business related vehicles? (✓) Yes () No
11. There shall be no storage or parking on the premises or on the streets in the vicinity of the premises of tractor trailers, semi-trucks or other heavy duty equipment except that not more than one truck of one-ton capacity or less may be parked on premises in addition to a passenger car or van during off hours at night. Do you agree that vehicles described above will not be brought to, parked on or stored at your residence? (✓) Yes () No
12. You must have permission from the homeowner to operate a business. If you are not the homeowner, have you provided a signed letter allowing giving permission to operate your business on premises? (✓) Yes () No () N/A

December 3, 2015

To Whom It May Concern,

We will approve James Shupe's request to have a small business at his apartment located at 6045 South Ridgeline Drive B-108, South Ogden, Utah 84405 with the following conditions:

- 1-There shall be no customer traffic coming or going from the apartment or business related vehicular traffic coming onto The Falls property.
- 2-There shall be no storage of flammable or hazardous materials in the apartment or on the premises.
- 3-The peaceful enjoyment of our community shall not be disrupted. Any business related activities that cause a nuisance will not be permitted.

Thank you,



Diane Willis

CONDITIONAL USE APPLICATION

Owners Name James Shupe Phone 801-389-3347 email jshupe@shupeforensics.com

Address 6045 S Ridgeline Dr, B108 City South Ogden State UT Zip 84405

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

Address City State Zip

Property Address: 6045 S Ridgeline Dr, B108, South Ogden, UT 84405

Existing Zone No. of Acres or Sq. Ft. #Res. Units

Bldg. Sq. Ft. Building Height (stories & ft.)

What Use is Requested?

To use my apartment for two home based businesses.

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 14 days from the date of the P.C. written 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

Planning Commission Report



Subject: Changes to PC Policies and Procedures
Author: Leesa Kapetanov
Department: Administration
Date: January 14, 2016

Background

Back in November, you voted to change your Policies and Procedures to bring voting rules in line with the City Code. However, you also voted to recommend to the Council that the City Code be changed to reflect what the voting procedures previously were.

On December 15, 2015, Ordinance 15-27 was passed based on your recommendation.

Now it is time to return the Policies and Procedures back to what they were originally (see yellow highlighted portion of Policies and Procedures).

You will also notice that in IV-A-2 of the Policies and Procedures, staff has removed a paragraph having to do with the noticing of public hearings for the planning commission.

The requirement for noticing public hearings is not always 10 days, and the requirements are defined in State and City Code. Staff felt this paragraph was not necessary, and in fact confusing when dealing with public hearing notifications.

Recommendation

Staff recommends adoption of the proposed changes to the Planning Commission Policies and Procedures

South Ogden City Planning Commission Policies and Procedures

The South Ogden City Planning Commission shall be governed by all applicable state statutes, city ordinances, and these rules.

I. MEMBERS

The Planning Commission shall be comprised of seven members, all of whom shall be residents of the city appointed by the Mayor with the advice and consent of the City Council under Utah Code Annotated 10-9A-301.

II. OFFICERS AND DUTIES

The Planning Commission shall elect annually, during the first regular scheduled meeting in July, a Chair and Vice Chair, who may be elected to successive terms. The Chair and Vice Chair shall be elected from the voting members of the Planning Commission by a majority of the total membership. The Chair, or in his or her absence or incapacity, the Vice Chair, shall preside over all meetings and hearings of the Planning Commission and shall execute all official documents and letters of the Planning Commission. If the Chair resigns, is not re-appointed, or is otherwise ineligible or unable to continue in office, the Vice Chair shall become the Chair. A new Vice Chair may be elected to serve the remaining term when necessary. The next July, an election for both offices shall be held as stated above.

III. MEETINGS

A. Quorum

A quorum shall consist of four members of the Planning Commission (consistent with provisions of Section I above). A quorum shall be necessary to conduct any business of the Planning Commission.

B. Time of Meetings

Meetings shall be held on an as needed basis, however, when meetings are held, they shall be on the second Thursday of each month at 6:15 p.m. At 5:30 p.m. prior to each regular meeting, the Planning Commission shall hold a staff briefing meeting at the City Hall that shall be open to the public and held. The date of a meeting (and the staff briefing meeting) may be changed or canceled, by the majority of the total membership of the Planning Commission. At least one week's notice of a new date for a regular meeting shall be given to each member. Additional meetings shall be convened in the same manner and shall be open to the public and required public notice will be provided by the staff. A special meeting may be called by the Chair or by a majority of the other voting members of the Planning Commission at any time; provided that at least 24 hours' notice shall be given to each member before that meeting is held. Costs of holding a special meeting shall be paid to South Ogden City by the requesting applicant, organization, or agency. Notice requirements dictate that the first hearing on zoning applications shall not be scheduled as a special meeting.

