



Staff Report

Coalville City
Community Development Director

To: Coalville City Council and Mayor
From: Don Sargent, Community Development Director
Date of Meeting: July 26, 2022
Re: Development Code Clarifications
Action: Continued Work Session

Development Code Text Clarifications

REQUEST: Continue the review and discussion of the clean-up and clarification amendments to the development code and other related document language recommended by the Staff and Planning Commission. This item is scheduled for a work session.

BACKGROUND: From applying existing code language in the review of project applications it appears that clarifications, and updates to the development code and other related documents need to be addressed for consistency and clarity. The City Council directed Staff and the Planning Commission to address these amendments.

The Planning Commission conducted 4 work sessions and a public hearing with their review of the amendments and on May 16, 2022, forwarded a unanimous approval recommendation of the amendments to the City Council.

Attachment A includes the Redlined Development Code Language Clarifications.

On June 27, 2022, the City Council initially reviewed and discussed the amendments in work session.

ANALYSIS: As identified and discussed with the review of on-going development applications, multiple sections of the code include language that is inconsistent and unclear. Staff has redlined language in the development code, fee schedule, and other related documents when items of confusion and needed updates were identified. The "Track Changes" language includes these clarifications with refinements for review and consideration.

RECOMMENDATION: Staff recommends the City Council review and discuss the language clarifications and provide any additional direction to Staff on the amendments for preparation of a public hearing.

ATTACHMENTS

A. Redlined Development Code Language Clarifications

eighty five (85) feet or be accessed by a private Driveway/Road/Lane, except for a cluster type subdivision of a Master Planned Development (MPD)

10-13-070: SETBACK REQUIREMENTS — PRIMARY

DWELLINGS The following yard set-back requirements shall apply to all dwellings and primary buildings on residential lots.

- A. FRONT YARD SETBACK:** The minimum front yard setback for all residential dwellings shall be twenty (20) feet except when located along a Major Road where the minimum setback shall be thirty (30) feet.
- B. SIDE YARD SETBACK:** The minimum side yard for all residential dwellings shall be twelve (12) feet. The minimum side yards for all residential dwellings on corner lots shall be twelve (12) feet on the side adjoining another lot and twenty (20) feet on the side adjoining the street.
- C. REAR YARD SETBACK:** The minimum rear yard setback for all residential dwellings shall be twelve (12) feet.
- D. EASEMENTS:** No dwelling or main building shall be located within a platted easement area of any kind.
- E. Height and Building Location:** No lot or parcel of land in the Residential Zones shall have a building intended for human habitants which exceeds a height of thirty five (35) feet
 - a. Silos, windmills, and other agricultural related accessory structures not used for human occupancy exceeding thirty five (35) feet in height require lots to be a minimum 5 acres, and Conditional Use Approval

10-13-080: SETBACK REQUIREMENTS — ACCESSORY STRUCTURES

An accessory building, allowed by this Code shall follow the following setback, height, and easement requirements.

- A. Front Setback:** No accessory ~~buildings-structures~~ are allowed ~~in-front-of the-residential-dwelling~~, in the front setback.
- B. Side Setback:** No closer than three (3) feet from the side property line. Not allowed in the required side yard setback of a corner lot on the side facing the street.
- C. Rear Setback:** No closer **than three (3) feet from** rear property line

accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

- a. All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots. (This Provision shall not apply to pastures)

F. Easements: No permanent accessory building shall be located within a platted easement area of any kind,

10-14-090 REQUIREMENTS FOR ACCESSORY USES

- A. Private swimming pools, tennis courts, pickleball courts, and similar uses shall be allowed in a rear and side yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.
- B. Detached garages and other detached accessory buildings or accessory dwelling units sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the rear yard area or be located closer than three (3) feet from the property line or within a public utility easement if noted on a subdivision plat.
- C. Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the rear yard area or is closer than three (3) feet from the property line
- D. Air conditioning units,
- E Hot tubs decks or similar uses twelve-eighteen (182) inches or less above grade shall be allowed in a rear yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and three (3) feet from the property line.
- F Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:
 1. Such drives shall be constructed of one or more of the following materials: concrete, asphalt, pavers, compacted roto-mill, or other acceptable material that prevents the tracking of rocks, dirt, or mud onto the public street. gravel, cobblestone, or other available/viable options, creative designs are encouraged.

10-15-060: PROTECTION OF RESIDENTIAL PROPERTY - SETBACKS

- A. Where a commercial development adjoins any residential zone or residential use there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall. A fence or wall is not required along the adjoining property line in the required front yard setback.
- a. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Title.
- B. Where a multiple family residential development adjoins any single-family residential use there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall (chain link fencing with slats is not considered a solid fence or wall for purposes of this Section). A fence or wall is not required along the adjoining property line in the required front yard setback.
- a. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Title.
- C. Front-Yard Setback: Each structure in the Commercial Zones shall be located at least twenty (20) feet from the edge of any public street, provided however, that no off-street parking shall be located closer than ten (10) feet from any public street. Commercial structures within the Historic District along Main Street do not require a front setback and may be located adjacent to the public sidewalk.
- D. Side-Yard Setback: Each structure in the Commercial Zones shall be located at least twelve (12) feet from the nearest building and no less than three (3) feet from the property line.
- E. Rear-Yard Setback: Each structure in the Commercial Zones shall be located at least twelve feet - (12) feet from the rear property line or adjacent building in order to provide for adequate alleyways for deliveries.

10-15-070: LANDSCAPING AND OUTDOOR AMENITIES

Landscaped areas and Outdoor Amenities are used to frame and soften structures, to define site functions to enhance the quality of the environment, provide outdoor seating and to screen undesirable views. Landscaping and Outdoor Amenities should complement the buildings and surroundings to make a positive contribution to the aesthetics and function of both the specific site and the area. The following characteristics will need to be addressed in the design of each commercial project:

CHAPTER 6**MASTER PLANNED DEVELOPMENTS (MPD)****8-6-010: Purpose****8-6-020: Applicability****8-6-030: Uses****8-6-040: Process****8-6-050: Vesting of MPD Approval****8-6-060: MPD Modifications****8-6-070: MPD Requirements****8-6-080: Required Findings****8-6-010: PURPOSE**

The purpose of the Master Planned Development (MPD) is to provide a comprehensive project design strategy to create projects, including mixed use development, that best address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The master planned development process also creates tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the General Plan and this chapter.

8-6-020: APPLICABILITY

The master planned development process shall be required in all zones for the following applications:

- A. Any application for a rezone.
- B. Any application to subdivide or develop at base density resulting in six (6) or more dwelling units or lots ~~or—parcels~~ (Major Subdivision/Development).
- C. Any application which includes the transfer of base density or uses between zones on a single parcel which results in the creation of six (6) or more lots or parcels.
- D. Any application which includes a density bonus within a residential zone.
- E. All applications for commercial uses, retail commercial establishments, offices, institutional uses or industrial uses with more than twenty-five thousand (25,000) square feet of floor area.

8-6-030: USES

A master planned development shall become supplementary to the provisions of the zones in which the MPD is located, including rezones.

- A. **Differing Zones:** When the project includes parcels with adjacent differing zones or uses, the MPD may be relocated across zone boundaries so long as the City Council determines that the relocation results in a project design that advances the goals set forth in the General Plan.
- B. **Attached Units:** Attached units may be allowed in all residential and commercial zones except the Agriculture (AG) Zone and Residential Agricultural (RA) Zone.
- C. **Types of Developments:** Master Planned Developments may include commercial/industrial projects, cluster subdivisions, mixed use planned developments, twin or town homes, condominiums, resort units and subdivisions, combinations of housing types such as single units and multiple units, and zero lot line developments.
- D. **Zone Use Limitations:** Uses permitted in the MPD shall be limited to those uses permitted in the Zone District in which the MPD is proposed, with exceptions for support accessory uses in mixed use developments.

