RIVERDALE CITY PLANNING COMMISSION AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – OCTOBER 8, 2013

6:00 p.m. –Work Session *(City Council Conference Room)*
The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

Planning Commission Work Session Items

- Planning Commission training
  - Review and discuss *Zoning and the Zoning Ordinance*
  - Next training document to be Subdivisions: Development and Regulation

6:30 p.m. – Planning Commission Meeting *(Council Chambers)*

A. Welcome & Roll Call

B. Open Communications
(This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes.)

C. Presentations and Reports

1. Community Development Projects Status Report

D. Consent Items

1. Consideration of meeting minutes from:
   September 24, 2013 Work Session
   September 24, 2013 Planning Commission

E. Action Items

1. Consideration of preliminary site plan for Lot 3 of the Hayward Business Park address 5175 S. 1500 W.
   Presenter: Michael Eggett, Community Development Director

F. Discretionary Items

G. Adjournment

- The public is invited to attend all Planning Commission meetings.
- In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Recorder at 394-5541 x 1232.
- This agenda has been properly posted and a copy provided to local news media.

RIVERDALE CITY
PLANNING COMMISSION AGENDA
October 8, 2013

AGENDA ITEM: Work Session Items

SUBJECT: Planning Commission training

- Review and discuss *Zoning and the Zoning Ordinance*
- Next training document to be Subdivisions: Development and Regulation

PETITIONER: Community Development Director

ACTION REQUESTED BY PETITIONER: Review and discuss *The Planning Process and the General Plan*

INFORMATION: Per Community Development Director desire, this item will be placed on the agenda as a permanent and regular item.

- Review and discuss *Zoning and the Zoning Ordinance*

BACK TO AGENDA

ZONING and the zoning ordinance

Zoning does much more than "regulate land uses." The detailed policies and standards contained in the ordinance effectively structure the community's policy in many other areas, including urban design, housing, environmental quality; property value, traffic, and transportation. Leslie S. Pollock, AICP, Zoning News, May, 1999

ORIGINS OF ZONING IN THE USA

The earliest efforts to regulate the use of land were quite different from the more sophisticated, sometimes complex, ordinances of today. The first attempts at regulation were primarily intended to prevent objectionable activities (nuisances) from occurring in residential neighborhoods.

An ordinance passed on January 7, 1632, in the town of Cambridge, Massachusetts, provided for the erection of buildings only with the consent of the mayor. The ordinance further provided that no buildings could be built in outlying areas until vacant spaces within the town were filled in. Buildings were subject to uniform height restrictions, and roofs were required to be covered with slate or board rather than thatch. Under the provisions of the same ordinance, building lots were forfeited if not built on in six months.

Other early ordinances excluded certain types of structures and uses, such as wooden buildings and horse stables, from particular areas in the city. Many ordinances included area requirements and provided for height limitations and yard setbacks. Some of the first recorded court cases related to land use regulation occurred in California. The cases dealt with a brickyard and a hand laundry that were declared to be a nuisance in close proximity to homes. As the twentieth century progressed, additional experiments in the regulation of the use of structures began to appear in various parts of the country.

The concepts of regulating land use, building heights, and yard setbacks, appeared in this country's first comprehensive "districting" ordinance adopted by the City of New York in 1916. The term was later changed to "zoning." This was the first time in American history that a local government enacted a law that divided its entire jurisdiction into geographical districts to regulate the use of land and buildings, the density of population and the height and bulk of structures. Similar ordinances quickly followed in other American cities.

By the 1920s, the Supreme Court had upheld local governmental power to set height limits and eliminate nuisances from particular zones or areas within a community. Persons interested in civic improvement, such as architects, engineers, landscape architects and lawyers, advanced the idea that American cities were generally disgraceful and needed substantial improvement and that such action could be accomplished most effectively with some form of regulation *in the public interest.*

LEGAL AUTHORITY FOR ZONING

SUPREME COURT DECISION

The case of *Village of Euclid v. Ambler Realty Co*. was heard and decided by the U.S. Supreme Court in 1926. The comprehensive zoning ordinance of the Village of Euclid, Ohio, and the concept of land use zoning and regulation in general, had been challenged by the Ambler Realty Company as unconstitutional. This was a landmark decision. The Court upheld the constitutionality of comprehensive zoning and secured the future of zoning as an important and legitimate exercise of the police power.

The Court held that the zoning restrictions on the use of the land could be supported by valid considerations of public health, safety, morals, and general welfare, made in the interest of preserving the character and quality of the neighborhood. The Court stressed that deference be granted to the *local legislative judgment* in these matters, where policy decisions were reasonably debatable.

Euclidean Zoning. Following the *Euclid v. Ambler* decision, the general validity of comprehensive zoning as a legitimate exercise of the police power was no longer in doubt. Courts across the nation have since accepted the exercise of zoning powers by local governments. As a result of this case, traditional zoning (i.e., segregation of uses, building heights and lot setbacks, etc.) is sometimes referred to as "Euclidean Zoning."

Subsequent court decisions have addressed specific challenges to zoning authority. In the interaction of private property rights versus the public (or community) interest, the courts have upheld some ordinances and public decisions and overturned others. The Supreme Court, however, has never modified nor questioned the 1926 decision of Euclid v. Ambler, and comprehensive zoning remains as an appropriate and legally sanctioned tool for land use regulation.

The United States Constitution

Tenth Amendment

POLICE POWER

The authority to regulate private property in the interest of the public health, safety and welfare is reserved to the various states by the Tenth Amendment of the U.S. Constitution. Each state legislature in turn delegates that authority to its local governments by the means of enabling laws. Having been granted such authority, each local government must follow the guidelines of the enabling statutes in the preparation of local ordinances.

The term "police power" describes the authority reserved by the Constitution to the states, and delegated by state government to their local governments to create laws and regulations for protection of the public health, safety, and welfare.

Fifth and Fourteenth Amendments-Due process, just compensation, equal protection

DUE PROCESS

Substantive due process assures that laws are not unreasonable, arbitrary or capricious, and represent a legitimate public purpose. All regulations and laws authorizing local government action must be clear and understandable. Regulations must be properly drafted to provide all participants with a clear, unambiguous meaning of the regulations. The regulations must not delegate authority or discretion to local administrative officials without clear and through standards to guide their actions.

Procedural due process guides the manner by which the regulatory process is administered and assures that all persons are allowed access to a fair and legal deliberative hearing. Those who administer zoning ordinances and other land use regulations should be fully aware of the importance of due process—the clarity and fairness with which regulations are developed, and the fairness of the public meetings during which the regulations are explained and administered. This suggests attention also to the physical environment of the meetings and the manner in which public meetings are conducted to assure satisfactory citizen participation.

Due process assures:

! Proper notice of to stakeholders of regulatory actions;

- Access to public meetings and hearings and an opportunity to participate;
- A fair and unbiased opinion by deliberative bodies;
- A legitimate governmental purpose; and
- A complete and accessible public record.

JUST COMPENSATION and "Regulatory Taking"

In pursuit of their "police power" authority, local governments may acquire private property for a legitimate public purpose, if the owner is paid a fair market value (just compensation.) When regulation limits the use of land by the land owner, as it almost always must, there is often a question as to whether such regulation is excessive and that compensation must be paid. When a regulation is challenged as excessive, it may be found that the regulation does not leave the owner with appreciable economic benefit from the land, or that it does not promote a legitimate public purpose. If such a finding is made, the regulation could be overruled by a court as a "regulatory taking" and compensation to the land owner may be ordered.

EQUAL PROTECTION (Fourteenth Amendment)

The Constitutional principle of equal protection assures that all citizens will be treated alike under the law unless there is a legitimate reason for treating them differently. When two similar parcels of land are given different land use designations under a zoning ordinance, there must be a rational basis for the differentiation designed to achieve a valid objective of the exercise of the police power.

Without a rational basis for the differentiation, the classification may be struck down as arbitrary and capricious. Similarly, if land use regulations have a particular impact on a distinct class of persons, the regulations may be invalidated unless the different impact on that class of persons can be justified. If the class of persons adversely affected is a minority group, the classification is immediately suspect and may be difficult to defend.

Thus, zoning regulation is a valid application of the police power if it is conducted in such a manner as to protect the public health, safety, and general welfare of the community, provides a fair and honest process for participation, and does not leave a property owner with no economically viable use of his/her property. (US Supreme Court)

UTAH ENABLING LEGISLATION UPDATE

Local governments are authorized by state statute to engage in planning and land use regulation. This is accomplished by creation of state enabling legislation. Utah's enabling acts date back to 1925, and were amended, expanded, and modified sporadically over the years. The enabling statutes survived piecemeal amendments until a completely re-codified and up-dated

statute was passed by the Legislature in 1991. A review and up-date of the 1991 LUDMA was undertaken during 2004 and the current, revised version was enacted during the 2005 Legislative Session. .

UTAH CODE *LAND USE DEVELOPMENT AND MANAGEMENT ACT*

TITLE 10, Chapter 9a — Municipalities
TITLE 17, Chapter 27a — Counties

Part 5. Land Use Ordinances

10-9a-501/17-27a-501. Authority to enact land use ordinances and zoning map.
The legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in this chapter.

10-9a-502/17-27a-502. Preparation and adoption of land use ordinance or zoning map.
(1) The planning commission shall:
(a) provide notice as required by Subsection **10-9a-205**(1)(a)[**17-27a-205**(1)(a)];
(b) hold a public hearing on a proposed land use ordinance or zoning map; and

(c) prepare and recommend to the legislative body a proposed land use ordinance or ordinances and zoning map that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.
(2) The municipal [county] legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as required by Subsection **10-9a-205**(1)(b))[**17-27-205**(1)(b)] and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate.

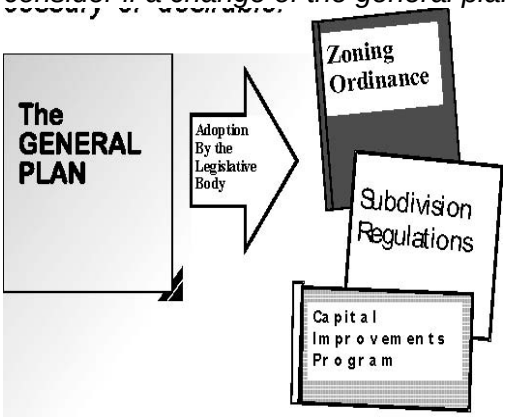
The remaining sections of the enabling statue describe specific characteristics and procedures of zoning administration (see Appendix). The sections provide guidelines for amending an ordinance, applying temporary zoning regulations, creation of zoning districts, and procedures for administering conditional uses and nonconforming uses.

STATUTORYGUIDELINESANDPROCEDURES

As the planning commission prepares the land use ordinances and zoning map for adoption by the legislative body, it is important to follow the procedural steps provided in the enabling act. These will describe the publication of the required notices of public hearing and the sequence of hearings and reviews.

Following adoption of the general plan by the legislative body, the zoning ordinance and other regulatory programs are adopted to implement the plan. The regulatory process must follow the goals of the general plan.

If an amendment to the zoning ordinance might be inconsistent with the vision and goals of the general plan, the planning commission should conduct a public hearing to consider if a change of the general plan is necessary or desirable.



The legislative body will then hold a hearing for the final decision.

PURPOSES AND OBJECTIVES OF ZONING

Zoning is probably the most commonly used and useful tool for implementing the community general plan. The ordinance must be designed to implement general plan goals and public policies, to assure a compatible interrelationship of land uses in such a way that the health, safety, morals and general welfare of the community are promoted and protected. To avoid the potential negative implications of zoning, it must be drafted and administered carefully.

A zoning ordinance may express as among its purposes to:

- Conserve the value and integrity of residential neighborhoods.
- Encourage attractive and functional commercial centers.
- Assure orderly growth.
- Protect life and property from natural hazards.
- Assure efficient and safe traffic movement.
- Augment or stabilize the local tax base.
- Preserve culturally and historically important sites and landmarks.
- Encourage good visual quality and high aesthetic standards.

The objective of zoning legislation is to establish regulations that provide for a satisfactory distribution and interaction of land uses and to ensure that each use is located appropriately geographically to enhance its use and enjoyment by the

owner and the community. Zoning is not solely a method of nuisance control. Zoning can, and should, be used creatively.

Land uses that may be incompatible in one location may be welcome in another. The achievement of an effective and compatible relationship of legitimate land uses, not just segregation of uses, is the challenge and responsibility of creative zoning regulation.

Zoning should NOT be used to:

Provide economic opportunity or advantage for any owner of property that is not extended to all property owners similarly situated.

Restrict competition or influence artificially the value of property in some districts over others by the use of unreasonable or restrictive development standards.

Establish zoning districts prematurely in response to long-range planning projections. Some areas offer future potential, but may be years away from supportable infrastructure. Premature zoning can create unfulfilled expectations, and artificially influence property values. *Zoning should be an incremental approach to plan fulfillment.*

Promote economic, social, or racial segregation through exclusionary zoning.

THE GENERAL PLAN IS NOT A LAND USE ORDINANCE AND ZONING MAP – THE LAND USE ORDINANCE AND ZONING MAP IS NOT A GENERAL PLAN.

Involvement of the legislative body

The legislative body must ultimately make the hard decisions with regard to what the community's growth policies shall be, as implemented by the Land use Ordinance and Zoning Map. *The legislative body cannot delegate its legislative authority to the planning commission or any other agency, and should not seek to do so.* This factor is the very reason that there must be a close working relationship between the elected officials and the planning commission - through all stages of the planning and regulatory processes.

A Land Use Ordinance and Zoning Map are developed to meet the concerns of the local government that adopts it and in so doing reflects the level of physical growth anticipated as well as services expected to be provided. The Land use Ordinance and Zoning Map prepared for a municipal government will usually provide for much greater regulation of development appropriate to an urban environment than will an ordinance developed for the unincorporated county, unless of course the county is itself highly urbanized.

The zoning regulations should address local needs and characteristics.

Regional concerns. If possible, municipal governments should seek to protect their peripheral areas from undesirable or incompatible development that may occur in the surrounding unincorporated lands and/or adjacent municipalities. In order to accomplish this it is necessary that there be regional cooperative efforts in planning and zoning by the local governments involved.

If the county is rural, it will likely be concerned with controlling the development of high-density residential areas that place an unnecessary burden on the county's ability to provide essential public services such as utilities, police, fire and health protection. Land use Ordinance and Zoning Maps in rural areas usually seek to encourage agricultural uses and protect them from incompatible activities.

Clarify institutional responsibilities. Whatever differences may exist with regard to growth policies and areas of concern, as expressed in the regulatory provisions, Land use Ordinances and Zoning Map adopted by cities, towns and counties should describe clearly the specific functions of the agencies responsible for carrying out and enforcing the zoning regulation. For example, the functions of the planning commission in the preparation of the ordinance and amendments should be distinguished from the functions of the appeals process in granting variances and other forms of relief. Likewise, the ordinance should spell out carefully the duties of the building inspector in issuing building and occupancy permits and in enforcing the regulatory provisions of the Land Use Ordinance.

FORMAT AND CONTENT OF THE LAND USE ORDINANCE

ORGANIZATION

The text of the ordinance is generally divided into principal headings and subheadings each with a title that makes the headings easy to identify. An ordinance organized in this manner will probably not have to be indexed because the table of contents will be sufficiently detailed.

It is recommended that chapter, section, and subsection headings be assigned numbers in a logical decimal system rather than in an alphabetical progression, at least for the first major sub-sections. The advantage and ease of using the numerical system is apparent when amendments or revisions are made to the ordinance. This method of numbering also allows immediate identification of a section or subsection when quoted out of context.

Generally, the Land use ordinance will be one part of a local code of ordinances covering all subjects from A to Z. Each of these subjects may be a numbered

article that is divided into chapters or sections, etc. Many numbering systems for Land use ordinances will start with the title or article number in order to be consistent with the local code, as shown below.

ORDINANCE FORMAT

It is recommended that in developing the outline for a Land Use ordinance, the text be organized into general areas by subject and that the numbering system allow for identification of the chapter, section and subsection. The following is an example of the organization of a typical Land Use ordinance:

I. ADMINISTRATION AND DEFINITIONS

A. General Provisions
B. Definitions
C. Zoning Administrator
D. Planning Commission - Appointment, Powers and Duties.
E. Board of Adjustment- Appointment, Powers and Duties

II. ZONING DISTRICTS AND DISTRICT REGULATIONS

A. Establishment of Zoning Districts
B. Districts and Regulations – Permitted and Conditional Uses

III. GENERAL REGULATIONS AND STANDARDS

A. Planned Unit Development Standards
B. Sign Regulations
C. Off-Street Parking Regulations
D. Supplementary Regulations and Design Standards

IV. SPECIAL PROCEDURES, ENFORCEMENT AND PENALTIES

A. Site Plan Review
B. Nonconforming Uses
C. Ordinance and Map Amendment
D. Enforcement and Penalties

Part I, B, Definitions, is one of the most important sections of a Land Use ordinance. The outcome of many suits and disputes has hinged on the interpretation of a land use definition. The definitions should be reviewed carefully to assure that each is clear, unambiguous, and truly represents the intent of the ordinance and general plan goals.

Part II, Zoning Districts and District Regulations, in the example above, is the real heart of a Land Use ordinance. Although a Land Use ordinance should be original and suited to the locale as much as possible, much of the language can follow generally accepted legal format and terminology, *except for Part II*. Zoning

districts and regulations must be designed to accommodate local needs, the local general plan, and the local administrative capabilities.

ZONING DISTRICTS

How many districts should the zoning ordinance provide?
This question is often asked and there is no standard answer. Some local governments have been able to rely upon three or four basic districts, while others have found the need to use considerably more. A sufficient number of districts should be established to identify logical, coherent geographical areas. No district should be established for trivial or frivolous reasons—each district, and its purpose statement, should represent a *legitimate public purpose*. The districts that are established should reflect the purposes to be accomplished (the general plan), the size and complexity of the jurisdiction, and the local government's general approach to land use.

It was discovered several years ago that a rural county in Utah, with very little urban development, was laboring with a zoning ordinance that provided for over twenty zoning districts in the unincorporated area. Some of the districts allowed high densities characteristic of a large city. The problem, of course, was that the ordinance had been borrowed and little time or thought had been devoted to a realistic analysis of the needs or character of the area. With assistance of a qualified consultant, the local government found that 4 or 5 zoning districts were adequate to serve the county's development needs.

Zoning District Designations

There is no state law that establishes a requirement for zoning district designations. A standard, or common practice, has emerged generally throughout the nation for the basic categorical land use designation – beyond that, local idiosyncrasies take over and each individual ordinance should be studied to understand completely the designation.

The following are examples of common designations (particularly in Utah) – note, such district designations are not required, recommended, or even suggested – just typical:

A – Agricultural
- **A-1** Agriculture with single-family residences
- **AI** Agricultural Industry

R – Residential

R-1 Single Family
R-1-10 Single Family, minimum 10,000 sq. ft. lots
R-2 Duplex
R-2-12 Duplex, minimum 12,000 sq. ft. lots
RA – Residential/Agricultural
RA-20 Minimum 20,000 sq. ft. lots
RM – Residential Multiple
RM-4 Maximum 4 units per lot
MX – Mixed Use
MH – Mobile or Manufactured Homes

C – Commercial
C-1, or **CN** Neighborhood Commercial (least permissive) **C-2**, or **CG** General Commercial (more permissive)

B – Business
BO – Professional Office District

M – Industrial and Manufacturing
M-1 Light Industry
M-2 Heavy Industry

The purpose statement for zoning districts.

The preparation of a statement of purpose describing each zoning district is highly recommended. Such statements explain the defining characteristics of the district, the reasons for establishing it, and the characteristics that distinguish it from the others. The first, and perhaps major, value of purpose statements is that they encourage drafters to relate regulations to defensible public purposes, e.g., to create a quiet residential environment, lessen traffic congestion, reduce excessive noise, protect health, promote public safety, provide open space and conserve property values. They also serve to establish the legislative intent of the regulations and may be both a guide and a legal defense in the event of a legal challenge.

THE FOLLOWING ARE EXAMPLES OF ZONING DISTRICT PURPOSE STATEMENTS:

(Zoning Ordinance of North Salt Lake, General Commercial C-2 District)
Purpose and General Limitations. This district shall be available for portionsof the City which are most appropriately suited for commercial services of all kinds. Motels, hotels, as well as limited fabricating and processing of goods are also permitted. This district permits a mixture of dwellings with business enterprises, however, the primary purpose is for retail sales and services. No building, structure or land shall be used and no building orstructure shall be hereafter altered, enlarged or maintained except as provided in this Ordinance.

(Sandy City Development Code, R-2-8 District)

Purpose. The Residential R-2-8 District is established to provide aresidential environment within Sandy City that is characterized by higher densities than single family districts, single family housing interspersed with two family housing, a variety of housing sizes, a minimum of vehicular traffic and quiet neighborhoods favorable for family life.

In the absence of such statements, courts may be hesitant to speculate as to the intent of the legislative body. It is important to note, however, that a purpose statement is not considered to be an enforceable part of the regulatory standards for that district.

PERMITTED AND CONDITIONAL USES

Permitted Uses (Uses by right)

Each zone district regulations will provide for permitted uses; many will also provide for conditional uses. Permitted uses are sometimes referred to as "uses by right." These uses are allowed by the ordinance automatically and in most jurisdictions may be approved by staff. A permitted use must none the less comply with the basic standards provided in the district regulations, i.e., yard setbacks, building height limit, accessory buildings, etc.

Conditional Uses and the Conditional Use Permit (CUP)

The term "conditional use" refers to a land use that would not be permitted under the standard regulations for the zoning district. The use in question, may, however, be allowed if made compatible with the zoning district by complying with conditions, specified in the ordinance, that mitigate its impact. The specific conditions to be applied to an individual project are usually specified by the Planning Commission and must relate to mitigating the impacts of the proposed development. The standards or conditions applied to a particular development are described on a conditional use permit that runs with the land and the use, provided the standards and conditions of the permit continue to be followed. The conditional use permit is revocable by the issuing agency if any one of the standards or conditions is violated.

Statutory definition of conditional use

10-9a-507/17-27a-506. Conditional uses.
(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Guidelines for conditions.

The standards or conditions, as imposed upon the applicant, are often either inadequate or too vague to be legally defensible. The conditions must be spelled out in the ordinance, and must reasonably relate to mitigating the impact of the development. Issuing a conditional use permit with conditions that are not based upon established standards or guidelines is regarded by some Utah land use attorneys as inadvisable and may result in regulations being challenged legally as "arbitrary and capricious", a denial of due process, or an improper delegation of legislative authority.

Various approaches are possible to establish the conditions that may be imposed upon any individual application. There are ordinances that describe for each conditional use the conditions that should be applied —thus eliminating any possibility of complaints that arbitrary conditions were contrived by the regulating agency. This method is recommended if the land uses proposed for conditional use designation are complicated or specialized, or regulate impacts about which the planning commission could not be expected to have sufficient expertise. Generally, however, there should be more flexibility in applying the conditions.

Other ordinances establish a set of guidelines, or subject matter, from which conditions may be developed. The following is a list of categories of conditions that could be established in the conditional use section of a zoning ordinance—under each category is an example of the specific guidelines for conditions that might be provided:

1. CONDITIONS RELATING TO SAFETY FOR PERSONS AND PROPERTY.
Require building elevations and grading plans that will prevent or minimize flood water damage where property may be subject to flooding.

2. CONDITIONS RELATING TO HEALTH AND SANITATION.
Provide a waste water disposal system approved by the appropriate sewer district.

3. CONDITIONS RELATING TO ENVIRONMENTAL CONCERNS.
Provide for the planting of ground cover or other surfacing to prevent dust and erosion. Assure the control of blowing paper or other debris that might be generated.

4. CONDITIONS RELATING TO COMPLIANCE WITH THE COMPREHENSIVE PLAN OR SPECIAL CHARACTERISTICS OF THE ZONING DISTRICT.
The applicant's concept for the conduct of the proposed use should be compatible with general plan goals. [The Land Use ordinance may not provide standards that are sufficiently clear to cover all possible definitions of a use that is listed as conditional. The goals of the general plan may be the planning commission's best resources for evaluation.]

5. CONDITIONS RELATING TO PERFORMANCE.
Require a bond or other valuable assurance in favor of the regulating jurisdiction in an amount to be determined to be adequate.

Regardless of the method by which the guidelines or standards are established, they should assure that the proposed conditional use will be harmonious with neighboring uses, will fit the goals of the community general plan, and will impose no unusual demands for public services.

In order to avoid legal challenge, the conditions imposed must rationally relate to mitigating any adverse impact that could be created by the use. Conditions based upon whim and not generated by valid land use concerns (health, safety and general welfare of the community) could be found to be arbitrary, capricious and unreasonable.

Use in moderation

If the planning commission and the governing body feel that they must provide for conditional uses in the zoning ordinance, their use should be selective—and the standards or guidelines for the conditions should be clear and specific and thoroughly understood by the applicant and the administrator and planning commission.

The application and review process – role of the planning commission
In compliance with Section 10-9a-302, or 17-27a-302, the planning commission will recommend to the legislative body an appropriate delegation of power to a designated land use authority to hear and act on a land use application. The planning commission may designate itself to issue conditional use permits and designate an appropriate appeal authority to hear appeals to its decisions.

In whatever format the guidelines or standards are established they should assure that the proposed conditional use, when in compliance with the standards, will be harmonious with neighboring uses, will fit the goals of the community general plan, and will impose no insatiable demands for public services.

The conditional use permit form should provide space for the findings of fact and an explanation of the rationale for each condition. This information may be recorded with the title to the property in order to place all future owners on notice of the existence of the conditions.

Keep the process clear, simple and understandable.

The application process for conditional uses should be clear, simple and understandable for both the administering agency and applicant. The review process, however, must also be thorough enough to provide all the information necessary for local officials to make a fair and equitable decision. Review processes in most communities are structured to include all departments of the local government, including fire and police, and may also involve representatives of the public utilities or appropriate special service districts.

A suggested process for conditional use review and approval includes the following steps:

1. Staff review and application

An applicant will request an application from the zoning administrator or appropriate staff official. The official will review the proposed use and advise the applicant of conditions that could be imposed to mitigate negative impact.

In addition to a completed application form, the application for conditional use calls for:

(a) An affidavit of property ownership;
(b) A property description;
(c) A site plan;
(d) A detailed description of the proposed use.

2. Technical Committee review

The staff calls for a meeting of the Technical Committee, comprised of representatives of city departments (fire, police, engineer, traffic, etc.), and other interested agencies, such as the local school district or special improvement districts. Representatives will respond to the extent the application is of concern to their area of interest. Comments and suggestions will be recorded for transmittal to the planning commission and the applicant.

3. Planning commission work/study session review. The staff presents the application to the planning commission at a work/study session for review and discussion. This is a public meeting (following guidelines of the Open Meetings Law) that the applicant may attend, but testimony or public input is not accepted, unless specifically requested by the planning commission. (Larger or unusual projects may require input from the developer or other experts.)

4. Planning commission public hearing.
Many local jurisdictions in Utah have required that conditional use applications be presented at a public hearing, called for and conducted by the planning commission. Notice requirements, following guidelines in the enabling act (LUDMA), are codified in the local ordinance.

Ordinances may require a public hearing for presentation of all conditional use permit applications in order to assure public involvement and an opportunity for input. The public hearing requirement may become burdensome and time consuming for larger communities, but where used, hearings have opened some potentially controversial proposals to public scrutiny and valuable input.

With respect to the use of public hearings, the Utah Supreme Court has addressed the issue of public involvement in the conditional use approval process. In the 1981 case of *Thurston v. Cache County*, the Court upheld the Cache County Planning Commission's denial of conditional use permits to build residences in an agricultural area by acknowledging that while there is no impropriety in the solicitation of or reliance upon the advice of neighboring landowners, "the consent of neighboring landowners may not be made a criterion for the issuance or denial [of] a conditional use permit."

NON-CONFORMITIES **(Nonconforming structures and uses)**

Zoning cannot be applied retroactively. When new zoning ordinances or amendments are adopted, it is inevitable that there will be certain uses of land (or structures), or lots, that were legal under the previous regulation that will not comply with the new. These are referred to as nonconforming uses or lots. Such uses must be tolerated because zoning regulations may not be applied retroactively. A multiple dwelling structure or small office building located in an area that is re-zoned for single-family residences, for example, would be allowed to continue under specific guidelines as a nonconforming use.

The definition of a nonconforming use is provided by the Utah Code, Land Development and Management Act:

10-9a-103/17-27a-103. Definitions
(21)"Noncomplying structure" means a structure that:
(a) legally existed before its current land use designation; and
(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.
(22)"Nonconforming use" means a use of land that:
(a) legally existed before its current land use designation;
(b) has been maintained continuously since the time the land use ordinance governing the land changed; and
(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Sections 10-9a-511 and 17-27a-510 provide a thorough description of the of the law pertaining to nonconformities. These should be reviewed very carefully. It is important that a zoning ordinance provide its standards for nonconformities based upon the State statutes. The basic policy is usually that such uses may continue provided they are not enlarged or expanded. A problem arises when a nonconforming use within a structure is changed, but there is no visible change of the structure. Most local ordinances contain language to address some of the conditions that can be encountered. Generally:

- *A nonconforming use may not be changed to any use other than a use allowed in the district in which it is located. When such a nonconforming use or structure is changed to conforming, it may not thereafter be changed back to a nonconforming use, lot, or building.*

- *The law invalidates local ordinances that prohibit the reestablishment of a nonconforming use or noncomplying structure after loss by casualty, but provides that such uses or structures can be eliminated if abandoned or allowed to become uninhabitable or demolished. .*

- *The enlargement of the structure or scope of activity of a nonconforming use is prohibited.*

- *A nonconforming use shall be deemed to have ceased when it has been discontinued for a period of a year or more, whether or not the intent is to abandon the use*
- *The law provides that the property owner has the burden to establish that a use is legally nonconforming, but allows the local ordinance to establish a presumption of legal conformity.*

- *Alteration or reconstruction of a nonconforming structure may not increase the discrepancy between existing conditions and the standards for front yard, height of structure, driveways, or usable open space prescribed in the regulations for the zoning district in which the structure is located*.

The repair or reconstruction of a nonconforming property that has been seriously damaged may generally be allowed only when damage does not exceed a specified percent of the physical structure, or appraised value. Some jurisdictions, allow complete reconstruction as a special exception if the final structure does not exceed the original footprint.

SPOT ZONING

One of the basic principles that establish the legal foundation of zoning is that it is adopted pursuant to a general plan and polices to the benefit of the whole community. The singling out of one parcel of land and granting to the owner thereof a special zoning designation for the benefit of the owner rather than the general health, safety and welfare of the community is regarded as contrary to the spirit and purpose of land use regulation. This practice is described as "spot zoning."

Spot zoning is not defined nor declared illegal by any Utah statutory law. A Utah Code annotation describes a court decision, *Marshall v. Salt Lake City* (1943), and offers the following law-based description of spot zoning:

> *The cases relative to "spot zoning" are generally cases in which a particular small tract within a large district is specially zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or granting to it special privileges not granted generally, not done in pursuance of any general or comprehensive plan.*

Though not expressly illegal, spot zoning, as described above, is generally regarded as bad zoning and is usually a contradiction of the community general plan. Proposals to rezone a single ownership lot, or relatively small tract, for uses that appear to be incompatible with surrounding uses should be studied carefully. It is possible that the proposed use(s) may offer a positive contribution to an isolated or sterile area, but an amendment to the zoning ordinance may provide a better solution.

The Land Use Development and Management Act provides clarification of the issue of size of a zoning district:

10-9a-505/17-27a-505. Zoning Districts.
(3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.
(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal [county] decision.

THE ZONING MAP

The zoning map is an integral part of the zoning ordinance. A Utah court has held that if there is no zoning map adopted with a zoning ordinance, there is no zoning ordinance.

The boundary lines defining the zoning districts are hopefully drafted onto an up-to-date base map of the jurisdiction. The base map should be prepared at a large enough scale to permit clear identification of lot lines. A scale of 1" = 400' is preferable. A scale of 1" = 1,000' is the logical limit for easily interpreted zoning mapping purposes.

The zoning map that is produced will have two important functions, and should be drawn accurately and legibly for both purposes—one use is that of the official map that hangs on the wall at city hall and is large enough to allow definitive detail. The other use is for reduction in order that the map can be distributed with copies of the ordinance. It is helpful that the original map display a bar scale so that the scale of the map is known even if the map is reduced. One disadvantage of handing out the reductions is that they are soon out of date.

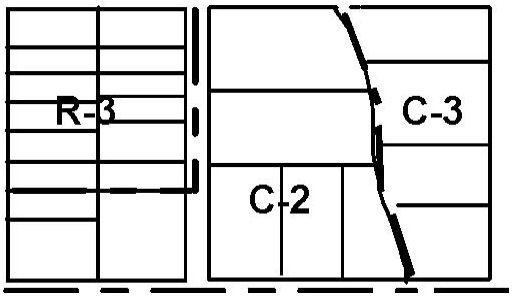
Zoning boundaries should be shown with a line weight or pattern that is easily distinguished from other boundaries shown on the map. The letter or number symbols used to identify the zoning district should be of such a size and so located within the district boundaries that it is very clear which properties are included in the district.

A space should be provided on the zoning map in which the amendments to the map are recorded. The entries in this space should identify the date, the number of the amending ordinance. Keeping the zoning map, including the amendment record, current is very important, particularly in those jurisdictions where a map change does not become effective until it has been properly recorded on the map. This is a sound requirement, since persons relying on the map may be misled or misinformed. The determination of the amount of area to be allocated to each type of zoning district, the type of land suited to particular types of development, the best physical arrangements and the general location for particular zoning districts are all matters that should be decided as a part of the formulation of the land use plan and guidance system adopted by the governing body as part of the planning process.

In actually mapping the zoning districts, however, the planning commission and legislative body are often forced to compromise between the districting pattern dictated by existing developments and that called for in the general plan for the future. The land use plan in reality becomes a guide for this decision making process as well as a guide for the deliberations to be followed in making later amendments to the map.

Creating and locating the districts.

Techniques can be employed to establish zoning district boundaries that are appropriate to the uses allowed and create compatible relationships with abutting districts. These include drawing district boundaries at the back lot lines so that activities face away from one another - or using natural buffers such as parks, lakes, rivers, cemeteries, educational institutions, government buildings, churches—to name just a few—as dividers or transition areas.



District boundaries should follow property lines, center lines of streets, rivers and streams or other clearly defined physical features. The dividing of individual parcels into different zoning districts should be avoided. The pat-terns of land use that are created should con-tribute to compatiblity of uses in order to minimize negative impacts.

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Other techniques may involve using zones that permit only a certain type of activity that has limited adverse impacts as buffer or transition zones. An example of this would be the development of regulations that would permit professional office complexes to be placed between a residential area and a large commercial district. Requirements related to building height, lot coverage and yard sizes may also be used to provide a smooth transition from one zoning district to another.

On the following page are reproductions of zoning maps at the two common scales of one inch equals four hundred feet and one inch equals one thousand feet. It has been general practice for many years to produce the zoning map in black and white (as shown above), with the zoning districts distinguished by their letter-number designation. With the advent of computer-aided geographic information systems, many zoning maps are produced with each zoning district identified by color. *With the use of color, it is important to identify the map clearly to distinguish it from a colored land use (or general plan) map.*

ZONING ENFORCEMENT

There can be nothing more discouraging to the members of a planning commission or a board of adjustment than to see their efforts abandoned or ignored because of lack of enforcement. That disappointment is shared sometimes to the point of rage by citizens who witness violations of zoning regulations in their neighborhood - and their protestations disregarded. In many cases, the explanation may be lack of adequate budget for appropriately trained personnel. There are often situations, however, in which the failure of the system is interpreted, whether right or wrong, as consciously applied pressure on enforcement officers to overlook violations. Lack of effective enforcement is a serious disregard of the responsibility of local government to protect the public health, safety and welfare. There are municipalities throughout the State of Utah that have solved the problem of lack of qualified enforcement by contracting with their county, or by pooling resources through their Association of Governments (AOG), or the Utah Ordinance Compliance Association (UOCA).
Enforcement is described in LUDMA in Section 10-9a-802, and 17-27a-802.

RECOMMENDATIONS FOR CREATING OR AMENDING A LAND USE ORDINANCE

Review the general plan

Obviously, the approach to ordinance preparation will vary depending upon whether the effort is to create a totally new ordinance or to amend and up-date an existing one. In either case, the initial step should be the review of the goals and objectives and policies of the *general plan.* It will be helpful if the general plan has a strong land use element that identifies desired spatial relationships and goals for future growth.

Review the existing ordinance carefully

The process of up-dating an existing ordinance should move next into a thorough chapter-by-chapter review of the ordinance conducted by a professional planner, or knowledgeable person. The review should include the planning commission, key council members, the zoning administrator, city attorney, and any others who work closely with the ordinance. The review provides an opportunity to discuss ordinance effectiveness, clarity and currency. An exercise such as this often illuminates weaknesses in the ordinance and/or its administration, as well as misunderstandings on the part of commission members and local officials.

Use planning maps and research data to help with analysis

Existing land use maps as well as maps showing soil types and topography are useful in helping to analyze the existing situation and define problems. Other planning data that may be helpful include floodplain analysis, studies identifying natural hazard potential, population and economic base analyses as well as housing inventories and construction projections. Studies showing existing and future capacities of public utilities and facilities, based on planned expansion, will be useful in estimating land holding capacities that are projected from type of use and densities possible within a given area.

Information helpful for the preparation of the zoning ordinance also includes the terms of restrictive covenants that apply to large developments, the location and characteristics of all undeveloped land, the size of lots in various parts of the city, width of front lot lines, and the dimensions of existing front, side and rear yards.

Provide for citizen participation

Because of its significant role in shaping the future of the community, it is important for the zoning ordinance, as is true for the preparation of the general plan, to reflect citizens' views and, to the extent possible, cultural values. It is also important for the citizens of the community to understand and support the ordinance. Public support will be most helpful in those instances in which individual residents or special interest groups perceive that they have been treated unfairly. Such perceptions can generate vigorous opposition to the ordinance.

Neighborhood meetings. When a preliminary draft of regulations for the ordinance is prepared, many commissions have found it desirable to hold neighborhood meetings, usually at a school or other central meeting place. At such meetings, the proposed regulations are read and explained, and comments are invited. A secretary should be assigned to record the comments made by those in attendance. The comments, criticisms, and suggestions can then be reviewed and considered by the planning commission as the drafting of the proposed ordinance is completed. Building the base of support may require requesting opportunities for the staff, planning commission or other local officials to present the proposed ordinance at civic clubs or other group meetings, or preparing informative articles for the local newspaper.

If possible, depending upon questions received at meetings or hearings, it is prudent to respond in writing to each question asked and not answered during the meeting and to each suggestion made. A brief note expressing appreciation for participation should be sent to each person who signed an attendance roster. A responsive action such as this can contribute considerably to gaining support

for the zoning proposals.

Consult with professional assistance when drafting the ordinance

Use the technical expertise of a planner and the counsel of a legal advisor, if available, in drafting the zoning ordinance. It cannot always be assumed that the city/county attorney, especially one working on a part-time basis for local governments, is thoroughly knowledgeable about zoning concepts and land use law. Drafting the ordinance should be accomplished by a qualified land use planner working with an experienced attorney, under the direction of the planning commission. If so, the ordinance will reflect the policies proposed and/or adopted by the planning commission and the elected officials as they relate to the general plan and other development guides. It will assure that the new ordinance will be current with land use law and state statutes. If the city/county attorney is not involved during the drafting of the ordinance, it is important that he or she become completely acquainted and comfortable with the ordinance—it is the city/county attorney who will likely be called upon to defend the ordinance in the event of legal challenge.

The planner should work with the assisting attorney to assure that the substantive and regulatory provisions contained in the proposed ordinance are legally correct and that they do not conflict with other local ordinances. Once the draft ordinance is completed, prior to its being sent to the council for action, the legal counsel for the local government should review the ordinance in its entirety for correctness in terms of legal form and substantive provisions, particularly as they relate to the enabling statutes.

Be cautious of "model" or borrowed ordinances

Smaller jurisdictions are often tempted to use model ordinances, or ordinances being used by other cities. They may believe that all that is necessary is to change the name of the city and the “boiler plate” text will suffice. This practice may be attractive because of the great savings in time and cost. It is often very helpful to review other ordinances, or models, for ideas and suggestions. Much of the technical language or legal text can be used effectively from one community to another. Ordinance drafters, however, should be cautioned to make sure that the key provisions are tailored to respond to the local community plan, and the community’s unique needs and capabilities.

There are many cities and counties that adopted ordinances prepared for other jurisdictions that were far more complex than necessary or which addressed issues that were inappropriate. The results were that the ordinances were generally ignored or frustratingly difficult to administer. An illustration of this problem is the zoning district regulation that lists permitted land uses that are either long out-of-date or will never be attracted into the borrowing community.

With the constant stream of new technology and changing marketing concepts, land use designations and definitions are in need of frequent up-dating.

Remain abundantly aware of the importance of a responsive and effective enforcement process

With the preparation of a new zoning ordinance it is especially important to assure that an enforcement process is worked out and set in place. If it is a major amendment or change, it is well to review the enforcement apparatus. The ordinance language should describe the consequences of violation of zoning regulations and the process and authority of enforcement.

Prepare for the public hearing

When the drafting and the review is completed, the proposed ordinances should be returned to the planning commission for further work, if necessary. When the ordinance is approved by the local attorney it should be reviewed by the planning commission with a letter substantiating the approval. Though not required by law, it is recommended that the planning commission hold a public hearing before making its final approval. When approved by the planning commission, the ordinance is delivered to the legislative body for the required public hearing. Prior to the public hearing it is customary for the planning commission to review the proposed ordinance with the governing body to prepare them for any questions that may arise during the public hearing. It is essential that the legislative body follow the hearing notice requirements found in Part 2 of the Land Use Development and Management Act, Titles 10 and 17.
The formal public hearings for zoning ordinance adoption or revision are not adequate by themselves. They should be preceded by activities aimed at preparing the citizens to participate intelligently. When the preparation of the map and ordinance begins, the planning commission should undertake a program to build citizen understanding and support. It is often helpful to inform civic clubs, professional associations, and other groups of the project and ask for their assistance. Individual citizens should also be encouraged to make suggestions and to participate actively. Although the enabling legislation does not require the planning commission to hold a public hearing on a zoning ordinance adoption or amendment, a planning commission hearing is highly recommended.

It should be understood, also, that public hearings are held for the purpose of providing information, and receiving citizen points of view. A hearing, however, is not a straw vote. The body holding the hearing must understand that it is representing the entire community*; it should not be intimidated by a vocal group that may be attending the hearing.*

In anticipation of future amendments and revisions, it is often convenient for the

text of the ordinance to be published in loose-leaf format for general use by the planning commission and other governmental officials. For ease of making the ordinance available to the public, however, it is probably best to publish the ordinance in a single bound volume.

And finally, be sure everyone involved in the process understands the purpose, authority, and limitations of the appeals authority as established by local ordinance

Should individual parts of the regulations be made available? It has commonly been the practice of local governments to sell or give out portions of the ordinance - such as the pages covering regulations for just the zoning district in which an individual may be interested.

This practice is generally not advisable — the regulations for a specific district alone will not contain the supplementary regulations, definitions, penalties, zoning map, and other information that may be essential to the individual's complete understanding of the regulations and the satisfaction of his or her zoning concerns.

THE IMPORTANCE OF PLANNING AND LAND USE REGULATION TO THE FUTURE OF THE COMMUNITY

"We don't need zoning; we're all built-up."

This comment is often heard—it is, of course, is a thoughtless remark. Even the most completely developed community needs some kind of land use regulation and a monitoring process. Human communities are dynamic organisms that are constantly changing. They change in character and they change in density of development as well as in transportation and circulation patterns. Communities may grow or they may shrink, but they are never static.

As has been pointed out, planning is the process that contemplates the future, creates community goals, and identifies anticipated needs and problems. Zoning is a step that formalizes and implements the goals for land use and the physical development of the community. The public policies expressed by the community's plan must be explicit with respect to establishing the purpose and thrust of the zoning ordinance that follows the plan.

Too often in the conduct of day-to-day community development, zoning decisions are described as "insignificant" or only "slightly" contrary to the plan—such

comments are usually made to avoid controversy. As these departures from the plan continue over the years, the intent of a well-conceived plan will be eroded, and eventually a community disaster unfolds. It is for this reason that the implications of every zoning decision on the future of the community must be understood and anticipated.

In many cities in our country, millions of dollars are being spent to correct mistakes of the past. For examples of such costly errors in judgment, we can consider the millions spent to acquire rights-of-way for construction of streets to accommodate unanticipated growth; we can also observe the threatened movement or closure of important industries made necessary because of the encroachment of incompatible uses. Mistakes can occur because of illconceived or improper zoning or by the over-zealous granting of variances to the existing zoning ordinance. These errors in judgment generally contribute to more blight and deterioration. It is shameful to expend tremendous effort and resources to repair the mistakes of the past if the same mistakes are being repeated today.

Zoning in unincorporated areas.

The scattering of development throughout a less populated area surrounding the central city core can be inefficient and costly. On the other hand, if a service area for water, sewers and other municipal facilities can be determined in advance, the zoning ordinance can assure that the most intense development will occur in the area that can be economically and efficiently serviced. Zoning is also the means of preventing the countryside from being cluttered with unsightly signs, junkyards, and other objectionable uses that are attracted to the major highways.

Unfortunately, many property owners and local officials in non-urbanized communities do not recognize the advantages that zoning offers. The attitude is often expressed that zoning is an oppressive function of government and an infringement upon the economic opportunity available to the property owner. As a matter of fact, the potential for the sale of land may be greatly enhanced by careful zoning. If, for example, an undesirable development occurs in the immediate vicinity, future land sales will be more difficult and less profitable than if an orderly growth pattern has been followed. Future development opportunities will decrease as unsightly and unattractive development occurs in the surrounding vicinity.

SUMMARY

Zoning and land use regulation in general have matured and developed and will continue to do so. Many articles, books and studies have been produced in

recent years that attempt to discredit these practices. Much can be learned from these many of these observations because there is much that has been done in the name of zoning that can be legitimately criticized. Creative innovations have been introduced, however, that have addressed many of the objections.

No alternatives to locally administered land use regulation have been brought forth that can accomplish land use regulation and satisfy citizen concerns as effectively as zoning. Zoning will not solve all our problems, nor can it be the panacea for all of the ills of our communities. It can and will, nevertheless, continue to be an extremely effective and important tool if the principles are understood, if it is kept up-to-date, is used creatively, and if citizen participation, citizen concern and public interest are upheld as paramount.

EVALUATING YOUR ORDINANCE

If a zoning ordinance has become ineffective or inadequate, a careful examination of the ordinance often reveals that it has become a patchwork collection of revisions and amendments. Many ordinances are amended, bandaged, and modified over many years to the point that the original balance of interests and the motivating goals and ideals are obscured or lost. Such ordinances are either out of date, out of touch with the community's comprehensive plan, or they simply evolved without benefit of a legitimate birth from a community planning process.

Typical ordinance defects.

Land use regulations that are without the purpose and direction of a parent comprehensive general plan do not deserve to be regarded as the vital tool of plan implementation. But, even with the benefit of an underlying general plan, a zoning ordinance can suffer from problems of structure or clarity.

The following provides a modest checklist of some common and troublesome ordinance defects. This is by no means an exhaustive list of off possible ordinance problems, but will offer some points for discussion. The list represents the type of problems that can frustrate effective zoning administration, and suggests the depth of analysis of the effectiveness of the ordinance that should be conducted periodically.

Check it out .....

___ If the ordinance was adapted from a model ordinance, or borrowed from another community, has it been reviewed for appropriateness and adequacy?

___ Is there a clear definition of each permitted or conditional use? Are the definitions up to date with current technology and marketing practices?

___ Does the ordinance clarify what is the process for the various applications and approvals?

___ Are the yard setbacks and other lot development requirements scaled to the minimum lot sizes assuring adequate space for development?

___ Are setbacks and accessory use requirements excessively restrictive and likely to generate demand for variances from the board of adjustment?

___ Do commercial district regulations allow uses that are compatible with a viable, human-scaled business environment?

___ Are the residential and housing standards (i.e., lots sizes, densities, etc.) suitably drafted to implement the local moderate income housing plan?

___ Is the number and size of zoning districts reasonable? Are any districts so large geographically and diverse that an amendment in one part of a district could be offensive or inappropriate in another part of the same district? Are any districts so small that they could be considered a “spot zone?”

___ Was the zoning map adopted as part of the ordinance? Is the map current with amendments, new subdivisions, annexations, or other changes? Are amendments noted and dated on the map?

___ Basicly, do YOU understand the regulations? Is there regulatory language that is confusing and could be easily misinterpreted (either innocently or maliciously)?

___ Are the records of decisions made in administering the zoning ordinance clear and complete and assure an understanding of the findings of fact that preceded each decision? Are the records kept in a secure place and accessible to the public?

APPENDIX UTAH CODE TITLE 10, CHAPTER 9a Municipal Land Use Development and Management Act

Part 5. Land Use Ordinances

10-9a-501. Authority to enact land use ordinances and zoning map.
The legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in this chapter.

10-9a-502. Preparation and adoption of land use ordinance or zoning map.
(1) The planning commission shall:
(a) provide notice as required by Subsection **10-9a-205**(1)(a);
(b) hold a public hearing on a proposed land use ordinance or zoning map; and

(c) prepare and recommend to the legislative body a proposed land use ordinance or ordinances and zoning map that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.
(2) The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as required by Subsection **10-9a-205**(1)(b) and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate.

10-9a-503. Land use ordinance or zoning map amendments.
(1) The legislative body may amend:
(a) the number, shape, boundaries, or area of any zoning district;
(b) any regulation of or within the zoning district; or
(c) any other provision of a land use ordinance.

(2) The legislative body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.
(3) The legislative body shall comply with the procedure specified in Section **10-9a-502** in preparing and adopting an amendment to a land use ordinance or a zoning map

10-9a-504. Temporary land use regulations.
(1) (a) A municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:
(i) the legislative body makes a finding of compelling, countervailing public interest; or
(ii) the area is unregulated.
(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.
(2) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed six months.
(3) (a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
(b) A regulation under Subsection (3)(a):
(i) may not exceed six months in duration;
(ii) may be renewed, if requested by the Transportation Commission created under Section **72-1-301**, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

10-9a-505. Zoning districts.
(1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number,

shape, and area that it considers appropriate to carry out the purposes of this chapter.
(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones.
(3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.
(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

10-9a-506. Regulating annexed territory.
(1) The legislative body of each municipality shall assign a land use zone or a variety thereof to territory annexed to the municipality at the time the territory is annexed.
(2) If the legislative body fails to assign a land use zone at the time the territory is annexed, all land uses within the annexed territory shall be compatible with surrounding uses within the municipality.

10-9a-507. Conditional uses.
(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

10-9a-508. Exactions.
A municipality may impose an exaction or exactions on development proposed in a land use application if:
(1) an essential link exists between a legitimate governmental interest and each exaction; and
(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

10-9a-509. When a land use applicant is entitled to approval -- Exception -- Municipality may not impose unexpressed requirements -- Municipality required to comply with land use ordinances.
(1) (a) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's land use maps, zoning map, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
(ii) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
(b) The municipality shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
(i) 180 days have passed since the proceedings were initiated; and
(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.
(c) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
(d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
(e) A municipality may not impose on a holder of an issued land use permit a requirement that is not expressed:
(i) in the land use permit or in documents on which the land use permit is based; or
(ii) in this chapter or the municipality's ordinances.
(f) A municipality may not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
(i) in the building permit or in documents on which the building permit is based; or
(ii) in this chapter or the municipality's ordinances.
(2) A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.
(3) Each municipality shall process and render a decision on each land use application with reasonable diligence.

10-9a-509.5. Review for application completeness -- Substantive application review -- Reasonable diligence required -- Money damages claim prohibited.

(1) (a) Each municipality shall, in a timely manner, determine whether an application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the municipality diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the municipality provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the municipality shall either:

(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e) (i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection (1)(a).

(ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).

(f) (i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).

(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.

(2) (a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

(b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.

(c) The land use authority shall take final action, approving or denying the application within 45 days of the written request.

(d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority should have taken final action under Subsection (2)(c).

(3) Subject to Section **10-9a-509**, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.

(4) There shall be no money damages remedy arising from a claim under this section.

10-9a-510. Limit on fees for review and approving building plans.

(1) A municipality may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds the lesser of:

(a) the actual cost of performing the plan review; and

(b) 65% of the amount the municipality charges for a building permit fee for that building.

(2) Subject to Subsection (1), a municipality may impose and collect only a nominal fee for reviewing and approving identical plans.

10-9a-511. Nonconforming uses and noncomplying structures.

(1) (a) Except as provided in this section, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.

(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

(c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.

(2) The legislative body may provide for:

(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;

(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and

(c) the termination of a nonconforming use due to its abandonment.

(3) (a) A municipality may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

(b) A municipality may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:

(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or

restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.
(4) (a) Unless the municipality establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.
(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
(c) Abandonment may be presumed to have occurred if:
(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use;
(ii) the use has been discontinued for a minimum of one year; or
(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.
(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and shall have the burden of establishing that any claimed abandonment under Subsection (4)(c) has not in fact occurred.
(5) A municipality may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

10-9a-512. Termination of a billboard and associated rights.
(1) A municipality may only require termination of a billboard and associated property rights through:
(a) gift;
(b) purchase;
(c) agreement;
(d) exchange; or
(e) eminent domain.
(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.

10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboards to be rebuilt.
(1) (a) A municipality is considered to have initiated the acquisition of a billboard structure by eminent domain if the municipality prevents a billboard owner from:
(i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism; or
(ii) except as provided in Subsection (1)(b), relocating or rebuilding a billboard structure, or taking other measures, to correct a mistake in the placement or erection of a billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit.
(b) A municipality's denial of a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard does not constitute the initiation of acquisition by eminent domain under Subsection (1)(a) if the mistake in placement or erection of the billboard is determined by clear and convincing evidence to have resulted from an intentionally false or misleading statement:
(i) by the billboard applicant in the application; and
(ii) regarding the placement or erection of the billboard.
(2) Notwithstanding Subsection (1) and Section **10-9a-512**, a municipality may remove a billboard without providing compensation if:
(a) the municipality determines:
(i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard:
(A) is structurally unsafe;
(B) is in an unreasonable state of repair; or
(C) has been abandoned for at least 12 months;
(b) the municipality notifies the owner in writing that the owner's billboard meets one or more of the conditions listed in Subsections (2)(a)(i) and (ii);
(c) the owner fails to remedy the condition or conditions within:
(i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's receipt of written notice under Subsection (2)(b); or
(ii) if the condition forming the basis of the municipality's intention to remove the billboard is that it is structurally unsafe, ten business days, or a longer period if necessary because of a natural disaster, following the billboard owner's receipt of written notice under Subsection (2)(b); and

(d) following the expiration of the applicable period under Subsection (2)(c) and after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the municipality finds:
(i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.

10-9a-514. Manufactured homes.
(1) For purposes of this section, a manufactured home is the same as defined in Section **58-56-3**, except that the manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the applicable building code.
(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single family residence within that zone or area.
(3) A municipality may not:
(a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or

(b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

10-9a-515. Regulation of amateur radio antennas.
(1) A municipality may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.
(2) If a municipality adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:
(a) reasonably accommodate amateur radio communications; and
(b) represent the minimal practicable regulation to accomplish the municipality's purpose.

10-9a-516. Residential facilities for elderly persons.
(1) A residential facility for elderly persons may not operate as a business.
(2) A residential facility for elderly persons shall:

(a) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
(b) be consistent with any existing, applicable land use ordinance affecting the desired location; and
(c) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
(3) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

10-9a-517. Municipal ordinances governing elderly residential facilities.
(1) Each municipality shall adopt ordinances that establish that a residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively singlefamily dwellings.
(2) The ordinances shall establish a permit process that may require only that:
(a) the facility meet each building, safety, land use, and health ordinance applicable to similar dwellings;
(b) adequate off-street parking space be provided;
(c) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
(d) residential facilities for elderly persons be reasonably dispersed throughout the municipality;
(e) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
(f) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

10-9a-518. Municipal approval of elderly residential facilities.
(1) Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, the municipality shall grant

the requested permit to the facility if the facility is proposed outside of a zone regulated exclusively for single-family homes and shall otherwise comply with Section **10-9a-519** if the facility is proposed in a land use zone regulated exclusively for single-family homes.
(2) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this section.
(3) If a municipality has not adopted ordinances under this section at the time an application for a permit to establish a residential facility for elderly persons is made, the municipality shall grant the permit if it is established that the criteria set forth in this part have been met by the facility.

10-9a-519. Elderly residential facilities in areas zoned exclusively for single-family dwellings.
(1) For purposes of this section:
(a) no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and
(b) placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
(2) Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any zone that is regulated to permit exclusively single-family dwelling use, if that facility:
(a) conforms to all applicable health, safety, land use, and building codes;
(b) is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and
(c) conforms to the municipality's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.
(3) A municipality may, by ordinance, provide that no residential facility for elderly persons be established within three-quarters mile of another existing residential facility for elderly persons or residential facility for persons with a disability.
(4) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.
(5) (a) Municipal ordinances shall prohibit discrimination against elderly persons and against residential facilities for elderly persons.
(b) The decision of a municipality regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.
(6) The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing land use ordinances that allow a specified number of unrelated persons to live together.

10-9a-520. Residences for persons with a disability.
(1) Each municipality shall adopt an ordinance for residential facilities for persons with a disability.
(2) Each ordinance under Subsection (1) shall:

(a) comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.; and
(b) to the extent required by federal law, provide that a residential facility for persons with a disability is a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed.
(3) Subject to Subsection (2), an ordinance under Subsection (1) may:
(a) require residential facilities for persons with a disability:
(i) to be reasonably dispersed throughout the municipality;
(ii) to be limited by number of occupants;

(iii) for residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, to provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities:
(A) a security plan satisfactory to local law enforcement authorities;
(B) 24-hour supervision for residents; and
(C) other 24-hour security measures; and

(iv) to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability; and
(b) provide that a residential facility for persons with a disability that would likely create a fundamental change in the

character of a residential neighborhood may be excluded from a zone.

(4) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:
(a) for programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and
(b) for programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

UTAH CODE TITLE 17,CHAPTER 27a County Land Use Development and Management Act

Part 5. Land Use Ordinances

17-27a-501. Authority to enact land use ordinances and zoning map.
The legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in this chapter.

17-27a-502. Preparation and adoption of land use ordinance or zoning map.
(1) The planning commission shall:
(a) provide notice as required by Subsection **17-27a-205**(1)(a);
(b) hold a public hearing on a proposed land use ordinance or zoning map; and

(c) prepare and recommend to the legislative body a proposed land use ordinance or ordinances and zoning map that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the unincorporated area of the county.
(2) The county legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as required by Subsection **17-27a-205**(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed ordinance or map either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.

17-27a-503. Land use ordinance or zoning map amendments.
(1) The legislative body may amend:
(a) the number, shape, boundaries, or area of any zoning district;
(b) any regulation of or within the zoning district; or
(c) any other provision of a land use ordinance.

(2) The legislative body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its recommendation.
(3) The legislative body shall comply with the procedure specified in Section **17-27a-502** in preparing and adopting an amendment to a land use ordinance or a zoning map.

17-27a-504. Temporary land use regulations.
(1) (a) A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:
(i) the legislative body makes a finding of compelling, countervailing public interest; or
(ii) the area is unregulated.
(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.
(2) The legislative body shall establish a period of limited effect for the ordinance not to exceed six months.
(3) (a) A legislative body may, without prior planning commission consideration or recommendation, enact an

ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
(b) A regulation under Subsection (3)(a):
(i) may not exceed six months in duration;
(ii) may be renewed, if requested by the Transportation Commission created under Section **72-1-301**, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

17-27a-505. Zoning districts.
(1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.
(3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.
(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.

17-27a-506. Conditional uses.
(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

17-27a-507. Exactions.
A county may impose an exaction or exactions on development proposed in a land use application provided that:
(1) an essential link exists between a legitimate governmental interest and each exaction; and
(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development**.**

17-27a-508. When a land use applicant is entitled to approval -- Exception -- County may not impose unexpressed requirements -- County required to comply with land use ordinances.
(1) (a) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the county's land use maps, zoning map, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:
(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
(ii) in the manner provided by local ordinance and before the application is submitted, the county has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
(b) The county shall process an application without regard to proceedings initiated to amend the county's ordinances if:
(i) 180 days have passed since the proceedings were initiated; and
(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.
(c) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
(d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
(e) A county may not impose on a holder of an issued land use permit a requirement that is not expressed:
(i) in the land use permit or in documents on which the land use permit is based; or
(ii) in this chapter or the county's ordinances.
(f) A county may not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
(i) in the building permit or in documents on which the building permit is based; or

(ii) in this chapter or the county's ordinances.
(2) A county is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.
(3) Each county shall process and render a decision on each land use application with reasonable diligence.

17-27a-509. Limit on fee for review and approving building plans.
(1) A county may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds the lesser of:
(a) the actual cost of performing the plan review; and
(b) 65% of the amount the county charges for a building permit fee for that building.
(2) Subject to Subsection (1), a county may impose and collect only a nominal fee for reviewing and approving identical plans.

17-27a-510. Nonconforming uses and noncomplying structures.
(1) (a) Except as provided in this section, a nonconforming use or a noncomplying structure may be continued by the present or a future property owner.
(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

(c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.
(2) The legislative body may provide for:
(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;
(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and
(c) the termination of a nonconforming use due to its abandonment.
(3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.
(b) A county may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:
(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.
(4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.
(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
(c) Abandonment may be presumed to have occurred if:
(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the county regarding an extension of the nonconforming use;
(ii) the use has been discontinued for a minimum of one year; or
(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.
(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and shall have the burden of establishing that any claimed abandonment under Subsection (4)(c) has not in fact occurred.
(5) A county may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

17-27a-511. Termination of a billboard and associated rights.
(1) A county may only require termination of a billboard and associated property rights through:
(a) gift;
(b) purchase;
(c) agreement;
(d) exchange; or

(e) eminent domain.
(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.

17-27a-512. County's acquisition of billboard by eminent domain -- Removal without providing compensation - Limit on allowing nonconforming billboard to be rebuilt.
(1) (a) A county is considered to have initiated the acquisition of a billboard structure by eminent domain if the county prevents a billboard owner from:
(i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism; or
(ii) except as provided in Subsection (1)(b), relocating or rebuilding a billboard structure, or taking other measures, to correct a mistake in the placement or erection of a billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit.
(b) A county's denial of a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard does not constitute the initiation of acquisition by eminent domain under Subsection (1)(a) if the mistake in placement or erection of the billboard is determined by clear and convincing evidence to have resulted from an intentionally false or misleading statement:
(i) by the billboard applicant in the application; and
(ii) regarding the placement or erection of the billboard.
(2) Notwithstanding Subsection (1) and Section **17-27a-511**, a county may remove a billboard without providing compensation if:
(a) the county determines:
(i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading

statement in the applicant's application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard:
(A) is structurally unsafe;
(B) is in an unreasonable state of repair; or
(C) has been abandoned for at least 12 months;

(b) the county notifies the owner in writing that the owner's billboard meets one or more of the conditions listed in Subsections (2)(a)(i) and (ii);
(c) the owner fails to remedy the condition or conditions within:
(i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's receipt of written notice under Subsection (2)(b); or
(ii) if the condition forming the basis of the county's intention to remove the billboard is that it is structurally unsafe, ten business days, or a longer period if necessary because of a natural disaster, following the billboard owner's receipt of written notice under Subsection (2)(b); and
(d) following the expiration of the applicable period under Subsection (2)(c) and after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the county finds:
(i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.
(3) A county may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than its owner or the owner acting through its contractors.
(4) A permit issued, extended, or renewed by a municipality for a billboard remains valid for a period of 180 days after a required state permit is issued for the billboard if:
(a) the billboard requires a state permit; and
(b) an application for the state permit is filed within 30 days after the municipality issues, extends, or renews a permit for the billboard.

17-27a-513. Manufactured homes.
(1) For purposes of this section, a manufactured home is the same as defined in Section **58-56-3**, except that the manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the applicable building code.

(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within that zone or area.

(3) A county may not:

(a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or

(b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

17-27a-514. Regulation of amateur radio antennas.
(1) A county may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.
(2) If a county adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:
(a) reasonably accommodate amateur radio communications; and
(b) represent the minimal practicable regulation to accomplish the county's purpose.

17-27a-515. Residential facilities for elderly persons.
(1) A residential facility for elderly persons may not operate as a business.
(2) A residential facility for elderly persons shall:

(a) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
(b) be consistent with any existing, applicable land use ordinance affecting the desired location; and
(c) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
(3) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

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(1) Each county shall adopt ordinances that establish that a residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.
(2) The ordinances shall establish a permit process that may require only that:
(a) the facility meet each building, safety, land use, and health ordinance applicable to similar dwellings;
(b) adequate off-street parking space be provided;

(c) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
(d) residential facilities for elderly persons be reasonably dispersed throughout the county;
(e) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
(f) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

17-27a-517. County approval of elderly residential facilities.
(1) Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, the county shall grant the requested permit to the facility if the facility is proposed outside of a zone regulated exclusively for single-family homes and shall otherwise comply with Section **17-27a-518** if the facility is proposed in a land use zone regulated exclusively for single-family homes.
(2) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this section.

(3) If a county has not adopted ordinances under this section at the time an application for a permit to establish a residential facility for elderly persons is made, the county shall grant the permit if it is established that the criteria set forth in this part have been met by the facility.

17-27a-518. Elderly residential facilities in areas zoned exclusively for single-family dwellings.
(1) For purposes of this section:
(a) no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly

persons; and
(b) placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

(2) Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any zone that is regulated to permit exclusively single-family dwelling use, if that facility:

(a) conforms to all applicable health, safety, land use, and building codes;
(b) is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and
(c) conforms to the county's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.
(3) A county may, by ordinance, provide that no residential facility for elderly persons be established within threequarters mile of another existing residential facility for elderly persons or residential facility for persons with a disability.
(4) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.
(5) (a) County ordinances shall prohibit discrimination against elderly persons and against residential facilities for elderly persons.
(b) The decision of a county regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

(6) The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing land use ordinances that allow a specified number of unrelated persons to live together.

17-27a-519. Residences for persons with a disability.
(1) Each county shall adopt an ordinance for residential facilities for persons with a disability.
(2) Each ordinance under Subsection (1) shall:

(a) comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.; and
(b) to the extent required by federal law, provide that a residential facility for persons with a disability is a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed.
(3) Subject to Subsection (2), an ordinance under Subsection (1) may:
(a) require residential facilities for persons with a disability:
(i) to be reasonably dispersed throughout the county;
(ii) to be limited by number of occupants;

(iii) for residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, to provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities:
(A) a security plan satisfactory to local law enforcement authorities;
(B) 24-hour supervision for residents; and
(C) other 24-hour security measures; and

(iv) to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability; and
(b) provide that a residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from a zone.
(4) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:
(a) for programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and
(b) for programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

RIVERDALE CITY
PLANNING COMMISSION AGENDA
October 8, 2013

AGENDA ITEM: B

SUBJECT: Open Communications

PETITIONER: Anyone Interested

ACTION REQUESTED BY PETITIONER: Open agenda item provided for any interested person to be able to speak about any topic.

INFORMATION: Per Governing Body desire, this item will be placed on the agenda as a permanent and regular item.

BACK TO AGENDA

RIVERDALE CITY
PLANNING COMMISSION AGENDA
October 8, 2013

AGENDA ITEM: C

SUBJECT: Community Development Projects Status Report

ACTION REQUESTED BY PETITIONER: Information only.

INFORMATION: Opportunity for the Community Development Director to present any updates or information on follow-up issues to the Planning Commission.

Community Development Report

BACK TO AGENDA

COMMUNITY DEVELOPMENT PROJECTS STATUS REPORT

October 4, 2013

Batteries + Bulbs has opened a new store located at 4093 S. Riverdale Road.

Firehouse Subs will open a location at 4197 Riverdale Road next to JC Penny.

EZ Pawn is preparing to open a store in the strip mall in front of Shopko at 4068 S. Riverdale Road.

Seasonal Developments (Halloween)

Halloween City has opened at 4177 S. Riverdale Road.

Spirit Halloween Super Store has opened at 1070 W. Riverdale Road.

Castle of Chaos haunted house has opened at 1134 W. Riverdale Road.

RIVERDALE CITY
PLANNING COMMISSION AGENDA
October 8, 2013

AGENDA ITEM: D

SUBJECT: Consideration of meeting minutes from:
September 24, 2013 Work Session
September 24, 2013 Planning Commission

PETITIONER: City Recorder

ACTION REQUESTED BY PETITIONER: Approve minutes

INFORMATION: See attached minutes as follows:

September 24, 2013 Work Session

September 24, 2013 Planning Commission

BACK TO AGENDA

Administrative Offices
4600 So. Weber River Drive
Riverdale, Utah 84405

Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday, **September 24, 2013** at 6:04 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present:	Brent Ellis, Chairman Blair Jones, Vice-Chairman Steve Hilton, Commissioner Michael Roubinet, Commissioner Kathy Eskelsen, Commissioner
Members Excused:	David Gailey, Commissioner Lori Fleming, Commissioner
Others Present:	Michael Eggett, Community Development Director; Ember Herrick, City Recorder and no members of the public.

Chairman Ellis welcomed the Planning Commission members to the work session stating for the record that all were in attendance. Community Development Director Michael Eggett told the Planning Commission the updates to the Community Development Projects Status Report include the opening of Batteries + Bulbs sometime this week and he said that EZ Pawn and Firehouse Subs are both still under construction.

Chairman Ellis asked for any corrections or changes to the previous meeting minute and Commissioner Eskelsen said she had contacted the City Recorder prior to tonight's meeting to correct the square footage on a housing proposal from the previous meeting on July 9, 2013 from 15,000 and 16,500 square feet to 1,500 and 1,650 square feet. The City Recorder said the correction has been made.

Chairman Ellis said the only item on the agenda is consideration of a rezone request from Riverdale Resident Harmon Jensen. Commissioner Eskelsen asked if Mr. Jensen is planning to add onto his current home or build a new home and Mr. Eggett said Mr. Jensen needs to rezone his property before the city can issue him a building permit for any new construction. Chairman Ellis asked what Mr. Jensen is planning to do with the existing home if he builds a new home and Mr. Eggett said he believes Mr. Jensen will pursue a subdivision request so that he can either rent out or sell the existing home which Mr. Eggett said will probably need to be remodeled because it was built in 1905.

Mr. Eggett said Mr. Jensen has contacted representatives from the Utah Department of Transportation (UDOT) and Hill Air Force Base (HAFB) to inquire about the possibility of creating a driveway from South Weber Drive to his proposed new home and to ensure that his land is not in HAFB's Accident Potential Zone or noise zones or underground plume contamination areas. Mr. Eggett said Mr. Jensen will be prepared to report on these items to the Planning Commission during tonight's meeting.

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Commissioner Hilton asked if the General Plan will also need to be amended and Mr. Eggett said only if the City Council approves the rezone request. Mr. Eggett said he discussed amending the General Plan with Riverdale City Administrator Larry Hansen and City Attorney Steve Brooks and both agreed that the General Plan should not be amended until there is consensus for the land to be rezoned to protect the city's long term interests. Mr. Eggett said if there is public concern about reducing the size of building lots in this neighborhood and the Planning Commission doesn't want to subdivide the land they can address that request at a future meeting. Chairman Ellis said he has no concerns with Mr. Jensen's rezone request and he asked if Mr. Eggett has received any public input in support of or opposition to the proposal. Mr. Eggett said he has heard from several individuals, an equal number in favor of and opposed to the rezone request and a few individuals indicated their intention to speak during tonight's public hearing.

Chairman Ellis said there were also training materials included in the packet for the Planning Commission to discuss the purpose of a city's General Plan. Mr. Eggett said a General Plan is a set of guiding principles used to determine what land use should be when the time is right to develop an area of the city. He said zoning ordinances are binding while the General Plan is advisory and allows the city some discretion in deviating from the designation of a parcel. According to Mr. Eggett, there are six fundamental purposes of the General Plan and it is important to keep it flexible and update it regularly as the needs of the community change. Chairman Ellis said the current Planning Commission has regularly made changes to Riverdale's General Plan and Commissioner Eskelsen said this is a positive change from former rigid Planning Commissions she served on in the past that were very reluctant to amend the General Plan.

Chairman Ellis asked Mr. Eggett to give the Planning Commission members that were unable to attend the Utah League of Cities and Towns (ULCT) conference a brief update on what was presented. Mr. Eggett said the discussion was dominated by health care and how to make communities more walkable and bikeable and he said these priorities can be incorporated into Riverdale's General Plan. Chairman Ellis said Riverdale has invested in nice trails and bike lanes in residential areas of the city and has connected sidewalks allowing pedestrians to transverse Riverdale's busy commercial district on foot. Commissioner Eskelsen said she has heard complaints from pedestrians who use the city's river trail system and claim their safety is endangered by reckless cyclists that travel at high rates of speed and ride too close to walkers on the trail. Chairman Ellis said he also heard complaints about dog owners that allow their pets to roam free off their leashes on the trail and there was a brief discussion about how Riverdale City has used the newsletter and city website repeatedly to educate the public about regulations that govern individuals and animals on Riverdale's trails and parks.

There were no additional comments or questions and there being no further business, the Planning Commission adjourned at 6:25 p.m. to convene into their regular session.

Approved: October 8, 2013 Attest:

_____ _____

Brent Ellis, Chairman Ember Herrick, City Recorder

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Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **September 24, 2013 at 6:32 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman
Blair Jones, Vice-Chairman
Steve Hilton, Commissioner
Michael Roubinet, Commissioner
Kathy Eskelsen, Commissioner

Members Excused: David Gailey, Commissioner
Lori Fleming, Commissioner

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and two members of the public Harmon Jensen and Lute Morfin.

A. Welcome & Roll Call

Chairman Ellis welcomed everyone to the meeting and stated for the record all members of the Planning Commission are present except for Commissioners Gailey and Fleming who are excused.

B. Open Communications

Chairman Ellis invited any members of the public present to speak during the open communications portion of the meeting and there were no comments.

C. Presentations and Reports

Community Development Projects Status Report

Community Development Director Michael Eggett said Batteries + Bulbs will open this week, Firehouse Subs will open soon and several Halloween seasonal stores listed on the report are currently open for business during the holiday season.

D. Consent Items

Chairman Ellis asked for any changes or corrections to the previous meeting minutes and none were noted.

Motion: Commissioner Eskelsen moved to approve the meeting minutes with the one correction noted during the work session. Commissioner Roubinet seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

E. Action Items

1. a. Public hearing to receive and consider public comment on a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive

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b. Consideration of a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive

Chairman Ellis said the public hearing to receive public comment on a proposed rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive is now open and he invited anyone with comments to address the Planning Commission. Riverdale resident Lute Morfin said he is the petitioner Harmon Jensen's neighbor and he is opposed to having this property rezoned because he does not want to see a second home built on the property. Mr. Morfin said he purchased his property planning to retire in Riverdale and he would be opposed to rezone requests that will allow additional structures to be built on land that currently sits undeveloped. He asked the Planning Commission to consider the impact of Mr. Jensen's request on the neighbors and to deny the petitioner's rezone request.

There were no additional comments or questions.

Motion: Commissioner Jones moved to close the public hearing. Commissioner Hilton seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Mr. Eggett said Mr. Jensen is requesting this rezone to allow him to build a new home on his property because his existing home was built during the early 1900's and is in need of remodeling or demolition and no longer meets his family's needs. Mr. Jensen said the property's current zoning is less than the 40,000 sq ft Riverdale City requires and that is why he is requesting the rezone to allow him to improve his land. Mr. Jensen said he went to all of his neighbors including Mr. Morfin to explain what he is planning to do before tonight's meeting because if his request is granted it could allow his neighbors who may want to remodel or improve their properties in the future the same leniency. He said he was not aware that Mr. Morfin had concerns until tonight's public hearing, but he respects his neighbor's objections.

Mr. Jensen said at Mr. Eggett's request he contacted Hill Air Force Base (HAFB) and received a response back from a community planner who verified that his lot is not located in HAFB's flight zone where the construction of new residential buildings is restricted. He said he also spoke to HAFB about ground water contamination and was sent a letter which he submitted for the record stating that his property is between two plumes and there is no ground water contamination at his address. Mr. Jensen said he met with an official from the Utah Department of Transportation (UDOT) District Region 1 who informed him that a new egress won't be permitted within 500 feet of the existing driveway and if a second home is built on this property, the two homes will need to share one driveway unless a UDOT variance is granted. According to Mr. Jensen, a UDOT variance will take 45 days to process and an engineer would need to inspect his property. Mr. Jensen distributed images to the Planning Commission of his present home and his proposal to build a second home on the property and asked for any questions. Commissioner Hilton asked if an existing detached structure that appears to be a garage will be demolished so that there is room to build the new proposed home and Mr. Jensen said he is not sure if he will build a second home or just do extensive remodeling of his existing home. Commissioner Hilton said he believes Mr. Morfin has a reasonable concern and he asked Mr. Jensen if he had considered improving his current residence where it stands to minimize the

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impact on the adjacent neighbors and Mr. Jensen said he will need to carefully consider his neighbor's concerns before he decides to build a new home closer to the Morfin home as he would like to maintain an amiable relationship with his neighbor. Commissioner Hilton asked what Mr. Jensen's intent is with this rezone request and Mr. Jensen said he has family that lives with him in his current home and he is engaged to be married and would like to build a new home for him and his new wife to move into allowing his family to continue occupying the existing home while paying him rent. He said financing will ultimately determine whether he remodels his existing home or builds a new one, but the existing home is so old it will likely eventually need to be demolished. According to Mr. Jensen, there is a UDOT imposed two year moratorium in the roadway on new utility connections and so even if he builds a new home he will need the existing home to remain for two years so that he can hook onto the existing utilities.

Commissioner Jones said he understands the desire to build a new home and he said the property is Mr. Jensen's and he has a right to improve his property despite his neighbor's objections because it isn't realistic that neighborhoods will never change. Mr. Jensen related an anecdote to the Planning Commission and said his intent is not to upset his next door neighbor and he said Mr. Morfin's concerns will be taken into consideration before he determines whether or not to build a new home on his property. Mr. Eggett said the property owners on either side of Mr. Jensen would also need to request their properties be rezoned if they want to remodel their homes or add any new construction as all the lots do not have sufficient square footage to qualify for building permit.

Commissioner Roubinet asked Mr. Jensen what reactions he has received from his other neighbors and Mr. Jensen said he spoke to five neighbors and only one came to tonight's public meeting. Chairman Ellis asked Mr. Eggett if he had received any public comment in support of or opposition to this proposed rezone prior to tonight's meeting and Mr. Eggett said he had not received any written commentary but had received several calls with half of them in support and half opposed to Mr. Jensen rezoning his property. Mr. Jensen said one of his neighbors across the street is upset because she had not been able to build a second home on her land and Mr. Eggett said that is because her property is located in HAFB's protection landing zone where all residences are prohibited even if the petitioner has sufficient property. Chairman Ellis said the rezone request is the only issue the Planning Commission is considering tonight and he said if Mr. Jensen decides to build a second home he will need to request a subdivision change and at that time the Planning Commission can review his plan and ensure that any new structure has proper setbacks from any neighboring structures. Mr. Eggett clarified that a subdivision request will be subject to Planning Commission recommendation and City Council approval but if Mr. Jensen decides to just remodel his existing home or build a new home as a replacement, staff will handle the building permit request without bringing it back before the Planning Commission. Mr. Jensen asked if engineering work will be necessary before a subdivision request can be considered and Mr. Eggett said it will and Commissioner Hilton asked Mr. Jensen if his intent is to subdivide and Mr. Jensen said at this time he is not sure as there are a lot of factors to consider. Chairman Ellis asked for any additional discussion on the proposed rezone request and there were no additional comments.

Motion: Commissioner Hilton moved to forward the petitioner's rezone request with a favorable recommendation to the City Council. Commissioner Eskelsen seconded the motion.

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There was no discussion on the motion.

Call the Question: The motion passed unanimously.

F. Discretionary Items

Chairman Ellis asked for any discretionary items and Commissioner Hilton said some of his neighbors have complained to him about Riverside Storage's electronic sign not dimming after dark again and he recommended that it be shut off after dark until the sign has been repaired. Mr. Eggett said the company Yesco that maintains the sign and the current owners of Riverside Storage have been working through some issues and he said he will follow up on this complaint and see that the neighbor's concerns are addressed in a timely manner. There were no additional comments.

Motion: There being no further business to come before the Planning Commission, Commissioner Roubinet moved to adjourn the meeting. Commissioner Eskelsen seconded the motion. The motion passed unanimously. The meeting adjourned at 7:02 p.m.

Approved: October 8, 2013 Attest:

_____ _____

Brent Ellis, Chairman Ember Herrick, City Recorder

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RIVERDALE CITY
PLANNING COMMISSION AGENDA
October 8, 2013

AGENDA ITEM: E1

SUBJECT: Consideration of preliminary site plan for Lot 3 of the Hayward Business Park address 5175 S. 1500 W.

PETITIONER: Mike Ford

INFORMATION:

Exec Summary Prelim Hayward Bus Park, Lot 3

Prelim Site Plan Review – 20131002

Dept Staff Reports – Hayward, Lot 3 Prelim

Eng Prelim review letter – 10-1-2013

Application – Hayward 3 Prelim Site Plan

Receipt – Hayward 3 Prelim Review

Sheet 1 – Cover Page

Sheet 2 – Grading, Utility Plan

Sheet3 – Landscape Plan

Sheet4 – Elevation Rendering

BACK TO AGENDA

Riverdale City

Planning Commission Executive Summary

For the Commission meeting on: 10-8-2013	Petitioner: Mike Ford

Summary of Proposed Action

Mike Ford has applied for a Preliminary Site Plan review of a proposed general office/commercial development located at approximately 5175 South 1500 West in a Planned Regional Commercial (CP-3) zone. A public hearing is not required to consider this Preliminary Site Plan proposal. Following the presentation and discussion of the proposal, the Planning Commission may make a motion showing support or no support for a Final Site Plan review of the proposal at the next Planning Commission meeting.

Title 10 Ordinance Guidelines (Code Reference)

This Preliminary Site Plan review is regulated under City Code 10-25 "Development in All Zones" and is affected by City Codes 10-10B "Planned Commercial Zones (CP-1, CP-2, CP-3)", 10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", 10-16 "Sign Regulations", and uses listed in 10-10A-4 "Commercial Zones (C-1, C-2, C-3)".

The proposed development parcel was previously established and subdivided in 2007-08 as Hayward Business Park, Lot 3. Since that time, the original applicant was not able to complete the original project intended for this site and the property went into default to the banking entity associated with the property. The property is in a CP-3 zone which requires the developer of the site to participate in a development plan discussion with the City. This should include a future discussion of CCR's that will regulate this site. This should also include a future discussion of a development agreement that will be established in participation with the City to regulate and enforce the CCR's and other associated concerns for this development area.

Attached with this executive summary is a document entitled "Site Plan Review – Hayward Business Park Lot 3"; this is a supplementary document addressing items requested on the Preliminary Site Plan application document. Also attached following this executive summary are comments from the Fire and Police Chiefs, the Public Works Director, and contracted City Engineer. The Planning Commission should discuss these summaries and concerns raised by staff comments.

The Planning Commission and the applicant need to be sensitive to the fact that this is a CP-3 zone and per 10-10B-6 of the City Code, this development need to have an acceptable relationship to, and further the purposes of, the overall plan for this area of the City (i.e. aesthetic relationship to already existing buildings, maintenance of facilities, etc). There also is a requirement in 10-14-12 (2.)(b.) which requires landscaped screening for parking or storage areas visible from a roadway to have some gentle berming to screen accordingly. It is a good idea to discuss parking usage as well as anticipated volumes of customers at this site to better understand the nature and anticipated use of parking areas. The Planning Commission is also encouraged to discuss signage plans for this area to better understand how signage will work in this area; signage is regulated per City Code 10-16 (specifically section 8.(b.) for Commercial and Manufacturing Districts); the applicant should be directed to adhere to this Code when contemplating signage; this development may be better served with a Shopping Center Sign or Business Park Sign for business use within the park (each unit would be allocated about 75 sq ft of signage and total could not exceed 600 sq

ft for entire development on this building lot).

Staff would encourage the Planning Commission to review this matter, including concerns outlined herein, and then discuss with the petitioner concerns raised by staff, in addition to any items of discussion and concern raised by the Planning Commission. Staff would then recommend that the Planning Commission act accordingly to make a motion showing support or not showing support for a Final Site Plan review of the proposal at the next Planning Commission meeting, based upon sufficient findings of fact to support the Planning Commission action.

General Plan Guidance (Section Reference)

Legal Comments - City Attorney

Steve Brooks, Attorney

Administrative Comments - City Administrator

agree as to process.

Larry Hansen, City Administrator

Riverdale City

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405
801-394-5541

Site Plan Review – Hayward Business Park, Lot 3
5175 South 1500 West

Completed by Mike Eggett, Community Dev. Director on 10/3/2013

Recommendation: City staff recommends that the Planning Commission examine and review items associated with this preliminary site plan review. Items of consideration or note have been highlighted in yellow for potential discussion purposes.

Date Plan Submitted to City: (Must be at least one week prior to Planning Commission meeting)	September 27, 2013
Date Application Submitted to City:	September 27, 2013
Date Fee Paid:	Paid on September 27, 2013 (see receipt for detail)
Site Plan – Preliminary Requirements	**Departmental Review Comments**
COVER SHEET	Provided
Title Block	
Project name and address	Project name shown, address not stated
Owner's name, address, and phone number	First National Bank of Layton, PO Box 248, Layton, Utah 84041, 801-544-4241
Developer's name, address, and phone number	Mike Ford, 644 West 1950 South, Syracuse, Utah 84075, 801-644-5100
Approving agency's name and address: Utility companies if applicable	Riverdale City, 4600 So. Weber River Drive, Riverdale, Utah 84405 (address not shown on plat); Blue Stakes Location number is on permit; no utility companies are directly affected
Consulting Engineer's name, address, and phone number	J. Nate Reeve (Reeves & Assoc), 920 Chambers St, Suite 14, Ogden ,Utah 84403, 801-621-3100
Licensed Land Surveyor's name, address, phone number, signature, and seal	Reeves & Associates, Inc; Surveyor information not showing at this time
Date	Yes – September 23, 2013
Revision block with date and initials	Revision block shown
Sheet number and total sheets	Shown (4 total sheets)
General	

Street names	Shown – 1500 West 5175 South
Layouts of lots with lot numbers	Lot 3 development, unit/suite numbers not shown
Adjacent tract ownership and tax identification numbers	This information is not currently shown
Scale (minimum 1"=50' to 1"=10')	Yes, scale is showing within allowed range
North arrow	Yes
Existing easements, structures, and utility lines: Approval to cross, use, or relocate	Not currently shown; anticipated for final site plan review process
Space for notes	Yes, adequate space available
Contours	Not currently shown; anticipated for final site plan review process
Public areas	Sidewalks, park strips shown; common areas need to be identified accordingly
Vicinity Map	
Street names	Yes
Site location	Yes
North arrow	Yes
Scale	"Not to scale" note made; scale value not shown
PLAT SHEET	**Not currently provided**; anticipate full plat sheet to be submitted for Final Site Plan review of this project; **for this review Grading/Utility Plan currently provided**
Title Block	
Project name and address	Project name shown, address not stated
Approving Agency's name and address	Riverdale City, 4600 So. Weber River Drive, Riverdale, Utah 84405 (address not shown on plat)
Consulting Engineer's name, address, and phone number	J. Nate Reeve (Reeves & Assoc), 920 Chambers St, Suite 14, Ogden ,Utah 84403, 801-621-3100
Date	Yes – September 23, 2013
Names of approving agents with titles, stamps, signatures, and license expiration dates	No approving agent stamps showing at this time and may not be applicable
Names of approving departments (Attorney, Planning Commission, Mayor, Recorder)	Not currently shown; anticipated for final site plan review process
Consulting Engineer's stamp, signature, and license expiration date	Yes – Professional Engineer stamp showing, no signature and license expiration dates showing
Layout	
Street Names	Shown – 1500 West 5175 South

Layouts of lots with lot numbers	Lot 3 development, unit/suite numbers not shown
Bearings and distances for all property lines and section ties	Not currently shown; anticipated for final site plan review process
Legal description	Not currently shown; anticipated for final site plan review process
Adjacent tract ownership and tax identification numbers	This information is not currently shown
Scale (minimum 1"=50')	Yes, scale is showing
North arrow	Yes
Owner's dedication certificate for subdivision (Notary Acknowledgement)	Not currently shown; anticipated for final site plan review process
Landscaping (location and type with area calculations)	Yes, provided on Sheet 3 of 4
Location of exterior lighting devices, signs, and outdoor advertising	Not currently shown; anticipated for final site plan review process
Location of underground tanks, dumpsters, etc	Underground tanks not shown (if any), dumpster location is shown (2 dumpsters enclosures provided)
<u>Additional Information</u>	
Benchmark	Not currently shown; anticipated for final site plan review process
Basis of bearings	Not currently shown; anticipated for final site plan review process
Legend	Not currently shown; anticipated for final site plan review process
PLAN AND PROFILE SHEETS	**Not currently provided**; anticipated for final site plan review process
<u>Title Block</u>	
Project name and address	Not available
Approving Agency's name and address	Not available
Consulting Engineer's name, address, and phone number	Not available
Date	Not available
Scale	Not available
Revision block with date and initials	Not available
Sheet number and total sheets	Not available
<u>General</u>	
North arrow	Not available

Street names	Not available
Lot numbers	Not available
Reference to sheets showing adjacent areas	Not available
Center line stationing	Not available
Existing natural ground	Not available
Signage	**Not currently provided; may inquire as to overall signage intent**
Height	Not available
Size	Not available
Locations	Not available
Colors	Not available
Lighting	Not available
New and Existing Buildings	
Height and Size	Height = 21'; Building 1 size = 6500 sq ft, Building 2 size = 6200 sq ft, Building 3 size = 5900 sq ft, Building 4 size = 1710 sq ft
Location, setbacks, and all dimensions	Yes, shown on site plan page; distance from 5175 South to front elevations of buildings not shown (req 50 foot front setback); setback distance from side most eastward building to eastern property line not shown (req 10 feet minimum adjoining a residential zone); typical building dimensions shown on Sheet 4 of 4
Type of construction	Wicker siding, cape cod brick, soffit facia garage doors, rustic red doors, rustic brown shingles
Type of occupancy and proposed uses	Office/General commercial for service- oriented business operations (i.e. plumbing, HVAC, etc)
Show handicapped access	Not currently shown on the provided drawings
New and Existing Landscaping & Percentage	
Number of trees	11 trees shown
Landscape plan showing all planting, hardscaping, berming, and watering	Planting and hardscaping shown; berming (if applicable) and watering plan not currently shown
Xeriscaping alternatives being considered	Xeriscaping seems to be applied in the gravel mulch areas of building; for more, inquire of the developer
New and Existing Walls and Fences	

Location, design, and height	Under 10-10B-5 a 6 foot fence is required along eastern edge of development due to adjacency to residential zone. No fence installation currently shown, if any, on drawing.
Materials proposed for construction	None proposed at current time
New and Existing Parking	
Location, area, and layout of off-street parking (size of stalls, regular and handicapped)	This information is provided; handicapped parking spaces are not shown; parking stalls information are not in agreement, one sheet says 40 stalls and the other says 42 stalls, upon count should be 40 customer stalls per drawings; please note garages will also create additional parking for employees
Location of employees' parking, customer parking, and handicapped parking	Not currently defined
Internal circulation pattern	Unknown, not shown
New and Existing Ingress and Egress	
Location and size of points of ingress and egress for motor vehicles and internal use	Yes, shown at 28' wide
Circulation pattern	Unknown, not shown
New and Existing Streets	
All access points	Yes, this is shown
Center lines	Yes, this is shown
Right-of-way lines	Not completely defined on this plan
Face of curb lines	Yes, this shown; however, not completely defined
Centerline slope	Not currently shown; anticipated for final site plan review process; established per subdivision
Signing and striping	Not currently shown; anticipated for final site plan review process
Light poles	Not currently shown; anticipated for final site plan review process
Street lights	Not currently shown; anticipated for final site plan review process
Street name signs	Not currently shown; anticipated for final site plan review process; established per subdivision
Stop signs	Not currently shown; anticipated for final site plan review process; established per subdivision
UDOT approval (if required for project)	Not applicable for this application
Sidewalk (4' side with 4" of road base or 6' side with 6" of road base through the approach)	Yes, shown as a 5'; road base amount not defined and is anticipated for final site plan review

Planting Strip	Yes, shown as 4'
New and Existing Storm Drainage	
Top of curb elevations	Not currently shown; anticipated for final site plan review process
Slope of gutter	Not currently shown; anticipated for final site plan review process
Manholes	Not currently shown; anticipated for final site plan review process
Invert elevations	Not currently shown; anticipated for final site plan review process
Length, size, slope, and type of mains and laterals	Storm drain lines are shown. Other information not currently shown; anticipated for final site plan review process
Location of catch basins	Yes, showing on grading/utility plan
Ditches, location and ownership	Not currently shown; anticipated for final site plan review process (if applicable)
Approval to pipe, reroute or use	Not currently shown; anticipated for final site plan review process
Calculations for retention system	Yes, showing on grading/utility plan
Method of storm water clean-up	Not currently shown; anticipated for final site plan review process
New and Existing Sanitary Sewers	
Manholes	Yes, showing on grading/utility plan
Invert elevations	Not currently shown; anticipated for final site plan review process
Length, size, type, and slope of mains and laterals	Not currently shown; anticipated for final site plan review process
New and Existing Water Lines	
Length, size, type, and slope of mains and laterals	Water line lengths are shown. Other information not currently shown; anticipated for final site plan review
Location, size, and type of water meters, valves, and fire hydrants	Water meter locations and size (1") shown; type not shown. Location of valves and fire hydrants not shown; anticipated for final site plan.
New and Existing Gas Lines	
Size and type	Not currently shown; anticipated for final site plan review process
New and Existing Electrical Lines	
Size, location, and type	Not currently shown; anticipated for final site plan review process

Location of power poles	Not currently shown; anticipated for final site plan review process
New and Existing Telephone Lines	
Location of poles, junction boxes, and manholes	Not currently shown; anticipated for final site plan review process
New and Existing Cable TV Lines	
Location of lines (if applicable)	Not currently shown; anticipated for final site plan review process
DETAILED DRAWINGS	
Cross section of roadway (minimum 8" road base and 3" asphalt)	Not currently shown; anticipated for final site plan review process
Cross section of curb and gutter (standard 30" high back)	Not currently shown; anticipated for final site plan review process
Gutter inlet box with bicycle safe grate	Not currently shown; anticipated for final site plan review process
Cleanout box	Not currently shown; anticipated for final site plan review process
Thrust blocking	Not currently shown; anticipated for final site plan review process
Special energy dissipating or drop manholes	Not currently shown; anticipated for final site plan review process
ADDITIONAL INFORMATION	
Soils report	Not currently shown; anticipated for final site plan review process
Drainage and runoff calculations	Yes, shown on grading/utility plan
Water right transfer documentation	Not currently provided; anticipated for final site plan review process; will need to be determined
Copy of protective covenants, codes, and regulations for development	Not currently provided; anticipated for final site plan review process; **will need to be reviewed**
Eight (8) total 11" X 17" copies of plan drawings, one large full set of plan drawings, and one digital full set copy of plan drawings	Yes, provided as requested; anticipate an updated complete set of plans for the final review of the site plan proposal
Building elevation renderings	Yes, provided as Sheet 4 of 4
Corp of Engineers approval (if required)	Not applicable or required
Zoning compliance	Yes, CP-3
RDA compliance (if applicable)	Not applicable in this matter
Use compliance	Yes, C-3 permitted uses anticipated for each unit/suite in this development
Engineering comments and letter of approval recommendation	Engineering comments, along with Public Works, Fire Department, and Police Department comments have been provided

Traffic study	Not currently provided; **Need to discuss if applicable to measure for development use**
All Planning Commission and City Staff conditions for approval have been met	In process – currently preliminary support for the project needs to be given by Planning Commission

DEPARTMENTAL STAFF REPORTS – 9/30/2013 through 10/1/2013

From: Dave Hansen
Sent: Monday, September 30, 2013 10:16 AM
To: Mike Eggett
Subject: RE: Mike Ford Site Plans

In looking at it I wonder where they will put the snow during snow removal. Thanks for asking our input. I hope you are having a great day!

Dave

Chief David Hansen
Riverdale Police Department
4500 S. Weber River Drive
Riverdale, Utah 84405
(801) 394-6616

From: Shawn Douglas
Sent: Monday, September 30, 2013 2:12 PM
To: Mike Eggett
Subject: RE: Mike Ford Site Plans

Mike,

These are my comments on the Hayward Business Park proposed development. I will probably have more once we receive a full set of plans. Did you send these to the Fire Chief?

1-Landscape watering Meter?

2-They will need manholes where they tie into the sanitary sewer.

3-Our standard for sidewalk is 4' sidewalk and 4'6" park strip.

4-Would like to see the water meters in the park strip.

5-Handicap ramp on the corner of 1500 W and 5175 S.

6-We need to make sure the detention basin is designed in a way that is doesn't overflow or seep onto the residential neighborhood below.

7-We need to make sure the storm water ordinance is followed as far as recordings with the plat for the long term maintenance.

8-They will need to provide detail drawings for utilities and connections.

9-Is there a reason they are doing multiple meters?

Thanks

Shawn Douglas
Riverdale City Public Works
801-394-5541 Ext. 1217
Riverdale City
4600 S. Weber River Drive
Riverdale, UT 8440

From: Roger Bodily
Sent: Tuesday, October 01, 2013 11:11 AM
To: Mike Eggett
Subject: Ford site plan

Mike:

At this point, I do not see any major problems with the concept and site plans. Occupancy specific requirements will have to be addressed with each tenant as they come on board.

As usual, water supply and site access are concerns but at this point, everything looks good.

Thanks,

Roger M. Bodily, Fire Chief
Riverdale City Fire Department
Office: 801-436-1284
Cell: 801-940-2004

CIVIL ENGINEERING CONSULTANTS, PLLC.

5141 South 1500 West
Riverdale City, Utah 84405
801-866-0550

1 October 2013

Riverdale City
4600 South Weber River Drive
Riverdale, Utah 84405

Attn: Mike Eggett, Community Development Director/RDA Deputy Executive Director
Proj: **Lot 3-Hayward Business Park**
Subj: Preliminary Site Plan

Dear Mike,

I have reviewed the above referenced site plan drawings and submit the following review comments, which should to be considered:

General Comments:

1. An **electronic copy** of the completed Site Plan drawings must be submitted to the Public Work Department via our office for record keeping upon completion and approval of the Site Plan drawings.

2. All deteriorated, damaged or missing surface improvements surrounding the perimeter of the development will need to be replaced or installed, i.e., curb and gutter, sidewalk, landscaping park strip improvements, street lights, fencing, etc.

3. The "Geo-technical Study" needs to be prepared and submitted for review. The geo-technical study will need to address the proposed pavement design for the parking and driveway access areas, the cuts and fills required on the site and the over excavation of the site.

4. Site lighting plans need to be submitted for review. The site lighting plans need to be prepared with consideration of the neighboring residential area.

5. Notes on the drawings need to indicate the project owners must maintain all park strips on city right-of-ways and all landscaping improvements to the sides and rear of the buildings and in the detention basin.

6. There are no handicap parking stalls shown on the drawings. The handicap parking stalls and van access area must be shown on the drawings. The standard vehicle parking stalls should be marked at 10' wide and 20' long.

7. A standard 4-foot wide sidewalk will need to be designed and installed along the east side of 1500 West Street and along the South side of 5175 South Street (the perimeter of the site) for the proposed development. The drawings will need to incorporated a detail for the handicap ramps and the warning panel with the correct concrete dimensions and slab slopes

8. The storm water detention basin design will need to address the following:
    - The storm water detention basin should be landscaped with lawn sod in order to be properly maintained.
    - The storm water detention basin will need to be constructed with an emergency overflow spillway.
    - The inlet/outlet box in the bottom of the detention basin will need open emergency access to clean the orifice when plugged without requiring maintenance under water. The drawings should include a detail drawing of the inlet/outlet box.
    - Roof drainage and parking lot drainage should be piped directly to the detention basin inlet/outlet collection box.
    - The detention basin will need to have a 12" minimum perimeter freeboard to protect the adjoining homes.
    - The geotechnical report will need to address the percolation rates of the gravelly soils in the detention basin and found on site. The report should address the detained storm water in the detention basin and the affect to the groundwater, with any potentially affect to the neighboring homes and their basements.
    - The finish elevation contours are needed to be shown in the detention basin.

9. I would recommend that the parking lot waterway extending through the parking area be a minimum of 4' wide.

10. The drawings should include a finish grading plan with existing and finish contours, a drainage plan, a site plan, a utility plan and the special construction details.

11. There is an existing electrical ground sleeve junction box which appears will fall within the parking lot area. This electrical box needs to be shown on the drawings and the parking lot adjusted as required.

12. The culinary water and sanitary sewer utility service to the site should consider the following:
    - There were water and sewer laterals extended to this property during the initial development and construction. The developer must research those drawings and existing laterals and use those lateral to avoid cutting the roadway.
    - If the existing utility laterals to the site are not to be used, the developer must locate them in the roadway and properly disconnect them from the main lines.
    - There is a sanitary sewer manhole adjacent the curb and gutter near the fire hydrant, which should be investigated and used if possible rather than cutting the roadway.
    - There is an existing culinary water manhole in the park strip near the fire hydrant, which should be investigated and used if possible rather than cutting the roadway.
    - The existing fire hydrants need to be shown on the drawings.

13. The maneuvering space in the parking lot has not been shown on the drawings but should be a minimum of 43 feet of asphalt area.

14. If the site is to be developed in three phase as shown, it would be wise to develop the easterly portions first where the detention basin will be constructed.

15. The developer will need to have a "Storm Water & Pollution Prevent Plan" prepared and registered with the State of Utah.

Should you have any questions feel free to contact our office for clarifications.

Sincerely,
CEC, Civil Engineering Consultants, PLLC.

N. Scott Nelson, P.E.
City Engineer

Cc. Shawn Douglas, Public Works Director
Jeff Woody, Building Official and Inspector

Riverdale City

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405

RIVERDALE CITY PLANNING COMMISSION
APPLICATION FOR COMMERCIAL OR MANUFACTURING
SITE PLAN APPROVAL

CASE NO: _____ DATE SUBMITTED: 9/27/13

APPLICANT'S NAME: Mike Ford

ADDRESS: 644 W 1950 S Syracuse

PHONE: 801-644-5100 TAX I.D. NO: _____

ADDRESS OF SITE: 1500 W 5175 S.

APPLICANT'S INTEREST: Office/General Commercial

Application is hereby made to the Riverdale City Planning Commission requesting that the following permitted use, be approved on 1.2 (sq. ft./acreage) of property in the CP-3 zone in accordance with the attached site plan.

Signature of Applicant

Signature of Property Owner, E.V.P.
FIRST NATIONAL BANK OF LAYTON

I authorize Mike Ford to act as my representative in all matters relating to this application.

Signature of Property Owner, E.V.P.
FIRST NATIONAL BANK OF LAYTON

NOTE: A fee will be charged at the time the site plan is submitted for review - $200 per acre or portion of

Fee: $ 240 Date paid: 9/27/13

Planning Commission set public hearing: Yes ☐ No ☒ Date of Public Hearing: _____

Planning Commission scheduled to hear this application for site plan approval on:

Date: 10/8/2013 Decision of Commission: _____

City Council set public hearing: Yes ☐ No ☒ Date of Public Hearing: _____

City Council scheduled to hear this application for site plan approval on:

Date: _____ Decision of Council: _____

RIVERDALE CITY CORPORATION
4600 SOUTH WEBER RIVER DRIVE
RIVERDALE UT 84405 394-5541

Receipt No: 15.466670 Sep 27, 2013

MICHAEL J. FORD

Previous Balance:		.00
BUILDING PERMITS - PLAN/DEV REV		240.00
10-32-2200 BUILDING PLAN/DEV FEES		
Total:		240.00
CHECK	Check No: 1057	240.00
Total Applied:		240.00
Change Tendered:		.00

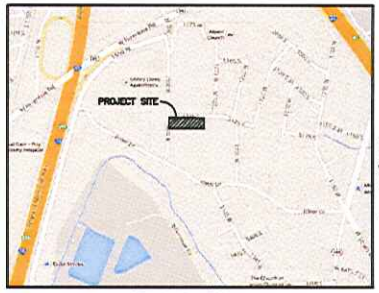
09/27/2013 11:33AM

Reeve & Associates, Inc. - Solutions You Can Build On

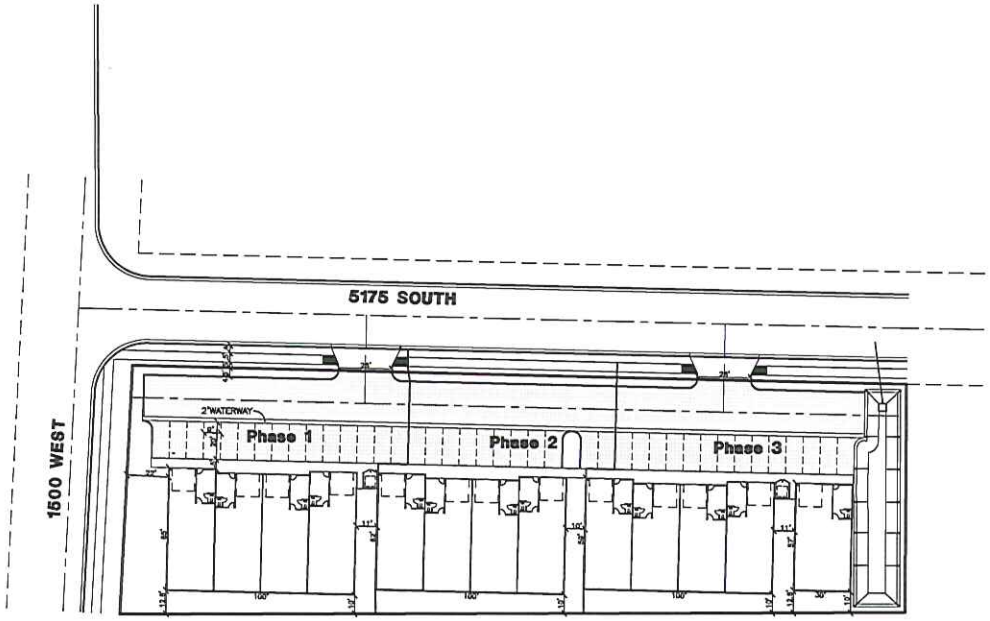
LOT 3-HAYWARD BUSINESS PARK

Preliminary Site Plans

RIVERDALE CITY, WEBER COUNTY, UTAH
SEPTEMBER, 2013

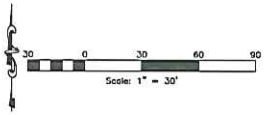


Vicinity Map
NOT TO SCALE



Site Information

PARKING STALLS	40	
TOTAL AREA	52,112 s.f.	
BUILDING AREA	18,299 s.f.	35.11%
HARD SURFACED AREA	19,835 s.f.	38.06%
LANDSCAPE AREA	13,978 s.f.	26.83%



Engineer's Notice To Contractors

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM AVAILABLE INFORMATION PROVIDED BY OTHERS. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ALIGNMENT AND/OR GRADE OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE DUE PRECAUTIONARY MEASURE TO PROTECT ANY UTILITY LINES SHOWN, AND ANY OTHER LINES OBTAINED BY THE CONTRACTOR'S RESEARCH, AND OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

Developer Contact:
Mike Ford
Ford Plano Studio
120 East 4700 South
Ogden, UT 84405
PH: (801) 644-1500

Blue Stakes Location Center
Call: Toll Free
1-800-662-4111
Two Working Days Before You Dig

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 920 CHAMBERS STREET #14, OGDEN, UTAH 84403, AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.

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Reeve & Associates, Inc.
920 CHAMBERS STREET, SUITE 14, OGDEN, UTAH 84403
TEL: (801) 621-3100 FAX: (801) 621-2666
WWW.REEVEANDASSOCIATES.COM

REVISIONS	
DATE	DESCRIPTION

Lot 3 - Hayward Business Park
RIVERDALE CITY, WEBER COUNTY, UTAH

Preliminary Site Plan

REGISTERED PROFESSIONAL ENGINEER
375328
J. NATE REEVE
STATE OF UTAH

Project Info.
Engineer: J. NATE REEVE
Drafter: S. TAGGART
Begin Date: SEPTEMBER 23, 2013
Name: LOT 3-HAYWARD BUSINESS PARK PHASE
Number: 4671-08

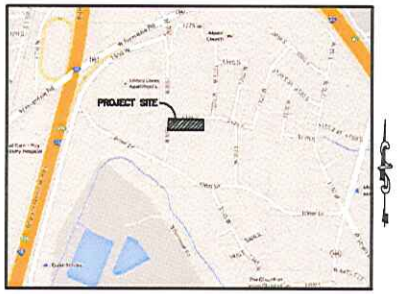
Sheet 1 of 4 Sheets

Reeve & Associates, Inc. - Solutions You Can Build On

LOT 3-HAYWARD BUSINESS PARK

Preliminary Site Plans

RIVERDALE CITY, WEBER COUNTY, UTAH
SEPTEMBER, 2013



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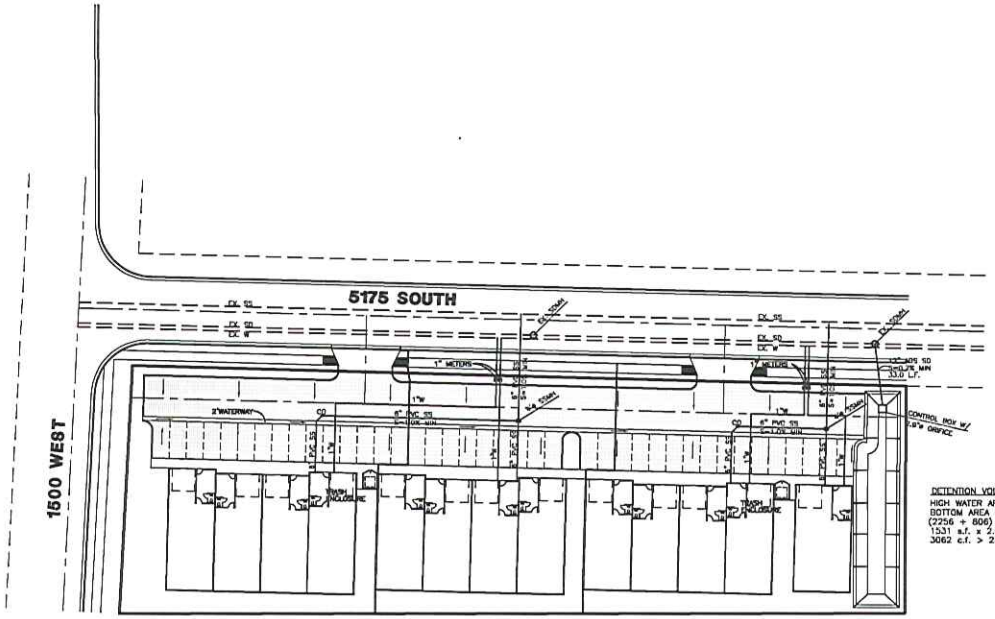


DETENTION VOLUME CALCULATIONS
HIGH WATER AREA (00.00) = 2256 s.f.
BOTTOM AREA (00.00) = 806 s.f.
(2256 + 806) = 3062 s.f./2 = 1531 s.f. Avg.
1531 s.f. x 2.0' Depth = 3062 c.f.
3062 c.f. > 2938 c.f. = OK

Storm Runoff Calculations

Hayward Business Park Subdivision
9/24/2013

The following runoff calculations are based on the Rainfall - Intensity - Duration Frequency Curve for the Riverdale UT area taken from data compiled by NOAA Atlas 14, using a 50 year storm.

Runoff storm water has been calculated for two different sets of conditions, one being the existing undeveloped land and the other with land fully improved. The difference between the two quantities will be detained in a holding pond. All water that runs off and over the property at present will be diverted into the holding pond and released at a reduced rate into the existing drainage system.

The calculations are as follows:

1. Runoff from the undeveloped existing land.

Runoff Coefficient	C =	0.2
Rainfall Intensity	i =	1.6 IN./HR.
Runoff Quantity	Q =	CIA
Acreage	A =	1.20 ACRES

Q(out) = C*I*A = 0.38 CFS

2. Runoff from developed land

Runoff Coefficients

Paved Area	19835	C = 0.9
Landscaped Area	19675	C = 0.2
Roof	18250	C = 0.8

Weighted Runoff Coefficient C = 0.56

Rainfall Intensity	i = varies with time
Runoff Quantity	Q = CIA

3. Detention Basin

Volume in	Q *t
Volume out	0.38 *t

The capacity of the detention basin is calculated as the maximum difference between the volume flowing in and the volume flowing out.

The outflow from the detention basin is limited to outflow if undeveloped.
Use 0.38 cfs for Q outflow

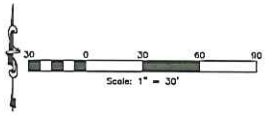
The required volume of the detentk 2,938 cubic feet

USE A 2.9 INCH DIAMETER ORIFICE AT OUTLET

DETENTION BASIN
Cumulative Volume For Detention Pond
Hayward Business Park Subdivision

C = 0.56
A = 1.20
Q(out) = 0.38

time (min)	time (sec)	i (in./hr.)	Q (cfs)	Vol. in (cf)	Vol. out (cf)	Difference (cf)
0	0	0.00	0.00	0.00	0.00	0.00
5	300	5.64	4.57	1370.87	114.85	1256.76
10	600	4.29	3.48	2089.10	229.69	1859.40
15	900	3.54	2.87	2580.86	344.54	2236.32
30	1800	2.39	1.94	3484.89	689.08	2795.80
60	3600	1.46	1.20	4316.01	1378.17	2937.84
120	7200	0.83	0.67	4840.93	2756.34	2084.59
180	10800	0.57	0.46	4986.74	4134.51	852.24
360	21600	0.33	0.27	5774.12	8268.01	-2494.89
1440	86400	0.21	0.17	14697.76	33076.05	-19378.28



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TEL: 801-621-3100 FAX: 801-621-2666 E-MAIL: mail@reeve-assoc.com
CIVIL PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
WATER ENGINEERS • MUNICIPAL ENGINEERS • INDUSTRIAL ENGINEERS

REVISIONS	
DATE	DESCRIPTION

Lot 3 - Hayward Business Park
RIVERDALE CITY, WEBER COUNTY, UTAH
Preliminary Grading/Utility Plan

REGISTERED PROFESSIONAL ENGINEER
375329
J. NATE REEVE
STATE OF UTAH

Project Info.
Engineer: J. NATE REEVE
Drafter: S. TAGGART
Begin Date: SEPTEMBER 23, 2013
Name: LOT 3-HAYWARD BUSINESS PARK PHASE
Number: 4071-08

Sheet	4
2	Sheets

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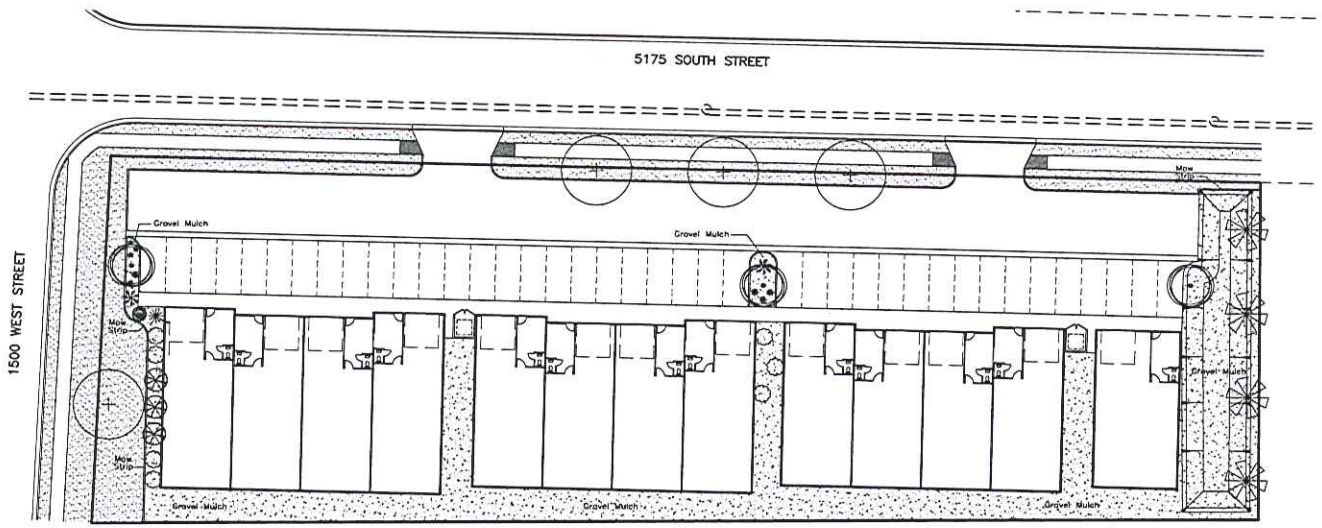
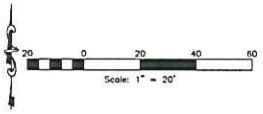




Site Information

PARKING STALLS	42	
TOTAL AREA	52,112 s.f.	
BUILDING AREA	18,299 s.f.	35.11%
HARD SURFACED AREA	19,835 s.f.	38.06%
LANDSCAPE AREA	13,978 s.f.	26.83%

Plant Table

TREES

Quantity	Symbol	Scientific Name	Common Name	Planting Size
4		Acer freemanii 'Jeffersred'	Autumn Blaze Maple	2" cal.
4		Picea pungens	Colorado Blue Spruce	8'-12' B&B
3		Pyrus calleryana 'Chanticleer'	Chanticleer Flowering Pear	2" cal.

SHRUBS

Quantity	Symbol	Scientific Name	Common Name	Planting Size
7		Euonymus alatus 'Compacta'	Dwarf Burning Bush	5 gal.
3		Syringa vulgaris	Common Lilac	5 gal.
1		Rhamnus 'Fine Line'	Fine Line Tall Hedge	5 gal.
1		Taxus x media 'Dark Green Spreader'	Spreading Yew	5 gal.

PERENNIALS

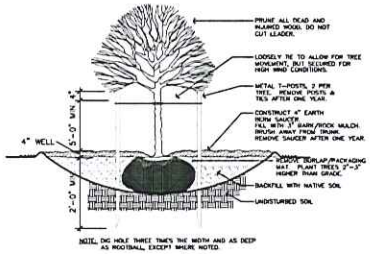
Quantity	Symbol	Scientific Name	Common Name	Planting Size
2		Calamagrostis 'Karl Foerster'	Karl Foerster Grass	1 gal.
5		Hemerocallis spp.	Daylily	1 gal.
3		Heuchera 'Splendens'	Coral Bells	1 gal.

Decorative Boulders

Turf Grass - To be sodded.

A 3" layer of 1" Minus Rock Mulch over Dewitt Pro 5 Weed Barrier Cloth, or equal.

NOTE: Irrigation to be designed by owner's licensed landscape contractor.



DECIDUOUS TREE PLANTING

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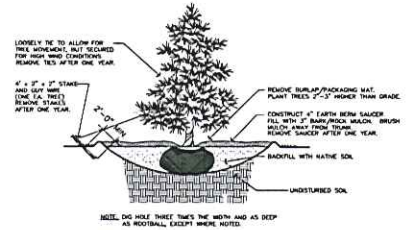

CONIFEROUS TREE PLANTING

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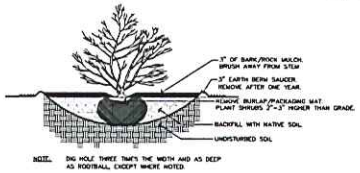

SHRUB PLANTING

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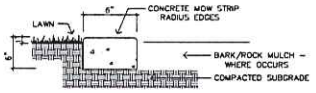

CONCRETE MOW STRIP

SCALE: NOT TO SCALE

Developer Contact:

Blue Stakes Location Center
Call: Toll Free
1-800-662-4111
Two Working Days Before You Dig

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REVISIONS	
DATE	DESCRIPTION

Lot 3 - Hayward Business Park

FARMDALE CITY, WEBER COUNTY, UTAH

Landscape Plan

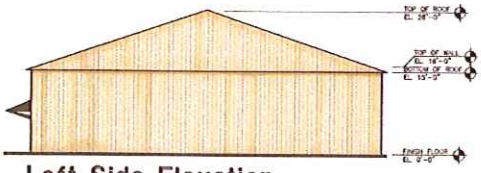
CERTIFIED PROFESSIONAL ENGINEER
375326
J. NATE REEVE
STATE OF UTAH

Project Info.
Engineer: J. NATE REEVE
Drafter: S. TAGGART
Begin Date: SEPTEMBER 23, 2013
Name: LOT 3-HAYWARD BUSINESS PARK PHASE
Number: 4671-08

Sheet 3 of 4 Sheets

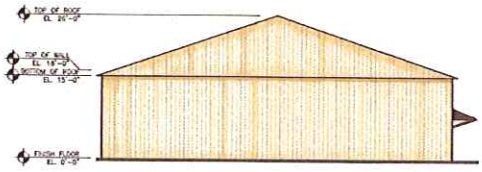
Front Elevation

SCALE: 1/8"=1'-0"



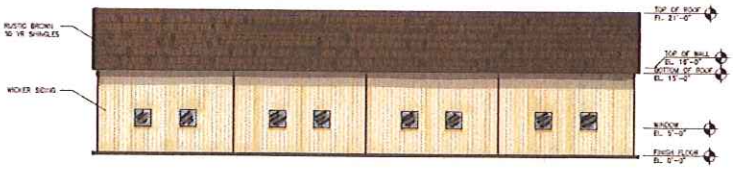
Left Side Elevation

SCALE: 1/8"=1'-0"



Right Side Elevation

SCALE: 1/8"=1'-0"



Rear Elevation

SCALE: 1/8"=1'-0"

Reeve & Associates, Inc.

REVISIONS	
DATE	DESCRIPTION

Lot 3 - Hayward Business Park

RIVERDALE CITY, WEBER COUNTY, UTAH

Preliminary Elevations

Project Info.
Engineer: J. NATE REEVE
Drafter: S. TAGGART
Begin Date: SEPTEMBER 23, 2013
Name: LOT 3-HAYWARD BUSINESS PARK PHASE
Number: 6871-08

Sheet 4 of 4 Sheets

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RIVERDALE CITY
PLANNING COMMISSION AGENDA
October 8, 2013

AGENDA ITEM: F1

SUBJECT: Discretionary Items

PETITIONER: Elected, Appointed, and Staff

ACTION REQUESTED BY PETITIONER: Open agenda item provided for comments or discussion on discretionary items.

BACK TO AGENDA