C. Meetings Open to the Public

All regular or special meetings and work sessions of the Planning Commission shall be open to the public unless closed as provided for in the Utah Open Meeting Act.

D. Executive Sessions

Executive sessions may be called by the Chair, upon proper public notice, to discuss items such as personnel, real estate transactions, and litigation or other categories provided in the Utah Open Meeting Act. No official action shall be taken during any executive session. Executive sessions shall comply with the Utah Open Meeting Act.

E. Order of Business

1. Procedural Statement (Chair explains the meeting schedule and the method for conducting the meeting)
2. Zoning Public Hearings
3. Zoning Actions
4. Commercial Site Plan Actions
5. Conditional Use Actions
6. Subdivision Public Hearings
7. Subdivisions Actions
8. Special Items
9. Other Business
10. Approval Of Minutes Of Previous Meeting
11. Public Comments
12. Adjourn

The Planning Commission may change the order of business or consider matters out of order for the convenience of applicants or other interested persons.

F. Voting

1. An affirmative vote of the majority, but not less than four of the voting members present at the meeting, shall decide all matters under consideration by the Planning Commission unless otherwise provided for in these rules.
2. The Chair, or Vice Chair absent the Chair, shall vote only in case of a tie on zoning, conditional use, and subdivision matters, unless his or her presence at the meeting must constitute a quorum; the Chair shall be a voting member on such matters.

G. Other Meetings

The City Council and the Planning Commission shall meet at least annually to evaluate planning and development programs. The Planning Commission may meet once a year, or more frequently, with other agencies and organizations such as real estate, construction, and development firms that have frequent contact with the Planning Commission.

IV. CONSIDERATION OF APPLICATIONS

A. Application

1. Upon filing an application, the applicant shall be directed by the staff, to the extent that the staff possesses the information, to relevant outside agency or agencies (water district; UDOT, forest service, and so on). The staff shall advise the applicant to meet with these agencies prior to the application's placement on the Planning Commission agenda. Staff will also send application and required plans to the fire department and engineering.
- ~~2. Whenever a public hearing is held, South Ogden City shall publish a 10 day notice in accordance with the requirement of the city zoning ordinances. Notice shall appear in a newspaper of general circulation in the area.~~
3. The Planning Commission delegates authority to the staff to review and act on Site Plan amendments of previously approved projects. The approval shall limit the authority to non-residential projects only and a 50% increase in building size but not to involve additional property. All City department reviews shall be completed with approvals and all applicable City ordinances shall be applied. The staff items approved shall appear on the Planning Commission agenda for their information.

B. Public Hearing Procedure

Any person may appear in person or by agent or attorney at any meeting of the Planning Commission. The order of procedure in the hearing of each application shall be as follows:

1. Presentation of the application by the Planning staff. Presentation shall include the staff's recommendation and the reading of pertinent comments or reports concerning the application. (In the case of a zoning application, the application is heard at one meeting and the decision deferred until the next meeting. The staff will present its zoning recommendation prior to the time of the decision.)
2. Statements of the applicant and witnesses in support of the application.
3. Statements of witnesses opposed to the application.
4. Rebuttal, if requested. Rebuttal shall not be allowed unless a member of the Planning Commission requests that witnesses be allowed to make further statements in order to answer questions raised by previous statements.

C. Decisions

The Planning Commission may grant approval of a development concept site plan that can be used to prepare a plan for preliminary approval.

Decisions of the Planning Commission shall be final at the end of the meeting at which the matter is decided. The Planning Commission shall send a written copy of its decision to the applicant or to the agent or attorney. In cases of denied applications, the copy of the decision shall include, insofar as practical, the reasons for the Commission's decision.

D. Reconsideration of Applications

A denied application for a conditional use permit may be reconsidered by the Planning Commission if the applicant presents new evidence that the Commission determines is sufficient to merit reconsideration of the application. The applicant must file a written request for reconsideration within ten days of the original decision. If the Planning Commission grants a request for reconsideration, the application shall be reconsidered in the same manner as an original application. This includes payment of a new fee and publication of new notices. If reconsideration is denied, the same request shall not be heard again for six months from the date of the final decision.

V. AMENDMENTS

These rules may be amended at any regular meeting of the Planning Commission by an affirmative vote of at least four members of the Commission. Proposals for amendments must be presented in writing to each member of the Commission at least 48 hours before the meeting at which the vote is to be taken. The Planning Commission and staff shall review the Policies and Procedure and the Code of Ethics annually at the time of the change of leadership.

Adopted by Planning Commission: January 14, 2016

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**SOUTH OGDEN CITY
PLANNING COMMISSION BRIEFING MEETING MINUTES**

**December 10, 2015
Council Chambers, City Hall
5:30 P.M.**

PLANNING COMMISSION MEMBERS PRESENT

Chair Todd Heslop, Commissioners Mike Layton, Steve Pruess, Chris Hansen, and John Bradley

PLANNING COMMISSION MEMBERS EXCUSED

Commissioner Raymond Rounds

STAFF PRESENT

City Planner Mark Vlastic and City Recorder Leesa Kapetanov

The briefing meeting began at 5:53 pm. Chair Todd Heslop indicated they would discuss items according to their order on the agenda.

City Planner Mark Vlastic began the discussion by saying the food truck ordinance was the same as presented to the commission last month. It was on the agenda for a public hearing and recommendation to the Council. City Recorder Leesa Kapetanov also pointed out the commissioners had voted on a recommendation to the Council concerning the planning commission voting procedures last month, but since the recommendation was a change to the city code, a public hearing on the matter had to be held first. It was on the agenda that evening for a public hearing. If any of the Commissioners wanted to call for a re-vote after the public hearing, they could do so.

Ms. Kapetanov then updated the Commissioners on decisions of the City Council concerning recent recommendations of the planning commission.

Planner Vlastic next discussed the form based code, reviewing the three chapters listed on the agenda. He said he had met with the engineer and building official concerning the form based code. The main concern was the upkeep of the alleys and whose responsibility they would be. He pointed out that the alleys would most likely be privately owned. Commissioner Pruess voiced his concern that over time, the alleys may become unkempt and junky.

Mr. Vlastic then discussed the landscape chapter, pointing out that it was important to get the new landscape ordinance into the existing code, as the form based code often referred to it. He also pointed out some other changes he had made to the landscape code, including taking out the term hedge as well as requiring that a professional landscaper be used for areas that would be using the form based code.

Next, Mr. Vlastic identified the changes staff had made to the sign chapter based on discussions with the building official and previous discussions by the commission.

Lastly, he reviewed the water efficient landscape ordinance that needed to be adopted into the current zoning ordinance. He reminded the commission this ordinance had been ready to be adopted nearly a year and a half ago, but other pressing matters had presented themselves and it had never been adopted. The ordinance was loosely based on Salt Lake City's, however it had been tailored to South Ogden and was more detailed in some areas. Mr. Vlastic recommended it be forwarded for adoption.

Ms. Kapetanov said staff was looking for direction on the form based code, whether the commissioners wanted to review other chapters before forwarding it to the City Council, or

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whether to move it forward for a public hearing and recommendation. The discussion then concluded, as it was time to begin the regular planning commission meeting.

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, December 10, 2015.


Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

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**MINUTES OF THE
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
Council Chambers, City Hall
Thursday, December 10, 2015 – 6:15 p.m.**

PLANNING COMMISSION MEMBERS PRESENT

Chair Todd Heslop, Commissioners Mike Layton, Steve Pruess, Chris Hansen, and John Bradley

PLANNING COMMISSION MEMBERS EXCUSED

Commissioner Raymond Rounds

STAFF PRESENT

City Planner Mark Vlasic and City Recorder Leesa Kapetanov

OTHERS PRESENT

Taylor Spendlove, Krish Mark

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

Chair Todd Heslop called the meeting to order at 6:21 pm. He reviewed the agenda items and then called for a motion to open the meeting.

Commissioner Pruess moved to open the Planning Commission Meeting for Thursday, December 10. The motion was seconded by Commissioner Bradley. Commissioners Hansen, Layton, Bradley and Pruess all voted aye.

The Chair indicated it was time to open a public hearing and called for a motion to do so.

Commissioner Bradley moved to close the South Ogden City Planning Commission meeting and open a public hearing, followed by a second from Commissioner Pruess. The voice vote was unanimous to open the public hearing.

II. PUBLIC HEARING

To Receive and Consider Comments on the following items:

A. Zoning Items – Legislative

1. Proposed Amendments to Title 10, Chapter 11 Having to Do With Planned Residential Unit Developments (PRUD)

Chair Heslop invited anyone who wished to comment about the PRUD ordinance to come forward. There were no comments.