8-6-040: PROCESS

The MPD application process has three primary steps:

- A. **Pre-Application Conference:** A required pre-application conference shall be held with staff for the applicant to become acquainted with the master planned development procedures and related City requirements, standards and schedules. Staff may give preliminary feedback to the applicant based on the information available and inform the applicant of potential issues or special requirements which may apply to the proposal.
- B. **Master Planned Development Application:** A concept [plan for the MPD](#) and preliminary plan for [Phase 1 of](#) the master planned development shall be submitted with completed application forms supplied by the City. A list of minimum requirements will accompany the application form. The application must include written consent by all owners of the property to be included in the master planned development. Once an application is received, it shall be reviewed for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.
- C. **Planning Commission and City Council Review and Public Hearings:** The City Council is the Land Use Authority for master planned developments. Prior to final action by the City Council, the Planning Commission shall hold a minimum of one (1) public hearing prior to forwarding a recommendation to the City Council. The City Council shall also hold a minimum of one (1) public hearing

and take final action on the application. City Council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval.

D. Development Agreement: All MPD approvals shall be put in the form of a development agreement. The document shall contain, at a minimum, the following:

- a. A legal description of the land;
- b. All conditions of approval, relevant zoning, and development code parameters, including all findings of fact and conclusions of law, specifying any exceptions, including but not limited to those outlining more or less restrictive height, setbacks of lot size;
- c. An express reservation of the future legislative power and zoning authority of the City;
- d. A copy of the approved MPD site plan, architectural plans, landscaping plans, grading plan, trails and open space plans, and other plans, which are a part of the approval;
- e. A description of all developer exactions or agreed upon public dedications;
- f. The developer's agreement to pay all specified impact fees;
- g. The form of ownership anticipated for the project; and
- h. A specific project phasing plan.

The development agreement shall be signed by the Mayor and recorded with the Summit County Recorder. The development agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The development agreement shall be reviewed and signed as part of any final rezone approval by the City Council.

8-6-050: VESTING OF MPD APPROVAL

Construction, including the installation and placement of infrastructure such as roads and utilities, within the MPD project area will be required to commence within five (5) years of the date of the City Council approval. After construction commences, the MPD shall remain valid so long as it is consistent with the approved project-phasing plan as set forth in the MPD approval and associated documents. It is anticipated that the specific project-phasing plan may require periodic review and re-evaluation of the project during the development of the project. Extensions will not be considered for an MPD approval that does not meet the prescribed timeframes as specified in this section.

- A. **Final Subdivision Plat:** The initial final subdivision plat associated with a Master Planned Development must be recorded within three (3) years of the date of the City Council MPD approval and construction of the project must begin within five (5) years of the date of City Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.

Sidewalks (Both sides of road)	Required	Required	Required	Required	Required, depending on development intensity	n/a
Park Strips (5-8 feet wide)	Possibly, depending on development intensity	Possibly, depending on development intensity	Required, both sides of road depending on development intensity	Required, both sides of road depending on development intensity	Possibly, depending on development intensity	n/a
Parking lanes	No	Possibly	Yes	Yes	Possibly	No
Design speed	45 mph	35 mph	25 mph	25 mph	25 mph	15 mph
The minimum width of a road surface that will be considered for public dedication is 24 feet.						
The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.						
All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.						
AASHTO = American Association of State and Highway Transportation Officials.						

G. Driveway Access:

1. All individual driveway access locations shall be designed to function well with existing site conditions and layout of each residential building. Care shall be taken in locating driveways to allow for the least amount of site and vegetation disturbance. Where possible, driveways shall parallel the slope to lessen site impact.
2. The maximum grade of any driveway shall not exceed ten percent (10%), except that twelve percent (12%) grades may be allowed for short distances not to exceed two hundred fifty feet (250') when approved by the North Summit Fire District (NSFD).
3. A driveway may provide access to one or more dwelling units, but not more than five (5) dwellings. The minimum width of any driveway serving up to three (3) dwellings shall be twelve feet (12') in width and shall have a minimum right-of-way width of twenty-four feet (24'). Driveways serving ~~three-four (34)~~ or ~~more-five (5)~~

dwellings must be a minimum of twenty feet (20') in width and shall have a minimum right-of-way width of thirty-two feet (32'). Physical addresses of lots being served by a private driveway shall be shown on the subdivision plat.

5. Retaining walls shall be used with cuts more than ten feet (10'). Cut slopes shall be as specified by a qualified engineer to achieve a stable embankment. Fill areas shall be contoured to three feet (3') horizontal to one foot (1') vertical slopes or flatter. If the disturbed areas fail to match existing grade within ten (10) vertical feet, a retaining wall shall be used.

6. All driveways must provide a NSFD approved turnaround for emergency vehicles where the driveway meets the building pad, and every two hundred feet (200') when longer driveways occur.

7. Driveways more than two hundred feet (200') and less than twenty feet (20') wide must be provided with turnouts. Driveway turnouts must be an all-weather road surface, ten feet (10') wide and thirty feet (30') long. Driveway turnouts to be located as required by NSFD.

8. Driveway access for all lots within a subdivision may not be from any street or road other than interior roads within the subdivision, unless approved by the City based on site specific conditions and development characteristics.

9. Driveways with distances under fifty feet (50') must have a hard surface (concrete or Asphalt).

10. Driveways over fifty feet (50') must have a paved approach to the public street, with concrete or asphalt, for a distance of fifty feet (50') measured from the pavement edge of the public street.

11. All driveways shall be setback a minimum distance of five (5) feet from any adjacent property line.

12. Minimum setback from a driveway shall be twenty (20) feet.

13. Driveway connections to a public street shall not exceed twenty-four (24) feet in width at the property or street right-of-way line and shall include a minimum five (5) flare to the street pavement edge.

14. All subdivisions or developments approved with a common driveway shall include street addresses on the common driveway for each lot or parcel.

15. Multiple driveways on a single-family dwelling lot must be consolidated so only one driveway access connects with the public street except for circular drives not over sixteen (16) feet in width and a minimum of forty five (45) feet apart at the centerline of the drives.

10-1-190 PLANNING COMMISSION

There is hereby created the Coalville City Planning Commission consisting of five (5) members recommended by the Mayor and approved by a majority vote of the City Council at a regularly scheduled City Council meeting. Reappointments of existing planning commission members may be made by the City Council. The Coalville City Planning Commission, hereinafter referred to as the Planning Commission or Commission shall be organized and have the duties and responsibilities as indicated below.

A. Terms, Eligibility and Compensation of Members. Each member of the Planning Commission shall serve a term of three years. Members shall be appointed in December of the year upon the expiration of a current member. The terms shall be staggered so that no more than two (2) members are appointed at the same time. Terms expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed. The Mayor, with the consent of the City Council, shall appoint a new Planning Commission member to fill vacancies that might arise, and such appointments shall be to the end of the vacated term. No member shall serve more than three (3) consecutive terms, including portions of unexpired terms.

Members of the Planning Commission shall be residents of ~~or own property in~~ Coalville City and have resided ~~or owned property~~ within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits or no longer own property within the City.

Members may be compensated per diem, based upon meetings attended as determined by the City Council.

B. Absence Deemed Resignation or Grounds for Removal. Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings in a calendar year may be called before the City Council and asked to resign or be removed with cause by the Council. All members of the planning commission shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council.

C. Duties and Responsibilities. The Coalville Planning Commission, referred to as Planning Commission, Commission, or Administrative Land Use Authority, organized in accordance to § 10-9-201 et. seq. of the Utah Code 1996, as amended, shall have the following duties and responsibilities:

1. To prepare a General Plan, any maps required by the plan, and amendments to the General Plan and recommend the plan or amendments to the plan to the City Council.

6. **Accessory Use.** A use conducted on the same lot as the primary use or structure with which it is associated; and is a use that is clearly incidental to and is customarily found in connection with such primary use; and is either in the same ownership as such primary use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the primary use. No accessory use shall be allowed on any lot or parcel unless the permitted primary use is being actively engaged.
7. **Accessory Structure.** A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith.
8. **Administrative Permit.** A permit issued by the Community Development Director for specified uses after compliance with applicable development code regulations.
- ~~8.9.~~ **Affected Entity.** A state, county, municipality, local district, special service district, school district, property owners' association, public utility, or any person who owns or occupies land, property or other assets or structures which may be adversely affected as a result of Development Activity or a Development Approval Application.
- 9.10. **Agent.** The person with written authorization to represent an Owner.
10. **Adult Business.** An Adult Theater, Adult Cabaret, Adult Motion Picture Theater, Adult Escort Services, Outcall Services, Adult Bookstore or Adult Video Store.
11. **Adult Bookstore or Adult Video Store.** A business establishment which:
- Holds itself out to be such a business; or
 - Excludes minors from more than thirty (30%) percent of the retail floor or shelf space of the premises; or
 - Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.
12. **Adult Cabaret.** An establishment which features as a principal use of its business, waiters, waitresses, or bartenders who are in a state of nudity or semi-

70. **Density.** The intensity or number of non-residential and Residential Uses per acre or Lot, or units per acre.
71. **Detached.** Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.
72. **Developer.** The person, persons, corporation, firm, entity, partnership, or designated legal representative owning the land proposed to be developed in any way. Consent shall be required from the legal owner of the property.
73. **Development/Development Activity.** Any of the following activities requiring City approval pursuant to this Code:
- A. Change in use of a building, structure, or land;
 - B. Construction, clearing, filling, excavating, grading, paving, dredging, mining drilling or otherwise significantly disturbing the soil of a site;
 - C. Building, installing, enlarging, replacing, or substantially restoring a structure or impervious surface;
 - D. Erection of a sign;
 - E. Alteration of a historic property for which authorization is required under this Code;
 - F. Any activity increasing the demand or need for additional public services or facilities, parking or generates additional traffic;
 - G. Construction, elimination or alteration of a driveway within a public road right-of-way.
- 72.Development Approval Application.** Includes any application for any development approval including but not limited to grubbing, grading, an alteration or revision to an approved MPD, conditional use approvals, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.
73. **Development Code.** The Coalville City Development Code, as adopted and amended.
74. **Development, Major.** All subdivisions of six (6) or more lots, or multi-family developments of six (6) or more units. Applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with more than twenty-five thousand (25,000) square feet of floor area

75. **Development, Minor.** Any subdivision of property resulting in up to, but not more than five (5) lots. Multi-family developments resulting in up to, but not including more than five (5) units. Applications for commercial uses, retail commercial establishments, offices, institutional uses, or industrial uses with less than twenty-five thousand (25,000) square feet of floor area

74. **Distance.** All distances discussed herein as they pertain to buffers are measured in a straight line, without regard to intervening structures, from the nearest property line to the nearest property line.

75. **Driveway, Residential.** A private access serving up to five (5) ~~one~~ residential dwellings, that must follow the Driveway Standards.
76. **Dude/Guest Ranch.** An equestrian or recreational facility operating as a commercial business use, which includes the short-term stay of guests or participants.
77. **Dwelling.** A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.
- A. Dwelling, Accessory.** An area within or attached to a single family dwelling or above an accessory garage, or as a separate building for the private use of the property owner's relatives, domestic help, house guests or similar users. These quarters shall be subordinate to the primary dwelling and shall not exceed 1,000 square feet or 2/3 the size of the primary dwelling whichever is less. Accessory dwellings shall use the same utility meter as the primary dwelling. Only one (1) accessory dwelling unit per detached primary single family dwelling will be allowed. The accessory dwelling unit may be separately rented or leased.
- B. Dwelling, Multi-Family.** A building arranged or designed to be occupied by three or more families living independently of each other in separate but attached dwellings.
- C. Dwelling, Single Family Detached.** A building arranged or designed to be occupied by only one family; a structure having only one dwelling unit, including mobile homes on permanent foundations and manufactured homes.
- D. Dwelling, Two Family.** A building containing two (2) dwelling units sharing one or more vertical and no horizontal common walls. Each of which is designed for and used as a dwelling unit exclusively by one (1) family and its guests. It may also be referred to as a duplex.
78. **Easement.** Authorization by a property owner for the use by another and for a specified purpose of any designated part of the property.
79. **Egress.** An exit for vehicles from public or private parking lots and drives.
80. **Erect.** To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing is not included in this definition provided the sign copy is not changed or altered.
81. **Escrow.** A deposit of cash with the City or approved alternate entity in lieu of an amount required on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

140. **Maximum Extent Feasible.** Means no prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."
141. **Model Home.** A dwelling unit used initially for display purposes that typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission and City Council, by permitting a portion of a subdivision to be created according to the procedures for as set forth in this Code.
142. **Monopole.** A single cylindrical steel or wood pole that acts as the support structure for antennas.
143. **Municipality.** Coalville City, Utah.
144. **Neighborhood Park and Recreation Improvement Fund.** A special fund that may be established by the City Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations to develop land within reasonable proximity of the property to be subdivided so as to be of local use to the future residents of the subdivision(s).
145. **Nightly Rental (Short-Term Rental).** The rental of a room, apartment, house or lockout unit for a ~~time~~ short term period of less than thirty (30) days. Nightly rentals require a business license and are subject to all applicable off-street parking requirements, noise disturbance regulations, and transient room tax.
146. **Non-conforming Use.**
As used in this Code, a nonconforming use is the use of land that:
- A. legally existed before its current land use designation; and
 - B. has been maintained continuously since the time the land use ordinance regulation 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.
147. **Non-complying Structure.** As used in this Code, a non-complying structure is a structure that:
- A. legally existed before its current land use designation; and

148. **Non-Residential Subdivision.** A subdivision whose intended use is other than residential, such as agricultural, commercial or industrial. Such subdivision shall comply with the applicable provisions of the City General Plan and the requirements of this Development Code.

149. North Summit Fire District (NSFD). The local fire district with responsibility of ensuring subdivisions, commercial structures, individual single-family dwellings, and other structures meet the requirements of the International Fire Code as amended.

149. **Nude or Semi-Nude Entertainment Business.** A business, including an Adult Theater, where employees/entertainers perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a Nude or Semi-Nude Entertainment Business if the business holds itself out as such a business.

150. **Nudity or State of Nudity.** A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

151. **Nursery, Greenhouse.** A place or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

152. **Nursing Home.** An institution described also as a "rest home" or "convalescent home", other than a hospital in which persons are lodged and furnished with care rather than diagnoses or treatment.

153. **Off-site.** Any premises not located within the area of the property to be developed, whether or not in the same ownership of the applicant for development approval.

154. **Official Zoning Map.** The map established by the City Council pursuant to law showing the zoning districts, adopted and established by law.

155. **Official Master Plan.** See General Plan.

156. **Obscene.** Any material or performance is Obscene if:

- A. The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;
- B. It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and
- C. Taken as a whole, it does not have serious literary, artistic, political or scientific value.

157. **One Bedroom Apartment.** A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and

- 198. Roads, Classification.** For the purpose of providing for the development of the streets, highways, roads, and rights-of-way for future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks and drainage. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified on the Streets Master Plan.
- 199. Road, Dead End.** A road or a portion of a street with only one vehicular traffic outlet.
- 200. Road, Major.** That portion of 1-80 within Coalville City limits and all of Main Street and Chalk Creek Road within the City limits.
- 201. Road, Private.** A road not owned by Coalville City, ~~leading to~~ providing access to more than five (5) dwellings ~~or less~~; in accordance with International Fire Codes, and Coalville city standards for Private Roads.
- 202. Road Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street.
- 203. Roof Mounted Antenna.** An antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.
- 204. Sale or Lease.** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a development or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.
- 205. Same Ownership.** Ownership by the same person or persons, corporation or corporations, firm or firms, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of a family owning interest in each corporation, firm, partnership, entity, or unincorporated association.
- 206. Satellite Receiving Station.** Any apparatus or device that is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrial and/or orbital based units. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae or ham radio antennae.

207. **Screen or Screened.** A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

208. **Semi-Nude.** A state of dress in which a person wears opaque clothing covering only the male or female genitals, pubic region, and anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point, and only the nipple and areola of the female breast, if applicable.

209. **Sensitive Lands.**

For the purposes of this Code, any development, development activity or use located within Sensitive Lands must satisfy the requirements of this Chapter. Sensitive Lands include, but are not limited to:

1. Drainage ways, floodplains, lake shores, water shed and recharge zones.
2. Entry corridors and important vantage points.
3. Natural or environmentally hazardous areas.
4. Scenic view sheds, foothills, and ridgelines.
5. Slopes greater than fifteen (15) percent.
6. Unique natural features such as dense tree or shrub stands, rock outcroppings, ponds or springs and historic features.
7. Stream corridors.
8. Wetlands
9. Wildlife habitat and fisheries.

210. **Setback.** The distance between a building or structure foundation wall and the street or road right-of-way line, or nearest property line, thereto with exceptions for accessory structures, patios, decks, window wells and similar structures as specified in each zone district. ~~with the exceptions provided for in the code.~~ A front setback is required for each side of a lot bordering a public or private street or driveway right-of-way.

211. **Sexually-oriented Business Employees.** Those employees who work on the premises of the Adult/sex oriented facility or business in activities related to the sexually-oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as

upon any or all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

A. Subdivision, Major. All subdivisions of six (6) or more lots.

B. Subdivision, Minor. Any subdivision of property resulting in up to, but not more than 5 (5) lots or parcels.

228. Subdivision Plat. The final map or drawing described in this Code, on which the subdivider's plan of a subdivision is presented to the Planning Commission and City Council for approval and that, if approved, may be submitted to the Summit County Recorder for filing at the subdivider's expense.

229. Substantial economic hardship. Denial of all reasonable economic use of the property.

230. Support Commercial Facilities and Uses. Those commercial uses and facilities that are associated with a Master Planned Development for the purpose of serving the needs of the residents or users of that development, and not the general public. Examples of support commercial uses include barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops club houses, or other hotel lobbysimilar type uses. ~~No use occupying more than two thousand (2,000) gross square feet of floor area will be considered as a support commercial use.~~

231. Tandem Parking. Parking designs that necessitate parking one vehicle behind another. Such parking may not include more than two (2) cars in depth and may not require occupants of separate dwellings to park behind one another.

232. Telecommunications. The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

A. Telecommunications Facility. A Telecommunications Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

B. Telecommunications Facility, Co-Location. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

A. MINOR SUBDIVISION. A Subdivision containing not more than Five (5) Lots fronting on an existing street, not involving any new street or road, or the creation of public improvements. (A Minor Subdivision Application combines the Concept Plan Application and Final Plat Application, therefore only the Minor Subdivision application needs to be submitted.)

- a. Concept Plan. A Concept Plan shall need to be approved in accordance with regulations outlined in 8-2-050.
- b. Final Plat. A Final Plat shall need to be approved in accordance with regulations in 8-2-070.

B. MAJOR SUBDIVISION. A Subdivision of land into Six (6) or more Lots and, any size Subdivision requiring any new Public Street, and concurrent or subsequent review of multiple minor subdivision applications by the same or related entity, or any re-subdivision including Six (6) or more lots in a Prior Approved Subdivision, seeking to subdivide further lots.

- a. Concept Plan: A Concept Plan shall need to be approved in accordance with regulations outlined in 8-2-050.
- b. Preliminary Plan. A Preliminary Plan shall need to be approved in accordance with regulations outlined in 8-2-060.
- c. Final Plat. A Final Plat shall need to be approved in accordance with regulations outlined in 8-2-070.

C. MASTER PLANNED DEVELOPMENT. A subdivision of land that is split into phases, or has optionally requested is required to be developed as a Master Planned Development in order to gain the advantages as outlined in the MPD section below.

- a. Concept Plan: A Concept Plan of the MPD shall need to be approved in accordance with regulations outlined in 8-2-050.
- b. Preliminary Plan. A Preliminary Plan shall need to be approved for each phase of the MPD in accordance with regulations outlined in 8-2-060.
- c. Final Plat. A Final Plat shall need to be approved for each phase of the MPD in accordance with regulations outlined in 8-2-070.

D. PLAT AMENDMENT. The combining of existing subdivided Lots into one or more Lots.

- a. FINAL PLAT. A Final Plat shall need to be approved in accordance with regulations outlined in 8-2-070.

E. RECORD OF SURVEY.

- a. FINAL PLAT. A Final Plat shall need to be approved in accordance with regulations outlined in 8-2-070.

F. LOT LINE ADJUSTMENT. The relocation of the Property boundary line between two adjoining Lots.

- a. Procedure shall follow those listed in Title 10: Chapter 3-190

8-2-040: GENERAL INFORMATION AND PROCEDURES

A. OFFICIAL SUBMISSION DATES. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both Preliminary Plan and Final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

B. MINOR SUBDIVISION:

. To qualify for a minor subdivision, the property must be located in a residential zone district and the parcel shall have been lawfully created and qualified for further subdivision. ~~Once a property has been subdivided by this process, up to and including five (5) lots, it is no longer eligible for further subdivision under the provisions of a minor subdivision.~~

An application for minor subdivision will not be required to separately prepare a Preliminary Plan. Also, a formal public hearing will only be required with the Planning Commission for a minor subdivision plat approval. ~~However, Land Use Authority City Council~~ approval will still be needed on the Final Plat.

C. MAJOR SUBDIVISION:

A major subdivision review process is used when more than five (5) lots are being subdivided in one phase. Each applicant desiring a Major Subdivision shall follow the application requirements for a Major Subdivision; the applicant will then be required to attend Public Hearings before the Planning Commission and the Land Use Authority.

D. MASTER PLANNED DEVELOPMENT:

Master planned developments can be utilized optionally if a developer wishes to pursue density bonuses, or obligatory when a project wishes to build separate

subdivision plat within their jurisdiction, including but not limited to, the North Summit Fire District, North Summit School District, and the various utility service providers. Neighbors of the project area should also be notified to get their views and concerns.

8-2-060: PRELIMINARY PLAN

- A. **Preliminary Plan Application Procedure and Requirements.** Prior to any process or procedure for subdividing land as required by this code, an owner of the land or an authorized agent shall submit an application for a Preliminary Plan, containing three (3) copies.
- B. **Public Hearing.** The Planning Commission shall hold a Public Hearing on the Preliminary Plan to inform the public about the project and receive comment and input. The hearings shall be advertised in accordance with the requirements of Title 10: Chapter 3 - 050. For Minor Subdivisions, only a public hearing with the Planning Commission is required on a final plat.
- C. **Planning Commission Recommendation of Preliminary Plan.** After the Planning Commission has reviewed the Preliminary Plan, Staff report, and any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes or additions to receive a positive recommendation for the project.

The Planning Commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the fee schedule.

Approval of the Preliminary Plan by the Planning Commission is in no way meant to be final approval. Until the Final Plat of a subdivision has been approved by the Land Use Authority; the Land Use Authority, Planning Commission, and Staff may continue to review the subdivision for compliance with this Code. After the Planning Commission has recommended approval, conditional approval, or disapproval of the Preliminary Plan, their recommendation shall be forwarded to the Land Use Authority for consideration.

- D. **Land Use Authority Approval of Preliminary Plan.** The Planning Commission recommendation of the Preliminary Plan shall be placed on the City Council Agenda for a public hearing. The Land Use Authority may approve, approve with conditions, or disapprove the recommendation of the Planning Commission. The Land Use Authority may also remand the project back to the Planning Commission for further review and evaluation. If the Land Use Authority approves or approves with conditions the recommendation of the Planning Commission the applicant may prepare a Final Plat and construction drawings containing all the requirements found herein and any requirements of the Land Use Authority , Planning Commission, or Staff.

facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

G. Appeal of Decision. Any person adversely affected by a final decision of the Legislative Body to amend the General Plan may appeal that decision to the district court as provided in Utah Code Ann. as amended.

H. Effect of Decision: (Approval) Approval of an application to amend the General Plan shall not be deemed an approval of any zone, conditional use permit, site plan, or other permit. Approval of a particular zone or permit shall be obtained in accordance with the respectable applicable provisions of this Title.

I. Effect of Decision: (Denial) Disapproval by the Legislative Body of an application to amend the General Plan shall preclude a person from filing of another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval.

1. This section shall not limit the Legislative Body, Land Use Authority, or authorized City staff from initiating a General Plan amendment at any time.

10-3-080: ZONING MAP AND TEXT AMENDMENTS:

A. Purpose. This section sets forth procedures for amending the provisions of this Title and the zoning map.

B. Authority. The City Council may amend the text of this Title and the zoning map as provided in this section as they deem necessary. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this Title. The provisions set forth herein shall not apply to temporary zoning regulations which may be enacted without public hearing in accordance with the Utah Code, as amended.

C. Initiation. Proposed amendments to the text of this Title and the zoning map may be initiated by the Legislative Body, Land Use Authority or a property owner affected by the proposed amendment as provided in Subsection 10-3-080(d) below.

D. Procedure. Zoning text and map amendments shall be considered and processed as provided in this subsection.

1. A complete application illustrating or describing the proposed amendment shall be submitted to the ~~office of the Community Development Department~~ City in a form established by the ~~Administrator~~ City along with ~~any an application~~ fee established by the City's schedule of fees.
2. After the application is determined to be complete, the Community Development Director shall prepare a staff report evaluating the application.
3. The Planning Commission shall schedule and hold a public hearing on the application following the provisions in Sections 10-3-050, and 10-3-060 of this Chapter.
 - a. Following the public ~~meeting~~ hearing the Planning Commission shall recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the ~~Legislative Body~~ City Council for review and decision.
4. The Legislative Body shall schedule and hold a public ~~meeting~~ hearing on the application following the provisions in Sections 10-3-050, and 10-3-060 of this Chapter.
 - a. At the public ~~meeting~~ hearing the ~~Legislative Body~~ City Council may approve, approve with modifications, or deny the proposed amendment.
5. At the option of the City Council, a Joint public hearing may be scheduled. Joint hearings will follow the provisions set forth in Section 10-3-050C

E. Standards for Decision. A decision to amend the text of this Title or the zoning map is a matter committed to the discretion of the Legislative Body and is not controlled by any one standard. However, in making an amendment, the Legislative Body will consider the following factors:

1. Is the amendment consistent with the goals, objectives, and policies of the General Plan.
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
4. Will the proposed amendment adversely affect adjacent property; and

- iii. Reason for the appeal.
 - c. The City shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City, and can meet the notice requirements of Section 10-3-060.
 - d. The City Recorder shall notify the petitioner and the owner of the project of the appeal date.
 - e. The City Recorder shall obtain the findings from the Land Use Authority and Legislative Body as outlined in 10-3-030(K), these and all other pertinent information shall be made available to the Appeal Authority for their use in the appeal process.
- 2. Action on Petitions. The Appeal Authority may affirm, reverse, or affirm in part or reverse in part any decision of the Land Use Authority or Legislative Body regarding planning and zoning decisions.

The Appeal Authority may remand the matter to the Land Use Authority or Legislative Body with directions for specific areas of review or clarification.

Appeal Authority review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Board, by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear.

- 3. Stay of Approval Pending Review or Appeal. Upon the filing of an appeal to the Appeal Authority of a Land Use Authority or Legislative Body decision, any action on the matter by the Land Use Authority or Legislative Body will be suspended until the Appeal Authority acts on the appeal.
- 4. Appeal from the Appeal Authority: The owner of any project, or any person aggrieved by a decision of the Appeal Authority may appeal the final action by filing civil action in the District Court as provided by state law. The decision of the Appeal Authority shall stand, and those affected by the decision may act in reliance on it unless/or until the court enters an interlocutory or final order stating the effectiveness of the decision.

4.5. Any Appellant must show or demonstrate that damages have occurred as a result of a City action as specified in HB-388 (LUDMA).

5.6. Finality of Action: If no appeal has been filed at the end of fifteen (15) days from the date of final action by the Legislative Body, Land Use Authority or Staff, the action is final. The Legislative Body may extend the appeal time period on a particular project as deemed necessary.

- D. Removal - Costs.** Employees of Coalville City are hereby authorized to remove or have removed at their direction any vehicle or other obstruction left in a street or sidewalk in violation of this Ordinance and any person who parks, leaves or deposits any such vehicle or other obstruction and the owner of the same shall be liable for the cost of removal.
- E. Enforcement.** Any person violating this ordinance shall be guilty of a Class B Misdemeanor.

10-6-040: OFF STREET PARKING:

Off-street parking shall comply with the following requirements:

- A. Off-Street Parking Space Required.** Any use of land or main building or structure in the City shall provide sufficient off-street parking spaces, as outlined in this Chapter; along with adequate provisions for ingress and egress by standard-size automobiles and adequate loading facilities at the time anyone establishes a use or erects a building.
- B. Location of Off-Street Parking.** Parking areas, as required by this Chapter, shall be hard surfaces located on the same lot as the main building or structure. The following exceptions apply to buildings other than dwellings:
- In cases where size or locations prohibit the land owner from providing the required parking on-site, they may provide parking on other property not more than three hundred (300) feet from the nearest point of the main parcel, provided the off-site location would not require persons to cross a public street.
- C. Prohibited Locations.** It shall be unlawful to park a motor vehicle, trailer, or boat in a front yard area, as defined in Section 10 -~~102-100.239.A~~, on any residential property, or on areas not improved for parking.

~~No one shall develop any portion of a front yard, as required in this Title, as a public parking area in conjunction with a permitted multi-family, commercial, or industrial use.~~

No one shall pave or improve any portion of a required front yard, other than driveways leading to a garage or properly-located parking area, so as to encourage or make possible the parking of vehicles therein.

Residents may use paved driveways leading to a garage or properly-located parking area as an approved parking area for additional vehicles to meet the requirements of this Chapter.

owner at the time the application is submitted to the community development department. (Ord. eff. 2009)

10-~~127~~-050: MINOR HOME OCCUPATIONS

In addition to the standards previously set forth in section 10-7-040 of this chapter, all minor home occupation businesses must comply with the qualifications outlined below. If a business is unable to fully comply with these qualifications, the applicant may request approval as a major home occupation, as outlined in section 10-7-060 of this chapter.

A. Employees:

1. One full time or full time equivalent nonresident may be employed, volunteer, or work at a designated workstation or area on the premises or inside the home where the home occupation business is located. Only one nonresident employee may work at the home, in such manner, at one time. No more than two (2) persons shall comprise the equivalent full time employee.
2. In addition to the employees described in subsection A1 of this section, any home occupation may utilize employees to work off site. Such off site employee, volunteer, hiree and any other persons engaged with the home occupation shall not come to the home for purposes related to the home occupation license, except for incidental vehicle stops in accordance with the traffic and operational hours qualifications outlined below.
 1. Operational Hours: The home occupation shall not generate any traffic before seven o'clock (7:00) A.M. or after eight o'clock (8:00) P.M. (e.g., clients, patrons, employees, volunteers, students, pupils, etc.). Applicants must show that any operation conducted after eight o'clock (8:00) P.M. and before seven o'clock (7:00) A.M. will be compatible with like uses and operations found in the residential neighborhoods between such hours.

- B. Traffic: Vehicular traffic from business related visitors, employees, volunteers, and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood, and shall be conducted so that the neighbors will not be significantly impacted by its existence. Minor home occupations shall be limited to three (3) business related vehicular stops to the residence during any one hour to a maximum of eight (8) business related vehicular stops per day. Vehicles for delivery or pick up of business related supplies or products (e.g., UPS package delivery vehicles) shall not exceed two (2) per day.

Exception: Group activities having an approved traffic circulation and safety plan may exceed the above maximum number of vehicle stops up to a total of sixteen (16) business related vehicle stops at the home in a day but shall not exceed 32 related vehicle stops per week. (e.g., dropping off and picking up a child would count as 2 vehicle stops).

C. Areas And Property To Be Used:

10-~~127~~-060: MAJOR HOME OCCUPATIONS

Major home occupations must comply with all of the standards outlined in section 10-7-040 of this chapter and where possible the qualifications of section 10-7-050 of this chapter. Major home occupations must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a business license through the City. Each major home occupation is subject to the pertinent conditions listed below:

A. General conditions for all major home occupations:

1. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted,
2. Conditional use permits can be revoked based upon unresolved legitimate complaints as determined by the City land use administrator.

B. Child oriented home occupations having 4 or more unrelated children shall comply with the following conditions:

1. All required State of Utah Child Care licensing procedures will be followed.
 - ~~2. Maximum Children Permitted: The following maximum numbers include the licensee's and any employees' children if they are under twelve (12) years of age and are under the care of the licensee at the time the home occupation is conducted:~~
 - a. ~~Daycare home occupations shall limit the number of children at the residence to eight (8) unless a second adult works for the home occupation, in which case~~ the daycare shall limit the number of children at the residence in accordance with ~~to sixteen (16) and must follow all~~ Utah State Child Care licensing requirements.
 - ~~b. Child group activities such as pre-school may not exceed twelve (12) students/children per session and a maximum of twenty-four (24) students/children per day. A maximum of two (2) sessions per day may be permitted.~~
1. Yard Requirements:
 - a. All non-business related structures or on premises, hazards are to be made inaccessible to the children attending the daycare facility.
 - b. All outdoor play areas must be enclosed in the rear yard by a fence at least five-four feet (5'4") in height.
2. Traffic:
 - a. All on-street vehicular stops for the dropping off or picking up of children shall be done with the passenger side of the vehicle toward the residence.
 - b. A traffic circulation and safety plan must be submitted to, reviewed and approved by the City.
 - c. The street must be of sufficient width to accommodate the increased average daily vehicular traffic (ADT) counts caused by the business and will be determined by the City land use authority.
 - d. The number of business related vehicle stops at the home per day shall not exceed twenty four (24) (e.g., dropping off and picking up a child would count as 2 vehicle stops).

Chapter 14**R-8 VERY HIGH DENSITY RESIDENTIAL****10-14-010: Purpose****10-14-020: Permitted Uses****10-14-030: Conditional Uses****10-14-040: Lots of Record****10-14-050: One Dwelling Per Lot****10-14-060: Minimum Lot Standards****10-14-070: Setback Requirements - Primary Dwellings****10-14-080: Setback Requirements - Accessory Structures****10-14-090: Requirements for Accessory Uses****10-14-100: Accessory Dwellings****10-14-110: Height Requirements and Provisions****10-14-120: Access****10-14-130: Landscaping****10-14-140: Trash, Waste Storage and Abandoned Vehicles****10-14-150: Off-Street Parking and Loading****10-14-160: Signs****10-14-010: PURPOSE**

The purpose of this Zone is to provide areas of the community characterized by high density developments. This zone is residential in nature and typical domesticated farm animals are not allowed. Developments in this zone are characterized by attractively landscaped single family, two family attached, and multi-family residential dwellings located in a planned project providing for recreational amenities and open spaces.

10-14-020: PERMITTED USES

The following are permitted uses by right provided the parcel and building meet all other provisions of this Title or any other applicable ordinances of Coalville City.

1. Accessory structures and uses
2. Bed and Breakfast Inns
3. Dwellings, accessory
4. Dwellings, single family detached

5. Home Occupations, Minor
6. Household Pets
7. Medical and Other Health Facilities
8. Public Parks
9. Public Uses
10. Quasi-Public Uses
11. Recreation, facilities or uses
12. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended
13. Trails and open space, Natural

10-14-030: CONDITIONAL USES

The following uses may be permitted conditional uses after application and approval as specified in Section 10-4-080 of this Title.

1. Dwellings, Two (2) Family Attached
2. Dwellings, Multi-family Attached
3. Home Occupations, Major

10-14-040: LOTS OF RECORD

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code, shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared a legal Non-conforming Use in accordance with Chapter 4 of this title.

10-14-050: ONE DWELLING PER LOT

Not more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone, except in a zone that allows either two family or multi-family dwellings.

10-14-060: MINIMUM LOT STANDARDS

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following lot standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

- A. Density:** Maximum Eight (8) Lots/Units per Acre
- B. Lot Size:** Minimum lot size 1/8 Acre
- C. Lot Frontage:** Each residential lot, or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of

Where the Administrative Law Judge finds that extraordinary hardships or practical difficulties may result from strict compliance with the City Code regulations or the purposes of the regulations may be served to a greater extent by an alternative proposal, the Administrative Law Judge may approve variances to the development standards and subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Further, the Administrative Law Judge shall not approve variances unless it shall make findings based upon the evidence presented that the requirements outlined in the Code have been satisfied.

3.1.1 Authority.

The Administrative Law Judge is authorized to hear and decide variances to the provisions of the City Code as provided in this section.

3.1.1.1 Any variances or special exceptions to the Code shall be granted only by the Administrative Law Judge under the provisions of Section 3, herein, prior to the issuance of any conditional use, master planned development, subdivision approval or any other development approval. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance, special exception, or denial by the Administrative Law Judge.

3.1.2 Conditions.

In approving variances, the Administrative Law Judge may require any conditions that will, in his or her judgment, support the objectives of the standards or requirements of the regulations.

3.2 **Variance Request Procedures**

This section sets forth the procedures for considering and approving a variance to the provisions of the Code. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of the Code that create unreasonable hardships.

3.2.1 A petition for any a variance shall be submitted on an application form provided by the City and approved or denied in accordance with the Utah Code and Section 3 herein.

3.2.2 A property owner, or the owner's agent, may request a variance to the provisions of the Code as provided in Subsection 3.3 below.

3.2.3 A complete application shall be submitted to City Officials, fulfilling all requirements, fees, and requests presented therein.

3.2.4 City Staff will review the application and determine its completeness as to whether all objective based application criteria have been met.

3.2.5 After the application is determined to be complete, the City shall schedule a ~~Public~~-Hearing before the Administrative Law Judge and follow procedures set forth in Section 10-3-050 of the Development Code.

3.2.6 Notice of the Hearing shall follow the procedures set forth in Section 10-3-060 of the Development Code.

3.2.7 A staff report evaluating the application shall be prepared by the Community Development Department before the ~~Public~~-Hearing takes place.

3.2.8 The Administrative Law Judge shall conduct the ~~public~~-hearing ~~following the guidelines and procedures set forth in Section 10-3-050 of the Development Code, specifically 10-3-050A-5. As well and as~~ approve, approve with conditions, or deny the variance request pursuant to the standards set forth in Section 3.2 below.

3.2.9 After the Administrative Law Judge makes a decision, the Community Development Department shall comply with the Notice of Decision procedure in Section 10-3-050A-6 of the Development Code.

3.2.10 Record of all variances shall be maintained as set forth in Section 10-3-050A-4 of the Development Code.

3.3 Approval Standards

In accordance with the Utah Code, the following standards shall apply to a variance.

3.3.1 The Administrative Law Judge may grant a variance only if:

3.2.1.1 Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Code;

3.2.1.2 There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;

3.2.1.3 Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;

3.2.1.4 The variance will not substantially affect the General Plan;

3.2.1.5 The variance will not affect the health, safety, and welfare of the general public; and

3.2.1.6 The spirit of the Code is observed, and substantial justice done.

3.3.2 The Administrative Law Judge may *not* find an unreasonable hardship unless:

Water Service Laterals - Engineering Standards and Construction Specifications

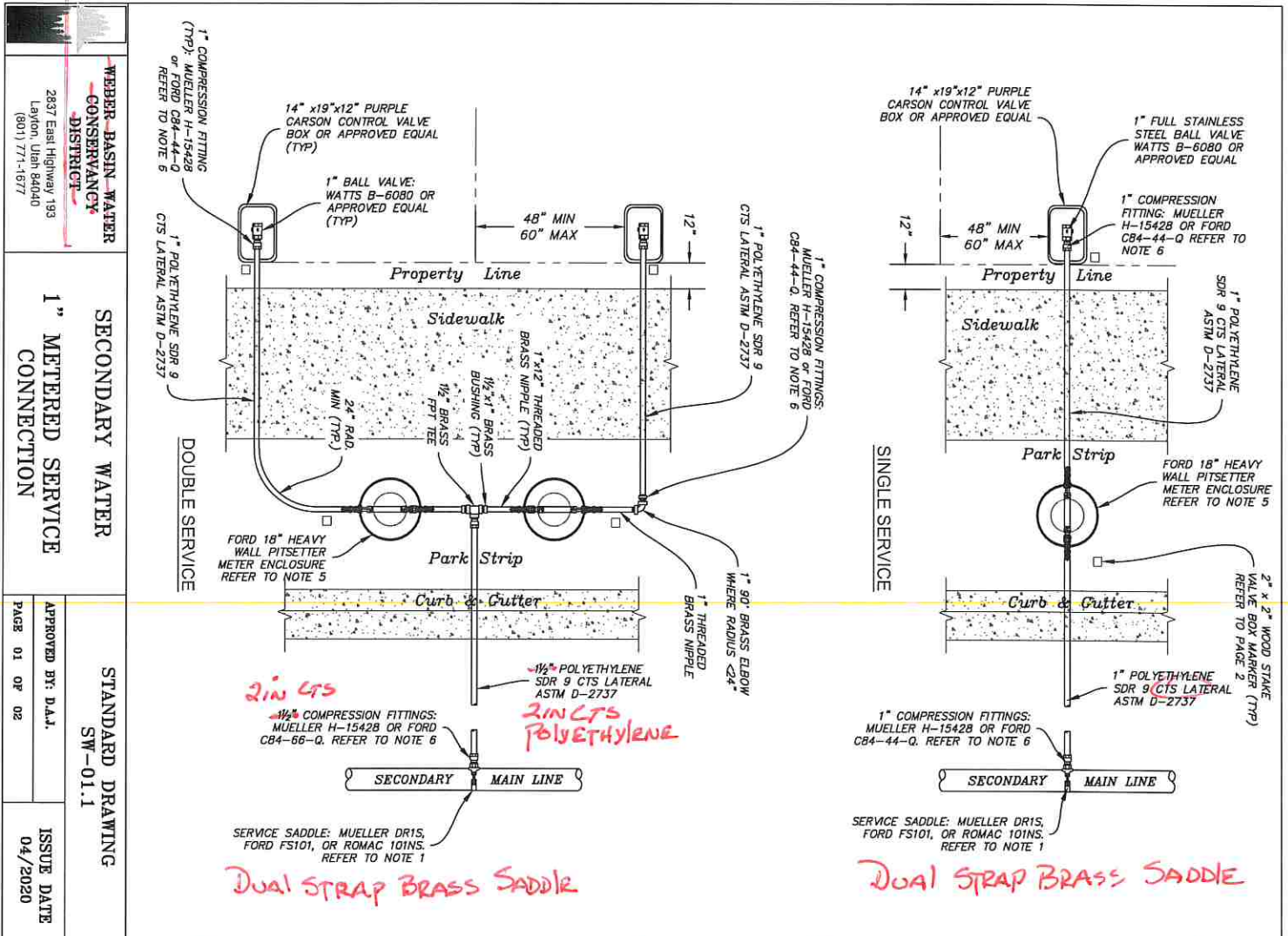
Sub-Section H

- NO CHANGE

Sub-Section I - Suggestion to be added

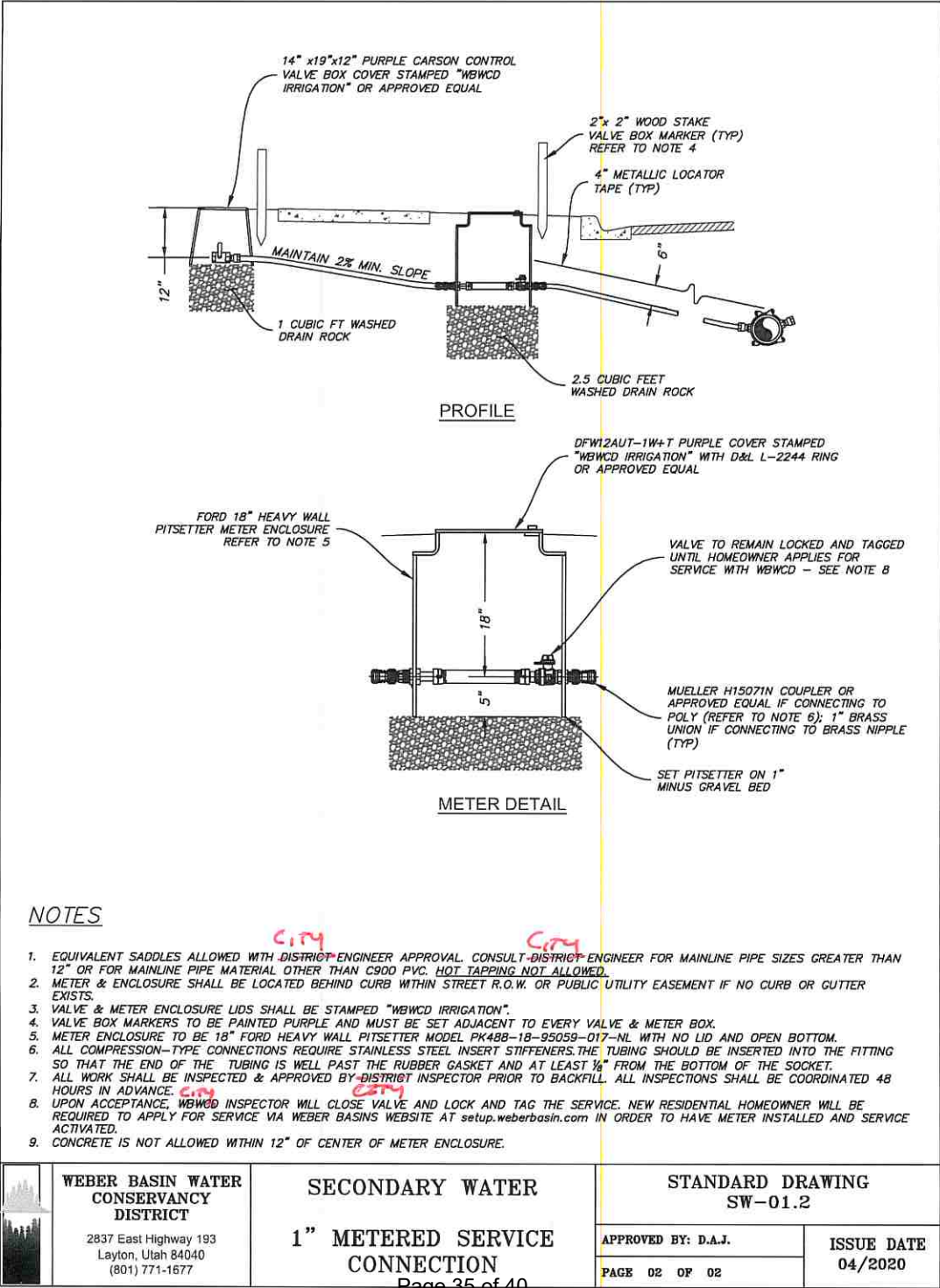
- Each single-family residence must have its own service lateral. No shared services laterals will be allowed. (Minor Subdivisions) The Developer/Applicant must receive special approval from the City Engineer/Public Works Director to run a distribution supply line to the development for the purpose of supplying water, it must be at least a four (4) inch diameter pipe in compliance with acceptable materials called out in Division 3 (pressure pipe culinary water) each individual lot must have its own service lateral, meter, meter set, box and lid connect to the distribution supply line and comply with all sub-sections in Section 3.05 Water Service Laterals. All distribution supply lines will be considered private and not maintained by Coalville City to include all road crossings or private property connections. The Developer/Applicant will be required to hot tap and install a valve from the City's main line. Coalville City responsibility will end at the valve on the main line.

RED LINE STANDARD



* 2" LGS COMPRESSION IN PLACE OF 1 1/2" TO STAY CONSISTANT W/ EXISTING COALVILLE INFRASTRUCTURE FOR SHARED CONNECTION.

* All 2" AND 1" SERVICE LINES SHALL BE (LTS) COPPER TUBE SIZE POLYETHYLENE.



NOTES

1. EQUIVALENT SADDLES ALLOWED WITH DISTRICT ENGINEER APPROVAL. CONSULT DISTRICT ENGINEER FOR MAINLINE PIPE SIZES GREATER THAN 12" OR FOR MAINLINE PIPE MATERIAL OTHER THAN C900 PVC. HOT TAPPING NOT ALLOWED.
2. METER & ENCLOSURE SHALL BE LOCATED BEHIND CURB WITHIN STREET R.O.W. OR PUBLIC UTILITY EASEMENT IF NO CURB OR GUTTER EXISTS.
3. VALVE & METER ENCLOSURE LIDS SHALL BE STAMPED "WBWCD IRRIGATION".
4. VALVE BOX MARKERS TO BE PAINTED PURPLE AND MUST BE SET ADJACENT TO EVERY VALVE & METER BOX.
5. METER ENCLOSURE TO BE 18" FORD HEAVY WALL PITSETTER MODEL PK488-18-95059-017-NL WITH NO LID AND OPEN BOTTOM.
6. ALL COMPRESSION-TYPE CONNECTIONS REQUIRE STAINLESS STEEL INSERT STIFFENERS. THE TUBING SHOULD BE INSERTED INTO THE FITTING SO THAT THE END OF THE TUBING IS WELL PAST THE RUBBER GASKET AND AT LEAST 1/8" FROM THE BOTTOM OF THE SOCKET.
7. ALL WORK SHALL BE INSPECTED & APPROVED BY DISTRICT INSPECTOR PRIOR TO BACKFILL. ALL INSPECTIONS SHALL BE COORDINATED 48 HOURS IN ADVANCE.
8. UPON ACCEPTANCE, WBWCD INSPECTOR WILL CLOSE VALVE AND LOCK AND TAG THE SERVICE. NEW RESIDENTIAL HOMEOWNER WILL BE REQUIRED TO APPLY FOR SERVICE VIA WEBER BASINS WEBSITE AT setup.weberbasin.com IN ORDER TO HAVE METER INSTALLED AND SERVICE ACTIVATED.
9. CONCRETE IS NOT ALLOWED WITHIN 12" OF CENTER OF METER ENCLOSURE.

	WEBER BASIN WATER CONSERVANCY DISTRICT 2837 East Highway 193 Layton, Utah 84040 (801) 771-1677	SECONDARY WATER 1" METERED SERVICE CONNECTION	STANDARD DRAWING SW-01.2	
			APPROVED BY: D.A.J.	ISSUE DATE 04/2020
			PAGE 02 OF 02	

Chapter 3

Assurance for Completion and Maintenance of Improvements

8-3-010: Improvements**8-3-020: Performance Guarantee****8-3-030: Land Acquisition and Acceptance of Dedication Offers****8-3-040: Issuance of Building Permit****8-3-050: Occupancy of a Dwelling****8-3-060: Consumer Protection Legislation and Conflicts of Statutes****8-3-010: IMPROVEMENTS****A. COSTS OF IMPROVEMENTS**

All required improvements shall be made by the applicant, at the applicant's expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

B. ESCROW DEPOSITS OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS:

- 1. Acceptance of Escrow Funds.** When, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit in an amount approved by the City for one hundred ~~twenty ten~~ (110120) percent of the cost of remaining improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.
- 2. Procedures on Escrow Fund.** All required improvements for which have been accepted by the City at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the City shall give two (2) weeks written notice to the developer requiring installation of the improvements. In the event that they are not installed properly as approved and shown on the building or site plans the City Council may proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

Requests for inspections shall be made to the City by the person responsible for construction. Notice shall be given one (1) day in advance of the starting of work requiring periodic inspection.

6. Acceptance of Materials.

Material such as, but not limited to, bituminous products, Portland cement, steel, pipe gaskets, joints filler, fire hydrants and other similar commercially produced products will be accepted by the City upon submission by the subdivider of a supplier certification that the material meets specifications. These materials shall not be incorporated into the project until such certification has been received and approved in writing by the City.

7. Samples and Tests.

Materials, equipment, and workmanship shall be subject to sampling or testing by the City to verify compliance with standards. At the option of the City, materials shall be subject to tests and inspections before such materials are used in the work. Representative preliminary samples of the character and quality prescribed shall be submitted without charge by the contractor or producer of materials to be used in the work in sufficient quantities or amounts for testing.

All tests of materials furnished by the contractor shall be made in accordance with the commonly recognized standards of National technical organizations and such special methods and tests as are prescribed herein.

The result of all testing performed under the direction of the contractor must be submitted to the city within 3 days of when the results are complete.

F. MAINTENANCE and WARRANTY OF IMPROVEMENTS:

1. Prior to Completion.

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until Final Acceptance of the improvements by the City Council. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until fifty (50) percent of the lots within the subdivision are built upon and have been issued a certificate of occupancy.

2. Warranty after Acceptance and Dedication.

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount equal to ~~ten~~ twenty (~~10~~~~20~~) percent of the construction cost and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their Final acceptance by the City and dedication of same to the City.

collectively as improvements. Deviations from the approved plans must be approved in advance by the City.

Before the Plat is signed by the Planning Commission Chair and the Mayor, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements, i.e: storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc., including Lot improvements on the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the Property and public improvements thus dedicated.

H. CERTIFICATE OF SATISFACTORY COMPLETION.

Subject to maintenance provisions contained in Section 8-3-010(F), the City will not accept dedication of required improvements, or release or reduce a performance Guarantee, until the City has submitted a certificate stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or surveyor has certified to the City, through submission of detailed "as-built" survey plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City, that the layout of the line and Grade of all public improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a title policy or other acceptable evidence has been furnished to the City indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

I. FAILURE TO COMPLETE IMPROVEMENT

For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the City Staff may thereupon declare the Guarantee to be in default and require that all the improvements be installed.

8-3-020: PERFORMANCE GUARANTEE

A. Performance Guarantee

The City Council shall require the applicant to post an acceptable guarantee at the time of Final Plat approval in an amount equal to one hundred ~~ten twenty~~ (110120)

percent estimated by the developer and approved by the City as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

1. Security Required.

In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities and infrastructure that may occur as a result of incomplete or inadequate site improvements on private construction projects or off-site improvements performed by the developer as required by the City, developers shall complete all required on and off site improvements prior to building permit issuance. If that is not possible, adequate financial security for completion, together with a right of entry to the property to complete the work shall be granted to the City in accordance with this Title.

2. Security for Completion.

No building permit will be issued, unless all required on and off site improvements are completed, or the developer has provided adequate security to guarantee timely completion of the improvements. When all of the improvements cannot be completed due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may issue building permits for the project, provided all the following conditions are met:

- a. The Building Official determines that construction of the buildings, or portions thereof, prior to completion of required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished.
- b. The developer posts adequate security to insure completion of the site improvements in full compliance with the approved plans within one (1) year from the date of final plat approval.
- c. Access to an operational fire hydrant is within 400 feet of the farthest building wall.

3. Amount of Security.

The amount of the security to be posted by the developer shall be equal to one hundred ~~ten~~ twenty (~~110~~120) percent of the amount reasonably estimated by the

such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

1. Reduction of Performance Guarantee.

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the project. In no event shall a performance guarantee be reduced below ~~tentwenty~~ (1020) percent retainage of the principal amount until total completion.

E. Single Family Buildings.

This provision shall apply to all construction in Coalville, including single family dwellings when improvements are required by the impact analysis. The amount of security required for single family dwellings shall be the reasonably estimated cost to complete construction of any improvements, including required landscaping on a labor and materials basis.

F. Phased Projects and Concurrency.

On and off-site improvements applicable to each phase of a phased project or development shall be completed concurrently with the first phase of the project and appropriate securities shall be put in place to insure that the total infrastructure is completed along with the first phase. Phasing of improvements may be allowed only under special circumstances as outlined by the City and approved by the City Council. If phasing is allowed, adequate security for completion of each phase must be provided to insure that each phase of infrastructure is constructed.

8-3-030: LAND ACQUISITION AND ACCEPTANCE OF DEDICATION OFFERS

- A. Acceptance of formal offers of land acquisition, dedication of streets, public areas, easements, and parks shall be by action of the City Council. The recommendation for approval by the Planning Commission for a subdivision will be a Final Plat which shall not be deemed to constitute or imply the acceptance by the City Council of any land acquisition, street, easement, park or public improvement shown on said plat.

8-3-040: ISSUANCE OF BUILDING PERMIT:

- A. The following requirements shall be met prior to issuance of any building permit within a subdivision: