

ORDINANCE NO. _____
AN ORDINANCE OF HOOPER CITY, UTAH AMENDING THE CITY’S
ZONING AND SUBDIVISION ORDINANCE; AND ESTABLISHING AN
EFFECTIVE DATE

Section 1. Recitals

WHEREAS, The City Council finds, that the City of HOOPER CITY (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA §10-3-717, the governing body of the city may exercise all administrative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this mater;

NOW, THEREFORE, be it ordained by the Hooper City Council that the following updated to the Hooper City Code Title 10, Chapter 4 be adopted as follows:

Section 2. City’s Zoning and Subdivision Ordinance Amended.

CHAPTER 4

REGULATIONS APPLYING TO ALL ZONES

ARTICLE A. STANDARD REGULATIONS

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10-4A-1: **PURPOSE:** This Article provides standard regulations for the location, design, and development of new land uses and the alteration of existing land uses. This Article supplements the regulations for development in each base zone and overlay zone as set forth in Chapter 2 ~~and Chapter 3, respectively,~~ of this Title.

10-4A-2: **APPLICABILITY:** This Article shall apply to the development of all principal permitted, accessory, and conditional uses, except where specifically noted. The following regulations are the minimum standards of development. Additional standards may be applied in accord with overlay zones, specific use standards, or other regulations of this Title.

10-4A-3: **ACCESS TO AND FRONTAGE ON A ROADWAY:**

- A. Development, as herein defined, shall only be approved on a property that has a property line (hereinafter referred to as *frontage*) along ~~1) a roadway as defined in Chapter 1 of this Title. or 2) a permanent access easement to a public street which was of record prior to November 30, 2000, and has been established by a clear chain of title in subsequent recorded deeds.~~

1. The frontage shall meet the minimum requirement of the applicable base and/or overlay zone.

2. When a property has frontage on a cul-de-sac or a knuckle ~~with a landscaped street island~~, the length of the required frontage shall be measured as defined in table 10-2B-3 at the front setback.

B. Access shall be taken from the required frontage of each lot unless the property also has frontage on ~~an alley, another public right-of-way~~.

10-4A-4: **ACCUMULATION OF JUNK:** ~~Unless approved as a commercial junkyard, accumulation of junk on a property shall only be allowed on a property where a principal permitted use is established. Property owners shall not store junk outdoors on more than 1 acre of area or shall not exceed the maximum coverage allowed for the property, whichever standard is more restrictive. All outdoor storage of junk shall be screened from public view. All storage of junk must comply with the city's junk ordinance~~ nuisance ordinance set forth in Title 9 Chapter 4.

10-4A-5: **AGRICULTURE:** Nothing contained in this Title shall prohibit the use of any land for ~~agriculture~~ agricultural purposes except where such use creates a health hazard.

10-4A-6: **ARCHITECTURAL OR DESIGN STANDARDS:** Architectural or design standards may be required on projects or developments which could have a significant effect on the character of the surrounding area. These standards will be developed on a case-by-case basis by the City and applicant. It is intended by this section to create a development, which will result in compatible building design and materials within the development and the respective zone. Guidelines should include consistency of roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar elements. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment rather than compete with it.

10-4A-7: **ATMOSPHERIC EMISSIONS:** All atmospheric emissions (including, but not limited to, smoke, gas, dust, odor, or other atmospheric pollutants), without respect to whether the emissions are created outside the structure in which the use is conducted or within a completely enclosed structure, shall obtain a permit, if required by Utah law, the Weber-Morgan Health Department, or by the Weber Fire District.

~~10-4A-8: **CONDOMINIUM PROJECTS:** All condominium projects shall be reviewed to ensure the use complies with the requirements of any applicable base and overlay zones. If approved, the condominium project plat and declaration shall be in accordance with Utah Code.~~

10-4A-8: **BASEMENTS:** Basements, as defined in Section 10-1A-1 associated with new construction, shall be permitted only where there is direct access to a public land drain system approved by Hooper City. In locations where this condition exists and a basement is constructed, the structure shall have a perimeter footing/foundation drain. The footing/foundation drain must flow by gravity through a land drain lateral to the main land drain piping in the street.

The structure shall also have a perforated sump in the lowest floor and a sump pump installed as part of the new building construction. The sump pump shall be designed and constructed in accordance with City Standards and Specifications and must discharge outside the structure to the land drain service lateral. The sump pump shall be subject to inspection by the City's building inspector at final inspection.

Where no public land drain is available, the lowest floor slab in the new building shall be no lower than existing property grade or no lower than 1 foot below the top back of the curb (measured at the lowest point along the street frontage), whichever is higher. For buildings constructed where no curb is present, the lowest floor slab in the new building shall be no lower than existing property grade or no lower than 1 foot below the centerline elevation of the roadway, whichever is higher.

10-4A-9: **COMPLIANCE PRIOR TO PERMITS:** A property must be in compliance with Hooper City ordinances before it will be eligible to be issued a city permit, including, but not limited to, a building permit or an excavation permit.

10-4A-~~9~~**10:** **CONTIGUOUS PARCELS:** Abutting parcels held in the same ownership shall be considered one property for development purposes. ~~unless the owner can demonstrate one of the following:~~

A. ~~_____ The parcels comply with the regulations of this Title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under a single deed identifying each as a separate parcel; or~~

B. ~~_____ The parcels comply with the regulations of this Title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under separate deeds;~~

10-4A-~~10~~**11:** **CONSTRUCTION SITES:** New development shall contain construction debris and weeds on-site and prevent wind-blown debris and weeds from entering neighboring properties. Temporary construction fencing may be required in locations where permanent land use separation fence is not required per Subsection 17.

10-4A-~~11~~**12:** **DEBRIS AND WASTE:** Unless otherwise approved by the City, no cut trees, timber, debris, earth, rocks, stones, broken concrete, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street, and removal of same shall be required prior to final acceptance of the public improvements. ~~issuance of any certificate of occupancy in a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.~~ Processed, crushed concrete or other materials may be used on site where approved by the City.

10-4A-~~12~~**13:** **DIMENSIONAL STANDARDS:** Dimensional standards and required yards are established for each base zone as set forth in Chapter 2 of this Title.

A. Minimum area and dimension requirements. No property size, yard, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required. If already less than the minimum required by this Title, said area or dimension shall not be further reduced.

B. Setbacks.

1. Approved signs shall be exempt from the setback requirements of Chapter 2 of this Title.

2. Setbacks for corner lots shall be determined as follows:

a. The front yard setback shall be required along the property line where the driveway enters the property. The side yard setback shall be provided along the side street property line as applicable to the roadway classification.

b. The rear yard setback shall be provided either along the interior side property line or rear property line. The side yard setback shall be provided along the remaining property line (rear or interior side) as applicable.

C. Required yards.

The required front, side, and rear yards shall not be occupied by any use or structure except fencing, landscaping, off-street parking, drives, streets, signs, lighting, and/or certain architectural features as detailed below:

1. Where the required setback is greater than 10 feet:

a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding 2.5 feet into the required yard.

b. Fire escapes may project a distance not exceeding 4.5 feet into the required yard.

c. Bay windows, balconies, and chimneys may project a distance not exceeding 3 feet into the required yard, provided that such features do not occupy, in the aggregate more than one-third ($1/3$) of the building wall on which they are located.

2. Where the required setback is 10 feet or less:

a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding 1 foot into the required yard.

b. Fire escapes may project a distance not exceeding 1 foot into the required yard.

c. Bay windows, balconies, and chimneys may project a distance not exceeding 1 foot into the required yard, provided that such features do not occupy, in the aggregate more than one-third (1/3) of the building wall on which they are located.

D. Height limit exceptions.

1. The maximum height limitations set forth in the applicable base zone shall not apply to the following architectural features: ~~church spire or steeple~~, belfry, cupola, chimney, or smoke stack. Such architectural features shall have a maximum height limit of 50 feet, unless otherwise approved by the City.

2. The maximum height limitations set forth in the applicable base zone shall not apply to the following: church spire or steeple, agricultural structure, amateur radio antenna, wind mill, water tower, fire and hose tower, observation tower, power line tower, radio tower, ~~paging facility~~, cellular phone facility, cellular tower, television tower, bridge tower, or other approved commercial or personal tower and/or antenna structure.

10-4A-~~1314~~: **DRAINAGE:** The Planning Commission shall not recommend approval of any Final Plat which does not make adequate provision for storm water for both ~~or~~ flood water runoff control and water quality control including, but not limited to channels, catch basins, drywells ~~or~~ detention ponds, retention facilities, low impact development and surface water treatment. Plans shall be reviewed for compliance with the Hooper City Development Standards and Specifications, or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system, ~~and~~ the land drain system, and any other system. Storm drains, where required, shall be designed in accordance with the criteria provided below and a copy of design computations and water quality report in accordance with the City's Low Impact Development Handbook shall be submitted along with Construction Drawings. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than ~~six hundred (600)~~ four hundred (400) feet in gutters, regardless of the calculated gutter capacity. in ditches or swales. When calculations indicate that ~~ditch gutter capabilities capability are~~ is exceeded, catch basins shall be used to intercept flow. Catch basin shall be used to collect and convey storm water at intersections. Surface water drainage patterns of the project site shall be shown on a Grading and Drainage Plan defined later in this chapter.

In conjunction with the preparation of the Grading and Drainage Plan, the City Staff may require the applicant to meet with the Hooper City Public Works Director and others as needed in order to gain an understanding of existing upstream and downstream storm drainage, field drainage, and irrigation run-off issues so that these important considerations can be incorporated into the Plan. If the meeting is required, the Planning Commission shall not recommend Final Plat approval if this meeting has not occurred.

The applicant may be required by the Planning Commission, upon the recommendation of the City ~~Engineer~~Staff, to carry away by pipe or open channel (Hooper or Howard Sloughs) any spring or surface water that may exist either previously to, or as a result of the ~~subdivision~~development. Such drainage facilities shall be located in the road right-of-way where

feasible, or in approved perpetual unobstructed easements of appropriate width and length, and shall be constructed in accordance with the development standards and specifications. Hooper City will not maintain storm drain facilities located on private property or beyond the City's right-of-way, including rear-lot drainage facilities, even those located within public utility easements.

Underground storm drain systems shall be constructed throughout the development and be connected to an approved out-fall. No outfall will be approved which does not allow for gravity flow to a discharge point that is high enough in elevation to prevent surcharging into the development's drainage system. In addition, the City reserves the right to dictate flowline elevations in the storm drain system that allow for an appropriate level of "freeboard" in the storm drain system or to pass "nuisance" water at a control structure.

Inspection of facilities within the City's right-of-way shall be conducted by the City. If a future connection to a public storm drain will be provided, as determined by the City ~~Engineer and the Planning Commission~~ Staff, the developer shall make arrangements for future storm water ~~disposal~~ at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat into the development plans.

No subdivision development shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility as determined by the City Staff based upon approved pipeline slopes and flowline elevations.

A. Accommodation of Upstream Drainage Areas

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision development. The proposed drainage facilities shall be designed so that there is no negative impact on the upstream drainage through pipe size restrictions, abrupt grade changes, reverse grade, and so forth. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the development standards and specifications assuming conditions of a ten-year year storm event for pipeline design and a one-hundred year storm event for detention basin design. The pipeline design shall also include capacity for other water from other sources besides storm events. The City ~~Engineer~~ Staff shall review and approve the design. Offsite drainage improvements, completed at the developer's expense, may be required in order to preserve the integrity of the existing drainage system.

B. Effect on Downstream Drainage Areas

To determine the effect the subdivision development will have on existing downstream drainage facilities outside the project area, the developer shall submit a storm water drainage study prepared by a qualified engineer. City and County storm drainage studies, together with the City's Storm Drain Master Plans ~~such other studies~~, shall may serve as a guide to determine needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the Planning

Commission may require the applicant to improve the facility in order to serve the ~~subdivision, or development or~~ provide additional on-site drainage facilities.

C. Flood Plain and Low Elevation Areas

The Planning Commission may, upon recommendation of the City ~~Planning Department~~Staff when determined necessary for the health, safety, or welfare of the present and future population of the area and for the conservation of water, drainage, and sanitary facilities, prohibit the ~~subdivision development~~ of any portion of the property which lies within the ~~one hundred year~~ flood plain of any stream, lake or drainage course, or areas low in elevation having evidence of standing water or high groundwater. These flood plain and low-lying areas should be preserved from any and all disturbance or damage resulting from clearing, grading, or dumping of earth, waste material, or vegetative debris.

D. Dedication of Drainage Easements

Where a ~~subdivision development~~ is traversed by a watercourse, drainage way, or channel, ~~river or stream~~, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the historic high water lines of such watercourse, as determined by the City Staff. Watercourses, drainageways, and channels shall be piped, with the exception of the Hooper and Howard Sloughs. Where possible, it is desirable that the these sloughs drainage be maintained by an open channel with landscaped banks.

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road right-of-way lines. This requirement applies to piped drainage channels as well, with the final width, length, access surface, and location of the easement to be approved on a case-by-case basis. Such easements shall include satisfactory access to the road. Easements shall be indicated on the Final Plat and be dedicated to Hooper City, or other applicable entity.

Drainage shall be carried from the road to a natural watercourse or to other approved City drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision or to a private drainage facility, appropriate drainage easements and agreements ~~rights~~ must be secured during the Preliminary Plat phase of development and indicated on the plat.

The applicant shall dedicate to the City or other appropriate agency, ~~either in fee or by~~ drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City ~~Engineer~~Staff.

E. Drainage Ways and Irrigation Ditches

~~Where required by the City Planning Department or City Council, All~~ existing drainage ditches within, abutting or adjacent to subdivisions or development, or impacted by new development, shall be piped in accordance with development standards and specifications. ~~Otherwise, existing natural drainage and irrigation ditches or rights-of-ways shall be maintained.~~ Notification and approval from irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works uses or access.

F. Drainage ~~Study~~Facilities

All drainage ~~studies and drainage plans~~facilities as herein required shall include considerations for both flood control and water quality control.

1. Flood control facilities shall be based upon estimates of peak and total discharges. ~~Drainage facilities~~Flood control facilities shall be designed by the Rational Method, or other methods as approved by the City Engineer. ~~Drainage~~Flood control plans are to facilitate a 10-year, 1-hour storm event for pipeline design and a 100-year storm event for detention basin design. An off-site discharge rate to an approved storm drain outfall of 0.15 cfs per acre is the maximum allowed.
2. Detention basins are flood control facilities, and the design shall incorporate "bypass" or "short circuit" control boxes in lieu of "pass through" detention basin which shall not be approved. The control box will allow design storm flows and "nuisance" water to pass and will only fill the detention basin if the design storm is exceeded. An overflow shall also be included in the control box to prevent overtopping of the detention basin. Detention basin shall be landscaped in accordance with City landscaping standards and specifications.
3. Water quality control facilities shall be designed and constructed in accordance with the Hooper City Low Impact Development Handbook (handbook) and will consider both retention and water quality treatment methods as prescribed in the handbook.
4. Retention facilities are water quality facilities, and the design shall include measures targeted at mimicking predevelopment hydrologic discharge conditions.

~~1. The drainage study shall identify the essential elements, alignments, and functions of a drainage system.~~

~~2. The drainage study shall show the following site conditions:~~

~~a. Details of existing site drainage and/or irrigation features including, but not limited to, ditches, watercourses, and drainage structures;~~

~~b. The size of the drainage basin upstream;~~

~~c. The topography, slope, and geometry of the site;~~

~~d. The proximity of surface water within 100 feet;~~

~~e. The proximity of potable water supply wells within 100 feet;~~

~~f. The proposed use and potential contaminants; and~~

~~g. The past use and possible soil and/or groundwater contamination.~~

~~3. Other supplemental data as may be required by the City Engineer.~~

G Grading and Drainage Plan

1. The applicant shall submit a drainage plan to the City ~~Engineer~~Staff prior to preliminary plat approval.

a. Upon review and acceptance of the drainage plan, the City may approve the final plat.

b. No grading, filling, clearing, or excavation of any kind shall be initiated until the City ~~Engineer~~ approves the drainage plan and an excavation permit, if required, is obtained from the Hooper City Public Works Director.

2. The drainage plan shall be drawn to scale and shall include, but not be limited to, the following:

a. Topography at 2-foot intervals. The proposed grading shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography. In case of predominantly level topography throughout a ~~subdivision~~development, one-foot (1') contour intervals may be required.

b. North arrow, road and lot layout, and ~~subdivision~~development name.

c. Location of all existing water courses, canals, ditches, land drains, springs, wells, culverts and storm drains.

d. The flood hazard zone(s) if the development is in an area of special flood hazard.

e. Wetlands delineation, if applicable.

f. Essential elements, alignments, and functions of the proposed drainage system including, but not limited to, inlets, outlets, catch basins, manholes, ~~waterways~~, culverts, detention basins orifice plates, pumps, water quality features, retention and infiltration facilities necessary, outlets to off-site facilities, and off-site facilities planned to accommodate the project drainage.

g. The drainage plan shall indicate by flow arrows, contours, spot elevations, or some other acceptable manner, where storm water will be routed for the property. It must show the location and size of any flows onto the site from outside the property boundaries as well as any discharges leaving the site. ∴ The drainage plan must be prepared in a way that prevents run-off onto adjacent properties. Rear-lot drainage facilities may be approved as an option but is rarely an acceptable alternative to grading with imported fill and/or retaining structures. The City does not maintain private rear-lot drainage facilities.

h. When drainage courses and irrigation facilities exist on-site, the owner and/or applicant shall provide documentary evidence of consent to re-routings by all interested landowners and drainage and irrigation entities affected and having rights to, and in, such facilities; and

i. Other supplemental data as may be required by the City ~~Engineer~~Staff.

10-4A-~~14~~15: DWELLINGS, TWO OR MORE EXISTING: Any property that has 2 or more existing dwellings that were built prior to November 30, 2000, or were principal permitted dwellings approved in accord with the zoning regulations that were in effect at the time such dwellings were built, shall be deemed a nonconforming use. Each dwelling shall be subject to the standards in Section 1-1B-4 of this Title.

10-4A-16: EXCAVATION PERMIT: Any work done within the City's right-of-way requires an Excavation Permit. The requirements and regulations of the Excavation Permit are defined in a separate excavation ordinance, set forth in Title 5 Chapter 5 of the Hooper Municipal Code.

10-4A-17: EXISTING DRAINAGE SWELLS: Drainage swales along existing streets provide the storm drain collection and transmission facility for that street and/or neighborhood, approved at the time of development. Drainage swales must retain and may not be altered or piped without an Excavation Permit from the City. Piping of an existing swale must comply with City standards and specifications and ensure the continual transmission of storm water runoff in accordance with historical drainage patterns, in addition to providing a means for surface water above the pipeline to collect and then be discharged into the system via an approved collection box.

10-4A-~~15~~18: FENCING: Each applicant shall be required to furnish and install a permanent 6-foot chain link or ~~other non-climbable~~approved equal separation fence between varying land uses, unless exempted by the City Council in 1) a minor subdivision or 2) where the same entity owns the adjoining properties that have different land uses. In addition to land use separation fence, fences will be required when the Planning Commission determines that a hazardous condition may exist or a buffer screen is necessary for the project. Fences shall be constructed

along surveyed property boundaries at the final compacted grade of the boundaries according to standards to be established by the City and shall be noted as to height and material on the Final Platfinal improvement plans. No ~~certificate of occupancybuilding permits~~ shall be issued until said fence improvements have been duly installed. ~~In the Open Space Overlay Zone, note that open spaces are intended to blend into subdivisions and that fencing requirements may be reduced or waived if they inappropriately separates open lands from other features of a subdivision.~~

10-4A-~~1619~~: **HAZARDOUS MATERIAL STORAGE:** The storage of any hazardous materials, as defined by Title 40 Code of Federal Regulations Part 261, or subsequent amendments thereto, shall require a list of those materials to be submitted to the Weber County Sheriff's Office, ~~the City of Hooper~~, and the Weber ~~County~~ Fire ~~Protection~~ District, prior to issuance of hazardous materials storage permit.

10-4A-~~16~~-~~120~~ **KEEPING OF LIVESTOCK:** Where allowed by the applicable base district, the keeping of livestock as an accessory use within the City of Hooper shall conform to the following standards.

A. Purpose. To set forth reasonable standards for the keeping and care of livestock that promote responsible animal husbandry; protect private property rights; help maintain neighborhood compatibility; and protect the health, safety, and welfare of the general public.

B. Standards for the Keeping of Livestock

1. A minimum of 20,000 square feet is required to qualify for the keeping of livestock unless a conditional use permit is granted by the City. Any lot of 20,000 square feet or more shall be eligible for one (1) animal unit for each 10,000 square feet of property within the lot. A conditional use permit must be approved by the City in order to keep livestock on any lot less than 20,000 square feet in size. All livestock must be confined on the owner's property.

2. Any structure used for the keeping of livestock including, but not limited to barns, stables, sheds and corrals shall be located a minimum of 50 feet from a dwelling owned by another person.

3. Property owners keeping livestock in accordance with the above standards must maintain such animals in a manner that does not create an unreasonable impact on neighboring properties. Potential negative impacts include, but are not limited to odors, noise, drainage, erosion and flies. Any person keeping livestock is responsible for the regular removal and disposal of animal waste, and the control of insects, erosion and odor. Failure to maintain the property in accordance with these requirements shall be considered a violation of this ordinance.

4. Keeping of livestock in greater numbers than outlined herein ~~will~~may be allowed on a conditional use basis. Any livestock in excess of the limits set herein, already being

kept on the date of this ordinance, will require an application for a conditional use be filed. All such applications will be acted upon as set out in Chapter 5 of this title.

5. The offspring of animals legally kept pursuant to this section may be maintained on the property until maturity without being counted toward the animal units allowed for the property. (Maturity to be determined by qualified authority to be selected by the City ~~Administration~~Staff.)

~~10-4A-16.2: **MAINTENANCE OF OPEN SPACE PROPERTY:** Open spaces required as part of a subdivision or City Master Plan along rivers and sloughs or City trail systems that are privately owned, but open to the public with free and unrestricted public access shall be maintained by the City. Lands within the Open Space Overlay Zones are excepted and will be treated according to Open Space Overlay Zone provisions.~~

10-4A-~~17~~21: **NATURAL FEATURES ANALYSIS:** When required by the City Planning Department or City ~~Engineer~~Staff, a natural features analysis shall be submitted with the development application for a preliminary plat. ~~Note that the Open Space Overlay Zone requires a separate Open Space Resource Map process, which includes many of the tasks outlined below.~~ The following features shall be mapped, described, or noted as not applicable in the natural features analysis:

- A. Hydrology. Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high groundwater areas, and seasonal high groundwater areas throughout the site.
- B. Geology. Areas of known geologic hazards or special features, such as shallow bedrock areas, unstable rock formations, ~~and~~ landslides, and high groundwater must be mapped and described.
- C. Soils. Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Hooper City Soils Survey-Classification Map (United States Department of Agriculture, Natural Resources Conservation Service).
- D. Topography. Analysis of the site's terrain including mapping of elevations, and delineation of slope areas greater than 25 percent, between 15 percent and 25 percent, between 8 percent and 15 percent, and less than 8 percent. Contour lines based on USGS datum of 1988 with intervals of not more than 5-foot for properties with a general slope of greater than 5 percent, or intervals of not more than 2 feet, for properties with a general slope of less than or equal to 5 percent. Contour lines shall extend a minimum of 100 feet beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility.

- E. Vegetation. Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species.
- F. Sensitive plant and wildlife species. Analysis of sensitive plant and wildlife species of the site.
- G. Historic resources. Analysis of existing historic resources.
- H. Hazardous areas. Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, ~~steep slopes~~, rock formation, buried pipelines, or other similar conditions likely to be encountered.
- I. The applicant shall provide a written statement explaining how the site plan, private road, and/or plat protects or mitigates impacts on the natural features of the site.

~~J. Site conditions. Applications for a sketch or preliminary plat shall also include the following information regarding existing site conditions:~~

~~1. Abutting properties and owners. The plat shall include the boundaries of all neighboring properties, extending 300 feet from the subject property. The map shall include the names of neighboring subdivisions and names of owners as listed in the Assessor's files.~~

~~2. Areas of special use, e.g. parks and schools, shall be appropriately labeled.~~

~~3. The plat shall show the location, width, direction of slope, and names of all existing public streets and private roads.~~

~~4. The plat shall show important features, including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries, and section lines.~~

~~5. Other supplemental data may be required by the City Engineer including, but not limited to, the following:~~

~~a. Approximate location of any areas of fill.~~

~~b. The elevations of all corner points on the boundaries of the proposed plat.~~

10-4A-~~1822~~: **OUTDOOR PUBLIC ADDRESS SYSTEM:** Outdoor public address systems or speakers for non-residential uses shall only be allowed within the C2 or M2 zones, or as part of an approved conditional use. Public events at City parks or rodeo grounds are exempt.

10-4A-~~1923~~: **OUTDOOR STORAGE OF CHEMICALS AND FERTILIZERS:** The outdoor storage of chemicals and/or fertilizers including, but not limited to, salts or other minerals, shall be prohibited.

10-4A-~~2024~~: **PARCEL CREATED BY COURT DECREE:** Any parcel created by court decree that does not meet the dimensional standards of the applicable base and overlay zones in effect at the time said parcel was created (the date of the court decree) shall be recognized as a parcel for transfer of ownership; however, the parcel shall not be eligible for development including any building permits for renovation of an existing structure.

10-4A-~~2125~~: **PROPERTY REDUCED BY GOVERNMENTAL ACTION:** If a governmental action (such as acquisition through prescription, purchase, or other means by the City of Hooper, ~~Utah~~ ~~Department of Transportation~~, or other local, State, or Federal agency as approved by the City), or by a developer dedicating said property to the City, reduces an existing property below the required property size, such property shall be deemed as a conforming property for the purposes of development.

10-4A-26: **RESTRICTED ACCESS ON ARTERIAL AND COLLECTOR STREETS:** Where a development borders on or contains an existing or proposed arterial, minor arterial or collector street, the Planning Commission may require that access to such streets be limited by one of the following means:

1. The subdivision of lots so as to back onto the arterial, minor arterial, or collector street and front onto a parallel local street; no access shall be provided from the arterial, minor arterial, or collector street.
2. A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing on the arterial, minor arterial, or collector street.
3. In either scenario above, screening and landscaping shall be provided in a strip of land along the rear property line of such lots. Screening and landscaping shall be in accordance with Section 10-4-C of this Title and Hooper City Development Standards and Specifications.

10-4A-27: **STORM WATER POLLUTION PREVENTION PLAN:** Developer shall be responsible for obtaining a UPDES Storm Water Permit for Construction and for monitoring and managing the storm water pollution prevention plan during construction of the development through the end of the warranty period or an approved Notice of Termination. In the case of a residential development, developer shall include in the subdivision CC&R's detailed language regarding the lot owners' responsibilities to comply with City ordinances and permit requirements associated with storm water pollution prevention. Specific mention must be made to street cleaning, temporary curb ramps, stockpiling of earthen materials, concrete wash-out areas, and debris removal.

10-4A-28: **STREET FRONTAGE IMPROVEMENTS IN MINOR SUBDIVISIONS:** Minor subdivisions (defined in Section 10-6-4.1 of this Title) shall be responsible for street improvements along the frontage of the entire development, including all frontage on streets immediately adjacent to the development (corner lots). Street improvements may include, but

may not be limited to, engineering, storm drainage facilities, rough grading, imported sub-grade material, imported aggregate base material, fine grading, curb and gutter, sidewalk, drive approaches, "curb match" asphalt, storm water pollution prevention BMP's, and long-term storm water quality facilities. If circumstances exist where these improvements are not deemed immediately necessary, the City Council may, upon recommendation from the Planning Commission, elect to require cash escrow in an amount determined by the City Staff equal to an estimate of the current cost of constructing the improvements. This amount of the cash escrow is fixed at the time of the agreement and will never change. The escrow will be held for a pre-determined time for the use by the City for its intended purpose at the City's discretion. If no project is completed within the designate time frame, the escrowed funds may be released to the developer or owner who signed the escrow agreement. As an alternative to the release of cash escrow at the end of the escrow agreement term, a signed Deferred Improvement Agreement will be required which will include a commitment to participate financially in future street improvements at whatever time the City may need to implement a project, and for the full cost of the improvements at the time of future construction.

10-4A-~~2229~~: **TRAILS, PATHS AND PARKS:** The Planning Commission in its review of each subdivisiondevelopment of twenty lots or more, ~~shall~~may require that land be reserved and improvements installed for parks, trails and paths or other recreation purposes in locations designated in the General Plan or other areas where such reservations would be appropriate and would benefit the subdivisiondevelopment and its residents. ~~In addition, subdividers of parcels within the Open Space Overlay Zone have further responsibilities and considerations outlined in the zone's zoning and subdivision regulations.~~ Each reservation shall be of suitable size dimension, topography, and general character and have adequate access for the particular purposes envisioned by the Planning Commission. The area shall be shown on the Final Plat. The developer ~~will~~may also be required to install improvements to the recreation areas, which directly benefit the subdivisiondevelopment. These improvements shall be built to City specifications.

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer as determined by the Planning Commission. Trails should provide a link to schools, recreation facilities, commercial areas, parks, other development areas and significant natural features. Trails shall be built to City specifications and ~~easements~~ shall be dedicated for trails to the City. ~~The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this Code for the trail improvements.~~

Trails should be provided to allow efficient internal pedestrian and non-motorized circulation as well as provide links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan.

A. Minimum Size of Park Reservations

In general, land reserved for recreation purposes shall have an area of at least one acre. When the proposed area would create less than one acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision-development so that additional land may be added at the time adjacent land is being subdivided. In no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes. This smaller amount will be accepted only when it is on the edge of the subdivision-development or when the City Planning-DepartmentStaff determines that the reduced size will result in a functional and useable recreation site.

10-4A-~~2330~~: **TRANSMISSION LINE CORRIDORS:** All wire fences, metal structures, and metal objects within 100 feet of transmission lines shall be grounded.

10-4A-~~2431~~: **UNSUITABILITY FOR RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENT:** Following receipt of recommendations from the City Staff, if if the Planning Commission or City Council finds lands unsuitable for subdivision-or development due to high groundwater, a history of standing surface water, flooding, improper or inadequate drainage, natural hazards, flooding, improper drainage, fire, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including view corridors, which will be detrimental to the safety, health and general welfare of the present or future inhabitants of the subdivision-development or surrounding areas, the land shall not be subdivided-or developed. These areas have currently been identified as lands falling below Elevation 4220.0, with no utilities permitted below Elevation 4215.0.

Minor interior portions (10% or less) of the development which are surrounded by suitable lands may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approved by the City, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. In residential developments, each building lot must be suitable in its entirety. Unsuitable land shall be set aside or reserved for uses that will not create a danger or severe environmental impact. Additionally, considerations must be given to soil conditions, drainage patterns, and ground water existence and may include appropriate setbacks and conservation requirements.

10-4A-~~2532~~: **UTILITIES:** All utilities for a new dwelling or approved use shall be installed underground unless exempted by the utility company. For the purposes of this Section, the term *utilities* shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. Agricultural structures as herein defined shall be exempt from this regulation.

10-4A-~~2633~~: **WASTEWATER TREATMENT SYSTEMS:** For any dwelling or approved use, the owner or applicant shall provide and maintain sewage disposal facilities that meet the approval of Hooper City, Weber-Morgan County Health Department or the State of Utah as defined below. Options for sewage disposal facilities shall include, but not be limited to, the following methods:

- A. A municipal wastewater collection and treatment system approved by Hooper City.
- B. An individual sewage disposal system where each residential lot has a permanent drain field area on the lot ~~and/or on a delineated easement on a portion of another lot~~ approved by the Weber-Morgan County Health Department.
- C. The City Council may require, upon recommendation from the City Staff and Planning Commission, that a “dry” sewage collection system be installed in new development in anticipation of future connection to a municipal system, even if on-site individual sewage disposal systems are required and approved.
- D. The City Council may require, upon recommendation from the City Staff and Planning Commission, that a new development be required to construct a “regional” sewage collection facility such as a vacuum sewer pump station or a sewage lift station in lieu of a development-specific facility. A reimbursement agreement for “oversized” facilities that will accommodate future growth and capacity may be created between the City and the developer.

10-4A-~~2734~~: **WATER:** For any dwelling or approved use, the owner or applicant shall provide and maintain an adequate culinary and secondary water supply for the intended use.

- A. The applicant shall provide evidence that a valid water right supply exists with the applicable culinary and secondary water purveyor. ~~either exists or is in the process of being obtained or that the development is exempt from obtaining a water right to supply adequate water~~

10-4A-~~2835~~: **CURB AND GUTTER:** All N~~n~~ew development shall be required to install curb and gutter along all new and existing streets within and immediately adjacent to (bordering) the development, where lots or site plan in the development have front or side facing on said streets. Curb and gutter shall conform to the requirements of the Hooper City Development Standards and Specifications.

10-4A-~~2936~~: **SIDEWALKS:** All N~~n~~ew development shall be required to install sidewalks along all new and existing streets within and immediately adjacent to (bordering) the development, where lots or site plan in the development have frontage or side ~~facing yards~~ on said streets, with the exception of the following areas: In the City’s R-1 zone, sidewalks requirements may be reduced by the City Council upon recommendation from the City Staff and Planning Commission. ~~shall not be required on cul-de-sacs nor on other interior subdivision streets that do not provide a direct connection between two thoroughfares. A direct connection is defined as a route that does not require a change in direction greater than 75 degrees at an intersection or other traffic routing device.~~

In addition, the Planning Commission may recommend for City Council approval that new development install a reasonable amount of additional sidewalk on existing streets as deemed necessary for the safe conveyance of pedestrian traffic. ~~to neighborhood schools.~~ Sidewalks shall conform to the requirements of the Hooper City Development Standards and Specifications. ~~The Planning Commission may waive these requirements upon a showing of~~

~~extreme circumstances. The use of sidewalks in the Open Space Overlay Zone should also be coordinated with the city's Parks and Trails Master Plan and Open Space Network, in order to develop a useful citywide pedestrian transportation network made up of both sidewalks and trails. In some subdivisionsdevelopments, sidewalk requirements may be reduced at the City's discretion where trails accommodate like needs.~~

10-4A-~~3037~~: **TOPSOIL:** Unless approved for removal by the ~~Public Works Director~~City, all existing topsoil in a new development will remain and be used within the boundaries of the development. Topsoil ~~will~~may be stockpiled, when necessary, and redistributed following site and rough grading as defined in Section 10-6A-4.

10-4A-38: **POSTAL SERVICES:** Postal services for all developments shall be determined by current U.S. Postal Service rules and the local postmaster. Written approval of the development's plan for postal service is required from the postmaster prior to issuance of occupancy permits for the development.

Section 3. Prior Ordinances and Resolutions

The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Repealer of Conflicting Enactments

All orders, ordinances, and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this real shall not be construed to revive any act, order or resolutions, or part thereof, heretofore repealed.

Section 5. Savings Clause

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative, or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Hooper City.

Section 6. Date of Effect

This Ordinance shall be effective immediately after publication or posting as required by law.

PASSED this _____ day of _____, 2022.

Mayor

ATTEST:

City Recorder

Council Member Cindy Cox Yes ___ No ___

Council Member Ryan Hill Yes ___ No ___

Council Member Debra Marigoni Yes ___ No ___

Council Member Lisa Northrop Yes ___ No ___

◐ Council Member Bryce Wilcox Yes ___ No ___

DRAFT