2. Proposed Amendments to Title 10, Chapter 13 Having to Do with Multiple Buildings on a Single Lot

The Chair then invited comments concerning multiple buildings on a single lot. No one came forward.

B. Subdivision Item – Administrative

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1. Proposed Bridgeport Subdivision Located on the Northwest Corner of Chambers and 1050 East

Chairman Heslop then called for comments concerning the proposed Bridgeport Subdivision. There were no comments.

Mr. Heslop called for a motion to close the public hearing and re-enter the public meeting.

Commissioner Pruess moved to close the public hearing and move into the regular meeting. Commissioner Bradley seconded the motion. In a voice vote Commissioners Hansen, Bradley, Pruess, and Layton all voted aye.

III. ZONING ACTIONS – Legislative

A. Discussion and Recommendation on Proposed Amendments to Title 10, Chapter 2 of the City Code, Adding Certain Definitions Concerning Food Trucks and Adding Chapter 24 Having to Do With the Regulation of Food Trucks in the City

Chair Heslop asked City Planner Mark Vlasic to give a brief overview of this item. Mr. Vlasic said no changes had been made to the ordinance since the last meeting. Staff had been directed to look at several issues, including distances between food trucks and brick and mortar restaurants, what zones they should be allowed in, etc. South Ogden’s ordinance was based on Ogden’s and Salt Lake’s which was very detailed. Chair Heslop said he had hoped to have some public comment concerning food trucks. The commissioners had no further discussion. Mr. Heslop called for a motion.

Commissioner Bradley moved to recommend adoption of the proposed amendments to Title 10, Chapter 2 of the City Code. The motion was seconded by Commissioner Hansen. The Chair made a roll call vote:

Commissioner Layton-	Yes
Commissioner Pruess-	Aye
Commissioner Bradley-	Yes
Commissioner Hansen-	Yes

The vote was unanimous in favor of the motion.

B. Discussion and Recommendation on Proposed Amendment to Title 10, Chapter 3 of the City Code Having to Do With Planning Commission Voting Procedures

The Chair reminded the commissioners of previous discussion and vote on this item. City Recorder Kapetanov said if the current recommendation was upheld by the City Council, the commissioners would need to re-vote on the policies and procedures to bring them back in alignment with the Code. Chair Heslop asked if anyone wanted to call for a re-vote on the matter. None of the commissioners indicated they wanted a re-vote. The Chair moved to the next item on the agenda.

IV. SUBDIVISION ACTIONS - Administrative

A. Preliminary Approval of Bridgeport Subdivision

Planner Vlasic gave a brief overview of the subdivision, noting there were two different zones within the subdivision; however the lines of the zoning did not line up with the

99 proposed property lines. Staff recommended that the zoning lines be changed to align
100 with the new property lines. He also recommended approval of the subdivision
101 subject to the approval of the engineer and fire department. There were no
102 comments or discussion from the commissioners. The Chair entertained a motion
103 concerning the subdivision.
104

105 **Commissioner Hansen moved to approve the Bridgeport Subdivision, pursuant to the**
106 **review and positive recommendation by the City Engineer. The motion was**
107 **seconded by Commissioner Bradley seconded the motion. The Chair made a roll call**
108 **vote:**

109		
110	Commissioner Layton-	Aye
111	Commissioner Pruess-	Aye
112	Commissioner Bradley-	Aye
113	Commissioner Hansen-	Aye
114		

115 **The subdivision was granted preliminary approval.**
116

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118 **V. SPECIAL ITEMS**

119 **A. Discussion on Form-Based Code**

- 120 **1. Street Chapter**
- 121 **2. Sign Chapter**
- 122 **3. Landscape Chapter**
- 123

124 Planner Vlasic reminded the commissioners they had discussed the landscape chapter in
125 detail at the last meeting.

126 He then moved to discussion on the Street Types chapter, noting that alleys seemed to
127 be the greatest concern in the chapter. Staff was of the opinion that since these
128 spaces would most likely be privately owned, the City was less concerned about them.
129 It would be the responsibility of the private landowner to make sure the spaces were
130 taken care of and it would be in their best interest that the spaces were maintained at a
131 high quality.

132 Mr. Vlasic then reviewed the landscape ordinance. He pointed out the title of the
133 chapter should be changed to "Landscape Standards" and that 7.1.3 should be changed
134 to say that "For landscape regulations regarding water efficient landscaping tree and
135 plant size and landscape design standards, refer to Title 10, Chapter 23". The existing
136 Title 10, Chapter 23 should be replaced with the Water Efficient Landscape Ordinance
137 which would be discussed next. Also, 7.3.4(C) should also replace the words "urban
138 forestry commission" with "staff". He also noted the change to the definition of a
139 "hedge" and that shade structures could also be used in replace of shade trees.

140 Planner Vlasic then discussed the matter of temporary signs in the form based code.
141 Some temporary signs, like placard (a-frame signs), would fit in well with the look the
142 City was trying to achieve. City Recorder Kapetanov said the commissioners needed to
143 decide if they wanted to allow temporary signs at all, and if so, what kind and how
144 should they be regulated. Commissioner Pruess noted that some small businesses had
145 many banners up and they tended to look cluttered. Ms. Kapetanov pointed out the
146 City did not regulate signs fewer than six square feet. Commissioner Pruess asked if
147 placard signs would be in the way of the pedestrian walkway. Mr. Vlasic felt they
148 would not. He added that with any new ordinance issues would present themselves in

149 the next few years that would perhaps require changes to the code. Staff was
150 prepared for it but suggested that no changes be made for at least a year.
151 Commissioner Pruess moved the discussion back to alleys. He understood that HOA's
152 would be used to maintain alleys, but wondered what would happen if there was not an
153 HOA in place. Mr. Vlastic said he would review the administration chapter, but felt that
154 it would not be an issue as it would be in the best interest of a master developer that
155 the alleys remain in good shape. This would make certain the value of the property
156 was maintained. There was further discussion by the planning commission on alleys,
157 their uses and maintenance. Mr. Vlastic noted that because alleys did not work in
158 other areas, they were meant to be open and maintained in the types of developments
159 that would be allowed through the form based code. He also pointed out the process
160 in the form based code allowed for the City and the developer to be actively engaged
161 with each other to work out issues and make sure concerns were addressed. Often,
162 developers had stricter rules that their tenants had to abide by, rules that were more
163 strict than the City's. The commission also discussed re-development and the
164 possibilities for it happening in South Ogden. Mr. Vlastic was optimistic that it would
165 happen in the next 10 years. He also noted that the form based code would more than
166 likely have adjustments made to it as staff began working with it.

167
168 **B. Discussion on Landscape Ordinance**

169 Planner Vlastic said this ordinance was modeled on Weber Basin Water Conservations
170 District's template which had been modified for South Ogden. However, their
171 template had been weak concerning plants, trees and planting techniques; therefore,
172 Salt Lake City's ordinance had been used as a model for that section of the ordinance.
173 Mr. Vlastic recommended this ordinance be used for both residential and commercial
174 properties. The proposed ordinance had a disclaimer which said it did not apply to
175 homeowner provided landscaping in single family projects, however, it did apply to
176 larger projects from duplexes on up.

177
178 City Recorder Kapetanov asked for direction for staff concerning the landscape
179 ordinance. Did the Commission want to study it more or move it forward for a public
180 hearing? Commissioner Bradley felt they should move it and the Form Based Code
181 forward for a public hearing. The other commissioners agreed. Ms. Kapetanov said
182 they would set the date for the public hearing for the January meeting.

183
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185 **V. OTHER BUSINESS**

186 **A. Setting the Planning Commission Meeting Schedule for 2016** – Administrative
187 City Recorder Kapetanov explained this was a procedural item that boards and
188 commissions had to do every year. The commissioners had the authority to change
189 when and how often they met. The planning commissioners discussed the matter,
190 determining they would like to keep the frequency and time of the planning commission
191 meetings the same, with the ability to call special meetings when needed. Ms.
192 Kapetanov requested a vote be taken.

193
194 **Chair Heslop called a vote on keeping the meeting times the same.**

196	Commissioner Layton-	Yes
197	Commissioner Pruess-	Yes
198	Commissioner Bradley-	Yes
199	Commissioner Hansen-	Yes

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VI. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A. Approval of November 12, 2015 Briefing Meeting Minutes

Chair Heslop called for a motion concerning the minutes.

Commissioner Layton moved to approve the minutes of both the briefing and meeting minutes of November 12, 2015. Commissioner Pruess seconded the motion. The voice vote was unanimous in favor of the motion.

B. Approval of November 12, 2015 Meeting Minutes

See previous motion above.

VII. PUBLIC COMMENTS

There were no public comments.

VIII. ADJOURN

Chair Heslop called for a motion to adjourn.

Commissioner Pruess moved to adjourn, followed by a second from Commissioner Layton. All present voted aye.

The meeting ended at 7:29 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, December 10, 2015.



Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission