



## NOTICE AND AGENDA

### SOUTH OGDEN CITY PLANNING COMMISSION MEETING

Thursday, May 12, 2016

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting May 12, 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 PUBLIC HEARINGS**

To Receive and Consider Comments on the Following Items:

- A. Proposed Amendments to Title 11 of the City Code Making Corrections to Remove the City Council from the Subdivision Approval Process
- B. Proposed Amendments to Title 10, Chapter 7, Articles E, E1, F, G and H
- C. Request for Zoning Map Amendment for Parcels 07-717-0006 and 07-717-004 Located at Approximately 5985 Wasatch Drive, Changing Them From C-2 to R-5B

#### **III. ZONING ACTIONS** – Legislative

- A. Consideration an Recommendation on Proposed Amendments to Title 11 of the City Code
- B. Consideration and Recommendation on Proposed Amendments to Title 10, Chapter 7, Articles E, E1, F, G and H
- C. Consideration and Recommendation of Request for Zoning Map Amendment for Parcels 07-717-003 and 07-717-004 Located at Approximately 5985 Wasatch Drive, Rezoning Them From C-2 to R-5B?

#### **IV. CONDITIONAL USE ACTIONS** - Administrative

- A. Consideration of Conditional Use for Hotel Located at Approximately 935 Country Hills Drive

#### **V. SPECIAL ITEMS**

- A. Discussion on Proximity Requirements for Noticing

#### **VI. OTHER BUSINESS**

**VII. APPROVAL OF MINUTES OF PREVIOUS MEETING**

- A.** Approval of April 14, 2016 Briefing Meeting Minutes
- B.** Approval of April 14, 2016 Meeting Minutes

**VIII. PUBLIC COMMENTS**

**IX. ADJOURN**

Posted and emailed to the State of Utah Public Notice Website May 5, 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 May 5, 2016. These public places being City Hall (1<sup>st</sup> and 2<sup>nd</sup> floors), the city website ([www.southogdencity.com](http://www.southogdencity.com)), and emailed to the Standard-Examiner. Copies were also mailed to each commissioner.

  
Leesa Kapetanov, City Recorder

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

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

# Planning Commission Report

**Subject:** Application to Amend Title 11 of the City Code  
(Subdivision Regulations)

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** May 5, 2016



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## **Background**

Several changes to Title 11- Subdivision Regulations are proposed, primarily to clean up some inconsistencies and to clarify the role of the city council in the approval process (i.e to remove the city council from decisions related to approving subdivisions)

The following is a summary of the proposed changes. ~~Red text with strikethrough~~ indicates existing text contained in the title to be removed; **blue text** is text to be added.

## **Chapter 3**

### **DESIGN STANDARDS**

#### 11-3.1-E PARKS, SCHOOL SITES AND OTHER PUBLIC PLACES

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

#### 11-3-2-1 GUARANTEE OF IMPROVEMENTS

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~~ **planning commission**, 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~~ **planning commission**, 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.

## **Chapter 5**

### **IMPROVEMENTS**

11-5-2-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. [All petitions to alter or amend a subdivision plat shall be reviewed and approved by the planning commission.](#)

#### **Discussion/Analysis**

The proposed changes were proposed by staff and reviewed and approved by the South Ogden City Attorney.

#### **Recommendation**

Staff recommends that the Planning Commission forward the proposed changes to the City Council for adoption.

# 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

##### 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 this title; provided, this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the initial subdivision regulations adopted by the city on August 10, 1955. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

##### 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 And Technical Specifications". Alleys shall be approved only in accordance with the provisions of subsection [11-3-1B9](#) of this title. See also definition of 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 section 10-9a-407 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.

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

**PLANNING COMMISSION:** The South Ogden City planning commission.

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

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

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

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

SUBDIVISION, PRUD: 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

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

[Footnote 1](#): See [title 10, chapter 12](#) of this code for zoning provisions.

## **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.

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the "Public Works Standard Drawings, Details And 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 twenty four inch by thirty six inch (24" x 36") 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 stormwater drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots.

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 And 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

## 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 ( $\frac{1}{2}$ " ) border on top, bottom and right sides, left side border shall be one and one-half inches ( $1\frac{1}{2}$ " ).

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 centerlines 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, stormwater 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 acknowledgment.
- e. Planning commission's certificate of approval.
- f. City engineer's certificate of approval.
- g. City attorney's certificate of approval.

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: Construction drawings shall conform with South Ogden City "Public Works Standard Drawings, Details And Technical Specifications" and as stated in subsection [11-2-3C](#) of this chapter.

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.
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. 16-04, 1-19-2016, eff. 1-19-2016)

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. 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.
3. 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.
7. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished.
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.
9. 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. 16-04, 1-19-2016, eff. 1-19-2016)

11-2-4: MINIMUM IMPROVEMENTS REQUIRED:

For a statement of the improvements required for development within the city, see section [11-4-1](#) of this title, adopting development standards and specifications for the city and providing that such standards shall be on file with the city engineer. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

## 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 And 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 And Technical Specifications".
4. Terminal Streets (Cul-De-Sacs):
  - a. Terminal streets (cul-de-sacs) shall be designed and constructed under "Public Works Standard Drawings, Details And 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, Details And Technical Specifications" to remain and be available for public use so long as the dead end condition exists.
5. Marginal Access Streets (Frontage Roadway): Marginal access streets (frontage roadway) of not less than sixty feet (60') in right of way width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back onto such limited access streets, and shall be designed and constructed under "Public Works Standard Drawings, Details And Technical Specifications".
6. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.
7. Street Cross Section Standards: All proposed streets shall conform to the city street cross section standards stated in the "Public Works Standard Drawings, Details And Technical Specifications" as recommended by the planning commission and adopted by the city council.
8. Street Grades: Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:
  - a. On arterial and collector streets, eight percent (8%);
  - b. On standard residential and private streets, twelve percent (12%).
9. Alleys: Alleys shall have a minimum easement width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are 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, Details And Technical Specifications" as closely as possible.

10. Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may place in trust a protection strip of not less than one foot (1') in width between 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 ( $\frac{1}{2}$ ) the land in the street at the time of the agreement, until time of subdivision of such contiguous property.

C. Blocks:

1. The maximum length of blocks 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. Arrangement And Design: 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. Area And Width: 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. Abutting On A Public Street: 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, Details And Technical Specifications". 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 shall not exceed fifteen percent (15%).
  - d. Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.
  - e. The building setback line shall be established and approved by the planning commission and indicated on the plat.
5. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
6. Side Lines: Side lines of lots shall be approximately at right angles or approximately radial to the street line. Lot lines not radial shall be so noted on the final recording plat.
7. Remnants: All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as nonconforming or unusable parcels.
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<sup>1</sup>.

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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

**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 timetable 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 And 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.
  - 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 drainfield 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. Stormwater: The planning commission will require the subdivider to manage and dispose of stormwater per the city engineer's recommendations and any citywide stormwater 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 And 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 And 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 And Technical Specifications" adopted by the city council.
7. Sidewalks: Sidewalks shall be required and installed under the "Public Works Standard Drawings, Details And 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 And 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<sup>2</sup>.

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 And 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 And Technical Specifications").

12. Fencing Of Hazards: A solid board, chainlink or other nonclimbable 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 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 And 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 And Technical Specifications").

B. Guarantee Of Improvements: See "Public Works Standard Drawings, Details And Technical Specifications" on file in the South Ogden public works department or online at [southogdencity.com](http://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~~ [planning commission](#), 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~~ [planning commission](#), 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-3-3: GUARANTEE OF WORK:

See "Public Works Standard Drawings, Details And 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 And 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 street base, all pipes, joints, valves, backfill, compaction, and the working surface, curbs and sidewalks, as determined by the city engineer. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

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

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

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

## **Chapter 4 IMPROVEMENTS**

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

The standards and specifications for subdivision improvements, including any amendments thereto, are adopted by this reference as if fully set forth. Said standards and specifications are on file in the city engineer's office. (See "Public Works Standard Drawings, Details And Technical Specifications".) (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

## **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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 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 [11-5-3](#) 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. [All petitions to alter or amend a subdivision plat shall be reviewed and approved by the planning commission.](#)

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. 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 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 section 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 section 10-9a-609.5, or any successor legislation thereto. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

11-5-8: PROPERTY LINE ADJUSTMENTS:

A. A property line adjustment may be approved by ~~the city council~~[staff](#) 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~~[staff](#) 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. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

# Planning Commission Report

**Subject:** Amendments to Title 10, Chapter 7 of the City Code  
(Multiple-family Residential Zones R-4, R-4A, R-5, R-5A, R-5B)

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** May 5, 2016



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## **Background**

Several changes to Title 10, Chapter 7 Residential Zones are proposed, primarily to coordinate with other chapters of the code, and in the process clean up inconsistencies and standards. The changes specifically address the R-4, R-4A, R-5, R-5A and R-5B zones. The following is a synopsis of key proposed changes for each of the affected classifications.

### **Article E – Multiple-Family Residential Zone (R-4)**

- Addition of Multiple Dwellings on a single lot with 25 or more dwelling units as a conditional use;
- Addition of Multiple-family Dwelling with 25 or more dwelling units as a conditional use; and
- Change of the maximum building height from unlimited to three stories or 42 feet;

### **Article E1 – Multiple-Family Residential Zone (R-4A)**

- Shifting the Purpose and Intent from the end of the article to the beginning, thereby clearly establishing that the purpose of the R-4A zone is to provide office areas with their associated necessary services and activities, and to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses;
- Addition of multiple-family dwellings with 24 or less dwelling units as a permitted use;
- Addition of multiple-family dwellings with 25 or more dwelling units as a conditional use; and
- Clarifying the maximum building height at three stories or forty-two feet.

### **Article F – Multiple-Family Residential Zone (R-5)**

- Addition of Multiple Dwellings on a single lot with 50 or more dwelling units as a conditional use;
- Addition of Multiple-family Dwelling with 50 or more dwelling units as a conditional use; and
- Change of the maximum building height from unlimited (none) to three stories or 42 feet;

### **Article G – Multiple-Family Residential Zone (R-5A)**

- Shifting the Purpose and Intent from the conclusion of the article to the commencement, thereby clearly establishing that the purpose of the R-5A zone is to permit development of

limited residential and office/commercial uses with their associated necessary public services and activities;

- Addition of article 10-7G-4 SITE DEVELOPMENT STANDARDS, which are to be the same as the R-5 zone except for the following amendments:

A. Minimum Lot Area:

One-building dwelling:

a. For senior housing multiple family: Six thousand (6,000) square feet, plus one thousand five hundred (1,500) square feet for each additional dwelling unit or twenty (20) units per acre, whichever is less.

b. Senior housing multiple buildings on a single lot: Six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building, or twenty (20) units per acre, whichever is less.

D. Building Height:

Minimum: One story.

Maximum: Three (3) stories or forty-two feet (42').

**Article H – Multiple-Family Residential Zone (R-5B)**

- Shifting the Purpose and Intent from the conclusion of the article to the beginning, thereby clearly establishing that the purpose of the R-5B zone is to permit development of high density residential areas with their associated necessary public services and activities;
- Addition of Multiple Dwellings on a single lot with 49 or less dwelling units as a permitted use;
- Addition of Multiple Dwellings on a single lot with 50 or more dwelling units as a conditional use;
- Clarification of the application of Site Development Standards in this zone.

**Discussion/Analysis**

The proposed changes have been reviewed and found to represent the intended need for each zone.

**Recommendation**

Staff recommends that the Planning Commission forward the proposed changes to the City Council for adoption.

## **ARTICLE E. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-4)**

### **10-7E-1: PURPOSE AND INTENT:**

The purpose of the R-4 zone is to provide higher density residential areas with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

### **10-7E-2: PERMITTED USES:**

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Boarding and lodging house.

Church, synagogue or similar permanent building used for regular religious worship.

College or university.

Daycare center.

Educational institution, private.

Educational institution, public.

Golf course, except miniature golf course.

Home occupation (see chapter 19 of this title).

Library or museum, public or nonprofit.

Multiple dwellings on a single lot with twenty four (24) or less dwelling units in accordance with chapter 13 of this title.

Multiple-family dwelling with twenty four (24) or less dwelling units.

Parking lots accessory to uses permitted in this zone.

Planned residential unit development, in accordance with chapter 11 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the

completion or abandonment of the construction work.

Two-family dwelling. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

### **10-7E-3: CONDITIONAL USES:**

The following uses shall be allowed only when authorized by a conditional use permit as provided in chapter 15 of this title:

Assisted living units.

Beneficial societies.

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Hospital, clinic.

[Multiple dwellings on a single lot with twenty five \(25\) or more dwelling units in accordance with chapter 13 of this title.](#)

[Multiple-family dwelling with twenty five \(25\) or more dwelling units.](#)

Nursing home.

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work product of the studio involved.

Wedding chapel and reception center; provided, that light refreshment only shall be incidental to the principal use. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

### **10-7E-4: SITE DEVELOPMENT STANDARDS:**

#### **A. Minimum Lot Area:**

1. One-building dwelling:
  - a. For single-family: Six thousand (6,000) square feet, plus one thousand five hundred (1,500) square feet for each additional dwelling unit.
2. a. Multiple dwellings on a single lot: Six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building.
3. a. Other main building: Seven thousand five hundred (7,500) square feet.
  - b. For nursing home: An additional five hundred (500) square feet for each guest or patient in excess of four (4).
  - c. For hospital, beneficial society or wedding chapel: Twenty thousand (20,000) square feet.

#### **B. Minimum Lot Width: Sixty feet (60').**

#### **C. Minimum Yard Setbacks:**

1. Front: Twenty five feet (25'), except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').

2. Side:

a. For any dwelling, nursery school, office, clinic, boarding house or lodging house: Six feet (6') with total of two (2) side yards not less than sixteen feet (16'), plus one foot (1') each side for each one foot (1') any building is over thirty five feet (35') high.

b. Other main building: Twenty feet (20') each side, plus one foot (1') each side for each two feet (2') main building is over thirty five feet (35') high.

c. Accessory building: Eight feet (8'), in side yard if located at the least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.

3. Side facing street on corner lot: Fifteen feet (15'), except average where fifty percent (50%) frontage is developed, but not less than ten feet (10').

4. Rear:

a. Main building: Thirty feet (30').

b. Accessory building: One foot (1'), except six feet (6') where accessory building rears on side yard of adjacent corner lot.

D. Building Height:

1. Minimum: One story.

2. Maximum: ~~None~~ Three (3) stories or forty two feet (42').

E. Lot Coverage: No building or group of buildings with their accessory buildings shall cover more than fifty percent (50%) of the lot area.

F. Open Green Space: At least thirty percent (30%) of the lot area shall be left in open green space.

G. Special Regulations: In no case shall the ratio of floor area in the main building to the lot area exceed two to one (2:1). (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

# ARTICLE E1. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-4A)

## 10-7E1-0: PURPOSE AND INTENT:

The purpose of the R-4A zone is to provide office areas with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

## **10-7E1-01: REQUIREMENTS:**

The requirements of the R-4 zone are applicable except for the following amendments:

## **10-7E1-2: PERMITTED USES:**

The following permitted uses allowed in the R-4 zone remain as permitted uses in the R-4A zone:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Parking lots accessory to uses permitted in this zone.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

The following uses permitted in the R-4 zone were removed as permitted uses from the R-4A zone:

Boarding and lodging houses.

College or university.

Daycare center.

Educational institution, private.

Educational institution, public.

Golf course, except miniature golf course.

Home occupation.

Library or museum, public or nonprofit.

Multiple dwellings on a single lot with twenty four (24) or less dwelling units.

Multiple-family dwellings [with twenty four \(24\) or less dwelling units](#).

Planned residential unit development.

Single-family dwelling.

Two-family dwelling.

**10-7E1-3: CONDITIONAL USES:**

The following conditional uses allowed in an R-4 zone remain as conditional uses in the R-4A zone:

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

The following conditional uses allowed in the R-4 zone were removed from the R-4A zone:

Assisted living units.

Beneficial societies.

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Hospital, clinic.

Kindergarten.

Multiple dwellings on a single lot with twenty five (25) or more dwelling units in accordance with [chapter 13](#) of this title.

Multiple-family dwellings [with twenty four \(25\) or more dwelling units](#).

Nursing home.

Private park, playground or recreation area, but not including privately owned commercial amusement business.

Studio for professional work, teaching, performances or exhibitions of the fine arts.

Wedding chapel and reception center.

**10-7E1-4: SITE DEVELOPMENT STANDARDS:**

The following change was made to subsection [10-7E-4D2](#) ~~of this chapter~~ of the R-4 site development standards:

D. Building Height:

2. Maximum: Three (3) stories [or forty two feet \(42'\)](#).

(Ord. 15-06, 2-17-2015, eff. 2-17-2015)

~~10-7E1-1: PURPOSE AND INTENT:~~

The purpose of the R-4A zone is to provide office areas with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

## **ARTICLE F. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5)**

### **10-7F-1: PURPOSE AND INTENT:**

The purpose of the R-5 zone classification is to permit development of high density residential areas with their associated necessary public services and activities. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

### **10-7F-2: PERMITTED USES:**

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Bank.

Beneficial society.

Boarding and lodging house.

Church, synagogue or similar permanent building used for regular religious worship.

College or university.

Credit union.

Daycare center.

Educational institution, private.

Educational institution, public.

Golf course, except miniature golf course.

Home occupation (see chapter 19 of this title).

Library or museum, public or nonprofit.

Mortuary.

Multiple dwellings on a single lot with forty nine (49) or less dwelling units in accordance with chapter 13 of this title.

Multiple-family dwelling with forty nine (49) or less dwelling units.

Parking lot, accessory to uses permitted in this zone.

Planned residential unit development, in accordance with chapter 11 of this title.

Private park, playground and recreation area, but not including privately owned commercial amusement business.

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).

Single-family dwelling.

Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work products of the studio involved.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling.

Wedding chapel and reception center; provided, that light refreshment only shall be served and the service or consumption of food or refreshment shall be directly incidental to the principal use. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

### **10-7F-3: CONDITIONAL USES:**

The following uses shall be allowed only when authorized by a conditional use permit as provided in chapter 15 of this title:

Assisted living units.

Hospital, clinic, including clinic for household pets for outpatient treatment only.

Medical laboratory.

[Multiple dwellings on a single lot with fifty \(50\) or more dwelling units in accordance with chapter 13 of this title.](#)

[Multiple-family dwelling with fifty \(50\) or more dwelling units.](#)

Nursing home.

Public utility substation. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

### **10-7F-4: SITE DEVELOPMENT STANDARDS:**

#### **A. Minimum Lot Area:**

1. One-building dwelling:
  - a. For single-family: Six thousand (6,000) square feet.
  - b. For multiple-family: Same as single-family dwelling, plus one thousand five hundred (1,500) square feet for each additional dwelling unit.
2. a. Multiple dwellings on a single lot: Six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building.
3. a. Other main building: Seven thousand five hundred (7,500) square feet.
  - b. For nursing home: An additional five hundred (500) square feet for each guest or patient in excess of four (4).

c. For hospital, beneficial society, mortuary or wedding chapel: Twenty thousand (20,000) square feet.

B. Minimum Lot Width: Sixty feet (60').

C. Minimum Yard Setbacks:

1. Front: Twenty five feet (25'), except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').

2. Side:

a. For any dwelling, nursery school, office, clinic, boarding house or lodging house: Six feet (6') with total of two (2) side yards not less than sixteen feet (16'), plus one foot (1') each side for each one foot (1') any main building is over thirty five feet (35') high.

b. Other main: Twenty feet (20') each side, plus one foot (1') each side for building each two feet (2') main building is over thirty five feet (35') high.

c. Accessory building: Eight feet (8'), in side yard if located at the least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.

3. Side facing street on corner lot: Fifteen feet (15'), except average where fifty percent (50%) frontage is developed, but not less than ten feet (10').

4. Rear:

a. Main building: Thirty feet (30').

b. Accessory building: One foot (1'), except six feet (6') where accessory building rears on side yard of adjacent corner lot.

D. Building Height:

1. Minimum: One story.

2. Maximum: ~~None~~ Three (3) stories or forty two feet (42').

E. Lot Coverage: No building or group of buildings with their accessory buildings shall cover more than fifty percent (50%) of the lot area.

F. Open Green Space: At least thirty percent (30%) of the lot area shall be left in open green space.

G. Special Regulations: In no case shall the ratio of floor area in the main building to the lot area exceed two to one (2:1). (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

# ARTICLE G. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5A)

## **10-7G-0: PURPOSE AND INTENT:**

The purpose of the R-5A zone classification is to permit development of limited residential and office/commercial uses with their associated necessary public services and activities. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

## **10-7G-01: REQUIREMENTS:**

The requirements of the R-5 zone are applicable except for the following amendments:

### **10-7G-2: PERMITTED USES:**

The following permitted uses in an R-5 zone remain as permitted uses in the R-5A zone:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Beneficial society.

Church, synagogue or similar permanent building used for regular religious worship.

College or university.

Daycare center.

Home occupation.

Library or museum, public or nonprofit.

Mortuary.

Parking lot, accessory to uses permitted in this zone.

Photo studio.

Planned residential unit development, in accordance with chapter 11 of this title.

Private park, playground and recreation area, but not including privately owned commercial amusement business.

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).

The following use has been added as a permitted use in the R-5A zone:

Medical related retail, such as a pharmacy, maternity clothes and related item sales, and medical supplies and equipment, if located in an approved medical office building.

The following uses permitted in the R-5 zone were removed as permitted uses from the R-5A zone:

Bank.

Boarding and lodging house.

Credit union.

Educational institutions, private.

Educational institutions, public.

Golf course, except miniature golf course.

Multiple dwellings on a single lot with forty nine (49) or less dwelling units in accordance with chapter 13 of this title.

Multiple-family dwelling with forty nine (49) or less dwelling units.

Single-family dwelling.

Two-family dwelling.

**10-7G-3: CONDITIONAL USES:**

The following conditional uses allowed in an R-5 zone remain as conditional uses in the R-5A zone: Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Hospital, clinic, including clinic for household pets for outpatient treatment only.

Laboratories.

Nursing home.

The following has been added as a conditional use in the R-5A zone:

Senior housing.

The following conditional uses allowed in the R-5 zone were removed from the R-5A zone:

Assisted living units.

Beneficial society.

(Ord. 15-06, 2-17-2015, eff. 2-17-2015)

**~~10-7G-1: PURPOSE AND INTENT:~~**

~~The purpose of the R-5A zone classification is to permit development of limited residential and~~

~~office/commercial uses with their associated necessary public services and activities. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)~~

10-7G-4: SITE DEVELOPMENT STANDARDS:

Same as R-5 zone except for the following amendments:

A. Minimum Lot Area:

1. One-building dwelling:

a. For senior housing multiple family: Six thousand (6,000) square feet, plus one thousand five hundred (1,500) square feet for each additional dwelling unit or twenty (20) units per acre, whichever is less.

b. Senior housing multiple buildings on a single lot: Six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building, or twenty (20) units per acre, whichever is less.

D. Building Height:

1. Minimum: One story.

2. Maximum: Three (3) stories or forty two feet (42').

## ARTICLE H. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5B)

### **10-7H-0: PURPOSE AND INTENT:**

The purpose of the R-5B zone classification is to permit development of high density residential areas with their associated necessary public services and activities. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

### **10-7H-01: REQUIREMENTS:**

The requirements of the R-5 zone are applicable except for the following amendments:

### **10-7H-12: PERMITTED USES:**

The following permitted uses allowed in an R-5 zone are also allowed in the R-5B zone:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Boarding and lodging house.

Church, synagogue or similar permanent building used for regular religious worship.

Daycare center.

Multiple-family dwelling with forty nine (49) or less dwelling units.

Multiple dwellings on a single lot with forty nine (49) or less dwelling units in accordance with chapter 13 of this title.

Parking lot, accessory to uses permitted in this zone.

Planned residential unit development, in accordance with chapter 11 of this title.

Private park, playground and recreation area, but not including privately owned commercial amusement business.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).

Single-family dwelling.

Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work products of the studio involved.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling.

Wedding chapel and reception center; provided, that light refreshment only shall be served and the service or consumption of food or refreshment shall be directly incidental to the principal use.  
The following permitted uses in an R-5 zone are not permitted in the R-5B zone:  
Bank.

Beneficial society.

College or university.

Credit union.

Educational institution, private.

Educational institution, public.

Golf course, except miniature golf course.

Home occupation.

Library.

Mortuary.

~~Multiple dwellings on a single lot with forty nine (49) or less dwelling units in accordance with [chapter 13 of this title](#).~~

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

#### **10-7H-23: CONDITIONAL USES:**

The following conditional uses allowed in an R-5 zone are also allowed in the R-5B zone:

Assisted living units.

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Home occupation.

Hospital, clinic, including clinic for household pets for outpatient treatment only.

~~[Multiple dwellings on a single lot with fifty \(50\) or more dwelling units in accordance with \[chapter 13 of this title\]\(#\).](#)~~

~~[Multiple-family dwelling with fifty \(50\) or more dwelling units.](#)~~

Nursing home.

The following conditional uses allowed in the R-5 zone are not allowed in the R-5B zone:

Beneficial society.

Medical laboratories.

**10-7H-34: SITE DEVELOPMENT STANDARDS:**

Same as R-5 zone except for the following amendments to subsections 10-7F-4A and D ~~of this chapter~~ apply:

A. Minimum Lot Area:

1. One-building dwelling:
  - a. For single-family: Six thousand (6,000) square feet.
  - b. For multiple-family: Same as single-family dwelling, plus one thousand five hundred (1,500) square feet for each additional dwelling unit or twenty (20) units per acre, whichever is less.
2. a. Multiple buildings on a single lot: Six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building, or twenty (20) units per acre, whichever is less.

D. Building Height:

1. Minimum: One story.
2. Maximum: Three (3) stories or forty two feet (42').

(Ord. 15-06, 2-17-2015, eff. 2-17-2015)

~~10-7H-1: PURPOSE AND INTENT:~~

~~The purpose of the R-5B zone classification is to permit development of high density residential areas with their associated necessary public services and activities. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)~~

# Planning Commission Report

**Subject:** Application to change the zone at Approximately 5985 Wasatch Drive from C-2 to R-5B (Parcels 07-717-0006 and 07-717-004)

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** May 5, 2016



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## Background

This is an application to change two lots currently zoned for commercial uses (C-2) to R-5B zoning. C-2 is a commercial zone, while R-5B allows high density residential uses as well as a range of commercial and business uses such as mortuaries, medical-related retail sales, professional offices and reception centers. The list of permitted and conditional uses follow:

### Permitted Uses:

- Accessory building and use customarily incidental to any permitted use.
- Agriculture.
- Boarding and lodging house.
- Church, synagogue or similar permanent building used for regular religious worship.
- Daycare center.
- Multiple-family dwelling with forty nine (49) or less dwelling units.
- Parking lot, accessory to uses permitted in this zone.
- Planned residential unit development, in accordance with [chapter 11](#) of this title.
- Private park, playground and recreation area, but not including privately owned commercial amusement business.
- Public building, public park, recreation grounds and associated buildings.
- Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).
- Single-family dwelling.
- Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work products of the studio involved.
- Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- Two-family dwelling.
- Wedding chapel and reception center; provided, that light refreshment only shall be served and the service or consumption of food or refreshment shall be directly incidental to the principal use.

### Conditional Uses

- Bank.
- Assisted living units.
- Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- Home occupation.
- Hospital, clinic, including clinic for household pets for outpatient treatment only.
- Nursing home.

### **Discussion/Analysis**

Wasatch Drive is not particularly well-suited for commercial uses, due in large part to the lack of traffic generated for business purposes in comparison to other commercial areas in the city, and the abrupt change in land use from commercial on the west side of the street and residential on the east side of the street. As a result, this area has remained undeveloped over the years. The requested change allows higher-density residential uses as well as a range of transitional commercial uses, which would provide a good transition between the two sides of the street

The proposed change to the ordinance will affect only the requested properties. However, similar changes for other undeveloped changes along this roadway might be considered in the future for similar reasons.

### **Recommendation**

Staff recommends that the Zoning Code and Official Zoning Map be modified as requested.

**ZONING MAP AMENDMENT**

Agents Name Flat Creek Development LLC Phone 801-648-8229 email matt@lowecompanies.com

Address 6028 S. Ridgeline Dr #200 City South Ogden State UT Zip 84405

Property Owner(s) Name(s):  
Flat Creek Development LLC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address and Parcel ID of each property:  
Address Approximately 5985 Wasatch Dr. Parcel ID 07-717-0003 (corrected from orig. app.)  
Address Approximately 5985 Wasatch Dr. Parcel ID 07-717-0006 (corrected from orig. app.)  
Address \_\_\_\_\_ Parcel ID \_\_\_\_\_

Request (Please include existing zoning and what zone you are requesting that it be changed to):  
Rezone 2 parcels from commercial to R-5B to allow multi family dwellings  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Fee – Zoning Map Amendment**

Residential - \$100.00 plus \$25 for each acre over one (1) to five (5) acres, then \$4 for each additional acre of part thereof.  
Commercial - \$100.00 plus \$50 for each acre over one (1) to five (5) acres, then \$10 for each additional acre of part thereof.

OFFICE USE  
Scheduled for Planning Commission Agenda \_\_\_\_\_

RECOMMENDATION: (OR INCLUDE ATTACHMENT)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING COMMISSION ACTION:  
APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ Date \_\_\_\_\_

CITY COUNCIL ACTION  
APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT'S AFFIDAVIT**

State of Utah  
County of Weber

I (we) Matthew Lowe, being duly sworn, depose and say I (we) am (are) the sole  
Property Owner(s) or Agent of Owner  
owner(s)/agent of the owner(s), of the property involved in this application, to-wit,  
Wasatch Drive and that the statements and answers contained herein, in  
Property Address

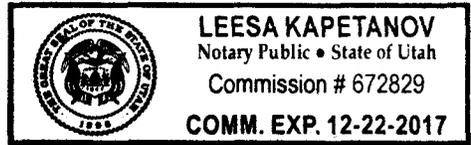
the attached plans and other exhibits, thoroughly and to the best of my ability, present the argument  
in behalf of the application. Also, all statements and information are in all respects true and correct, to  
the best of my knowledge and belief.

Dated this 12 day of Apr. 1, 2016.

Signed: [Signature] Property Owner or Agent      Matthew Lowe Property Owner or Agent

Subscribed and Sworn before me this 12<sup>th</sup> day of April, 2016.

Notary Public: [Signature]



Notary Stamp

**AGENT AUTHORIZATION**

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

I (we) \_\_\_\_\_, the sole owner(s) of the real property located  
Property Owner(s)  
at \_\_\_\_\_, South Ogden, Utah do hereby appoint  
Property Address  
\_\_\_\_\_, as my (our) agent to represent me (us) with  
regard to this application affecting the above described real property, and to appear on my (our)  
behalf before any city boards considering this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Signed: \_\_\_\_\_ Property Owner      \_\_\_\_\_ Property Owner

Subscribed and Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_

Notary Stamp



## OFFICE OF THE CITY RECORDER

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April 29, 2016

Dear Property Owner,

The South Ogden City Planning Commission will hold a public hearing on a proposed request for a zoning change to parcels 07-717-0006 and 07-717-004 located at approximately 5985 Wasatch Drive, changing them from C-2, a commercial zone to R-5B, a high-density residential zone.

The hearing will be at 6:15 PM, or as soon as the agenda permits, during the regularly scheduled South Ogden City Planning Commission Meeting on **May 12, 2016**. The meeting will be located at City Hall, 3950 Adams Ave., in the city council chambers. You are invited to attend and offer comment or respond in writing.

The application is available for your inspection from 8:00 AM to 4:30, PM Monday through Friday at the City Hall. You may also call 801-622-2709 if you have further questions.



Sincerely,

  
Leesa Kapetanov, CMC  
South Ogden City Recorder

---

E [lkapetanov@southogdencity.com](mailto:lkapetanov@southogdencity.com)  
O 801-622-2709  
F 801-622-2713

3950 Adams Ave., Ste. 1  
South Ogden, UT 84403

[southogdencity.com](http://southogdencity.com)

# Planning Commission Report

**Subject:** Conditional Use Application for a Hotel at Approximately 935 Country Hills Drive (40<sup>th</sup> Street) in a CP-2 Zone

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** May 5, 2016

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## **Background**

This is an application for the construction of a hotel near the east edge of the city on the south side of 40<sup>th</sup> Street (Country Hills Drive). The 63,381 sf site includes an overhead power line, which extends through the back portion in a roughly east to west direction. The applicant indicates that they have contacted representatives of the power utility, and that the hotel and parking are sited in a manner that meets all setback and health/safety requirements of the utility.

## **Discussion/Analysis**

A hotel is a conditional use in this zone. The purpose of a conditional use permit is to allow evaluation of a land use proposed at a particular location to determine if the use may detrimentally affect the city, surrounding neighbors, or adjacent land uses. Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the City Code.

The following is a brief assessment of key considerations that the planning commission might consider to determine whether the use should be approved as proposed, approved with conditions, or denied.

A. The proposed use conforms to the South Ogden General Plan.

*The proposed use conforms to the general plan, as represented by the existing CP-2 zone.*

B. The use is well suited to the character of the site and adjacent uses.

*A hotel is well-suited to the character of the site and adjacent uses. Buffers, screening walls and setbacks have been provided along all edges of the proposed site.*

C. Access to the site avoids traffic and pedestrian conflicts and does not unreasonably impact the service level adjacent streets. Existing curb cuts and access points are maintained.

*Access is provided through an adjacent office building parking lot to the west via two access points on 900 East. No access is provided via 40<sup>th</sup> Street. Applicant to provide verification of a permanent easement/agreement with property owner to utilize their parking lots as access ways. South Ogden City Engineer and Fire Department to provide assessment of traffic and health/safety implications of the proposed arrangement.*

D. On site vehicle circulation and loading/service areas are designed to mitigate adverse impacts to adjacent property.

*10' landscaped buffer provided along south boundary which abuts residential uses, according to requirements of the zone. 6; high solid fence also provided along this boundary.*

E. The location and design of off street parking complies with applicable standards of this title.  
*The design provides 84 parking spaces, including four ADA sites. 74 required. Design of parking lots is well conceived.*

F. The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.  
*Refuse collection is located near the west edge of the site in close proximity to the building in a screened enclosure, which conceptually meets this requirement.*

G. Utility capacity is assumed to be sufficient to support the use at normal service levels.  
*The proposed project meets this requirement.*

H. The use is appropriately screened, buffered, and separated from adjoining uses to mitigate potential use conflicts.  
*Fencing and screening is adequate, although the landscape treatments are not on par with the existing landscape treatments of the adjacent uses east and west of the hotel.*

I. Hours of operation of the use and delivery of goods  
*These are not known, but assumed to not adversely impact surrounding uses.*

J. Sign size, location and lighting  
*These are not detailed, but are assumed to be adequate to meet health and safety requirements according to industry standard. As such, they should be compatible with, and are not likely to adversely impact, surrounding uses. Care should be taken to ensure lighting along the south edge of the site does not impact adjacent residences.*

K. Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection are assumed adequate to serve the use.  
*See reports from South Ogden City Engineer and Fire Department. It should be noted that the hotel does not provide access /linkage with existing sidewalk along 40<sup>th</sup> Street; adjustments should be made to provide at least two linkages (on either side of the building), particularly since 40<sup>th</sup> Street is earmarked to become an important pedestrian corridor in the future.*

L. Environmental Impact: The use does not appear to significantly impact the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.

M. Operation of the use is unlikely to create a nuisance

### **Recommendation**

Staff recommends approval of the Conditional Use Application to allow the hotel with the following conditions:

- That the applicant re-design the landscape according to South Ogden Water-Efficient Landscape requirements;
- That positive recommendations are received from the South Ogden Fire Department and City Engineer be received regarding utilities, health/safety and traffic implications of the design and parking/access concept.
- That at least two connections with the public sidewalk on 40<sup>th</sup> Street be provided as indicated.

- Official verification that access through the adjacent parking lot to the west is supported/allowed by the owner of that property. I assume this will need to be a permanent easement.
- Official verification from the power utility indicating that they have reviewed the design of the hotel and associated site/parking, and they are satisfied that all health and safety requirements are met.

CONDITIONAL USE APPLICATION

Owners Name DIXIE R DAY Phone 801-589-9444 email TRACID@APPLGATE.HOMECARE.US

Address 2541 Woodlawn Dr. City OGDEN State VT Zip 84403

Agents Name - All information will be sent to the Agent. SCOTT GOODELL Phone \_\_\_\_\_ email \_\_\_\_\_

Address 1031 BOUNTIFUL BLV. City BOUNTIFUL State VT Zip 84010

Property Address: 935 COUNTRY HILLS PARCEL # 060740001

Existing Zone CP-2 No. of Acres or Sq. Ft. 1.4 acres #Res. Units N/A

Bldg. Sq. Ft. 11,098 Building Height (stories & ft.) 53' GRADE TO PEAK

What Use is Requested?

HOTEL

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

**APPLICANT'S AFFIDAVIT**

State of Utah  
County of Weber

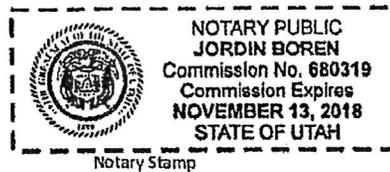
I (we) Dixie R. Day, being duly sworn, depose and say I (we) am (are) the sole  
Property Owner(s) or Agent of Owner  
owner(s)/agent of the owner(s), of the property involved in this application, to-wit,  
935 Country Hills Dr., Ogden UT 84403 and that the statements and answers contained herein, in  
Property Address  
the attached plans and other exhibits, thoroughly and to the best of my ability, present the argument  
in behalf of the application. Also, all statements and information are in all respects true and correct, to  
the best of my knowledge and belief.

Dated this 1st day of April, 2016.

Signed: Dixie R. Day Property Owner or Agent

Subscribed and Sworn before me this 1 day of April, 2016.

Notary Public: [Signature]



**AGENT AUTHORIZATION**

State of UTAH  
County of WEBER

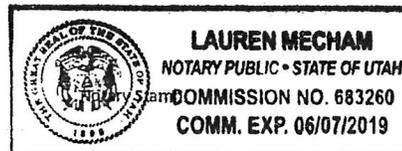
I (we) DIXIE R DAY, the sole owner(s) of the real property located  
Property Owner(s)  
at 935 COUNTRY HILLS DR. S. OGDEN UT 84403, South Ogden, Utah do hereby appoint  
Property Address  
SCOTT GOODELL, as my (our) agent to represent me (us) with  
regard to this application affecting the above described real property, and to appear on my (our)  
behalf before any city boards considering this application.

Dated this 3rd day of May, 2016.

Signed: Dixie R. Day Property Owner

Subscribed and Sworn before me this 3rd day of May, 2016.

Notary Public: Lauren Mecham





# Weber County Parcel Search

2380 Washington Blvd Ogden, Utah

Weber County Home - Parcel Search - Interactive Maps

[Print this page](#)

<b>Current Taxes</b>	<b>Ownership Info</b>	<b>Tax History</b>	<b>Property Characteristics</b>	<b>Delinquent Taxes</b>
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Today's Date: 04/15/2016

<--Back to Search  
<--Back to Search Results

**Parcel # 06-074-0001**

### Ownership Info

<p>Owner: DWP INVESTMENTS LLC</p> <p>Property Address:</p> <p>Mailing Address: 2541 WOODLAND DR OGDEN UT 844035111</p> <p>Tax Unit: 27</p>	<p style="text-align: right;"><a href="#">View in Geo-Gizmo</a></p> <hr/> <p style="text-align: center;"><b>Plat Map</b></p> <hr/> <p style="text-align: center;">Plat Map Last Uploaded: 14 Jan 2016</p> <p style="text-align: center;">06-074  <a href="#">View PDF</a></p> <hr/> <p style="text-align: center;"><b>Prior Year Plats</b></p> <p style="text-align: center;">Plats as of Dec 31st of each year</p> <p style="text-align: center;"><b>2015</b> - 06-074  <a href="#">View PDF</a></p> <p style="text-align: center;"><b>2014</b> - 06-074  <a href="#">View PDF</a></p> <hr/> <p style="text-align: center;"><b>Dedication Plat</b></p> <hr/> <p>Heritage Square Place Comm Sub #03 48-003(TIF)</p> <p>Heritage Square/place Comm Sub #01 48-003(TIF) 41-023(TIF)</p>
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### Current References

Entry # 2539968	Book	Page	Recorded Date 01-SEP-11
Kind of Instrument WARRANTY DEED			

### Prior Parcel Numbers

060800004 (Dead)
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### Legal Description

\* For Tax Purposes Only \*

PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY AND APART OF BLOCK 11, SOUTH OGDEN PLAT A, INCLUDING VACATED ROADWAYS AND ALLEYS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF HERITAGE PLACE, A PLANNED RESIDENTIAL UNIT DEVELOPMENT, PHASE NO. 1, IN SOUTH OGDEN CITY, WEBER COUNTY, UTAH; BEING 993.75 FEET SOUTH 0D38'16" WEST ALONG THE QUARTER SECTION LINE AND 787.38 FEET SOUTH 89D21'44" EAST FROM THE NORTH QUARTER CORNER OF SAID SECTION 9; AND RUNNING THENCE NORTH 0D38'16" EAST 253.11 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTRY HILLS DRIVE; THENCE ALONG

SAIDSOUTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:NORTHWESTERLY ALONG THE ARC OF A 676.78 FOOT RADIUS CURVE TOTHE LEFT A DISTANCE OF 132.61 FEET (CENTRAL ANGLE EQUALS11D13'36" AND LONG CHORD BEARS NORTH 82D41'12" WEST 132.40FEET) TO A POINT OF TANGENCY; NORTH 88D18'00" WEST 143.30 FEETTO A POINT OF CURVATURE; AND NORTHWESTERLY ALONG THE ARC OFAN 859.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 157.93FEET (CENTRAL ANGLE EQUALS 10D32'02" AND LONG CHORD BEARSNORTH 83D01'59" WEST 157.71 FEET) TO THE NORTHEASTERLY CORNEROF 900 EAST STREET AS IT IS DEDICATED WITH SAID HERITAGEPLACE, A PLANNED RESIDENTIAL UNIT DEVELOPMENT, PHASE NO. 1;AND RUNNING THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OFSAID 900 EAST STREET THE FOLLOWING FOUR (4) COURSES: SOUTH14D14'07" WEST 30.44 FEET TO A POINT OF CURVATURE;SOUTHEASTERLY ALONG THE ARC OF A 105.06 FOOT RADIUS CURVE TOTHE LEFT A DISTANCE OF 106.51 FEET (CENTRAL ANGLE EQUALS58D05'22" AND LONG CHORD BEARS SOUTH 14D48'34" EAST 102.01FEET) TO A POINT OF REVERSE CURVATURE; SOUTHEASTERLY ALONG THEARC OF A 213.36 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF165.68 FEET (CENTRAL ANGLE EQUALS 44D29'29" AND LONG CHORDBEARS SOUTH 21D36'30" EAST 161.55 FEET) TO A POINT OFTANGENCY; AND SOUTH 0D38'16" WEST 11.11 FEET TO THE NORTHWESTCORNER OF LOT 1, SAID HERITAGE PLACE, A PLANNED RESIDENTIALUNIT DEVELOPMENT, PHASE NO. 1 AND RUNNING THENCE SOUTH89D21'44" EAST 350.35 FEET ALONG THE NORTHERLY BOUNDARY OFSAID HERITAGE PLACE DEVELOPMENT TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING: PART OF THE NORTHEASTQUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY AND PART OF BLOCK 11,SOUTH OGDEN PLAT A, INCLUDING VACATED ROADWAYS AND ALLEYSDESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNEROF LOT 1, HERITAGE PLACE, A PLANNED RESIDENTIAL UNITDEVELOPMENT, PHASE NO. 1, IN SOUTH OGDEN CITY, WEBER COUNTY,UTAH, BEING 993.75 FEET SOUTH 0D38'16" WEST ALONG THE QUARTERSECTION LINE AND 437.03 FEET SOUTH 89D21'44" EAST FROM THENORTH QUARTER CORNER OF SAID SECTION 9; AND RUNNING THENCESOUTH 89D21'44" EAST 112.06 FEET ALONG THE NORTH BOUNDARY LINEOF SAID HERITAGE PLACE, PHASE NO. 1 TO THE NORTHEASTERLYCORNER THEREOF; THENCE NORTH 0D38'16" EAST 270.48 FEET TO APOINT ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTRY HILLSDRIVE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THEFOLLOWING TWO, (2) COURSES: NORTH 88D18'00" WEST 36.50 FEETTO A POINT OF CURVATURE; AND NORTHWESTERLY ALONG THE ARC OF AN859.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 157.93FEET (CENTRAL ANGLE EQUALS 10D32'02" AND LONG CHORD BEARSNORTH 83D01'59" WEST 157.71 FEET) TO THE NORTHEAST CORNER OF900 EAST STREET AS IT IS DEDICATED WITH SAID HERITAGE PLACE, APLANNED RESIDENTIAL UNIT DEVELOPMENT, PHASE NO. 1; AND RUNNINGTHENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID 900 EASTSTREET THE FOLLOWING FOUR, (4), COURSES: SOUTH 14D14'07" WEST30.44 FEET TO A POINT OF CURVATURE: SOUTHEASTERLY ALONG THEARC OF A 105.06 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF106.51 FEET (CENTRAL ANGLE EQUALS 58D05'22" AND LONG CHORDBEARS SOUTH 14D48'34" EAST 102.01 FEET) TO A POINT OF REVERSECURVATURE; SOUTHEASTERLY ALONG THE ARC OF A 213.36 FOOT RADIUSCURVE TO THE RIGHT A DISTANCE OF 165.68 FEET (CENTRAL ANGLEEQUALS 44D29'29" AND LONG CHORD BEARS SOUTH 21D36'30" EAST161.55 FEET) TO A POINT OF TANGENCY; AND SOUTH 0D38'16" WEST11.11 FEET TO THE NORTHWEST CORNER OF LOT 1, SAID HERITAGEPLACE, PHASE NO. 1 AND THE POINT OF BEGINNING.

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NE 1/4

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# SECTION 9, T.5N., R.1W., S.L.B. & M.

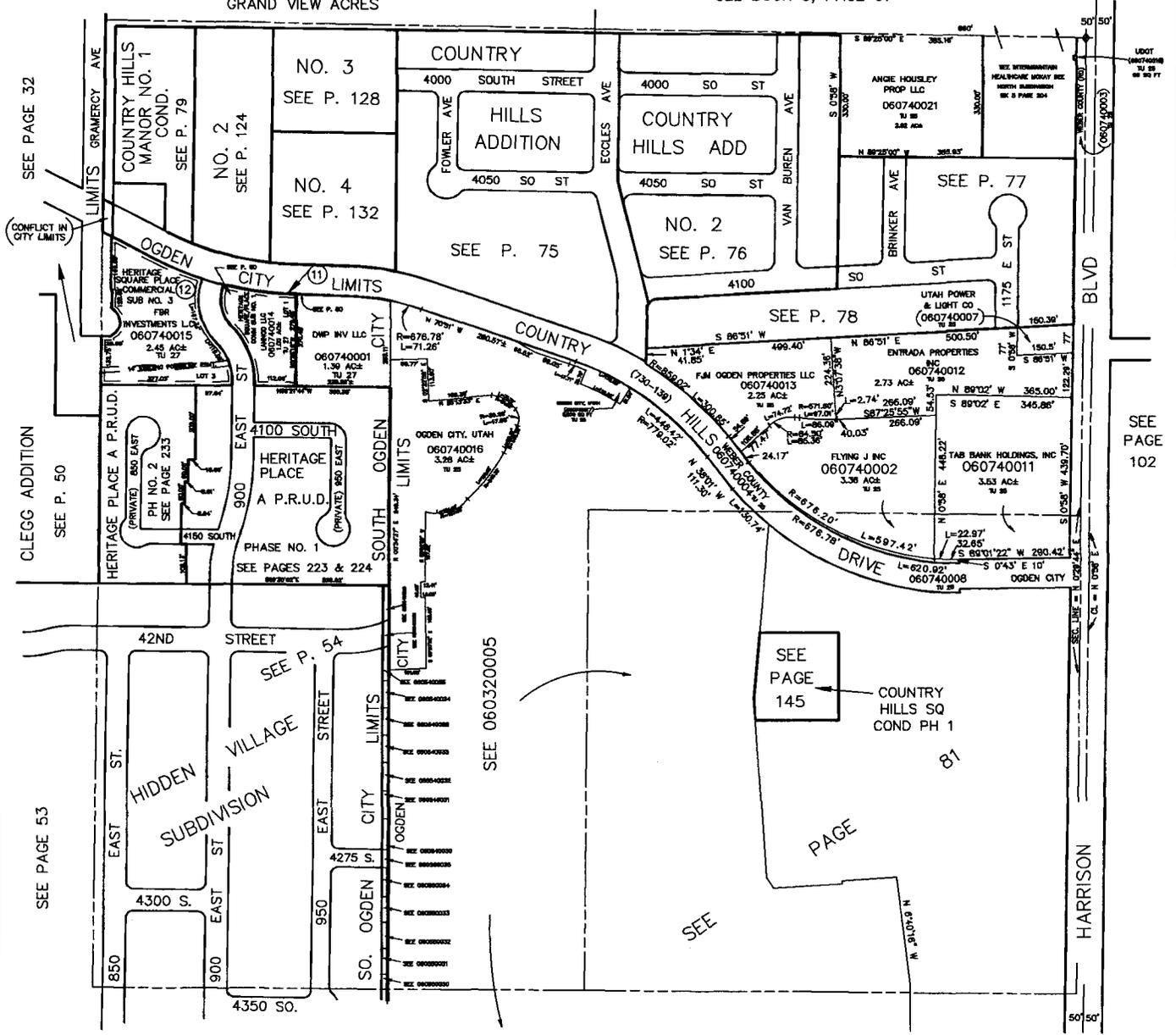
TAXING UNITS: 23, 25, 27

IN OGDEN CITY, SOUTH OGDEN CITY & WEBER COUNTY

SCALE 1" = 200

SEE BOOK 5, PAGE 61  
GRAND VIEW ACRES

SEE BOOK 5, PAGE 67



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CLEGG ADDITION  
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# CONCEPTUAL HOTEL SITE

## CONSTRUCTION DOCUMENTS SOUTH OGDEN, WEBER COUNTY, UTAH

### TRAFFIC CONTROL & SAFETY NOTES

1. BARRICADING AND DETOURING SHALL BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE CURRENT STATE OF UTAH DEPARTMENT OF TRANSPORTATION MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES, AND THE CURRENT CITY STANDARD DRAWING, AND SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO ANY WORK.
2. NO STREET SHALL BE CLOSED TO TRAFFIC WITHOUT WRITTEN PERMISSION FROM THE CITY TRAFFIC ENGINEER, EXCEPT WHEN DIRECTED BY LAW ENFORCEMENT OR FIRE OFFICIALS.
3. THE CONTRACTOR SHALL MAKE EVERY EFFORT TO PROVIDE FOR SMOOTH TRAFFIC FLOW AND SAFETY. ACCESS SHALL BE MAINTAINED FOR ALL PROPERTIES ADJACENT TO THE WORK.
4. DETOURING OPERATIONS FOR A PERIOD OF SIX CONSECUTIVE CALENDAR DAYS, OR MORE, REQUIRE THE INSTALLATION OF TEMPORARY STREET STRIPING AND REMOVAL OF INTERFERING STRIPING BY SANDBLASTING. THE DETOURING STRIPING PLAN OR CONSTRUCTION TRAFFIC CONTROL PLAN MUST BE SUBMITTED TO THE CITY TRAFFIC ENGINEER FOR REVIEW AND APPROVAL.
5. ALL TRAFFIC CONTROL DEVICES SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AT THE END OF THE WORK TO THE SATISFACTION OF THE CITY TRAFFIC ENGINEER.
6. TRAFFIC CONTROL DEVICES (TCDs) SHALL REMAIN VISIBLE AND OPERATIONAL AT ALL TIMES.

### UTILITY DISCLAIMER

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THOSE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF CONTRACTOR'S FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT.

### NOTICE TO CONTRACTOR

ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK SHOWN ON OR RELATED TO THESE PLANS SHALL CONDUCT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED. ALL CONTRACTORS AND SUBCONTRACTORS SHALL COMPLY WITH THE "OCCUPATIONAL SAFETY AND HEALTH REGULATIONS OF THE U.S. DEPARTMENT OF LABOR AND THE STATE OF UTAH DEPARTMENT OF INDUSTRIAL RELATIONS CONSTRUCTION SAFETY ORDERS". THE CIVIL ENGINEER SHALL NOT BE RESPONSIBLE IN ANY WAY FOR CONTRACTORS AND SUBCONTRACTORS COMPLIANCE WITH SAID REGULATIONS AND ORDERS.

CONTRACTOR FURTHER AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE CIVIL ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

### SANITARY SEWER GENERAL NOTES

1. ALL SANITARY SEWER CONSTRUCTION SHALL BE IN CONFORMANCE WITH CITY STANDARDS AND SPECIFICATIONS.
2. ALL GRAVITY SANITARY SEWER LINES SHALL BE SDR-35 PVC MATERIAL. SEWER LINE CONSTRUCTION AND MATERIALS SHALL CONFORM TO ASTM STANDARDS AND SPECIFICATIONS.
3. DISTANCES SHOWN ON PLANS ARE APPROXIMATE AND COULD VARY DUE TO VERTICAL ALIGNMENT.
4. RIM ELEVATIONS SHOWN ARE APPROXIMATE ONLY AND ARE NOT TO BE TAKEN AS FINAL ELEVATION. PIPELINE CONTRACTOR SHALL USE PRECAST CONCRETE ADJUSTMENT RINGS, GROUT AND STEEL SHIMS TO ADJUST THE MANHOLE FRAME TO THE REQUIRED FINAL GRADE IN CONFORMANCE WITH THE STANDARD SPECIFICATIONS. ALL FRAMES SHALL BE ADJUSTED TO FINAL GRADE.
5. ALL SANITARY SEWER MAIN TESTING SHALL BE IN ACCORDANCE WITH THE CITY STANDARDS AND SPECIFICATIONS. COPIES OF ALL TEST RESULTS SHALL BE PROVIDED TO THE PUBLIC WORKS SANITARY SEWER DEPARTMENT HEAD PRIOR TO FINAL ACCEPTANCE.
6. COMPACTION TESTING OF ALL TRENCHES WITH THE PROJECT SITE MUST BE ATTAINED AND RESULTS SUBMITTED TO THE CITY ENGINEER PRIOR TO FINAL ACCEPTANCE.
7. CONTRACTOR IS RESPONSIBLE TO PROTECT ALL EXISTING STRUCTURES AND IMPROVEMENTS DURING INSTALLATION OF SANITARY SEWER LINE.
8. WHERE CONNECTION TO EXISTING UTILITY IS PROPOSED, CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION AND NOTIFY OWNER/ENGINEER IF LOCATION AND ELEVATION OF EXISTING UTILITY VARIES FROM THE DESIGN.
9. CAMERA TESTING AND PRESSURE TESTING PER CITY STANDARD.

### GENERAL NOTES

1. ALL MATERIALS, WORKMANSHIP AND CONSTRUCTION OF SITE IMPROVEMENTS SHALL MEET OR EXCEED THE STANDARDS AND SPECIFICATIONS SET FORTH BY THE CITY ENGINEER, PLANNING, CODES AND SPECIFICATIONS AND APPLICABLE STATE AND FEDERAL REGULATIONS. WHERE THERE IS CONFLICT BETWEEN THESE PLANS AND SPECIFICATIONS, OR ANY APPLICABLE STANDARDS, THE HIGHER QUALITY STANDARD SHALL APPLY.
2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND OR ELEVATION OF EXISTING UTILITIES, AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY PERTINENT LOCATIONS AND ELEVATIONS, ESPECIALLY AT THE CONNECTION POINTS AND AT POTENTIAL UTILITY CONFLICTS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES THAT CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.
3. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL NOTIFY THE DESIGNATED PUBLIC WORKS INSPECTOR AT LEAST 48 HOURS PRIOR TO THE START OF ANY EARTH DISTURBING ACTIVITY, OR CONSTRUCTION ON ANY AND ALL PUBLIC IMPROVEMENTS.
4. THE CONTRACTOR SHALL COORDINATE AND COOPERATE WITH THE CITY AND ALL UTILITY COMPANIES INVOLVED WITH REGARD TO RELOCATIONS OR ADJUSTMENTS OF EXISTING UTILITIES DURING CONSTRUCTION AND TO ASSURE THAT THE WORK IS ACCOMPLISHED IN A TIMELY FASHION AND WITH A MINIMUM DISRUPTION OF SERVICE.
5. THE CONTRACTOR SHALL HAVE ONE (1) COPY OF APPROVED PLANS, AND ONE (1) COPY OF THE APPROPRIATE STANDARDS AND SPECIFICATIONS AND A COPY OF ANY PERMITS AND EXTENSION AGREEMENTS NEEDED FOR THE JOB, ON SITE AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ASPECTS OF SAFETY INCLUDING BUT NOT LIMITED TO, EXCAVATION, TRENCHING, SHORING, TRAFFIC CONTROL, AND SECURITY.
7. IF DURING THE CONSTRUCTION PROCESS CONDITIONS ARE ENCOUNTERED BY THE CONTRACTOR, HIS SUBCONTRACTORS, OR OTHER AFFECTED PARTIES, WHICH COULD INDICATE A SITUATION THAT IS NOT IDENTIFIED IN THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
8. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL LABOR AND MATERIALS NECESSARY FOR THE COMPLETION OF THE INTENDED IMPROVEMENTS SHOWN ON THESE DRAWINGS OR DESIGNATED TO BE PROVIDED, INSTALLED, CONSTRUCTED, REMOVED AND RELOCATED UNLESS SPECIFICALLY NOTED OTHERWISE.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ROADWAYS FREE AND CLEAR OF ALL CONSTRUCTION DEBRIS AND DIRT TRACKED FROM THE SITE.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECORDING AS-BUILT DRAWINGS ON A SET OF RECORD DRAWINGS KEPT AT THE CONSTRUCTION SITE, AND AVAILABLE TO THE CITY INSPECTOR AT ALL TIMES.
11. THE CONTRACTOR SHALL SEQUENCE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO MINIMIZE POTENTIAL UTILITY CONFLICTS. IN GENERAL, STORM SEWER AND SANITARY SEWER SHOULD BE CONSTRUCTED PRIOR TO INSTALLATION OF WATER LINES AND DRY UTILITIES.
12. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE ALL UTILITY RELOCATIONS CONSISTENT WITH THE CONTRACTORS SCHEDULE FOR THIS PROJECT, WHETHER SHOWN OR NOT SHOWN AS IT RELATES TO THE CONSTRUCTION ACTIVITIES CONTEMPLATED IN THESE PLANS.

### SWPPP GENERAL NOTES

1. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AS REQUIRED BY THE CITY AND STATE.
2. ALL STRUCTURAL EROSION MEASURES SHALL BE INSTALLED AS SHOWN ON THE SWPPP PLAN, PRIOR TO ANY OTHER GROUND-DISTURBING ACTIVITY. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED IN GOOD REPAIR BY THE CONTRACTOR, UNTIL SUCH TIME AS THE ENTIRE DISTURBED AREAS ARE STABILIZED WITH HARD SURFACE OR LANDSCAPING.

### STORM SEWER GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING:  
A) OBTAIN ALL REQUIRED PERMITS FROM THE CITY OR REGULATORY AGENCIES, INCLUDING PERMITS TO WORK IN THE RIGHT-OF-WAY.  
B) RESTORATION OF EXISTING IMPROVEMENTS INCLUDING BUT NOT LIMITED TO FENCES, SOD, LANDSCAPING, PAVEMENT, SPRINKLER SYSTEM.  
C) VERIFICATION AND PROTECTION OF ALL EXISTING IMPROVEMENTS WITHIN THE LIMITS OF CONSTRUCTION.  
D) PROVIDING AS-BUILT DRAWINGS TO THE CITY AND THE ENGINEER.  
E) ALL PERMITTING, DEVELOPMENT, LOCATION, CONNECTION AND INSPECTION AND SCHEDULING FOR SUCH.
2. ALL STORM SEWER CONNECTIONS SHALL BE IN CONFORMANCE WITH CITY STANDARDS AND SPECIFICATIONS.
3. RIM ELEVATIONS SHOWN ARE APPROXIMATE ONLY AND ARE NOT TO BE TAKEN AS FINAL ELEVATION. PIPELINE CONTRACTOR SHALL USE PRECAST CONCRETE ADJUSTMENT RINGS, GROUT, AND STEEL SHIMS TO ADJUST THE MANHOLE FRAME TO THE REQUIRED FINAL GRADE IN CONFORMANCE WITH THE CITY STANDARDS AND SPECIFICATIONS AND PLANS. ALL FRAMES SHALL BE ADJUSTED TO FINAL GRADE PRIOR TO PLACEMENT OF ASPHALT PAVING.
4. COMPACTION OF ALL TRENCHES WITHIN THE PROJECT SITE MUST BE ATTAINED AND COMPACTION RESULTS SUBMITTED TO THE ENGINEER AND THE CITY PRIOR TO FINAL ACCEPTANCE.
5. ALL STORM DRAIN PIPES IN THE CITY RIGHT-OF-WAY SHALL BE RCP CL III.
6. ALL STORM SEWER MANHOLES IN PAVED AREAS SHALL BE FLUSH WITH THE PAVEMENT AND SHALL HAVE TRAFFIC BEARING LIDS. ALL STORM SEWER LIDS SHALL BE LABELED "STORM DRAIN".
7. WHERE CONNECTION TO EXISTING UTILITY IS PROPOSED, CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION AND NOTIFY OWNER/ENGINEER IF LOCATION AND ELEVATION OF EXISTING UTILITY VARIES FROM THE DESIGN.

### GENERAL GRADING NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST APWA STANDARDS AND SPECIFICATION FOR PUBLIC WORKS AND THE CITY STANDARDS. CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE AWAY FROM BUILDING FOUNDATIONS AND ENTRIES. FINISHED GRADE AT FOUNDATION FOR WOOD FRAMED STRUCTURES SHALL BE 8 INCHES BELOW TOP OF FOUNDATION AND DRAINAGE SHALL BE A MINIMUM OF 5% WITHIN 10 FEET FROM THE BUILDING.
2. MAXIMUM SLOPES SHALL BE 3:1 FOR CUT AND FILL UNLESS OTHERWISE NOTED.
3. COMPACTION REQUIREMENTS AND TESTING SHALL BE PERFORMED TO MEET THE CITY STANDARDS.
4. NO FILL SHALL BE PLACED UNTIL VEGETATION HAS BEEN REMOVED AND SUB-GRADE PREPARED PER THE SOILS REPORT.
5. DUST SHALL BE CONTROLLED BY WATERING OR OTHER APPROVED METHODS.
6. CONTRACTOR SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN BY INSTALLING BMP'S PRIOR TO COMMENCEMENT OF EXCAVATION ACTIVITIES. CONTACT THE CITY INSPECTOR FOR INSPECTION.
7. ALL RECOMMENDATIONS OF THE GEOTECHNICAL REPORT AND ALL SUBSEQUENT REPORTS, ADDENDUM ETC. SHALL BE CONSIDERED A PART OF THIS GRADING PLAN AND SHALL BE COMPLIED WITH.
8. THE CONTRACTOR SHALL CONTACT BLUE STAKES FOR LOCATION MARKING PRIOR TO COMMENCING EXCAVATION ACTIVITIES.
9. CITY MAY REQUIRE A PRE-CONSTRUCTION MEETING BEFORE A PERMIT IS ISSUED.
10. STREETS ADJACENT TO THE PROJECT SHALL BE CLEAN AT ALL TIMES.
11. CONTRACTOR IS RESPONSIBLE FOR ARRANGING FOR ALL REQUIRED INSPECTIONS.
12. PRIOR TO TAKING WATER FROM A CITY FIRE HYDRANT, THE CONTRACTOR SHALL MAKE ARRANGEMENTS WITH THE WATER UTILITY TO OBTAIN A WATER METER.

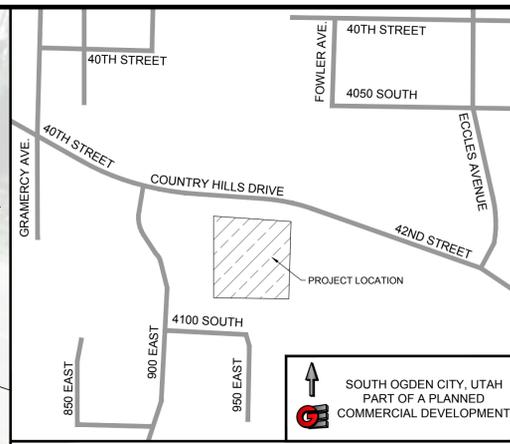
### CULINARY WATER GENERAL NOTES

1. ALL INSTALLATION AND MATERIALS SHALL CONFORM TO WATER UTILITY STANDARDS, SPECIFICATIONS AND PLANS.
2. THRUST BLOCKING IS REQUIRED AT ALL BENDS AND FITTINGS. TIE RODS SHALL BE USED AT ALL BENDS AND FITTINGS WHERE THRUST BLOCKS DO NOT BEAR AGAINST UNDISTURBED SOIL.
3. ALL WATERLINES AT SEWER CROSSINGS SHALL BE LOCATED ABOVE AND HAVE AN 18-INCH VERTICAL SEPARATION FROM THE SEWER PIPE. IF THIS IS NOT PROVIDED, THE WATERLINE SHALL BE INSTALLED WITH 20 L.F. OF CONCRETE CASING CENTERED OVER THE SEWER PIPE.
4. DISINFECTION TESTS SHALL BE PERFORMED BY THE WATER UTILITY WITH COOPERATION FROM THE CONTRACTOR IN PERFORMING ANY NECESSARY EXCAVATION AND SUBSEQUENT BACKFILLING AT NO COST TO THE CITY.
5. CHLORINATION OF COMPLETED WATER LINE. THE NEW WATER LINES SHALL BE DISINFECTED BY CHLORINATION. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL RELATED COSTS AND FEES RELATED TO THE CHLORINATION OF THE COMPLETED WATER LINE. THIS TEST SHALL BE PERFORMED PRIOR TO CONNECTION OF THE NEW WATER LINES TO THE EXISTING WATER SYSTEM. THE CONTRACTOR SHALL NOTIFY THE WATER UTILITY AT LEAST 24 HOURS BEFORE THE CHLORINATION IS DESIRED.
6. A MINIMUM HORIZONTAL CLEARANCE OF 10 FEET SHALL BE MAINTAINED FROM SANITARY SEWER MAINS.
7. UNLESS OTHERWISE SPECIFIED, ALL WATERLINES SHALL BE AWWA C900 PVC CLASS 150, PER ASTM D2241.
8. CONTRACTOR SHALL LOCATE VALVES PRIOR TO CONNECTION WITH EXISTING SYSTEM, BUT SHALL NOT OPERATE ANY VALVE WITHOUT PERMISSION FROM THE WATER UTILITY.
9. ALL WATER MAINS, VALVES, FIRE HYDRANTS, SERVICES AND APPURTENANCES SHALL BE INSTALLED, TESTED, AND APPROVED PRIOR TO PAVING.
10. THERE SHALL BE A WATER SUPPLY TO THE DEVELOPMENT BEFORE ANY WOOD CONSTRUCTION STARTS.
11. THE WATER UTILITY REQUIRES THE USE OF CORROSION RESISTANT MATERIALS FOR ALL CULINARY WATER IMPROVEMENTS. SPECIFICALLY, ROMAC BLUE BOLTS OR STAINLESS STEEL BOLTS MUST BE USED ON ALL FITTINGS. FURTHER, ALL METAL FITTINGS SHALL BE POLY WRAPPED.

CONCEPTUAL HOTEL SITE  
CONSTRUCTION DOCUMENTS



ALL IMPROVEMENTS TO CONFORM TO CURRENT CITY STANDARDS AND SPECIFICATIONS  
CULINARY WATER IMPROVEMENTS TO CONFORM TO THE WATER UTILITY'S STANDARDS AND SPECIFICATIONS  
SECONDARY WATER IMPROVEMENTS TO CONFORM TO THE SECONDARY WATER UTILITY'S STANDARDS AND SPECIFICATIONS



**SITE DESCRIPTION & NOTES**

**EXISTING CONDITIONS**  
THE EXISTING SITE CONTAINS NATIVE FOLIAGE AND VEGETATION. THE SITE SLOPES IN A SOUTHWARD DIRECTION, AWAY FROM COUNTRY HILLS DRIVE (40TH STREET/42ND STREET).

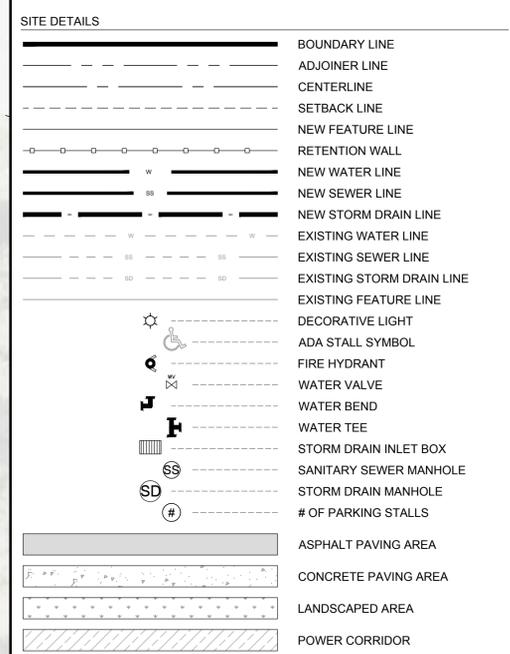
**PROJECT PROPOSAL**  
THIS PROJECT CONSISTS OF THE CONSTRUCTION OF A NEW HOTEL AND A NEW PARKING LOT THAT CONNECTS TO THE ADJACENT LOT OF A SHARED PLANNED COMMERCIAL DEVELOPMENT.

THIS PLAN HAS BEEN PREPARED FOR A CONDITIONAL USE PERMIT APPLICATION FOR A HOTEL IN THE SOUTH OGDEN CITY CP-2 ZONE. THE OWNER IS PREPARING THE CONDITIONAL USE PERMIT APPLICATION TO DETERMINE THE PROJECT'S FEASIBILITY PRIOR TO CLOSING THE PURCHASE OF THE SUBJECT PARCEL. **THIS PLAN IS FOR MUNICIPAL REVIEW ONLY AND IS NOT INTENDED, NOR SHOULD IT BE USED, FOR CONSTRUCTION.**

**LANDSCAPING**  
THE LANDSCAPE DESIGN SHOWN HEREON IS FOR CONCEPTUAL PURPOSES ONLY AND IS SUBJECT TO CHANGE PER RECOMMENDATIONS PROVIDED BY THE LANDSCAPE ARCHITECT AT A LATER DATE.

**STORM WATER DETENTION**  
STORM WATER DETENTION WILL BE PROVIDED OFF-SITE BY AN EXISTING DETENTION POND BUILT FOR THE PLANNED COMMERCIAL DEVELOPMENT. IF IT IS DETERMINED THAT THE EXISTING POND DOES NOT HAVE SUFFICIENT CAPACITY, THE SITE LAYOUT MAY CHANGE IN ORDER TO SERVE THE REQUIRED DETENTION VOLUME.

REVISIONS	DESCRIPTION
DATE	



**SITE DETAILS**

**HOTEL CAPACITY** 74 ROOMS

**TOTAL SITE AREA** 63,361 SF  
**BUILDING FOOTPRINT** 11,116 SF (17.5%)  
**CONCRETE AREA** 7,691 SF (12.1%)  
**ASPHALT AREA** 32,692 SF (51.6%)  
**TOTAL HARD SURFACE** 51,499 SF (81.3%)  
**LANDSCAPING** 11,862 SF (18.7%)

**EXISTING ZONING** CP-2  
**SETBACKS** FRONT: 10'; SIDE: 0'; REAR: 10'  
**HOTEL**

**LAND USE**

**PARKING STALLS REQUIRED** 74 (1 STALL PER ROOM)  
**ADA STALLS REQUIRED** 4  
**PARKING STALLS PROVIDED** 84  
**ADA STALLS PROVIDED** 4

**TAX ID:** 06-074-0001  
**OWNER:**  
**ADDRESS:** #921 COUNTRY HILLS DRIVE  
**PHONE:**

**SITE PLAN**

**CONCEPTUAL HOTEL SITE**

**921 COUNTRY HILLS DRIVE**

**SOUTH OGDEN, WEBER COUNTY, UTAH**

**PLANT MATERIALS LIST**

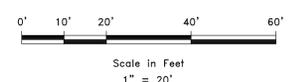
Symbol	Quantity	Botanical Name	Common Name	Size	Height	Spread	Caliper	Remarks
	12	Gleditsia t. i. 'Shademaster'	Shademaster H.locust	B&B	10'- 12'	2'- 3'	2"	All trees shall be staked & guyed.
	5	Pyrus cal. 'Chanticleer'	Chanticleer Pear	B&B	8'- 10'	2'- 3'	1-1/2"	
	20	Cornus sericea 'Bailey'	Red Osier Dogwood	5 gal				
	6	Euonymus alatus compacta	Dwarf winged Euonymus	5 gal				
	0	Juniperus sab. 'Buffalo'	Buffalo Juniper	5 gal				
	42	Spiraea bum. 'Anthony Waterer'	Dwarf Red Spiraea	5 gal				
	18	Taxus media 'Densiflora'	Densiflora Yew	5 gal				
	16	Calamagrostis 'Karl Foerster'	K. Foerster Reed Grass	1 gal				
	80	Hemerocallis x varieties	Daylily	1 gal				

All plant materials shall be No. 1 grade or better with full, symmetrical branching habits. B&B or containerized.



**1 HOTEL ELEVATION**

Scale: NTS

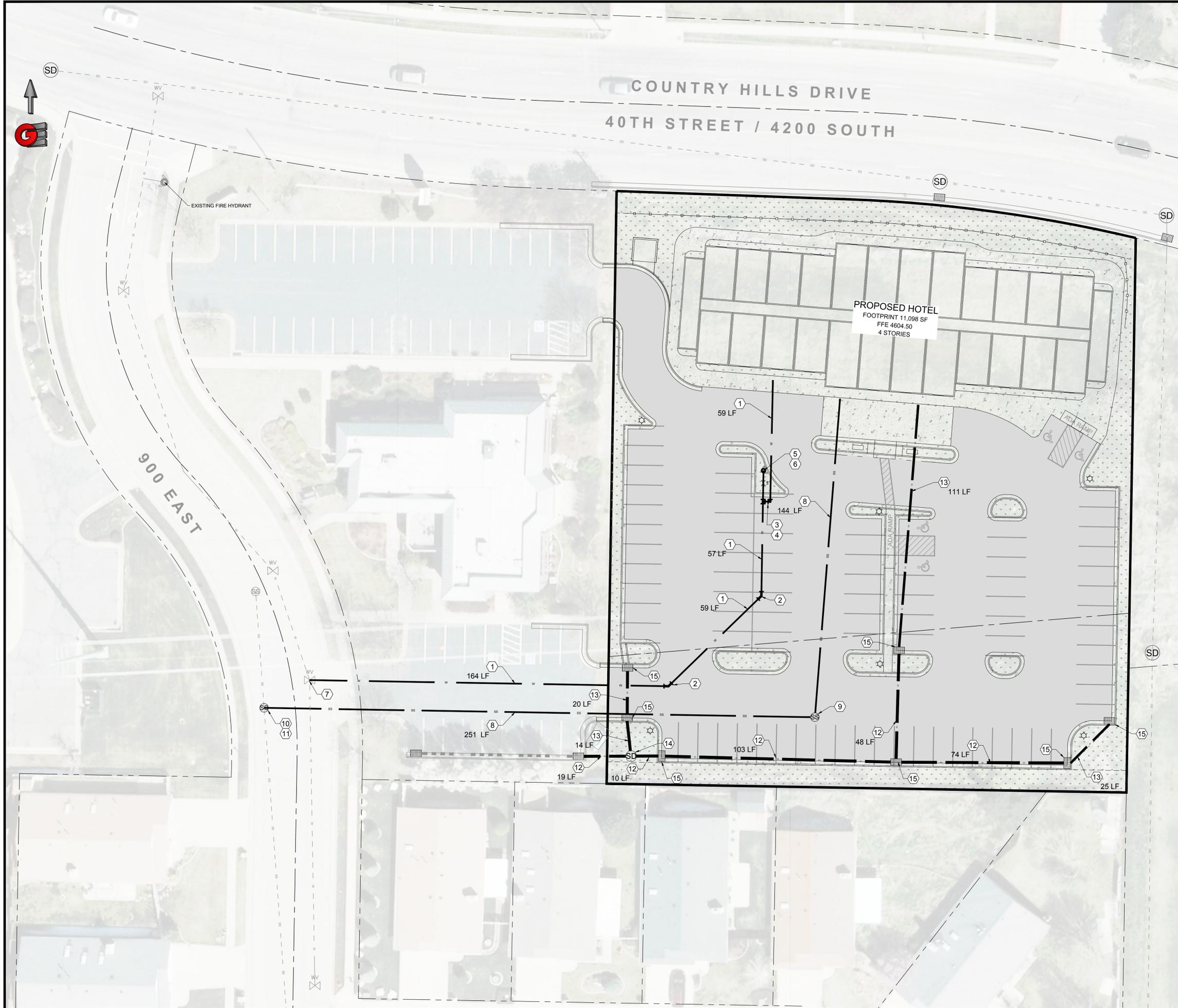


**GARDNER ENGINEERING**

CIVIL - LAND PLANNING  
MUNICIPAL - LAND SURVEYING

5150 SOUTH 375 EAST OGDEN, UT  
OFFICE: 801.476.0202 FAX: 801.476.0066

C1  
C2



- KEYED NOTES**
- ① 8" C-900 WATER LINE
  - ② 8" WATER 45° BEND
  - ③ 8" WATER 90° BEND
  - ④ 8" WATER 'TEE'
  - ⑤ 8" GATE VALVE
  - ⑥ FIRE HYDRANT & ASSEMBLY  
CONNECT TO EXISTING WATER. INVESTIGATE EXISTING VALVE.
  - ⑦ IF A LATERAL EXISTS, DETERMINE SIZE. IF LESS THAN 8",  
UPSIZE TO 8".
  - ⑧ 8" SDR-35 PVC SEWER
  - ⑨ 4" SSMH
  - ⑩ 5" SSMH
  - ⑪ CONNECT TO EXISTING SEWER
  - ⑫ 15" RCP CL III STORM DRAIN
  - ⑬ 12" HDPE STORM DRAIN
  - ⑭ 5" SDMH
  - ⑮ STORM DRAIN INLET BOX (SDIB) W/ BICYCLE SAFE GRATE

**UTILITY NOTES**

WATER METER DESIGN WILL BE PROVIDED AFTER INPUT FROM CITY.

ALL UTILITY SIZES ARE PRELIMINARY AND ARE SUBJECT TO CHANGE AFTER FURTHER REVIEW.

DATE	REVISIONS	DESCRIPTION

SCALE: 1" = 20'

DATE: APR. 2016

DESIGN: DTB

DRAWN: DTB

CHECKED: TMN

DWG.: RA\2601 - MISC SURVEY\1615 - CARTER BANALL\DESIGN\HOTEL.DWG

UTILITY PLAN

CONCEPTUAL HOTEL SITE

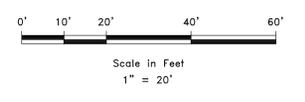
921 COUNTRY HILLS DRIVE

SOUTH OGDEN, WEBER COUNTY, UTAH

**GARDNER ENGINEERING**

CIVIL - LAND PLANNING  
MUNICIPAL - LAND SURVEYING

5150 SOUTH 375 EAST OGDEN, UT  
OFFICE: 801.476.0202 FAX: 801.476.0066

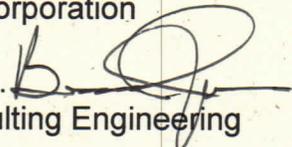


C2

C2



**To:** Leesa Kapatnov, City Recorder  
South Ogden City Corporation

**From:** Brad C. Jensen, P.E.   
Wasatch Civil Consulting Engineering

**Date:** May 5, 2016

**Subject:** **Proposed Hotel - Concept Plan Review**

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We have reviewed the conceptual site plan for a proposed hotel with regard to City Engineer and Public Works issues and have the following comments:

1. All required city utilities are reasonably available at the proposed location. There are several issues regarding the utilities that are shown however, it appears that they can easily be resolved during the design review process.
2. The northerly access into the property will be difficult to use to emergency vehicles. The Fire Marshall should review this access.
3. We recommend and traffic study be prepared during the plan review process.

We recommend approval of the conceptual plan for the proposed hotel. If you have any questions or require additional information, please call.



*South Ogden Fire Department*

*Cameron West  
Fire Chief*

*Rick Rasmussen  
Deputy Fire Chief*

Station 81  
3950 South Adams Ave  
South Ogden, UT 84403  
Phone (801) 622-2750  
Fax (801) 622-2755

Station 82  
5635 S Wasatch Dr  
South Ogden, UT 84403  
Phone (801) 622-2766  
Fax (801) 622-2772

To: Leesa Kapetanov  
From: Deputy Chief R. Rasmussen  
Date: May 6, 2016  
Subject: Hotel Plan Review

I have reviewed the Hotel Site Plan to be located at 40<sup>th</sup> Street and Eccles Avenue.

The preliminary site plan is approved.

Respectfully,

Rick Rasmussen  
Deputy Chief  
South Ogden City  
[rrasmussen@southogdenfire.com](mailto:rrasmussen@southogdenfire.com)



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

Thursday, April 14, 2016  
Council Chambers, City Hall - 5:30 P.M.

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**PLANNING COMMISSION MEMBERS PRESENT**

Chair Todd Heslop, Commissioners Steve Pruess, Raymond Rounds, Susan Stewart, Mike Layton, and John Bradley

**STAFF PRESENT**

City Planner Mark Vlastic, Assistant to the City Manager Doug Gailey, and City Recorder Leesa Kapetanov

The briefing meeting began at 5:34 pm. Chair Todd Heslop reviewed the agenda and then turned the time to Planner Vlastic.

Mr. Vlastic said the Form Based Code (FBC) had been put back on the agenda as requested by Commissioner Pruess. Planner Vlastic showed some changes made to the FBC since the last meeting, including creating a separate category for beer and liquor uses and allowing the use based on the type of beer license needed. Accordingly, the uses in the chart on page 21 had been changed. The changes reflected the Commission's wishes from their latest discussion. Commissioner Pruess stated many of his neighbors were upset that the FBC had not been passed, since the current code allowed things like tattoo parlors along 40<sup>th</sup> Street.

There was then some discussion on allowing restaurants along 40<sup>th</sup> Street to serve beer and alcohol and whether it should be a permitted use or a conditional use. Planner Vlastic also shared some information on micro-breweries and how popular they were becoming; the City might want to look into how best to license them. The Commission also discussed the noise ordinance and how it would affect businesses that might be close to residential areas.

Mr. Vlastic then commented on his work on the General Plan; it had turned out to be more complicated than he originally thought. He hoped to have more for the Commission at the next meeting. He also pointed out that since his review and scope of work were more involved than he had originally thought, the question had come up as to at what point do you involve the public. He explained it had been 20 years since the whole general plan had been redone; parts had been updated, but that is why it was so confusing for staff and anyone else to refer to the General Plan since it was in 3 separate parts. It was probably time to do a complete update, but it was not currently in the city's budget to do so. City Recorder Kapetanov stated it was within the Planning Commission's scope, as the land use authority, to recommend to the City Council that they budget money to do a new General Plan. City Planner Vlastic pointed out that there may also be some grant money available to redo the General Plan.

City Recorder Kapetanov then handed the Commissioner's two letters that people had submitted saying they did not want their property included in the zoning change that would happen with

45 the adoption of the FBC. She said the deadline for submission of the letters had been back in  
46 February, so she was not going to include them in the public record, but she wanted to make the  
47 Commissioners aware of them. She also reported the City had put out a RFP for a public  
48 involvement firm to handle the notifications and purchase of property for the upcoming 40<sup>th</sup>  
49 Street Project. In conclusion, she reminded the Planning Commissioners of an upcoming  
50 training opportunity on May 26.

51 There was no more discussion.

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I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Briefing Meeting held Thursday, April 14, 2016.

  
Leesa Kapetanov, City Recorder

\_\_\_\_\_  
Date Approved by the Planning Commission



## MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

Thursday, April 14, 2016  
Council Chambers, City Hall –6:15 p.m.

### PLANNING COMMISSION MEMBERS PRESENT

Chair Todd Heslop, Commissioners Steve Pruess, Raymond Rounds, Susan Stewart, Mike Layton, and John Bradley

### STAFF PRESENT

City Planner Mark Vlastic, Assistant to the City Manager Doug Gailey and City Recorder Leesa Kapetanov

### OTHERS PRESENT

Walt Bausman, Wes Stewart

## I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

Chair Todd Heslop began the meeting at 6:15 pm and welcomed those present. He read through the agenda and then entertained a motion to begin the meeting.

**Commissioner Pruess moved to open the meeting, followed by a second from Commissioner Rounds. Commissioners Bradley, Stewart, Rounds, Layton, and Pruess all voted aye.**

## II. ZONING ACTIONS – Legislative

### A. Discussion and Recommendation on Adoption of Form Based Code and Zoning Map Amendment Associated With the Form Based Code

The chair invited City Planner Mark Vlastic to review the recent changes staff had made to the Form Based Code (FBC). Mr. Vlastic went over the changes to pages 21 and 23 of the Code, which basically put all uses of alcohol into their own category and then specified which zones they were allowed in. It also added a reference to the existing code concerning check cashing businesses. Commissioner Pruess pointed out that tattoo parlors and smoke shops had previously been eliminated from the 40<sup>th</sup> Street General zone. He noted, however, that there was an existing garden shop use at the bottom of 40<sup>th</sup> Street, and wondered if the FBC would require that the area be better maintained during the 7 months of the year that there were no plants being displayed. Mr. Vlastic reminded Mr. Pruess the FBC would not affect any existing businesses unless they rebuilt or remodeled more than 25% of the existing building. There was further discussion about what measures could be taken or were already in place to make sure businesses kept their property uncluttered and well kept.

48 Commissioner Stewart said she would like to address the FBC in general. She had studied  
49 the General Plan and felt there were some things in the FBC that did not match the General  
50 Plan, including preserving what was here that was desirable, not exceeding 2-3 stories,  
51 being pedestrian friendly, and being congruent with the neighborhood. She felt the  
52 building height was too high along 40<sup>th</sup> Street, and the FBC was not trying to preserve the  
53 best of what was here already.

54 Commissioner Pruess pointed out that if a business came to the City under the present code  
55 on a commercially zoned property, they could build a building with unlimited height. Mr.  
56 Vlastic also stated that there was a relationship of the building height to the parking in the  
57 FBC, and unless there was a market for structured parking, a building would rarely go to  
58 the 5 story mark, although under the FBC it could. The cost for structured parking was  
59 just too high, and surface parking usually limited a builder to 2-3 stories; the requirement  
60 of an elevator for buildings over 3 stories also seemed to be a height limitation for some  
61 projects. The Commissioners discussed the heights and the requirement of the FBC to  
62 taper down to existing residential properties. Commissioner Stewart said the FBC might  
63 be better than what the City currently had, but it still was not what the City wanted.  
64 Commissioner Pruess said the City would have more of a say of what they wanted with the  
65 FBC, as it allowed the City to work more closely with the developer.

66 Chair Heslop said he felt they had discussed many of the details of the FBC, including  
67 height. They had spent long hours discussing many of the details and were passing it  
68 because they felt it was what they wanted. He asked Ms. Stewart if she wanted to change  
69 the allowed building heights in some of the zones. Ms. Stewart said she felt 4-5 stories  
70 were too high if they were next to a residential neighborhood. She would like to see such  
71 tall buildings removed from the City Center General zone. It was pointed out that the City  
72 Center General zone included the area around Macey's. Commissioner Stewart said that  
73 maybe that area should be separated out. Planner Vlastic reviewed the conditions on  
74 parking and how it would be laid out, as well as the review process. He felt the FBC had  
75 the ability to create a great place, whereas the zoning now was just responsive.

76 Commissioner Stewart stated she was also concerned that new development would bring  
77 an increase in traffic. She was concerned with the safety of the families in the existing  
78 neighborhoods. Commissioner Pruess said those were important things they needed to  
79 look at as each developer presented their ideas.

80 Chair Heslop thanked everyone for their comments. He called for a motion concerning  
81 the FBC.

82  
83 **Commissioner Bradley moved to recommend adoption of the Form Based Code to**  
84 **the City Council, along with the zoning map amendment associated with it. The**  
85 **motion was seconded by Commissioner Rounds. The chair asked if there was**  
86 **further discussion, and seeing none, he called the vote:**

87  
88 **Commissioner Layton- Yes**  
89 **Commissioner Pruess- Yes**  
90 **Commissioner Bradley- Yes**

Commissioner Stewart- No  
Commissioner Rounds\*- Yes

**The motion carried.**

\*Before stating his vote, Commissioner Rounds said he appreciated Commissioner Stewart's views; she had given him to pause in thought.

**III. SPECIAL ITEMS**

**A. Report on General Plan**

City Planner Mark Vlastic reminded the Planning Commissioners that working on the General Plan had been on their list of things to do. He went through a brief history of the General Plan since 1997, pointing out that it was difficult to use since there were three documents to review: the original 1997 Plan, and the 2001 and 2008 updates. His staff had also started a mapping exercise to identify what was on the ground today versus what was on the original General Plan map. The goal was to create one map and update the land use chapter of the original plan; however, as Mr. Vlastic got further into the project, he realized it was more complicated than anticipated. He hoped to have it completed for next month's meeting.

**IV. OTHER BUSINESS**

City Recorder Kapetanov reminded the Commissioners of upcoming training on May 26. Chair Heslop also reminded those present of the Town Hall meeting on April 21.

**V. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**A. Approval of March 10, 2016 Briefing Meeting Minutes**

Chair Heslop called for a motion concerning the minutes.

**Commissioner Pruess moved to approve the March 10, 2016 briefing meeting minutes. Commissioner Rounds seconded the motion. All present voted aye.**

**B. Approval of March 10, 2016 Meeting Minutes**

**Commissioner Bradley moved to approve the March 10, 2016 meeting minutes, followed by a second from Commissioner Pruess.**

**The voice vote was unanimous to approve the minutes.**

**VI. PUBLIC COMMENTS**

The Chair invited anyone who wished to come forward to comment.

133 **Wesley Stewart, 3625 Jefferson** – said Hilltop Bowling Lanes was not included in the FBC, but it  
134 was run down. He asked that it be considered for inclusion in the FBC.  
135 He then said that some people had recently moved into the area affected by the FBC and had  
136 therefore not been notified of the rezone. He felt to be fair they should be notified.  
137 He also said he did not think the FBC was fair as it would allow parking lots in resident’s back  
138 yards or next to them. Safety was also a concern for the residents, both old and young.  
139 He then requested that the Planning Commission minutes from February 2016 be corrected. He  
140 felt they did not reflect what he said.  
141 He then made comments concerning 40<sup>th</sup> Street. He stated the reason for widening the street was  
142 because of traffic flow and he was concerned that it be done correctly.  
143 He concluded by stating the FBC was wrong for residents. It made for more homelessness, it ran  
144 older people out of their homes as their property values increased and they were no longer able to  
145 pay their taxes. It would not stop here, it would soon cover all of the city.  
146 Note: Mr. Stewart submitted written comments. See Attachment A.

147  
148 **Walt Bausman, 5792 S 1075 E** – said he had been listening for a few years as the Commission had  
149 discussed the FBC. He thought it was interesting the City was planning 40<sup>th</sup> Street before it was  
150 widened, and wondered why it was not being considered first. The widening would limit many of  
151 the businesses on both the north and south side and affect the residential lots.  
152 He also said according to IBI, there had only been 8 cities in Utah who had done a FBC, and they  
153 had only used them in limited areas. He agreed with Commissioner Stewart that the City should  
154 enhance what it already had. He also felt 40<sup>th</sup> Street should not have any businesses on it; that  
155 would make it friendlier to homeowners who were already there.

156  
157 There were no more public comments.

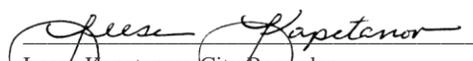
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161 **VII. ADJOURN**

162 Chair Heslop called for a motion to adjourn.

163  
164 **Commissioner Rounds moved to adjourn, followed by a second from Commissioner Bradley.**  
165 **All present voted aye.**

166  
167 The meeting ended at 7:16 pm.

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173 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting  
174 held Thursday, April 14, 2016.

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177 Leesa Kapetanov, City Recorder

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Date Approved by the Planning Commission

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**Attachment A**

Wes Stewart Written Comments

Not Approved

April 14<sup>TH</sup>, 2016

I am requesting that the planning commission minutes be corrected for my verbal comments from the February 2016 public comments. I am not a business owner and I spoke regarding the benefits to residents about having affordable housing and how many of the homes within the redevelopment area, have increased in property values. I asked that it should be re-looked at on the basis that many of the homes in the eastern portion of the redevelopment area have increased in value from when the 2008 general plan was written. Many of these homes have gone up in value where as properties further in the more expensive south part of our city have gone down in value. These comments were not directly related to the Form Based Code and associated rezoning proposed. I also discussed the blessing it was to me when the housing bubble burst and I was unemployed for a season. (Two months).