



CITY OF NORTH SALT LAKE

CITY COUNCIL MEETING NOTICE & AGENDA MARCH 17, 2020

Posted March 12, 2020

Notice is given that the North Salt Lake City Council will hold a regular meeting on **MARCH 17, 2020** at City Hall, 10 East Center Street, North Salt Lake, Utah. A work session will be held at 6:00 pm in the Council Conference Room followed by the regular session at 7:00 pm in the Council Chambers. Some members may participate electronically. The following items of business will be discussed; the order of business may be changed as time permits.

WORK SESSION –6:00 p.m.

1. Overview of Proposed Fiscal Year 2021 Budget
2. Approve City Council Minutes of February 18, 2020 and March 3, 2020
3. Action Items
4. Council Reports
5. Adjourn

REGULAR SESSION - 7:00 p.m.

1. Introduction by Mayor Len Arave
2. Invocation and Pledge of Allegiance ~ Council Member Lisa Baskin
3. Citizen Comment
4. Appointments to the Parks Trails Arts and Recreation Advisory Board
5. Consideration of a plat amendment to The Views at Eaglewood Village PUD ph. 2, combining lots 215 & 221, Tom Stuart Construction, applicant
6. Consideration of bid award for the annual street striping projects in the amount of \$73,942
7. Consideration of bid award for the resurfacing of Eagleridge Drive between Orchard Drive and Parkview Drive in the amount of \$193,945
8. Consideration of bid award for the replament of a pressure reducing valve on Lacey Way in the amount of \$45,795
9. Consideration of **Ordinance 2020-05**: an ordinance to impose fine for closing streets without notification
10. Consideration of **Resolution 2020-08R**: A resolution authorizing the City Manager to submit an application to the Utah Office of Outdoor Recreation soliciting funds for the construction of the Bonneville Shoreline Trail connections and approving a required match of funds of \$11,500
11. Consideration of **Resolution 2020-09R**: A resolution amending the City's Consolidated Fee schedule to increase certain user fees at the Eaglewood Golf Course and establishing an effective date

12. Consideration of **Resolution 2020-10R**: a resolution approving Amendment No. 4 to an Interlocal Agreement with Davis County for Animal Control Services (Agreement 2020-07A)
13. Consideration of **Ordinance 2020-10**: An ordinance amending Title 10 Land Use Regulations, Chapters 3, 7, & 19 and adopting Title 13, Subdivision Regulations
14. Mayor's Report
15. City Attorney Report
16. City Manager Report
17. Adjourn

CLOSED SESSION

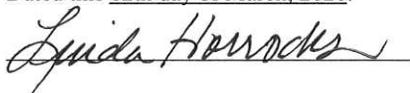
1. Possible closed session for the purpose of discussing pending or reasonably imminent litigation; to discuss the character professional competence, or physical or mental health of an individual; to discuss collective bargaining; or to discuss the purchase, exchange, sale, or lease of real property. *Utah Code 52-4-205*

The public is invited to attend all City Council meetings. If you need special accommodations to participate in the City Council meeting, please call the City office at 801-335-8709. Please provide at least 24 hours' notice for adequate arrangements to be made.

Notice of Posting:

I, the duly appointed City Recorder for the City of North Salt Lake, hereby certify that the foregoing agenda was posted on the Utah Public Notice website, at city hall, and sent to the required newspapers this 12th day of March, 2020.

Dated this 12th day of March, 2020.





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CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-WORK SESSION
FEBRUARY 18, 2020

DRAFT

Mayor Arave called the meeting to order at 6:44 p.m.

PRESENT: Mayor Len Arave
Council Member Brian Horrocks
Council Member Stan Porter
Council Member Ryan Mumford
Council Member Lisa Watts Baskin
Council Member Natalie Gordon

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Troy Johnson, Assistant Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Sherrie Llewelyn, Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Taylor Spendlove, Brighton Homes; Dee Lalliss, resident.

Ken Leetham stated that the March 3rd City Council meeting would be canceled as City Hall is a polling location for the presidential primary election that day.

1. SUBDIVISION ORDINANCE DISCUSSION

Sherrie Llewelyn explained that the current regulations for subdivisions were not all in one area of the code so this revision would consolidate all the regulations into a new Title 13. She said this would be a brief introduction tonight with formal approval during the City Council meeting on March 17th. She then gave a brief overview of each chapter of Title 13. She reported that Chapter 1 included purpose, definitions, and method for appeals, Chapter 2 included administration and applications with information on certificate of occupancy, and Chapter 3 included the conceptual plan process including vesting and noticing. She said the new conceptual plan process would be 1) the plan would go to the Planning Commission 2) then reviewed by the City Council before the developer had spent significant funds on engineering work, etc. Preliminary and final approval of the plan would only require Planning Commission as they were administrative actions. This would not include Planned (P) Districts or rezones. Mrs. Llewelyn stated that Chapter 4 addressed minor subdivisions and a shortened review process, and Chapter 5 focused on major subdivisions including changes to preliminary design plan, the process through final plat approval, and assigning an address to corner lots based on which direction the home is most likely to front. She said Chapter 5 also included updates to detention basins, approval of the final plat, and warranty bonds, and Chapter 6 included requirements for planned unit developments as well as recreational vehicle and mobile home developments. The main

44 changes to the PUD section included density calculations and setbacks. She said Council
45 Member Porter's recommendation for changing the perimeter setback to 25 feet, if the home had
46 more than two stories against the property line to help preserve privacy, had been added. Mrs.
47 Llewelyn explained that staff visited many North Salt Lake townhome developments built in the
48 last several years, took measurements of all the spaces, and determined setbacks based off those
49 observations and measurements particularly regarding alley loaded projects, units facing
50 retaining walls and building separations.

51
52 Sherrie Llewelyn said Chapter 6 also included provisions for condominium subdivisions related
53 to apartment buildings that were converted into condos as well as modifications to the
54 condominium and mobile home sections to comply with the fair housing act. Mrs. Llewelyn
55 commented that Chapter 6 also specified standards for establishing an HOA including a policy
56 for developers to set up the care and funding of an HOA for the first several years. This would
57 include a reserve fund established through a percentage of the closing costs.

58
59 Sherrie Llewelyn reported that Chapter 7 included plat amendments and lot line adjustments and
60 said that under the current code plat amendments required a public hearing even though
61 subdivisions did not require public hearings. The amendment would align with State Code and
62 would only require a public hearing for a plat amendment if a public street or trail was vacated.
63 Mrs. Llewelyn gave the example of a development in which a developer platted 18 units as one
64 lot under a plat amendment. The developer only paid \$500 for staff to review all those units.
65 Changes were made to ensure that a plat amendment was clarified as the rearranging of lot lines
66 and not the creation of a new lot. This would ensure developers were paying their costs and the
67 City was not overburdened.

68
69 Sherrie Llewelyn noted that Chapter 8 included general requirements such as the layout, design,
70 lots, streets, landscaping, etc. She said one addition to the subdivision ordinance now specified
71 that each lot would need a buildable area of 5,000 square feet with less than 30% slope, and also
72 established right-of-way widths for private streets and ensured they were built to the same
73 standards as public streets. Other changes in Chapter 8 included not permitting street names to
74 contain a cardinal direction, limiting streets to a maximum grade of 10%, etc.

75
76 Sherrie Llewelyn said that Chapter 9 was related to essential improvements such as design
77 standards, required improvements, curb, gutter, sidewalks, storm drainage, fencing, etc. She said
78 the specification manuals would need to be updated and then adopted by the City Council per
79 resolution.

80
81 The Council discussed how there were current road grades of 18% in the City and the prior
82 approved grade was 12%. Sherrie Llewelyn said the developers were working with the fire
83 district as they were against any lots on roads greater than 10% due to fire truck operation
84 requirements.

85

86 Paul Ottoson said the developers were redesigning the layout but having difficulty with the tanks
87 near Tanglewood Loop as they were built with the 12% grade in mind.

88

89 Mayor Arave asked what entitlements a developer would have once they obtained conceptual
90 approval. Sherrie Llewelyn replied that the projects with conceptual approval did not need to
91 meet the changes of this ordinance but did have to meet fire district requirements.

92

93 David Church explained that the fire district had specifications over and above City standards
94 related to slope, grade, distances, etc. Sherrie Llewelyn said that the 10% slope change was to be
95 more consistent with the fire district requirements.

96

97 David Church also said there were some alternative means and methods the developers could use
98 to satisfy the fire district requirements on road access issues including fire sprinklers or water
99 sources, but these methods would need the fire chief's approval.

100

101 2. ADJOURN

102

103 Mayor Arave adjourned the meeting at 7:07 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
FEBRUARY 18, 2020

DRAFT

Mayor Arave called the meeting to order at 7:19 p.m. Council Member Natalie Gordon offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave
Council Member Brian Horrocks
Council Member Stan Porter
Council Member Ryan Mumford
Council Member Lisa Watts Baskin
Council Member Natalie Gordon

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Troy Johnson, Assistant Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Sherrie Llewelyn, Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: John Logan, Diann Lalliss, Dee Lalliss, Judy Naranjo, Delbert Dillingham, LaRae Dillingham, Mary Gadd, residents; Roger Graves, Golf Course Committee; Mark Anderson, Jonathan Ward, Zions Public Finance; Jason Hughes, Scott Hughes, Joe McAllister, Lake View Rock Products; Taylor Spendlove, Brighton Homes.

1. CITIZEN COMMENTS

Dee Lalliss asked about newspaper recycling and if there was any place in the City to drop off newspaper or cardboard recycling. Council Member Porter replied that he believed there was newspaper recycling drop-off at Adelaide Elementary.

Dee Lalliss then said he was unsure why he had seen the street sweeper out on garbage day and when there was still snow in the gutters. He asked about a schedule and if the City could notify residents of upcoming street sweeping to ensure cars were not parked on the street.

2. SENIOR LUNCH BUNCH PRESENTATIONS

Mayor Arave reported that seniors in the community met together on the second Wednesday of every month as the Senior Lunch Bunch. He stated that this was made possible dedicated volunteers.

146 Council Member Baskin stated that it was a pleasure to honor those who had done so much for
147 the Senior Lunch Bunch. She said the group was established in February of 2013 and that
148 Conrad Jacobson, LaRae Dillingham and Judy Naranjo were highly involved. She said Judy
149 Naranjo was the engine behind setting up the events while the Dillingham's ensured the meetings
150 were interesting. Council Member Baskin said the Council wanted to thank Judy Naranjo and
151 LaRae and Delbert Dillingham for their services.

152

153 The Mayor then presented Judy Naranjo and LaRae and Delbert Dillingham with flowers and a
154 certificate of appreciation.

155

156 3. CONSIDERATION OF RESOLUTION 202-04R: A RESOLUTION CREATING A
157 GOLF COURSE OVERSIGHT COMMITTEE

158

159 Mayor Arave introduced three current members of the Golf Course Advisory Committee that
160 were in attendance including John Logan, Court Huish, and Roger Graves. He explained that the
161 golf committee meetings were generally several hours long, and this committee had worked
162 tirelessly and had very good discussions. Mayor Arave said the City received an email from
163 GreatLife stating that they would not be able to take over management of the golf course for this
164 year unless the City accepted their proposal by March 15th. He said this was not an option for the
165 City at this point, and that the general consensus of the advisory committee was to recommend
166 closer oversight of the golf course operations. They recommended that the City Council form an
167 oversight committee comprised of dedicated golfers and those who better understood course
168 operations to advise and ensure accountability. There was some discussion about either a three-
169 member or five-member committee, and the Mayor said that three members of the advisory
170 committee (in attendance) had expressed a desire to also serve on the oversight committee.
171 Those were John Logan, Court Huish, and Roger Graves.

172

173 John Logan addressed the Council and stated that there had been several golf advisory committee
174 meetings and that while they were lengthy, the committee had come up with many good ideas.
175 He said the oversight committee would be more closely involved and dedicated to the golf
176 course, especially if they were familiar with the operations and game of golf. Mr. Logan said
177 most of the municipal courses in Utah and in the US were losing money so GreatLife may be a
178 good option to review in the future. John Logan said this committee could really help Brent
179 Moyes do what needed to be done, especially as Brent's assistant had resigned. He also said
180 corporate memberships were a great idea to help eliminate the deficit.

181

182 Council Member Horrocks asked if the committee was expanded to five members if the
183 additional two members would be from the existing committee. Mayor Arave responded that the
184 three members present were active golfers and had expertise in the field. He said the other
185 members of the advisory committee may not have the time or passion to be on the oversight
186 committee.

187

188 Mayor Arave said that it was already several months into the year and the city needed to get the
189 oversight committee setup. He suggested that the City reach out to the community for additional
190 members. Mayor Arave recommended a committee of five members representing the City,
191 unless the City was using a management company. Then, it would be three from the City and
192 two from the management company

193

194 Council Member Baskin asked if the City Council, the governing body, made the appointment,
195 or if the Mayor recommended the appointment and the City Council approved it. Ken Leatham
196 responded that the resolution was written differently as it provided for the governing body to
197 make the appointments.

198

199 Council Member Baskin recommended that the resolution be revised to provide for the Mayor to
200 make the recommendations and the City Council approve them. She suggested that the resolution
201 be revised under paragraph two to read:

202

203 2) Committee members shall be recommended by the Mayor and ratified by the Governing
204 Body and shall be made up of five individuals.

205

206 And that paragraph three be revised to read:

207

208 3) The Mayor shall nominate, and the Council shall ratify, one of its members to be a
209 Council liaison or non-voting representative that should attend Committee meetings and
210 provide general support to the Committee, as needed.

211

212 Council Member Gordon commented that she would like to “advise and consent” on the
213 potential recommendations rather than just the Mayor making a recommendation for approval by
214 the Council.

215

216 David Church recommended that paragraph two read:

217

218 2) Committee members shall be appointed by the Mayor with the advice and consent of the
219 City Council and shall be made up of five individuals.

220

221 The Council had a discussion about reviewing and being involved in the selection of the
222 committee members.

223

224 Council Member Baskin commented that she had attended one of the Golf Course Advisory
225 Committee meetings. She said the committee had worked hard and lots of good ideas were
226 circulated. She said that she would like to see a female golfer, who played in the ladies league,
227 on the committee.

228

229 Mayor Arave said that the City could do some recruiting for applicants and he was happy to
230 involve anyone who wanted to be a part of the selection process. He asked about terms for
231 committee members.

232
233 Council Member Baskin asked how long the committee would last. Mayor Arave replied he
234 thought it should be indefinitely. He suggested four year terms for committee members.

235
236 Council Member Baskin recommended a three term limit and also staggered terms to ensure
237 longevity and institutional memory. *(Note: there were no term limits established.)*

238
239 Ken Leetham suggested that with the five committee members that two members serve four year
240 terms and three members serve two year terms, for the initial appointments.

241
242 David Church said the language should be initial appointments would be two years and then four
243 year terms after that. He said it would also make sense for the term to start March 1st to allow
244 time for a new mayor and City Council to appoint members after an election, rather than January

245
246 Ken Leetham proposed changes to the resolution, which included section 1 with the addition of
247 subparagraph d.

248
249 d. The terms of the members of the committee shall be staggered such that two members
250 shall serve for a term of four years and three members shall be appointed for an initial
251 term of two years and thereafter four years. Terms shall begin on March 1st of any year.

252
253 Changes to paragraph 2 to read: Committee members shall be appointed by the Mayor with the
254 advice and consent of the Governing Body and shall be made up of five individuals.

255
256 Changes to paragraph 3 included: The Mayor shall appoint with the advice and consent of the
257 Governing Body a member of the City Council as a liaison or non-voting representative that
258 should attend Committee meetings and provide general support to the Committee, as needed.

259
260 The Council then discussed the City Council liaison appointment to the committee. David
261 Church recommended that the Mayor would appoint with advice and consent. He said since this
262 would be an official committee and a public body that it would be subject to the open meetings
263 act. This also meant that the meeting agendas would need to be noticed, the meetings would need
264 to be recorded, and minutes must be taken.

265
266 Council Member Baskin asked about a potential stipend for the Committee members. Mayor
267 Arave replied that the Committee members would receive golf privileges.

268

269 **Council Member Baskin moved to approve Resolution 2020-04R: a resolution of the City of**
270 **North Salt Lake creating a golf course oversight committee with the following amendments**
271 **as proposed and written into the record by Ken Leetham.**

272
273 **Ken Leetham proposed changes to the resolution, which included section 1 with the**
274 **addition of subparagraph d.**

275
276 **d. The terms of the members of the committee shall be staggered such that two**
277 **members shall serve for a term of four years and three members shall be appointed**
278 **for an initial term of two years and thereafter four years. Terms shall begin on**
279 **March 1st of any year.**

280
281 **Changes to paragraph 2 to read: Committee members shall be appointed by the Mayor**
282 **with the advice and consent of the Governing Body and shall be made up of five**
283 **individuals.**

284
285 **Changes to paragraph 3 included: The Mayor shall appoint with the advice and consent of**
286 **the Governing Body a member of the City Council as a liaisons or non-voting**
287 **representative that should attend Committee meetings and provide general support to the**
288 **Committee, as needed.**

289
290 **Council Member Porter seconded the motion. The motion was approved by Council**
291 **Members Horrocks, Porter, Mumford, Baskin and Gordon.**

292
293 **4. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION 2020-03R: A**
294 **RESOLUTION AMENDING THE 2019-2020 CITY OF NORTH SALT LAKE**
295 **GENERAL FUND, REDEVELOPMENT AGENCY, HOUSING FUND, CAPITAL**
296 **FUND, ROADS CAPITAL FUND, WATER FUND AND STORM WATER FUND**
297 **BUDGETS**

298
299 Janice Larsen reported that staff was proposing budget adjustments to several funds and
300 reviewed the most significant changes in the General Fund including an increase of \$350,000 in
301 Sales Tax as well as \$300,000 in Development revenues. She also said the contract for Fire
302 Safety was \$115,000 under budget and a \$647,500 transfer was made to the Capital Support
303 Fund to keep the Fund Balance below the State limit of 25%.

304
305 In the Redevelopment Agency Fund the revenues were related to Tax Increment revenues with
306 actual revenue of \$324,000 from the Highway 89 RDA. A large percentage of the Tax Increment
307 revenues were due to developers or were required to be set aside for low to moderate income
308 housing projects. As a result, staff recommended an increase in the budget for development
309 related expenditures and a transfer out to the Housing Fund. Another increase in this fund was
310 for a development agreement to move power lines underground. There was also a \$25,000

311 matching grant available from Davis County for a project to improve building facades in the
312 Highway 89 area. There would be a \$25,000 match required from the City.

313

314 In the Housing Fund the adjustment was to increase the transfer-in from the Redevelopment
315 Agency and to increase the CDBG related to grant revenue and expenditures. In the Capital
316 Projects Fund a significant budget increase would be required for a transfer-in from the General
317 Fund. An expenditures budget increase is needed for the City Hall HVAC project. The net of the
318 transfer-in and expenditure increase, result in a decreased in the Use of Fund Balance.

319

320 In the Road Capital Fund there were several projects expected to exceed budget with one new
321 project that was added for the Main Street Reconstruction. Two of the projects would be funded
322 with Impact Fee Revenue, one funded with State of Utah Grant revenue and the final project
323 with C-Road Funds. The Use Fund Balance would be increased by \$520,000 with the majority as
324 impact fee money.

325

326 Staff recommended a budget increase for several operating expense accounts and one capital
327 project that came in over the bid for the Water Fund. The amount would be \$350,000. There
328 would also be an increase for the Storm Water Fund with a budget increase for one capital
329 project.

330

331 **Mayor Arave opened the public hearing at 7:58 p.m. There were no public comments. At**
332 **7:59 p.m. Council Member Gordon moved to close the public hearing. Council Member**
333 **Horrocks seconded the motion. The motion was approved by Council Members Horrocks,**
334 **Porter, Mumford, Baskin and Gordon.**

335

336 Council Member Baskin commented that there was not a total for any of the funds and asked
337 how much money was in excess. Janice Larsen replied that the budget adjustments would total
338 zero. She said staff would send monthly financial statements with cash balances to the City
339 Council. Ms. Larsen said excess revenue was from sales tax and building lines which were above
340 budget.

341

342 Council Member Horrocks asked about the HVAC system retrofit at City Hall. Ken Leetham
343 responded that the work was essentially finished at approximately the estimated \$250,000 cost.
344 He said the control system was software based and responded well.

345

346 Mayor Arave asked if the \$750,000 for the landslide mitigation had been funded. Janice Larsen
347 replied that the budget adjustment for the landslide was done in November 2019.

348

349 **Council Member Horrocks moved that the City Council adopt Resolution 2020-03R: a**
350 **resolution of the City Council of the City of North Salt Lake adopting an amendment to**
351 **adjust the fiscal year 2019-2020 General Fund, Redevelopment Agency, Housing Fund,**
352 **Capital Projects Fund, Road Capital Fund, Water Fund, and Storm Water Fund budgets.**

353 **Council Member Porter seconded the motion. The motion was approved by Council**
354 **Members Horrocks, Porter, Mumford, Baskin and Gordon.**

355

356 5. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 2020-08: AN
357 ORDINANCE VACATING A PORTION OF ORCHARD DRIVE SOUTH OF
358 EAGLEGATE DRIVE TO THE FRONTAGE ROAD

359

360 Sherrie Llewelyn reported that Brighton Development entered into a development agreement
361 with the City Council to develop Village Station. This agreement provides for construction of
362 various buildings including 27,000 square feet of commercial/retail, 16,000 square feet of office
363 space, and up to 424 dwelling units in four-story buildings. When the Development Review
364 Committee (DRC) reviewed the site plan for Village Station, she said they had several concerns
365 regarding the proposed on-street parking. Those concerns included difficulty in snow removal,
366 traffic safety from vehicles backing into travel lanes, and vehicular traffic conflicts between
367 passenger cars and truck traffic from the gravel pits to the south of the location.

368

369 The Planning Commission did make a favorable recommendation including that the road would
370 remain a public street to preserve the City's rights on Orchard Drive. The DRC recommended
371 vacating Orchard Drive from Eaglegate Drive to the frontage road. She said the City sent notices
372 to all the abutting property owners and those within 300 feet of the property including those
373 entities who would have an interest in this road. She said staff received an email response from
374 Lakeview Rock Products.

375

376 **Mayor Arave opened the public hearing at 8:08 p.m.**

377

378 Joe McAllister, Lake View Rock Products, commented that he was the general counsel for
379 Lakeview. He presented the City Council with a map showing northbound and southbound
380 access along Orchard Drive, Main Street, and the I-15 frontage road. He said this map illustrated
381 the area affected by the proposed change and traffic flow. Mr. McAllister said vacating this
382 section of the road would not allow them access to I-15. He said ultimately this road was the
383 only access from the City to the I-15 frontage road. He said they were not against this
384 development but that State code 10-9A-609.5 specified that the legislative body may adopt an
385 ordinance granting a petition to vacate some or all of a public street or municipal utility easement
386 if the legislative body finds that a) good cause exists for the vacation, and b) neither the public
387 interest nor any person will be materially injured by the vacation. Joe McAllister said everyone
388 to the south of the intersection would be materially injured by a vacation. He said if a 10-wheeler
389 could not access this street than a snow plow and fire engine would not be able to either.

390

391 Joe McAllister then said the purpose of the work at the Monte Thomas property was to reclaim
392 the property to become developable land. He said the intention of Lakeview Rock Products was
393 to build an office tower, but without Orchard Drive this would be unfeasible. Mr. McAllister also
394 said the reclamation would be completed in the next ten years with over 100 acres of developable

395 commercial space that would not have access to Orchard Drive and could not be developed at
396 that point.

397
398 Joe McAllister said there was no way to access their pit, which was used for development
399 projects in the City, except for across Orchard Drive. He disclosed that they had been contacted
400 by Crescent Excavation, who was hired by Brighton, to provide 15,000 yards of fill dirt for this
401 project. Mr. McAllister said ironically that Lakeview would be required to haul the material from
402 the pit, up Orchard Drive to the project but would then be blocked from using that road. He
403 urged the City Council to maintain access to Orchard Drive.

404
405 Taylor Spendlove, Brighton Homes, commented that he signed all the construction contracts and
406 had not awarded a contract to Crescent Excavation. He then said they had used Lakeview Rock
407 Products in the past. Mr. Spendlove said the development agreement addendum showed on-street
408 parking and as long as that was allowed he did not care whether the road was private or public.
409 He said the parking was placed in the center of the street to allow for snow storage along the
410 curb and also to create a traffic calming measure.

411
412 Joe McAllister said that one concern with designing these radiuses and other methods for
413 prohibiting large truck traffic was that this would also prohibit moving trucks, delivery trucks,
414 fire engines, etc. or force them to go over the curbs. He said there were consequences to trying to
415 prohibit a certain type of large truck.

416
417 **At 8:26 p.m. Council Member Mumford moved to close the public hearing. Council**
418 **Member Horrocks seconded the motion. The motion was approved by Council Members**
419 **Horrocks, Porter, Mumford, Baskin and Gordon.**

420
421 Council Member Mumford asked if the City owned or just maintained the I-15 frontage road.
422 Paul Ottoson replied that the frontage road was on State property but the City maintained it.

423
424 Mayor Arave and Council Member Porter commented that Orchard Drive used to be a private
425 street.

426
427 Ken Leetham stated that these land uses the City Council approved were incompatible with large
428 truck traffic and the City's goal was to prohibit large trucks and require them to find an
429 alternative route to gravel operations. He said staff's objective was that this road no longer be
430 used as a truck route.

431
432 Mayor Arave asked about future redevelopment if the road was vacated at this time. Ken
433 Leetham said the Planning Commission recommended against the vacation and he felt that it was
434 fine to continue to allow public access on this section of Orchard Drive.

435

436 Council Member Horrocks asked if the DRC addressed larger vehicles accessing this road. Ken
437 Leetham replied affirmatively.

438
439 The City Council discussed the vacation and a potential public easement, snow removal, the
440 connection with the I-15 frontage road, and development of and access for the neighboring
441 property.

442
443 Council Member Mumford asked about the potential for a stub street for the future
444 redevelopment of the neighboring property. Ken Leetham addressed the 100 acres to the south
445 that would be redeveloped and said a frontage road could provide good access.

446
447 Sherrie Llewelyn summarized the Planning Commission's recommendation for Orchard Drive to
448 remain public. She said they were concerned with future uses such as transit or pedestrian and
449 bicycle traffic and felt like snow removal was an issue that could be dealt with. They also felt
450 that if truck traffic became an issue ordinances could be passed to change the speed limit or
451 weight limitations on the road. The Commission felt there were alternate routes for gravel truck
452 traffic.

453
454 Council Member Horrocks asked about a realistic timeline on the completion of mining the
455 Monte Thomas parcel. Ken Leetham clarified that as this road was previously a private road with
456 no truck access that the City would prefer this to still be the case. He hoped that the mining of
457 the Monte Thomas parcel would be completed quickly as this may relieve some of the pressure
458 to use the road as a truck route.

459
460 Joe McAllister replied that mining was based on market demand but the reality was their pit was
461 difficult to access. He said the timeline for completion of the Monte Thomas parcel was years
462 and not decades. Mr. McAllister commented the plan to redevelop the property was less than 19
463 years but it depended on demand.

464
465 Council Member Porter asked if the existing frontage road farther north was also owned by
466 UDOT. Sherrie Llewelyn replied that it was owned by UDOT but Brighton would be improving
467 the property with turf and trees, etc.

468
469 Council Member Horrocks said there were two issues including whether to allow gravel trucks to
470 access this road and the proposed radius of the road. Mayor Arave said the first question was
471 whether to vacate the road and then reviewing the development.

472
473 Council Member Mumford spoke on the purpose of the road and why it would need to be
474 vacated. Ken Leetham replied that Brighton wanted on-street parking for the commercial aspect
475 of the development. He said it was not crucial for the road to be vacated especially due to the 100
476 acres that may be developed in the future.

477

478 Sherrie Llewelyn commented that the radiuses of the road could be adjusted to allow for fire
479 trucks and emergency vehicles.

480

481 **Council Member Horrocks moved that the City Council deny the vacation of a portion of**
482 **Orchard Drive south of Eaglegate Drive to the frontage road. Council Member Baskin**
483 **seconded the motion. The motion was approved by Council Members Horrocks, Porter,**
484 **Mumford, Baskin and Gordon.**

485

486 6. CONSIDERATION OF A SITE PLAN FOR VILLAGE STATION AT EAGLEWOOD,
487 BUILDINGS 1, 2 & 3 LOCATED AT APPROXIMATELY 420 SOUTH ORCHARD
488 DRIVE, BRIGHTON HOMES UTAH, APPLICANT

489

490 Sherrie Llewelyn reported that the site plan was for buildings one, two, and three for Village
491 Station at Eaglewood. The Planning Commission made a favorable recommendation with four
492 conditions including that lot 3 be recombined or a plat amendment be approved with the open
493 space to be maintained by the HOA. The second condition was related to mitigating rock fall
494 hazards with the recommendation for mesh wire to catch boulders per the geologic hazards
495 report. The third condition was correction of engineering redlines, and the fourth condition was
496 that within the on-street center parking on Orchard Drive that the landscaping islands be
497 increased in size and a pedestrian crosswalk be provided at midblock through the island at the
498 driveway intersections.

499

500 The development would include four story buildings with amenities such as a swimming pool,
501 clubhouse, bike and ski equipment lockers, and extensive landscaping. The developer would be
502 required to improve the property between the property line and the curb along Highway 89,
503 which included the City trail. The proposed architecture would be contemporary modern style
504 with high quality materials of brick, masonry, and stucco with metal accents and balconies.
505 Building three would have tuck under garages with carports and detached garages for buildings
506 one and two. The height of the buildings would be 50 feet and conformed to the maximum height
507 allowed per the agreement.

508

509 The amended development agreement established the required parking ratios of 382 spaces with
510 54 garage, 193 carport, 79 on-site surface, 45 on-street surface, and 10 street adjacent. There
511 would also be 368 parking spaces for the commercial shared use during peak demand. The
512 required landscaping would be 25% of the site with a reduction to 20% if the UDOT parcel along
513 Highway 89 was landscaped. It was noted that the site was seven acres in size and the proposed
514 landscaping was 1.55 acres (at 22% of the site) plus 1.1 acres of landscaping on the UDOT
515 parcel for a total of 2.65 acres. UDOT confirmed that the developer was approved to install and
516 maintain the landscaping in the right-of-way.

517

518 The site was not proposed to be fenced at this time and would provide pedestrian access to the
519 Highway 89 trail as well as the hillside trail. The lighting shown on the plan was required to
520 conform to the City-adopted residential standards.

521
522 Mayor Arave disclosed that he had a business relationship with Ezra Nilson who was part owner
523 of this property. He asked if the UDOT property would be affected by bus rapid transit (BRT).
524 Sherrie Llewelyn replied that she did not think it would be affected as the BRT station was
525 proposed to be north of Eagle Gate Drive.

526
527 The Council discussed truck access and traffic.

528
529 Council Member Baskin said that the DRC felt the road was incompatible with truck traffic but
530 asked if the road was reconfigured if this was something the developer and Lakeview could live
531 with for 9-20 years while the mining was completed.

532
533 Council Member Porter asked about designating the difference between a truck access and a
534 truck route. He gave the example of signage for local truck traffic only. Ken Leetham said the
535 City was approving a land use plan and how this was incompatible with those types of trucks. He
536 said the City needed to provide a solution.

537
538 Mayor Arave commented that there was prior litigation related to Orchard Drive as a private
539 road. David Church replied that previously a developer and the City were sued by Lakeview due
540 to the road being closed. He said there was a proposed compromise but the lawsuit was
541 dismissed without prejudice. He said a business was entitled to some access but it was a different
542 standard than vacating and not allowing trucks.

543
544 Council Member Mumford asked about angled parking versus parking in the middle. Sherrie
545 Llewelyn said the change was due to snow plows, reducing U-turns, and providing one way
546 access to prohibit crossing both lanes of traffic.

547
548 Sherrie Llewelyn commented that center parking was similar to parking found on Provo Center
549 Street.

550
551 Council Member Mumford asked about the retaining wall around the open space near building
552 two. He asked how high the retaining wall would be and the height of the drop off there.
553 Taylor Spendlove commented that there was a significant slope of 0-6 feet that would be retained
554 and included landscaping with railing on the top. He also said there may be a second pool at that
555 location.

556
557 Mayor Arave asked about the road radius. Taylor Spendlove replied that the radius would need
558 to meet the fire code standards. He said there was room to adjust the radiuses.

559

560 Council Member Porter asked about detention. Paul Ottoson replied that the detention basin was
561 very large and designed to handle all of the water from the north.

562
563 Sherrie Llewelyn stated that a condition could be made to adjust the turning radius.

564
565 **Council Member Porter moved that the City Council approve the site plan for Village**
566 **Station at Eaglewood, for buildings 1, 2 & 3 at approximately 420 South Orchard Drive**
567 **with the following recommendation that:**

568
569 **1) Orchard Drive at Eaglegate Drive roundabout to the Frontage Road would not be**
570 **vacated and would remain a public street with the allowance of on-street parking as**
571 **depicted and configured in the proposed site plan.**

572
573 **He added the following conditions:**

- 574
575 **1) Lot 3 that had been separated for taxing purposes would be re-combined or a plat**
576 **amendment approved;**
577 **2) The rock fall hazard would be mitigated to the satisfaction of the City engineer and**
578 **City geological consultant by removing the largest rock fall hazards and providing**
579 **barriers for any future rock fall;**
580 **3) Correction of engineering redlines; and**
581 **4) Review turning radius to meet fire code requirements.**

582
583 **Council Member Gordon seconded the motion. The motion was approved by Council**
584 **Members Porter, Mumford and Gordon. Council Members Horrocks and Baskin voted in**
585 **opposition to the motion.**

586
587 Council Member Baskin explained that things were premature and the cart was before the horse.
588 She felt that this may be creating a problem that could lead to litigation.

589
590 **7. CONSIDERATION OF RESOLUTION 2020-06R: A RESOLUTION AUTHORIZING**
591 **THE ISSUANCE OF WATER REVENUE REFUNDING BONDS; AND RELATED**
592 **MATTERS**

593
594 Ken Leetham reported that the resolution in the packet would provide for the refunding of the
595 2010 water revenue bonds. He said the call date for the bonds was March 1, 2021 but this
596 resolution would allow the City to be prepared to act quickly if necessary. Mr. Leetham said
597 Zions Bank provided several options and dependent upon interest rates, some action could be
598 made in December of 2020. He said this resolution would allow Zions Bank to prepare ahead of
599 time.

600

601 Ken Leetham said the last payment for the 2015 water bond had two more payments including
602 March 2020 and March 2021. He also said there was \$2.5 million left for the 2010 bond. He
603 introduced Jonathan Ward and Mark Anderson with Zions Bank.

604
605 Mark Anderson reported that the City had a successful transaction with the sales tax bonds which
606 netted savings for the City. He said the parameters resolution would set a maximum amount,
607 maximum interest rate, discount, and designate an individual to make a decision, etc. He said
608 there were several options including refunding the bonds now or in December, with similar
609 interest rates, with savings of around \$210,000.

610
611 Council Member Baskin asked about section 6 related to the delegation of authority from the
612 City Council to the appointed designee and if this meant it would not come back to the City
613 Council for adoption. Mark Anderson said that as long as the decision was within the parameters
614 the Council had adopted, that would be the case. He said this was standard practices and the 24
615 hour timeline was due to daily interest rate changes.

616
617 Mayor Arave asked how much time was left on the bonds. Mr. Anderson replied that they would
618 mature in March of 2031. He said interest rates were at historic lows.

619
620 Council Member Mumford commented that he appreciated the analysis and asked for a copy.
621 Ken Leetham said it would be presented during the upcoming budget process.

622
623 Council Member Baskin asked about Section 2-B and the designated officer having the use and
624 deposit of the proceeds of the bonds. Mr. Anderson replied that it was designating where the
625 bonds would be deposited including the old bond fund and paying the cost of issuance. He said
626 the language was standard in Utah and they had never had an issue.

627
628 Ken Leetham commented that this was eight to ten months before any action needed to be taken.

629
630 **Council Member Horrocks moved that the City Council adopt Resolution 2020-06R**
631 **authorizing the issuance and the sale of not to exceed \$3,000,000 aggregate principal**
632 **amount of Water Revenue Refunding Bonds. Council Member Baskin seconded the**
633 **motion. The motion was approved by Council Members Horrocks, Porter, Mumford,**
634 **Baskin and Gordon.**

635
636 8. CONSIDERATION BY MOTION TO APPROVE A BEER LICENSE FOR MAVERIK
637 AT 24 NORTH REDWOOD ROAD

638
639 Sherrie Llewelyn reported that the new Maverik required a new beer license under City statute 3-
640 2-3. The beer license would be classified as a Class B Beer License. They were required to
641 provide a \$2,000 bond, submission of their health department permit, and a \$300 application fee.
642 She said the State required local consent of the license.

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Council Member Mumford moved to approve the Class B Beer License for Maverik at 24 North Redwood Road. Council Member Gordon seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.

9. CONSIDERATION OF RESOLUTION 2020-05R: A RESOLUTION APPROVING A PROGRAM FOR CORPORATE MEMBERSHIPS AT EAGLEWOOD GOLF COURSE AND AMENDING THE CITY’S CONSOLIDATED FEE SCHEDULE

Ken Leetham stated that the City was looking at starting a corporate membership program for the golf course, and referred to the resolution being considered. He said the governing terms were attached to the resolution and were related to tee times, authorizations, behavior, and payment, etc. Mr. Leetham said this program was another initiative that had originated from the Golf Course Advisory Committee. Mr. Leetham said staff would have a recommendation soon for rate increases.

Mayor Arave asked about the proposed membership pricing. Brent Moyes said he researched programs at other courses and proposed \$2,000 to \$2,500. He said this did not include cart fees which was \$14 per 18 holes.

Mayor Arave asked Roger Graves if he felt \$2,500 was appropriate. Roger Graves suggested that the program be referred to as business memberships as it was less formal. He said one of the objectives of the membership was to generate upfront revenue for the course. He said \$2,500 seemed right as it was not overwhelming for smaller businesses. Mr. Graves said Valley View did something similar but included the cart fee.

Council Member Porter was in favor of the term “business membership” as there were smaller businesses that would be interested, but were not corporations.

Council Member Mumford said there could be an annual dinner for those with memberships. He also said that there should be a badge or other signifier and a sign in the clubhouse showing membership. He recommended that it be a full-blown program with membership add-ons for bigger companies and said that the membership should be a big deal that was tied to tournaments, catering, etc.

Council Member Baskin asked for the cost per player. Brent Moyes responded that it was \$46 per player and did include the cart.

The City Council discussed the \$2,500 amount and if it was enough, corporate versus business terminology, unused tee times, and overuse of the benefit.

684 Ken Leetham commented that he felt on average that the membership would make money for the
685 course. He said that there were currently dead times on the weekdays. David Church said that the
686 course would only lose money on people who would have golfed anyway and purchased the
687 membership to play for a cheaper rate. He said otherwise the membership would attract new
688 people to play the course.

689
690 Council Member Mumford asked how many tee times were available per day. Brent Moyes
691 replied that there were tee times every eight minutes and said that 30 memberships would not
692 overwhelm the course.

693
694 **Council Member Mumford moved to approve Resolution 2020-05R: a resolution of the**
695 **governing body of the City of North Salt Lake approving a program for corporate**
696 **memberships at Eaglewood Golf Course and amending the City's Consolidated Fee**
697 **Schedule. Council Member Porter seconded the motion. The motion was approved by**
698 **Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

699
700 10. CONSIDERATION BY MOTION TO AUTHORIZE THE CITY MANAGER TO SEEK
701 BIDS FROM QUALIFIED CONTRACTORS FOR EAGLEWOOD GOLF COURSE
702 CLUBHOUSE REPAIRS AND IMPROVEMENTS
703

704 Ken Leetham reported that a lot of work was needed at the Eaglewood club house, including
705 repairs to the exterior, concrete repair, railing repair, and general upgrades to the deck. He said
706 this action was not committing to any funds but just a request to seek bids. These bids would
707 then come back before the City Council.

708
709 Council Member Horrocks asked about obtaining an estimate from Bartile roofing, as they were
710 a local company and residents of the City. Brent Moyes replied staff had previously obtained a
711 bid and would obtain a more current bid from Bartile.

712
713 **Council Member Baskin moved that the City Council authorize the City Manager to solicit**
714 **proposals for general repairs and improvements at the Eaglewood Golf Course Clubhouse.**
715 **Council Member Horrocks seconded the motion. The motion was approved by Council**
716 **Members Horrocks, Porter, Mumford, Baskin and Gordon.**

717
718 11. CONSIDERATION OF ORDINANCE 2020-09: AN ORDINANCE AMENDING
719 TITLE 4, CHAPTER 4 RELATED TO PROHIBITED NOISE AND BUSINESS
720 HOURS OF OPERATION
721

722 Sherrie Llewelyn reported that a new business was looking to relocate to the City but had
723 concerns related to the noise ordinance. She said the current ordinance prohibited loading
724 operations, such as loading or unloading boxes, crates, etc., between the hours of 10:00 p.m. and

725 7:00 a.m. Mrs. Llewelyn suggested that this be modernized and this wording removed. She said
726 it was not currently being enforced and detrimental to businesses in the industrial park.

727

728 Council Member Porter asked if it made sense to limit this to the industrial area or if something
729 else needed to be in place for other areas. Sherrie Llewelyn replied that nuisance ordinances
730 could be enforced for residential areas.

731

732 Sherrie Llewelyn clarified that the only change to the ordinance would be the removal of
733 wording in section 4-4-2: Regulated Noise: It shall be unlawful to cause, permit or perform the
734 following acts between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) P.M.:

735

736 A) Loading Operation: To load, unload, open, close or otherwise handle boxes, crates,
737 containers, building materials, garbage containers or similar objects.

738

739 Council Member Gordon expressed concern and felt it would be a free-for-all for businesses to
740 make noise at night especially backing up trucks. Sherrie Llewelyn said there was other noise
741 ordinances that could apply.

742

743 The City Council asked about complaints and to what zones this should apply, including MD,
744 MG and CG zones.

745

746 **Council Member Porter moved to approve Ordinance 2020-09 amending Title 4, Chapter**
747 **4, pertaining to noise regulations and business hours of operation as proposed with the**
748 **following findings:**

749

750 **1) The proposed amendment is in accord with the comprehensive general plan, goals**
751 **and policies, of the city.**

752 **2) Changed or changing conditions make the proposed amendment reasonably**
753 **necessary to carry out the "purposes" stated in this title.**

754 **3) This amendment would only apply to the MD, MG and CG industrial zones in the**
755 **City.**

756

757 **Council Member Gordon seconded the motion. The motion was approved by Council**
758 **Members Horrocks, Porter, Mumford, Baskin and Gordon.**

759

760 12. CONSIDERATION OF RESOLUTION 2020-02R: A RESOLUTION ADOPTING
761 GUIDELINES RELATED TO CITY EMPLOYEES AND VOLUNTEERS
762 INTERACTING WITH MINORS

763

764 Ken Leetham reported that he felt it would be appropriate for the City to adopt guidelines related
765 to employees and volunteers that interacted with minors. He said there was one area on which
766 the Youth City Council advisors provided feedback, which was related to travel. He said the

767 current policy required two adults be present at all times for any activities with a minor. Mr.
768 Leetham said the policy was reviewed by David Church and John Tobin. The section that caused
769 some concern was related to two authorized adults in the car with multiple children in the vehicle
770 for the purpose of travel.

771
772 Council Member Gordon explained that there was a conference in Logan and currently there
773 were three adult advisors and nine youth. She said this made it difficult as they would need three
774 more chaperones to make it work. Ken Leetham said that one solution would be to rent a large
775 van. He also said there could be a potential carve out for youth fourteen and older. He said it was
776 important to adopt the resolution now so training could occur.

777
778 Mayor Arave referred to the guidelines related to copying parents on social media messages and
779 said that the policy needed to be followed.

780
781 The City Council discussed clarifying item two under “Communicating with Minors” to read: 2)
782 “Absent emergency circumstances, if a City employee or volunteer needs to communicate
783 directly with an individual minor via electronic communications (including social media), the
784 minor’s parent or legal guardian must be copied.”

785
786 Mayor Arave asked about item three related to photographing or filming a minor. David Church
787 commented that a waiver related to consenting to photography and use could be signed.

788
789 Council Member Gordon said she did not want to be concerned about the safety of the youth so
790 she would be supportive of keeping the language of two adults in the car with the kids. She said
791 she did not want this to stop anyone from attending the conference. Ken Leetham replied that
792 staff could look into renting a vehicle.

793
794 Council Member Mumford asked how this governed police officers and if the resolution
795 guidelines would cause any problems with the police department such as the DARE officers.
796 Ken Leetham replied that there were circumstances where officers were in the schools. He said
797 this training and policy would be in place. He said the police department had their own rules of
798 conduct and policies.

799
800 David Church said this resolution and guidelines were being adopted to protect kids and the City.
801 He said the dilemma was not having a policy that could be breached, or having no best practice
802 to protect kids. He said some policy was better than none at all and training would be provided to
803 employees.

804
805 Council Member Baskin asked about summer recreation programs with minors working with
806 other minors. David Church replied that they would need to do training as well.

807

808 **Council Member Mumford moved that the City Council approve Resolution 2020-02R: a**
809 **resolution adopting guidelines related to City employees and volunteers interacting with**
810 **minors with the following adjustment that subsection two be changed to “Absent**
811 **emergency circumstances, if a City employee or volunteer needs to communicate directly**
812 **with an individual minor via electronic communications (including social media), the**
813 **minor’s parent or legal guardian must be copied.” Council Member Baskin seconded the**
814 **motion. The motion was approved by Council Members Horrocks, Porter, Mumford,**
815 **Baskin and Gordon.**

816

817 13. APPROVE CITY COUNCIL MINUTES

818

819 The City Council minutes of February 4, 2020 were reviewed and approved. **Council Member**
820 **Horrocks moved to approve the City Council meeting minutes of February 4, 2020 as**
821 **amended. Council Member Mumford seconded the motion. The motion was approved by**
822 **Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

823

824 14. ACTION ITEMS

825

826 The action items list was reviewed. Completed items were removed from the list.

827

828 Council Member Gordon asked about glass recycling services. Council Members Porter and
829 Horrocks replied that it was no longer feasible and services were limited throughout Utah.

830

831 Council Member Baskin reported that the neighborhood meeting with South Davis Sewer would
832 be held tomorrow at 7 p.m. in Foxboro.

833

834 Council Member Gordon mentioned the annexation meeting with Salt Lake tomorrow at 2 p.m.
835 at City Hall.

836

837 15. COUNCIL REPORTS

838

839 Council Member Porter spoke on an incident where a bike rider hit the tracks on Main Street
840 where there is a large gap between the street and track. He suggested a sign be installed warning
841 cyclists. Paul Ottoson commented that staff applied for a grant application for Main Street, which
842 would put sidewalk on both sides of the street.

843

844 Council Member Baskin thanked the City for putting together the Senior Lunch Bunch
845 recognition.

846

847 16. MAYOR’S REPORT

848

849 Mayor Arave had nothing to report.

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17. CITY MANAGER’S REPORT

Ken Leetham reported that the Salt Lake City Council had reached out about hosting a meeting related to the annexation. He said the meeting would be the following day at 2 p.m. at City Hall. Mr. Leetham said the airport director, several Salt Lake City Council Members, several City Council members, the Mayor, and staff would be in attendance.

Ken Leetham then reported on a meeting that the Mayor and he attended with UDOT, West Bountiful, and Woods Cross related to Legacy Highway. He said the cities would request UDOT to perform a study on the impacts of the truck ban and speed limit increase, and UDOT had set aside money for the study. He said there was also a discussion of what the cities could do including berming, landscaping, and wire barriers, etc.

Council Member Baskin asked how much was being set aside for the study. Ken Leetham replied that it was approximately one million dollars.

Ken Leetham then said he would send legislative issues to the City Council via email.

18. CITY ATTORNEY’S REPORT

David Church commented that if the Council was going to discuss how dangerous a City street was in an open meeting that signage would need to be installed as soon as possible for the dangerous situation on the Main Street tracks. He said once the City knew of a hazard then reasonable steps had to be taken.

Ken Leetham asked if the City Council wanted to go into closed session to discuss an email regarding contract negotiation.

Council Member Baskin moved to go into closed session.

David Church said this was not an item that could be discussed in closed session.

Council Member Baskin withdrew her motion.

Ken Leetham spoke on the GreatLife contract and asked if the City Council wanted to wait until next year or if they wanted to enter into a contract by March 15th. The City Council determined that they were not inclined to enter into a contract with GreatLife this year.

19. ADJOURN

Mayor Arave adjourned the meeting at 10:53 p.m.

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896

Mayor

City Recorder

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING – REGULAR SESSION
MARCH 3, 2020

DRAFT

Mayor Arave called the meeting to order at 5:30 p.m.

PRESENT: Mayor Len Arave
Council Member Natalie Gordon
Council Member Brian Horrocks
Council Member Ryan Mumford
Council Member Stan Porter

EXCUSED: Council Member Lisa Baskin

STAFF PRESENT: Ken Leetham, City Manager; Linda Horrocks, City Recorder.

OTHERS PRESENT: Karen Mills, John Logan and Ryan Curtis, residents.

1. CONSIDERATION OF MAYOR ARAVE'S APPOINTMENTS TO THE
EAGLEWOOD GOLF COURSE OVERSIGHT COMMITTEE

During the February 18, 2020 City Council meeting, the Council voted to establish an Eaglewood Golf Course Oversight Committee. Mayor Arave expressed his desire to get this committee established and working as quickly as possible, as the golf season is approaching quickly.

The Mayor reported that the City received applications from many good, qualified applicants, and that it was a tough decision to choose five. Those chosen, and for which he sought Council approval, were the following: Ryan Curtis, Karen Mills, John Logan, Court Huish, and Roger Graves.

Ryan Curtis, Karen Mills and John Logan were in attendance, and the Mayor introduced them. Council Member Porter said it looked like it would be a great committee.

Council Member Horrocks moved to approve Mayor Arave's appointments to the Eaglewood Golf Course Oversight Committee. Council Member Mumford seconded the motion. The motion was approved by Council Members Gordon, Horrocks, Mumford, and Porter. Council Member Baskin was excused.

Ken Leetham said he would contact the committee and set up a time for their first meeting.

2. OTHER BUSINESS

Council Member Horrocks mentioned a recent conversation with Kate Bradshaw, a council member from Bountiful. They were speaking about RAP tax and Bountiful City's contributions to the Centerville Legacy Theater. She mentioned to him that they discovered it was illegal to use RAP tax outside of your city without an Interlocal agreement. Council Member Horrocks wanted the City to be aware of this as they considered future projects.

Mayor Arave the stated there was still some interest in the annexation project, referred to as Misty River, and that he would keep the Council up-to-date.

3. ADJOURN

Mayor Arave adjourned the meeting at 5:42 p.m.

Mayor

City Recorder

Action Items for March 17, 2020

Item	Staff	Description
New		
1	David	Potential to provide upcoming street sweeping schedule for residents (notice for when to move cars off street). <i>See memorandum in 3-17-20 CC Packet</i>
2	Janice	Provide analysis to City Council for whether to pay off Water Revenue Refunding Bonds.
3	David	CM Porter suggested placing signage to warn bike riders on railroad tracks.
Current		
1	CD Dept.	Staff to work with Bountiful Veterans Park Foundation to reach out to the community to obtain the names of veterans in the community that would like to be honored on the memorial wall at the park. Staff to also work with Stan Porter and the PTAR Board to plan for next phases of possible improvements in the City's Veterans Memorial Park. <i>Ali has reached out to Bountiful to get the info and will be researching grant opportunities. (3/5/20)</i>
2	Sherrie, Ken	Mayor Arave requested setting up a community wellness committee by ordinance so that we could make efforts similar to Centerville related to wellness in the community.
3	Linda	Add Spurge removal (Purge the Spurge) to the JustServe project list for 4/25/20 Davis County Day of Service (See also Jordan River clean-up project below).
4	Linda	Coordinate an afternoon time with UTA and Council for Frontrunner/UVX tour to Provo. <i>Linda has contacted Hal Johnson – He is coordinating with Beth Holbrook and will get back to us on potential dates.</i>
5	Ken	Renewed effort to discuss and prepare for cyber security. <i>ETS will be providing briefing and training on this March 3rd.</i>
6	Ken	Contact the SD Rec District and see if there is a possibility of a “free” North Salt Lake day. <i>Ken talked to Tiff Miller and he said that we can schedule this anytime we wish and that some of our other cities already do this every year.</i>
7	Brent, Julie Mc	Look at the possibility of expanding a recreation program up at the golf course. Clinics, lessons, paid classes/workshops, etc. <i>This idea will be included in the new proposals related to the golf course and efforts to increase revenues.</i>
8	Sherrie, DRC	Council requested zoning recommendations from staff for two parcels on the east side of Orchard Drive north of Center Street, Odell Lane, and the RM-20-zoned neighborhood on the west side of Orchard Drive south of Center Street. <i>The DRC has reviewed the parcels and is currently considering options for rezoning the property.(3/5/20)</i>
9	Ken, David Church	Staff (David Church) to review current law related to annexation of unincorporated areas and to send an email to Senator Weiler ASAP (for the current legislative session) if the current law is not sufficient for the City's needs. <i>Sherrie has provided a memo to Ken (3/5/20)</i>
10	Paul David	Staff to review and update standards/specifications related to road cuts (better requirements including slurry seal, etc.) <i>Staff has reached out to all Utah cities for research related to best practices, standards and specifications and should have a report and recommendation in March.</i>
11	Sherrie Ken etc.	Get number for Jeremy Holt at LDS Hospital from Mayor re: partnering with NSL on mental illness outreach. Also, the Council discussed the possibility of staff preparing outreach/educational information in the newsletter and on the City's website some sources of help for suicide and mental illness. Council also discussed working with LDS Hospital, League of Cities and Towns, creating a citizen committee/group, hosting an educational class, and preparing a packet related to mental illness. <i>Ken has spoken with a non-profit group who may host a social services open house in NSL.</i>
13	Ken	Staff would prepare a proposal related to small insurance claims and a fund to pay for these types of items in-house rather than submitting them through insurance.
14	Linda	Digital PDF of new resident information packet on the website with link on social media – <i>Linda is working on new packet.</i>
15	David Ken	Staff to work with Woods Cross to improve their dog park and discuss potential for a new dog park in the area. <i>City Staff is reviewing other communities' dog parks and preparing a recommendation for the City Council. Woods Cross City has tentatively indicated a willingness to participate.</i>

16	Ken Craig	Staff to work on emergency preparedness reporting and coordination with Davis County rather than NSL – and whether it should be organized and run by South Davis Fire. <i>Staff is working with surrounding communities and Fire District to evaluate staffing needs and possible employee sharing</i>
17	Paul David Ken	Various assignments related to water and water planning including: collection of water usage data by area, analysis and recommendation related to water conservation rate structure, and long-range planning for water needs. <i>Comments have been received from Weber Basin Water Conservancy District. Staff will make a recommendation to the City Council on 2/18/20.</i>
18	David, Ken	Staff to follow-up on adding trees to park strips on Fox Hollow at roundabout. <i>Ken will report during FY21 budget meetings.</i>
19	Linda Ken	CM Porter asked for recognition/formalization of the City's History Committee on a future agenda. <i>Staff reviewing history committees of other cities and will draft resolution.</i>
20	Linda	Staff to arrange a tour of Wasatch Resource Recovery Plant for interested City Council members and staff. <i>Schedule with Matt Myers (Wait until plant is fully operational.)</i>



NORTH SALT LAKE PUBLIC WORKS

10 East Center Street
North Salt Lake, Utah 84054
801-335-8700
www.nslcity.org

Leonard K. Arave
Mayor
David Frandsen
Public Works Director

TO: Honorable Mayor & City Council
FROM: David Frandsen, Public Works Director
DATE: March 6, 2020
SUBJECT: Street Sweeping and Garbage Pick up

Dear Honorable Mayor and City Council,

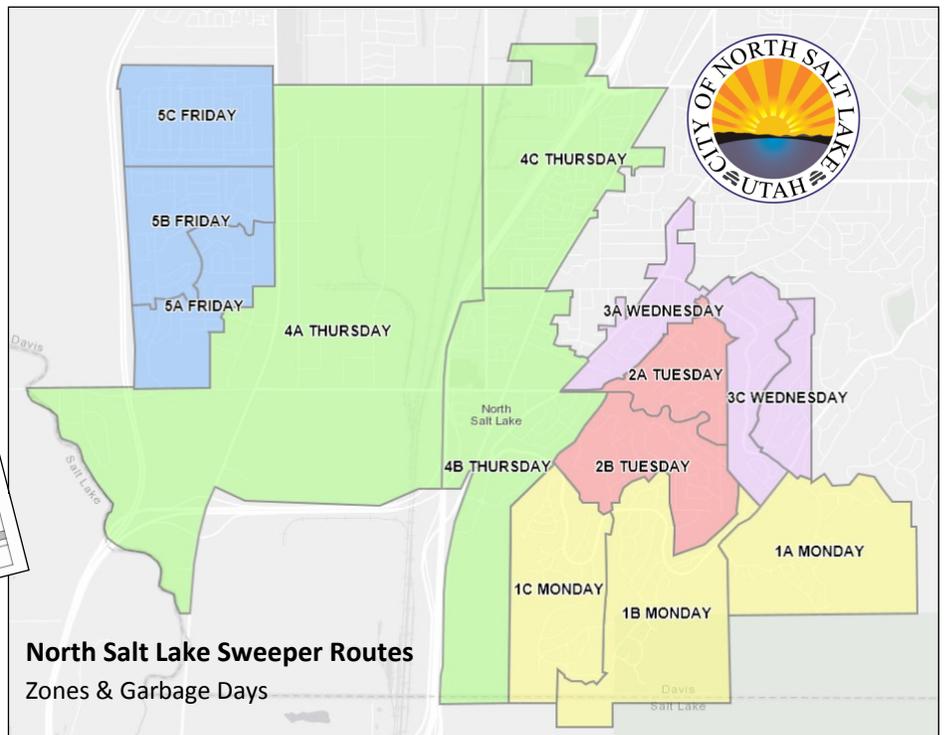
I am writing regarding citizen concern that the Public Works department is street sweeping on garbage days. We have structured our system for conducting street sweeping around garbage days, in fact we used the garbage routes to create our "sweeping zones" (Shown Below). We keep records of what zones are cleaned and when we sweep them and have provided some of this information to you in our Annual Report each year. The only time a sweeper would be in an zone on garbage day is if we are cleaning up a reported mess or mud and debris after a water leak or similar situation. If you have any further questions contact me at any time.

Regards,

David Frandsen
Public Works Director



NSL Sweeper Tracking Sheet





CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Sherrie Llewelyn, Community Development Director
DATE: March 17, 2020
SUBJECT: Consideration of plat amendment to the Views at Eaglewood Village P.U.D. Phase 2 at 155 Sunset Vista Court

RECOMMENDATION

The Planning Commission recommends approval to the City Council the plat amendment for The Views at Eaglewood Village P.U.D. Phase 2 at 155 Sunset Vista Court with the following condition:

1. Completion of Engineering Redlines, if any.

BACKGROUND

The proposed amendment combines lots 215 and 221 to provide improved drainage for a future home at 155 Sunset Vista Court. The two lots are currently vacant, however, a building permit has been issued to construct a home on lot 221.

Both parcels are owned by a single property owner, Coral Springs Resort LLC. The proposed lot, 215A, will be 0.503 acres and will be used as a single family home parcel. The property is part of the Views at Eaglewood Village PUD Phase 2 Planned District and meets the minimum lot size requirements.

As part of the plat amendment, an existing Public Utility Easement and Drainage Easement located between lots 215 and 221 will be vacated. The applicant is in the process of acquiring acknowledgments and approvals from all utility companies regarding this vacation.

The DRC feels that this plat amendment will be beneficial to the area. By combining the two lots, they expect this will limit hillside cuts and decrease drainage concerns in the area. Redline corrections have been made by the applicant to the proposed plat.

Under the current City Subdivision ordinance, plat amendments require a public hearing. The State code also requires a public hearing when a public easement is affected by proposed plat amendments. Notice was sent to property owners of the public hearing and comments regarding the following environmental items were requested:

1. Erosion, dust, soils and top soil loss;

2. Grades, slope stability and Geologic hazards;
3. Ground water, water courses, flood hazards and areas;
4. Vegetative types;
5. Wildlife and habitat;
6. Essential urban services presently available;
7. Fire potential;
8. Accumulation of solid and liquid wastes;
9. Potential area-wide economic impact of the development.

The Planning Commission held a public hearing on March 10, 2020 and received public comment from one neighboring property owner who inquired with regard to the drainage and received the requested information to his satisfaction.

POSSIBLE MOTION

I move that the City Council approve the plat amendment for the Views at Eaglewood Village P.U.D. Phase 2 at 155 Sunset Vista Court with the following condition:

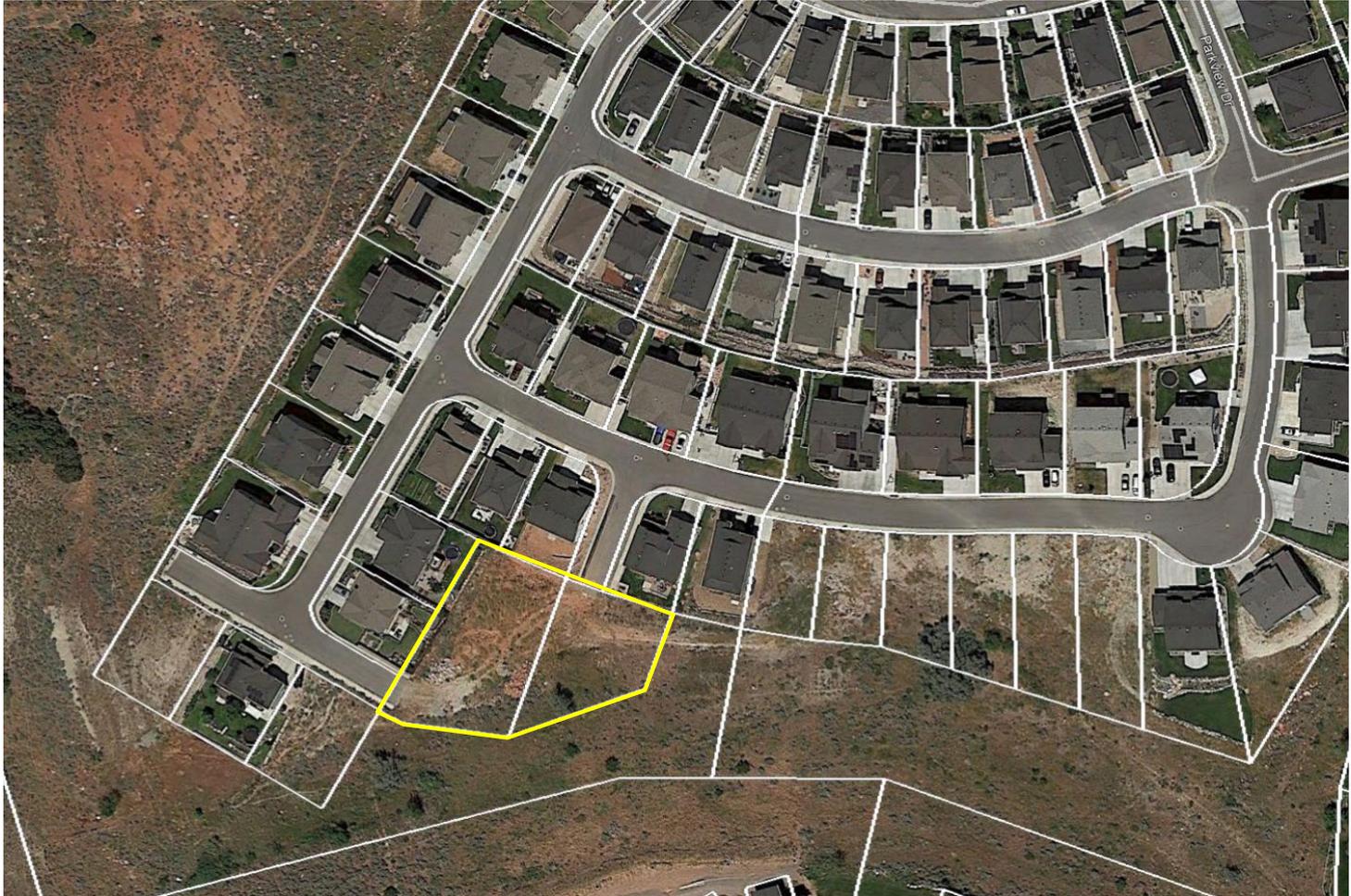
1. Completion of Engineering Redlines, if any.

Attachments

- 1) Aerial Map
- 2) Amended Plat

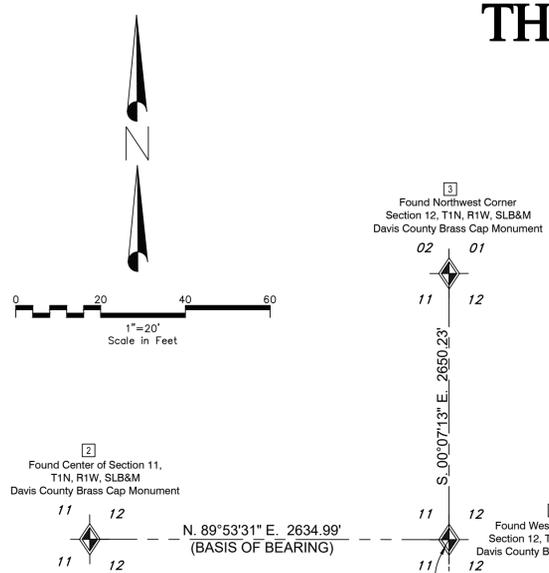
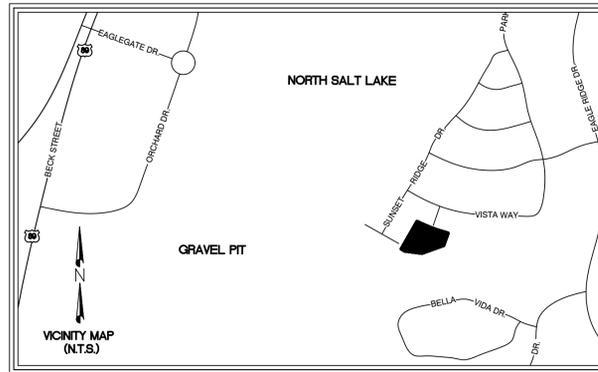


Plat Amendment
155 Vista View Court
Aerial



THE VIEWS AT EAGLEWOOD VILLAGE P.U.D. PHASE 2, AMENDMENT 1 AMENDING LOTS 215 & 221

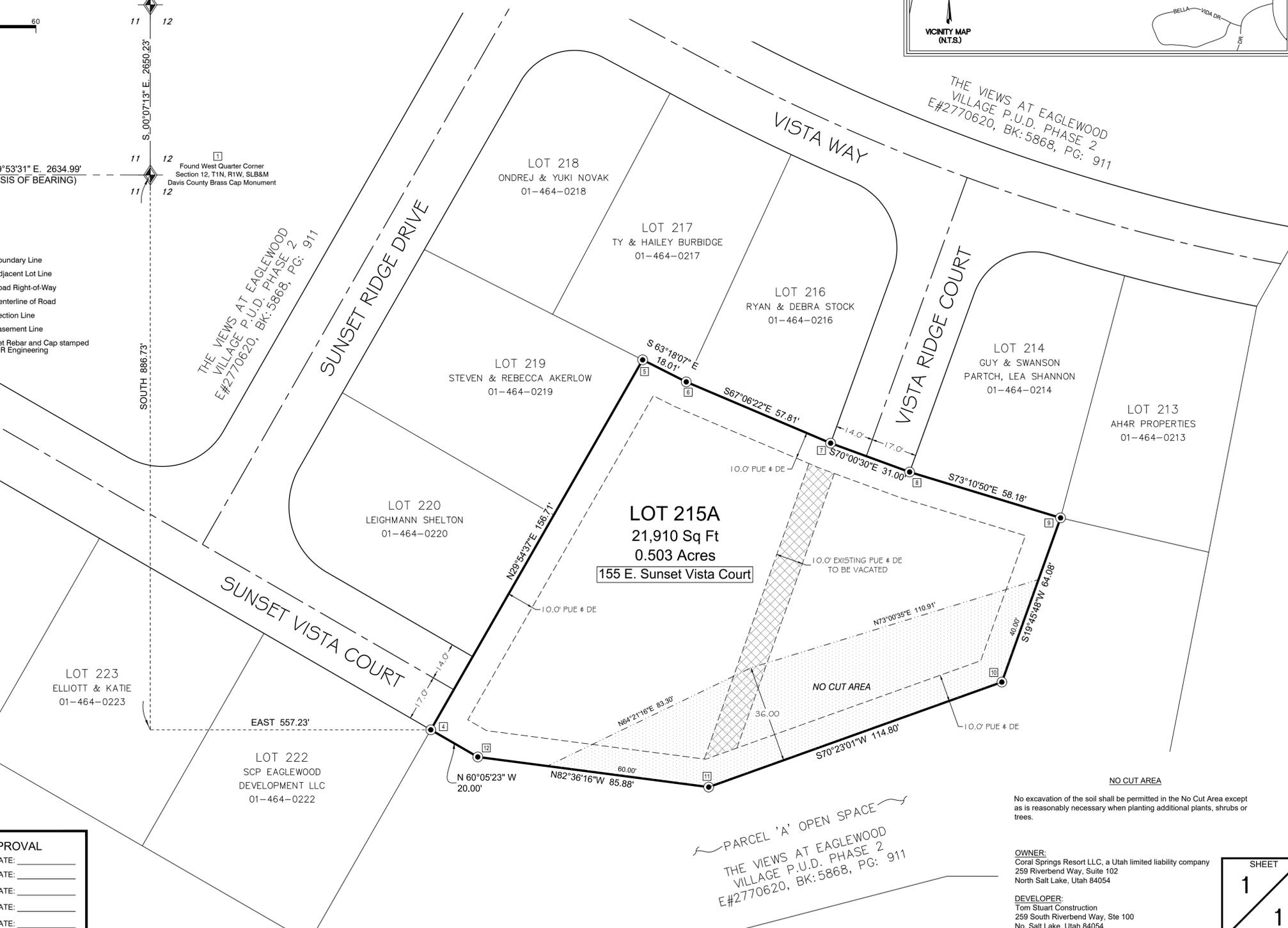
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12,
TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
NORTH SALT LAKE, DAVIS COUNTY, UTAH



LEGEND

- Boundary Line
- Adjacent Lot Line
- Road Right-of-Way
- Centerline of Road
- Section Line
- Easement Line
- Set Rebar and Cap stamped CIR Engineering

CORNER #	NORTHING	EASTING
1	100021.18	107930.90
2	100016.21	105295.91
3	102671.40	1107925.33
4	99134.45	108488.13
5	99270.28	108566.27
6	99262.19	108582.36
7	99239.70	108635.62
8	99229.11	108664.75
9	99212.27	108720.44
10	99151.96	108698.77
11	99113.42	108590.63
12	99124.47	108505.47



SURVEYOR CERTIFICATE

I, GARY CHRISTENSEN, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 5152617 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as The Views at Eaglewood Village P.U.D. Phase 2, Amendment 1, Amending Lots 215 & 221 and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Signed this _____ day of _____, 20____

BOUNDARY DESCRIPTION

All of Lots 215 and 221, The Views at Eaglewood Village P.U.D. Phase 2 recorded October 7, 2013 as Entry No. 2770620 in Book 5868, at Page 911 and further described in the following two (2) Warranty Deeds as: 1) Entry No. 3220383 in Book 7434, at Page 1657; 2) Entry No. 3185227 in Book 7341, at Page 1028 in the Office of the Davis County Recorder. Said Lots are located in the Southwest Quarter of Section 12, Township 1 North, Range 1 West, Salt Lake Base and Meridian.

Said Lots contain 21,910 Sq. Ft. or 0.503 Ac. more or less. 1 Lots.

OWNERS DEDICATION

Coral Springs, LLC, the owner of the described tract of land to be hereafter known as The Views at Eaglewood Village P.U.D. Phase 2, Amendment 1, Amending Lots 215 & 221, does hereby dedicate for the perpetual use of the public, all streets and other property as reflected and shown on this plat to be dedicated for public use. owner(s) hereby consent(s) and give(s) approval to the recording of this plat for all purposes shown herein.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2020.

Coral Springs, LLC

By: _____

Print Name: _____

By: _____

NOTARY ACKNOWLEDGMENT

State of Utah)
County of Davis)

On this _____ day of _____, in the year 20____, before me, _____ a Notary Public, personally appeared _____ the _____ of _____, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to in the foregoing owner's dedication and consent regarding The Views at Eaglewood Village P.U.D. Phase 2, Amendment 1, Amending Lots 215 & 221 and was signed by him/her on behalf of said and acknowledged that he/she/they executed the same.

Commission Number _____
My Commission Expires _____

Signature: _____

Print Name: _____

A Notary Public Commissioned in Utah

PUBLIC UTILITY APPROVAL

CABLE: _____ DATE: _____

COMCAST: _____ DATE: _____

ROCKY MTN POWER: _____ DATE: _____

DOMINION ENERGY: _____ DATE: _____

OTHER: _____ DATE: _____

RECOMMEND FOR APPROVAL

I, hereby certify that my office has reviewed this plat and find it to be correct and in accordance with information on file in this office, of this _____ day of _____, A.D. 2020.

North Salt Lake City Engineer

RECOMMEND FOR APPROVAL

I, _____, hereby certify that I have reviewed this entire document and approve it as to form, on this _____ day of _____, A.D. 2020.

North Salt Lake City Attorney

RECOMMEND FOR APPROVAL

I, hereby certify that the North Salt Lake City Planning Commission approved this plat on the _____ day of _____, A.D. 2020.

Title:

CITY COUNCIL APPROVAL

Presented to the North Salt Lake City Council this _____ day of _____, A.D. 20____ and is hereby approved.

City Recorder Attest

City Mayor

DAVIS COUNTY RECORDER

Recorded # _____
State of Utah, County of Davis, Recorded and filed at the request of _____

Date: _____ Time: _____ Book: _____ Page: _____

Fee \$ _____
Davis County Recorder

PREPARED BY:

3032 South 1030 West, Suite 202
Salt Lake City, Utah 84119

PARCEL 'A' OPEN SPACE
THE VIEWS AT EAGLEWOOD VILLAGE P.U.D. PHASE 2
E#2770620, BK: 5868, PG: 911

OWNER:
Coral Springs Resort LLC, a Utah limited liability company
259 Riverbend Way, Suite 102
North Salt Lake, Utah 84054

DEVELOPER:
Tom Stuart Construction
259 South Riverbend Way, Ste 100
No. Salt Lake, Utah 84054

SHEET
1 / 1

No excavation of the soil shall be permitted in the No Cut Area except as is reasonably necessary when planting additional plants, shrubs or trees.



NORTH SALT LAKE ENGINEERING

10 East Center Street
North Salt Lake, Utah
84054
(801) 335-8723
Paulo@nslcity.org

LEONARD ARAVE
Mayor

PAUL OTTOSON, PE
City Engineer

MEMORANDUM

To: Honorable Mayor & City Council
From: Paul Ottoson
Date: March 17, 2020
Subject: 2020 Street Striping Project

RECOMMENDATION

Staff recommends awarding the 2020 Street Striping Project to Peck Striping for the price of \$73,942.00.

BACKGROUND

Every spring the city receives bids for the painting of striping and markings of city streets. This includes striping, cross walks, stop bars, bike symbols, turning symbols and lettering. This year, our bid amounts are significantly higher than the last three years. This is because for three years, we had a fixed price with Mountain West Striping, but that contract has now ended. This project will begin in the FY2021 budget or after July 1, 2020.

The award that the Council will be making is a maximum or not to exceed bid award. Engineering staff will compile the list of needed striping and this price will likely be reduced by simply eliminating areas that are not as heavily traveled and do not need striping this year.

The City received four bids and they are shown below:

<u>Contractor</u>	<u>Price</u>
Peck Striping	\$73,942.00
All Star Striping	\$75,684.00
Mountain West Striping	\$77,826.60
Innovative Marking	\$96,720.38

POSSIBLE MOTION

I recommend City Council award the 2020 Street Striping Project to Peck Striping for the price of \$73,942.00.



NORTH SALT LAKE ENGINEERING

10 East Center Street
North Salt Lake, Utah
84054
(801) 335-8723
Paulo@nslcity.org

LEONARD ARAVE
Mayor

PAUL OTTOSON, PE
City Engineer

MEMORANDUM

To: Honorable Mayor & City Council

From: Paul Ottoson

Date: March 17, 2020

Subject: Eagleridge Drive Street Overlay (Orchard Drive Round-About to Parkview Drive) Project

RECOMMENDATION

Staff recommends awarding the Eagleridge Drive Street Overlay (Orchard Drive Round-About to Parkview Drive) Project to Advanced Paving and Construction, LLC for the price of \$193,945.00.

BACKGROUND

This section of Eagleridge Drive for the most part is in fairly good shape so the street is not in need of a total reconstruction, however some sections of the road have alligator cracking and rutting and will have to be replaced. The project will consist of fixing these compromised areas and then overlaid with asphalt.

Eagleridge Drive will have to be closed at times. The City will reach out to the residents by different means at a future date.

The City received five bids and they are shown below:

<u>Contractor</u>	<u>Price</u>
Advanced Paving and Construction, LLC	\$193,945.00
Black Forest Paving, LLC	\$222,655.00
Morgan Asphalt	\$225,670.00
Post Asphalt and Construction	\$230,605.00
Staker & Parson Companies	\$332,294.00

POSSIBLE MOTION

I recommend City Council award the Eagleridge Drive Street Overlay (Orchard Drive Round-About to Parkview Drive) Project to Advanced Paving and Construction, LLC for the price of \$193,945.00.



REVISION	DATE	BY	DESCRIPTION	DESIGN
				6MK
				6MK
				6MK
				2020

SITE LOCATION

**EAGLERIDGE DRIVE STREET OVERLAY
ROUNDAABOUT TO PARKVIEW DRIVE**



CITY OF NORTH SALT LAKE
 10 East Center Street
 North Salt Lake, UT 84054
 (801) 235-8700

LEN ARAVE
 Mayor
KEN LEETHAM
 City Manager

SHEET 1
 OF 1
 PROJECT NO.
19-033



NORTH SALT LAKE ENGINEERING

10 East Center Street
North Salt Lake, Utah
84054
(801) 335-8723
Paulo@nslcity.org

LEONARD ARAVE
Mayor

PAUL OTTOSON, PE
City Engineer

MEMORANDUM

To: Honorable Mayor & City Council
From: Paul Ottoson
Date: March 17, 2020
Subject: PRV Replacement at 486 East Lacey Way Project

RECOMMENDATION

Staff recommends awarding the PRV Replacement at 486 East Lacey Way Project to Cody Ekker Construction for the price of \$45,795.00.

BACKGROUND

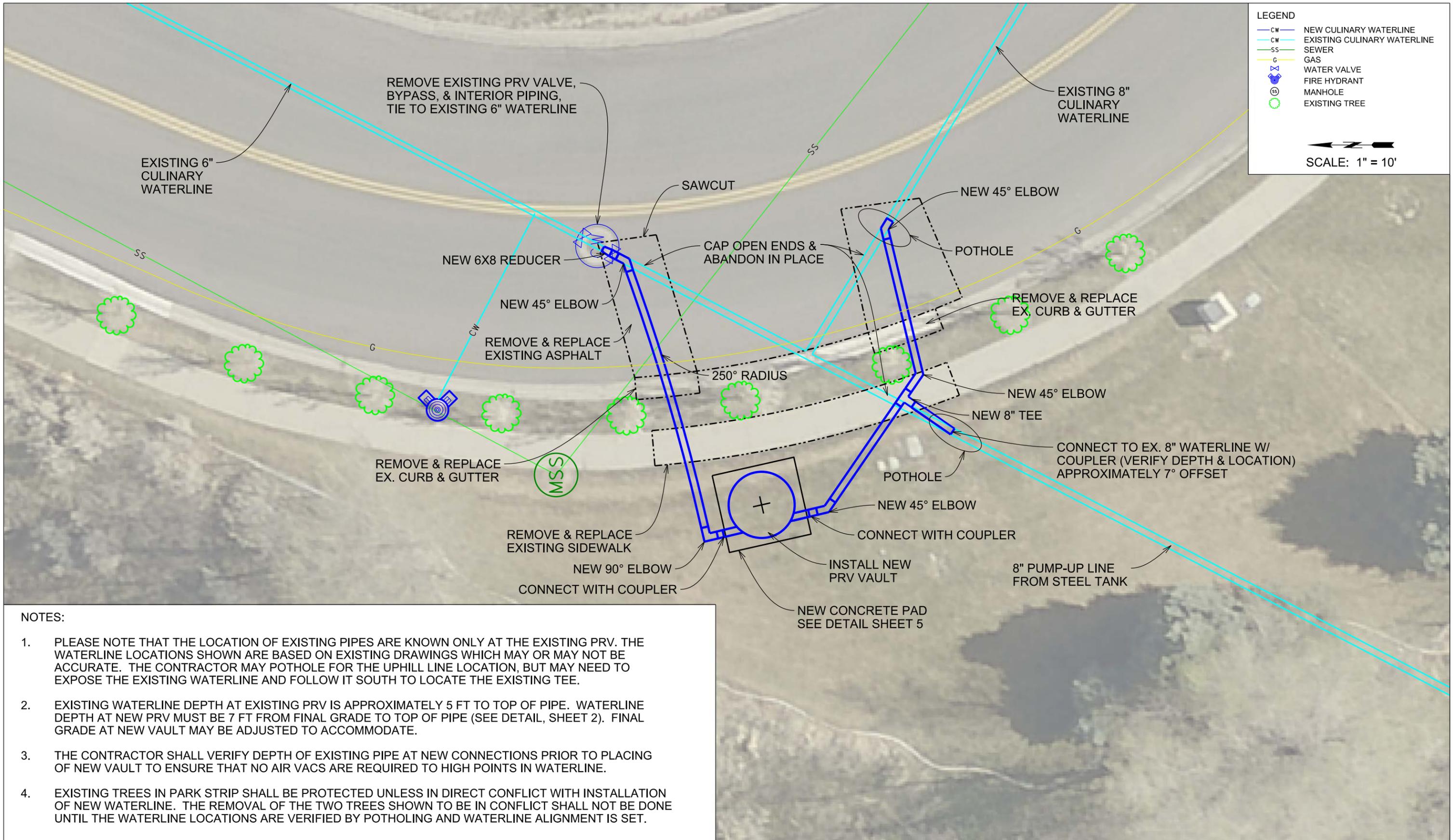
This project is part of the City's annual PRV replacement program. Most PRV replacements will be installed in the same location as the existing PRVs, but this one will be relocated from the street to an area behind the sidewalk on property that is owned by the City. The reason for this is because the current location of the PRV is in a very dangerous location. The manhole is in line with the centerline of the street and it is on a very tight and steep curve in the road.

The City received two bids and they are shown below:

<u>Contractor</u>	<u>Price</u>
Cody Ekker Construction	\$45,795.00
Pride Constructors	\$88,415.00

POSSIBLE MOTION

I recommend City Council award the PRV Replacement at 486 East Lacey Way Project to Cody Ekker Construction for the price of \$45,795.00.



LEGEND

- CW NEW CULINARY WATERLINE
- CW EXISTING CULINARY WATERLINE
- SS SEWER
- G GAS
- WATER VALVE
- FIRE HYDRANT
- MANHOLE
- EXISTING TREE

SCALE: 1" = 10'

- NOTES:**
1. PLEASE NOTE THAT THE LOCATION OF EXISTING PIPES ARE KNOWN ONLY AT THE EXISTING PRV. THE WATERLINE LOCATIONS SHOWN ARE BASED ON EXISTING DRAWINGS WHICH MAY OR MAY NOT BE ACCURATE. THE CONTRACTOR MAY POTHOLE FOR THE UPHILL LINE LOCATION, BUT MAY NEED TO EXPOSE THE EXISTING WATERLINE AND FOLLOW IT SOUTH TO LOCATE THE EXISTING TEE.
 2. EXISTING WATERLINE DEPTH AT EXISTING PRV IS APPROXIMATELY 5 FT TO TOP OF PIPE. WATERLINE DEPTH AT NEW PRV MUST BE 7 FT FROM FINAL GRADE TO TOP OF PIPE (SEE DETAIL, SHEET 2). FINAL GRADE AT NEW VAULT MAY BE ADJUSTED TO ACCOMMODATE.
 3. THE CONTRACTOR SHALL VERIFY DEPTH OF EXISTING PIPE AT NEW CONNECTIONS PRIOR TO PLACING OF NEW VAULT TO ENSURE THAT NO AIR VACS ARE REQUIRED TO HIGH POINTS IN WATERLINE.
 4. EXISTING TREES IN PARK STRIP SHALL BE PROTECTED UNLESS IN DIRECT CONFLICT WITH INSTALLATION OF NEW WATERLINE. THE REMOVAL OF THE TWO TREES SHOWN TO BE IN CONFLICT SHALL NOT BE DONE UNTIL THE WATERLINE LOCATIONS ARE VERIFIED BY POTHOILING AND WATERLINE ALIGNMENT IS SET.

REVISION	DATE	BY	DESCRIPTION	DESIGN
				K00
				DRAWN K00
				CHECKED PA0
				DATE FEB 2020
				F.B. NO.
				P.G. NO.

SITE PLAN

PRV REPLACEMENT 486 E LACEY WAY



CITY OF NORTH SALT LAKE

10 East Center Street
North Salt Lake, Utah 84054
(801) 335-8700

LEONARD K ARAVE
Mayor

BARRY EDWARDS
City Manager

SHEET <u>4</u>	PROJECT NO. <u>16-016</u>
OF <u>5</u>	



NORTH SALT LAKE ENGINEERING

10 East Center Street
North Salt Lake, Utah
84054
(801) 335-8723
Paulo@nslcity.org

LEONARD ARAVE
Mayor

PAUL OTTOSON, PE
City Engineer

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Paul Ottoson, City Engineer
DATE: March 17, 2020
SUBJECT: Consideration of **ORD2020-05**: amending Title 7, Chapter 5B Public Rights of Ways

RECOMMENDATION

The Development Review Committee recommends approval to the City Council the adoption of **ORD2020-05**: amending Title 7, Chapter 5B related to Public Rights of Ways and excavations.

BACKGROUND

The City Council asked staff to review the current ordinances related to street excavations on new or reconstructed roads. Staff has reviewed the current ordinance, as well as the ordinances of other cities to identify best practices related to street excavations. The resulting proposed ordinance amendments are recommended to further protect the city's investment in city streets and associated infrastructure.

Specifically the Council asked staff to evaluate the practice of requiring "flowable fill" in street excavations and determine if it should be required or is necessary. Evaluation of the process of placing lean concrete has been determined to not be recommended in the City. The concrete is difficult to remove later if additional utility work is needed, further it is not advisable in our foothills with the numerous springs. The best practice is to insure proper compaction of the sub-base to a minimum of 95%. The proposed ordinance requires this compaction level.

The main proposed amendments to Title 7, Chapter 5, Article B are as follows:

1. Clarifies that a traffic control plan must meet the requirements of MUTCD and must be approved by the City.
2. Clarifies that all backfill materials must be compacted to a minimum of 95% modified proctor density with maximum lifts of 8 inches.
3. Specifies the mix design and minimum thickness of the asphalt.
4. Specifies that the contractor install the proper traffic control devices and that these devices remain in place for the duration of the excavation and that they be removed within 24 hours of completion.
5. Adds that asphalt shall be installed on the patches within 24 hours of the trench being backfilled.
6. Changes the warranty period of the asphalt patch from 2 years to 3 years.

7. Clarifies that the newly constructed or overlaid streets cannot be excavated for 5 years.
8. Adds a section that states all work within UDOT right-of-way will follow the same traffic control regulations as City streets.
9. Clarifies the amount of the bond required.
10. Adds a section that allow the City to issue a stop work order and issue fines and penalties for contractors who work within the City right-of-way without a permit.

POSSIBLE MOTION

I move that the City Council approve **ORD2020-05** amending Title 7, Chapter 5B Public Rights of Way with the following findings:

1. The proposed amendment is necessary to protect the integrity of city streets and associated infrastructure; and
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

Attachments

- 1) ORD2020-05
- 2) Proposed Amendments (redline version)

ORDINANCE NO. 2020-05

**AN ORDINANCE OF THE CITY OF NORTH SALT LAKE
AMENDING TITLE 7, CHAPTER 5B OF THE CITY CODE
RELATED TO REGULATIONS OF PUBLIC RIGHTS OF WAYS**

WHEREAS, the City of North Salt Lake is an incorporated city in Davis County Utah;
and

WHEREAS, City of North Salt Lake has made significant investment within city rights of
ways; and

WHEREAS, the City Council of North Salt Lake finds it necessary to protect the integrity
of city streets and protect the public during street excavations; and

WHEREAS, the City Council of North Salt Lake finds it necessary to update the
regulations pertaining to street excavation permits in order to protect the street improvements and
associated infrastructure contained within city rights of ways; and

WHEREAS, the City Council of North Salt Lake finds that the assessment of a civil
penalty for violation of the regulations related to street excavations and the associated permitting
of street excavations; and

WHEREAS, the City Council finds that it is in the public interest that the North Salt
Lake City Code be amended at this time to provide clarity of regulations related street
excavations, permitting, and to provide for the assessment of civil penalties for violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF NORTH SALT LAKE, STATE OF UTAH, AS FOLLOWS:**

Section 1. North Salt Lake Code, Title 7, Chapter 5B of the City Code is hereby amended
as attached in Exhibit A.

Section 2. Severability. If any section, part or provision of this Ordinance is held
invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of
this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective upon publication or
posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, THIS 17th DAY OF MARCH, 2020.

CITY OF NORTH SALT LAKE

By: _____
Len Arave, Mayor

ATTEST:

City Recorder

City Council Vote as Recorded:

<u>Name</u>	<u>Vote</u>
Council Member Baskin	_____
Council Member Gordon	_____
Council Member Horrocks	_____
Council Member Mumford	_____
Council Member Porter	_____

1 **Title 7**

2 **ARTICLE B. PUBLIC RIGHTS OF WAY**

3 **7-5B-1: PERMIT REQUIRED:**

4 **7-5B-2: APPLICATION FOR PERMIT:**

5 **7-5B-3: FEE FOR PERMIT:**

6 **7-5B-4: CONTROLS, LIMITATIONS AND RESTRICTIONS:**

7 **7-5B-5: WORK WITHOUT PERMIT PENALTY:**

8 **7-5B-1: PERMIT REQUIRED:**

9 No person shall engage in any excavation activities within a public right of way within the limits of the
10 cityCity without first obtaining a permit therefor. (1989 Code § 11-391) Permits shall not be
11 transferable or assignable, and work shall not be performed under a permit in any place other than that
12 specified in the permit.

13 **7-5B-2: APPLICATION FOR PERMIT:**

14 Application for such permit shall contain or be accompanied by the following:

- 15 A. The name and address of the person desiring a permit. If the applicant is a co-partnership, the
16 names and addresses of all the partners. If a corporation, the names and addresses of the
17 manager or person authorized to act for and in behalf of the corporation and to obligate it to
18 the responsibilities set forth in this article.
- 19 B. The name and address of the person who will do the actual digging, tunneling, trenching and
20 backfilling or construction work.
- 21 C. Mechanical means or method by which the street, highway or roadway is to be trenched and
22 backfilled.
- 23 D. The exact location, with a complete description, of the place where the cut is to be made in or
24 along or across the roadway or highway, with a brief sketch showing the designated work.

25 E. A traffic control plan which must meet the requirements of the latest edition of the MUTCD
26 (Manual on Uniform Traffic Control Devices). The plan must be approved by Engineering and
27 Public Works Departments prior to the construction beginning.

28 ~~E.F.~~ A signed agreement whereby the petitioner contracts with the cityCity, and whereby his
29 contractor, if he has one, also contracts, that they will:

- 30 1. Notify the public works department twenty-four (24) hours in advance when the work is to
31 begin, so that an inspection may be made of the excavation site.
- 32 2. Make certain that all backfill materials shall be fine material, free from lumps and stone,
33 selected from the soil and shall be thoroughly compacted around and under the
34 substructure to the upper level of the substructure. Backfill material shall be placed to the
35 subgrade of the pavement in lifts consistent with the type of soil involved and the method
36 of consolidation being used. Broken pavement, large stones, roots and debris shall not be
37 used to backfill. Each lift shall be ~~flooded, jetted, rolled or tamped, or a combination of~~
38 ~~these methods shall be used, depending upon the type of soil involved, to compact the~~
39 ~~backfill material. Such backfill shall be done in a manner that will permit the restoration of~~

40 ~~the surface to condition equivalent to that in which it was prior to excavation.~~ at a
41 maximum lift thickness of 8" and shall be compacted to a minimum of 95% modified proctor
42 density (ASTM 1557). The ~~cityCity engineer~~Engineer may require soil tests to be furnished
43 by a recognized soil testing laboratory or registered professional engineer specializing in soil
44 mechanics at a maximum lift thickness of 8" and shall be compacted to a minimum of 95%
45 modified proctor density (ASTM 1557). In order for the resurfacing to be permitted, such
46 tests must show that the backfill material meets the minimum requirements as prescribed
47 by the ~~cityCity engineer~~Engineer. All expense of such test shall be borne by the permittee.

48 3. Guarantee that all asphalt patchwork shall be done by an approved asphalt paving company.
49 Provide full tack coat coverage on all vertical surfaces. Asphalt patch material shall be PG
50 58-28, ½" mix design. Patch thickness shall be the existing asphalt thickness plus 1" (4"
51 minimum). Any patching greater than 4" thick shall be done in 2 lifts. Any potholing done
52 by means of vac-truck shall be repaired utilizing the removed core sample with the addition
53 of necessary pea gravel and subsequently sealing the seam by means of crack seal or other
54 approved method.

55 3.4. Before beginning the excavation, use proper safeguards by barricades, and warning lights,
56 where necessary, shall be placed by the applicant and/or his contractor at all times while
57 there is any possible danger or inconvenience to persons traveling the roadway. Prior to
58 beginning street excavations, the contractor shall place proper safeguards, such as
59 barricades and warning lights, where necessary and at all times while there is any possible
60 danger or inconvenience to persons traveling the roadway. All traffic control must meet the
61 requirements of the MUTCD (Manual on Uniform Traffic Control Devices). The permit
62 holder shall maintain and keep such official traffic control devices in place during the entire
63 time the excavation continues, and is liable for any damage or injury caused by failure to
64 appropriately maintain official traffic control devices. All traffic control devices shall be
65 removed from the site within 24 hours of completion of the project.

66 4.5. Guarantee that the cityCity and its employees and the cityCity councilCouncil shall be free
67 and harmless from any and all damages that may occur during the operations under the
68 permit, and agree that the applicant and/or his contractors will assume full responsibility
69 therefor before a permit is granted. The applicant and his contractor, if guaranteeing that
70 the work will be done in accordance with this article, shall provide an appropriate bond in
71 an amount to be set by the public works director in accordance with the provisions of this
72 article. No permit shall be issued, and no work shall begin, until such bond is properly made
73 to and approved by the cityCity.

74 5.6. Agree between the applicant and his contractor that all digging and excavation will be made
75 in strict accordance with the specifications of the cityCity, and that all excavations will be
76 immediately backfilled and properly tamped to prevent settling. ~~If streets are open prior to~~
77 paving, the applicant shall provide temporary gravel surfaces in good condition
78 immediately after backfill has been placed, and asphalt shall be placed within 24 hours from
79 the time of the backfill. If permanent asphalt is not available due to cold weather the
80 applicant shall install cold patch. Applicant will then be responsible to replace the cold
81 patch with permanent asphalt within ten (10) days of the opening of the local asphalt
82 plants. Should the cityCity determine at any time that the work is not progressing as rapidly
83 as it should progress for the protection of the cityCity and the people of the cityCity, then,

84 after notice to the applicant or his contractor or agent, the cityCity shall be authorized to
85 employ another contractor to finish the job in a good workmanlike manner; and any and all
86 costs and expenses of this work shall be immediately paid by the applicant and his
87 contractor to the cityCity; or it may be taken from the bond, at the cityCity's option, should
88 the cityCity at any time feel that the backfilling and hard surfacing work is not being properly
89 done, and after notice to the applicant and his contractor to properly do this work.

90 ~~6-7.~~ Complete all work under this article and under the permit within the time specified in the
91 permit by the cityCity engineerEngineer, and in all events within thirty (30) days from the
92 issuance of the permit, unless an extension in writing is placed on the permit by the cityCity
93 engineerEngineer's office. In no case will work other than that described in and shown on
94 the application for permit and on the permit be attempted or done by the applicant or his
95 contractor.

96 ~~7-8.~~ Maintain and be responsible as the applicant, his contractor or agent for the place of
97 excavation for a period of ~~two (2)~~ three (3) years from the date of completion and assume
98 full responsibility for any injury caused to the cityCity or to third persons as a result of a rise
99 or settling in a portion of the roadway which they have worked on. Should the applicant,
100 within said ~~two (2)~~ three (3) years, receive notice from the streets department, ~~the city~~
101 councilCouncil or from the cityCity engineerEngineer's office that the road portion that they
102 have reconstructed has settled, ~~or raised, cracked, rutted, separated, or has other damage~~
103 as determined by the City Engineer (with the exception reasonable wear and tear), they will
104 immediately place necessary barricades to protect the traveling public if necessary, and will
105 within seven (7) days' time repair the road at the point of construction, placing it back in a
106 condition equal to its original condition, subject to weather conditions or availability of
107 asphalt. Should the applicant or the contractor or agency fail to do this within seven (7)
108 days, the cityCity engineerEngineer shall have the authority, without further notice, to
109 employ a third party contractor to repair the work or the cityCity may do so with its own
110 work crews, and the applicant and the amount necessarily expended by it in the
111 reconstruction of this portion of the road. The bond of the applicant will be retained during
112 this two (2) year period to guarantee the proper reconstruction of the road. (1989 Code §
113 11-391; amd. 2012 Code)

114 ~~G. F.~~ Excavation restrictions will be imposed by the cityCity for five (5) years following the
115 completion construction of new streets, ~~and for three (3) years following the resurfacing of~~
116 streets, reconstruction of existing streets, or the overlaying of existing streets. The cityCity
117 engineerEngineer shall, ~~on or prior to September 1 of each year~~ provide reasonable notice prior
118 to the start of construction, mail to all persons who have made a written request to the cityCity
119 engineerEngineer a schedule notification identifying the location and anticipated start date and
120 completion date of all street construction or reconstruction and overlay projects constituting
121 major work, ~~anticipated to be performed during the next one year period.~~ Each utility provider
122 shall, as a condition of the permit, coordinate construction activities with the cityCity
123 engineerEngineer such that it does not delay the construction of the street project. The utility
124 provider shall also demonstrate that the facilities proposed to be installed are reasonably
125 anticipated to provide sufficient capacity to satisfy the needs of such applicant for a minimum of
126 five (5) years. (Ord. 03-1, 3-4-2003)

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127 H. Excavations within UDOT Right-of-Way. Contractors doing work within North Salt Lake City
128 Limits and within a UDOT Right-Of-Way shall also notify the City Engineer of UDOT approved
129 work and schedule. Prior to beginning street excavations, the contractor shall place proper
130 safeguards, such as barricades and warning lights, where necessary and at all times while there
131 is any possible danger or inconvenience to persons traveling the roadway. All traffic control
132 must meet the requirements of the MUTCD (Manual on Uniform Traffic Control Devices). The
133 contractor shall maintain and keep such official traffic control devices in place during the entire
134 time the excavation continues, and is liable for any damage or injury caused by failure to
135 appropriately maintain official traffic control devices. All traffic control devices shall be
136 removed from the site within 24 hours of completion of the project.

137 **7-5B-3: FEE FOR PERMIT:**

138 The ~~city~~City shall charge a permit fee in addition to the cash bond for the excavation in the public right
139 of way. The fee shall be in such amount as specified in the comprehensive fee schedule resolution.
140 (1989 Code § 11-391; amd. 2012 Code)

141 **7-5B-4: CONTROLS, LIMITATIONS AND RESTRICTIONS:**

142 All ~~building~~excavation operations conducted within a public right of way are subject to the following
143 controls, limitations and restrictions:

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144 A. Permits: It shall be unlawful for any person ~~to cause or~~ to break, excavate, tunnel, undermine, or
145 in any manner affect the surface or base of any street, or to place, deposit or leave upon any
146 street any earth or any other material ~~except as explicitly permitted as part of a street~~
147 ~~excavation permit, without an excavation permit from the city. Any public utility regulated by~~
148 ~~the state or holding a franchise from the city which in the pursuit of its calling has frequent~~
149 ~~occasion to open or make excavations in the streets may, upon application, receive a general~~
150 ~~permit from the city to cover all excavating such utilities may make within the streets of the city.~~
151 All permits shall be subject to revocation and the ~~city~~City may refuse to issue a permit for failure
152 of the permittee or applicant to abide by the terms and conditions of this article. Excavation
153 permits will not be required prior to excavation in case of emergency endangering life or
154 property, providing the ~~city~~City is notified as soon as practicable and a permit is applied for upon
155 the next regular working day following the emergency.

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156 B. Interference With Utilities: An excavator shall not interfere with any existing utility without the
157 written consent of the ~~owner of the utility governing body~~ and without advance notice to the
158 ~~owner of the utility~~City Engineer or designee. If it becomes necessary to relocate an existing
159 utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether
160 owned by the ~~city~~City or by a private enterprise, shall be removed to accommodate the
161 permittee unless the cost of such work be borne by the permittee or an expressly written
162 agreement is made whereby the utility owner and the excavator make other arrangements
163 relating to such cost. The permittee shall support and protect by timbers or otherwise all pipes,
164 conduits, poles, wires or other apparatus which may be in any way affected by the excavation
165 work, and shall do everything necessary to support, sustain and protect them under, over, along
166 or across the work. In case any of the pipes, conduits, poles, wires or apparatus should be
167 damaged (and for this purpose pipe coating or other encasement or devices are to be
168 considered as part of a substructure), they shall be repaired by the agency or person owning

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169 them, but the utility owner shall be reimbursed for the expense of such repairs by the
170 permittee. It is the intent of this subsection that the permittee shall assume all liability for
171 damage to substructures, and any resulting damage or injury to anyone because of such
172 substructure damage, and such assumption of liability shall be deemed a contractual obligation
173 which the permittee accepts upon acceptance of an excavation permit. The cityCity need not be
174 made a party to any action because of this subsection. The permittee shall inform itself as to the
175 existence and location of all underground utilities and protect the same against damage.

176 C. Jetting Pipe: Jetting pipe by means of water under pressure, or compressed air, is permitted only
177 when approved by the city.

178 D-C. Bond Required:

179 1. In order to ensure proper backfill and restoration of surface, the permittee shall deposit a
180 cash deposit with the city recorder, payable to the city, except that a public utility operating or
181 using any of the streets under a franchise from the city will not be required to furnish such
182 bond, providing such franchise obligates the holder thereof to restore the streets and to hold
183 the city harmless in the event of any injury to any person or damage to any property due to
184 negligence of such holder in conducting excavation and restoration operations under such
185 franchise. Permittee, before being issued a permit, shall provide the City with an acceptable
186 bond in the minimum amount of \$5,000.00 in areas that are paved, and \$2,000.00 in unpaved
187 areas, or one hundred ten percent (110%) of the City Engineer's estimate on the project,
188 whichever is greater, to guarantee faithful performance of the work authorized by the permit
189 granted pursuant to this chapter. The amount of the bond required may be increased or
190 decreased at the discretion of the City Engineer whenever it appears that the amount and cost
191 of the work to be performed may vary from the amount of bond otherwise required under this
192 chapter.

193 2. The amount of cash deposit shall be established by resolution and may be changed from time
194 to time, but until such resolution is passed, the amount of the cash deposit shall be one hundred
195 fifty percent (150%) of the estimated cost of the street repair given by the streets department.
196 (1989 Code § 11-392)

197 7-5B-5: WORK WITHOUT PERMIT PENALTY:

198 The City Engineer may issue a stop work order to any person or persons doing or causing any
199 work to be done in the public way without a permit. Any person found to be doing work in the
200 public way without having obtained a permit, as provided in the chapter, shall be required to
201 obtain a permit and shall be cited a civil penalty of \$500 for a first offence and \$1,000 for
202 subsequent offences. Appeal of a stop work order and the assessment of a civil penalty may be
203 appealed by filing a request for an administrative hearing within ten (10) calendar days of
204 receiving the stop work order or civil citation, per City Code Section 12-2-503.

205

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CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Sherrie Llewelyn, Community Development Director
DATE: March 17, 2020
SUBJECT: Resolution No. 2020-08R: A resolution approving an application to the Utah Office of Outdoor Recreation to solicit grant funds for construction of the Bonneville Shoreline Trail and its connections to other trail systems.

RECOMMENDATION

Staff recommends approval of the resolution approving an application for the Utah Outdoor Recreation Grant for the construction of the Bonneville Shoreline Trail in North Salt Lake and Bountiful, connections to it from Tunnel Springs Park and the Wild Rose Trail, and authorizing city matching funds.

BACKGROUND

Staff is proposing to make application for a Utah Outdoor Recreation grant, in cooperation with Davis County, for the construction of the Bonneville Shoreline Trail in North Salt Lake and Bountiful cities, and making connections to the new trail from Tunnel Springs Park and Wild Rose Trail.

The Bonneville Shoreline Trail (BST) is planned to be extended through Davis County, and the North Salt Lake and Bountiful sections of the trail are going to be the first to be constructed. Davis County is applying for a grant for funding for this project with assistance from North Salt Lake City staff. City staff requested that the connector trail sections from Tunnel Springs Park and Wild Rose Trail be included in the overall grant request from Davis County so that the connections can be built concurrently with the BST. Davis County is anticipating funding the construction of the Bonneville Shoreline Trail, but has asked that the cities be responsible for funding the connections to the BST. This particular grant requires a 50% match, so the request is for \$11,500 in City funds which is 50% of the total cost for the construction of the BST connections from Tunnel Springs Park and Wild Rose Trail.

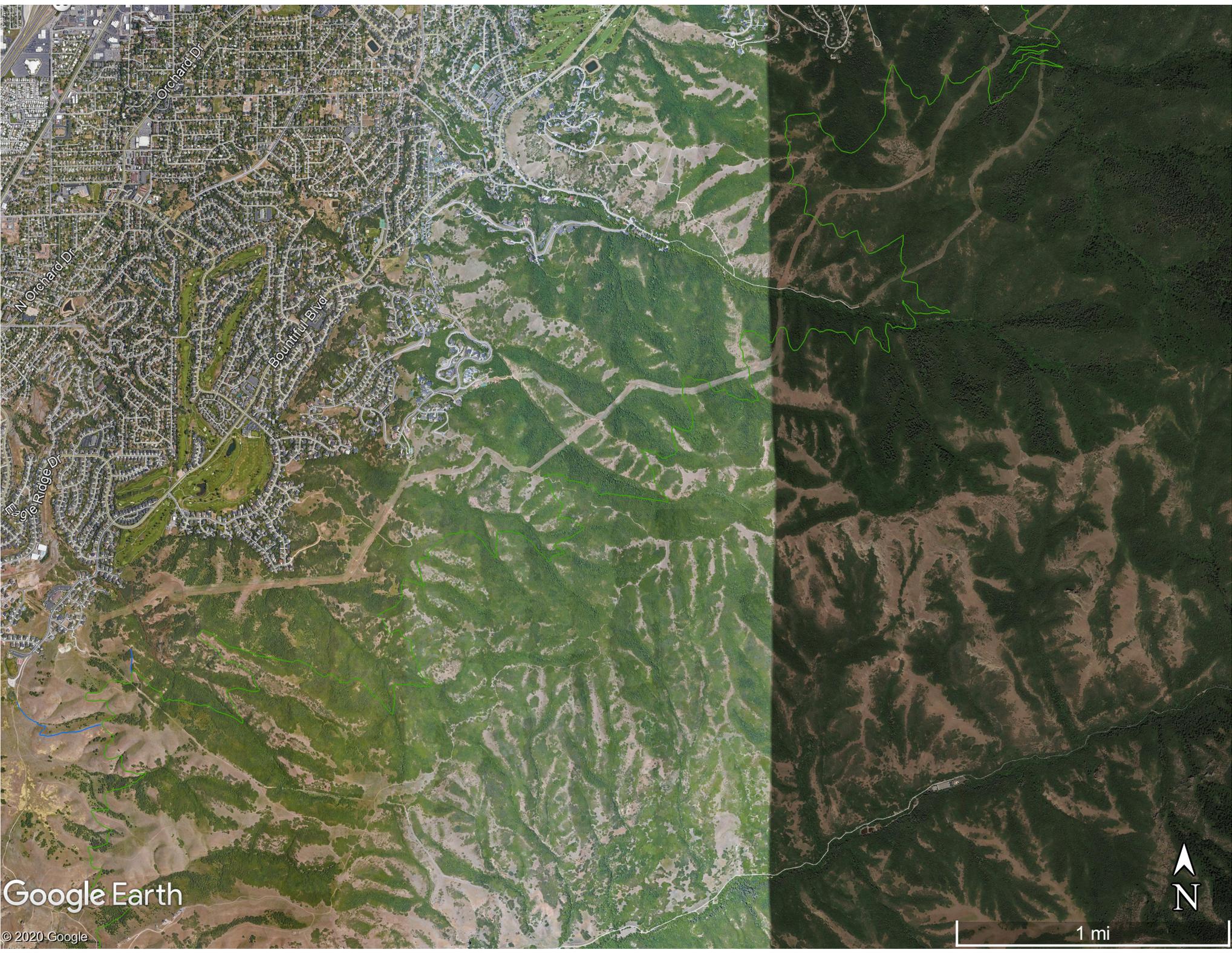
The North Salt Lake and Bountiful sections of the Bonneville Shoreline Trail that are included in this grant application will begin at the BST in Salt Lake City and then go as far north as Mueller Park in Bountiful. The total length of the BST proposed to be constructed at this time is approximately 15 miles. The County has already worked with the Forest Service to get the appropriate permits and environmental documentation for the construction, and will be ready to start by the time this grant would be awarded.

POSSIBLE MOTION

I move that the City Council approve Resolution 2020-08R authorizing an application for the Utah Outdoor Recreation Grant for the construction of the Bonneville Shoreline Trail in North Salt Lake and Bountiful, connections to it from Tunnel Springs Park and the Wild Rose Trail, and authorizing city matching funds.

Attachments:

- 1) Location Map – Bonneville Shoreline Trail
- 2) Location Map – Bonneville Shoreline Trail connectors
- 3) Resolution No. 2020-08R



Google Earth

© 2020 Google



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RESOLUTION NO. 2020-08R

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO SUBMIT AN APPLICATION TO THE UTAH OFFICE OF OUTDOOR
RECREATION SOLICITING FUNDS THROUGH THE UTAH OUTDOOR
RECREATION GRANT FOR THE CONSTRUCTION OF THE BONNEVILLE
SHORELINE TRAIL CONNECTIONS**

WHEREAS, the Utah Office of Outdoor Recreation has a grant program designed to fund outdoor recreation improvements; and,

WHEREAS, the City's General Plan designates the subject properties for the Bonneville Shoreline Trail and connections to it from other City trails; and,

WHEREAS, the Governing Body of the City of North Salt Lake finds that it is in the public interest to improve and expand trail access.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of North Salt Lake as follows:

1. The City Manager, or his designee, is hereby instructed and authorized to submit an application to the Utah Office of Outdoor Recreation, in cooperation with Davis County, for Utah Outdoor Recreation Grant funds for the following project:

The construction of the Bonneville Shoreline Trail in North Salt Lake and Bountiful and connections to said trail from Tunnel Springs Park and the Wild Rose Trail. The total cost of the project is \$796,000. The request is for \$150,000 in Utah Outdoor Recreation Grant funds, \$634,500 in matching funds from Davis County, and \$11,500 in matching funds from the City. The City matching funds are for 50% of the cost of the connections to the Bonneville Shoreline Trail.

2. City Staff is hereby instructed and authorized to set aside \$11,500.00 from the City's General Fund for matching funds.
3. The resolution hereby adopted shall be effective immediately.

PASSED and APPROVED this 17th day of March, 2020.

CITY OF NORTH SALT LAKE:

ATTEST:

Leonard K. Arave, Mayor

Linda D. Horrocks, City Recorder

City Council Vote as Recorded:

<i>Name</i>	<i>vote</i>
Natalie Gordon	_____
Brian Horrocks	_____
Lisa Watts Baskin	_____
Ryan Mumford	_____
Stan Porter	_____



CITY OF NORTH SALT LAKE

10 East Center Street
North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

Len Arave
Mayor

Ken Leetham
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Ken Leetham, City Manager

DATE: March 10, 2020

SUBJECT: Resolution 2020-09R: A resolution amending the City's Consolidated Fee schedule to increase certain user fees at the Eagleridge Golf Course and an update on Eaglewood Golf Course and Proposed Plan moving forward

RECOMMENDATION

I recommend approval of Resolution 2020-09R which raises user fees at the Eagleridge Golf Course. The Golf Advisory Committee has not taken formal action on this resolution, but was supportive generally of fee increases as a method of improving revenue generation at the Course.

BACKGROUND

The attached resolution raises green fees by \$2 per 9 holes (\$4 per 18) and adds \$1 per 9 holes (\$2 per 18) for cart fees. Brent Moyes and I believe that this is a reasonable fee increase and should improve our revenue generation for the golf course. Many other courses are also increasing fees this year and we'll attempt to have some data for you at the meeting on those increases.

I thought this would be an opportune time to update the Council on many of the things happening and changing at the Course. The remainder of this memo addresses the update and will communicate with the Council some of the upcoming proposals and plans.

Current Developments with the Course

Resignation of John Broberg

Our 1st Assistant Pro resigned a few weeks ago. We advertised for his position and Brent and I have interviewed finalists for the position. I have extended a job offer to our preferred candidate who has excellent qualifications and experience for many years working in the Salt Lake County golf system. He is considering our offer and is supposed to get back to me by the end of the week (13th). Until then, Brent Moyes will be the only full-time employee at the clubhouse, though he has some seasonal assistance from returning employees. It is my hope that we'll have a second golf pro soon to begin the season.

Wedding Reception Proposal

During the course of both the landslide settlement matters and the Golf Advisory Committee meetings this year, I have met a new partner at the Eagleridge Tennis Club. He is a motivated entrepreneur and his adult daughter runs a wedding consulting business called the Jaden Event Center. You can review the website for this business at www.jadeneventcenter.com. The Jaden Event Center has made a proposal to assume the wedding operations at Eaglewood and would propose to share 40% of the revenue from such events with the City. They believe that they can fill our facility most nights and every weekend and have indicated that they only need the facility daily from 3:00 p.m. on. I have begun negotiations with this group to put a proposed contract together for the Council to consider. I believe that this could generate significant additional revenue for the City and still be consistent with our contract with the current concessionaire.

Concessionaire

As you know, we verbally put longis, current concessionaire, on notice that we need to improve our compliance with the concessionaire contract. They indicated to us that the facility needs a facelift (which we agree with) and they have made some proposed changes to the concessions contract. This is still ongoing and though they have done well this last year, they have been hesitant to invest further into the facility without knowing the outcome of our talks with GreatLIFE, Utah.

Repairs to the clubhouse

We will be advertising for bids to repair the clubhouse building and roof by March 13. We hope to fix the broken concrete, aging and rusted railings and the failing exterior materials on the building. We will be holding a meeting with potential contractors at the building and requesting that they put proposals and costs together to make needed repairs. Prior to issuing any work, the City Council will have the chance to review the bids and make a decision on this expenditure.

Plans Moving Forward

Proposed Staffing Levels

First, I have advertised for the open mechanic position at the Course. Our two mechanics in the Fleet have been working hard to keep all of the City's vehicles, machinery and golf equipment maintained and running properly. Last year, our third maintenance (and mechanic) employee at the Golf Course resigned due to our discussions with GreatLIFE, Utah and we did not fill his position also due to some uncertainty related to our management path forward. Now that we have made a decision to move forward this year with our own management, it is critical that we fill this position and provide a mechanic at the course. This mechanic, like our previous employee, will be a Fleet employee assigned to the golf course.

Second, I am proposing that a business operations manager or general manager position be created and hired to directly manage all of the business units in the Golf Enterprise Fund. This includes building leases and contracts, Concessionaire performance, marketing and social media, customer relations including follow-up contact, retail operations, tournament sales and marketing and management of all

staff at the course. At one point in the past several years, we had three golf professionals operating the Course and I believe that we have understaffed the professional golf staff for those many years since we had three people. I also believe that due to that understaffing we have not been able to provide golf lessons to the public, develop adequately our league play or work on long-range development, maximize the retail sale of merchandise or improve the reputation of Eaglewood Golf Course. The purpose of this position is to improve the overall operations and we will measure that improvement primarily by the effective reduction of the cash subsidy that the City incurs annually in this Enterprise Fund.

I have attached the City's Golf Report which we created and published last fall when we began working with the Golf Advisory Committee. You'll notice on page 3 that there is a comparison of staffing levels of several golf courses that we evaluated. You can also see that many of those courses have more staff than Eaglewood. So, while this is not a straight apples to apples comparison, you can see that it's possible that we may be understaffed at least in the clubhouse.

Finally, I am proposing that we reclassify Brent Moyes' Golf Director position to a Golf Professional position, together with a corresponding pay reduction. This may save the City a significant amount of money and will adjust the salary level to one that is more consistent with the market.

These staffing proposals, together with a budget proposal, will be reviewed by the new Golf Oversight Committee. This is the proposed meeting schedule for upcoming decisions about these matters:

- 3/16 – Committee meeting to go over proposed plans and budget
- 3/17 – City Council meeting to go over proposed plans and budget
- 3/25 – Committee meeting to obtain recommendation to Council on proposed plans and budget
- 3/28 – City Council Annual Budget Retreat – Receive recommendation from the Committee as well as other budget-related matters

RESOLUTION NO. 2020-09R

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF NORTH SALT LAKE AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE FOR CERTAIN USER FEES AT EAGLEWOOD GOLF COURSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of North Salt Lake owns and operates Eaglewood Golf Course which provides public golf and concessions; and,

WHEREAS, Brent Moyes, Golf Director, in coordination with the Golf Course Advisory Committee, has proposed the raising of user fees at the Course; and,

WHEREAS, the City staff and Golf Course Advisory Committee is supportive of raising user fees and recommends these changes to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of North Salt Lake as follows:

- 1) The City's Consolidated Fee Schedule is hereby amended as shown in the attached table of fees entitled 10.1 Eaglewood Golf Course.
- 2) This resolution shall take effect immediately upon adoption and posting, if required.

APPROVED by the City Council of the City of North Salt Lake, Utah, this 17th day of March, 2020.

BY THE CITY COUNCIL:

Len Arave, Mayor

Attest:

City Recorder

City Council Vote as Recorded:

<u>Name</u>	<u>Vote</u>
Lisa Baskin	_____
Natalie Gordon	_____
Brian Horrocks	_____
Ryan Mumford	_____
Stan Porter	_____

10.1 Eaglewood Golf Course

(All fees include Utah Sales Tax)*

		9-Hole	18-Hole
1. Green Fees	Monday thru Sunday	\$16.00 <u>\$18.00</u>	\$32.00 <u>\$36.00</u>
	Junior (17 and under) (weekday-designated times)	\$9.00 <u>\$11.00</u>	\$18.00 <u>\$20.00</u>
	Senior (60+) (weekday-designated times)	\$13.00 <u>\$15.00</u>	\$26.00 <u>\$28.00</u>
	Junior & Senior Designated Times	Monday & Tuesday: All Day Wednesday & Thursday: Until 11 a.m.	
2. Punch Pass (Monday-Thursday no holidays)	Regular (20, 9-Hole Rounds)	\$260.00 <u>\$300</u> (Senior \$220.00 <u>\$270</u>)	
	Junior (20, 9-Hole Rounds)	\$160.00	
3. Cart Fees			9-Hole
	Single Rider	\$7.00 <u>\$8.00</u>	\$14.00 <u>\$15.00</u>
	Trail Fee	\$5.00 <u>\$6.00</u>	\$10.00 <u>\$11.00</u>
4. Driving Range	Range Balls	\$4 <u>\$5</u> /small basket	\$7 <u>\$8</u> /large basket \$10 <u>\$11</u> / X-large basket
	Individual Season Pass	\$355.00	
5. Corporate Tournaments	Monday	\$42.00 <u>\$44.00</u>	
	Tuesday	\$42.00 <u>\$44.00</u>	
	Wednesday	\$47.00 <u>\$49.00</u> (\$5 merchandise credit)	
	Thursday	\$47.00 <u>\$49.00</u> (\$5 merchandise credit)	

		Friday	\$50.00 <u>\$52.00</u> (\$7 merchandise credit)
		Saturday	Flat fee for large groups or shotguns; \$50 <u>\$55</u> (\$7 merchandise credit)
		Sunday	Flat fee for large groups or shotguns; \$50 <u>\$55</u> (\$7 merchandise credit)
6. Corporate Membership**	Annual Fee	\$2,500	With Tournament \$2,000 (min. 72 players)
7. Banquet Facility Rental	Luncheon/Dinner/Other	Weeknight	\$450.00
		Weekend	\$550.00
	Wedding Reception	Weeknight	\$900.00
		Weekend Event	\$1,100.00



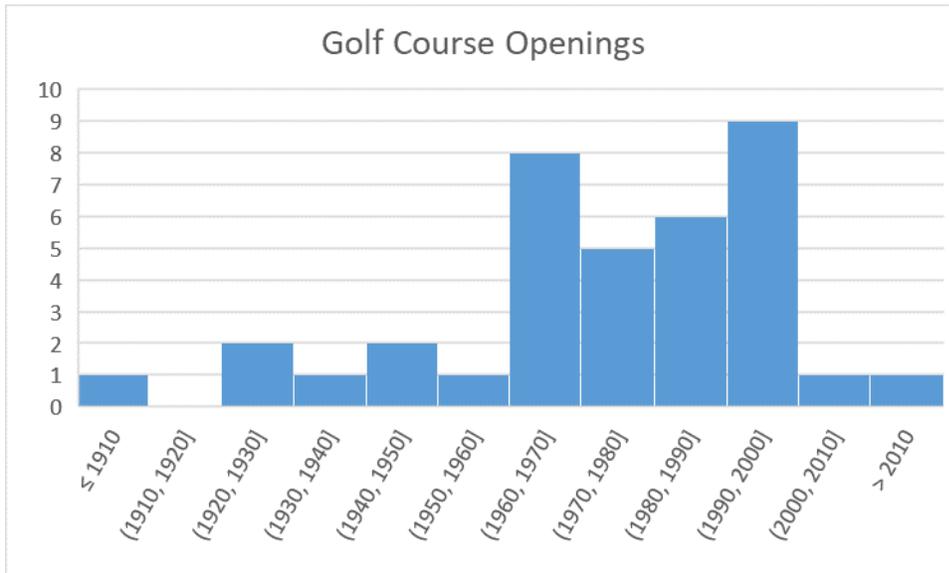
GOLF REPORT

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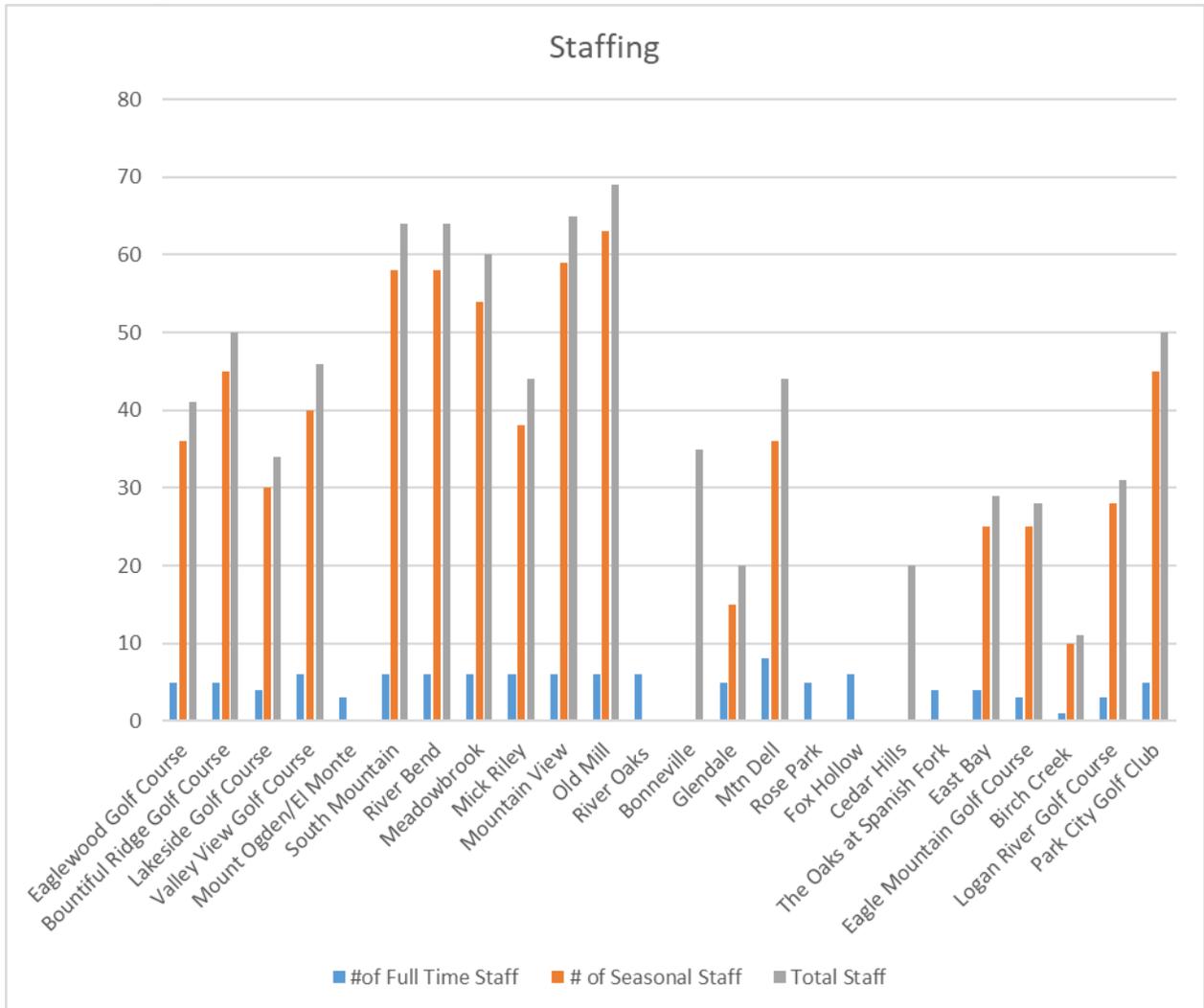
Year Golf Course Opened

The following graph shows by decade how many municipal golf courses opened in Northern Utah. As can be seen, the majority of municipal golf courses in the region opened in-between 1960-2000. A particularly large number of courses opened in the 90s. Eaglewood Golf Course opened in 1994.



Golf Course Staffing

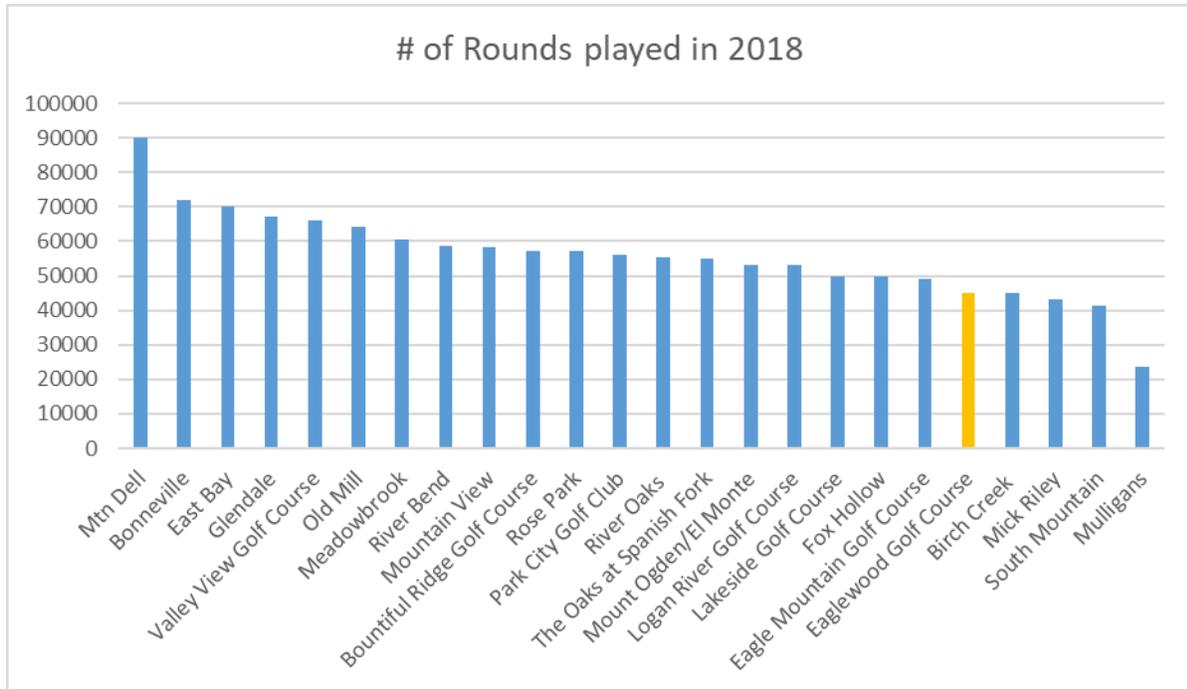
The sampled golf courses averaged 5 full time staff. They also averaged 39 seasonal staff. Total staffing was an average of 42 staff.



Golf Course	#of Full Time Staff	# of Seasonal Staff	Total Staff
Eaglewood Golf Course	5	36	41
Bountiful Ridge Golf Course	5	45	50
Lakeside Golf Course	4	30	34
Valley View Golf Course	6	40	46
Mount Ogden/El Monte	3		
South Mountain	6	58	64
River Bend	6	58	64
Meadowbrook	6	54	60
Mick Riley	6	38	44
Mountain View	6	59	65
Old Mill	6	63	69
River Oaks	6		
Bonneville			35
Glendale	5	15	20
Mtn Dell	8	36	44
Rose Park	5		
Fox Hollow	6		
Cedar Hills			20
The Oaks at Spanish Fork	4		
East Bay	4	25	29
Eagle Mountain Golf Course	3	25	28
Birch Creek	1	10	11
Logan River Golf Course	3	28	31
Park City Golf Club	5	45	50

Rounds Played in 2018

According to staff, the course used to average somewhere in the 50,000s rounds played per year, but the last few years have been in the 40,000s. Eaglewood is not alone, since many other courses seem to have undergone a decline in use over the last few years as well. Even with the general decline across the region, Eaglewood has not kept up with other municipal golf courses. Of particular note is that the two other south Davis County golf courses saw significantly larger number of rounds played last year. Lakeside Golf Course (West Bountiful) saw approximately 50,000 rounds played last year and Bountiful Ridge Golf Course (Bountiful) saw approximately 57,000 rounds played last year.



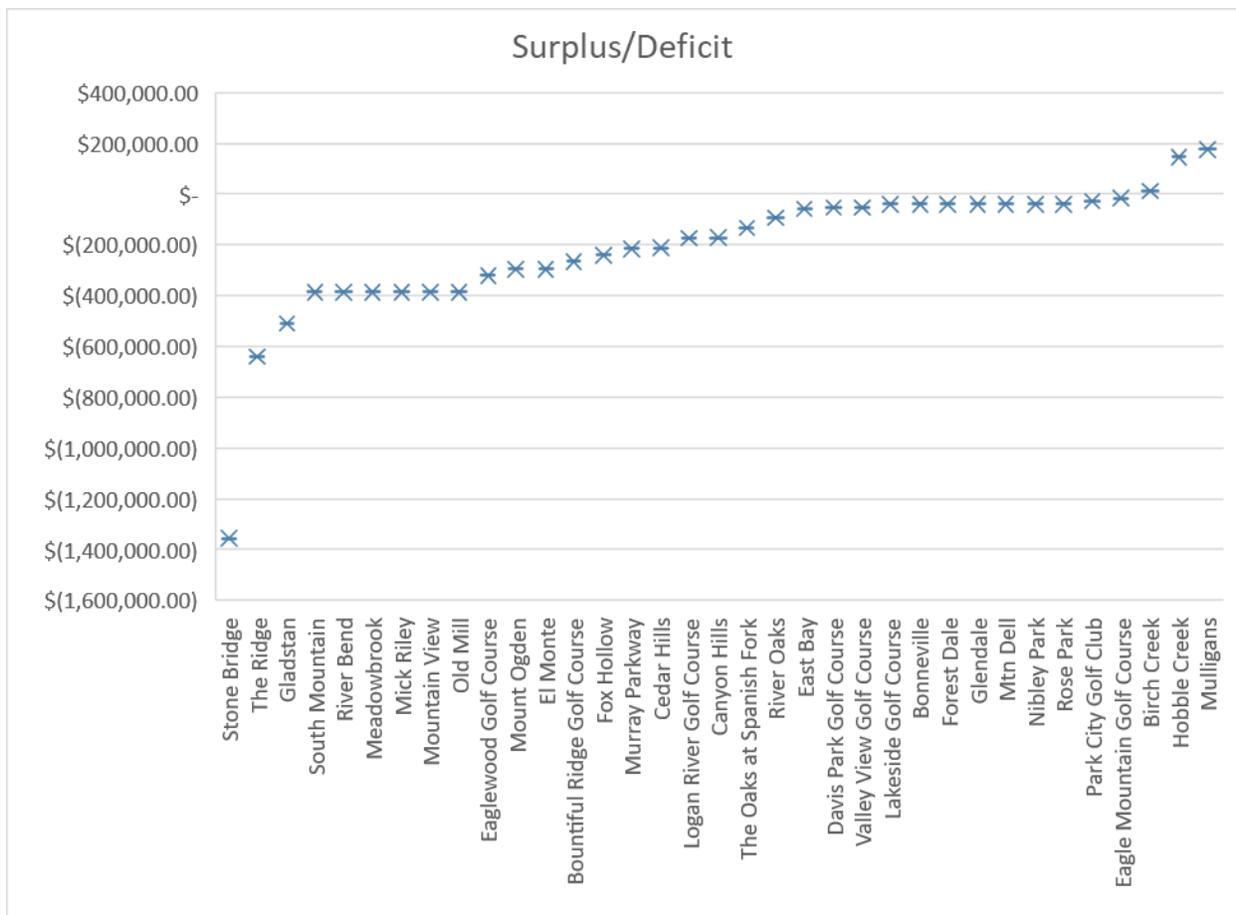
Golf Course	# of Rounds played in 2018
Mtn Dell	90000
Bonneville	72000
East Bay	70000
Glendale	67118
Valley View Golf Course	66000
Old Mill	64234
Meadowbrook	60468
River Bend	58850
Mountain View	58294
Bountiful Ridge Golf Course	57261
Rose Park	57038
Park City Golf Club	56000
River Oaks	55298
The Oaks at Spanish Fork	55000
Mount Ogden/El Monte	53000
Logan River Golf Course	53000
Lakeside Golf Course	50000
Fox Hollow	50000
Eagle Mountain Golf Course	49000
Eaglewood Golf Course	45000
Birch Creek	45000
Mick Riley	43051
South Mountain	41195
Mulligans	23608

Golf Course Monetary Status

Almost every municipal golf course costs more to run, then what the respective golf course brings in through its revenues. The table below shows whether a golf course is bringing in more money than it spends, or vice versa. The numbers from the table were gathered from the various municipal budget documents for the current fiscal year. Due to differences in accounting for golf course expenses within the annual budget between the various municipalities, the numbers below should be taken as an estimate.

It should be noted that Mulligans (South Jordan), is not just a golf course, but also offers other services, such as batting cages, and miniature golf, which means that the Mulligans surplus/deficit does not just reflect the golf course, but the entire operation.

An additional note is that for some municipalities that operate multiple golf courses, the surplus/deficit is the average of all the golf courses surplus/deficit. This occurred since the given municipalities did not differentiate between their various golf courses in the budget, so the number given presented the total of all golf operations. The affected golf courses are the courses operated by; Salt Lake County, Salt Lake City, Davis County, and Ogden City.



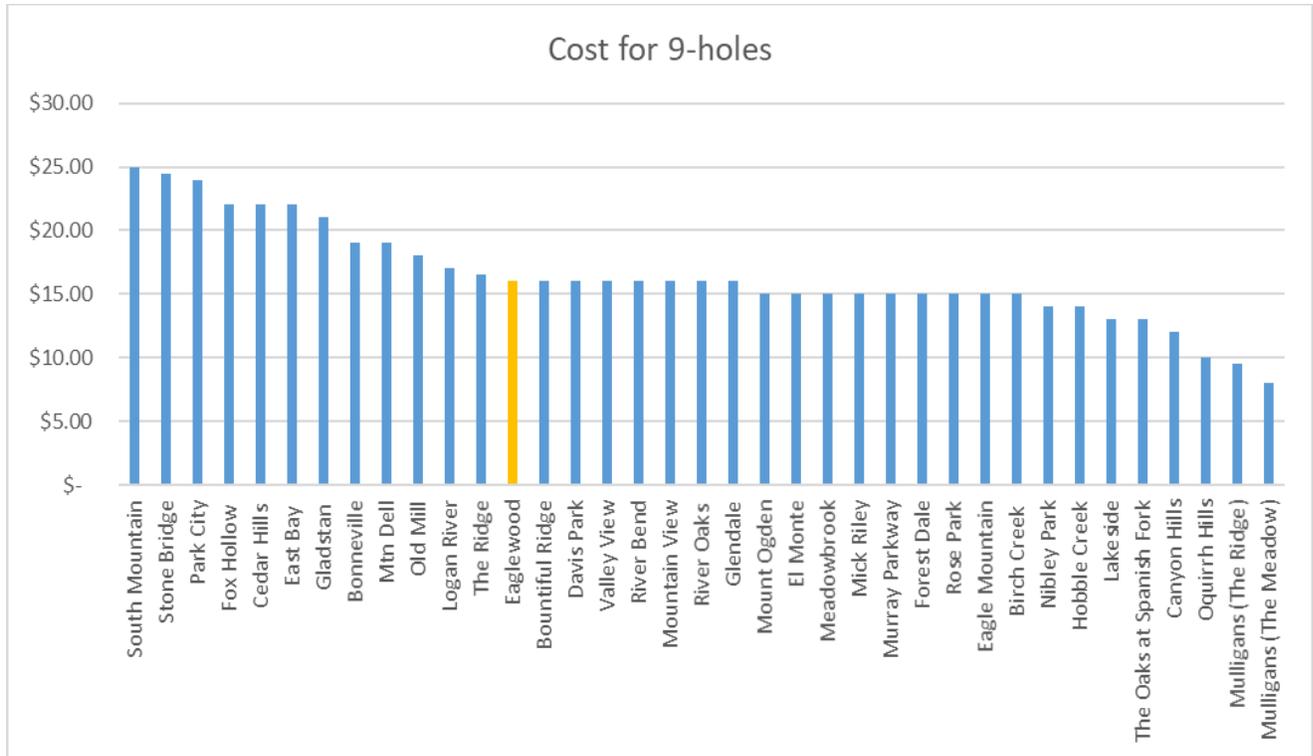
Golf Course	Municipality	Surplus/Deficit
Stone Bridge	West Valley	\$ (1,356,000.00)
The Ridge	West Valley	\$ (640,764.00)
Gladstan	Payson	\$ (509,258.00)
South Mountain	Salt Lake County	\$ (385,997.50)
River Bend	Salt Lake County	\$ (385,997.50)
Meadowbrook	Salt Lake County	\$ (385,997.50)
Mick Riley	Salt Lake County	\$ (385,997.50)
Mountain View	Salt Lake County	\$ (385,997.50)
Old Mill	Salt Lake County	\$ (385,997.50)
Eaglewood Golf Course	North Salt Lake	\$ (321,059.00)
Mount Ogden	Ogden	\$ (296,027.00)
El Monte	Ogden	\$ (296,027.00)
Bountiful Ridge Golf Course	Bountiful	\$ (265,466.00)
Fox Hollow	American Fork	\$ (240,000.00)
Murray Parkway	Murray	\$ (215,072.00)
Cedar Hills	Cedar Hills	\$ (212,000.00)
Logan River Golf Course	Logan	\$ (172,917.00)
Canyon Hills	Nephi City	\$ (170,939.00)
The Oaks at Spanish Fork	Spanish Fork	\$ (132,597.00)
River Oaks	Sandy	\$ (94,081.00)
East Bay	Provo	\$ (56,737.00)
Davis Park Golf Course	Davis County	\$ (52,938.12)
Valley View Golf Course	Davis County	\$ (52,938.12)
Lakeside Golf Course	West Bountiful	\$ (39,750.00)
Bonneville	Salt Lake City	\$ (39,569.83)
Forest Dale	Salt Lake City	\$ (39,569.83)
Glendale	Salt Lake City	\$ (39,569.83)
Mtn Dell	Salt Lake City	\$ (39,569.83)
Nibley Park	Salt Lake City	\$ (39,569.83)
Rose Park	Salt Lake City	\$ (39,569.83)
Park City Golf Club	Park City	\$ (28,103.00)
Eagle Mountain Golf Course	Brigham City	\$ (15,500.00)
Birch Creek	Smithfield	\$ 12,679.00
Hobble Creek	Springville	\$ 146,532.00
Mulligans	South Jordan	\$ 176,252.00

Golf Course Rates

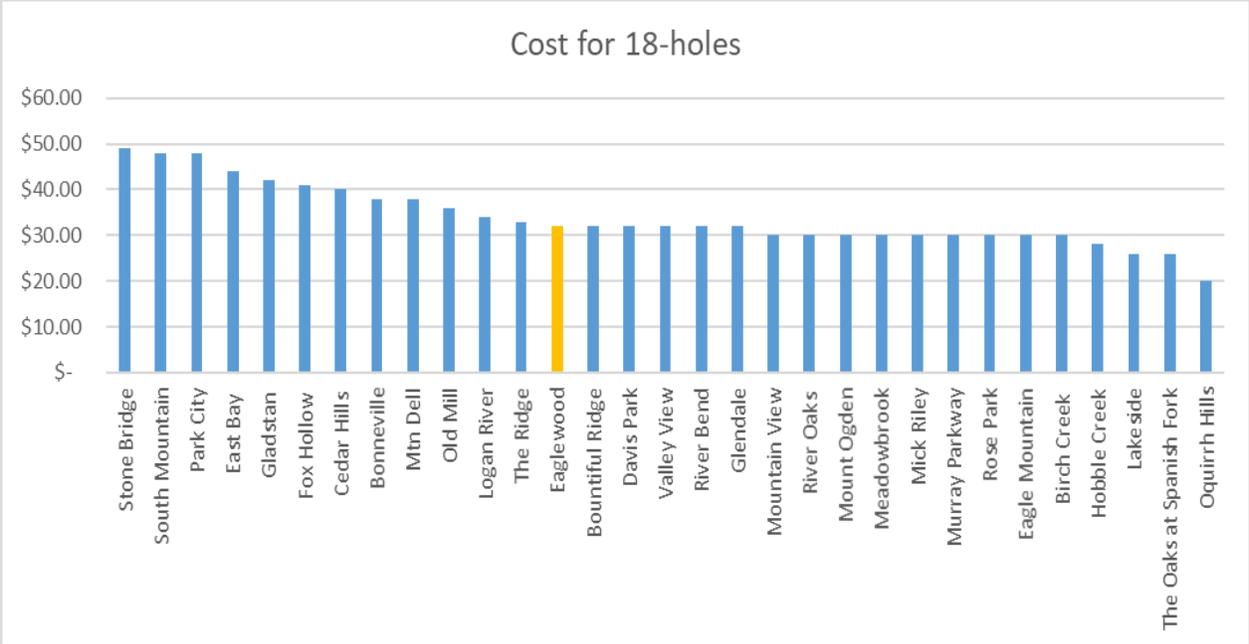
Overall, Eaglewood tends to be in the middle of the sample of Northern Utah golf courses when it comes to rates. Eaglewood rates are usually very close to the two other south Davis County Golf Courses, Lakeside (West Bountiful) and Bountiful Ridge (Bountiful).

Regular Rates

Rates for 9-holes tend to range from a high of \$25 (South Mountain, Salt Lake County) to a low of \$8 (Mulligans, South Jordan). Eaglewood charges \$16 for 9-holes, which is identical to other Davis County golf courses such as Bountiful Ridge, and Davis Park.

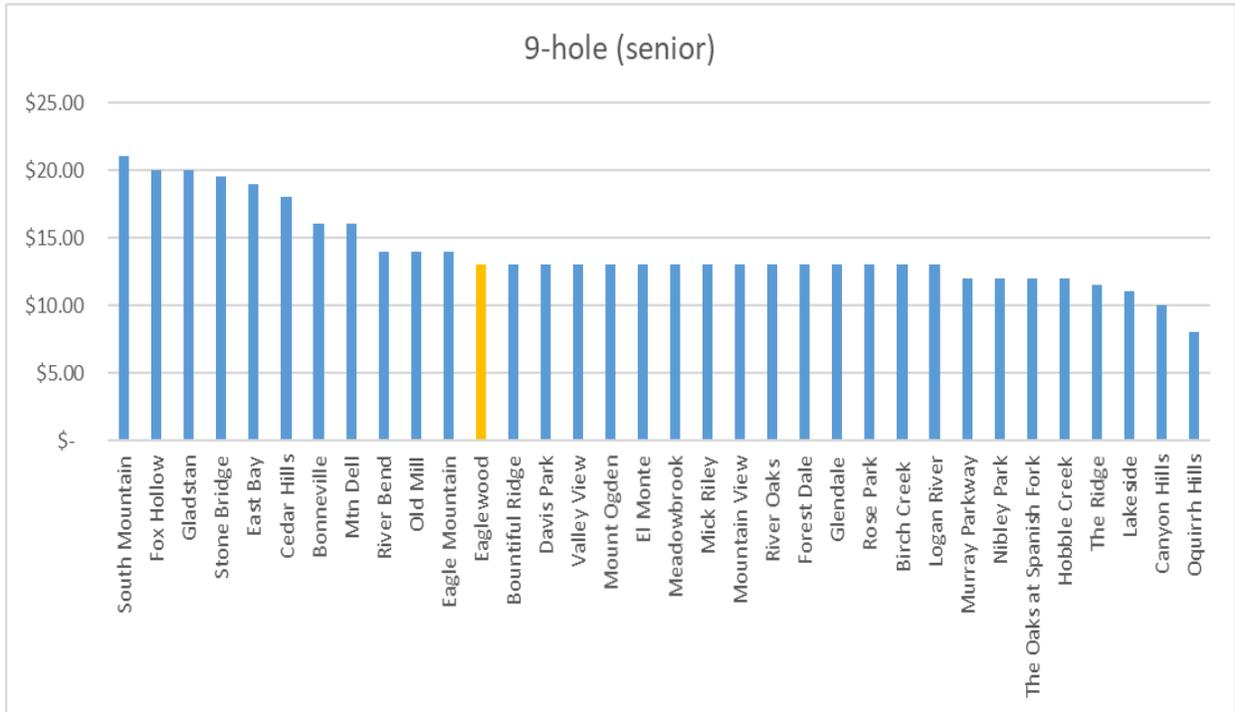


Rates for 18-holes tend to range from a high of \$49 (Stone Bridge, West Valley City) to a low of \$20 (Oquirrh Hills, Tooele City). Eaglewood charges \$32 for 18-holes, which is identical to other Davis County golf courses such as Bountiful Ridge, and Davis Park.

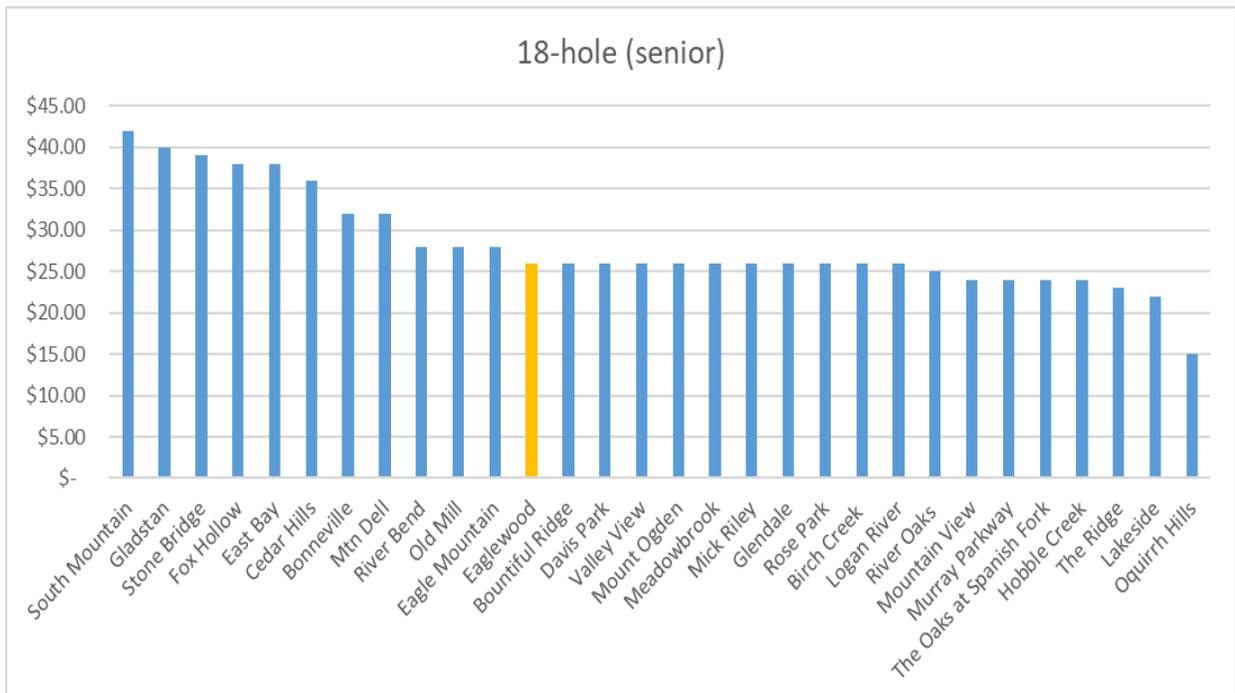


Senior Rates

Eaglewood charges seniors \$13 for 9-holes of golf. South Mountain (Salt Lake County) charges seniors the most for 9-holes of golf at \$21. Oquirrh Hills (Tooele City) only charges seniors \$8 for 9-holes of golf.

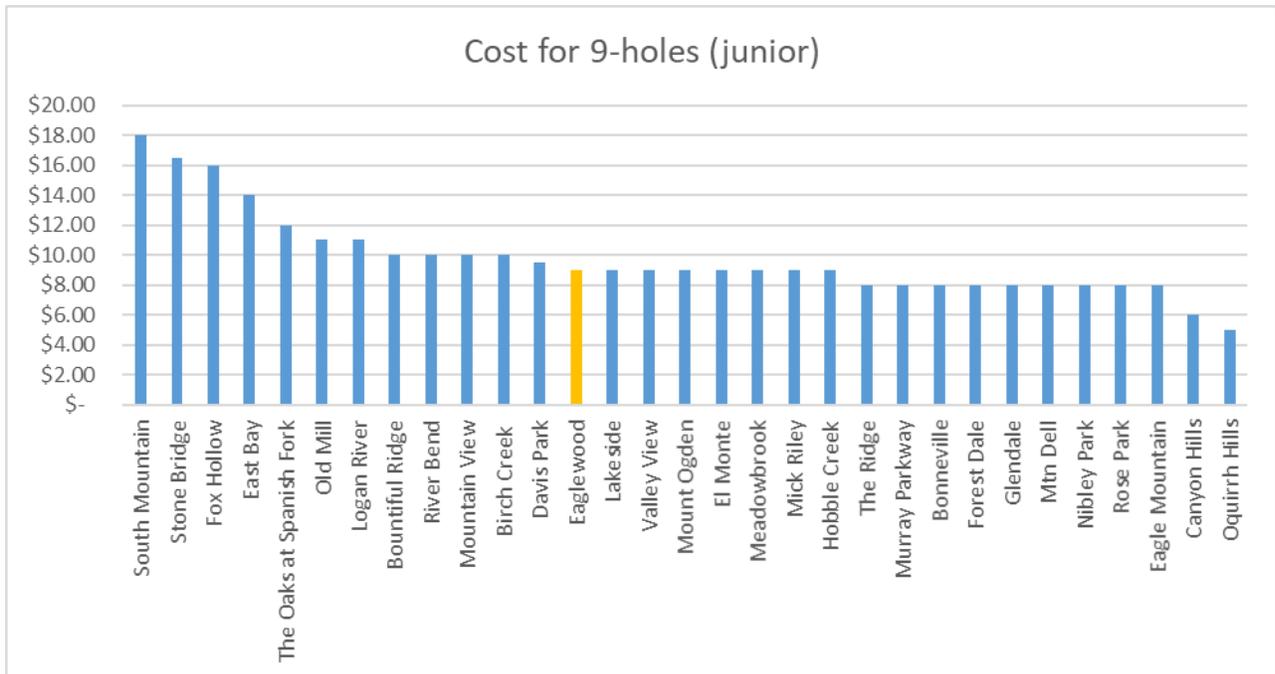


Eaglewood charges seniors \$26 for 18-holes of golf. South Mountain (Salt Lake County) charges seniors the most for 18-holes of golf at \$42. Oquirrh Hills (Tooele City) only charges seniors \$15 for 18-holes of golf.

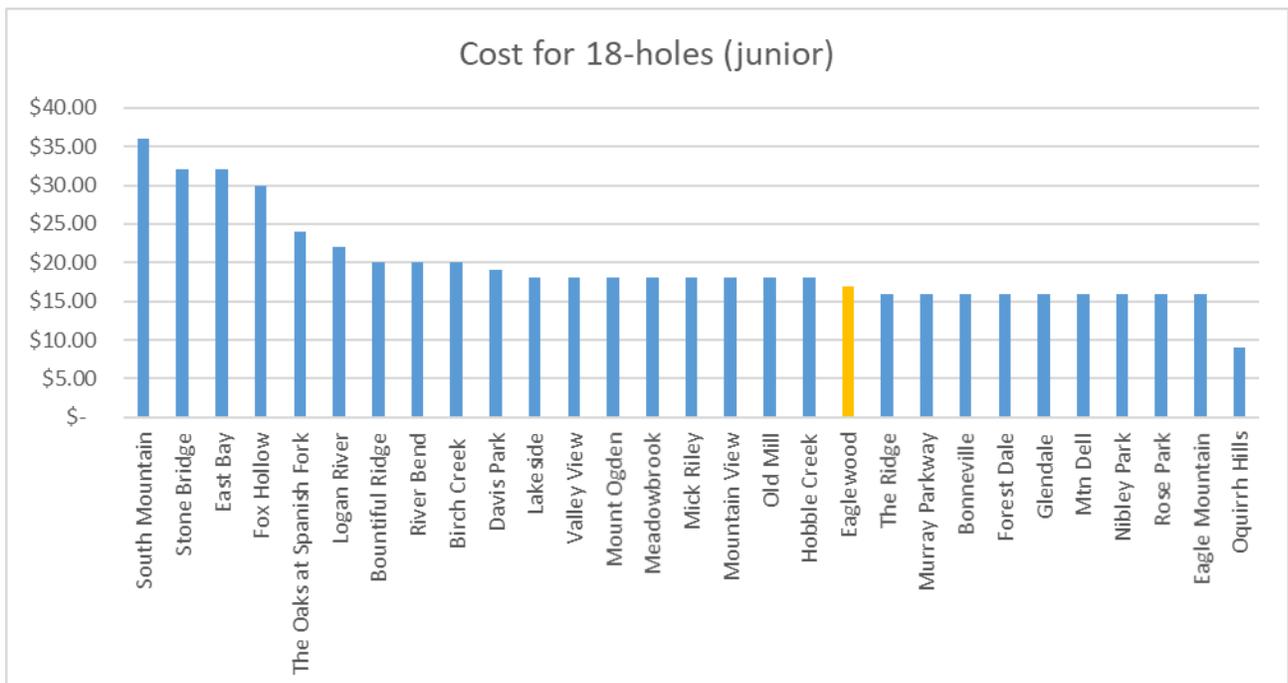


Junior Rates

Eaglewood Charges juniors \$9 to play 9-holes of golf. South Mountain (Salt Lake County) has the most expensive rates for juniors, at \$18. Oquirrh Hills (Tooele City), has the lowest rates at \$5.

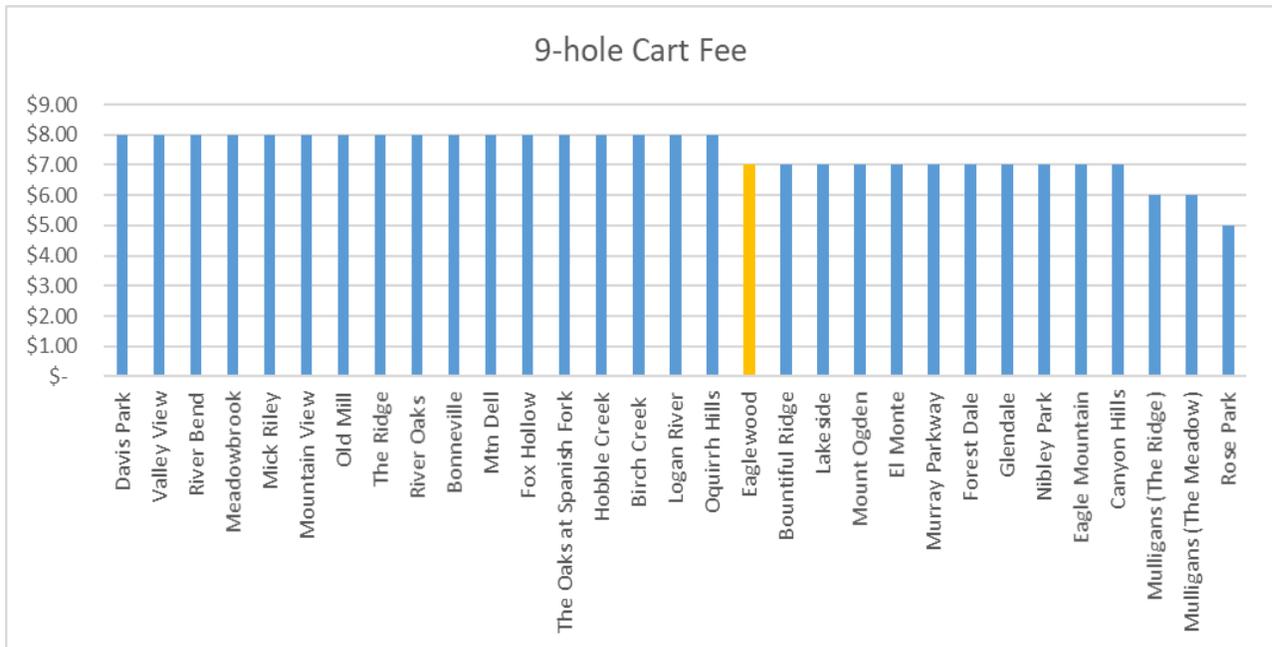


Eaglewood Charges juniors \$9 to play 18-holes of golf. South Mountain (Salt Lake County) has the most expensive rates for juniors, at \$18. Oquirrh Hills (Tooele City), has the lowest rate at \$9.

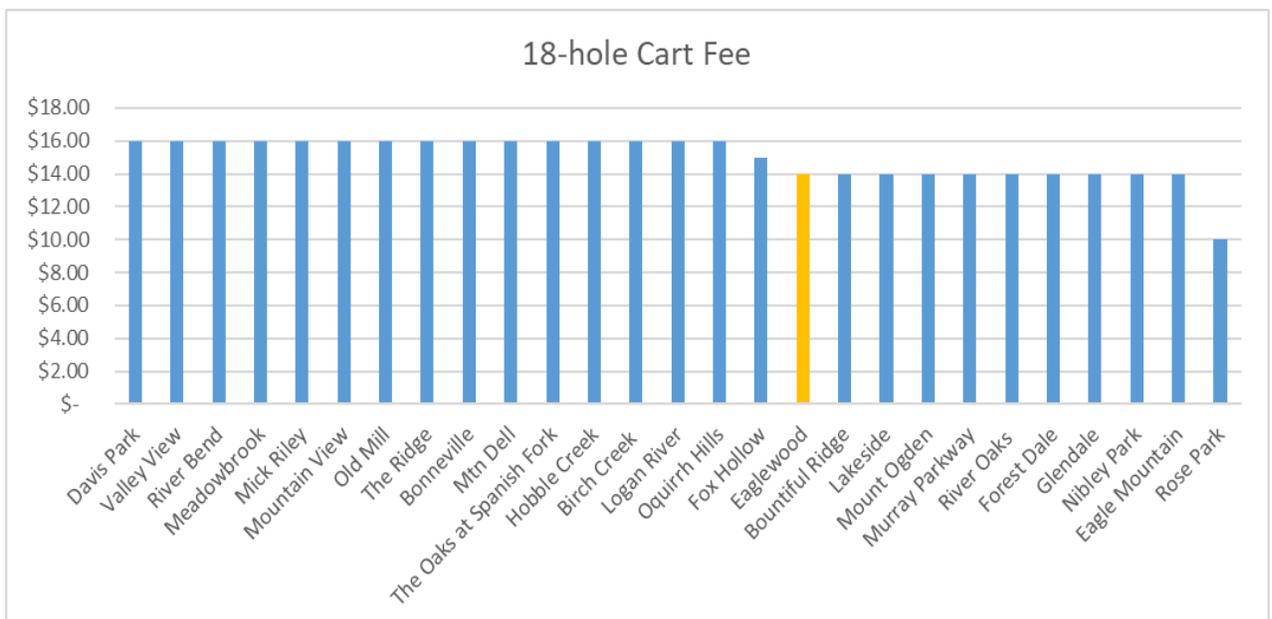


Cart Fee

Many golf courses charge users a \$8 fee to use golf carts for 9-holes. Eaglewood charges users a \$7 fee to rent golf carts for 9-holes.



Many golf courses charge users a \$16 fee to use golf carts for 18-holes. Eaglewood charges users a \$14 fee to rent golf carts for 18-holes.





CITY OF NORTH SALT LAKE

10 East Center Street
North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

Len Arave
Mayor

Ken Leetham
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Ken Leetham, City Manager

DATE: March 17, 2020

SUBJECT: Consideration of 2020 Agreement with Davis County for animal services

RECOMMENDATION

I recommend approval of Amendment No. 4 to Interlocal Cooperation Agreement for Animal Services between the City of North Salt Lake and Davis County.

BACKGROUND

As you know, the City contracts with Davis County for animal services. The attached agreement contains our obligation for 2020 together with a detailed description of how our fees and charges are assessed. Put simply, our obligation is made up of three elements: 1) an assessment for our share of billable calls; 2) an assessment for actual calls related to wild nuisance animal pick up or euthanasia services; and, 3) a share of the capital costs for the animal shelter.

According to the proposed agreement, North Salt Lake makes up 4.77% of the total billable call volume of all participating agencies. This percentage share is used to calculate the actual amount due for general animal calls and our share of the capital costs. Calls for wild nuisance animals are based upon actual calls from the previous year multiplied by the cost per call (\$25.75).

For this calendar year, the City's costs are as follows:

Billable Calls:	\$54,220.04
Wild Nuisance Animal Calls:	\$ 1,236.00
Capital Projects Share:	<u>\$ 2,678.42</u>
Total	\$58,134.46

For your information, charges for 2019 were \$50,218.15. The 15.8% increase this year appears to be related mostly to staffing increases approved by the County that have added nearly \$300,000 to the cities' combined portion of the contract. In fact, the Wild Nuisance Animal Calls and Capital Projects

Share have gone down slightly from last year. The overall costs rose last year by 13% and those increases were also mostly due to the County adding additional personnel.

AMENDMENT NO. 4 TO INTERLOCAL COOPERATION AGREEMENT FOR ANIMAL SERVICES

This Amendment No. 4 to Interlocal Cooperation Agreement for Animal Services (this “Amendment No. 4”) is made and entered into as of January 1, 2020, by and between Davis County, a political subdivision of the state of Utah (the “County”), and North Salt Lake City, a municipal corporation of the state of Utah (the “City”). The County and the City may be collectively referred to as the “Parties” herein.

RECITALS

This Amendment No. 4 is made and entered into by and between the Parties based, in part, upon the following recitals:

- A. In 2016, the Parties entered into an *Interlocal Cooperation Agreement for Animal Services*, which is labeled by the County as Contract No. 2016-255 (the “Agreement”); and
- B. The Parties, through this Amendment No. 4, desire to modify certain terms and/or provisions of the Agreement.

Now, based upon the foregoing, and in consideration of the terms set forth in this Amendment No. 4, the Parties do hereby agree as follows:

- 1. **Exhibit A of the Agreement is replaced in its entirety with the Exhibit A below:**

EXHIBIT A

The City’s 2020 calendar year obligation to the County for service calls, excluding calls for wild nuisance animal pick up and/or euthanization:

<u>Title/Category</u>	<u>Subtitle/Subcategory</u>	<u>Amount</u>
Budgeted 2020 Expenditures by Davis County for Animal Care and Control:	Personnel:	\$2,207,222.48
	Operating:	\$314,449.00
	Capital Equipment:	\$139,794.00
	Allocations:	+ \$134,055.24
	Total Expenditures:	\$2,795,520.72
Projected 2020 Revenues of Davis County Animal Care and Control:	Licenses:	\$220,000.00
	Shelter Fees:	\$180,500.00
	Surgical Fees:	\$48,000.00
	Wildlife Fees:	\$59,173.50
	Donations:	+ \$12,500.00
	Total Revenues:	\$520,173.50
Projected 2020 Expenditures Less Projected 2020 Revenues:		\$2,795,520.72 - \$520,173.50 \$2,275,347.22
Combined Cities’ 50% Obligation:		\$2,275,347.22 x 50% 1,137,673.61
Average of the City’s Total Billable Calls for 2018 and 2019:		486.50
Average of Combined Cities’ Total Billable Calls for 2018 and 2019:		10,208.00
The City’s 2019 Usage Rate:		486.50 / 10,208.00 4.77%
The City’s 2020 Calendar Year Obligation to the County:		\$54,220.04

The City shall pay the foregoing calendar year obligation to the County on a monthly basis and within thirty calendar days of receipt of a monthly invoice from the County.

The City's 2020 calendar year obligation to the County for wild nuisance animal pick up and/or euthanization calls or services:

Title/Category	Frequency/Amount
The City's Wildlife Calls for 2019:	48
Cost to City for Each Wildlife Call in 2019:	\$25.75
The City's 2020 Calendar Year Obligation to County for Wildlife Calls:	\$1,236.00

The City shall pay its calendar year obligation to the County for wild nuisance animal pick up and/or euthanization calls or services on a monthly basis and within thirty calendar days of receipt of a monthly invoice from the County.

The City's 2020 calendar year obligation to the County for the capital projects fund regarding the Shelter:

Title/Category	Amount
Total of Capital Projects Fund Regarding the Shelter:	\$562,000.00
Combined Cities' Portion of the Capital Projects Fund Regarding the Shelter:	\$281,000.00
2020 Obligation of the Combined Cities:	\$56,200.00
The City's 2019 Usage Rate:	4.77%
The City's 2020 Calendar Year Obligation to the County:	\$2,678.42

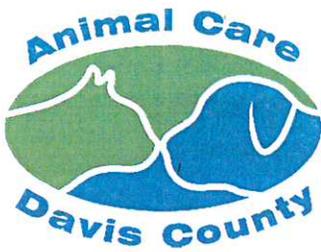
8The City shall pay the foregoing calendar year obligation to the County on a monthly basis and within thirty calendar days of receipt of a monthly invoice from the County.

2. **Continuing Effect of the Agreement.** Except to the extent specifically modified by this Amendment No. 4, the terms and conditions of the Agreement shall remain in full force and effect.
3. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, and all such counterparts shall have the same force and effect as original signatures.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment No. 4 to be signed by their duly authorized representatives on the dates indicated below.

<p>DAVIS COUNTY</p> <p>By: _____ Chair, Board of Davis County Commissioners</p> <p>Date: _____</p> <p>ATTEST:</p> <p>_____ Davis County Clerk/Auditor Date: _____</p> <p>Reviewed and Approved as to Proper Form and Compliance with Applicable Law:</p> <p>_____ Davis County Attorney's Office Date: _____</p>	<p>NORTH SALT LAKE CITY</p> <p>By: _____ Mayor</p> <p>Date: _____</p> <p>ATTEST:</p> <p>_____ City Recorder Date: _____</p> <p>Reviewed and Approved as to Proper Form and Compliance with Applicable Law:</p> <p>_____ City Attorney Date: _____</p>
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Animal Care of Davis County

1422 East 600 North – Fruit Heights, Utah 84037
Telephone: (801) 444-2200 – TDD: (801) 451-3228 – Fax: (801) 444-2212

Date: February 5, 2020
To: Ken Leetham, City Manager City of North Salt Lake
From: Rhett Nicks, Director Animal Care of Davis County
RE: 2019 Animal Care and Control Contracts

Mr. Leetham,

Enclosed you will find your city's statistics for 2019, two (2) contracts for 2020, and a self-addressed envelope. If you would like to have an original signed contract returned to your office please see to it that both contracts are signed by your designated party and returned to the shelter. Contracts will be presented to the Davis County Commission during the last regularly scheduled Commission meeting in May 2020. Contracts received after this date will be presented to the Commission at the convenience of the Director.

This past year saw a 12.98% increase in owner surrenders and a 16.77% increase in strays as well as a 2.09% increase in wildlife interaction (6.3% increase in wildlife calls). In addition the field moved to a 7 day a week operation and expanded its operational hours to 07:00 to 20:00 weekdays and 08:30 to 17:00 weekends. For the 5 busiest months, the shelter averaged approximately 20% of its staff out on medical leave or administrative leave. This generated the need to refocus field staff on priority calls. Because of this, there were significant decreases in our ability to provide extra patrols, license follow ups, and middle home quarantine checks. The department intended to refocus on priority calls and seek other means for compliance with licenses and quarantine checks over a 2 year period. The shortage of staff due to illness/injury has accelerated our plans.

2019 Highlights:

- Investigation of a severe injury to a child by two dogs
 - No charges, but this case made national media and consumed a significant amount of the departments' resources for almost 3 months
- Confiscation and subsequent guilty plea for 18 cattle repeatedly at large in a high traffic area
 - This took approximately 3 months and cost between \$6000 and \$9000
- Investigated 50 abandon swine for malnourishment, repeated at large, and causing a vehicular accident (subsequent compliance and the swine removed from the county)
- Bites over all dropped by 5.84%, however bite follow ups and increased investigation to determine if an animal was dangerous, increased by 12.04%
- Two investigations ending in the abatement of 2 dogs due to wellness/cruelty issues
- Answered 2,312 wildlife calls at 1110 address, 48% of calls from addresses with 3 service calls or more, 3 locations with 50+ service calls for wildlife
- Participated in 23 community events from parades to adoption days



Animal Care of Davis County

1422 East 600 North – Fruit Heights, Utah 84037
Telephone: (801) 444-2200 – TDD: (801) 451-3228 – Fax: (801) 444-2212

Animal Care of Davis County's goals for 2020 are,

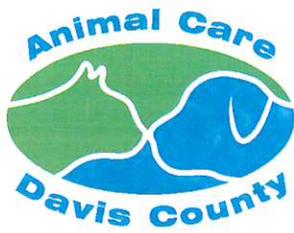
- Continued improvements in efficiencies with a focus on length of stay
- Increasing the general health of the animal population
- Continue increasing the participation of the community by expanding volunteer and foster programs
- Hold a Davis County specific adoption event
- Continue collaboration and planning efforts with the shelter stake holders and cities to build the shelters awareness and role in the community.

As you are aware this year is the final amendment on our five year contract that sunsets on December 31st, 2020. I look forward to working with the cities as we renegotiate a new contract addressing the shelter's needs, growth and necessary improvements. As Davis County moves into the next decade we are committed to providing professional animal care with unsurpassed service to those whom we serve. We will continue working with our advisory board and look forward to meeting and working with all of the cities throughout the year.

If you have any questions please do not hesitate to contact me.

A handwritten signature in black ink that reads "Rhett Nicks".

Rhett Nicks
Director, Animal Care of Davis County
rnicks@co.davis.ut.us
801-444-2204



Animal Care of Davis County

1422 East 600 North - Fruit Heights, Utah 84037
 Telephone: (801) 444-2200 - TDD: (801) 451-3228 - Fax: (801) 444-2212

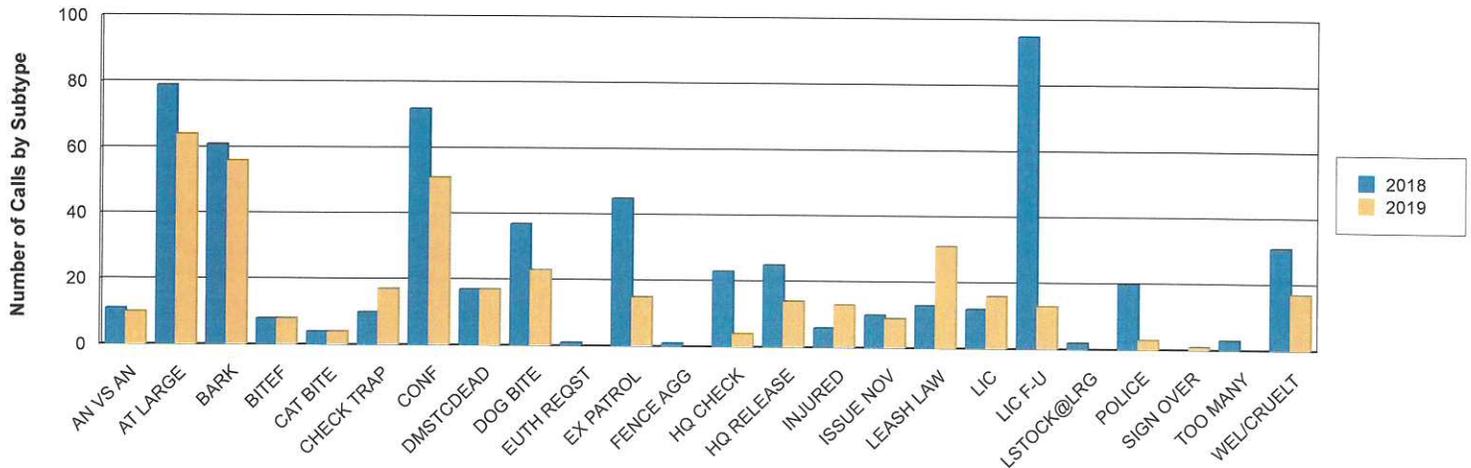
Activity Report for NORTH SALT LAKE From January 01 to December 31, 2018 compared to 2019

	2018	2019
AN VS AN	11	10
AT LARGE	79	64
BARK	61	56
BITEF	8	8
CAT BITE	4	4
CHECK TRAP	10	17
CONF	72	51
DMSTCDEAD	17	17
DOG BITE	37	23
EUTH REQST	1	0
EX PATROL	45	15
FENCE AGG	1	0
HQ CHECK	23	4
HQ RELEASE	25	14
INJURED	6	13
ISSUE NOV	10	9
LEASH LAW	13	31
LIC	12	16
LIC F-U	95	13
LSTOCK@LRG	2	0
POLICE	20	3
SIGN OVER	0	1
TOO MANY	3	0
WEL/CRUELTY	31	17
Total	586	386

	2018	2019	Total
CITATION	7	3	10
Total	7	3	10

Activity Subtype

Year to Year Comparison





Animal Care of Davis County

1422 East 600 North - Fruit Heights, Utah 84037
Telephone: (801) 444-2200 - TDD: (801) 451-3228 - Fax: (801) 444-2212

WILDLIFE LOG FOR NORTH SALT LAKE

From 01/01/2019 to 01/31/2020

Total	49
BAT	2
BIRD	3
DUCK/GEESE	3
RACCOON	32
RODENT	1
SKUNK	7
SNAKE	1



CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Sherrie Llewelyn, Community Development Director
DATE: March 17, 2020
SUBJECT: Consideration of Ordinance 2020-10 amending Title 10 Land Use Regulations, Chapters 3, 7, & 19 and adopting Title 13, Subdivision Regulations

RECOMMENDATION

The Planning Commission recommends approval to the City Council the proposed code amendments with the following findings:

1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of the city.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

BACKGROUND

On August 6, 2019 the City Council approved ORD2019-09 enacting temporary zoning regulation on new application for development in the R1-7, RM-7, and RM-20 zones. The council directed staff to draft changes to the subdivision ordinance, specifically addressing the base density and its calculation for subdivisions and PUD subdivisions. The existing city code contains regulations pertaining to subdivisions in 3 separate chapters and numerous sections. The subdivision ordinance also required updating to conform with state code amendments pertaining to subdivisions and conditional uses. Therefore the staff took the opportunity to extract all subdivision regulations and compile them in a new Title 13 of the city code. The proposed draft will modernize the subdivision approval process and clarify previously conflicting sections and regulations.

REVIEW

New Title 13:

- 13-1: GENERAL PROVISIONS**
- 13-2: ADMINISTRATION AND APPLICATION**
- 13-3: CONCEPTUAL PLAN:**
- 13-4: MINOR SUBDIVISIONS**
- 13-5: MAJOR SUBDIVISIONS**

13-6: PLANNED UNIT, CONDOMINIUM, RECREATIONAL VEHICLE AND MOBILE HOME DEVELOPMENTS

13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS

13-8: GENERAL REQUIREMENT

13-9: ESSENTIAL IMPROVEMENTS

1. Chapter 1, General Provisions defines subdivisions, clarifies the purpose the regulations, and provides appeal procedures.
2. Chapter 2, Administration and Application defines what land changes require subdivision approval, the penalties for not obtaining approval and the requirements for building permits.
3. Chapter 3, Conceptual Plan defines the process for obtaining conceptual plan approval, required document submittals, and public notice. All concept plans must be recommended for approval by the Planning Commission and approved by the City Council.
4. Chapter 4 Minor Subdivisions provides a streamlined approval process for small subdivisions 10 lots or less, with no required street dedication.
5. Chapter 5 Major Subdivisions provides the process for all other subdivisions including preliminary and final plat approval and bonding. The proposed ordinance empowers the Planning Commission to grant these approvals as these actions are administrative in nature and cannot be denied if the applicant meets the minimum standards of the ordinance.
6. Chapter 6 addresses Planned Unit Developments, RV & Mobile Home Subdivisions and Condominium Subdivision.

The proposed changes related to PUDs:

1. Minimum street standards for private streets;
2. Requiring sidewalk and park strip on at least one side of the street;
3. Calculating density based upon net acreage (not including streets or other infrastructure)
4. Perimeter setbacks of 15'
5. Building setbacks from other buildings

The proposed changes to Condominium Subdivisions:

1. Updating to meet fair housing requirements
2. Matching the process for regular subdivisions

The proposed changes to RV & Mobile Home Subdivisions:

1. Updating to meet fair housing requirements
2. Adds requirements for capital facility and maintenance funds of common areas

7. Chapter 7 Plat Amendments streamlines the process for simple plat amendments and routine lot line adjustments.
8. Chapter 8 General Requirements outlines the standards required for subdivisions related to layout, design, blocks, lot shapes, street widths, utilities and easements, and public dedications. Significant changes include prescribed right of way widths for private streets, requiring private

streets or other private infrastructure to be built to the same standard as public improvements. The changes also consolidate the bulk of the subdivision regulations, provide modernization, conformance to state code, and reduces the maximum grade of new roads to comply with Fire Code standards.

9. Chapter 9 Essential Improvements provides the direction to the city standards and specifications, specifically prepared for all essential infrastructure whether public or private. It further describes the required infrastructure to be installed by the developer and provides a mechanism for payback agreements, where the developer can recover certain costs for upgraded infrastructure from future developers who will benefit from the installation of said improvements.

Title 10, Chapter 3 is amended as follows:

Chapter 3

AMENDMENTS, DOCUMENT SUBMISSION, REVIEW PROCEDURES AND ~~PROCESS STEPS~~PUBLIC NOTICE

10-3-1: PROCEDURES FOR AMENDMENTS AND REZONINGS:

10-3-2: DOCUMENT SUBMISSION AND REVIEW PROCEDURES:

10-3-3: PUBLIC NOTICE:

10-3-4: SUPPLEMENTAL REQUIREMENTS: (previously 10-3-6)

Sections moved to new Title 13

~~10-3-3 STEP 1 CONCEPT PLAN~~

~~10-3-4: STEP 2 PRELIMINARY DESIGN PLAN:~~

~~10-3-5: STEP 3 FINAL PLAT AND FINAL CONSTRUCTION PLANS:~~

~~10-3-6: SUPPLEMENTAL REQUIREMENTS:~~

~~10-3-7: MODEL HOMES:~~

1. Chapter 3, subsection 3 provides clarifications for public notice required on specific applications, to whom those notices should be sent and the deadlines for sending the public notices. The changes represent compliance with state code and the minimum 10 day notice required.
2. Chapter 3, subsection 4 provides clarity in the submission of applications and scheduling of pre-construction meetings and inspections related to the installation of essential improvements.

Title 10, Chapter 7 is amended as follows:

Chapter 7

CONDITIONAL USES

10-7-1: GENERAL PROVISIONS:

10-7-2: PERFORMANCE STANDARDS FOR CONDITIONAL USES:

Sections moved to new Title 13

~~10-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:~~

~~10-7-4: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:~~

~~10-7-5: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;
SPECIAL REQUIREMENTS:~~

~~10-7-6: LANDFILLS AND LAND EXCAVATIONS:~~

~~10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):~~

~~10-7-8: FLAG LOTS:~~

1. Updates language related to the approval of conditional uses to conform to Utah State Code 10-9a-507.
2. Changes references of “zoning administrator” to “Community Development Director”.
3. Corrects code conflict in the designation of the Planning Commission as the land use authority for conditional use permit approval which is an administrative decision and cannot be denied if reasonable conditions can be imposed to mitigate impacts.

Title 10, Chapter 19 is moved in entirety to Title 13:

~~Chapter 19~~

~~CONDOMINIUM SUBDIVISIONS~~

~~10-19-1: PURPOSE AND INTENT:~~

~~10-19-2: SUBMISSION OF APPLICATION:~~

~~10-19-3: STAFF REVIEW:~~

~~10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:~~

~~10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:~~

~~10-19-6: TENANT PROTEST REVIEW:~~

~~10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:~~

~~10-19-8: APPROVAL BY CITY COUNCIL:~~

POSSIBLE MOTION

I move that the City Council approve

Attachments

- 1) ORD2020-10
- 2) Proposed Amendments-Redline
- 3) Proposed Amendments-Clean

ORDINANCE NO. 2020-09

**AN ORDINANCE OF THE CITY OF NORTH SALT LAKE
AMENDING TITLE 10, CHAPTERS 3, 7, 19 AND ADOPTING
TITLE 13 SUBDIVISIONS OF THE CITY CODE RELATED TO
SUBDIVISIONS AND CONDITIONAL USES.**

WHEREAS, the City of North Salt Lake is an incorporated city in Davis County Utah;
and

WHEREAS, City of North Salt Lake is in the process of implementing the 2013 General Plan and 2016 Town Center Master Plan and is currently drafting a form based code for the Town Center area of the City; and

WHEREAS, the City Council of North Salt Lake finds that the current regulations related to conditional uses and subdivisions need to be updated to comply with adopted state code; and

WHEREAS, the Planning Commission held a public hearing on January 28, 2020 and made a recommendation to the City Council on the proposed amendments; and

WHEREAS, the City Council finds that it is in the public interest that the North Salt Lake City Code, Title 10, Chapters 3, 7, 19 be amended and Title 13 be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, AS FOLLOWS:

Section 1. Pursuant to Utah Code 10-9a-502, Title 10, Chapters 3, 7, & 19 of the City Code are hereby amended and Title 13 is hereby adopted, as attached in Exhibit A.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, THIS 17th DAY OF MARCH, 2020.

CITY OF NORTH SALT LAKE

By: _____
Len Arave, Mayor

ATTEST:

City Recorder

City Council Vote as Recorded:

<u>Name</u>	<u>Vote</u>
Council Member Gordon	_____
Council Member Horrocks	_____
Council Member Baskin	_____
Council Member Mumford	_____
Council Member Porter	_____

Chapter 3

AMENDMENTS, DOCUMENT SUBMISSION, REVIEW PROCEDURES AND ~~PROCESS STEPS~~ PUBLIC NOTICE

10-3-1: PROCEDURES FOR AMENDMENTS AND REZONINGS:

10-3-2: DOCUMENT SUBMISSION AND REVIEW PROCEDURES:

~~10-3-3: STEP 1 – CONCEPT PLAN~~ PUBLIC NOTICE:

~~10-3-4: STEP 2 – PRELIMINARY DESIGN PLAN:~~

~~10-3-5: STEP 3 – FINAL PLAT AND FINAL CONSTRUCTION PLANS:~~

~~10-3-4~~ 10-3-6: SUPPLEMENTAL REQUIREMENTS:

~~10-3-7: MODEL HOMES:~~

10-3-1: PROCEDURES FOR AMENDMENTS AND REZONINGS:

- A. Authority Of City Council: The ~~city~~City ~~council~~Council may amend this title pursuant to Utah Code Annotated section 10-9a-503. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- B. Residents Or Other Interested Persons: Any resident of the ~~city~~City or other person having an equitable interest in real property located in the ~~city~~City may petition the ~~city~~City for an amendment or rezoning.
- C. Application; Information Required: The person seeking to amend this title or zoning map shall make application for such amendment by taking required actions and filing the following information and documents with the ~~planning commission~~Planning Commission:
 - 1. A written application describing the change desired and the reasons therefor.
 - 2. A nonreturnable amendment application fee.
 - 3. A vicinity plan.
 - 4. a. Names of all owners of the subject property. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
 - b. Names of all owners within three hundred feet (300') of the subject property boundary when an identified property is the specific beneficiary. (Ord. 02-3, 1-15-2002)
 - 5. A sufficient number of plain white legal size envelopes, addressed to required recipients and with proper postage affixed. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- D. Notice; Public Hearings And Public Meetings: The ~~city~~City shall prepare and give notice of public hearings and public meetings to consider such amendment in accordance with section 10-3-3 and as provided by Utah Code Annotated sections 10-9a-205 and 10-9a-502, as amended, for land use ordinance or zoning map amendments. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- E. ~~Planning Commission~~Planning Commission Review: The ~~planning commission~~Planning Commission shall review the application and make its recommendations concerning the proposed amendment to the ~~city~~City ~~council~~Council within forty five (45) days from receipt of the amendment application in a regularly scheduled meeting. The ~~planning commission~~Planning Commission shall recommend adoption of a proposed amendment only when the following findings are made:
 - 1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of the ~~city~~City.
 - 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.
- F. Recommendation Of Approval: When the ~~planning commission~~Planning Commission recommends the amendment, the ~~city~~City ~~council~~City Council may:

- 43 1. Adopt the amendment by majority vote;
- 44 2. Reject the amendment;
- 45 3. Modify the proposed amendment and refer back to the ~~planning commission~~Planning
- 46 Commission for its recommendation to be returned to the ~~city council~~City Council within thirty
- 47 (30) days.
- 48 G. Recommendation Of Denial: When the ~~planning commission~~Planning Commission recommends
- 49 denial of the amendment, the ~~city council~~City Council may:
- 50 1. Reject the amendment;
- 51 2. Modify the proposed amendment and refer back to the ~~planning commission~~Planning
- 52 Commission for its recommendation to be returned to the ~~city council~~City Council within thirty
- 53 (30) days;
- 54 3. If the ~~city council~~City Council determines that the proposed amendment may have merit in spite
- 55 of the ~~planning commission~~Planning Commission's negative recommendation, the ~~city~~
- 56 ~~council~~City Council may adopt the amendment by an affirmative vote of four (4) members.
- 57 H. Previously Denied Applications: Where an application for zoning amendment has been denied, the
- 58 ~~planning commission~~Planning Commission and the ~~city council~~City Council shall not review the same
- 59 zoning amendment application within one year of a denial unless there is a substantial change of
- 60 conditions since the earlier application. A new application and fee will be required. (Ord. 93-5, 7-6-
- 61 1993, eff. 7-15-1993)

62 **10-3-2: DOCUMENT SUBMISSION AND REVIEW PROCEDURES:**

- 63 A. Presubmission Procedures: To facilitate the handling of applications, the ~~planning commission~~
- 64 Development Review Committee may adopt presubmission procedures to allow for adequate
- 65 investigations and staff review, and may require compliance with such presubmission review
- 66 procedures as a prerequisite to formal ~~receipt~~application and action by the ~~planning~~
- 67 ~~commission~~Planning Commission. Presubmission review shall in no way be interpreted to mean
- 68 review by the ~~planning commission~~Planning Commission.
- 69 B. Submission And Docketing For Review: Upon receipt of all required fees and information for any
- 70 specific step of the review procedure, the ~~zoning administrator~~Community Development Director
- 71 and other members of the ~~development review committee~~Development Review Committee, shall
- 72 review the application for completeness and compliance with the provisions of this title and other
- 73 pertinent ~~city~~City regulations. When the ~~zoning administrator~~Community Development Director
- 74 determines that the application is properly prepared and ready for submission to the ~~planning~~
- 75 ~~commission~~Planning Commission for review, ~~the chairperson of the planning commission will~~ shall
- 76 be docketed ~~the application~~ for review at the next regular public meeting of the ~~planning~~
- 77 ~~commission~~Planning Commission. Incomplete applications shall not be docketed for ~~planning~~
- 78 ~~commission~~Planning Commission review.
- 79 C. Applicability Of Application And Document Requirements To Types Of Uses:
- 80 1. ~~Applications and concept plans are required for all land uses.~~
- 81 2. ~~Applications, preliminary design plans, and final plans may be required for all:~~
- 82 1. ~~a.~~ Conditional uses (CU);
- 83 2. ~~b.~~ Planned unit developments (PUD);
- 84 3. ~~c.~~ Subdivisions;
- 85 4. ~~d.~~ Mobile home parks (MHP);

- 86 5. e- Mobile home subdivisions (MH Sub);
- 87 6. f- Recreational vehicle parks (RVP);
- 88 7. g- Site plans (see chapter 20 of this title).

89 ~~D. Applications Submitted And Reviewed In Steps: Applications shall be submitted and reviewed in~~
90 ~~steps. Each step shall be reviewed by the zoning administrator, and as appropriate the development~~
91 ~~review committee, before an application and recommendations are forwarded to and reviewed by the~~
92 ~~planning commission. The necessity of submitting revised and additional information, documents and/or~~
93 ~~drawings shall be determined by the planning commission or zoning administrator. The steps in the~~
94 ~~approval process are as follows:~~

- 95 1. Step 1: Concept plan;
- 96 2. Step 2: Preliminary design plan;
- 97 3. Step 3: Final plat and construction plans. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

98 **10-3-3: PUBLIC NOTICE**

99 **A. Notice of public hearings:** The City shall provide notice of the date, time, and place of all public
100 hearings as required by City ordinance or state code for proposed amendments to the following:

- 101 1. Title 10 Land Use Ordinance;
- 102 2. Title 13 Subdivision Ordinance;
- 103 3. North Salt Lake Zoning Map; and
- 104 4. North Salt Lake General Plan.

105 **B. Notice of subdivision review:** The cityCity shall notify all appropriate agencies or other parties with
106 legitimate interests and all landowners of property located within three hundred feet (300') of the
107 boundary of the a proposed developmentsubdivision. Notified parties shall have fourteen (14) days
108 to submit written comments limited to environmental concerns on the following topics:

- 109 1. a- Erosion, dust, soils and topsoil loss;
- 110 2. b- Grades, slope stability and geologic hazards;
- 111 3. c- Groundwater, watercourses, flood hazards and areas;
- 112 4. d- Vegetative types;
- 113 5. e- Wildlife and habitat;
- 114 6. f- Essential urban services presently available;
- 115 7. g- Fire potential;
- 116 8. h- Accumulation of solid and liquid wastes;
- 117 9. i- Potential area wide economic impact of the development.

118
119 **C. Mailed Notice, Subdivisions:** Applicants for subdivision approval shall provide stamped, addressed
120 envelopes for property owners within 300 feet of the boundary of the subdivision and for all
121 property owners within the boundary of the proposed subdivision. The notice shall include the date,
122 time, and place of the public meeting and shall include a visual representation of the location and
123 scope of the proposed subdivision. The notice shall be mailed a minimum of fourteen (14) days
124 prior to the Planning Commission meeting.

125 **D. Mailed Notice, Zone Map Amendments:** Applicants for a zone map amendment shall provide
126 stamped, addressed envelopes for property owners within 300 feet of the boundary of the zone
127 map amendment, and for all property owners within the boundary of the proposed zone map

128 amendment. The notice shall comply with State Code 10-9a-205(4) including the date, time, and
129 place of the public hearing, and a visual representation of the boundary of the proposed map
130 amendment with the current and proposed zoning. The notice shall be mailed a minimum of ten
131 (10) days prior to the public hearing.

132 **E. Posted Notice:**

- 133 1. The City shall post notice of all public hearings in accordance with Utah State Code 10-9a-205(2),
134 as amended, a minimum of ten (10) days prior to the public hearing.
- 135 2. The City shall post notice of all public meetings in accordance with Utah State Code 10-9a-
136 205(3), as amended, a minimum of twenty-four (24) hours prior to the public meeting.

137 **~~10-3-3: STEP 1 – CONCEPT PLAN:~~ (Moved to Title 13-3-040)**

138 ~~Submit concept plan to zoning administrator. Applicants shall submit a concept plan which will enable a~~
139 ~~review of a proposed project for general scope and conditions which might impact the proposed project~~
140 ~~and the city. The planning commission shall either recommend the plan or recommend the plan with~~
141 ~~conditions to the city council, or reject the concept plan. The city council shall either approve the~~
142 ~~concept plan or approve the concept plan with conditions or reject the concept plan.~~

143 ~~A. Document Requirements: The following items shall be submitted to the zoning administrator for~~
144 ~~concept plan review:~~

- 145 ~~1. An application for concept plan approval explaining the proposed project.~~
- 146 ~~2. A competent environmental impact report will be prepared by the applicant or the city and other~~
147 ~~appropriate agencies that have pertinent information and/or jurisdiction regarding subject project.~~
148 ~~The city may elect to prepare or evaluate the environmental impact report and charge the applicant~~
149 ~~for the associated costs. Developments requiring an environmental impact report include the~~
150 ~~following, except where the planning commission determines the scope may be reduced or waived:~~
 - 151 ~~a. Subdivisions;~~
 - 152 ~~b. Mobile home parks, etc.;~~
 - 153 ~~c. Any large development over five (5) acres; or~~
 - 154 ~~d. When subject site has been determined to be a sensitive area under the provisions of this~~
155 ~~title; or~~
 - 156 ~~e. Is such in the opinion of the zoning administrator.~~
- 157 ~~3. The city shall notify all appropriate agencies or other parties with legitimate interests and all~~
158 ~~landowners of property located within three hundred feet (300') of the boundary of the proposed~~
159 ~~development. Notified parties shall have fourteen (14) days to submit written comments limited to~~
160 ~~environmental concerns on the following topics: (THIS SECTION 3 notices moved to 10-3-3))~~
 - 161 ~~a. Erosion, dust, soils and topsoil loss;~~
 - 162 ~~b. Grades, slope stability and geologic hazards;~~
 - 163 ~~c. Groundwater, watercourses, flood hazards and areas;~~

- 164 d. Vegetative types;
- 165 e. Wildlife and habitat;
- 166 f. Essential urban services presently available;
- 167 g. Fire potential;
- 168 h. Accumulation of solid and liquid wastes;
- 169 i. Potential area-wide economic impact of the development.
- 170 4. The applicant will address identified conflicts and mitigate all adverse aspects of the plan.
- 171 5. Location map. A map showing where the project is located with the proposed name.
- 172 6. Vicinity plan. An aerial map at a scale of one inch equals one hundred feet (1" = 100') or other
- 173 competent base map showing the area within six hundred feet (600') of the project boundaries
- 174 giving context to the proposed development. The following elements shall be drawn to scale on said
- 175 map:
- 176 a. Proposed streets;
- 177 b. Buildings (not already shown);
- 178 c. Public facilities;
- 179 d. Utilities;
- 180 e. Boundaries of zoning districts;
- 181 f. Taxing and other special districts;
- 182 g. Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject to
- 183 continuous or occasional flooding;
- 184 h. Significant vegetative patterns;
- 185 i. Geologic hazards, formations and soils type;
- 186 j. Names of all property owners within three hundred feet (300');
- 187 k. North arrow;
- 188 l. Topographic contours at no greater interval than two feet (2').
- 189 7. Sketch/site plan. A scaled drawing of and information pertaining to a proposed development site.
- 190 A site plan shall include the following:
- 191 a. The name, telephone number and business address of the developer and owner;
- 192 b. The name, telephone number and business address of the project designer;
- 193 c. The dimensions of the site and total acreage, with proposed density;

- 194 d. North arrow and scale of the drawing;
- 195 e. A proposed lot layout showing approximate size of each lot;
- 196 f. A description of the type of culinary and irrigation water systems proposed; also,
197 documentation of water rights and secondary water shares;
- 198 g. A description of those portions of the property which are included in the most recent flood
199 insurance rate maps prepared by FEMA;
- 200 h. Locations and names of existing and proposed buildings;
- 201 i. Locations and names of existing and proposed streets; (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 202 j. Public and private easements related to site, including trails and parks as indicated in the
203 parks, trails and recreation study and plan; (Ord. 05-14, 12-13-2005)
- 204 k. Existing survey monuments;
- 205 l. Watercourses and impoundments;
- 206 m. Location and description of existing and proposed vegetation;
- 207 n. Location of proposed parking;
- 208 o. Location and size of utility service (water, sewer, power, gas, telephone cable) lines;
- 209 p. Location of proposed or sewer connection;
- 210 q. Preliminary location of all proposed on-site uses and desired improvements (and off-site
211 improvements if considered essential at this stage). The plan is to convey information that is
212 necessary to determine feasibility and identify problems that need to be solved in the
213 preliminary design plan.

214 8. Upon request of the planning commission, a market analysis can be required for large scale
215 developments, subdivisions, mobile home parks and recreational vehicle parks. (Ord. 93-5, 7-6-
216 1993, eff. 7-15-1993)

217 9. Where the proposed development boundaries are within the city sensitive lands area, a
218 soil/geologic report as outlined in chapter 12 of this title shall be submitted. This requirement may
219 be waived by the planning commission if the proposed development is five (5) acres or less and is
220 recommended by the city engineer. (Ord. 01-05, 4-3-2001)

221 B. Concept Plan Review: **(Moved to 13-3-060)**

222 1. Upon receipt of the complete concept plan application, the zoning administrator shall distribute
223 copies to the development review committee, and other agencies and, as applicable, to the parks,
224 trails, arts and recreation advisory board for review and comment. (Ord. 05-14, 12-13-2005; amd.
225 2012 Code; Ord. 2014-01, 1-7-2014)

226 2. The zoning administrator shall review the concept plan application for compliance with all
227 applicable regulations. The zoning administrator shall notify the developer of approval or denial (for

228 noncompliance), the concept plan review findings and comments, and the need for other
229 information which may assist the planning commission to evaluate the proposed development.

230 3. Where it is determined by the planning commission or zoning administrator after review of the
231 concept plan that one or more of the application requirements and procedural steps are not
232 applicable to the project under consideration, such requirements may be waived.

233 C. Concept Plan Approval:

234 1. A denied concept plan shall not constitute an absolute disapproval of the proposed development,
235 but rather shall operate in a manner as to give the developer guidance to the requirements and
236 constraints for development within the city. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

237 2. The developer may apply for preliminary design plan approval after concept plan approval is
238 granted. (Ord. 01-05, 4-3-2001)

239 C. Review Procedure For Preliminary Design Plan: **Moved to 13-5-040**

240 1. The zoning administrator shall, upon receipt of the complete preliminary design plan submission,
241 distribute copies of the plan to the city engineer, other members of the development review
242 committee, and to such other governmental departments and agencies for review and comment as
243 in the opinion of the planning commission or zoning administrator may contribute to a decision
244 based on the best information for the public interest. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd.
245 2012 Code)

246 2. Failure of any of the recipient departments or agencies to respond to the zoning administrator
247 with comments concerning the development within fourteen (14) days of receipt of a copy of the
248 preliminary design plan application from the planning commission shall be construed as indicating
249 that such agency or department has no adverse concern with the proposed development.

250 3. The planning commission shall consider the application for preliminary design plan approval at its
251 next regularly scheduled public meeting following a forty five (45) day review and processing period,
252 except as may be limited by planning commission agenda, or as may be scheduled otherwise by the
253 chairperson of the planning commission or the zoning administrator. This review and processing
254 period shall be measured from the date on which the preliminary design plan application is
255 determined by the zoning administrator to be substantially complete.

256 4. The planning commission shall approve only those preliminary design plans which the commission
257 finds:

258 a. To be developed in accordance with the intent, standards and criteria specified in this title
259 and other applicable regulations.

260 b. To conform to an approved concept plan.

261 c. To create no substantial financial hardship to the city.

262 d. To create no substantial environmental consequence which will adversely impact upon
263 adjacent properties and the health, safety or welfare of the inhabitants of the city when
264 weighed against the positive impacts of such development.

265 e. To mitigate possible adverse impacts from the proposed development, the planning
266 commission shall determine from a review of the preliminary design plan whether the soil,
267 slope, vegetation and the drainage characteristics of the site are such as to require substantial
268 cutting, clearing, grading, and other earthmoving operations in the construction of the
269 development, or otherwise threaten an erosion hazard and, if so, the planning commission shall
270 require the developer to provide soil erosion, geological hazard and sedimentation control plans
271 and specifications. Such control plans and specifications shall be prepared by a qualified
272 professional team with the costs of preparation of such plans and specifications being borne by
273 the developer. Also, when in the opinion of the planning commission public facilities should be
274 constructed within the boundaries of a proposed development for the benefit of the community
275 as established in the comprehensive general plan of the city, the developer shall reserve a site
276 appropriate in area and location for such public facility.

277 f. After review of the preliminary design plan at a public meeting, the planning commission and
278 then the city council shall approve, disapprove, or approve with conditions, the preliminary
279 design plan, and notify the developer of such action, or may postpone action to allow the
280 developer time to provide materials or additional information needed by the planning
281 commission, to then determine appropriate action. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

282 **10-3-5: STEP 3 – FINAL PLAT AND FINAL CONSTRUCTION PLANS: (Moved to 13-5-080)**

283 A. Submit Final Plan To Zoning Administrator: Following preliminary design plan approval, the applicant
284 shall submit a final plan to the zoning administrator. The final plan shall provide technical and
285 engineering solutions to all identified problems as required by the city council. The planning commission
286 shall either approve the final plan or approve with conditions or reject the final plan.

287 1. Document Requirements: The following items shall be submitted to the zoning administrator for
288 final plat review:

289 a. An application including:

290 (1) A certificate of title insurance for any land to be dedicated to the city via the city council.

291 (2) Trust agreement for perpetual care funds when required as a condition of approval.

292 B. Final Plan Drawing Requirements:

293 1. Drawings shall be prepared and certification made as to plat accuracy by a registered professional
294 licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in
295 every detail. A poorly drawn or illegible plan is sufficient cause for final plat rejection.

296 2. The final plat shall consist of a sheet of approved tracing linen with the outside or trim line
297 dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be
298 drawn in heavy lines leaving a space of at least one and one-half inches ($1\frac{1}{2}$ ") on the left side and at
299 least one-half inch ($\frac{1}{2}$ ") margin on the other sides. The plat shall be so drawn that the top of the
300 drawing faces either north or west, whichever accommodates the drawing best. All lines,
301 dimensions and markings shall be made on the tracing linen, mylar, or comparable material, with
302 approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all

303 details, and in any case not smaller than one hundred feet to the inch (1" = 100'), and workmanship
304 on the finished drawing shall be neat, clean cut and readable.

305 3. An accurate and complete survey to second order accuracy shall be made of the land to be
306 subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed
307 from field measurements on the ground, shall close within a tolerance of one foot (1') to twenty
308 thousand feet (20,000'). A survey tie into two (2) legal corners or other permanent markers
309 established, or approved by the Davis County survey, is required.

310 4. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside
311 the boundary line, not inside with the lot dimensions, and tied to two (2) existing land monuments
312 within the subdivision shall show the calculated Davis County coordinates. When the plat is
313 bounded by an irregular shoreline or a body of water, the bearings and distances of a closing
314 meander traverse should be given and a notation made that the plan includes all land to the water's
315 edge or otherwise.

316 5. If a plat is revised, the redlined copy of the old plan shall be returned for comparison purposes.

317 6. In subdivisions, all blocks and all lots within each block shall be consecutively numbered.

318 7. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the
319 reestablishment of the curves on the ground. This curve data shall include the following for circular
320 curves:

321 a. Radius of curve;

322 b. Central angle;

323 c. Tangent;

324 d. Arc length;

325 e. Chord (bearing and length).

326 8. Excepted parcels shall be marked "not included in this development" and the boundary
327 completely indicated by bearings and distances.

328 9. All streets within the project shall be numbered (named streets shall also be numbered) in
329 accordance with and in conformity with the adopted street numbering system adopted by the city.
330 Each lot shall show the street addresses assigned thereto, by and shall be according to the standard
331 addressing methods approved by the city. In the case of corner lots, the address will be assigned for
332 each part of the lot having street frontage.

333 10. The side lines of all easements shall be shown by fine dashed lines. The width of all easements
334 and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be
335 shown. All easements shall be clearly labeled and identified.

336 11. All lands within the boundaries of the plan shall be accounted for either as lots, walkways,
337 streets, alleys, excepted parcels, common areas, building areas, parking areas, drainage facilities,
338 landscape areas, and permanent open space, etc.

- 339 12. All dimensions of irregularly shaped lots shall be indicated in each lot.
- 340 13. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not
341 be given for interior lot lines where the bearings and lengths are the same as those of both end lot
342 lines.
- 343 14. Parcels not contiguous shall not be included in one plat. Contiguous parcels owned by different
344 parties may be embraced in one plat, provided all owners join in dedication and acknowledgment.
- 345 15. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to
346 seconds of arc.
- 347 16. The information on the plat shall include description of project boundaries, public streets and
348 easements (utility, drainage, access, etc.), as well as other design elements and the following:
- 349 a. Name of development, astronomic north arrow and basis thereof, and date, and names of
350 developer and engineer.
- 351 b. Name and address of owner or owners of record.
- 352 c. Total acreage of development project; total number of lots and acreage of each.
- 353 d. Township, range, section (and quarter section, if portion).
- 354 e. Graphic scale.
- 355 17. The final plat shall contain the name of the surveyor, together with the date of the survey, the
356 scale of the map and number of sheets. The following certificates, acknowledgments and
357 descriptions shall appear on the title sheet of the final plat, and such certificates may be combined
358 where appropriate:
- 359 a. Registered land surveyor's certificate of survey;
- 360 b. Owner's dedication certificate;
- 361 c. Notary public's acknowledgment for each signature on the plat;
- 362 d. A correct metes and bounds description of all property included within the subdivision or
363 project;
- 364 e. Plats shall contain blocks for signatures of the planning commission, city engineer, city
365 attorney, city council (a signature line for the mayor and an attestation by the city recorder). A
366 block for the Davis County recorder shall be provided in the lower right corner of the final plat;
- 367 f. Such other affidavits, certificates, acknowledgments, endorsements and notaries seals as are
368 required by law, by this title or by the city attorney;
- 369 g. Prior to recordation of the plat, the subdivider shall submit a current title report to be
370 reviewed by the city attorney. A "current title report" is considered to be one which correctly
371 discloses all recorded matters of title regarding the property and which is prepared and dated
372 not more than thirty (30) days before the proposed recordation of the final plat;

373 h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any
374 other certificates contained on the final plat shall be in the form prescribed by the city
375 subdivision standards and specifications;

376 i. When a subdivision contains lands which are reserved in private ownership for community
377 use, including common areas, the subdivider shall submit with the final plat the name, proposed
378 articles of incorporation and bylaws of the owner, or organization empowered to own, maintain
379 and pay taxes on such lands and common areas.

380 18. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the
381 boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed
382 or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the
383 direction of the city engineer. The following required monuments shall be shown on the final plat:

384 a. The location of all monuments placed in making the survey, including a statement as to what,
385 if any, points were reset by ties;

386 b. All right of way monuments at angle points and intersections as approved by the city
387 engineer.

388 C. Final Construction Plan Requirements:

389 1. Standards for design, construction specifications, inspection of the street improvements, curbs,
390 gutters, sidewalks and standards for design, construction specifications and inspection of water
391 distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be
392 prepared by the city engineer. Standards for fire hydrants shall meet the requirements of any
393 federal, state and local governmental entities having jurisdiction over the same. All subdivision
394 standards and specifications and amendments thereto which are under the control of the city shall
395 be approved by the city council before becoming effective. The city council may by resolution adopt
396 subdivision standards and specifications of the city which may be amended from time to time. All
397 subdividers shall comply with any subdivision standards and specifications adopted by the city
398 council. All public improvements shall be installed in accordance with the city subdivisions standards
399 and specifications, the requirements of the city engineer, the subdivision improvements agreement
400 between the subdivider and the city, and all other applicable city ordinances and regulations.

401 2. Complete and detailed construction plans and drawings of all improvements shall be prepared in
402 conformance to the design standards of the city. They shall be submitted to the city engineer for
403 review at the same time the final plat is being reviewed. Final approval of the project shall not be
404 granted until the plans have been reviewed and recommended for approval by the city engineer. No
405 construction shall be started until the final plat has been recorded and the construction plans have
406 been approved by the city. Plans for all the street utilities shall be drawn on the same plans.

407 3. Standards are set for the purpose of standardizing the drawings and to obtain uniformity in
408 appearance, clarity, size and reproduction.

409 a. Three (3) copies of construction plans shall be submitted with one set to be retained by the
410 city engineer, one set to be furnished to the city, and one set returned to the subdivider for

411 corrections and revisions. After corrections and revisions by the subdivider, three (3) sets shall
412 be submitted for final review by the city engineer.

413 b. All drawings and/or prints shall be clear and legible and conform to good engineering and
414 drafting practice. Size of drawings shall be twenty four inches by thirty six inches (24" x 36")
415 (trim line) with one half inch ($\frac{1}{2}$ ") border on top, bottom and right sides, left side one and one
416 half inches ($1\frac{1}{2}$ ").

417 c. The plans shall include the following information:

418 (1) North arrow (plan);

419 (2) Elevations referenced to USGS datum;

420 (3) Stationing and elevations for profiles;

421 (4) Title block located in lower right corner of sheet, to include, project title (subdivision,
422 etc.). Specific type and location of work, and name of engineer or firm preparing drawings
423 with license number. Utah engineer's stamp shall be required on all construction plans;

424 (5) Scale one inch equals twenty feet ($1" = 20'$) or one inch equals forty feet ($1" = 40'$)
425 horizontally; one inch equals two feet ($1" = 2'$) or four feet ($4'$) vertical;

426 (6) Both plan view and profiles for curb and gutter plans shall be shown for each side of the
427 street; street centerline profile may be eliminated. Top of curb elevations with curve data
428 must be shown for all curb returns;

429 (7) Size and location of culinary water lateral mains, meters, valves and hydrants;

430 (8) Type of pipe;

431 (9) Size and location of irrigation lateral mains, valves, fittings, etc.;

432 (10) Size, location and profile of sewer, storm drains and subdrains and their manhole
433 cleanouts.

434 4. As needed, each set of plans shall be accompanied by a separate sheet of details for structures
435 which are to be constructed. All structures shall be designed in accordance with minimum
436 requirements established by the subdivision standards of the city.

437 D. Final Plat And Construction Plan Review And Approval:

438 1. When a final plat and construction plan has been received, it shall be acted upon at a planning
439 commission meeting scheduled for development review within thirty (30) days of receipt of final
440 plat and construction plan application by the zoning administrator; provided, that the planning
441 commission shall not approve any final plan unless it is certified by the city engineer in the space
442 provided.

443 2. The zoning administrator will distribute copies of the final plat and construction plan for final
444 review by those who reviewed the preliminary plan, and such others as may be determined, for final
445 comment before docketing the application for final approval on the planning commission agenda.

446 3. The planning commission shall review the final plat and construction plan at a regularly scheduled
447 public meeting. If the final plan and all supplementary data comply with the applicable requirements
448 of these regulations and the requirements of the approved preliminary design plan, the planning
449 commission shall certify approval of the plan on the space provided.

450 4. After review of the final plat and construction plan at the public meeting, the planning
451 commission shall send written notification of its review and official action taken to the city council.
452 This notification shall specify any modifications to the final plat and construction plan, if any, which
453 were made incident to final approval of such plan by the planning commission.

454 5. The city council shall review the final plat and construction plan within forty five (45) days of
455 receipt of transmittal from the planning commission, at a regularly scheduled public meeting, or as
456 otherwise scheduled by the city council.

457 6. The only basis for rejection of a final plat and construction plan shall be its nonconformance to
458 adopted rules, regulations and ordinances currently in force and affecting the land and its
459 development, its lack of conformance with the approved preliminary design plan, technical
460 inaccuracies or insufficiencies, and poor workmanship in preparation of the plans and documents.

461 7. The city council shall review and execute a developer's improvement agreement and establish the
462 kind and amount of financial security necessary to guarantee completion of the required public
463 improvements.

464 8. If the city council determines that the final plat and construction plan submission complies with
465 the applicable requirements of this title, they shall certify approval of the plat and construction plan,
466 an improvements agreement including such guarantees as may be required, and by certificate of
467 legal review as to form by the city attorney.

468 9. The developer shall provide an adequate number of approved plats or prints marked approved,
469 together with the official notification of the action, to be distributed as required:

470 a. One copy to planning commission files.

471 b. One copy to city council files.

472 c. One copy to developer.

473 d. One copy to engineer and surveyor of subdivider.

474 e. One original copy to county recorder when required.

475 f. One copy to each utility company serving the development.

476 g. One copy to the health department.

477 h. One copy to the city engineer.

478 i. One copy to the city post office.

479 j. One copy to the building official.

480 E. Submit Approved Final Plat And Construction Plan To City Council: Following final plat and
481 construction plan approval by the planning commission, the zoning administrator shall forward the
482 approved final plat and construction plan to the city council for review. The applicant shall appear
483 before the city council to answer questions, to negotiate any required bond or financial security, and to
484 negotiate any proposed dedications. The city council shall either approve or reject the final plat and
485 construction plan and, upon approval, shall authorize the county recorder to record (as required) any of
486 the approved material in the final plat. The costs of recording shall be paid by the applicant. (Ord. 93-5,
487 7-6-1993, eff. 7-15-1993)

488 **10-3-410-3-6: SUPPLEMENTAL REQUIREMENTS:**

- 489 A. Applications To Be Reviewed At Planning Commission Meeting: Whenever applications to the
490 ~~planning commission~~ Planning Commission for formal action are required by this title, "submission to
491 the ~~planning commission~~ Planning Commission" is hereby defined as submission of such applications
492 at a regularly scheduled public meeting of the ~~planning commission~~ Planning Commission.
- 493 B. Time Periods For Planning Commission Action: Time periods for ~~planning commission~~ Planning
494 Commission action shall not begin to run until after complete applications are officially received by
495 the ~~planning commission~~ Planning Commission at a regularly scheduled public meeting.
- 496 C. Fees: Fees may be charged applicants for excavation permits, zoning amendments, building permits,
497 occupancy permits, conditional use permits, design review, field inspection, ~~planning~~
498 ~~commission~~ Planning Commission and hearing officer hearings, and such other services as are
499 required by this title to be performed by public officers or agencies. Such fees shall be established by
500 the ~~city council~~ City Council by resolution and shall be in amounts reasonably needed to defray costs
501 to the public.
- 502 D. Approval Or Disapproval: At each step of the review procedure, the ~~planning commission~~ Planning
503 Commission shall approve, approve with conditions or disapprove of the writings and materials
504 submitted to it, and where applicable, shall approve or disapprove the entire application or any
505 portion thereof. Any approval conditions, or disapproval made by the ~~planning commission~~ Planning
506 Commission, shall be in the form of written findings of fact and conclusions, which findings and
507 conclusions shall be made available to the applicant and all parties concerned by the ~~planning~~
508 ~~commission~~ Planning Commission within forty five (45) calendar days of the ~~planning~~
509 ~~commission~~ Planning Commission meeting at which the application was reviewed.
- 510 E. Copies: The minimum number of three (3) copies of all required materials shall be established by the
511 community development department as needed for proper review by the City. ~~submitted to the~~
512 ~~planning commission at each step of the review process. Additional copies may be required as~~
513 ~~needed for proper review.~~
- 514 F. Formal Action: Formal action on any application, i.e., action approving or denying an application,
515 shall be taken only at regularly scheduled or officially called meetings of the ~~planning~~
516 ~~commission~~ Planning Commission.
- 517 G. Public Hearing: Unless specifically required by this title or other applicable law, no public hearing
518 need be held. However, a hearing may be held when the ~~planning commission~~ Planning Commission
519 shall deem such a hearing to be necessary and in the public interest. Whenever a public hearing is
520 held, notice thereof shall be given as required by applicable law, or if there is no otherwise
521 applicable law, then by a method reasonably calculated to give notice to interested parties. Such
522 notice shall be given a minimum of fourteen (14) calendar days prior to the public hearing or as

523 required by state law, ~~whichever period of time is greater~~. Failure of interested parties to receive
524 actual notice of said hearing shall in no way affect the validity of action taken.

525 H. Dedication Of Land To Public: Acceptance of dedication of proposed public lands, utility or street
526 rights of way in an approved ~~final plat~~ site plan can be made only by the city council City Council.
527 ~~Final plat approval by the city council will be deemed an acceptance of dedication, unless streets,~~
528 ~~utilities and other public spaces are shown as "not intended for dedication" or unless the city council~~
529 ~~expressly repudiates the presumed dedication.~~

530 I. Application Forms: Application for any required ~~planning commission~~ Planning Commission action
531 shall be submitted on forms prepared for that purpose.

532 J. Retention Of Plans: Plans, specifications and reports for all applications submitted to the city City
533 shall become the property of the public and shall be retained by the city City for a minimum period
534 of two (2) years.

535 K. Validity: ~~Except as set forth in subsection L of this section, approval of a concept plan shall remain~~
536 ~~valid for twelve (12) months and approval of a preliminary design plan shall remain valid for twelve (12)~~
537 ~~months. These time periods may be extended for successive twelve (12) month periods at the discretion~~
538 ~~of the planning commission, for a time period not to exceed three (3) years, if a petition is submitted to~~
539 ~~the planning commission for an extension prior to the expiration date.~~ Covered in Title 13

540 L. Phase Development: Covered in Title 13

541 1. ~~Final plat and construction plan approval may be granted on less than the entire project covered~~
542 ~~by preliminary plan approval and may be done in phases as provided below. The development of the~~
543 ~~phases of project shall be done in an orderly manner and in such a way that the required~~
544 ~~improvements of each of the phases will be made available for the full effective and practical use~~
545 ~~and enjoyment thereof by the lessees or the grantees of any of the lands developed within the time~~
546 ~~hereinafter specified. The phases of any project shall, when possible, be contiguous to previously~~
547 ~~approved phases or other existing development.~~

548 2. ~~Each phase must be approved by the planning commission and city council. Concept plan and~~
549 ~~preliminary design plan approval for phase developments will remain valid so long as an application~~
550 ~~for final plat and construction plan approval for a single phase within the phase development is~~
551 ~~submitted each twelve (12) months after preliminary design plan approval and the applicant~~
552 ~~diligently pursues approval of the application. In no event will concept plan and preliminary design~~
553 ~~plan approval for phase developments remain valid beyond ten (10) years from the date of original~~
554 ~~approval.~~

555 3. ~~The planning commission may recommend, and the city council may elect, to govern the validity~~
556 ~~of preliminary design plan, final plat and construction plan approvals for phase developments~~
557 ~~through a development agreement between the city and the applicant.~~

558 4. ~~If the developer does not maintain the required bond, or if the developer fails to complete all of~~
559 ~~the off site improvements within the boundaries of the approved final plat and construction plan~~
560 ~~phase as set forth in subsection L3 of this section, or if the developer is in default under any other~~
561 ~~term or condition which was required for final plat and construction plan approval, the city council~~
562 ~~may deny any further request for development of succeeding phases of the proposed development~~
563 ~~until the outstanding defaults have been cured to the satisfaction of the city council.~~

564 M. Appeals Procedure: Appeals from any administrative decision may be made to the hearing officer.
565 Appeals from any decision of the planning commission may be made to the city council. (Ord. 2012-07,
566 4-30-2012) (Covered in 10-2-2: Hearing Officer)

567 ~~K. N.~~ Changes: Any significant changes made in an approved drawing require resubmission of the
568 drawing for subsequent approval in the manner of the original approval by the planning commission
569 and city council.

570 ~~L. O.~~ Additional Required Information: The ~~planning commission~~ Planning Commission, ~~city council~~ City
571 Council, ~~zoning administrator, city planner, city engineer, building official~~ Development Review
572 Committee or ~~city~~ City ~~attorney~~ Attorney may require such additional information as necessary to
573 complete a proposal for the written record, demonstrate capability, solve anticipated problems, or
574 show geotechnical solutions to site development.

575 ~~M. P.~~ Preconstruction Meetings: Prior to excavating or starting of the work on a commercial site, a
576 subdivision or a multi-family development, the applicant shall schedule a preconstruction meeting
577 by making application with the community development department. ~~the subdivider shall call the~~
578 ~~city engineer to meet together for a preconstruction meeting.~~ The subdivider applicant shall bring to
579 the meeting all contractors, design engineers, or project managers responsible to build the
580 improvements associated with the project. The purpose of this meeting shall be to:

- 581 1. Verify recordation of the plat and final approval of the plans.
- 582 2. Determine schedule of construction.
- 583 3. Determine names, addresses and phone numbers of contractors, inspectors and all persons
584 involved.
- 585 4. Review plans and special conditions or requirements.
- 586 5. Review bond reduction request.
- 587 6. Coordinate inspection and testing.
- 588 7. Discuss ~~city~~ City standards and specifications.

589 ~~N. Q.~~ Construction Review: Construction work involving the installation of ~~public~~ essential
590 improvements in subdivisions or commercial site plans shall be subject to construction review by the
591 ~~city engineer~~ City Engineer or public works department.

- 592 1. Daily construction review shall be required on the following types of work:
 - 593 a. Laying of street surfacing.
 - 594 b. Placing of concrete for curb and gutter, sidewalks and other structures.
 - 595 c. Laying of drainage pipe, water pipe, valves, hydrants and testing.
 - 596 d. Street grading and gravel base.
 - 597 e. Excavations for curb and gutter and sidewalks.
 - 598 f. Excavations for structures.
- 599 2. Requests for construction review shall be made to the ~~city engineer~~ City Engineer or public works
600 inspector by the person responsible for the construction. Requests for construction review on
601 work shall be made one working day prior to the commencement of the work.

602 ~~O. R.~~ Correcting Defective Work: Construction reviews shall be made by the ~~city engineer~~ City Engineer
603 or public works inspector after various phases of the construction work is completed. Any faulty or
604 defective work shall be corrected by the ~~subdivider or subdivider's~~ contractor within a period of
605 thirty (30) days from the date of ~~city engineer's~~ the construction review wherein the faulty or
606 defective work is noted and written notice is given to the ~~subdivider~~ applicant and/or contractor.
607 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

608 P. 5. Park Development Fees:

- 609 1. In order to cover part of the costs involved in the development of parks and recreational areas
610 for the inhabitants of the ~~city~~City and to provide for the acquisition of additional parks and park
611 facilities to serve future development, a park development fee shall be paid to the ~~city~~City at the
612 time of the issuance of each building permit within the ~~city~~City and in addition to any other fees
613 provided by the revised ordinances in accordance with the fee schedule established by
614 resolution of the ~~city council~~City Council, which fee schedule may be amended by resolution of
615 the ~~city council~~City Council.
- 616 2. In the event a developer shall elect to dedicate land to the ~~city~~City in lieu of payment of the park
617 development fees herein provided, the ~~city~~City may, at the option of its governing body, accept
618 said land and waive that portion of the building permit fee attributable to the park development
619 fee and in an amount equivalent thereto on lots contained within such development or
620 subdivision.
- 621 3. All park development fees obtained pursuant to the provisions of this subsection shall be
622 maintained in a fund separate and apart from the other funds of the ~~city~~City and used for the
623 purpose of developing, expanding, acquiring and improving parks and recreational facilities to
624 meet the requirements of future development within the ~~city~~City, as the ~~city council~~City Council
625 may determine reasonable and necessary.
- 626 4. Any person required to pay funds to the ~~city~~City in satisfaction of this requirement may appeal
627 by giving written notice of appeal to the ~~city~~City manager-Manager within thirty (30) days on the
628 latter of: a) the date on which the fee or charge fell due; or b) the date on which payment under
629 protest was received by the ~~city~~City. The notice of appeal shall state all grounds for the appeal
630 and shall be set for hearing before the ~~city council~~City Council. Any decision on the appeal shall
631 be provided to the appellant in writing. (Ord. 95-1, 1-17-1995)

632 ~~10-3-7: MODEL HOMES:~~ **Covered in New R Zones Update**

633 A. ~~After recording of a subdivision plat, building permits for model homes may be issued before~~
634 ~~completion of on and off site improvements, subject to the following requirements:~~

- 635 1. ~~The applicant must provide proof of ownership of the property where the model home is~~
636 ~~proposed to be located.~~
- 637 2. ~~The applicant must sign a statement acknowledging that the applicant takes full responsibility for~~
638 ~~the risks being taken by constructing a model home before on and off site improvements are~~
639 ~~completed.~~
- 640 3. ~~All on and off site improvements for the full plat must be completed within forty five (45) days of~~
641 ~~issuance of the first model home building permit. If, in the opinion of the city engineer or the city~~
642 ~~building official, on and off site improvements cannot be completed within forty five (45) days of the~~
643 ~~issuance of a permit for a model home, then the city engineer or the city building official may~~
644 ~~withhold approval of a model home building permit.~~
- 645 4. ~~If all on and off site improvements for the full plat are not completed within the forty five (45) day~~
646 ~~period, the city may suspend issuance of additional permits until improvements are completed.~~
- 647 5. ~~A maximum of two (2) model homes will be allowed in each plat.~~

648 ~~6. Prior to the issuance of a building permit for a model home, hard surfaced roads must be~~
649 ~~completed such that they provide reasonable access to the structure(s).~~

650 ~~7. All fire protection requirements must be met as set and approved, in writing, by the South Davis~~
651 ~~Metro Fire District.~~

652 ~~8. No dwelling unit, including model homes, will be issued a certificate of occupancy until all on and~~
653 ~~off site improvements are completed.~~

654 ~~9. Model homes may be operated until a building permit is issued for the last remaining lot within~~
655 ~~the development.~~

656 ~~B. Issuance of any building permit for a model home before the completion of on and off site~~
657 ~~improvements is subject to predicted weather conditions. No building permit application for a model~~
658 ~~home prior to completion of on and off site improvements will be accepted between September 15 and~~
659 ~~March 1. (Ord. 2011-06, 5-3-2011)~~

660

Chapter 7
CONDITIONAL USES

10-7-1: GENERAL PROVISIONS:

10-7-2: PERFORMANCE STANDARDS FOR CONDITIONAL USES:

~~10-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:~~

~~10-7-4: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:~~ (Moved to 13-6-010)

~~10-7-5: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;
SPECIAL REQUIREMENTS:~~ (Moved to 13-6-030)

~~10-7-6: LANDFILLS AND LAND EXCAVATIONS:~~

~~10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):~~

~~10-7-8: FLAG LOTS:~~

10-7-1: GENERAL PROVISIONS:

A. Purpose And Intent: The purpose of this chapter and the intent of the city in its adoption is to promote the health, safety, convenience and general welfare of the present and future inhabitants of the city. This chapter accomplishes the aforesaid purpose and intent by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the district or are of a temporary nature only, but which may be suitable and desirable only in certain locations in that district due to conditions and circumstances peculiar to that location or upon certain conditions which make the uses suitable or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. While flexibility in allowing uses which would otherwise be generally unsuitable to a given district is an important goal of this chapter, it is also recognized that constraints on governmental decision making are a legal imperative. This chapter, therefore, also provides a framework of standards within which those governmental decisions must be made.

B. Conditional Use Permit Required: A conditional use permit shall be required for all uses listed as conditional uses in this title.

~~1. Specific Uses: For the following types of conditional uses, final plan or plat approval shall constitute the conditional use permit:~~

- ~~a. Subdivisions;~~
- ~~b. Planned unit developments;~~
- ~~c. Mobile home parks;~~
- ~~d. Recreational vehicle parks;~~
- ~~e. Mobile home subdivisions;~~
- ~~f. Flag lots¹.~~

~~2. Other Uses: For all other types of conditional uses, final plan approval or a specific conditional use permit will be issued for the particular use as appropriate or as provided for in this title.~~

C. Action By Planning Commission:

39 1. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed,
40 to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance
41 with applicable standards.

42 2. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be
43 mitigated by the proposal or the imposition of reasonable conditions to achieve compliance
44 with applicable standards, the conditional use may be denied.

45 C.D. Revocation Of Permit:

46 1. Temporary Suspension: In the event any person holding a conditional use permit pursuant to
47 this chapter violates the terms of the permit, or conducts or carries on said site development in
48 such a manner as to materially adversely affect the health, welfare or safety of persons residing
49 or working in the neighborhood of the property of the said permittee, a temporary suspension
50 may be made effective immediately upon notification by the zoning administrator Community
51 Development Director.

52 2. Hearing; Notice: No conditional use permit shall be permanently revoked or suspended until a
53 hearing is held, ~~first by the Planning Commission, and then by the city council.~~ The permittee
54 shall be notified in writing of such hearing and said notification shall state:

55 a. The grounds for complaint or reasons for the revocation or suspension, in clear and concise
56 language.

57 b. The time and place such hearing is to be held. Such notice shall be served by registered mail
58 or personal service on the permittee at least ten (10) days prior to the date set for the
59 hearing. At any such hearing, the permittee shall be given an opportunity to be heard, and
60 he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing,
61 the city council Planning Commission shall determine whether or not the permit shall be
62 suspended or revoked. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

63 c. Action by the Planning Commission to revoke a conditional use permit may be appealed in
64 accordance with section 10-2-2. ~~The planning commission may hold a preliminary hearing to~~
65 ~~consider its recommendations to the city council for revocation or suspension of permits~~
66 ~~which have been temporarily suspended at the next regularly scheduled meeting of the~~
67 ~~planning commission. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)~~

68 D.E. Expiration Of Permit: Every conditional use permit shall expire by limitation and become null and
69 void if the work authorized by such permit has not been commenced within one year, or is not
70 completed within two (2) years from date of issue, ~~except for subdivisions, which shall be governed~~
71 ~~by section 10-3-6 of this title.~~ If the permit holder presents satisfactory evidence that unusual
72 difficulties have prevented work being started or completed within the specified time limits, the
73 Planning Commission may grant a reasonable extension of time, up to one year, if written
74 application is made before the expiration of the permit. (Ord. 01-05, 4-3-2001)

75 E. Grounds For Denial Of Conditional Use Permit Application: The following shall constitute grounds for
76 denial of a conditional use permit application:

77 1. Use Detrimental: Under circumstances of the particular case, the proposed use will be
78 detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or
79 injurious to property or improvements in the vicinity, and there is no practical means available to
80 the applicant to effectively mitigate said detrimental effects.

81 2. ~~Nonassurance Of Compliance: The applicant cannot or does not give the planning commission~~
82 ~~reasonable assurance that conditions imposed incident to issuance of a conditional use permit will~~
83 ~~be complied with.~~

84 F. ~~Issuance Of Conditional Use Permit To Be Dependent On Affirmative Findings; Report Required:~~
85 ~~Conditional uses may be approved by the city council upon recommendation of the planning~~
86 ~~commission, in locations permitting such uses in this title. Before approval is granted, a report to the city~~
87 ~~council by the planning commission shall find that the proposed development will meet the~~
88 ~~requirements of this title.~~

89 G. ~~Deviation From Design And Improvement Standards: Where, in the opinion of the city council, the~~
90 ~~literal enforcement of the design and improvement standards in this title would result in an~~
91 ~~unreasonable utilization of land and water or undue hardship due to unique circumstances compliance~~
92 ~~with one or more of the design and improvement standards may be waived, according to the following~~
93 ~~procedure:~~

94 1. ~~Application: Application for a variance shall be made to the city council and shall include:~~

95 a. ~~A description of the land to be developed;~~

96 b. ~~An identification of the title provision from which the variance is requested;~~

97 c. ~~A description of the peculiar physical conditions pertaining to the land in question and which~~
98 ~~do not pertain to other lands in the general area;~~

99 d. ~~A description of the hardships which will accrue to the detriment of the property owner if the~~
100 ~~requested variance is not granted;~~

101 e. ~~A nonrefundable variance review fee, payable to the city, in accordance with the currently~~
102 ~~applicable fee schedule as adopted by resolution of the city council.~~

103 2. ~~Planning Commission Review: The city council shall submit the variance application to the~~
104 ~~planning commission for review and comments upon receipt of said application.~~

105 3. ~~Recommendation To City Council: The planning commission shall review the variance application~~
106 ~~and shall submit its written recommendations for approval or disapproval of such application to the~~
107 ~~city council, along with written reasons therefore within thirty (30) calendar days from receipt of~~
108 ~~said application from the city council at a regularly scheduled meeting of the planning commission.~~

109 4. ~~Public Hearing; Notice: The city council shall hold a public hearing before granting the variance.~~
110 ~~Notice of said public hearing shall be given by at least one publication in a newspaper of general~~
111 ~~circulation in the city. The hearing shall be held no later than thirty (30) calendar days from receipt~~
112 ~~by the city council of the recommendations of the planning commission and no less than fourteen~~
113 ~~(14) calendar days from the publication of notice.~~

114 5. ~~Decision Of City Council: Subsequent to and within fifteen (15) calendar days of the public~~
115 ~~hearing, the city council shall approve or deny the request for a variance. A variance shall be granted~~
116 ~~only if the city council makes a finding upon the record submitted to it that the issuance of a~~
117 ~~variance will be in the interest of the public safety, health or welfare, and the proposed~~
118 ~~development substantially complies with the city general plan and adopted zoning ordinance.~~

119 ~~6. Records Maintained: A record of all correspondence, recommendations, submissions and official~~
120 ~~action regarding all variance applications shall be maintained for a reasonable time by the city as a~~
121 ~~public record.~~

122 ~~F. H.~~ Inspections: Following the issuance of a conditional use permit by the city council, the zoning
123 administrator Community Development Director, City Engineer, or designee shall inspect such use to
124 ensure that development is undertaken and completed in compliance with the conditional use
125 permit.

126 ~~G. I.~~ Minimum Construction And Improvement Standards: Construction standards, including drawings,
127 tables, charts, references and regulations ~~may be as~~ adopted by resolution by the city council, and
128 when done so shall constitute land development standards supplementing this title.

129 ~~H. J.~~ Conflicting Provisions: Where specific requirements are made or exemptions allowed under other
130 sections of the code, those requirements or exemptions shall prevail over the land development
131 standards supplementing this title.

132 ~~I. K.~~ Improvement Construction Obligation Of Developer: Improvements required by this title shall be
133 constructed at the expense of the developer and shall comply with the land development standards
134 supplementing this title.

135 ~~J. L.~~ Commencement Of Construction: Site improvement or grading of any proposed development site
136 prior to ~~preliminary design~~ plan approval by the ~~P~~planning ~~C~~ommission ~~and city council~~ is
137 prohibited. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

138 **10-7-2: PERFORMANCE STANDARDS FOR CONDITIONAL USES:**

139 A. Conditions Relating To Safety For Persons And Property: Applicants for conditional use permits shall
140 meet all specific requirements made in this title. In addition, the Planning Commission may establish
141 additional requirements as outlined herein to meet the concerns of safety for persons and property,
142 health and sanitation, environment, general plan proposals and neighborhood needs, performance
143 and administration. More specifically, the ~~P~~planning ~~C~~ommission may require:

- 144 1. Building elevations and grading plans which will prevent or minimize floodwater damage, where
145 property may be subject to flooding.
- 146 2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential
147 attractive nuisances existing on or adjacent to the property.
- 148 3. Increased setback distances from lot lines where the Planning Commission determines it to be
149 necessary to ensure the public safety and to ensure compatibility with the intended
150 characteristics of the district as outlined in this title.
- 151 4. Appropriate design, construction and location of structures, buildings and facilities in relation to
152 any earthquake fault which may exist on the property, and limitations or restrictions on the use
153 and/or location of uses due to special site conditions, including, but not limited to, geologically
154 hazardous areas, floodplains, fault zones and landslide areas.
- 155 5. Limitations and control of the number, location, color, size, height, lighting and landscaping of
156 outdoor advertising signs and structures in relation to the creation of traffic hazards and
157 appearance and harmony with adjacent development.
- 158 6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
- 159 7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street
160 lighting.
- 161 8. Reduction of permitted street grades for winter and storm conditions or exposure.

- 162 9. Fences shall not create visual nor other safety hazards. Backing movements, passing vehicles,
163 sidewalk traffic or small children shall be considered in the location of fences.
- 164 B. Conditions Relating To Health And Sanitation:
- 165 1. Water: A guarantee of sufficient water to serve the intended land use and a water delivery
166 system meeting standards adopted by the city council.
- 167 2. Wastewater And Waste Disposal Systems: A wastewater disposal system and a solid waste
168 disposal system meeting standards adopted by the city council.
- 169 3. Water, Sewer And Drainage Facilities: Construction of water mains, sewer mains and drainage
170 facilities serving the proposed use, in sizes necessary to protect existing utility users in the
171 district and to provide for an orderly development of land in the city.
- 172 C. Environmental Concerns:
- 173 1. Sensitive Areas: Limitations or restrictions on the use or location of uses in sensitive areas due
174 to soils capabilities, wildlife and plant life.
- 175 2. Pollution: Processes for the control, elimination or prevention of land, water or air pollution; the
176 prevention of soil erosion; and the control of objectionable odors.
- 177 3. Ground Cover: The planting of ground cover or other surfacing to prevent dust and erosion.
- 178 4. Structuring Land: Restructuring of the land and planting of the same as directed by the Planning
179 Commission when the conditional use involves cutting and/or filling the land and where such
180 land would be adversely affected if not restructured.
- 181 D. Conditions Relating To Compliance With Intent Of General Plan And Characteristics Of Vicinity (Or
182 Neighborhood):
- 183 1. Incompatible Characteristics: The removal of structures, debris or plant materials, incompatible
184 with the intended characteristics of the district outlined in this title.
- 185 2. Screening: The screening of yards or other areas as protection from obnoxious land uses and
186 activities.
- 187 3. Landscaping: Landscaping to ensure compatibility with the intended characteristics of the
188 district as outlined in this title.
- 189 4. Walls, Fences, Hedges And Screening: Limitations or controls on the location, height and
190 materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent
191 development, or to conceal storage areas, utility installations or other unsightly development.
- 192 5. Structure Relocation: The relocation of proposed or existing structures as necessary to provide
193 for future streets on the major street plan of the city, adequate sight distances for general
194 safety, groundwater control or similar problems.
- 195 6. Recreational Facilities: Provision for or construction of recreational facilities necessary to satisfy
196 needs of the conditional use.
- 197 7. Density; Intensity: Population density and intensity of land use limitations where land capability
198 or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or
199 conservation of values.
- 200 8. Other Improvements: Other improvements which serve the property in question and which may
201 compensate in part or in whole for possible adverse impacts to the district from the proposed
202 conditional use.
- 203 9. Fencing: The character of the neighborhood and aesthetics of the streetscape shall be
204 considered in the location of fences and in determining the reduction of any front yard for
205 fencing purposes.

- 206 E. Conditions Relating To Performance:
- 207 1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by
- 208 the following guidelines:
- 209 a. A conditional use permit for uses which are of a temporary nature only may be issued for
- 210 the intended duration of the temporary use or for two (2) years, whichever period of time is
- 211 shorter.
- 212 b. Unless there is substantial and positive development action under a conditional use permit
- 213 within a period of one year of its issuance, said permit shall expire. The ~~P~~planning
- 214 ~~C~~ommission and ~~city council~~ may grant a maximum extension for one year, when deemed
- 215 in the public interest.
- 216 1. A bond or other valuable assurance in favor of the city in an amount to be determined by the
- 217 ~~city~~ ~~City council~~ ~~Engineer~~. The amount of said bond or other valuable assurance shall be
- 218 calculated by the ~~city~~ ~~City engineer~~ ~~Engineer~~.
- 219 2. Specific short and long range plans of development may be required to demonstrate timeliness,
- 220 feasibility and impact on the public.
- 221 F. Energy Conservation Concerns:
- 222 1. Solar orientation of buildings and uses.
- 223 2. Use of renewable energy sources.
- 224 3. Efficiency of exterior lighting.
- 225 4. Shading and protection of important buildings and pavings (parking lots, etc.), landscaping and
- 226 trees, location of buildings and screens.
- 227 5. Effective use of vestibules.
- 228 6. Wind screening.
- 229 7. Circulation (travel) efficiency.
- 230 8. Efficiency of stormwater removal and erosion control.
- 231 9. Maintenance efficiency for on site improvements to be maintained by users, occupants and
- 232 owners, etc.
- 233 G. Public Hearings: A public hearing may be held when deemed by the ~~P~~planning ~~C~~ommission ~~or city~~
- 234 ~~council~~ to be in the public interest. However, in the following instances, the holding of a public
- 235 hearing shall be mandatory:
- 236 1. The ~~P~~planning ~~C~~ommission determines that existing streets and thoroughfares are not suitable
- 237 and adequate to carry anticipated traffic, and increased densities resulting from the proposed
- 238 use may generate traffic in such amounts as to overload the street network outside the district.
- 239 2. The ~~P~~planning ~~C~~ommission determines that increases in miscellaneous traffic, light, odor or
- 240 environmental pollution generated by the proposed use may significantly change the intended
- 241 characteristics of the district as outlined in this title.
- 242 3. The ~~P~~planning ~~C~~ommission determines that the architectural design of the proposed use varies
- 243 significantly from the architectural characteristics of the district (as outlined in this title) in
- 244 which such use is proposed. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

245 ~~10-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS: (Moved to Title 13)~~

246 ~~When applicable, the following general standards shall apply to all conditional use developments within~~

247 ~~the city, unless waived for good and sufficient reasons by the planning commission. This section is not~~

248 intended to apply to single family dwellings unless contained within a multiple home planned unit
249 development (PUD).

250 A. Ownership: The development shall be in single or corporate ownership at the time of application, or
251 the subject of an application filed jointly by all owners of the property or their representative.

252 B. Landscaping, Fencing And Screening: Landscaping, fencing and screening within the site and as a
253 means of integrating the proposed development into its surroundings shall be planned and presented to
254 the planning commission for approval, together with other required plans for the development.

255 C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and
256 direction of area lighting or floodlighting shall be detailed in the application.

257 D. Grading And Drainage Plan: A grading and drainage plan shall be submitted to the planning
258 commission with the application.

259 E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be
260 prepared for the entire site to be developed, including especially the yards which abut upon public
261 streets.

262 F. Nondetrimental Use: It shall be shown that under the circumstances of the particular case, the
263 proposed use will not be detrimental to the health, safety or general welfare of persons residing in the
264 vicinity of the conditional use development.

265 G. Water And Sewer Systems: All buildings used for human occupancy when completed shall be served
266 by a central water system and central sewage disposal system which have been approved by the
267 building official and which are in compliance with applicable local and state law.

268 H. Bond Required: In order to ensure that the development will be constructed to completion in
269 accordance with approved plans, the planning commission shall require the developer to post a bond or
270 mortgage, or other valuable assurance, acceptable to the city council in an amount equal to the
271 estimated cost, plus ten percent (10%), of constructing all required landscaping, road improvements,
272 pedestrianways, bike paths, curbs and gutters, hard surfacing, culinary water and sewer lines, as shown
273 on the final site plan. Estimates of cost shall be furnished by the city engineer. Final determination of the
274 amount of the bond or other assurance shall be made by the city council.

275 1. The duration of the bond or other assurance shall be for one or more years from the date of
276 approval of the development by the city council. An extension of time for completion may be
277 granted by the city council upon application by the developer, provided such application is
278 submitted at least sixty (60) days prior to the expiration of the bond or other assurance, and
279 provided the issuer of the bond is willing to extend the time of the assurance. (Ord. 93-5, 7-6-1993,
280 eff. 7-15-1993)

281 2. In the event the developer defaults or fails or neglects to satisfactorily install the required
282 improvements within one year from the date of approval of the development by the city council or
283 to pay all liens in connection therewith, the city council may declare the bond or other assurance
284 forfeited and the city may install or cause the required improvements to be installed using the
285 proceeds from the collection of the bond or other assurance to defray the expense thereof. After

286 required improvements have been made, any balance after expenses shall be returned to the
287 developer at the end of the assurance period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

288 3. The developer shall be responsible for the quality of all materials and workmanship. At the
289 completion of the work, or not less than ten (10) days prior to the release date of the bond or other
290 assurance, the city engineer shall make a preliminary inspection of the improvements made and
291 submit a report to the city council setting forth the conditions of such facilities. If all liens are paid
292 and other conditions thereof are found to be satisfactory, the city council shall release the bond or
293 other assurance. If the condition of material or workmanship shows unusual depreciation or does
294 not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the
295 city council may declare the developer in default.

296 I. Design Of Development: In the event that the land contained within a development is traversed by a
297 proposed major street, water line, sewer line or drainage channel shown on the general plan, or any
298 other official city map, said development shall be designed in accordance therewith. The right of way
299 across the development for said major streets, or other right of way, shall be dedicated to the public.

300 J. Environment Of Residential Areas: Grouping and spacing of buildings and dwellings in residential areas
301 shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the
302 dominant features of the development. Areas not covered by buildings or by off street parking space or
303 driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise
304 landscaped and maintained in accordance with good landscape practice as approved on the final plan.
305 Permanent automatic irrigation systems shall be installed when required by the planning commission to
306 provide for maintenance of planted areas.

307 K. Conformance To Standards: Details of plans, plats and documents to be submitted showing the size of
308 water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the
309 quality of material and improvements, protection from adverse influences, lighting, landscaping, off
310 street parking, grading and other details of design and construction shall conform to standards as set
311 forth in such resolutions pertaining to such standards as may be adopted by the planning commission.

312 L. Ordinance Standards: The development shall meet all standards and requirements of this title and all
313 requirements of applicable ordinances.

314 M. Character Of Development: The development shall be in keeping with the general character of the
315 district within which it is to be located.

316 N. Plan Preparation: Depending upon the complexity of the project, the planning commission may
317 require that plans for the development be prepared by a qualified professional team. In all cases, it is
318 recommended that professional design and other assistance be obtained early in the program. It is the
319 intent of the city that the developer solve his problems before approval is given and construction begins.

320 O. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents of
321 the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to
322 ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the
323 development. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

324 P. Inspections: All structures required by this title to have building permits and all uses required to have
325 use permits shall be inspected by the building official in accordance with procedures established by the
326 international building code, as adopted by the city, and this title; provided, however, that no building
327 permits for such structures or use permits shall be issued until the planning commission, or the zoning
328 administrator if authorized by the planning commission and city council, has issued a conditional use
329 permit for the building site or use, or has determined that a conditional use permit is not required by
330 this title. (Ord. 93 5, 7 6 1993, eff. 7 15 1993; amd. 2012 Code)

331 **10-7-4: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS: (Moved to Title 13)**

332 A. Purpose: The purpose of planned unit development is to permit flexibility in land use and to allow
333 diversification in the interrelationships of various uses and structures within their sites and thus offers
334 an alternative method to the traditional type of development. The application of planned unit
335 development concept is intended to encourage neighborhoods, housing, design, open space and
336 facilities compatible with the present living environment in the city as described by the general plan,
337 while at the same time ensuring compliance with practices which will assure the health, safety and
338 public welfare of the future inhabitants of the planned unit development, as well as maximizing the
339 energy utilization efficiency of the project. In exchange for the additional services provided by the
340 developer in a planned unit development, this chapter will allow for increased intensity of buildings and
341 more flexible uses of the land.

342 B. Condominiums To Be Developed As Planned Unit Development: Where, in the opinion of the planning
343 commission, the unique features of a condominium project (i.e., ownership, financing, topography,
344 types of land uses, etc.) require more flexibility in design solutions in order to protect the public interest,
345 the proposed condominium project shall comply with the provisions of this chapter, and contrary
346 provisions of other ordinances adopted by the city may be waived by the planning commission.

347 C. Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located: No conditional use
348 permit for a planned unit development shall be granted unless such development will meet the use
349 limitations of the zoning district in which it is to be located, including planned unit developments in
350 planned districts, and meet the density and other limitations of such districts, except as such
351 requirements may be lawfully modified as provided by this chapter or by district regulations.
352 Compliance with the regulations of this title in no sense excuses the development from the applicable
353 requirements of the subdivision regulations, except as modifications thereof are specifically authorized
354 in the approval of the application for the planned unit development.

355 D. Required Conditions:

356 1. Area: No planned unit development shall have an area less than that approved by the planning
357 commission as adequate for the proposed development.

358 2. Arrangement Of Structures; Open Space: The planning commission shall require such
359 arrangements of structures and open spaces as necessary to assure that adjacent properties will not
360 be adversely affected. In particular:

361 a. Where feasible, buildings of least height and the least intensity of buildings and uses shall be
362 arranged around the boundaries of the development.

363 b. Lot area, width, yard, height and coverage requirements shall be determined by approval of
364 the preliminary design plan.

365 c. Where feasible, buildings or landscaping shall not prohibit the free flow of air or direct
366 exposure to sunlight, specifically in regard to solar heating or cooling structures by solar energy
367 systems.

368 d. The development will be planned so as to provide solar access to all of the residential units,
369 unless waived by the Planning Commission.

370 3. Plan Preparation: All plans must be prepared by a qualified professional team.

371 4. Tax Liability For Private Open Space: Ownership for tax liability of private open space reservations
372 shall be established in a manner acceptable to the City Council and made a part of the conditions of
373 the plan approval.

374 E. Preservation, Maintenance And Ownership: Preservation, maintenance and ownership of required
375 open spaces within development shall be accomplished by:

376 1. Dedication: Dedication of the land to the City as a public park or parkway system, including a
377 certificate of title insurance; or

378 2. Easement:

379 a. Granting to the City a permanent, open space easement on and over the said private open
380 spaces to guarantee that the open space remains perpetually in recreational or park use, with
381 ownership and maintenance being the responsibility of an owners' association established with
382 articles of association and bylaws which are satisfactory to the City Council; or

383 b. Granting to the City a permanent, open space easement on and over the said private open
384 spaces to guarantee that the open space remains perpetually in recreational or park use, to be
385 maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the
386 developer in an amount satisfactory to the City Council; or by

387 3. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership Act,
388 Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common
389 expenses for the upkeep of the common areas and facilities. (Ord. 93 5, 7 6 1993, eff. 7 15 1993)

390 **10 7 5: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;**
391 **SPECIAL REQUIREMENTS: (Moved to Title 13)**

392 A. Purpose And Intent: The purpose and intent of this section is to:

393 1. Permit variety and flexibility in land development for residential purposes by allowing the use of
394 mobile homes and recreational vehicles under certain conditions.

395 2. Require that mobile home and recreational vehicle developments will be of such character as to
396 promote the objectives and purposes of this title; to protect the integrity and characteristics of the
397 district contiguous to those in which mobile home parks are located; and to protect other land use
398 values contiguous to or near mobile home or recreational vehicle developments.

399 ~~B. Location:~~

400 ~~1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries of~~
401 ~~the City except in a licensed mobile home park or approved mobile home subdivision, or as~~
402 ~~temporary living quarters by conditional use permit. Emergency or temporary parking of any~~
403 ~~unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be~~
404 ~~permitted for a period not exceeding twenty four (24) hours. This limitation does not apply to~~
405 ~~unoccupied mobile homes in licensed mobile home sales areas.~~

406 ~~2. Recreational Coaches:~~

407 ~~a. Recreational coaches which do not include facilities necessary to be "mobile homes", as~~
408 ~~defined in section 10-1-46 of this title, shall not be used at any place within the corporate~~
409 ~~boundaries of the City, at any time, for living quarters except in designated camping areas or~~
410 ~~recreational coach parks.~~

411 ~~b. Recreational coaches which are unoccupied for living space may be temporarily stored on a~~
412 ~~private residential lot or larger parcel of land, provided they do not violate any required~~
413 ~~setbacks for front or side yards. Long term storage of recreational coaches, maintenance~~
414 ~~operations, reconstruction or construction activities are permitted within enclosures only and in~~
415 ~~zoning districts allowing such uses.~~

416 ~~C. Standards And Requirements:~~

417 ~~1. Determination Of Compliance: The planning commission shall review the proposed development~~
418 ~~plan to determine its compliance with all portions of the city general plan and, among other things,~~
419 ~~shall attempt to make sure that such development will constitute a residential environment of~~
420 ~~sustained desirability and stability and that it will not adversely affect amenities in the surrounding~~
421 ~~area. Standards higher than the minimum standards contained in this title may be required if~~
422 ~~necessary for local conditions of health, safety and protection of property, and to ensure that the~~
423 ~~development will mix harmoniously with contiguous and nearby existing and planned uses.~~

424 ~~2. Required Facilities: The planning commission shall not approve any application for mobile home~~
425 ~~park, recreational vehicle park or mobile home subdivision conditional use permit if the developer~~
426 ~~cannot provide required water supplies and facilities, waste disposal systems, storm drainage~~
427 ~~facilities, access or improvements, or if the developer cannot assure that the development will be~~
428 ~~completed within twelve (12) months, or if the planning commission or city council determines~~
429 ~~there would be unusual danger of flood, fire or other hazard, or if the proposed development would~~
430 ~~be of such character or in such a location that it would:~~

431 ~~a. Create excessive costs for public services and facilities;~~

432 ~~b. Endanger the health or safety of the public;~~

433 ~~c. Unreasonably hurt or destroy the environment;~~

434 ~~d. Cause excessive air or water pollution, or soil erosion; or~~

435 ~~e. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.~~

436 3. Standards And Requirements Specified; Exception: The development shall conform to the
437 following standards and requirements, unless modified by an approved planned unit development
438 plan:

439 a. The area shall be in one ownership, or if in several, the application for approval of the
440 development shall be filed jointly by all owners of the property included in the plan.

441 b. A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left unoccupied
442 by mobile homes, recreational vehicles, storage buildings, service buildings, garages or any add ons,
443 and shall be planted and maintained in lawn, shrubs or trees, with an approved durable permanent
444 wall or fence designed to afford privacy to the development.

445 c. All storage and solid waste receptacles outside the confines of any mobile home or recreational
446 vehicle shall be housed in a closed structure compatible in design and construction to the mobile
447 homes, and to any service buildings within the development; all patios, carports, garages and other
448 add ons shall be compatible in design and construction with the mobile home. The service buildings
449 shall be constructed in accordance with standard commercial practice and kept in good repair as
450 determined by the zoning administrator. In mobile home developments where units will be situated
451 with long axis perpendicular to the street, streets will run in a north-south direction to the greatest
452 extent possible. This is to promote solar orientation of the units.

453 d. In addition to meeting the above requirements and conditions, and conforming to the other laws
454 of the city, all mobile home parks, recreational vehicle parks, and mobile home subdivisions shall
455 also conform to all applicable state regulations. In the event of any conflict between said regulations
456 and this chapter, this chapter shall take precedence where its regulations are more strict, and the
457 provisions of the state regulations shall take precedence where such regulations are more strict.

458 4. Utilities Underground: Every mobile home park, recreational vehicle park and mobile home
459 subdivision shall provide underground utility service to every mobile home stand or lot as required
460 by the planning commission, including, but not limited to, water, sewer, power, natural gas,
461 telephone and television.

462 5. Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the city to
463 be less durable and less resistant to deterioration than are conventional homes; therefore, all
464 mobile homes which are used for human habitation, whether conforming or nonconforming, and
465 whether located in mobile home parks, in mobile home subdivisions or on bona fide farms and
466 ranches, shall be subject to the following special regulations:

467 a. Permits are required for mobile home plumbing and electrical hookups, and such hookups shall
468 be made only by licensed plumbers and electricians.

469 b. No mobile home may be placed on a permanent foundation without state approved modification.

470 c. A certificate of compliance is required for all mobile homes within the city, whether occupied or
471 awaiting occupancy, and may be obtained from the building official following an inspection wherein
472 the mobile home is found to meet the safety, sanitary and structural standards adopted by the city.
473 The state inspection certificate will be honored in lieu of a certificate of compliance.

474 d. Each mobile home may be inspected annually, or upon evidence of need, by the building official,
475 to determine whether the structure is sound and being kept in a safe and sanitary condition for
476 human habitation. During the inspection, the building official may revoke the certificate of
477 compliance or certificate in lieu thereof for cause, including, but not limited to, violation of the fire
478 or sanitary codes adopted by the city, substantial deterioration of structure so as to adversely affect
479 the health or safety of the occupants, or deterioration in appearance so as to be unsightly and to
480 adversely affect the value of neighboring properties.

481 e. Upon the revocation of a certificate of compliance or certificate in lieu thereof, or a finding of
482 noncompliance, the building official shall order the deficiencies corrected and a certificate of
483 compliance obtained within thirty (30) days.

484 f. If such deficiencies are not corrected, or cannot be corrected, the mobile home shall be ordered
485 vacated and removed from the premises upon which located, and shall not thereafter be used for
486 human habitation within the city, unless all deficiencies are corrected and a certificate of
487 compliance obtained.

488 6. Compliance With Other Regulations: Any mobile home or recreational vehicle located in any
489 permitted area shall comply with and conform to all other zoning laws, rules and regulations, and
490 building, plumbing, electrical and fire prevention codes, and all other codes and requirements
491 applicable to a structure or building erected within the district in which said mobile home or
492 recreational vehicle is located.

493 7. Guarantees:

494 a. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees
495 must be provided as determined by the planning commission and city council for permanent
496 retention of open spaces and for the maintenance of roadways, storage facilities, service
497 facilities and landscaping resulting from the application of these regulations. Guarantees shall be
498 in the form of a bond, or a cash deposit, in a sum to be determined by the planning commission,
499 which form must be approved by the city council and the city attorney. The basis for providing
500 assurance of compliance will be a management plan developed by the applicant and approved
501 by the planning commission and city council that will outline standards of operation, remedies
502 for failure to comply with those standards and a single responsible person or entity for its
503 administration and dealing with the city.

504 b. In any case, when a mobile home park or recreational vehicle park is owned by more than one
505 person, the developer shall establish and appoint a park manager. The manager shall be
506 authorized to receive, process and represent fully the interests of the owners in respect to
507 continuing management and maintenance of the park.

508 c. Prerequisite to the operation of any mobile home park or recreational vehicle park in the city
509 shall be the obtaining of an annual business license from the city.

510 d. In the event a mobile home or recreational vehicle park is not completed according to
511 approved plans, or operated and maintained according to the approved management plan, the
512 annual business license may be denied or revoked. The mobile homes or recreational vehicles
513 and associated property and facilities shall be removed, and all services discontinued before any

514 part of the land within the development planning area may be used for any other purpose, or be
515 subdivided.

516 e. The premises on which any mobile home is located, used or occupied shall be maintained in a
517 clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds,
518 inoperative vehicles or other unsightly material thereon shall constitute a public nuisance and a
519 violation of this title. Reasonable guarantees to assure compliance with this requirement will be
520 required of the developer and/or owner as a condition of conditional use permit approval and
521 ultimately the issuance of the annual city business license.

522 D. Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile home
523 parks outlined in this section, mobile home parks shall meet the following requirements:

524 1. Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre and
525 may be limited to fewer units, depending on mobile home size, topography and other factors of the
526 particular site. The mobile homes may be clustered; provided, that the total number of units does
527 not exceed the number permitted on one acre, multiplied by the number of acres in the
528 development. The remaining land not contained in individual lots, roads or parking shall be set aside
529 and developed as parks, playgrounds and service areas for the common use and enjoyment of
530 occupants of the development, and the visitors thereto.

531 2. Distance Between Structures: No home or add on shall be located closer than ten feet (10') from
532 the nearest portion of any other home or add on. All such homes and add ons shall be set back at
533 least ten feet (10') from road curbs or walks. If the mobile home tongue remains attached, it shall be
534 set back a minimum of six feet (6') from road curbs or walks. All mobile homes, storage buildings,
535 service buildings, garages, carports or other add ons, etc., shall be set back at least fifteen feet (15')
536 from any boundary of the mobile home park.

537 3. Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces per
538 mobile home space, and each such parking space shall have a minimum width of ten feet (10') and
539 minimum depth of twenty feet (20'). In no case shall the parking space be located farther than one
540 hundred feet (100') from the mobile home space, as approved by the planning commission.

541 4. Bulk Storage Areas: One story bulk storage areas shall be provided within a mobile home park,
542 equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk
543 storage shall be improved, landscaped and screened as approved by the planning commission.

544 5. Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be set
545 aside for the joint use and enjoyment of occupants in a parklike setting with both active and passive
546 recreational accommodations. The land covered by vehicular roadways, sidewalks, off street parking
547 and required setbacks shall not be construed as part of this ten percent (10%) common area
548 required; provided, however, that in initial stages of development or special smaller developments,
549 the minimum area shall be not less than one acre or ten percent (10%), whichever is greater.

550 6. Yard Lighting: Yard lighting with a minimum of 0.2 foot candle of light shall be required for
551 protective yard lighting the full length of all driveways and walkways.

- 552 7. Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing or
553 buildings shall be landscaped as approved by the planning commission, and such landscaping shall
554 be permanently maintained.
- 555 8. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be
556 hard surfaced before the adjacent spaces may be occupied.
- 557 9. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
558 following standards, unless modified by an approved planned unit development plan:
- 559 a. One way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for
560 maneuvering mobile homes.
 - 561 b. Two way traffic: A minimum of thirty feet (30') in width.
 - 562 c. Entrance roadways: A minimum of thirty six feet (36') in width.
 - 563 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled
564 gutters or an approved equivalent.
 - 565 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
566 roadways within the development, if required by the planning commission.
 - 567 f. Access: Each park shall have at least two (2) accesses to public streets, unless more than one
568 access is prohibited by a responsible public agency.
- 569 10. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if shields
570 are used, they are to be fireproof, well painted or otherwise preserved.
- 571 11. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents
572 of the development as well as adjacent property owners. Such facilities must be of sufficient
573 capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or
574 adjacent to the development.
- 575 12. Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:
- 576 a. Be in keeping with the general character of the district in which it is to be located.
 - 577 b. Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels
578 separated by a street or alley only, and totaling ten (10) acres, unless modified by an approved
579 planned unit development plan.
 - 580 c. Have at least twenty five (25) spaces completed, ready for occupancy, or an approved
581 financing plan for construction and phase completion, together with approved security to assure
582 compliance, before first occupancy is permitted.
- 583 13. Laundry Facility: A laundry for convenience of park occupants, but not for the general public,
584 may be included in mobile home parks.

585 14. Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty (30)
586 days, and occupancy shall be by written lease. Leases shall be made available for inspection by the
587 officials of the city upon demand.

588 15. Access: Access shall be provided to each mobile home stand for maneuvering mobile homes into
589 position. The accessway shall be kept free from trees and other immovable obstructions. Paving
590 under mobile homes will not be required if adequate support is provided as required by state
591 regulations. Uses of planks, steel mats or other means to support the mobile home during
592 placement shall be allowed, so long as the same are removed upon completion of placement.

593 E. Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for
594 recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following
595 requirements:

596 1. Location: Recreational vehicle parks shall generally be located:

597 a. Adjacent to or in close proximity to a major traffic artery or highway.

598 b. Near adequate shopping facilities.

599 c. Within or adjacent to a mobile home park.

600 2. Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for the
601 joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and off
602 street parking shall not be construed as part of the ten percent (10%) common area required for
603 parks and playgrounds for occupants; provided, however, that in initial stages of development or in
604 special smaller developments, the minimum area shall not be less than one-half ($\frac{1}{2}$) acre or ten
605 percent (10%), whichever is greater.

606 3. Yard Lighting: Yard lighting with a minimum of 0.2 foot candle of light shall be required for
607 protective yard lighting the full length of all driveways and walkways.

608 4. Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall be
609 landscaped and permanently maintained pursuant to a plan approved by the planning commission.

610 5. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be
611 hard surfaced before the adjacent recreational vehicle spaces may be occupied.

612 6. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
613 following standards, unless modified by an approved planned unit development plan:

614 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for
615 maneuvering recreational vehicles.

616 b. Two-way traffic: A minimum of thirty feet (30') in width.

617 c. Entrance roadways: A minimum of thirty six feet (36') in width.

618 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled
619 gutters or an approved equivalent.

620 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main roadways
621 within the development, if required by the planning commission.

622 f. Access: Each recreational vehicle park shall have at least two (2) accesses to public streets, unless
623 more than one access is prohibited by a responsible public agency.

624 7. Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one
625 individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be
626 rented or leased to any one individual for a period longer than ninety (90) days in any one calendar
627 year.

628 8. Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where
629 permitted, but not used for permanent living quarters.

630 9. Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for
631 living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a
632 conditional use.

633 10. Screening; Access: Recreational vehicles may be accommodated in an approved and licensed
634 mobile home park; provided, that:

635 a. The recreational vehicle park portion of the development is separated by barriers, screens or
636 otherwise from the area of mobile homes.

637 b. The recreational vehicle use area shall have direct access to a collector or arterial street.

638 c. Separate ingress and egress shall be provided for recreational vehicles when required by the
639 planning commission.

640 11. Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved by
641 the city council in locations permitting such use in this title. Before such approval is given, a report
642 to the city council by the planning commission shall find that the proposed development will:

643 a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park,
644 unless modified by a planned unit development plan.

645 b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile
646 home park), or an approved schedule of financing, construction and phase completion, and
647 approved security, to assure compliance.

648 F. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile
649 home subdivisions outlined in this section, mobile home subdivisions shall meet the following
650 requirements:

651 1. Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved by the city
652 council in locations permitting such use in this title. Before such approval may be granted, a report
653 to the city council by the planning commission shall find that the proposed development will:

654 a. Be located on a parcel of land containing not less than five (5) acres.

- 655 b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum
656 width of fifty feet (50').
- 657 c. Be organized in a homeowners' association, if required by the planning commission.
- 658 2. Security Compound: The planning commission may require a security compound for the storage
659 of vehicles, boats and other large items, to be provided equivalent to a minimum of three hundred
660 (300) square feet of paved area per mobile home lot, to be maintained by a homeowners'
661 association in the mobile home subdivision.
- 662 3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy. If
663 shields are used, they are to be fireproof and painted, or otherwise preserved.
- 664 4. Street Widths: Street widths shall be as required by the development regulations, except as may
665 be modified by an approved planned unit development plan.
- 666 5. Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased for a
667 period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

668 **10-7-6: LANDFILLS AND LAND EXCAVATIONS:**

669 See title 7, chapter 5, article C of this Code. (Ord. 2018-04, 4-17-2018)

670 **10-7-7: SUBDIVISIONS (LAND DEVELOPMENT): (moved to Title 13)**

671 A. Scope Of Section:

- 672 1. Compliance Required: No person shall subdivide or otherwise develop any tract of land which is
673 located wholly or in part within the City, except in compliance with this title, and with the
674 development regulations adopted by the City Council.
- 675 2. Applicability:
- 676 a. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any
677 part of a development of a larger tract of land, nor offer for recording in the Office of the County
678 Recorder any deed conveying such parcel of land, or any interest therein, unless such
679 development has been created pursuant to and in accordance with the provisions of this title
680 and local regulations; provided, that this title shall not apply to any lot or lots forming a part of a
681 development created and recorded according to then applicable law prior to the effective date
682 hereof, except as specifically provided in this title.
- 683 b. This title shall apply, however, to lots created prior to adoption of this title and not in
684 compliance with then applicable law.
- 685 3. Approval Required: No lot within a development created and recorded prior to the effective date
686 hereof or approved by the Planning Commission and City Council and recorded in the County
687 Recorder's Office under the provisions of this title, shall be further divided, rearranged, added to or
688 reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more
689 lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the
690 Planning Commission and the City Council.

691 4. Restricted Lots: Restricted lots are prohibited unless geotechnical design solutions to problems
692 associated with such lots have been prepared by a qualified professional team and approved by the
693 Planning Commission.

694 B. Intent And Purpose:

695 1. The purpose of this section and the intent of the city in its adoption is to promote the health,
696 safety, convenience and general welfare of the present and future inhabitants of the city.

697 2. This section will accomplish this purpose by:

698 a. Providing policies, standards, requirements and procedures to regulate and control the design
699 and improvements of all developments.

700 b. Assisting in the implementation of the objectives, policies and programs of the general plan
701 by ensuring that all proposed developments, together with provisions for their design and
702 improvements, are consistent with the general plan and all applicable specific plans.

703 c. Preserving and protecting, to the maximum extent possible, unique and valuable natural
704 resources and amenities, including topographic and geologic features, beaches and natural
705 watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and
706 attractions; and improving the public access to and enjoyment of such resources and amenities
707 through the dedication or continuance of appropriate public easements thereto.

708 d. Preserving and protecting the special environmental quality and aesthetic character of all
709 hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative
710 cover and other environmental factors; reducing the hazards of life and property from fire,
711 flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a
712 development to the slope of the natural terrain.

713 e. Encouraging the clustering of housing and building developments where subdivisions or other
714 developments are permitted in hillside and mountainous areas, minimizing grading, preserving
715 the natural terrain and enlarging the open spaces.

716 f. Relating land use intensity and population density to existing developments, street capacity
717 and traffic access, the slope of the natural terrain, the availability and capacity of public facilities
718 and utilities, and open spaces.

719 g. Providing lots of sufficient size and appropriate design for the purposes for which they are to
720 be used.

721 h. Providing streets of adequate capacity and design for the traffic that will utilize them, and
722 ensuring maximum safety for pedestrians and users of vehicles.

723 i. Ensuring adequate access to each building site.

724 j. Providing sidewalks, pedestrianways, bike paths, and equestrian and hiking trails for the
725 safety, convenience and enjoyment of residents of new developments.

726 k. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street
727 lighting and other utilities needed for public health, safety and convenience.

728 l. Providing adequate sites for public facilities needed to serve residents of new developments.

729 m. Ensuring that costs of providing land for streets, alleys, pedestrianways, bike paths,
730 easements and other rights of way and for the improvements therein needed to serve new
731 developments are borne by the developer.

732 n. Preventing land which is actually or potentially dangerous by reason of flood hazard,
733 inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage
734 facilities or hazardous geological conditions from being developed for any use or in any manner
735 tending to create an increased detriment to the public health, safety or welfare.

736 o. Ensuring that, insofar as possible, land is developed in a manner that will promote the public
737 health, safety, convenience and general welfare and the physical, social and economic
738 development of the area in conformance with the general plan, and provide access for solar and
739 other renewable energy sources to the maximum extent possible, and encourage energy
740 conservation through design, layout, "siting" and other techniques.

741 p. Preserving and protecting to the maximum extent possible, solar access to structures and
742 encourage and promote/require energy conservation and the use of renewable energy sources.

743 q. Providing space for parking bays (off street parking as needed).

744 r. Providing space for bike paths and jogging trails.

745 C. Maps And Plats Required:

746 1. Content: Whenever any lands are laid out and platted, the owner of those lands shall cause an
747 accurate map or plat to be made of them that sets forth and describes:

748 a. All parcels of ground laid out and platted, by their boundaries, course and extent, and whether
749 they are intended for streets or other public uses, together with any areas that are reserved for
750 public purposes; and

751 b. All blocks and lots intended for sale, by number, and their precise length and width.

752 2. Acknowledgment Required: The owner of the land shall acknowledge the map or plat before an
753 officer authorized by law to take acknowledgment of conveyances of real estate:

754 a. The surveyor making the map or plat shall certify it.

755 b. The city council shall approve the map or plat as provided by law.

756 3. Filing And Recording: After the map or plat has been acknowledged, certified and approved, the
757 owner of the land, under the city's direction, shall file and record it in the county recorder's office in
758 the county in which the lands platted and laid out are situated.

759 D. Subdivision Approval Procedure: No one may file or record a plat of a subdivision of land in the
760 county recorder's office unless:

761 1. Approval Required: It has been approved by:

762 a. The city council; or

763 b. Other officers that the city council designates in an ordinance; and
764 2. Written Approval: The approvals are entered in writing on the plat by the mayor or chairperson of
765 the city council or by other officers designated in the ordinance.

766 E. Exemptions From Plat Requirement: Any land divided for any purpose into two (2) or more parts after
767 the passage of this title shall be subject to the provisions and regulations of this title, except:

768 1. Quarter Section Boundaries: Land divided into parcels, the smallest of which equals or exceeds
769 one fourth ($\frac{1}{4}$) of a standard section, the boundaries of said parcels to coincide with standard
770 boundaries for the division of sections, i.e., one-fourth ($\frac{1}{4}$) section boundaries.

771 2. Less Than Ten Lots: In subdivisions of less than ten (10) lots, land may be sold by metes and
772 bounds, without the necessity of recording if:

773 a. The subdivision layout has been approved in writing by the planning commission;

774 b. The subdivision is not traversed by mapped lines of a proposed street as shown in the general
775 plan, trails as shown in the parks, trails and recreation study and plan, and does not require the
776 dedication of any land for street or other public purposes; and

777 c. If the subdivision is located in a zoned area, each lot on the subdivision meets the frontage,
778 width and area requirements of the zoning district in which it is located or has been granted a
779 variance from those requirements by the hearing officer.

780 F. Dedication Of Streets And Trails:

781 1. Requirement: Maps and plats, when made, acknowledged, filed and recorded according to
782 procedures specified in this section, operate as a dedication of all streets, trails and other public
783 places, and vest the fee of those parcels of land in the city for the public for the uses named or
784 intended in those maps or plats.

785 2. Nonliability For Unimproved Dedications: The dedication established by this section does not
786 impose liability upon the city for streets, trails and other public places that are dedicated in this
787 manner but unimproved.

788 G. Recording Final Plat: The city council shall supervise, at the direction of the owner, the recording of
789 the final plat or map with the county recorder, which is to be done within thirty (30) calendar days of
790 the completed approval of the final plat by the city council. The owner shall pay the expense of such
791 recording.

792 H. Vacating Or Changing Subdivision Plat:

793 1. Routine And Uncontested Lot Line Adjustments:

794 a. Purpose: The purpose of this section is to enable routine and uncontested lot line
795 adjustments between two (2) lots to be considered and approved administratively by the city's
796 development staff.

797 b. Applicability: This section applies to routine and uncontested lot line adjustments between
798 two (2) legally existing agricultural, residential, commercial or industrial subdivision lots.
799 Applications processed pursuant to this section shall:

800 (1) Meet all applicable zoning requirements.

801 (2) Receive the consenting signatures of all abutting property owners.

802 (3) Not affect any street right of way.

803 (4) Not create any new lots.

804 (5) Not affect any trail right of way.

805 c. General Application Contents: The application for routine and uncontested lot line
806 adjustments shall include:

807 (1) The signatures of approval of all abutting property owners and property owners directly
808 across any abutting streets, whether the property is in the same subdivision or not.

809 (2) Three (3) copies of a preliminary plat drawing, preliminary plat, showing the land to be
810 subdivided, properly and accurately drawn to scale, certified as accurate by a registered
811 land surveyor or professional engineer, and the proposed form of a deed for the lot line
812 adjustments.

813 (3) A current ownership plat from the Davis County recorder's office showing the entire
814 subject area.

815 d. Fees: The petitioners shall pay an application review fee consistent with the consolidated fee
816 schedule for the city.

817 e. City Internal Review: The development review committee shall review the application for
818 completeness and for compliance to the regulations of this title. Upon review of the application
819 and preliminary plat, the development review committee may either approve or deny the lot
820 line adjustment.

821 f. Recordable Instrument: If the lot line adjustment is approved, the city recorder or designee
822 shall record an appropriate deed or deeds with the Davis County recorder's office containing the
823 legal description of each new lot and stating any conditions of approval.

824 2. Petition To Change Or Vacate Subdivision Plat:

825 a. General Petition Contents:

826 (1) A complete application on forms created by the city;

827 (2) Ten (10) copies of a preliminary plat drawing showing the land to be subdivided, properly
828 and accurately drawn to scale, certified as accurate by a registered land surveyor or
829 professional engineer;

830 (3) One reduced eleven inch by seventeen inch (11" x 17"), or eight and one half inch by
831 eleven inch (8¹/₂" x 11") copy of the preliminary plat drawing;

832 (4) The name and address, on gummed mailing labels, of the following:
833 (A) All owners, as shown in the last county assessment rolls, of the land contained in the
834 entire original or previously amended subdivision plat and of all property owners within
835 three hundred feet (300') of the property (excluding streets) that is the subject of the
836 proposed plat change;
837 (B) All owners, as shown in the last county assessment rolls, of land within the
838 subdivision plat or adjacent to any street that is proposed to be closed, vacated, altered
839 or amended;
840 (C) The name and address of the petitioner.
841 (5) A current ownership plat from the Davis County recorder's office showing the entire
842 subdivision plat and notice area.
843 b. Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant
844 to the consolidated fee schedule for the city.
845 3. Subdivision Amendments Not Involving Streets:
846 a. Applicability: Residential, commercial, industrial or agricultural subdivision amendments not
847 involving the closure, vacation, alteration, addition or amendment of any street, or that cannot
848 be processed as routine and uncontested lot line adjustments, shall be processed pursuant to
849 this subsection.
850 b. City Internal Review:
851 (1) The community development department shall obtain comments regarding the
852 amendment petition from all interested city departments.
853 (2) If the development review committee determines that the proposed amendment
854 petition may have an adverse material impact on traffic, it may require the applicant to
855 submit a professionally prepared traffic impact study prior to the hearing on the application.
856 (3) The departmental comments shall be transmitted to the petitioner.
857 c. Planning Commission Hearing:
858 (1) The planning commission shall hold a public hearing to consider the amendment
859 petition.
860 (2) Notice of the planning commission hearing shall be mailed to all individuals and entities
861 identified in subsection H2a(4) of this section, or its successor.
862 (3) The planning commission shall review all city departmental comments, comments from
863 the petitioner and other individuals, and shall approve or deny the amendment petition
864 with specific findings of fact, according to the standards for approval set forth in subsection
865 H3d of this section.

866 d. Standards For Approval Of Amendment Petition: An amendment petition shall be approved
867 only if it meets all of the following requirements:

868 (1) The amendment will be in the best interests of the city;

869 (2) All lots comply with all applicable zoning standards;

870 (3) All necessary and required dedications are made;

871 (4) Provisions for the construction of any required public improvements are included;

872 (5) The amendment complies with all applicable laws and regulations; and

873 (6) The amendment does not materially injure the public or any person and there is good
874 cause for the amendment.

875 e. Appeals From Planning Commission Decision Not Involving Streets:

876 (1) If the petitioner, or any notified individual or organization disagrees with the planning
877 commission decision, a written objection, clearly specifying the reasons therefor, shall be
878 filed with the city within fourteen (14) days following the planning commission decision.

879 (2) The objection shall be heard before the city council, subject to the provisions of
880 subsection H4d of this section.

881 f. Recordable Instrument: If the amendment petition is approved, the zoning administrator shall
882 execute and record the final amended subdivision plat and such other documents as may be
883 required shall be recorded with the Davis County recorder's office.

884 4. Subdivision Amendments Involving Streets Or Trails:

885 a. Purpose And Authorization: If the amendment petition involves closure, vacation, alteration,
886 addition or amendment of any street or trail, the amendment petition shall be processed
887 pursuant to the provisions of this section. (Ord. 2012-07, 4-30-2012)

888 b. City Internal Review:

889 (1) The community development department shall obtain comments regarding the
890 amendment petition from all interested city departments or divisions, including, as
891 applicable, the parks, trails, arts and recreation advisory board. (Ord. 2012-07, 4-30-2012;
892 amd. Ord. 2014-01, 1-7-2014)

893 (2) If the development review committee determines that the proposed amendment
894 petition may have an adverse material impact on traffic, it may require the applicant to
895 submit a professionally prepared traffic impact study prior to the hearing on the application.

896 (3) The departmental comments shall be transmitted to the petitioner.

897 c. Planning Commission Hearing:

898 (1) The planning commission shall hold a public hearing to consider the amendment
899 petition.

900 (2) Notice of the planning commission hearing shall be mailed to all individuals and entities
901 identified in subsection H2a(4)(A) of this section, mailed to the record owner of each parcel
902 that is accessed by the public street, right of way, or easement, mailed to each affected
903 entity, published in a newspaper of general circulation, published on the Utah public notice
904 website, and shall be posted on the subject property at least fourteen (14) days prior to the
905 scheduled hearing.

906 (3) The planning commission shall review all city departmental comments, comments from
907 the petitioner and other individuals and shall recommend approval or denial of the
908 amendment petition to the city council with specific findings of fact, according to the
909 standards for approval set forth in subsection H3d of this section.

910 d. City Council Meeting:

911 (1) The city council shall hold a public meeting to consider the amendment petition.

912 (2) The city council shall review all city departmental comments, comments from the
913 petitioner and other individuals, the recommendation of the planning commission and shall
914 approve or deny the amendment petition with specific findings of fact, according to the
915 standards for approval set forth in subsection H3d of this section.

916 e. Recordable Instrument: If the amendment petition is approved by the city council, the final
917 amended subdivision plat and such other documents as may be required shall be recorded with
918 the Davis County recorder's office.

919 I. Appeal From City Council Decision:

920 1. If the petitioner, or any notified individual or organization disagrees with the city council decision,
921 a written objection, clearly specifying the reasons therefor, shall be filed with the city recorder
922 within ten (10) days following the city council decision.

923 2. The objection shall be heard before the hearing officer at a scheduled meeting. (Ord. 2012-07, 4-
924 30-2012)

925 J. Restrictions For Solar And Other Energy Devices:

926 1. Regulations May Be Adopted: The city council, in order to protect and ensure access to sunlight
927 for solar energy devices, may adopt regulations governing legislative subdivision development plans
928 that relate to the use of restrictive covenants of solar easements, height restrictions, side yard and
929 setback requirements, street and building orientation and width requirements, height and location
930 of vegetation in respect to property boundary lines, and other permissible forms of land use
931 controls. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

932 2. Refusal To Approve: The city council may refuse to approve or renew any plat or subdivision plan,
933 or dedication of any street or other ground, if the deed restrictions, covenants or similar binding
934 agreements running with the land for the lots or parcels covered by the plat of subdivision prohibit
935 or have the effect of prohibiting reasonably sited and designed solar collectors, or other energy
936 devices based on renewable resources from being installed on buildings erected on lots or parcels
937 covered by the plat or subdivision. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

938 K. Design Standards:

939 1. Compliance Required: All developments shall comply with the following standards unless a
940 variance from one or more provisions of this section is approved by the city council in accordance
941 with the variance procedure of this title.

942 2. General Standards:

943 a. The design of a development shall preserve insofar as possible the natural terrain, natural
944 drainage, existing topsoil and trees.

945 b. Land subject to hazardous conditions, such as slides, mudflow, rockfalls, snow avalanches,
946 possible mine subsidence, shallow water table, open quarries, floods, and polluted or
947 nonpotable water supplies, shall be identified and shall not be developed until the hazards have
948 been eliminated or will be eliminated by the development and construction plans.

949 3. Lots:

950 a. No single lot shall be divided by a municipal or county boundary line.

951 b. A lot shall not be divided by a road, alley or other lot.

952 c. No wedge shaped lot shall be less than thirty feet (30') in width at the front property line, or
953 the lot frontage required in the zoning district, whichever is larger.

954 d. Side lot lines shall be at right angles or radial to street lines, except where justified by the
955 developer and approved by the planning commission.

956 e. All residential lots in developments shall front on a public street, or on a private street
957 approved by the planning commission and the city council. Required frontage shall not be
958 considered to be provided if vehicular access across the street line is prohibited. Double
959 frontage lots are prohibited unless approved by the planning commission.

960 f. Corner lots shall be so designed as to provide for the same quality and size of building area as
961 interior lots by such enlargement as necessary to accommodate the increased required setbacks
962 and yards.

963 4. Street Requirements:

964 a. The street layout shall conform to the general plan of the city.

965 b. Minor streets shall be laid out to discharge through traffic.

966 c. Stub streets shall be provided where needed to connect to adjacent undeveloped land, and
967 new streets must be provided where needed to connect to existing stub streets in adjacent
968 developments. Not more than six (6) lots shall front on a stub street, except where a temporary
969 cul-de-sac turnaround is provided.

970 d. Intersections of minor streets with major collector streets shall be kept to the minimum.

971 e. Minimum right of way widths for public streets shall be determined by resolution of the city
972 council for various categories of streets, but shall in no case be less than the following:

Street Category	Minimum ROW
Minor arterial	80 feet
Major collector street	66 feet
Minor collector street	60 feet
Local (minor) street	50 feet

973 f. Minimum right of way widths for private streets shall be the same as for public streets of the
 974 same use category, unless a different width is approved in a planned unit development. The
 975 appropriate use category for a private street shall be determined by the planning commission
 976 before a building or use permit is approved along such private street.

977 g. Public street shall have roadway widths from, back of curb to back of curb, as adopted by
 978 resolution of the city council, but shall in no case be less than the following:

Minor arterial	62 feet
Major collector street	48 feet
Minor collector street	42 feet
Local (minor) street or frontage road	32 feet

979 h. Minimum roadway widths for private streets shall be the same as for public streets of the
 980 same use category, unless a different width is approved in a planned unit development.

981 i. Where no curbs are required to be installed, a minimum of six foot (6') shoulders shall be
 982 provided on each side of the street, not to exceed a two to one (2:1) slope.

983 j. No half streets are permitted unless approved by the planning commission and city council.

984 k. Dead end streets, including stub streets, shall be permitted or required by the planning
 985 commission only to provide future access to adjoining property, except for dead end street
 986 systems in cluster developments, in planned unit developments, condominium developments,
 987 or similar special projects. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

988 l. The following standards apply to all temporary and permanent cul-de-sacs:

989 (1) Cul-de-sacs shall be terminated by a turnaround of not less than one hundred feet (100')
990 in diameter, and the face of curb or pavement edge radius shall be thirty eight and one-half
991 feet (38 $\frac{1}{2}$ ') or more.

992 (2) Temporary cul-de-sacs shall be paved with a minimum of two inches (2") of asphalt or
993 other binder pavement.

994 (3) Permanent cul-de-sacs shall be paved with a minimum of three inches (3") of asphaltic or
995 portland cement or other binder pavement.

996 (4) Downhill cul-de-sacs are strongly discouraged and may only be allowed if it can be
997 demonstrated that surface drainage and street grade will be controlled in a manner
998 acceptable by the city engineer. A surface overflow drainage outlet will be designed to
999 protect adjacent properties in the event the curb face inlet(s) become obstructed or
1000 clogged.

1001 (5) Cul-de-sac length shall be measured from the centerline of an intersecting street,
1002 excluding other cul-de-sacs, along the centerline of the cul-de-sac, to a point at the center of
1003 the closed end of the cul-de-sac.

1004 (6) Residential zoning districts:

1005 (A) A cul-de-sac shall not serve more than twenty (20) lots or exceed six hundred feet
1006 (600') in length.

1007 (B) The planning commission may recommend to the city council, and the city council
1008 may approve, an increase to the maximum length of a cul-de-sac, up to one thousand
1009 feet (1,000') in total length, when the following conditions exist:

1010 (i) Physical conditions exist which preclude the ability to establish any other
1011 practical means of access. Such conditions may include: topography;
1012 environmentally sensitive areas such as wetlands, ponds, streams, rivers, or lakes;
1013 or manmade structures that cannot be altered, moved or relocated;

1014 (ii) Construction of a through street will result in undesired cuts and fills or will
1015 damage natural terrain or drainage; or

1016 (iii) Buildings or existing developments block access to the site, which would result
1017 in landlocked property or an inefficient development plan; and

1018 (iv) Such an exception has received a favorable recommendation from the South
1019 Davis metro fire district and the city's development review committee.

1020 (C) Exceptions to cul-de-sac length may also be subject to the following as needed:

1021 (i) Possible modified construction standards such as pavement width and cul-de-sac
1022 diameter, quantity of fire hydrants, placement of fire hydrants on alternating side of
1023 street, looped water lines, emergency egress routes or plans, drainage, pedestrian
1024 easements or other reasonable measures to ensure public safety.

1025 (7) Nonresidential zoning districts:

1026 (A) A cul-de-sac shall not exceed six hundred feet (600') in length. Cul-de-sacs longer
1027 than six hundred feet (600') may be recommended by the planning commission and
1028 approved by the city council if the development review committee (DRC) makes a
1029 written finding that such a cul-de-sac would better preserve the natural terrain and
1030 vegetation in the area or provide a superior street design or provide needed access to
1031 landlocked parcels.

1032 (B) The planning commission may require public accessways from a cul-de-sac to
1033 provide safe circulation for pedestrians and bicyclists. (Ord. 2016-06, 5-17-2016)

1034 m. No more than four (4) streets shall enter an intersection.

1035 n. Streets shall intersect at ninety degrees (90°), except where otherwise approved as necessary
1036 by the planning commission.

1037 o. The centerlines of two (2) subordinate streets meeting a through street from opposite sides
1038 shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty feet
1039 (150'). (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1040 p. Protection strips are not allowed adjacent to or on public streets and rights of way. (Ord. 93-
1041 5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1042 5. Street Names: Streets shall be numbered based on the adopted grid system. Streets may also be
1043 named but there shall be no duplication of street names within the area. All street names must be
1044 approved by the planning commission and shall be given to the county recorder and building official
1045 for review and recommendation prior to the approval of street names by the planning commission.

1046 6. Curvature And Alignment:

1047 a. To ensure adequate sight distances, street roadway line connections shall be made by
1048 horizontal curves. The minimum centerline radii for minor streets shall be one hundred feet
1049 (100') and of all other streets shall be three hundred feet (300'). On collector streets, a minimum
1050 tangent of one hundred feet (100') shall be required between a curve and street intersection; a
1051 minimum tangent of one hundred feet (100') shall be required between reverse curves.

1052 b. Vertical curves shall be used at all changes of grade exceeding one percent (1%) and shall be
1053 designed to provide minimum sight distances of two hundred feet (200') for minor streets and
1054 three hundred feet (300') for all other streets, except that vertical curves for major streets shall
1055 be as determined by the current specifications of the state department of transportation.

1056 7. Frontage On Major Highways: Where a residential development abuts a major highway, frontage
1057 roads may be required.

1058 8. Roadbed Construction Standards For Paved Roadways For Public Streets: Minimum roadbed
1059 grading and paving for minor, collector and major streets shall be established by the city council.
1060 Reduction of such roadway grading and paving may be approved by the planning commission and
1061 city council for one-way streets, mountain developments or other justifiable design or topographical
1062 reasons.

1063 9. Street Grades: All street grades shall be designed as follows:

- 1064 a. Major collector streets shall be limited to a maximum grade of twelve percent (12%).
1065 b. Minor collector streets shall be limited to a maximum grade of twelve percent (12%).
1066 c. Cul de sacs shall terminate with a grade not to exceed three percent (3%) for the last ten feet
1067 (10') of traveled surface.
1068 d. A street intersection shall have a vertical alignment such that the grade shall not exceed three
1069 percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the
1070 intersection.
1071 e. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and
1072 where length of that portion of that road at maximum grade is less than six hundred feet (600').
1073 f. All changes in vertical alignment shall be made by vertical curves with minimum length of fifty
1074 feet (50') for local (minor) streets and one hundred feet (100') for collector streets.
1075 g. Streets in mountainous terrain shall be designed at less than maximum allowable grade in
1076 order that they can be safely negotiated and that snow can be removed during winter.
- 1077 10. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters shall be provided on both sides of all
1078 streets to be dedicated to the public, unless approved otherwise by the planning commission and
1079 city council. Sidewalks, curbs and gutters may be required by the city council on existing streets
1080 bordering the development.
- 1081 11. Block Standards: Block lengths shall be reasonable as approved by the planning commission, and
1082 in total design shall provide for convenient access and circulation for emergency vehicles.
- 1083 12. Pedestrian Crosswalks: Where blocks exceed one thousand feet (1,000') in length, pedestrian
1084 rights of way of not less than ten feet (10') in width may be required by the planning commission
1085 through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of
1086 not less than five feet (5') in width shall be placed within the rights of way, when required by the
1087 planning commission.
- 1088 13. Lot Size Standards: All lots shall conform to area requirements of any existing zoning regulations.
1089 Where no zoning regulations are in effect, density standards or minimum lot size requirements may
1090 be specified by the planning commission.
- 1091 14. Easement Standards:
- 1092 a. Easements shall follow rear and side lot lines whenever practical and shall have a minimum
1093 total width of fifteen feet (15') apportioned equally in abutting properties (7.5 feet each lot).
- 1094 b. Where front line easements are required, a minimum of seven feet (7') shall be allocated as a
1095 utility easement. Perimeter easements shall be not less than seven feet (7') in width, extending
1096 throughout the peripheral area of the development, and will be larger if required by the
1097 planning commission.
- 1098 c. All easements shall be designed so as to provide efficient installation of utilities or street
1099 plantings. Special guying easements at corners may be required if any utilities are to be

1100 overhead. Public utility installations shall be so located as to permit multiple installations within
1101 the easements. The developer shall establish final utility grades prior to utility installations.

1102 15. Utilities To Be Underground: Unless the planning commission and city council determine, upon
1103 application by the developer, and recommendation of the city engineer, that it is not feasible to do
1104 so, all power lines, telephone lines and other normally overhead utility lines shall be placed
1105 underground by the developer.

1106 16. Alleys: The planning commission may approve service access to the interior of blocks where
1107 deemed to be in the public interest, in which case such alleys must be indicated in the preliminary
1108 design plans and on the final plat. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1109 17. Sanitary Sewage Disposal; General Requirements:

1110 a. The developer shall provide, or have provided, a piped sanitary sewerage system to the
1111 property line of every lot in the development. The sewerage system shall meet the minimum
1112 standards and requirements of the city and the regulating health department.

1113 b. In all, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a
1114 complete community or public sanitary system. All sewer mains shall be a minimum of eight
1115 inches (8") in diameter. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1116 18. Test Procedures: Test of sanitary sewer mains, laterals and house connections shall be
1117 conducted in accordance with local and state health requirements.

1118 19. Water In Sufficient Quantity To Be Obligation Of Developer:

1119 a. The procurement of water, whether by purchase of water rights, water shares, exchange or
1120 service agreement, shall be the responsibility of the developer; and the water shall be provided
1121 for the use of the development in an amount sufficient to meet minimum flows of two hundred
1122 fifty (250) gallons per person, per day, plus outside irrigation and minimum static pressures of
1123 fifty (50) pounds per square inch (psi), unless it can be proved to the planning commission that a
1124 lesser amount is adequate.

1125 b. However, in no event shall the quantity of water provided by the developer be less than that
1126 required to meet fire flow standards as established by the fire department and the city council,
1127 and the city council shall be given first right of refusal to purchase any excess water formerly
1128 used on the land.

1129 20. Culinary Water System: The culinary water delivery system shall extend to the property line of
1130 every lot and shall be capable of delivering the flows and pressures as required. All water mains shall
1131 be a minimum of six inches (6") in diameter.

1132 21. Irrigation Systems (Including Drainage Facilities):

1133 a. Where an existing irrigation system consisting of open ditches is located on or adjacent to or
1134 within one hundred feet (100') of a proposed development, complete plans for relocation,
1135 piping, covering or other safety precautions shall be submitted with an application for
1136 preliminary approval of a plat.

1137 b. In all developments in which the smallest lot is less than one acre, all irrigation systems shall
1138 be underground.

1139 c. All pressure irrigation systems in or within one hundred feet (100') of a proposed
1140 development shall be identified and otherwise color coded as to pipe and valve color to meet
1141 state standards and regulations.

1142 22. Permit Required: A conditional use permit shall be required prior to the construction of any
1143 development. Final plan approval shall constitute such conditional use permit for any development.
1144 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1145 23. Landscaping Design Standards For Redwood Road:

1146 a. For development along the west side of Redwood Road, the following development standards
1147 are adopted:

1148 (1) The area behind the curb and gutter of Redwood Road shall include an area not less than
1149 twenty four feet (24') wide containing improved and irrigated landscaping and an eight foot
1150 (8') wide meandering asphalt multiuse trail. If any portion of the required twenty four foot
1151 (24') landscaped area is outside the dedicated right of way, a public trail easement and
1152 street tree easement shall be dedicated to the city upon the recorded plat

1153 (2) Within the twenty four foot (24") wide area trees shall be planted in accordance with the
1154 requirements of Title 7 Chapter 9, Community Forestry.

1155 (3) Residential developments along Redwood Road shall, in addition to complying with the
1156 requirements of chapter 11 of this title, include a solid wall, not less than six feet (6') in
1157 height as a buffer along the entire length of frontage along Redwood Road. The wall shall be
1158 constructed of masonry or other hard, permanent materials and shall generally be a sight
1159 obscuring wall or a combination of berms, rocks, planted materials and manmade materials
1160 that render the wall sight obscuring. Any solid walls constructed pursuant to this subsection
1161 shall also be treated with an antigraffiti treatment approved by the city.

1162 b. For developments along the east side of Redwood Road, the same development standards
1163 apply except that there shall be a five foot (5') wide concrete sidewalk provided in lieu of an
1164 eight foot (8') wide meandering asphalt multiuse trail. (Ord. 2012-04, 2-7-2012)

1165 L. Storm Drainage And Floodplains:

1166 1. Required Systems: Complete drainage systems for the entire development area shall be designed
1167 by a professional engineer, licensed in the state and qualified to perform such work, and shall be
1168 shown graphically. All existing drainage features which are to be incorporated in the design shall be
1169 so identified. If the final plat is to be presented in sections, a general drainage plan for the entire
1170 area shall be presented with the first section, and appropriate development stages for the drainage
1171 system for each section indicated. All drainage plans shall meet adopted flood control standards and
1172 limit runoff to a maximum of 0.2 second feet per acre.

1173 2. Design: The drainage and floodplain systems shall be designed to:

1174 a. Unimpeded Flow: Permit the unimpeded flow of natural watercourses.

- 1175 b. Adequate Drainage: Ensure adequate drainage of all low points.
- 1176 c. Designated Floodplain Regulations: Ensure applications of the following regulations regarding
1177 development in designated floodplains:
- 1178 (1) Construction of buildings shall not be permitted in a designated floodway with a return
1179 frequency more often than a 100-year storm.
- 1180 (2) Building construction may occur in that portion of the designated floodplain, as
1181 designated by FEMA, where the return frequency is between a 100-year and a maximum
1182 probable storm provided all usable floor space is constructed above the designated
1183 maximum probable flood level.
- 1184 (3) Where flow velocities in a floodplain are generally determined to be under five feet (5')
1185 per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated
1186 agriculture, nurseries, parks and recreation facilities and accessory parking may be
1187 permitted.
- 1188 (4) Any use of land is prohibited where flooding would create a public health hazard or
1189 problem. This includes shallow wells, noncased deep wells, sanitary landfills, septic tanks
1190 and on lot sewage disposal systems, water treatment plants, and also sewage disposal
1191 systems not completely protected from inundation.
- 1192 (5) Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed
1193 and its effect on stream flow determined before such encroachment is undertaken. Any
1194 construction, dumping and filling operations in a designated floodway constitute an
1195 encroachment and must be approved by the planning commission before accomplishment.
- 1196 (6) No lot one acre or less in area shall include any portion of a 100-year floodplain when
1197 computing the size of the lot. All lots containing more than one acre shall contain not less
1198 than forty thousand (40,000) square feet of land which is at an elevation at least two feet
1199 (2') above the elevation of the 100-year recurrence interval flood, or, where such data is not
1200 available, five feet (5') above the elevation of the maximum flood of record.
- 1201 d. Drainage Basin: The drainage basin as a whole shall accommodate not only runoff from the
1202 development area but also, where applicable, the system shall be designed to accommodate the
1203 runoff from those areas adjacent to and "upstream" from the development itself, as well as its
1204 effects on lands downstream.
- 1205 e. Surface Drainage Structures: All proposed surface drainage structures shall be indicated on
1206 the plans.
- 1207 f. Construction Materials And Elevations: All appropriate designs, details and dimensions needed
1208 to clearly explain proposed construction materials and elevations shall be included in the
1209 drainage plans.
- 1210 g. Permits: All necessary permits shall be obtained from applicable local, state and federal
1211 agencies (i.e., state engineer, U.S. army corps of engineers, state division of health, etc.).
- 1212 h. Low Impact Development (LID):

1213 (1) Low impact development (LID) is an approach to land development that uses various
1214 land planning and design practices and technologies to simultaneously conserve and protect
1215 natural resource systems and reduce infrastructure costs. LID still allows land to be
1216 developed, but in a cost effective manner that helps mitigate potential environmental
1217 impacts.

1218 (2) As part of the city of North Salt Lake permit, the city requires use of an LID approach,
1219 which includes the implementation of structural BMPs, where practicable, that infiltrate,
1220 evapotranspire or harvest and use stormwater for the site to protect water quality.

1221 (3) All development or redevelopment that warrants compliance with the Utah general
1222 construction permit (UGCP) regulation must include an LID analysis that meets the objective
1223 of mirroring the predevelopment hydrology and meets the objective of retaining on site,
1224 with no discharge, the 0.6-inch, 24-hour rainfall event. Groundwater recharge may be
1225 considered to meet this requirement, where applicable and feasible. If meeting this
1226 retention standard is technically infeasible, a rationale shall be provided on a case-by-case
1227 basis for the use of an alternative design criteria.

1228 (4) No LID limits are defined except designs must not negatively impact surrounding
1229 properties. The LID analysis must identify LID options considered and list the reasons why it
1230 will be incorporated or why the considered LIDs are not practical for the site use or
1231 conditions. Submit a report with stormwater calculations that summarizes the analysis and
1232 results.

1233 (5) Suggested and preferred LIDs are outlined in the city's "Stormwater Best Management
1234 Practices Handbook".

1235 i. Postconstruction Stormwater Maintenance Plan And Agreement:

1236 (1) The purpose of the postconstruction stormwater maintenance plan and agreement is to
1237 control stormwater runoff and reduce pollutants in stormwater runoff after construction is
1238 complete and the developed site is in operation. This is achieved by accomplishing the
1239 following:

1240 (A) Controlling erosion.

1241 (B) Controlling discharge of sediment into stormwater drainage facilities or off site.

1242 (C) Preventing illicit discharges into on site soils, storm drainage facilities or off site.

1243 (D) Prevention of debris and garbage from entering the stormwater system.

1244 (2) A postconstruction stormwater maintenance plan must be prepared and submitted with
1245 the plans for approval for all privately owned or maintained facilities that warrant
1246 compliance with the UGCP regulation. The plan shall be contained on a plan sheet of its
1247 own, rather than being a part of another plan sheet, and is to contain at least the following:

1248 (A) The site plan, including vicinity map, proposed contours, permanent stormwater
1249 features, and landscaping.

1250 (B) BMPs to accomplish the purpose of the plan. Examples of appropriate BMPs may
1251 include those addressing operation and maintenance of storm drainage quality control
1252 facilities, operation and maintenance of stormwater discharge control facilities,
1253 maintenance of landscaping, good housekeeping practices, etc.

1254 (C) Showing the following for each BMP specified:

1255 (i) Location and extent of specified BMPs, as appropriate.

1256 (ii) Detailed schedule of execution for each specified BMP, in terms of starting time,
1257 duration, frequency, etc., as appropriate.

1258 (iii) Any information in addition to or different from that shown on the BMP fact
1259 sheets as necessary to employ the BMPs on the site.

1260 (3) The owner of development that warrants compliance with the UGCP regulation must
1261 submit a signed stormwater maintenance agreement using the city of North Salt Lake
1262 agreement template. The postconstruction maintenance agreement needs to be recorded
1263 at the Davis County recorder's office. (Ord. 2016-12, 8-16-2016)

1264 **~~10-7-8: FLAG LOTS²: (moved to Title 13)~~**

1265 In older areas of the city, certain properties have evolved over time with irregular shapes and sizes,
1266 some with deep rear lots. As the city continues to see these lots subdivided, there may exist a need to
1267 develop these deeper lots. Flag lots are one alternative to such development. However, many problems
1268 can result from the misuse of flag lots, including increased points of traffic access on busy or narrow
1269 streets, large paved areas created to access rear units, a mass of new units incompatible with an existing
1270 neighborhood, and the compromising of adequate and safe fire protection to rear units. These problems
1271 threaten the character and stability of existing neighborhoods. For these reasons, the following
1272 restrictions and prohibitions are established to better control increasing residential density in
1273 predominantly single family neighborhoods through the use of flag lots:

1274 A. Circumstances Permitting: The city discourages and restricts the creation of flag lots. A flag lot should
1275 be permitted only under certain limited circumstances. Flag lots are prohibited except:

1276 1. Where necessary to reduce access onto major streets and thoroughfares;

1277 2. To reasonably utilize irregularly shaped land;

1278 3. To reasonably utilize land with severe topography;

1279 4. To provide for the protection of significant natural or environmentally sensitive areas; or

1280 5. To allow a property owner reasonable use and benefit of a parcel of land not otherwise
1281 developable.

1282 B. Prohibited Flag Lots: Flag lots are expressly prohibited where:

1283 1. The creation of the flag lot will increase the number of access points onto a major thoroughfare;

1284 2. The density created by the flag lot would exceed the average existing density in the immediately
1285 adjacent developed residential area; or

1286 3. The proposed flag lot would resubdivide an existing lot or lots in a recorded subdivision plat.

1287 C. Conditional Use: Flag lots are conditional uses and must receive planning commission approval prior
1288 to being taken through a subdivision review and approval process. The applicant proposing a flag lot
1289 must have demonstrated to the planning commission that because of topographical features and/or
1290 unique situations as set forth in subsection A of this section, creation of a flag lot should be allowed.

1291 D. Design Requirements For Flag Lot:

1292 1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion
1293 thereof.

1294 2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The
1295 minimum width of the staff portion of each flag lot shall be thirty feet (30'). Two (2) staffs may be
1296 placed side by side and be a minimum width of twenty five feet (25') each. The staff shall not be
1297 longer than one hundred fifty feet (150').

1298 3. The flag portion of the lot shall meet the minimum lot size requirement for the zone in which it is
1299 located. The staff portion shall not count as part of the land area needed to meet the lot area
1300 requirement.

1301 4. Flag lots must be similar in shape of the buildable area (i.e., rectangular or pie shaped if on a cul-
1302 de-sac) to the majority of the lots in the immediately adjacent developed residential area.

1303 5. The front side of the flag portion of the lot shall be deemed to be that side nearest to the
1304 dedicated public street upon which the staff portion fronts. The staff portion shall be deemed to end
1305 and the flag portion shall be deemed to begin at the extension of the front lot line.

1306 6. Flag lot units located away from the street shall maintain a presence to the street, be oriented to
1307 the street, and be visible from the street. A larger building for the flag lot unit in relation to a unit in
1308 front of the flag lot unit is not acceptable as a means to meet the street presence requirement.

1309 7. All minimum required setbacks for the zone in which the flag lot is located shall apply.

1310 Orientation, setbacks and private yards shall conform to the following criteria:

1311 a. All units shall orient to the street;

1312 b. Each unit shall have both a "front" and "rear" yard on opposite sides of the unit; and (Ord. 07-
1313 12, 6-5-2007)

1314 c. To protect the privacy of yard areas on neighboring properties, large windows and decks on
1315 the second floor shall not orient to adjacent, surrounding properties. (Ord. 07-12, 6-5-2007;
1316 amd. 2012 Code)

1317 8. An access driveway with a minimum width of twenty feet (20') shall be provided with landscaping
1318 on each side. The access driveway shall be asphalt or concrete with adequate drainage and shall be
1319 properly maintained on a continuous basis. Where two (2) flag lots are adjacent to each other, a
1320 common driveway for both units is encouraged; multiple driveways are discouraged.

1321 9. Fire protection for flag lot units. Each proposal to construct a unit on a flag lot more than one
1322 hundred fifty feet (150') from a public street must first be reviewed and approved by the fire
1323 marshal and all other criteria listed below prior to receiving a building permit. No primary residential
1324 structure may be located on a flag lot more than five hundred feet (500') from a public street. All
1325 measurements shall be taken from the edge of the public right of way along the centerline of the
1326 driveway or private access driveway to the nearest point of the primary structure. All of the
1327 following must be met before a building permit may be approved:

1328 a. An access road or driveway shall be provided which meets the following standards:

1329 (1) An asphalt or concrete surface capable of supporting the imposed load of fire apparatus
1330 shall be provided and extended to within one hundred fifty feet (150') of all portions of the
1331 exterior walls of the first story of any building. If constructed of asphalt, the access road or
1332 driveway shall be a minimum of two and one-half inches ($2\frac{1}{2}$ ") of asphalt over a minimum
1333 of six inches (6") of compacted road base. If constructed of concrete, the access road or
1334 driveway shall have a minimum of five inches (5") of concrete over a compacted road base.
1335 The access road or driveway shall be maintained by the property owner or possessor of the
1336 premises in good condition and repair and with adequate snow removal so as to provide
1337 free and uninhibited access by emergency service vehicles.

1338 (2) The access road or driveway shall be a minimum of twenty feet (20') wide. Where such
1339 roadway is adjacent to required fire hydrants, the width shall be a minimum of twenty six
1340 feet (26') within twenty feet (20') in either direction from the hydrant. Such required widths
1341 shall be unobstructed, including parking of vehicles, and shall have a minimum vertical
1342 clearance of thirteen and one-half feet ($13\frac{1}{2}$ '). The maximum grade for any access road or
1343 driveway shall be fifteen percent (15%) at any point measured along the centerline of the
1344 access road or driveway.

1345 (3) A turnaround approved by the fire marshal shall be provided at the end of the access
1346 road or driveway.

1347 (4) Each access road or driveway shall be identified and marked by the property owner to
1348 the satisfaction and approval of the fire marshal. Signs shall be posted near the entrances of
1349 access roadways and driveways. Signs shall be a minimum of twelve inches by eighteen
1350 inches (12" x 18") in two and one-half inch ($2\frac{1}{2}$ ") block lettering with one-half inch ($\frac{1}{2}$ ")
1351 stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access
1352 Road".

1353 b. (1) A fire hydrant shall be installed by the city at the expense of the property owner and
1354 shall be connected by a six inch (6") water line from the water main. The hydrant shall be
1355 located to the satisfaction and approval of the fire marshal. Fire hydrants shall be located on all
1356 required access roads or driveways and shall be located within five feet (5') of the required
1357 access road or driveway.

1358 (2) If, in the opinion of the fire marshal, fire hydrants are vulnerable to vehicular damage,
1359 appropriate crash posts shall be required. No obstruction shall exist within a three foot (3')
1360 working area of each fire hydrant. Required crash posts shall be four inch (4") concrete filled

1361 pipe, having a minimum of three feet (3') in height above grade, with two feet (2') of pipe
1362 below grade set in concrete. Hydrant shutoff valves shall be located no closer than five feet
1363 (5') from the hydrant and no further than twenty feet (20').

1364 (3) The fire hydrant, water line and access road or driveway shall be located within a public
1365 utility easement of at least twenty feet (20') in width such that emergency and utility service
1366 vehicles and personnel have unimpeded access to the improvements.

1367 c. All dwelling structures shall have installed at the time of construction, and keep continuously
1368 maintained, a pressurized interior fire protection sprinkling system that complies with the
1369 minimum standards of the international fire code and is approved by the fire marshal.

1370 d. All of the required improvements shall be installed at the property owner's expense. (Ord. 07-
1371 12, 6-5-2007)

1372 **Footnotes** – Click any footnote link to go back to its reference.

1373 Footnote 1: See section 10-7-8 of this chapter.

1374 Footnote 2: See also subsection 10-7-1B1f of this chapter.

(Ch. 19 Condo Subdivisions Text Moved to 13-6-020)

Repealed

Chapter 19 CONDOMINIUM SUBDIVISIONS

~~10-19-1: PURPOSE AND INTENT:~~

~~10-19-2: SUBMISSION OF APPLICATION:~~

~~10-19-3: STAFF REVIEW:~~

~~10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:~~

~~10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:~~

~~10-19-6: TENANT PROTEST REVIEW:~~

~~10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:~~

~~10-19-8: APPROVAL BY CITY COUNCIL:~~

~~10-19-1: PURPOSE AND INTENT:~~

~~A.—The procedures and requirements of this chapter shall apply to and govern the processing of condominium record of survey maps pursuant to the requirements of the condominium ownership act, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement zoning, site development, health, building and other ordinances applicable to a particular condominium project, and shall apply to the approval of such projects involving new construction, as well as those involving the conversion of existing structures. In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are not contained in existing or proposed buildings, shall also be considered subdivisions requiring compliance with all applicable codes of the city.~~

~~B.—It is the intent of this chapter to establish a reasonable process whereby the city can assess the impact of mixing collective and individual ownerships, as presented in a particular condominium project, upon the public health, safety, convenience and general welfare of present and future inhabitants of the city. In the case of commercial or residential conversions of existing buildings, corrections of building code violations, the upgrading of vehicle parking facilities and safety of common functional elements of the structure or structures are of prime importance. It is also recognized the conversion of existing apartments or similar multi-family rental dwelling structures present the potential of relocation hardship to existing tenants, especially senior citizens, and warrants that reasonable notice and disclosure requirements be established by the city to minimize said hardships. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

~~10-19-2: SUBMISSION OF APPLICATION:~~

~~A.—Application Requirements: The owner or developer of a proposed condominium project desiring approval shall file an application with the zoning administrator.~~

- ~~1. Two (2) or more copies of the proposed map accurately drawn to scale as required by Utah Code Annotated section 57-8-13, as amended, which shall be made by a registered Utah land surveyor using a scale no smaller than one inch to equal forty feet (1" = 40'). In addition, said~~

~~map or an additional site plan shall include diagrammatic floor plans identifying boundaries of the project units, convertible and expandable areas or spaces and common areas. Said map or plan should designate the intended use of common areas (e.g., storage, recreational, parking for guests as opposed to unit owners, open space, etc.) and should indicate whether such common areas are to be open to the public, assigned to specific units or semiprivate and available only to unit owners. Said map or site plan shall also identify and describe in detail the location of existing or proposed driveways, pedestrianways, curb cuts, walls, structures, fences, landscaping and sprinkling systems.~~

~~2. Two (2) copies, signed in the original, of the proposed condominium declarations and bylaws.~~

~~3. Where conversion of an existing building is proposed as part of the condominium project, two (2) copies of the property report, prepared by a licensed architect or engineer, including the following information, shall be submitted as part of the application, together with the plan for proposed improvements, renovations and repairs:~~

~~a. The age of the building or buildings.~~

~~b. The general conditional, useful life and capacity of the building's structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements.~~

~~c. All known conditions constituting deficiencies requiring repair to meet existing Building Codes.~~

~~d. All known conditions which may require repair or replacement within the next succeeding five (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

~~e. The property report shall certify that the structure or structures conform to the International Building Code minimum standards, or the owner shall present plans to bring the structure or structures into conformity with said standards prior to issuance of certificates of occupancy.~~

~~f. Where it is determined that physical conditions in an existing building do not allow the strict application of the International Building Code standard, the City Board of Appeals, as provided for in the International Building Code, shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)~~

~~4. Proof of notice to tenants as required by section 10-19-5 of this chapter shall be required before final approval, but may be submitted, at the owner/developer's option, after preliminary approval is obtained from the Planning Commission.~~

~~5. To assist the City to defray costs involved with the review of the project, fees shall be submitted with a condominium conversion application as outlined in the consolidated fee schedule. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

~~B. Incomplete Applications: Incomplete applications may be proffered and reviewed for advisory comment by the Zoning Administrator or Building Inspection Department, but shall not be~~

deemed accepted or received until complete, nor shall the condominium project be scheduled for any hearings before the Planning Commission until the application is complete, except only as provided by subsection A4 of this section. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

10-19-3: STAFF REVIEW:

A. ~~Copies Routed: Upon receipt of a completed application for approval of a condominium project, the Community Development Department staff shall route copies of the application and development plans in the same manner as a standard subdivision as outlined in chapter 3 of this title.~~

B. ~~Review: Additional preliminary review by the planning staff, Fire Marshal and the Building Inspection Department shall include, but not be limited to, the following:~~

~~1. Planning Staff Review:~~

~~a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project for review. The condominium declarations and bylaws shall be reviewed as part of the final approval process and will include provisions addressing and fixing responsibility for the maintenance, upkeep and repair of common areas, including common walls, electrical, mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas. The declarations shall also restrict the use of any individual residential dwelling unit to single "families", as defined in section 10-1-46 of this title. The staff shall also review said declaration to require appropriate disclosure of any unusual circumstances, variances or conditions placed upon the condominium project for approval.~~

~~b. Plans And Related Documents: The staff shall review the plans and related documents to determine whether the project conforms to applicable requirements of this title, the status or extent of nonconforming rights, applicable conditions imposed upon the building or use by ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered or group dwelling plan. If the planning staff finds there are violations of applicable zoning ordinances or requirements, the staff may recommend denial of the condominium project until such violations have been corrected or requirements completed or bonded for prior to final approval by the Planning Commission. (Ord. 2012-07, 4-30-2012)~~

~~2. Building Inspection Staff Review:~~

~~a. Upon receipt of the application for approval of a condominium project, the Building Inspection Department shall review the proposed building plans for new construction and/or in the case of a conversion project, the property report and plan of improvement, renovations and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision and resubmission of the property report where necessary. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

~~b. In the preliminary review report to the planning commission, the building inspection department shall note corrections, repairs and replacements which must be made to bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer which are not required by code. The chief building official shall also list any requirements of the international building code that needs board of appeal consideration due to unique circumstances associated with the structure. The building~~

official may then recommend denial until such time as existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

3. Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff outlining the conditions of the structures as they relate to fire safety. The marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:

- A. Consideration: Upon completion of the recommendations of the building inspection department, the planning staff, engineering staff and the fire marshal, the matter shall be set for consideration by the planning commission.
- B. Findings For Approval: If the planning commission finds that the project is in full compliance with: 1) applicable city ordinances; 2) the requirements of the condominium ownership act; 3) that proper notice to tenants has been given; and 4) that in every way the project is ready for final approval, the planning commission may grant final approval of the project, authorize the signature of the chairperson to be placed upon the necessary documents and forward the project onto the city council for their consideration.
- C. Preliminary Approval: If the planning commission finds that the project substantially complies with the above mentioned criteria but that certain facts of the proposal require changes or modifications prior to final approval, or that tenant notification has not been completed, the planning commission may grant preliminary approval to the project with instructions as to what criteria must be met prior to submission for final approval.
- D. Disapproval: If the planning commission finds the project in conflict with the ordinances of the city and/or the state and is not in the best interests of the city as a whole and/or specific neighborhood in which the project is proposed to be located, or if it is not satisfied with the site development plans of the project, the planning commission may disapprove the project specifying in detail the reasons for disapproval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:

- A. Notice: As part of the application for approval of a condominium project, when said project involves the conversion of an existing structure where the structure has been occupied by residential or commercial tenants prior to application for conversion, the owner/developer shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to a structure that was vacant and remained so during the year prior to filing of the developer's application for conversion. Such notice shall include:
 1. The proposal for the conversion of the building to a condominium project;
 2. The established dates of construction period and termination of occupancy which shall not be less than sixty (60) days from the date notice is served upon occupants or expiration of individual leases, whichever is longer;

3. ~~The disclosure of the sales price for each unit shall be no greater than the price initially advertised and offered to the general public at such time as when the condominiums are offered for public sale;~~
4. ~~Relocation information for the tenants specifying available alternative housing relocation resource agencies and organizations and a plan of any services to be voluntarily provided by the owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

~~B.—Dissemination Of Notice: A copy of said notice, together with a list prepared by the owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and other known special handicaps or factors affecting relocation needs of the tenants, shall be submitted to the Davis County housing authority and the county social services department to advise said agencies of the conversion and/or solicit their assistance with relocation services. No final approval of such a conversion project shall be granted by the planning commission until the owner/developer has provided proof of notice by certified mail or subsequent proof of actual delivery by method of services allowed under state law of such notices and relocation information as required above, and any plans for relocation services to be voluntarily provided by the owner/developer and the time designated therein (a minimum of 60 days) has expired. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)~~

~~10-19-6: TENANT PROTEST REVIEW:~~

~~A.—Protest Review Procedure: When a tenant of a residential dwelling has received written formal notice of eviction without cause and without at least sixty (60) days notice of conversion required above and has reason to believe that notice was issued because of a proposed condominium project, he may, within thirty (30) days of the date of the notice of eviction, initiate an appeal regarding the issue of proper notice to the zoning administrator in the city planning office. The filing of such a protest shall stay the issuance of any approval or issuance of any permits for the structure in question for a period not to exceed thirty (30) days and the matter shall be set for hearing before the planning commission.~~

~~B.—Investigation: Upon filing a tenant appeal, the planning staff shall institute an investigation to determine if the notice requirements set forth above were satisfied. They shall then report their findings to the planning commission within ten (10) days of filing of the appeal. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

~~10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:~~

~~If upon submission of the recommendations of the building official and planning staff, engineering staff and fire marshal, the planning commission finds that the project is in compliance with applicable ordinances and the requirements of preliminary approval, the planning commission may grant final approval. The planning commission will review recommendations for the planning staff, engineering staff, the fire marshal and building official for work that is proposed for subsequent completion, bonding or waiver and may otherwise impose appropriate terms upon such bonding or conditions upon its approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

~~10-19-8: APPROVAL BY CITY COUNCIL:~~

~~A.—Submission To City Council: Upon final approval by the planning commission, the planning staff shall ensure all conditions of approval have been completed, all final documentation is signed and submitted, including any required bonds or agreements required to be filed, and shall then submit the matter, together with the recommendation of the planning commission with the~~

~~chairperson's signature upon the map before the city council for final approval. If the city council shall determine said project is in conformity with the requirements of applicable ordinances of the city, or if they reject any offers of dedication, or if not satisfied with plans of a project which constitutes a subdivision, the city council may disapprove said map, specifying reasons for disapproval.~~

~~B. Reconsideration: Within thirty (30) days after the city council has disapproved any project, the developer may file with the planning staff a map or documents altered to meet the requirements of the city council. Upon receipt of said map or documents, the matter shall be referred back to the city council by the planning staff for reconsideration.~~

~~C. Force And Effect: No final map shall have any force or effect until the same has been approved by the city as reflected by the signature of the mayor and is officially recorded with the city recorder within eighteen (18) months from the date of the mayor's signature. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

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13-1-010: SHORT TITLE:

This title shall be known as title 13, or the *SUBDIVISION ORDINANCES OF THE CITY OF NORTH SALT LAKE*, and may be so cited and pleaded.

13-1-020: INTRODUCTION:

A. *Scope Of Subdivisions, Generally:* Subdivisions in the City shall be designed for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land should not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage and capital improvements, such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision will not be allowed.

B. *Conformance To Adopted Standards:* Proposed essential infrastructure improvements shall conform to adopted City standards, specifications, and ordinances.

C. *Burden Of Proof:* For all proceedings in regard to development approval under this title or amendments to this title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for land use applications within the City.

D. *Assumption Of Validity:* The City will assume that all information provided is accurate and valid. If any information provided to the City is found to be outdated, false or in any way misleading, the application for development approval may be denied or revoked by the City Council regardless of previous approvals.

13-1-030: PURPOSE AND INTENT:

~~10-7-7 SUBDIVISION (LAND DEVELOPMENT)~~

TITLE 13 SUBDIVISION REGULATIONS

(REDLINE 03.11.2020)

137 **AB.** ~~Intent And Purpose:~~ [existing language from 10-7-7(B)]

138 1. ~~The purpose of this section and the intent of the city~~City in its adoption is to promote the
139 health, safety, convenience and general welfare of the present and future inhabitants of the
140 ~~city~~City.

141 2. ~~This section will accomplish this purpose by:~~

142 a. ~~Providing policies, standards, requirements and procedures to regulate and control the~~
143 ~~design and improvements of all developments.~~

144 b. ~~Assisting in the implementation of the objectives, policies and programs of the general plan~~
145 ~~by ensuring that all proposed developments, together with provisions for their design and~~
146 ~~improvements, are consistent with the general plan and all applicable specific plans.~~

147 c. ~~Preserving and protecting, to the maximum extent possible, unique and valuable natural~~
148 ~~resources and amenities, including topographic and geologic features, beaches and natural~~
149 ~~watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and~~
150 ~~attractions; and improving the public access to and enjoyment of such resources and~~
151 ~~amenities through the dedication or continuance of appropriate public easements thereto.~~

152 d. ~~Preserving and protecting the special environmental quality and aesthetic character of all~~
153 ~~hillside and mountainous areas; preventing detrimental impacts on the soil mantle,~~
154 ~~vegetative cover and other environmental factors; reducing the hazards of life and property~~
155 ~~from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of~~
156 ~~grading within a development to the slope of the natural terrain.~~

157 e. ~~Encouraging the clustering of housing and building developments where subdivisions or~~
158 ~~other developments are permitted in hillside and mountainous areas, minimizing grading,~~
159 ~~preserving the natural terrain and enlarging the open spaces.~~

160 f. ~~Relating land use intensity and population density to existing developments, street capacity~~
161 ~~and traffic access, the slope of the natural terrain, the availability and capacity of public~~
162 ~~facilities and utilities, and open spaces.~~

163 g. ~~Providing lots of sufficient size and appropriate design for the purposes for which they are~~
164 ~~to be used.~~

165 h. ~~Providing streets of adequate capacity and design for the traffic that will utilize them, and~~
166 ~~ensuring maximum safety for pedestrians and users of vehicles.~~

167 i. ~~Ensuring adequate access to each building site.~~

168 j. ~~Providing sidewalks, pedestrianways~~pedestrian ways, bike paths, and equestrian and hiking
169 trails for the safety, convenience and enjoyment of residents of new developments.

170 k. ~~Providing adequate systems of water supply, sanitary sewage disposal, storm drainage,~~
171 ~~street lighting and other utilities needed for public health, safety and convenience.~~

172 l. ~~Providing adequate sites for public facilities needed to serve residents of new~~
173 ~~developments.~~

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- 174 m. Ensuring that costs of providing land for streets, alleys, ~~pedestrian ways~~ pedestrian ways,
175 bike paths, easements and other rights of way and for the improvements therein needed to
176 serve new developments are borne by the developer.
- 177 n. Preventing land which is actually or potentially dangerous by reason of flood hazard,
178 inundation, inadequate access, inadequate water supply or fire protection, insufficient
179 sewerage facilities or hazardous geological conditions from being developed for any use or
180 in any manner tending to create an increased detriment to the public health, safety or
181 welfare.
- 182 o. Ensuring that, insofar as possible, land is developed in a manner that will promote the public
183 health, safety, convenience and general welfare and the physical, social and economic
184 development of the area in conformance with the general plan, and provide access for solar
185 and other renewable energy sources to the maximum extent possible, and encourage
186 energy conservation through design, layout, "siting" and other techniques.
- 187 p. Preserving and protecting to the maximum extent possible, solar access to structures and
188 encourage and promote/require energy conservation and the use of renewable energy
189 sources.
- 190 q. Providing space for parking bays (off street parking as needed).
- 191 r. Providing space for bike paths and jogging trails.

192 B. Intent: This title is designed to inform the developer and public of the requirements and conditions
193 necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are
194 expressly delineated in this title or other applicable ordinances.

195 **13-1-040: INTERPRETATION, CONFLICT, AND SEVERABILITY:**

196 A. Interpretation: These regulations shall be held to be the minimum requirements for the promotion
197 of the public health, safety and general welfare. The burden of proof shall, in all proceedings
198 pursuant to this title, rest with the proponent of an application for development approval. Any
199 dispute arising from the administration of this title shall be forwarded to the City Council for
200 resolution.

201 **B. Conflict With Other Provisions:**

202 1. These regulations are not intended to interfere with, abrogate or annul any other ordinance,
203 rule, regulation, statute or provision of law. Where any provision of these regulations imposes a
204 restriction different from those imposed by other provision, ordinance, rule, regulation or law,
205 whichever provision is more restrictive or imposes higher standards shall control.

206 2. Further, these regulations are not intended to abrogate any easement, covenant, private
207 agreement or restriction, including, but not limited to, restrictive covenants and declarations of
208 covenants, conditions and restrictions; provided, however, that the City is under no obligation
209 to enforce private covenants or agreements.

210 C. Severability: If any part or provision of these regulations or application thereof to any person or
211 circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be

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212 confined in its operation to the part, provision or application directly involved in all controversy in
213 which such judgment shall have been rendered and shall not affect or impair the validity of the
214 remainder of these regulations or the application thereof to other persons or circumstances.

215 **13-1-050: DEFINITIONS:**

216 Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of
217 Utah Code Annotated or in the City of North Salt Lake City Land Use Ordinance (Title 10), such
218 definitions are incorporated herein and shall apply as though set forth herein in full, unless the context
219 clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the
220 present tense include the future, the singular includes the plural, the term "shall" is mandatory and the
221 term "may" is permissive.

222 **13-1-060: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:**

223 A. These regulations shall not be construed as abating any action under, or by virtue of, prior existing
224 subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or
225 about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any
226 right of the municipality under any section or provision existing at the time of adoption of these
227 regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by
228 lawful action for the municipality, except as shall be expressly provided for in these regulations.

229 B. The procedures set forth in this title are intended to supersede any inconsistent procedural
230 provisions in the previous development ordinances. The substantive requirements of the application
231 form and the review process shall remain unchanged, but all final actions under that ordinance are
232 subject to the appeal processes set forth herein. All applications for subdivision approval are subject
233 to termination as set forth herein.

234 **13-1-070: CONSIDERATIONS:**

235 A. General Plan: The general plan shall guide the use of all land within the corporate boundaries of the
236 City. The size and design of lots, the nature of utilities, the design and improvement of streets, the
237 type and intensity of land use, and the provisions for any special facilities in any subdivision shall
238 conform to the land uses shown and the standards established in the general plan, the land use
239 ordinance and other applicable ordinances.

240 B. Natural Landscape: Trees, native land cover, natural watercourses and topography shall be
241 preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and
242 scarring of the landscape in conformance with the sensitive lands and geologic hazards ordinances
243 (Title 10 Chapter 12). The design of new subdivisions shall consider, and relate to, existing street
244 widths, alignments and names.

245 C. Community Facilities: Community facilities, such as parks, recreation areas, trails and transportation
246 facilities shall be provided in the subdivision in accordance with general plan standards, this title,
247 and other applicable ordinances and resolutions. This title establishes procedures for the referral of
248 information on proposed subdivisions to interested boards, bureaus and other governmental
249 agencies and utility companies, both private and public, so that the extension of community
250 facilities and utilities may be accomplished in an orderly manner, coordinated with the development

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251 of the subdivision. In order to facilitate the acquisition of land areas required to implement this
252 policy, the developer may be required to dedicate, grant easements over or otherwise reserve land
253 for schools, parks, playgrounds, public ways, utility easements and other public purposes as
254 specified.

255 **13-1-080: GENERAL RESPONSIBILITIES:**

256 A. Developer: The developer shall prepare a plat consistent with the standards contained herein and
257 shall pay for the design and inspection of the essential infrastructure improvements required. The
258 City shall process said plats in accordance with the regulations set forth herein. The developer shall
259 not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any
260 site development until the necessary approvals as outlined herein have been obtained.

261 B. Development Review Committee (DRC): The development review committee, consisting of
262 representatives from City departments as required by the City Manager and as applicable to each
263 development application, shall review the plats for design; for conformity to the general plan, town
264 center master plan, or other applicable plans, and to the land use ordinance; for the environmental
265 quality of the subdivision design; and shall process the subdivision plats and reports as provided for
266 in this title.

267 C. Other Agencies: Plats of proposed subdivisions may be referred by the development review
268 committee to such special districts, governmental boards, bureaus, utility companies and other
269 agencies which will provide public and private facilities and services to the subdivision for their
270 information and comment. Developers shall be responsible for distributing plans to and
271 coordinating the comments received from all public and private entities and obtaining will-serve
272 letters or permits, as applicable.

273 D. Public Works And Engineer: The public works department and City Engineer shall make comments as
274 to engineering requirements for street widths, grades, alignments and flood control, whether the
275 proposed essential infrastructure improvements are consistent with this title and other applicable
276 ordinances and shall be responsible for the inspection and approval of all construction of essential
277 improvements. Street layout and overall circulation shall be in accord with adopted transportation
278 plans and sound transportation planning principles.

279 E. Planning Commission: The Planning Commission shall act the land use authority for minor
280 subdivisions, preliminary and final plats, and plat amendments which do not include the vacation of
281 any public right of way, public trail or municipal utility easement. The Planning Commission shall act
282 as an advisory agency to the City Council for conceptual subdivision plans and plat amendments
283 which include the vacation of any public right of way, public trail or municipal utility easement. It is
284 charged with making investigations, reports and findings on proposed subdivisions as to their
285 conformance to the general plan, town center master plan and land use ordinance, and other
286 pertinent plans, ordinances, or regulations.

287 F. City Attorney: The City Attorney shall verify, prior to recordation of a plat, that the form of the final
288 plat is correct and acceptable, that the developer dedicating land for use of the public is the owner
289 of record, and that the land is free and clear of unacceptable encumbrances, tax clearances
290 according to the title report submitted by the developer.

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291 G. City Manager: The City Manager acts as liaison between the Planning Commission, development
292 review committee, and the City Council. Prior to preliminary approval for a subdivision, the City
293 Manager may review the proposed plat and receive written comments from the City Council on the
294 plat. The comments may then be forwarded to the Planning Commission for evaluation.

295 H. City Council: The City Council has final jurisdiction in the approval of conceptual plans and plat
296 amendments which include the vacation of any public right of way, public trail or municipal utility
297 easement, the establishment of requirements and design standards for essential infrastructure
298 improvements, and the acceptance of lands and essential infrastructure improvements that may be
299 proposed for dedication, and shall consider appeals regarding the administration of this title as
300 provided herein.

301 **13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:**

302 A. City Council: Appeal may be made to the City Council from any decision, determination or
303 requirement of the Planning Commission under this title by filing with the City Recorder a notice
304 thereof in writing within fifteen (15) days after such decision, determination or requirement is
305 made. Such notice shall set forth in detail the action and grounds upon which the developer, or
306 other interested person, deems himself or herself aggrieved. In the event of an appeal, application
307 deadlines set forth in this title shall be extended to incorporate the time necessary to hear and
308 consider such appeals.

309 B. Hearing: The City Recorder shall set the appeal for hearing before the City Council to be held within
310 a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be
311 continued by order of the City Council. The appellant shall be notified of the appeal hearing date at
312 least seven (7) days prior to the hearing. After hearing the appeal, the City Council may affirm,
313 modify or overrule the decision, determination or requirement appealed and enter any such order
314 or orders as are in harmony with the spirit and purpose of this title. The filing of an appeal shall stay
315 all proceedings and actions in furtherance of the matter appealed, pending a decision of the City
316 Council.

317 **13-1-100: APPEAL FROM CITY COUNCIL DECISION: [existing language from 10-7-7(1)]**

318 A.1. If the petitioner, or any notified individual or organization disagrees with the cityCity-council Council
319 decision, a written objection, clearly specifying the reasons therefor, shall be filed with the cityCity
320 Recorder within ten (10) days following the cityCity-council Council decision.

321 B.2. The objection shall be heard before the hearing officer at a scheduled meeting. (Ord. 2012-07, 4-30-
322 2012)

323

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13-2: ADMINISTRATION AND APPLICATION

13-2-010: SUBDIVISION CONTROL:

13-2-020: REQUIRED PLAT APPROVAL:

13-2-030: TRANSFER OF LAND:

13-2-040: TRANSFER OF LAND; VOIDABLE:

13-2-050: BUILDING PERMITS:

13-2-060: CERTIFICATES OF OCCUPANCY:

13-2-070: PENALTIES:

~~10-7-1: GENERAL PROVISIONS:~~

~~10-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:~~

~~10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):~~

~~10-7-8: FLAG LOTS:~~

~~10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):~~

13-2-010: SUBDIVISION CONTROL: A. Scope Of Section: **existing language from 10-7-7(A)**

A. 1. Compliance Required: No person shall subdivide or otherwise develop any tract of land which is located wholly or in part within the City, except in compliance with this title, and with the development regulations adopted by the City Council.

B. 2. Applicability:

1. a. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a development of a larger tract of land, nor offer for recording in the Office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such development has been created pursuant to and in accordance with the provisions of this title and local regulations; provided, that this title shall not apply to any lot or lots forming a part of a development created and recorded according to then applicable law prior to the effective date hereof, except as specifically provided in this title.

2. b. This title shall apply, however, to lots created prior to adoption of this title and not in compliance with then applicable law.

C. 3. Approval Required: No lot within a development created and recorded prior to the effective date hereof or approved by the Planning Commission and City Council and recorded in the County Recorder's Office under the provisions of this title, shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval **required herein** of the Planning Commission and the City Council.

D. 4. Restricted Lots: Restricted lots are prohibited unless geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the Planning Commission **in accordance with Title 10 Chapter 12 Sensitive Lands Overlay and Geologic Hazards.**

13-2-020: REQUIRED PLAT APPROVAL C. Maps And Plats Required: **existing language from 10-7-7(C)**

A. 1. Content: Whenever any lands are laid out and platted, the owner of those lands shall cause an accurate map or plat to be made of them that sets forth and describes:

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- 365 1. ~~a.~~ All parcels of ground laid out and platted, by their boundaries, course and extent, and
366 whether they are intended for streets or other public uses, together with any areas that are
367 reserved for public purposes; and
- 368 2. ~~b.~~ All blocks and lots intended for sale, by number, and their precise length and width.
- 369 B. 2. Acknowledgment Required: The owner of the land shall acknowledge the map or plat before an
370 officer authorized by law to take acknowledgment of conveyances of real estate:
- 371 1. ~~a.~~ The surveyor making the map or plat shall certify it.
- 372 2. ~~b.~~ The city ~~City council~~ Council shall approve the map or plat as provided by law.
- 373 C. 3. Filing And Recording: After the map or plat has been acknowledged, certified and approved, the
374 ~~city~~ City recorder ~~owner of the land, under the city's direction,~~ shall file and record it in the county
375 recorder's office in the county in which the lands platted and laid out are situated. The owner shall
376 pay the expense of such recording.
- 377 D. PLAT EXPIRATION ~~G. Recording Final Plat: The city council shall supervise, at the direction of the~~
378 ~~owner, the~~ The recording of the final plat ~~or map with the county recorder, which is to be done~~
379 ~~within thirty~~ one hundred eighty (30180) calendar days of the completed approval of the final plat
380 by the ~~city council~~ Land Use Authority. Failure to record the final plat within the allotted time
381 required shall void all approvals for the subdivision. ~~The owner shall pay the expense of such~~
382 ~~recording.~~ Prior to the expiration of the final plat approval, the owner or developer may request a
383 onetime extension of one hundred eighty (180) days, by submitting to the land use authority a
384 written request of the owner or developer explaining the reasons for the delay. The development
385 review committee shall prepare an analysis of any amendments to the City code regulations or
386 standards and their effect on the subdivision. If such amendments to the City regulations or
387 standards are essential to protecting the health, safety, and welfare of the citizens, the land use
388 authority shall not grant the extension unless the final plat conforms to the new regulations or
389 standards.
- 390 E. ~~D.~~ Subdivision Approval Procedure: No one may file or record a plat of a subdivision of land in the
391 county recorder's office unless:
- 392 1. Approval Required: It has been approved by:
- 393 a. The ~~city council~~ City Council, acting as the city City Land Use Authority; or
- 394 b. Other ~~officers~~ Land Use Authority that the ~~city~~ City council Council designates in an
395 ordinance; and
- 396 2. Written Approval: The approvals are entered in writing on the plat by the mayor ~~or chairperson~~
397 ~~of the city council~~ or by other officers designated in the ordinance.
- 398 E. Exemptions From Plat Requirement: Any land divided for any purpose into two (2) or more parts after
399 the passage of this title shall be subject to the provisions and regulations of this title, except:
- 400 1. Quarter Section Boundaries: Land divided into parcels, the smallest of which equals or exceeds
401 one fourth ($\frac{1}{4}$) of a standard section, the boundaries of said parcels to coincide with standard
402 boundaries for the division of sections, i.e., one fourth ($\frac{1}{4}$) section boundaries.
- 403 2. Less Than Ten Lots: In subdivisions of less than ten (10) lots, land may be sold by metes and
404 bounds, without the necessity of recording if:
- 405 a. The subdivision layout has been approved in writing by the planning commission;

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b. The subdivision is not traversed by mapped lines of a proposed street as shown in the general plan, trails as shown in the parks, trails and recreation study and plan, and does not require the dedication of any land for street or other public purposes; and

c. If the subdivision is located in a zoned area, each lot on the subdivision meets the frontage, width and area requirements of the zoning district in which it is located or has been granted a variance from those requirements by the hearing officer.

13-2-030: TRANSFER OF LAND:

Land shall not be transferred, sold or offered for sale, nor shall a building permit be issued for a structure thereon, until the final subdivision plat is recorded in the county recorder's office in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.

13-2-040: TRANSFER OF LAND; VOIDABLE:

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in bankruptcy, within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.

13-2-050: BUILDING PERMITS:

A. Requirements:

1. No building permit shall be issued for any structure within a subdivision until the final subdivision plat is recorded in the county recorder's office, a bond is provided acceptable to the City ensuring the adequate installation of required essential infrastructure improvements and utilities, and the required improvements and utilities have been installed and are operable as provided herein and as deemed essential infrastructure (defined by State Code 10-9a-802, as amended) which is necessary to meet the requirements for of the building code and fire code.
2. No building permit shall be issued for any structure within a subdivision until all sanitary sewer, storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter, streets, other underground utilities located under the street surface, and required grading and drainage improvements, are installed and fully functional, as determined by the City, providing continuous access and/or service to the lot.
3. Notwithstanding the foregoing, for lots fronting existing streets that obtain access only from that street and have existing fully functional utilities, the building official may issue permits, subject to compliance with applicable requirements, including adequate access for emergency vehicles.

B. Issuance Prior To Street Surfacing: A building permit may be issued by the City for the construction of a structure within a subdivision prior to application of hard surfacing of the streets within the subdivision under the following conditions:

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- 446 1. The street improvements are being constructed during the months when cold weather prohibits
447 the laying of a hard surface on the street.
- 448 2. The streets shall be completed with all utilities, rough grading, and all weather road base
449 sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base,
450 including road base gradation and thickness, shall be determined by the City engineer upon
451 review and consideration of applicable soils reports, drainage factors and existing topographic
452 conditions of the property.
- 453 3. The developer enters into an agreement with the City that the developer will take responsibility
454 to ensure that the road is accessible for emergency vehicles and construction traffic at all times,
455 including snow removal and other required maintenance.
- 456 4. The developer enters into an agreement with the City that developer will hard surface the road
457 as soon as weather permits and as authorized by the City. If developer fails to do so, the City can
458 declare the developer in default of the applicable improvements bond agreement and may
459 withdraw any or all of the funds from the bond and cause the improvements to the street to be
460 constructed, completed and/or repaired in accordance with the terms and procedures set forth
461 in the bond agreement for the withdrawal of funds.
- 462 5. The building contractor, property owner and building permit applicant enters into an
463 assumption of risk agreement acknowledging the lack of hard surface streets within the
464 subdivision and developer's obligation regarding maintenance and access of the same and
465 assuming the risk of proceeding with construction under such circumstances pursuant to the
466 terms and conditions set forth herein.
- 467 6. Prior to hard surfacing road, the City engineer shall inspect road conditions for road base
468 contamination, rutting, or other deficiencies. Any deficiencies found shall be repaired in a
469 manner required by the City engineer and approved prior to any paving.
- 470 7. No certificate of occupancy shall be granted by the City for any structure within the subdivision
471 until all streets are hard surfaced.

472 **13-2-060: CERTIFICATES OF OCCUPANCY:**

473 No building within a subdivision shall be occupied until a certificate of occupancy has been issued for
474 such structure by the City. No certificate of occupancy shall be issued for any structure within a
475 subdivision by the City until all required improvements for the subdivision are complete, including the
476 hard surfacing of the streets, all required street signs are installed for the subdivision and house
477 numbers are placed on the structure, all required utilities are installed providing service to the structure,
478 and all other applicable ordinance provisions have been satisfied.

479 **13-2-070: PENALTIES:**

480 Any person found in violation of this title shall be subject to penalty as provided in Title 12 of this Code
481 or may be subject to criminal prosecution as a class C misdemeanor. In addition to any criminal
482 prosecution, the City may pursue any other legal remedies provided by law to ensure compliance with
483 this title, including, but not limited to, instituting an injunction, mandamus, abatement or other
484 appropriate actions, or proceedings to prevent, enjoin, abate or remove the unlawful use or act.

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13-3: CONCEPTUAL DEVELOPMENT PLAN:

13-3-010: CONCEPTUAL PLAN:

13-3-020: STAFF CANNOT BIND CITY:

13-3-030: VESTED RIGHTS:

13-3-040: SUBMISSION:

13-3-050: NOTIFICATION:

13-3-060: REVIEW BY THE PLANNING COMMISSION:

13-3-070: APPROVAL BY THE CITY COUNCIL:

13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:

13-3-010: CONCEPTUAL PLAN:

A conceptual development plan shall be required of all developers. This provides the developer with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the subdivision of property and facilitates resolution of problems and revisions before the preparation of a preliminary design plan. The conceptual plan should be based on an accurate survey showing boundaries, topography, important physical features, adjacent properties and the sketch of the proposed subdivision. The applicant or applicant's duly authorized agent shall submit an application to the community development department for conceptual plan approval and at the same time, the applicant shall pay an application fee as provided in the City's consolidated fee schedule.

13-3-020: STAFF CANNOT BIND CITY:

The conceptual plan requirement is designed to provide the developer with helpful information and suggestions before the expense and time involved in preparing a preliminary design plan is incurred. However, only the City Council may bind the City and the Planning Commission can make official recommendations to the City Council. City employees and all other officers of the City act in advisory capacity to the City Council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations. Employees and officers of the City may make recommendations, suggestions, and dispense information regarding City ordinances, the general plan, or other adopted policy documents, but such comments shall in no way whatsoever be binding on the City.

13-3-030: VESTED RIGHTS:

Submission of a conceptual plan shall in no way confer any vested rights upon the developer. Vested rights may attach only upon the filing of a subdivision plan under chapter 4, 5, 6 or 7 of this title, and the subdivision being able to meet the requirements of this title and other applicable ordinances at the time of the application. However, if there is a compelling, countervailing public interest or the City has initiated proceedings to amend this title or other applicable ordinances at the time of the application, then there shall be no vested rights.

13-3-040: SUBMISSION:

~~10-3-3: STEP 1 - CONCEPT PLAN:~~

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- 524 ~~A. Submit concept plan to zoning administrator. Applicants~~ The developer shall submit a ~~the proposed~~
525 conceptual plan which will enable a review of a proposed project for general scope and conditions
526 which might impact the proposed project and the ~~city~~ City. ~~The community development~~
527 department will determined if the appropriate plan and application is submitted, if the application is
528 complete and if all the fees have been paid. If the application is deemed to be incomplete the
529 applicant shall be notified in writing within ten (10) days of the application date, or as reasonably
530 practical upon discovery of a deficiency. ~~The planning commission~~ Planning Commission shall either
531 recommend the plan or recommend the plan with conditions to the ~~city council~~ City Council, or
532 reject the concept plan. The ~~city~~ City ~~council~~ Council shall either approve the concept plan or
533 approve the concept plan with conditions or reject the concept plan.
- 534 ~~B. A. Document Requirements: The following items shall be submitted to the zoning~~
535 ~~administrator~~ community development department for conceptual plan review:
- 536 1. An application form, as provided by the City detailing for concept plan approval explaining the
537 proposed project development and addressing the following:-
- 538 a. A general explanation of the project size, scope, and land uses;
539 b. Identification of any potential impacts or conflicts with adjacent land uses, along with
540 proposed mitigation all adverse aspects of the plan;
541 c. Identification of any known or potential geologic hazards on the property or within the
542 development area in general;
543 d. A statement regarding the proposed development, it's conformance to the existing zoning
544 and general plan or other adopted plans or policies, and identifying any opportunity for the
545 provision of housing which meet the goals and objectives of the City's Moderate Income
546 Housing Plan.
547 e. Any additional pertinent information related to the project.
- 548 ~~2. A competent environmental impact report will be prepared by the applicant or the city and other~~
549 ~~appropriate agencies that have pertinent information and/or jurisdiction regarding subject project.~~
550 ~~The city may elect to prepare or evaluate the environmental impact report and charge the applicant~~
551 ~~for the associated costs. Developments requiring an environmental impact report include the~~
552 ~~following, except where the planning commission determines the scope may be reduced or waived:-~~
553 ~~a. Subdivisions;~~
554 ~~b. Mobile home parks, etc.;~~
555 ~~c. Any large development over five (5) acres; or~~
556 ~~d. When subject site has been determined to be a sensitive area under the provisions of this title; or~~
557 ~~e. Is such in the opinion of the zoning administrator.~~
- 558 2. Two (2) 24" x 35" copies and one (1) 11" x 17" copy of the conceptual plan and one electronic
559 copy of all required documents.
- 560 3. Stamped, addressed envelopes for property owners within 300 feet of the boundary of the
561 proposed subdivision and all property owners within the project boundary.
- 562 ~~4. The applicant will address identified conflicts and mitigate all adverse aspects of the plan.~~
- 563 4. 7. Sketch/site Conceptual plan set. ~~A scaled drawing of and information pertaining to a proposed~~
564 ~~development site. A site plan~~ shall include the following:
- 565 a. 5. Location map Cover Sheet which includes the following:

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- 566 (1) The proposed project name, approximate address of the project, and the relevant
567 parcels within the project; A map showing where the project is located with the
568 proposed name.
- 569 (2) ~~6-~~ Vicinity plan. An aerial map at a scale of one inch equals one hundred feet (1" = 100')
570 or other competent base map showing the area within six hundred feet (600') of the
571 project boundaries giving context to the proposed development;
- 572 (3) Drawing index;
573 (4) Developer name, address, and phone number;
574 (5) Property owner name, address, and phone number, if different from the developer;
575 (6) General Notes regarding the project; and
576 (7) Boundaries of zoning districts, Taxing and other special districts
577 (8) The name, address, and phone number of the engineer or surveyor who prepared the
578 conceptual plan set.
- 579 b. Existing Conditions or Demolition Plan. The following shall be drawn to scale:
- 580 (1) Existing topographic contours at no greater interval than two feet (2')
581 (2) Existing buildings, utilities, and improvements;
582 (3) ~~f.~~ A description Location of the type of existing culinary and irrigation water systems and
583 points of proposed connection and extension; ~~proposed; also, documentation of water~~
584 ~~rights and secondary water shares;~~
585 (4) Location and size ~~of~~ of existing utility services and proposed connection and extension
586 (~~water, sewer, power, gas, telephone cable~~) lines;
- 587 ~~p. Location of proposed or sewer connection;~~
- 588 (5) ~~4-~~ Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject
589 to continuous or occasional flooding, including those portions of the property which are
590 included in the most recent flood insurance rate maps prepared by FEMA;
- 591 (6) ~~(6)~~ Significant vegetative patterns;
592 (7) Geologic hazards, formations and soils type;
- 593 ~~g. A description of those portions of the property which are included in the most recent~~
594 ~~flood insurance rate maps prepared by FEMA;~~
- 595 ~~—(8) ~~j-~~ Public and private easements related to site, including trails and parks as identified~~
596 ~~within the adopted general plan or other adopted plans or policies documents;~~
597 ~~indicated in the parks, trails and recreation study and plan; (Ord. 05-14, 12-13-2005)~~
- 598 (9) ~~k-~~ Existing survey monuments;
- 599 c. Conceptual Site Plan. The following elements shall be drawn to a scale of a minimum 1"=30'
600 on said map:
- 601 (1) ~~k-~~ North arrow and scale;
602 (2) ~~j-~~ Names of all abutting property owners;
603 (3) ~~e-~~ The dimensions of the site and total acreage, with proposed density;
604 (4) ~~e-~~ A proposed lot layout showing approximate size of each lot;
605 (5) ~~a-~~ Location of existing and ~~p~~ Proposed streets, trails, and sidewalks;
606 ~~i-~~ Locations and names of existing and proposed streets;

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- 607 ~~(6) b. Proposed buildings, or building envelopes, as applicable (not already shown);~~
608 ~~(7) c. Proposed public facilities and open spaces;~~
609 ~~(8) n. Location of proposed parking;~~
610 ~~(9) q. Preliminary location of all proposed on site uses and desired improvements, including~~
611 ~~any (and off-site off-site improvements if considered essential to the project. at this~~
612 ~~stage).~~
613 ~~(10)- Any additional information The plan is to which will convey information that is~~
614 ~~necessary to determine feasibility and identify problems that need to be solved~~
615 ~~addressed on in the preliminary design plan. design plan.~~
616 ~~g. Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject to~~
617 ~~continuous or occasional flooding;~~
618 ~~h. Significant vegetative patterns;~~
619 ~~i. Geologic hazards, formations and soils type;~~
620 ~~j. Names of all property owners within three hundred feet (300');~~
621 ~~k. North arrow;~~
622 ~~l. Topographic contours at no greater interval than two feet (2');~~
623 ~~a. The name, telephone number and business address of the developer and owner;~~
624 ~~b. The name, telephone number and business address of the project designer;~~
625 ~~d. North arrow and scale of the drawing;~~
626 ~~h. Locations and names of existing and proposed buildings;~~
627 ~~(Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~
628 ~~m. Location and description of existing and proposed vegetation;~~

13-3-050: NOTIFICATION:

- 630 B. Concept Plan Review:
- 631 A. 1. Upon receipt of the complete concept plan application, the zoning administrator community
632 development director shall distribute copies of the conceptual plan application to the development
633 review committee, and other agencies and, as applicable, Conceptual plans that contain parks,
634 trails, public art or recreational amenities shall be distributed to the Parks, Trails, Arts and
635 Recreation Advisory Board for review and comment The board shall provide input to the
636 Planning Commission regarding the design, function, and relationship to existing facilities and the
637 parks master plan or other policy documents, as adopted. (Ord. 05-14, 12-13-2005; amd. 2012 Code;
638 Ord. 2014-01, 1-7-2014)

639 Public Comment Period. The city community development department shall notify all appropriate
640 agencies or other parties with legitimate interests and all landowners of property located within
641 three hundred feet (300') of the boundary of the proposed development. Notified parties shall have
642 fourteen (14) days to submit written comments limited to environmental concerns on the following
643 topics:

- 644 1. a. Erosion, dust, soils and topsoil loss;
645 2. b. Grades, slope stability and geologic hazards;
646 3. c. Groundwater, watercourses, flood hazards and areas;
647 4. d. Vegetative types;
648 5. e. Wildlife and habitat;
649 6. f. Essential urban services presently available;

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- 650 ~~7. g-~~Fire potential;
- 651 ~~8. h-~~Accumulation of solid and liquid wastes;
- 652 ~~9. i-~~Potential area wide economic impact of the development.

13-3-060: REVIEW BY THE PLANNING COMMISSION:

653 **A. Scope Of Review: Conceptual plan shall be reviewed for compliance with the City General Plan, Land**
654 **Use Ordinance, this title, and other appropriate regulations. The Planning Commission may**
655 **recommend approval or denial to the City Council, and shall make findings regarding the submitted**
656 **conceptual plan, specifying any inadequacy in the information submitted, noncompliance with City**
657 **regulations, questionable or undesirable design and/or engineering, and the need for any additional**
658 **information which may assist the Planning Commission to evaluate the proposed subdivision and in**
659 **making a recommendation to the City Council**

661 **B. ~~2-~~The zoning administrator**~~development review committee (DRC) shall review the conceptual plan~~
662 ~~application for compliance with all applicable regulations. The zoning administrator~~ **and** shall notify
663 the developer of ~~approval or denial (for noncompliance),~~ the concept plan review findings, **redlines**
664 and comments, and ~~the need for~~ **identify any** other information **necessary for review by** which may
665 assist the ~~planning commission~~ **Planning Commission** to evaluate the proposed development.

666 ~~3. Where it is determined by the planning commission or zoning administrator after review of the~~
667 ~~concept plan that one or more of the application requirements and procedural steps are not~~
668 ~~applicable to the project under consideration, such requirements may be waived.~~

669 **C. The developer shall be afforded a reasonable period of time to submit corrected drawings and**
670 **documents which address the DRC findings, redlines comments, and requested information.**

671 **D. The DRC shall review any corrected drawings or documents within ten (10) days of receipt and**
672 **provide additional feedback to the developer regarding findings of compliance with City regulations**
673 **and confirming the date for review by the Planning Commission.**

674 **E. If the DRC finds that the application is not in compliance with City regulations for conceptual plan**
675 **review, the developer shall be provided notice in writing of corrective actions required prior to**
676 **placement on the Planning Commission agenda.**

677 **F. Timely review:**

678 **1. If the developer disagrees with the DRC regarding compliance with City regulations for**
679 **conceptual plan review, the developer may file a written request for formal review by the**
680 **Planning Commission and final decision within forty-five (45) days of the submittal of the written**
681 **request [USC 10-9a-509.5(2)]. The Planning Commission shall review the application for**
682 **compliance with City regulations and shall within thirty (30) days from the written request take**
683 **one of the following actions:**

684 **a. Upon request by the developer and in deference to the required forty-five (45) day final**
685 **approval deadline, table action on the conceptual plan application to allow modifications to**
686 **the plan by the developer for further review;**

687 **b. Recommend to the City Council denial of the conceptual plan and provide written findings**
688 **demonstrating the City regulations which are not in compliance; or**

689 **c. Recommend to the City Council approval of the conceptual plan with findings of compliance**
690 **and where applicable conditions necessary to ensure compliance with City regulations.**

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691 2. If a developer files a written request for final action in accordance with USC 0-9a-509.5(2), as
692 amended, the City Council shall take final action on the conceptual plan application within forty-
693 five (45) days of the date of the written request.

694 E. ~~F.~~ Additional Information: The Planning Commission may require additional information, data or
695 studies to be provided to the Planning Commission by the developer for the overall development
696 before any recommendation is given by the Planning Commission to the City Council and the
697 Planning Commission may include requirements for the overall development as part of its findings
698 on the concept plan.

699 8. Upon request of the planning commission, a market analysis can be required for large scale
700 developments, subdivisions, mobile home parks and recreational vehicle parks. (Ord. 93-5, 7-6-
701 1993, eff. 7-15-1993)

702 F. ~~G9.~~ Where the proposed development boundaries are within the cityCity sensitive lands area,
703 conceptual plan approval shall be conditioned upon submittal and approval of a
704 soil/geologicgeologic hazards report as outlined in the North Salt Lake City Code Title 10, chapter
705 12Chapter 12 of this title shall be submitted. This requirement may be waived by the planning
706 commission if the proposed development is five (5) acres or less and is recommended by the city
707 engineer. (Ord. 01-05, 4-3-2001)

708 **13-3-070: APPROVAL BY THE CITYCITY COUNCIL:**

709 A. Scope Of Approval: After receiving a recommendation from the Planning Commission, the City
710 Council may grant or deny conceptual plan approval for the proposed subdivision and may adopt,
711 amend or reject any of the findings and conditions made by the Planning Commission regarding the
712 submitted conceptual plan.

713 B. Denial: If the City Council denies conceptual plan approval, no further review of the proposed
714 subdivision shall be made by the City Council, and a new conceptual plan submittal shall be required
715 to reinitiate the subdivision process.

716 C. Concept Plan-Limitation of Approval:1. Granting of A denied or denial of a conceptual plan by the
717 City Council shall not constitute an absolute approval or disapproval of the proposed development,
718 but rather shall operate in a manner as to give the developer general guidance as to the
719 requirements and constraints for development within the cityCity. (Ord. 93-5, 7-6-1993, eff. 7-15-
720 1993)

721 **13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:**

722 Once conceptual plan approval has been granted, the developer may apply for preliminary design plan
723 approval consistent with the conceptual plan. If preliminary design plan approval for any portion of an
724 approved conceptual plan has not been obtained within twelve (12) months of the date on which
725 conceptual plan approval was granted, a resubmittal and re-approval of the conceptual plan may be shall
726 be required by the City.

727 2. The developer may apply for preliminary design plan approval after concept plan approval is
728 granted. (Ord. 01-05, 4-3-2001)

TITLE 13 SUBDIVISION REGULATIONS

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13-4: MINOR SUBDIVISIONS

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13-4-010: PURPOSE:

13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:

13-4-030: APPLICABILITY:

13-4-040: CONCEPTUAL PLAN REQUIRED:

13-4-050: MINOR SUBDIVISION APPLICATION:

13-4-060: DEVELOPMENT REVIEW:

13-4-070: PLANNING COMMISSION ACTION:

13-4-080: EXPIRATION OF FINAL APPROVAL:

13-4-090: BOND AGREEMENT:

13-4-100: PLAT REQUIREMENTS:

13-4-110: RECORDING OF PLAT:

13-4-010: PURPOSE:

The intent of this chapter is to provide an efficient review process for minor subdivisions. Minor subdivisions include those developments of less than ten (10) lots which also meet the requirements set forth herein. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined.

13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:

An owner of property located within the City of North Salt Lake may submit an application for a minor subdivision; provided, that the property to be subdivided meets the following conditions:

- A. Less than ten (10) lots shall be created in the subdivision;
- B. The subdivision shall not require the dedication of any land for public streets or other public purposes;
- C. The area to be subdivided shall be immediately adjacent to existing public streets and utilities and shall not require the extension of any such streets or utilities. The developer shall be required to complete any essential infrastructure improvements on an existing street which are not in place at the time the application to develop a minor subdivision is made. Such improvements shall include any necessary storm drainage facilities, curb, gutter, sidewalk, trail, park strip, including landscaping, and asphalt paving;
- D. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan;
- E. The proposed minor subdivision shall conform to the general character of the surrounding area. New lot lines shall conform to the general pattern of existing lot lines;
- F. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the zoning ordinance; and
- G. Utility easements shall be dedicated.

13-4-030: APPLICABILITY:

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770 The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining
771 to, minor subdivisions, and shall take precedence over any other provisions to the contrary.

772 13-4-040: CONCEPTUAL PLAN REQUIRED:

773 Prior to filing a minor subdivision application, all developers of proposed minor subdivisions shall be
774 required to complete a conceptual plan as set forth in this title.

775 13-4-050: MINOR SUBDIVISION APPLICATION:

776 All developers of proposed minor subdivisions shall submit a minor subdivision application on a form
777 provided by the City. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of
778 the plat and one electronic copy of all required documents meeting the requirements of section 13-4-
779 100 of this chapter. If essential infrastructure improvements, as specified within this chapter, are
780 required, the application shall be accompanied by improvement drawings for such improvements. The
781 City Engineer may require that a soil report be provide which meets the requirements set forth in
782 section 13-5-040 of this title be provided. At the time the application is submitted, the developer shall
783 pay the appropriate application fee as set forth in the City's consolidated fee schedule.

784 The community development department will determined if the appropriate plan and application is
785 submitted, if the application is complete and if all the fees have been paid. If the application is deemed
786 to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or
787 as reasonably practical upon discovery of a deficiency.

788 13-4-060: DEVELOPMENT REVIEW:

789 Within a reasonable time after receipt of a minor subdivision application and comments and/or
790 approval from all appropriate reviewing entities, the development review committee shall include the
791 application on the Planning Commission agenda and prepare a report on the application's compliance
792 with the general plan, city ordinances, rules and regulations. The developer's application and the report
793 of the community development department shall then be presented to the Planning Commission.

794 13-4-070: PLANNING COMMISSION ACTION:

795 A. Scope Of Action: Within a reasonable time following the receipt of an application for minor
796 subdivision approval from the community development department, the Planning Commission shall
797 act thereon. The Planning Commission shall assure that the plat is in conformity with the
798 requirements of this chapter and title, other applicable ordinances or regulations, and any
799 conditions of approval deemed necessary by the Planning Commission. If the Planning Commission
800 finds that the proposed plat complies with the requirements of this title and that it is satisfied with
801 the plat of the subdivision, it shall approve or approve with conditions the minor plat subdivision.

802 B. Disapproval: If the Planning Commission determines that the proposed plat is not in conformity with
803 the ordinances of the City or any reasonable conditions imposed, it shall not approve the plat,
804 specifying the reasons for such disapproval. If a proposed plat is disapproved by the Planning
805 Commission, no further plat shall be submitted and a new minor subdivision application shall be
806 required to initiate minor subdivision approval, including the payment of the required fee.

807 13-4-080: EXPIRATION OF FINAL APPROVAL:

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808 If the plat is not recorded within six (6) months from the date of Planning Commission approval, such
809 approval shall be null and void. This time period may be extended for additional six (6) month periods by
810 the City manager. The developer must petition for an extension, prior to the expiration of the original six
811 (6) months, or an extension previously granted. An extension may be granted only if it is determined
812 that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision
813 approval, including, but not limited to, inspection fees, park fees, impact fees, as well as the amounts
814 the City uses to estimate bonds to insure completion of improvements have increased, the City manager
815 may require that the bond estimate be recalculated and that the developer pay any applicable fee
816 increases as a condition of granting the extension.

13-4-090: BOND AGREEMENT:

818 In the event essential infrastructure improvements are required within the subdivision, the developer
819 shall comply with the bond requirements of section **13-5-140** of this title.

13-4-100: PLAT REQUIREMENTS:

- 821 A. Contents: Each plat submitted under this chapter shall, at a minimum, contain the following:
822 1. The boundaries, courses and dimensions of the parcels of ground to be subdivided;
823 2. The number, address and length and width of the blocks and lots intended for sale;
824 3. Existing right of way and easement grants of record for underground facilities, as defined in
825 Utah Code Annotated section **54-8a-2**, and for other utility facilities;
826 4. An acknowledgment from the owner(s) of the property to be subdivided acknowledging the
827 preparation of the plat and the owner's consent to subdivide the parcel as shown on the plat;
828 5. A certification from the surveyor preparing the plat; and
829 B. Davis County shall be added to all angle points to the exterior boundary of the subdivision.
830 C. Additional Requirements: In addition to the plat requirements of subsection A of this section, the
831 plat shall comply with any of the requirements set forth in section **13-5-110** of this title.

13-4-110: RECORDING OF PLAT:

833 Upon approval of a minor subdivision application under this chapter, and approval of a proposed plat
834 prepared in accordance with this chapter, the developer shall provide the City with a current title report
835 to be reviewed by the City Attorney. A "current title report" is considered to be one which is prepared
836 and dated not more than thirty (30) days before the proposed recordation of the final plat. Once title to
837 the property has been approved by the City Attorney, the approved plat shall be signed by the mayor
838 and may then be recorded with the Davis County recorder's office.

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13-5: MAJOR SUBDIVISIONS

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13-5-010: PRELIMINARY DESIGN PLAN; PURPOSE:

13-5-020: APPLICATION AND FEES:

13-5-030: PRELIMINARY DESIGN PLAN; PREPARATION AND REQUIRED INFORMATION:

13-5-040: EVALUATION OF PRELIMINARY DESIGN PLAN:

13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY DESIGN PLAN:

13-5-060: NOTIFICATION OF ACTION:

13-5-070: EFFECT OF APPROVAL OF THE PRELIMINARY DESIGN PLAN:

13-5-080: FINAL PLAT; PURPOSE:

13-5-090: FILING DEADLINE, APPLICATION AND FEES:

13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

13-5-110: EVALUATION OF FINAL PLAT:

13-5-120: PLANNING COMMISSION ACTION; FINAL PLAT:

13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:

13-5-140: SECURITY BOND; DEVELOPER:

13-5-150: DELAY AGREEMENT:

13-5-160: RECORDING OF PLAT:

13-5-170: EXPIRATION OF FINAL APPROVAL:

10 3 4: STEP 2 – PRELIMINARY DESIGN PLAN:

A. ~~Submit Preliminary Design Plan To Zoning Administrator:~~

~~1. Required: Following concept plan approval, the applicant shall submit a preliminary design plan application to the zoning administrator. The preliminary design plan shall provide design solutions to problems identified in the approved concept plan and the design process. The planning commission shall either recommend the plan or recommend the plan with conditions to the city council, or reject the preliminary plan. The city council shall either approve the preliminary plan or approve the preliminary plan with conditions or reject the preliminary plan.~~

13-5-010: PRELIMINARY DESIGN PLAN PURPOSE:

The purpose of the preliminary design plan is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary design plan and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this title and any other applicable ordinances.

13-5-020: APPLICATION AND FEES:

The developer of a major subdivision, after completing the conceptual plan required by this title, shall file an application for preliminary design plan approval on a form provided by the City. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of the preliminary plat & preliminary design plans and one electronic copy of all required documents. At the same time, the developer shall pay an application fee as published in the consolidated fee schedule of the City. The community development department will determine if the appropriate plan is submitted, if the application is

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880 complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will
881 be provided by the community development department, and the developer shall distribute plans,
882 accompanied by the letter, for comment to all appropriate public and private entities.

883 **13-5-030: PRELIMINARY DESIGN PLAN; PREPARATION AND REQUIRED INFORMATION:**

884 A. Form: The preliminary design plan shall be clearly and legibly drawn with approved waterproof
885 drawing ink at a scale not less than one inch equaling one hundred feet (1" = 100'). The plat shall be
886 so drawn that the top of the sheet is either north or west, whichever accommodates the drawing
887 best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and
888 seconds.

889 (The sections below are from current code 10-3-4)

890 B. ~~2-~~ Document Requirements: The following items shall be submitted in an application to the zoning
891 administrator for preliminary design plan ~~plat~~ review:

892 1. ~~a-~~ A preliminary title report covering the entire land in the proposed project, or other approved
893 evidence of title insurability.

894 2. ~~b-~~ Evidence that the applicant has sufficient control and financial capability over the land to
895 effectuate the proposed use.

896 3. ~~c-~~ When applicable, letters from the public agencies which will provide water and sewer service
897 to the proposed development. The letter should state what type, if any, of interim system will
898 be allowed until full service can be provided by the public agency; and that potable water will be
899 available to the developer in quantities and quality as required by state requirements for the
900 project.

901 ~~d. A letter from each utility company serving the project, stating that they have reviewed the plan~~
902 ~~and are setting forth their comments concerning the extent of services availability, the design of~~
903 ~~utility easements, and the approximate costs to the developer. A copy of the plan approved by~~
904 ~~the utility company shall be returned, initialed and stamped by the company.~~

905 4. ~~e-~~ Statement of the estimated starting and completion dates for each phase of development,
906 including proposed grading work and any landscape work.

907 5. ~~f-~~ A copy of proposed protective covenants, articles of incorporation, association or
908 condominium.

909 6. ~~g-~~ Tabulations showing the square footage and percent of total area proposed in:

910 ~~a. (1) Off street parking;~~

911 ~~b. (2) Streets;~~

912 ~~c. (3) Developed parks;~~

913 ~~d. (4) Natural open spaces or undeveloped parks.~~

914 7. ~~h-~~ Tabulations showing the square footage and percent of area covered by buildings.

915 8. ~~i-~~ Tabulations showing the square footage and total floor space by type of use, i.e., residential,
916 commercial, industrial, etc.

917 9. Copies of any agreements with adjacent property owners relevant to the proposed subdivision.

918 ~~k. Appropriate supporting documents showing compliance with state air emissions and water~~
919 ~~discharge standards.~~

920 10. ~~l-~~ An adequate traffic report prepared by a qualified traffic engineer when required by the City
921 Engineer or ~~planning commission~~ Planning Commission.

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922 C. Required Information: The following information shall be included on the preliminary plat or within
923 the preliminary construction drawing design plan set:

924 B. Project Design Information And Plans:

- 925 1. 5-A vicinity map of the proposed subdivision, drawn at a scale of five hundred feet to the inch
926 (1" = 500'), which defines the location of the subdivision within the City; showing all lots and
927 streets in the project, and all abutting streets, with names of the streets.
- 928 2. 3-The proposed name of the ~~development~~ subdivision. Such subdivision names shall not
929 duplicate or nearly duplicate the name of any subdivision in the City or in the incorporated and
930 unincorporated area of Davis County;
- 931 3. 6-The names and addresses of the ~~subdivider~~ developer or agent, if applicable, the engineer or
932 and surveyor of the development, and the owners of the land immediately adjoining the land to
933 be developed. If the developer is represented by an agent, there shall be a statement from the
934 recorded owner authorizing the agent to act
- 935 4. 1-The date, north point arrow, written and graphic scales. ~~A drawing to scale not smaller than~~
936 ~~one hundred feet to the inch (1" = 100'), and shall show a north arrow. (Ord. 93-5, 7-6-1993, eff.~~
937 ~~7-15-1993)~~
- 938 5. 9-The boundary lines of the tract to be subdivided, with all dimensions shown and a legal
939 description to defining the location and boundaries of the proposed subdivision;
- 940 6. 11-The location, widths and other dimensions of proposed streets, alleys, easements, - or other
941 public or private rights of ways;
- 942 7. 7-The location and size of all sites proposed to be dedicated or reserved for parks, and other
943 open spaces, common area, or other recreational uses. All sites shall be clearly labeled as
944 proposed for public or private dedication and use, and lots with the size of each lot in square
945 footage and proper labeling of spaces to be dedicated to the public.
- 946 8. 15- Boundary lines of adjacent subdivisions and the names of owners of adjacent unplatted land
947 tracts of unsubdivided land within one hundred feet (100') of the tract proposed for subdivision,
948 showing ownership and property monuments.
- 949 9. 7-A contour map at one foot (1') intervals, for predominant ground slopes within the
950 subdivision between level and five percent (5%), and at intervals of at least two feet foot (2')
951 intervals, for predominant ground slopes within the subdivision over five percent (5%), showing
952 all unusual topographic features with verification by a qualified engineer or land surveyor. Such
953 contours shall be based on Davis County datum. The closest Davis County section corner shall be
954 used and its elevation called out on the map. Survey monument information shall be obtained
955 from the Davis County surveyor or City engineer;
- 956 10. 19-Grading plan showing existing and proposed contour lines at no greater than two foot (2')
957 intervals at a scale of not less than one inch equals one hundred feet (1" = 100').
- 958 11. 2-For developments that are not within the sensitive lands overlay area, a soils data report from
959 a registered soils engineer, engineering geologist or other qualified person, based upon
960 adequate test boring or excavations within the proposed project. (Ord. 01-05, 4-3-2001) The soil
961 report shall include, among other things, a description of the soil types and characteristics on
962 the site, describe whether or not groundwater was encountered in any of the test borings and at
963 what elevation it was encountered, and shall identify the location of any seismic zones or flood
964 zones on the property.

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- 965 12. a- Investigation: If the soil report indicates the presence of critically expansive soils, high water
966 table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected,
967 would lead to structural defects of the proposed buildings, damage to the buildings from the
968 water, premature deterioration of the essential infrastructure improvements, or which would
969 represent a public health hazard, a soil investigation of each lot in the subdivision may be
970 required by the City engineer. The soil investigation shall recommend corrective actions
971 intended to prevent damage to proposed structures and/or essential infrastructure
972 improvements. The fact that a soil report has been prepared shall be noted on the final plat and
973 a copy attached to the preliminary design plan application.
- 974 13. ~~12-~~ A geologic hazard study prepared in accordance with Title 10, Chapter 12 for all
975 developments on properties: within the sensitive lands overlay area; with an average slope of
976 fifteen percent (15%) or greater; with known, suspect, or probable geologic hazards; critical
977 wildlife habitat or natural features; critical drainage channels; or other vital infrastructure.
- 978 14. ~~13-~~ The boundaries of areas subject to 100-year flooding or stormwater overflow, as determined
979 by the City, and the location, width and direction of flow of all watercourses, including all
980 existing and proposed irrigation and natural runoff channels and courses~~The location of existing~~
981 ~~bridges, culverts, surface or subsurface drainageways, utilities, buildings or other structures,~~
982 ~~pumping stations or appurtenances, within the subdivision or within two hundred feet (200')~~
983 ~~thereof, and all known wells or springs (consult state engineer's office), and location of the 100-~~
984 ~~year floodplain as determined by the federal emergency management agency (FEMA).~~
- 985 15. ~~14-~~ The existing use or uses and zoning of the property and the outline of any existing buildings
986 and their locations in relation to existing or proposed street and lot lines drawn to scale;
- 987 16. ~~12-~~ The location, proposed names, widths and a typical cross section of curbs, gutters, sidewalks
988 and other improvements of the proposed street and access easements~~principal dimension,~~
989 ~~and~~ names of all existing or recorded streets, alleys and easements, both within the proposed
990 project and within one hundred feet (100') of the boundary thereof, showing whether recorded
991 or claimed by usage;
- 992 17. ~~16-~~ The location and dimensions to the nearest existing bench mark or monument, and section
993 line; the location and principal dimensions of all watercourses, public utilities, and other
994 important features and existing structures within the land adjacent to the tract to be developed,
995 including railroads, power lines and exceptional topography.
- 996 18. ~~17-~~ Layout of all lots, including the average and minimum lot size, lot divisions and consecutive
997 numbering;
- 998 19. ~~14-~~ Proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm
999 drainage facilities, and fire hydrants, and any other public or private utility, as applicable.
- 1000 20. ~~10-~~ Existing off site and on site culinary and secondary water facilities, sanitary sewers, storm
1001 drainage facilities, subdrains, culinary and secondary water supply mains and culverts~~fire~~
1002 hydrants, and any other public or private utilities~~utility~~ within the tract or within one hundred
1003 feet (100') thereof.
- 1004 21. ~~17-~~ Location and size of all existing and proposed easements, dedications, and deed restrictions,
1005 including solar, public utility lines, water and sewage lines, storm drains and facilities,
1006 watercourses, irrigation systems, land drains, etc.
- 1007 22. ~~21-~~ Stormwater drainage plan and management plan in accord with 8-5-21 by which the
1008 ~~subdivider~~ developer proposes to handle stormwater drainage for an event with a ten (10) year

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1009 return period for all storm drain pipe-, and for an event with a one hundred (100) year return
1010 period for all storm drain detention basins. (Ord. 07-01, 1-9-2007) The calculation must size the
1011 detention basin, size the orifice plate and determine the amount of flow which can be released
1012 (the release rate can be 0.2 cfs/acre). Detention basin shall retain the required 24-hour storm
1013 equivalent, as required under the Utah ~~p~~Pollutant ~~d~~Discharge ~~e~~Elimination ~~s~~System (UPDES)
1014 general discharge permit. All development and redevelopment that warrants compliance with
1015 the UGCP regulation must include an LID analysis that meets the objective of mirroring the
1016 predevelopment hydrology and meets the objective of retaining on site, with no discharge, the
1017 0.6-inch in accordance with the adopted standard by the Utah Division of Water Quality., 24-
1018 hour rainfall event.

1019 23. 16- If the site requires substantial cutting, clearing, grading or other earthmoving operations in
1020 the construction of improvements, the application shall include a soil erosion and sedimentation
1021 control plan prepared by a registered civil engineer.

1022 24. 18- Dimensioned parking layout showing location of individual parking stalls, driveways and
1023 other areas of ingress and egress.

1024 25. 20- Landscaping plan. Generalized landscaping plans for the site and, if appropriate, information
1025 relating to the landscaping on adjacent or surrounding areas affected by the proposed
1026 development. Such landscaping plans shall be prepared by a qualified professional team
1027 showing:

1028 a. a- Distribution of plant material, existing trees, as related to energy conservation and solar
1029 access, and work involved as related to slope control and/or physical environment;

1030 b. b- Special effects and decorative materials;

1031 c. c- Automatic irrigation systems (sprinkler, bubbler, etc.);

1032 d. d- Recreation equipment. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1033 26. 4- The location of the development as it forms part of a larger tract or parcel. The submittal shall
1034 include a ~~sketch~~ concept of the prospective future street system of the unplatted portion of the
1035 property, and the street system of the part submitted shall be considered in light of adjustments
1036 and connections with the future street system of the surrounding area and in accordance with
1037 the ~~city~~ City general ~~General~~ plan ~~Plan~~.

1038 27. 8- Certification of the accuracy of the preliminary plat of the development and any traverse to
1039 permanent survey monuments by a land surveyor, registered to practice in the state.

1040 28. 27- If it is contemplated that the development will proceed by phases, the boundaries of such
1041 phases shall be shown on the preliminary design plan along with the estimated construction
1042 schedule for each phase;

1043 29. 28- The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat.

1044 **13-5-040: EVALUATION OF PRELIMINARY DESIGN PLAN:**

1045 C. Review Procedure For Preliminary Design Plan: **(Previous Code 10-3-3(B))**

1046 A. 1- The community development department will determined if the appropriate plan and application
1047 is submitted, if the application is complete and if all the fees have been paid. If the application is
1048 deemed to be incomplete the applicant shall be notified in writing within ten (10) days of the
1049 application date, or as reasonably practical upon discovery of a deficiency. The zoning administrator
1050 shall, u Upon receipt of the complete preliminary design plan submission, the department shall
1051 distribute copies of the plan to the ~~city~~ City engineer ~~Engineer and to~~, other members of the

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development review committee, and to such other governmental departments and agencies for review and comment as in the opinion of the planning commission or zoning administrator may contribute to a decision based on the best information for the necessary and in the public interest. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

B. The developer shall distribute plans for comment to all appropriate public or private agencies or utilities for review and approval and obtain letters of approval as required. After reviewing the plans, each of the agencies and utilities will provide the acknowledgment letter to the developer indicating whether the plans are acceptable or need to be revised, and may forward to the developer a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, water and sewer improvement districts, and the metro fire agency.

C. ~~2-~~ Failure of any of the recipient departments or agencies to respond to the zoning administrator City with comments concerning the development within fourteen (14) days of receipt of a copy of the preliminary design plan application from the planning commission shall be construed as indicating that such agency or department has no adverse concern with the proposed development.

D. The Development Review Committee (DRC) shall review the preliminary design plan application for compliance with all applicable regulations and shall notify the developer of the preliminary design plan review findings, redlines and comments, and identify any other information necessary for review by the Planning Commission to evaluate the proposed development.

E. ~~-~~The developer shall be afforded a reasonable period of time to submit corrected drawings and documents which address the DRC findings, redlines comments, and requested information.

F. ~~-~~The DRC shall review any corrected drawings or documents within ten (10) days of receipt and provide additional feedback to the developer regarding findings of compliance with City regulations and confirming the date for review by the Planning Commission.

G. ~~-~~If the DRC finds that the application is not in compliance with City regulations for preliminary design plan review, the developer shall be provided notice in writing of corrective actions required prior to placement on the Planning Commission agenda.

13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY DESIGN PLAN:

A. ~~3-~~ Within a reasonable time after the filing of a preliminary design plan application and any other information required, ~~the~~ Planning Commission shall consider the application for preliminary design plan approval, at its next regularly scheduled public meeting following a forty five (45) day review and processing period, except as may be limited by planning commission agenda, or as may be scheduled otherwise by the chairperson of the planning commission or the zoning administrator. This review and processing period shall be measured from the date on which the preliminary design plan application is determined by the zoning administrator to be substantially complete. If the Planning Commission finds that the proposed plat complies with the requirements of this chapter and that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this title or other applicable ordinances, it shall deny approval of such plat.

B. Findings: The Planning Commission may approve or deny the preliminary design plan and shall make findings regarding the submitted plat, specifying any inadequacy in the information submitted, noncompliance with City regulations, inconsistencies with the conceptual plan, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary design

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1094 plan and in making a final determination. ~~4. The planning commission~~ Planning Commission shall
1095 approve only those preliminary design plans which the commission finds:

1096 1. a- To be developed in accordance with the intent, standards and criteria specified in this title
1097 and other applicable regulations.

1098 2. b- To conform to an approved conceptual ual plan.

1099 3. c- To create no substantial financial hardship to the ~~city~~ City.

1100 4. d- To create no substantial environmental consequence which will adversely impact upon
1101 adjacent properties and the health, safety or welfare of the inhabitants of the ~~city~~ City when
1102 weighed against the positive impacts of such development.

1103 5. e- To mitigate possible adverse impacts from the proposed development, the ~~planning~~
1104 ~~commission~~ Planning Commission shall determine from a review of the preliminary design plan
1105 whether the soil, slope, vegetation and the drainage characteristics of the site are such as to
1106 require substantial cutting, clearing, grading, and other earthmoving operations in the
1107 construction of the development, or otherwise threaten an erosion hazard and, if so, the
1108 ~~planning commission~~ Planning Commission shall require the developer to provide soil erosion,
1109 geological hazard and sedimentation control plans and specifications. Such control plans and
1110 specifications shall be prepared by a qualified professional team with the costs of preparation of
1111 such plans and specifications being borne by the developer. Also, when in the opinion of the
1112 ~~planning commission~~ Planning Commission public facilities should be constructed within the
1113 boundaries of a proposed development for the benefit of the community as established in the
1114 comprehensive general plan of the ~~city~~ City, the developer shall reserve a site appropriate in
1115 area and location for such public facility.

1116 ~~f. After review of the preliminary design plan at a public meeting, the planning commission and then~~
1117 ~~the city council shall approve, disapprove, or approve with conditions, the preliminary design plan,~~
1118 ~~and notify the developer of such action, or may postpone action to allow the developer time to~~
1119 ~~provide materials or additional information needed by the planning commission, to then~~
1120 ~~determine appropriate action. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

1121 C. Examination Of Plat: Upon receipt of the preliminary design plan, the Planning Commission shall also
1122 examine the plat to determine whether the plat is consistent with the concepts set forth in the
1123 approved conceptual plan and with all changes requested and all requirements imposed as
1124 conditions of acceptance. In the event that the preliminary design plan has been altered
1125 substantially from the approved conceptual plan, at the discretion of the Planning Commission chair,
1126 with the recommendation of the community development department, the chair may suspend
1127 Planning Commission review of the preliminary design plan and require that the developer resubmit
1128 the plan subject to the conceptual plan review process. The chair may also defer such decisions
1129 related to conceptual plan resubmittal and/or preliminary design plan review to the Planning
1130 Commission for its approval.

1131 D. Substantial Change: The Planning Commission shall determine whether a proposed modification to
1132 an approved conceptual plan is a "substantial" change. Alterations of the following types shall define
1133 a substantial change:

1134 1. A significant change to the roadway alignment or configuration;

1135 2. Significant changes to lot areas or lot configuration;

1136 3. Any increase to the number of lots;

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- 1137 4. Any change to the configuration and amount of open space required;
- 1138 5. A significant change to culinary water, sanitary sewer, or storm drain plans related to the
- 1139 application;
- 1140 6. Any deviation from the approved conceptual plan as determined by the provisions set forth in
- 1141 this title;
- 1142 7. A modification of any other aspect of the conceptual plan that would significantly change its
- 1143 character.

13-5-060: NOTIFICATION OF ACTION:

1145 The community development department shall notify the developer, in writing, of the action taken by
1146 the Planning Commission. Notification of the approval of the preliminary design plan shall be
1147 authorization for the developer to proceed with the preparation of detailed plans and specifications for
1148 the improvements required by City ordinances and the Planning Commission, and with the preparation
1149 of the final plat.

13-5-070: EFFECT OF APPROVAL OF THE PRELIMINARY DESIGN PLAN:

1151 Approval of the preliminary design plan shall in no way relieve the developer of the responsibility to
1152 comply with all required conditions and ordinances, and to provide the improvements and easements
1153 necessary to meet all City standards.

~~**10-3-5: STEP 3 – FINAL PLAT AND FINAL CONSTRUCTION PLANS:**~~

13-5-080: FINAL PLAT; PURPOSE:

1156 The purpose of the final plat is to require formal approval by the Planning Commission before a major
1157 subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all
1158 respects be in compliance with the provisions of this title. The final plat and improvement plans
1159 submitted shall conform in all respects to those regulations and requirements specified during the
1160 preliminary design plan procedure. Pursuant to Utah Code Annotated section 10-9a-604, as amended,
1161 the Planning Commission designates the Planning Commission chair as its agent to sign final subdivision
1162 plats. The Planning Commission chair shall not sign any final plat until such plat has been approved by
1163 the Planning Commission in accordance with the provisions set forth herein.

13-5-090: FILING DEADLINE, APPLICATION AND FEES:

1165 The developer shall file an application for final plat approval with the community development
1166 department on a form prescribed by the City, together with one reproducible copy and prints of the final
1167 plat, the number of which shall be determined by City staff, and all required fees. The preliminary design
1168 plan shall become null and void unless the developer submits an application for and obtains final plat
1169 approval for all phases encompassing the area of the preliminary design plan within twelve (12) months
1170 after approval or conditional approval of the preliminary design plan by the Planning Commission,
1171 except as otherwise provided for by written agreement with the City. This time period may be extended
1172 for up to twelve (12) months for good cause shown if the developer petitions the Planning Commission
1173 in writing for an extension prior to the expiration date of the preliminary design plan together with any
1174 applicable fees. Only one extension of the preliminary design plan approval may be granted. In the event
1175 the final plat approval expires, or the City does not grant an extension of final plat approval, or the City

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1176 does not reapprove a previously approved final plat, the preliminary design plan approval shall also
1177 expire, unless twelve (12) months has not lapsed from the date of its approval and/or a twelve (12)
1178 month extension of time has been granted as provided herein.

1179 **13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:**

1180 A. A. Submit Final Plan To Zoning Administrator: Following preliminary design plan approval, the
1181 applicant shall submit a final plan to the zoning administrator. The final plan shall provide technical
1182 and engineering solutions to all identified problems as required by the city council.

1183 —The planning commission shall either approve the final plan or approve with conditions or reject
1184 the final plan.

1185 B. The final plan shall provide technical and engineering solutions to all identified problems as required
1186 by the city council ~~Planning Commission.~~ The City Council shall either approve the final plan or
1187 approve with conditions or reject the final plan. 1. Document Requirements: The following items
1188 shall be submitted to the zoning administrator community development department for final plat
1189 review:

1190 1. a. An application including: The developer of a major subdivision, after completing the
1191 preliminary design plan required by this title, shall file an application for final plat approval on a
1192 form provided by the City. The application shall include two (2) 24" x 35" copies and one (1) 11"
1193 x 17" copy of the final plat and final construction drawings and one electronic copy of all
1194 required documents. At the same time, the developer shall pay an application fee as published
1195 in the consolidated fee schedule of the City. The community development department will
1196 determine if the appropriate plan is submitted, if the application is complete and if all the fees
1197 have been paid. If all requirements are met, a letter of acknowledgment will be provided by the
1198 community development department.

1199 2. (1) A certificate of title insurance for any land to be dedicated to the city City via the city
1200 council City Council.

1201 3. (2) Trust agreement for perpetual care funds when required as a condition of approval.

1202 C. Final Plan ~~Plat~~ Drawing Requirements:

1203 1. Drawings shall be prepared and certification made as to plat accuracy by a registered
1204 professional licensed to do such work in the state of Utah. A workmanlike execution of the plat
1205 shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for final plat
1206 rejection.

1207 2. The final plat shall consist of a sheet of approved ~~tracing linen~~ mylar ~~with~~ to the outside or trim
1208 line dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat
1209 shall be drawn in heavy lines leaving a space of at least one and one-half inches (1½") on the
1210 left side and at least one-half inch (½") margin on the other sides. The plat shall be so drawn
1211 that the top of the drawing faces either north or west, whichever accommodates the drawing
1212 best. All lines, dimensions and markings shall be made on the ~~tracing linen,~~ mylar, or
1213 comparable material, with approved waterproof black ink.

1214 3. The plat shall be made to a scale large enough to clearly show all details, and in any case not
1215 smaller than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing
1216 shall be neat, clean cut and readable.

1217 4. An accurate and complete survey to second order accuracy shall be made of the land to be
1218 subdivided. A traverse of the exterior boundaries of the tract, and of each block, when

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- 1219 computed from field measurements on the ground, shall close within a tolerance of one foot (1')
1220 to twenty thousand feet (20,000'). A survey tie into two (2) legal section corners or other
1221 permanent markers established, or approved by the Davis County survey, is required.
- 1222 5. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside
1223 the boundary line, not inside with the lot dimensions, and tied to two (2) existing land
1224 monuments within the subdivision shall show the calculated Davis County coordinates. When
1225 the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a
1226 closing meander traverse should be given and a notation made that the plan includes all land to
1227 the water's edge or otherwise.
- 1228 6. If a plat is revised, the redlined copy of the old ~~plan~~-plat shall be returned for comparison
1229 purposes.
- 1230 7. In subdivisions, all blocks and all lots within each block shall be consecutively numbered.
- 1231 8. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the
1232 reestablishment of the curves on the ground. This curve data shall include the following for
1233 circular curves:
- 1234 a. Radius of curve;
1235 b. Central angle;
1236 c. Tangent;
1237 d. Arc length;
1238 e. -Chord (bearing and length).
- 1239 9. Excepted parcels shall be marked "not included in this development" and the boundary
1240 completely indicated by bearings and distances.
- 1241 10. All streets within the project shall be numbered (named streets shall also be numbered) in
1242 accordance with and in conformity with the adopted street numbering system adopted by the
1243 cityCity. Each lot shall show the street addresses assigned thereto, by and shall be according to
1244 the standard addressing methods approved by the cityCity. In the case of corner lots, the
1245 address will be assigned ~~for each part of the lot having street frontage~~to the street frontage
1246 which the home is most likely to front. In the event the home is faced to the alternate street
1247 frontage, the address shall be reassigned, by the City engineer, at the time of building permit
1248 application. The City engineer shall submit the address change to the Davis County Recorder's
1249 Office by affidavit.
- 1250 11. Sheets shall be so arranged that no lot is split between two (2) or more sheets, and wherever
1251 practicable, blocks in their entirety shall be shown on one sheet.
- 1252 12. Lot numbers shall begin with numeral "1" and continue consecutively throughout the
1253 subdivision with no omissions or duplications. When a subdivision is developed in phases, the
1254 phase number shall precede each lot number. For example, phase 2 would be numbered 201,
1255 202, 203, etc.
- 1256 13. ~~10.~~ The side lines of all easements shall be shown by fine dashed lines. The width of all
1257 easements and sufficient ties thereto to definitely locate the same with respect to the
1258 subdivision shall be shown. All easements shall be clearly labeled and identified.
- 1259 14. ~~11.~~ All lands within the boundaries of the ~~plan~~-plat shall be accounted for either as lots,
1260 walkways, streets, alleys, excepted parcels, common areas, building areas, parking areas,
1261 drainage facilities, landscape areas, and permanent open space, etc.
- 1262 15. ~~12.~~ All dimensions of irregularly shaped lots shall be indicated in each lot.

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- 1263 16. ~~13.~~ All bearings and lengths shall be given for all lot lines, except that bearings and lengths need
1264 not be given for interior lot lines where the bearings and lengths are the same as those of both
1265 end lot lines.
- 1266 17. ~~14.~~ Parcels not contiguous shall not be included in one plat. Contiguous parcels owned by
1267 different parties may be embraced in one plat, provided all owners join in dedication and
1268 acknowledgment.
- 1269 18. ~~15.~~ Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to
1270 seconds of arc.
- 1271 19. ~~16.~~ The information on the plat shall include description of project boundaries, public streets
1272 and easements (utility, drainage, access, etc.), as well as other design elements and the
1273 following:
- 1274 a. -Name of development, astronomic north arrow and basis thereof, and date, and names of
1275 developer and engineer. The title of each sheet of the final plat shall consist of the approved
1276 name and unit number of the subdivision in bold letters, and if applicable, the words "a
1277 Planned Unit Development (PUD)", followed by the words "City of North Salt Lake" at the
1278 top of the sheet.
- 1279 b. Name and address of owner or owners of record.
- 1280 c. Total acreage of development project; total number of lots and acreage of each.
- 1281 d. Township, range, section (and quarter section, if portion).
- 1282 e. Graphic scale.
- 1283 20. ~~17-~~The final plat shall contain the name of the surveyor, together with the date of the survey,
1284 the scale of the map and number of sheets. The following certificates, acknowledgments and
1285 descriptions shall appear on the title sheet of the final plat, and such certificates may be
1286 combined where appropriate:
- 1287 a. Registered land surveyor's certificate of survey;
- 1288 b. Owner's dedication certificate;
- 1289 c. Notary public's acknowledgment for each signature on the plat;
- 1290 d. A correct metes and bounds description of all property included within the subdivision or
1291 project;
- 1292 e. Plats shall contain blocks for signatures of the ~~planning commission~~ Planning Commission,
1293 ~~city~~ City Engineer, ~~city~~ City Attorney, ~~city~~ City council Council (a signature line for the mayor
1294 and an attestation by the ~~city~~ City recorder Recorder). A block for the Davis County recorder
1295 shall be provided in the lower right corner of the final plat;
- 1296 f. Such other affidavits, certificates, acknowledgments, endorsements and notaries seals as
1297 are required by law, by this title or by the ~~city~~ City attorney Attorney;
- 1298 g. Prior to recordation of the plat, the ~~subdivider~~ developer shall submit a current title report
1299 to be reviewed by the ~~city~~ City attorney Attorney. A "current title report" is considered to be
1300 one which correctly discloses all recorded matters of title regarding the property and which
1301 is prepared and dated not more than thirty (30) days before the proposed recordation of
1302 the final plat;
- 1303 h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any
1304 other certificates contained on the final plat shall be in the form prescribed by the ~~city~~ City
1305 ~~subdivision~~ Subdivision standards Standards and ~~specifications~~ Specifications;

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1306 i. When a subdivision contains lands which are reserved in private ownership for community
1307 use, including common areas, the ~~subdivider~~developer shall submit with the final plat the
1308 name, proposed articles of incorporation and bylaws of the owner, or organization
1309 empowered to own, maintain and pay taxes on such lands and common areas.

1310 ~~21. 18.~~The plat shall fully and clearly show all stakes, monuments and other evidence indicating the
1311 boundaries of the subdivision as found on the site. Any monument or bench mark that is
1312 disturbed or destroyed before acceptance of all improvements, shall be replaced by the
1313 ~~subdivider~~developer -under the direction of the ~~city~~City ~~engineer~~Engineer. The following
1314 required monuments shall be shown on the final plat:

1315 a. ~~a.~~The location of all monuments placed in making the survey, including a statement as to
1316 what, if any, points were reset by ties;

1317 b. ~~b.~~All right of way monuments at angle points and intersections as approved by the ~~city~~City
1318 Engineer.

1319 **D. Final Construction Plan Requirements:**

1320 1. Standards for design, construction specifications, inspection of the street improvements, curbs,
1321 gutters, sidewalks and standards for design, construction specifications and inspection of water
1322 distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall
1323 be prepared by the ~~city~~City Engineer. Standards for fire hydrants shall meet the requirements of
1324 any federal, state and local governmental entities having jurisdiction over the same. All
1325 subdivision standards and specifications and amendments thereto which are under the control
1326 of the ~~city~~City shall be approved by the ~~city~~City ~~council~~ Council before becoming effective. The
1327 ~~city~~City ~~council~~ Council ~~may~~ shall by resolution adopt subdivision standards and specifications of
1328 the ~~city~~City which may be amended from time to time. All ~~subdivider~~developers shall comply
1329 with any subdivision standards and specifications adopted by the ~~city~~City ~~council~~ Council. All
1330 ~~public improvements~~essential infrastructure improvements shall be installed in accordance with
1331 the ~~city~~City subdivisions standards and specifications, the requirements of the ~~city~~City engineer,
1332 the subdivision improvements agreement between the ~~subdivider~~developer and the ~~city~~City,
1333 and all other applicable ~~city~~City ordinances and regulations.

1334 2. ~~2.~~Complete and detailed construction plans and drawings of all improvements shall be
1335 prepared in conformance to the design standards of the ~~city~~City. They shall be submitted to the
1336 ~~city~~City Engineer for review at the same time the final plat is being reviewed. Final approval of
1337 the project shall not be granted until the plans have been reviewed and recommended for
1338 approval by the ~~city~~City Engineer. No construction shall be started until the final plat and final
1339 construction plans have ~~has been recorded~~ approved ~~and the construction plans have been~~
1340 ~~approved~~ by the ~~city~~City. Plans for all the street utilities shall be drawn on the same plans.

1341 3. ~~3.~~Standards are set for the purpose of standardizing the drawings and to obtain uniformity in
1342 appearance, clarity, size and reproduction.

1343 a. ~~a.~~Three (3) copies of construction plans shall be submitted with one set to be retained by
1344 the ~~city~~City Engineer, one set to be ~~furnished to the~~ retained in the official ~~city~~City
1345 development file ~~city~~City, and one set returned to the ~~subdivider~~developer for corrections
1346 and revisions. After corrections and revisions by the ~~subdivider~~developer, three (3) sets shall
1347 be submitted for final review by the ~~city~~City Engineer.

1348 b. ~~b.~~All drawings and/or prints shall be clear and legible and conform to good engineering and
1349 drafting practice. Size of drawings shall be twenty four inches by thirty six inches (24" x 36")

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1350 (trim line) with one-half inch (1/2") border on top, bottom and right sides, left side one and
1351 one-half inches (1 1/2").

1352 c. ~~c.~~ The plans shall include the following information:

1353 (1) ~~(1)~~ North arrow (plan);

1354 (2) ~~(2)~~ Elevations referenced to USGS datum;

1355 (3) ~~(3)~~ Stationing and elevations for profiles;

1356 (4) ~~(4)~~ Title block located in lower right corner of sheet, to include, project title (subdivision,
1357 etc.). Specific type and location of work, and name of engineer or firm preparing
1358 drawings with license number. Utah engineer's stamp shall be required on all
1359 construction plans;

1360 (5) ~~(5)~~ Scale one inch equals twenty feet (1" = 20') or one inch equals forty feet (1" = 40')
1361 horizontally; one inch equals two feet (1" = 2') or four feet (4') vertical;

1362 (6) ~~(6)~~ Both plan view and profiles for curb and gutter plans shall be shown for each side of
1363 the street; street centerline profile may be eliminated. Top of curb elevations with curve
1364 data must be shown for all curb returns;

1365 (7) ~~(7)~~ Size and location of culinary water lateral mains, meters, valves, elbows, air vacs,
1366 pressure reducing stations, and hydrants;

1367 (8) ~~(8)~~ Type of pipe;

1368 (9) ~~(9)~~ Size and location of irrigation lateral mains, valves, fittings, etc.;

1369 (10) ~~(10)~~ Size, location and profile of sewer, storm drains and subdrains and their manhole
1370 cleanouts.

1371 (11) ~~(11)~~ Detention and retention basins, including pertinent elevations, orifice diameter sizes,
1372 headwall details, etc.

1373 (12) ~~(12)~~ Calculation, Traverse Sheets: Calculation and traverse sheets giving bearings,
1374 distances and coordinates of the boundary of the subdivision and blocks and lots as
1375 shown on the final plat.

1376 (13) ~~(13)~~ Data, Assumptions, and Computations: Design data, assumptions and computations
1377 for proper analysis in accordance with sound engineering practice, along with
1378 appropriate plan, section and profile sheets for all essential infrastructure
1379 improvements.

1380 4. As needed, each set of plans shall be accompanied by a separate sheet of details for structures
1381 which are to be constructed. All structures shall be designed in accordance with minimum
1382 requirements established by the subdivision standards of the city City.

1383 **13-5-110: EVALUATION OF FINAL PLAT:**

1384 A. A. ~~A.~~ Community development department: The community development department will determine
1385 if the final plat submission is complete and if all the fees have been paid. If all requirements are met,
1386 a letter of acknowledgment will be provided by the community development department, and the
1387 developer shall distribute plans, accompanied by the letter, for comment to all appropriate public
1388 and private entities.

1389 B. B. ~~B.~~ Reviewing Entities: After reviewing the plans, each of the public agencies and utilities will provide
1390 the acknowledgment letter to the developer indicating whether the plans are acceptable or need to
1391 be revised, and may forward to the developer a written report of its findings and recommendations.

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1392 These agencies shall include, but are not necessarily limited to, water and sewer improvement
1393 districts, and the metro fire agency.

1394 C. ~~C.~~ Additional Reviews: In cases where developer's submission or plat is incomplete, incorrect or
1395 otherwise fails to comply with City ordinances and/or development standards as determined by the
1396 City and where such failure makes additional or repeat reviews on the part of the City engineer
1397 and/or other consultants to the City necessary, developer shall be required to resubmit the plans to
1398 those reviewing entities that will be affected by changes. After reviewing the plans, each of the
1399 public agencies and utilities will provide the acknowledgment letter to the developer indicating
1400 whether the plans are acceptable or need to be revised. This process shall continue until all
1401 reviewing entities have accepted the plans.

1402 D. ~~D.~~ Report To Planning Commission: Within a reasonable time after receipt of a final plat and
1403 approval or comments from all appropriate reviewing entities, the community development
1404 department shall include the final plat on the Planning Commission agenda and prepare a report on
1405 the plat's compliance with the General Plan, City ordinances, rules and regulations. The plat and the
1406 report of the City community development department shall then be presented to the Planning
1407 Commission.

1408 **13-5-120: PLANNING COMMISSION PLANNING COMMISSION ACTION; FINAL PLAT:**

1409 A. ~~A.~~ Scope: The Planning Commission shall not be bound by the recommendations of the City
1410 departments or the City Manager, and may set its own conditions and requirements consistent with
1411 this title.

1412 B. ~~B.~~ Examination Of Plat: Upon receipt of the final plat, the Planning Commission shall examine the
1413 plat to determine whether the plat conforms with the preliminary design plan and with all changes
1414 requested and all requirements imposed as conditions of acceptance. If the Planning Commission
1415 determines that the plat is in conformity with the preliminary design plan, the requirements of this
1416 title, other applicable ordinances and any reasonable conditions as recommended by the City
1417 departments, City Manager or on its own initiative, and that it is satisfied with such plat of the
1418 subdivision, it shall approve the plat.

1419 **13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:**

1420 If the Planning Commission determines that the final plat is not in conformity with this title or other
1421 applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the
1422 reasons for such disapproval. Within one year after the Planning Commission has disapproved any plat,
1423 the developer may file with the community development department a plat altered to meet the
1424 requirements of the Planning Commission. No plat shall have any force or effect until the same has been
1425 approved by the Planning Commission.

1426 **D. Final Plat And Construction Plan Review And Approval:**

1427 1. When a final plat and construction plan has been received, it shall be acted upon at a planning
1428 commission meeting scheduled for development review within thirty (30) days of receipt of final
1429 plat and construction plan application by the zoning administrator; provided, that the planning
1430 commission shall not approve any final plan unless it is certified by the city engineer in the space
1431 provided.

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1432 2. The zoning administrator will distribute copies of the final plat and construction plan for final
1433 review by those who reviewed the preliminary plan, and such others as may be determined, for final
1434 comment before docketing the application for final approval on the planning commission agenda.

1435 3. The planning commission shall review the final plat and construction plan at a regularly scheduled
1436 public meeting. If the final plan and all supplementary data comply with the applicable requirements
1437 of these regulations and the requirements of the approved preliminary design plan, the planning
1438 commission shall certify approval of the plan on the space provided.

1439 4. After review of the final plat and construction plan at the public meeting, the planning
1440 commission shall send written notification of its review and official action taken to the city council.
1441 This notification shall specify any modifications to the final plat and construction plan, if any, which
1442 were made incident to final approval of such plan by the planning commission.

1443 5. The city council shall review the final plat and construction plan within forty five (45) days of
1444 receipt of transmittal from the planning commission, at a regularly scheduled public meeting, or as
1445 otherwise scheduled by the city council.

1446 6. The only basis for rejection of a final plat and construction plan shall be its nonconformance to
1447 adopted rules, regulations and ordinances currently in force and affecting the land and its
1448 development, its lack of conformance with the approved preliminary design plan, technical
1449 inaccuracies or insufficiencies, and poor workmanship in preparation of the plans and documents.

1450 7. The city council shall review and execute a developer's improvement agreement and establish the
1451 kind and amount of financial security necessary to guarantee completion of the required public
1452 improvements.

1453 8. If the city council determines that the final plat and construction plan submission complies with
1454 the applicable requirements of this title, they shall certify approval of the plat and construction plan,
1455 an improvements agreement including such guarantees as may be required, and by certificate of
1456 legal review as to form by the city attorney.

1457 9. The developer shall provide an adequate number of approved plats or prints marked approved,
1458 together with the official notification of the action, to be distributed as required:

1459 a. One copy to planning commission files.

1460 b. One copy to city council files.

1461 c. One copy to developer.

1462 d. One copy to engineer and surveyor of subdivider.

1463 e. One original copy to county recorder when required.

1464 f. One copy to each utility company serving the development.

1465 g. One copy to the health department.

1466 h. One copy to the city engineer.

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1467 i. ~~One copy to the city post office.~~

1468 j. ~~One copy to the building official.~~

1469 E. ~~Submit Approved Final Plat And Construction Plan To City Council: Following final plat and~~
1470 ~~construction plan approval by the planning commission, the zoning administrator shall forward~~
1471 ~~the approved final plat and construction plan to the city council for review. The applicant shall~~
1472 ~~appear before the city council to answer questions, to negotiate any required bond or financial~~
1473 ~~security, and to negotiate any proposed dedications. The city council shall either approve or~~
1474 ~~reject the final plat and construction plan and, upon approval, shall authorize the county~~
1475 ~~recorder to record (as required) any of the approved material in the final plat. The costs of~~
1476 ~~recording shall be paid by the applicant. (Ord. 93-5,~~

1477 **13-5-140: SECURITY BOND; DEVELOPER:**

1478 Prior to the installation of or any work on any required essential infrastructure improvements, the
1479 developer shall enter into a subdivision improvement agreement including a security bond acceptable to
1480 the City to insure completion of all essential infrastructure improvements required to be installed in the
1481 subdivision. The agreement shall be in a form and contain such provisions as approved by the City
1482 Attorney. The agreement shall include, but not be limited to, the following:

- 1483 A. ~~A.~~Incorporation: Incorporation by reference of the final plat and all accompanying data required
1484 herein which is used to compute the cost of the improvements by the City Engineer;
- 1485 B. ~~B.~~Completion Of Improvements: Completion of the improvements within a period of time not to
1486 exceed two (2) years from the date the agreement is executed;
- 1487 C. ~~C.~~Satisfactory Completion: The improvements shall be completed to the satisfaction of the City and
1488 according to City standards specified in this title;
- 1489 D. ~~D.~~Amount: The bond amount shall be equal to one hundred percent (100%) of the City Engineer's
1490 estimated cost of the essential infrastructure improvements to be installed;
- 1491 E. ~~E.~~Exclusive Control By City: The bond proceeds may be released only upon written approval of the
1492 City Engineer;
- 1493 F. ~~F.~~Reduction: The bond proceeds may be reduced upon request of the developer as the
1494 improvements are installed. The amount of the reduction shall be determined by the City. Such
1495 requests may be made only once every thirty (30) days and no reductions shall be authorized until
1496 such time as the City has inspected the improvements and found them to be in compliance with City
1497 standards and approved improvement plans. All reductions shall be by the written authorization of
1498 the City Engineer. The bond shall not be reduced below ten (10%) of the required bond amount,
1499 until such time that all improvements have been accepted and upon the expiration of the one (1)
1500 year warranty period. The warranty period shall begin once all improvements have been completed
1501 and approved by the City engineer, with the exception of the required slurry seal;
- 1502 G. ~~G.~~Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the
1503 completion of the improvements according to City standards for whatever reason, including
1504 previous reductions, the developer shall be responsible for the deficiency and no further building
1505 permits shall be issued in the subdivision or development until the improvements are completed or
1506 new bond, satisfactory to the City, has been executed and delivered to the City to ensure
1507 completion of the remaining improvements;

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1508 H. ~~H2.~~ In the event the developer defaults or fails or neglects to satisfactorily install the required
1509 improvements within one year from the date of approval of the development by the ~~city~~City-council
1510 Council or to pay all liens in connection therewith, the ~~city~~City-council Council may declare the bond
1511 or other assurance forfeited and the ~~city~~City may install or cause the required improvements to be
1512 installed using the proceeds from the collection of the bond or other assurance to defray the
1513 expense thereof, including attorney fees and court costs. After required improvements have been
1514 made, any balance after expenses shall be returned to the developer at the end of the assurance
1515 period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1516 I. ~~I.~~ Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time
1517 period, the costs of completion shall include reimbursement to the City for the costs of
1518 administration incurred by the City in obtaining the completion of the improvements;

1519 J. ~~J.~~ Nonliability: The developer shall agree to hold the City harmless from any and all liability which
1520 may arise as a result of the improvements which are installed until such time as the City certifies the
1521 improvements as complete;

1522 K. ~~K.~~ Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by
1523 the City:

1524 1. ~~1.~~ A cash bond agreement accompanied by a cashier's check or a money market certificate
1525 made payable only to the City;

1526 2. ~~2.~~ An escrow bond agreement and an escrow account with a financial institution federally
1527 insured;

1528 3. ~~3.~~ A letter of credit bond agreement accompanied by an irrevocable letter of credit with a
1529 financial institution federally insured; or

1530 4. ~~4.~~ A corporate surety performance bond in favor of the City.

1531 L. ~~L.~~ Right Of Rejection: The City reserves the right to reject any bond. The bonds required by this
1532 section are for the sole benefit of the City. The bonds are not for the benefit of any individual citizen
1533 or identifiable class of citizens, including the owners or purchasers of lots within the subdivision or
1534 project;

1535 M. ~~M.~~ Extension: The time period for the completion of the required essential infrastructure
1536 improvements may be extended in the following manner upon approval of the City Council:

1537 1. ~~1.~~ The developer may submit a new bond for approval;

1538 2. ~~2.~~ The existing bond may be extended upon payment, by the developer, of the actual
1539 administrative costs incurred in reevaluating the sufficiency of the bond amount.

1540 **13-5-150: DELAY AGREEMENT:**

1541 In lieu of the bond requirements outlined above, at the City's sole option, the developer may be
1542 permitted to execute an agreement, in a form acceptable to the City attorney, delaying the installation
1543 of any or all of the essential infrastructure improvements required pursuant to this title.

1544 **13-5-160: RECORDING OF PLAT:**

1545 After Planning Commission approval, completion of the required essential infrastructure improvements
1546 or filing of the bond agreement described herein, and signing of the plat by all those required, the plat
1547 shall be presented by the City Recorder to the Davis County recorder for recordation.

1548 **13-5-170: EXPIRATION OF FINAL APPROVAL:**

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1549 If the plat is not recorded within six (6) months from the date of Planning Commission approval, such
1550 approval shall be null and void. This time period may be extended for additional six (6) month periods by
1551 the City Manager. The developer must petition for an extension, prior to the expiration of the original six
1552 (6) months, or an extension previously granted. An extension may be granted only if it is determined
1553 that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision
1554 approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the
1555 amounts the City uses to estimate bonds to ensure completion of improvements, have increased, the
1556 City Manager may require that the bond estimate be recalculated and that the developer pay any
1557 applicable fee increases as a condition of granting the extension.

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13-6: PLANNED UNIT, CONDOMINIUM, RECREATIONAL VEHICLE AND MOBILE HOME DEVELOPMENTS

13-6-010 ~~10-7-4~~: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:

13-6-020 ~~10-19~~: CONDOMINIUM SUBDIVISIONS

13-6-030 ~~10-7-5~~: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS; SPECIAL REQUIREMENTS:

13-6-010 ~~10-7-4~~: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:

A. ~~A.~~ Purpose: The purpose of planned unit development (PUD) is to permit flexibility in land use regulations and for the consolidation of open spaces by clustering dwelling units, in order to preserve natural features, allow a variety of land uses, provide meaningful and usable open spaces, and to make efficient use of essential infrastructure and public facilities. ~~and to allow diversification in the interrelationships of various uses and structures within their sites and thus offers an alternative method to the traditional type of development.~~ The application of planned unit development concept is intended to encourage neighborhoods, housing, design, open space and facilities compatible with the present living environment in the city City as described by the general plan, while at the same time ensuring compliance with practices which will assure the health, safety and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project. ~~In exchange for the additional services provided by the developer in a planned unit development, this chapter will allow for increased intensity of buildings and more flexible uses of the land.~~

B. ~~The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations. Through the flexibility of the planned unit development regulations, the City seeks to achieve the following specific objectives:~~

- ~~1. The stabilization and preservation of the existing or planned land uses in abutting areas and surrounding residential neighborhoods;~~
- ~~2. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;~~
- ~~3. Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;~~
- ~~4. Maximizing and preserving vegetation and open space and/or other special development amenities to provide light, air and privacy, to buffer abutting properties and to provide active and passive recreation opportunities for residents of the planned development and/or the community;~~
- ~~5. Minimize significant through traffic impacts on adjacent residential neighborhoods;~~
- ~~6. Provide an appropriate transition or buffering between uses of differing intensities both on site and off site; and~~
- ~~7. Provide safe and convenient vehicle and pedestrian connections between adjacent uses~~

C. ~~In return for greater flexibility in site development, the PUD introduces some special requirements and standards for design approval. These conditions will be employed to maximize quality of site design. They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more conventional development. The PUD process will not be used as a device to force~~

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1600 a decrease in residential density below that otherwise allowed by the comprehensive plan and
1601 underlying zoning.

1602 ~~B. Condominiums To Be Developed As Planned Unit Development: Where, in the opinion of the~~
1603 ~~planning commission, the unique features of a condominium project (i.e., ownership, financing,~~
1604 ~~topography, types of land uses, etc.) require more flexibility in design solutions in order to protect~~
1605 ~~the public interest, the proposed condominium project shall comply with the provisions of this~~
1606 ~~chapter, and contrary provisions of other ordinances adopted by the city may be waived by the~~
1607 ~~planning commission.~~

1608 D. ~~B.~~ Planned Unit Developments Approval: A development which is to be developed as a PUD shall be
1609 processed in the same manner as minor or major subdivisions. PUD developments shall comply with
1610 the underlying zoning requirements except as specifically varied by this section.

1611 E. ~~C.~~ Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located:

1612 1. ~~1.~~ Land uses permitted within a PUD subdivisions shall comply with the underlying zone district.
1613 Multi-family attached dwellings shall only be allowed to the extent permitted in the underlying

1614 zone. No conditional use permit for a planned unit development shall be granted unless such
1615 development will meet the use limitations of the zoning district in which it is to be located,
1616 including planned unit developments in planned districts, and

1617 2. ~~2.~~ The density allowed in a residential PUD shall be determined by calculating the net
1618 developable area of the development divided by the minimum land area required per dwelling
1619 unit within the zone district. Net developable area is defined as the total development parcel
1620 less the area required for private or public road rights of ways and including the required
1621 adjacent pedestrian walkways and park strips. meet the density and other limitations of such

1622 districts, except as such requirements may be lawfully modified as provided by this chapter or
1623 by district regulations. Compliance with the regulations of this title in no sense excuses the
1624 development from the applicable requirements of the subdivision regulations, except as
1625 modifications thereof are specifically authorized in the approval of the application for the
1626 planned unit development.

1627 F. ~~D.~~ Required Conditions:

1628 1. ~~1.~~ Area: No planned unit development shall have an area less than that approved by the
1629 planning commission Planning Commission as adequate for the proposed development.

1630 2. ~~2.~~ Arrangement Of Structures; (residential)

1631 a. ~~a.~~ Open Space: The planning commission Planning Commission shall require such
1632 arrangements of structures and to consolidate and maximize usable open spaces for the
1633 enjoyment and convenience of future residents of the development. Care shall be taken as
1634 necessary to assure that adjacent properties will not be adversely affected. In particular:

1635 b. ~~ab.~~ Perimeter Setback: All structures within a PUD shall be setback from the perimeter
1636 boundary of the development a minimum of fifteen (15) feet. Where feasible, buildings of
1637 least height and the least intensity of buildings and uses shall be arranged around the
1638 boundaries of the development.

1639 c. Height Restrictions: The perimeter setback shall be a minimum of twenty-five (25') feet for
1640 structures with greater than two (2) stories adjacent to a perimeter property line shared
1641 with a single family dwelling(s).

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1642 d. –Front Setback (street façade): All front façades of buildings which face a private or public
1643 street right of way shall be setback a minimum distance of twenty (20) feet from the edge of
1644 the right of way, including any required sidewalk and park strip.

1645 e. –Front Setback (other): All front facades of buildings which face a perimeter development
1646 boundary or other physical feature or barrier, such as a retaining wall greater than 4 feet in
1647 height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-
1648 five feet.

1649 f. –Building Separation-front façade(s): Residential structures which front a courtyard or other
1650 shared common open space have a minimum building separation of thirty (30) feet. Front
1651 porches, patios, awnings, or above ground decks may extend into the separation distance up
1652 to five (5) feet. Fenced limited common area may extend up to ten (10) feet into the
1653 separation distance. Pedestrian walkways within the front separation shall be a minimum of
1654 five (5) feet in width.

1655 g. –Building Separation-rear facades: Residential structures without rear garage or rear alley
1656 access, shall have a minimum separation distance of thirty (30) feet. Fenced limited
1657 common area may extend up to fifteen (15) feet into the separation distance.

1658 h. –Building Separation-side facades: Adjacent side building facades shall have a minimum
1659 separation distance of twenty-five (25) feet. Adjacent side yards may be used for common
1660 open space, pedestrian circulation, or landscaping. Prohibited use in adjacent side yards
1661 shall be parking and fenced limited common area. Pedestrian walkways within the side
1662 separation shall be a minimum of five (5) feet in width.

1663 i. –Rear Setback (alley loaded): Residential structures with alley loaded garages shall be
1664 setback from the private street right of way a minimum distance of five (5) feet.

1665 j. ~~l~~b. Lot area, width, yard, height and coverage requirements shall be determined by approval
1666 of the preliminary design plan.

1667 k. ~~k~~e. Where feasible, buildings or landscaping shall not prohibit the free flow of air or direct
1668 exposure to sunlight, specifically in regard to solar heating or cooling structures by solar
1669 energy systems.

1670 l. ~~l~~d. The development will be planned so as to provide solar access to all of the residential
1671 units, unless waived by the ~~Planning Commission~~ Planning Commission.

1672 3. ~~3~~-Plan Preparation: All plans must be prepared by a qualified professional team.

1673 4-~~Tax Liability For Private Open Space: Ownership for tax liability of private open space reservations~~
1674 shall be established in a manner acceptable to the City Council and made a part of the conditions of
1675 the plan approval.

1676 G. ~~E~~-Preservation, Maintenance And Ownership: Preservation, maintenance and ownership of
1677 required open spaces within development shall be accomplished by:

1678 1. ~~1~~ Dedication: Dedication of the land to the City as a public park or parkway system, including a
1679 certificate of title insurance; or

1680 2. ~~2~~ Easement:

1681 a. ~~a~~ Granting to the City a permanent, open space easement on and over the said private open
1682 spaces to guarantee that the open space remains perpetually in recreational or park use,
1683 with ownership and maintenance being the responsibility of an owners' association
1684 established with articles of association and bylaws which are satisfactory to the City Council;
1685 or

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- 1686 b. Granting to the City a permanent, open space easement on and over the said private open
1687 spaces to guarantee that the open space remains perpetually in recreational or park use, to
1688 be maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the
1689 developer in an amount satisfactory to the City Council; or by
- 1690 3. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership
1691 Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of
1692 common expenses for the upkeep of the common areas and facilities. (Ord. 93-5, 7-6-1993, eff.
1693 7-15-1993) The developer shall provide the following:
- 1694 a. Adequate and reasonable guarantees as determined by the Planning Commission for
1695 permanent retention of open spaces and for the maintenance of roadways, storage
1696 facilities, service facilities and landscaping resulting from the application of these
1697 regulations.
- 1698 b. The developer shall record against the property a declaration of covenants, conditions,
1699 restrictions, and easements (CCRs) which shall provide for a home owner’s association
1700 (HOA) responsible for the maintenance of all common areas and private infrastructure.
- 1701 c. The declaration shall provide provisions for the creation of an initial operating budget, as
1702 well future yearly budgets, long term reserves, annual maintenance, and required payments
1703 of dues and fees by lot owners of the PUD for both yearly maintenance and long range
1704 reserve projects or maintenance.
- 1705 d. The developer shall implement any reasonable steps in the creation of the appropriate
1706 accounts and funding sources for the HOA yearly operations and maintenance costs prior to
1707 occupancy of any units in the PUD. The developer shall ensure that said accounts are funded
1708 in a manner to cover ongoing maintenance costs during construction of all HOA common
1709 facilities and units, so long as the developer remains the declarant in control of the HOA to
1710 the extent that the HOA is not self-sustaining.
- 1711 e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law,
1712 for the purposes of funding the HOA in perpetuity. The reinvestment fee shall apply to all
1713 closings within the HOA in perpetuity, including initial closings from the developer to a
1714 buyer and all subsequent closings. The reinvestment fee shall be used to fund the reserve
1715 and operating funds of the HOA.
- 1716 f. The developer shall provide to the Planning Commission a management plan and a first year
1717 budget at build out demonstrating the viability of the HOA to meet its obligations including
1718 a proposed HOA monthly or annual assessment. The management plan developed by the
1719 applicant shall outline standards of operation, and remedies for failure to comply with those
1720 standards. A letter from a qualified HOA management company shall be provided
1721 desaturating that any submitted HOA budgets are reasonable.

1722 **13-6-020-10-19: Chapter 19 CONDOMINIUM SUBDIVISIONS**

1723 **10-19-1: PURPOSE AND INTENT:**

1724 **10-19-2: SUBMISSION OF APPLICATION:**

1725 **10-19-3: STAFF REVIEW:**

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~~**10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:**~~

~~**10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:**~~

~~**10-19-6: TENANT PROTEST REVIEW:**~~

~~**10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:**~~

~~**10-19-8: APPROVAL BY CITY CITY COUNCIL:**~~

~~**10-19-1: PURPOSE AND INTENT:**~~

A. The procedures and requirements of this chapter ~~chapter~~ section shall apply to and govern the processing of condominium record of survey maps pursuant to the requirements of the condominium ownership act, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement zoning, site development, health, building and other ordinances applicable to a particular condominium project, and shall apply to the approval of such projects involving new construction, as well as those involving the conversion of existing structures. In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are not contained in existing or proposed buildings, shall also be considered subdivisions requiring compliance with all applicable codes of the ~~city~~ City.

B. It is the intent of this chapter to establish a reasonable process whereby the ~~city~~ City can assess the impact of mixing collective and individual ownerships, as presented in a particular condominium project, upon the public health, safety, convenience and general welfare of present and future inhabitants of the ~~city~~ City. In the case of commercial or residential conversions of existing buildings, corrections of building code violations, the upgrading of vehicle parking facilities and safety of common functional elements of the structure or structures are of prime importance. It is also recognized the conversion of existing apartments or similar multi-family rental dwelling structures present the potential of relocation hardship to existing tenants, especially senior citizens, and warrants that reasonable notice and disclosure requirements be established by the ~~city~~ City to minimize said hardships. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

~~**10-19-2: SUBMISSION OF APPLICATION:**~~

C. ~~A.~~ Application Requirements: The owner or developer of a proposed condominium project desiring approval shall file an application with the ~~zoning administrator~~ community development department in accordance with applicable major subdivision process.

1. ~~1. Two (2) or more copies of the p~~ Proposed map accurately drawn to scale as required by Utah Code Annotated section 57-8-13, as amended, which shall be made by a registered Utah land surveyor ~~using a scale no smaller than one inch to equal forty feet (1" = 40')~~. In addition, said map or an additional site plan shall include diagrammatic floor plans identifying boundaries of the project units, convertible and expandable areas or spaces and common areas. Said map or plan should designate the intended use of common areas (e.g., storage, recreational, parking for guests as opposed to unit owners, open space, etc.) and should indicate whether such common areas are to be open to the public, assigned to specific units or semiprivate and available only to unit owners. Said map or site plan shall also identify and describe in detail the location of existing or proposed driveways, pedestrian ways, curb cuts, walls, structures, fences, landscaping and sprinkling systems.

2. Two (2) copies, signed in the original, of the proposed condominium declarations and bylaws.

3. Where conversion of an existing building is proposed as part of the condominium project, two (2) copies of the property report, prepared by a licensed architect or engineer, including the

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1769 following information, shall be submitted as part of the application, together with the plan for
1770 proposed improvements, renovations and repairs:

1771 ~~— The age of the building or buildings.~~

1772 a. The age of the building or buildings.

1773 b. The general conditional, useful life and capacity of the building's structural elements,
1774 including the roof, foundations, mechanical system, electrical system, plumbing system,
1775 boiler, and other structural elements.

1776 c. All known conditions constituting deficiencies requiring repair to meet existing Building
1777 Codes.

1778 d. All known conditions which may require repair or replacement within the next succeeding
1779 five (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1780 e. The property report shall certify that the structure or structures conform to the
1781 International Building Code minimum standards, or the owner shall present plans to bring
1782 the structure or structures into conformity with said standards prior to issuance of
1783 certificates of occupancy.

1784 f. Where it is determined that physical conditions in an existing building do not allow the strict
1785 application of the International Building Code standard, the City Board of Appeals, as
1786 provided for in the International Building Code, shall review all requests to vary from these
1787 standards and may grant variances or approve alternates where it is determined the intent
1788 of the requirement will be met. In any event, there shall be disclosure to buyers of any
1789 conditions that do not meet code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-
1790 15-1993; amd. 2012 Code)

1791 4. ~~4.~~ Proof of notice to tenants as required by section 10-19-5 of this chapter shall be required
1792 before final approval, but may be submitted, at the owner/developer's option, after preliminary
1793 approval is obtained from the Planning Commission.

1794 5.

1795 ~~5.~~ To assist the City to defray costs involved with the review of the project, fees shall be submitted with
1796 a condominium conversion application as outlined in the consolidated fee schedule. (Ord. 93-5, 7-6-
1797 1993, eff. 7-15-1993)

1798 D.

1799 ~~— Incomplete Applications: Incomplete applications may be proffered and reviewed for advisory~~
1800 ~~comment by the Zoning Administrator~~ community development director ~~department~~ or Building
1801 ~~Inspection Department~~, but shall not be deemed accepted or received until complete, nor shall
1802 the condominium project be scheduled for any hearings before the Planning Commission until
1803 the application is complete, ~~except only as provided by subsection A4 of this section.~~ (Ord. 93-5,
1804 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1805 ~~**10-19-3: STAFF REVIEW:**~~

1806

1807 E. ~~A.~~ Copies Routed: Upon receipt of a completed application for approval of a condominium project,
1808 the Community Development Department staff shall route copies of the application and
1809 development plans in the same manner as a ~~standard~~ major subdivision as outlined in ~~chapter 3~~ of
1810 this title.

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- 1811 ~~F. B-~~ Review: Additional preliminary review by the planning staff, Fire Marshal and the Building
1812 Inspection Department shall include, but not be limited to, the following:
- 1813 1. Planning Staff Review:
- 1814 a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project
1815 for review. The condominium declarations and bylaws shall be reviewed as part of the final
1816 approval process and will include provisions addressing and fixing responsibility for the
1817 maintenance, upkeep and repair of common areas, including common walls, electrical,
1818 mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas.
1819 The declarations shall also restrict the use of any individual residential dwelling unit to single
1820 "families", as defined in section 10-1-46 of this ~~title~~ code. The staff shall also review said
1821 declaration to require appropriate disclosure of any unusual circumstances, variances or
1822 conditions placed upon the condominium project for approval.
- 1823 b. Plans And Related Documents: The staff shall review the plans and related documents to
1824 determine whether the project conforms to applicable requirements of this title, the status
1825 or extent of nonconforming rights, applicable conditions imposed upon the building or use
1826 by ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered
1827 or group dwelling plan. If the planning staff finds there are violations of applicable zoning
1828 ordinances or requirements, the staff may recommend denial of the condominium project
1829 until such violations have been corrected or requirements completed or bonded for prior to
1830 final approval by the ~~Planning Commission~~ Planning Commission. (Ord. 2012-07, 4-30-2012)
- 1831 2. Building Inspection Staff Review:
- 1832 a. Upon receipt of the application for approval of a condominium project, the Building
1833 Inspection Department shall review the proposed building plans for new construction
1834 and/or in the case of a conversion project, the property report and plan of improvement,
1835 renovations and repairs to determine conformance with applicable building codes. In the
1836 case of a conversion, the department shall require inspections of the property and may
1837 require supplementation, revision and resubmission of the property report where
1838 necessary. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 1839 b. In the preliminary review report to the ~~planning commission~~ Planning Commission, the
1840 ~~building inspection department~~ Building Official shall note corrections, repairs and
1841 replacements which must be made to bring the structures into code compliance, together
1842 with a list of renovation improvements proposed by the owner/developer which are not
1843 required by code. The ~~chief building official~~ shall also list any requirements of the
1844 ~~International Building Code~~ that needs ~~board of appeal~~ authority consideration due to
1845 unique circumstances associated with the structure. The building official may then
1846 recommend denial until such time as existing violations of code are corrected or may
1847 recommend preliminary approval of the project and building report subject to correction of
1848 the violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- 1849 3. Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and
1850 shall submit a report thereon to the planning staff outlining the conditions of the structures as
1851 they relate to fire safety. The marshal shall stipulate those conditions requiring improvement,
1852 prior to occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1853 ~~10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:~~

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1854 G. ~~A.~~ Planning Commission Consideration: Upon completion of the recommendations of the ~~building~~
1855 ~~inspection department, the planning staff, engineering staff~~ development review committee and the
1856 fire marshal, the matter shall be set for consideration by the ~~planning commission~~ Planning
1857 Commission in the same manner prescribed for a major subdivision as provide in this title.

1858 H. ~~B.~~ Findings For Approval: If the ~~planning commission~~ Planning Commission finds that the project is in
1859 full compliance with:

- 1860 1. ~~1)~~ applicable ~~city~~ City ordinances;
- 1861 2. ~~2)~~ the requirements of the condominium ownership act;
- 1862 3. ~~3)~~ that proper notice to tenants has been given; and
- 1863 4. ~~4)~~ that in every way the project is ready for final approval;.

1864 ~~T~~ the planning commission Planning Commission may grant final approval of the project ~~and~~
1865 authorize the signature of the chairperson to be placed upon the necessary documents ~~and forward~~
1866 ~~the project onto the city council for their consideration.~~

1867 I. ~~C.~~ Preliminary Approval: If the ~~planning commission~~ Planning Commission finds that the project
1868 substantially complies with the above mentioned criteria but that certain facts of the proposal
1869 require changes or modifications prior to final approval, or that tenant notification has not been
1870 completed, the ~~planning commission~~ Planning Commission may grant preliminary approval to the
1871 project with instructions as to what criteria must be met prior to submission for final approval.

1872 J. ~~D.~~ Disapproval: If the ~~planning commission~~ Planning Commission finds the project in conflict with the
1873 ordinances of the ~~city~~ City and/or the state and is not in the best interests of the ~~city~~ City as a whole
1874 and/or specific neighborhood in which the project is proposed to be located, or if it is not satisfied
1875 with the site development plans of the project, the ~~planning commission~~ Planning Commission may
1876 disapprove the project specifying in detail the reasons for disapproval. (Ord. 93-5, 7-6-1993, eff. 7-
1877 15-1993)

1878 ~~**10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:**~~

1879 K. ~~A.~~ Notice: As part of the application for approval of a condominium project, when said project
1880 involves the conversion of an existing structure where the structure has been occupied by
1881 residential or commercial tenants prior to application for conversion, the owner/developer shall
1882 provide notice of intended conversion to said tenants by certified mail. This notice requirement shall
1883 not apply to a structure that was vacant and remained so during the year prior to filing of the
1884 developer's application for conversion. Such notice shall include:

- 1885 1. ~~1-~~ The proposal for the conversion of the building to a condominium project;
- 1886 2. ~~2-~~ The established dates of construction period and termination of occupancy which shall not be
1887 less than sixty (60) days from the date notice is served upon occupants or expiration of
1888 individual leases, whichever is longer;
- 1889 4. ~~3-~~ The disclosure of the sales price for each unit shall be no greater than the price initially
1890 advertised and offered to the general public at such time as when the condominiums are
1891 offered for public sale;
- 1892 5. ~~4-~~ Relocation information for the tenants specifying available alternative housing relocation
1893 resource agencies and organizations and a plan of any services to be voluntarily provided by the
1894 owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

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1895 L. ~~L.~~ Dissemination Of Notice: A copy of said notice, together with a list prepared by the
1896 owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and
1897 other known special handicaps ~~handicaps~~ disabilities or factors affecting relocation needs of the tenants, shall
1898 be submitted to the Davis County housing authority and the county social services department to
1899 advise said agencies of the conversion and/or solicit their assistance with relocation services. No
1900 final approval of such a conversion project shall be granted by the ~~planning commission~~ Planning
1901 Commission until the owner/developer has provided proof of notice by certified mail or subsequent
1902 proof of actual delivery by method of services allowed under state law of such notices and
1903 relocation information as required above, and any plans for relocation services to be voluntarily
1904 provided by the owner/developer and the time designated therein (a minimum of 60 days) has
1905 expired. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1906 **~~10-19-6: TENANT PROTEST REVIEW:~~**

1907 M. ~~A.~~ Protest Review Procedure: When a tenant of a residential dwelling has received written formal
1908 notice of eviction without cause and without at least sixty (60) days notice of conversion required
1909 above and has reason to believe that notice was issued because of a proposed condominium
1910 project, he may, within thirty (30) days of the date of the notice of eviction, initiate an appeal
1911 regarding the issue of proper notice to the ~~zoning administrator~~ community development director ~~in~~
1912 ~~the city planning office~~. The filing of such a protest shall stay the issuance of any approval or
1913 issuance of any permits for the structure in question for a period not to exceed thirty (30) days and
1914 the matter shall be set for hearing before the ~~planning commission~~ Planning Commission.

1915 N. ~~B.~~ Investigation: Upon filing a tenant appeal, the planning staff shall institute an investigation to
1916 determine if the notice requirements set forth above were satisfied. They shall then report their
1917 findings to the ~~planning commission~~ Planning Commission within ten (10) days of filing of the appeal.
1918 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1919 **~~10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:~~**

1920 O. ~~O.~~ Final Approval. If upon submission of the recommendations of the ~~building official and planning~~
1921 ~~staff, engineering staff and fire marshal~~ Development Review Committee, the ~~planning~~
1922 ~~commission~~ Planning Commission finds that the project is in compliance with applicable ordinances
1923 and the requirements of preliminary approval, the ~~planning commission~~ Planning Commission may
1924 grant final approval. The ~~planning commission~~ Planning Commission will review recommendations
1925 ~~for from~~ the ~~planning staff, engineering staff,~~ development review committee ~~and the fire marshal~~
1926 ~~and building official~~ for work that is proposed for subsequent completion, bonding or waiver and
1927 may otherwise impose appropriate terms upon such bonding or conditions upon its approval. (Ord.
1928 93-5, 7-6-1993, eff. 7-15-1993)

1929 **~~10-19-8: APPROVAL BY CITY COUNCIL:~~**

1930 A. Submission To City Council: Upon final approval by the planning commission, the planning staff
1931 shall ensure all conditions of approval have been completed, all final documentation is signed and
1932 submitted, including any required bonds or agreements required to be filed, and shall then submit
1933 the matter, together with the recommendation of the planning commission with the chairperson's
1934 signature upon the map before the city council for final approval. If the city council shall determine

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1935 said project is in conformity with the requirements of applicable ordinances of the city, or if they
1936 reject any offers of dedication, or if

1937 P. ~~P.~~ Disapproval. If the Planning Commission is not satisfied with plans of a project which constitutes a
1938 subdivision, the city council Planning Commission may disapprove said map, specifying reasons for
1939 disapproval.

1940 Q. ~~B.~~ Reconsideration: Within thirty (30) days after the city council Planning Commission ~~has~~
1941 disapproved any project, the developer may file with the planning staff a map or documents altered
1942 to meet the requirements of the city council Planning Commission or may appeal the denial to the
1943 City Council. Upon receipt of said map or documents, the matter shall be referred ~~back to the~~
1944 Planning Commission for reconsideration or city council to the City Council for appeal. ~~by the~~
1945 ~~planning staff for reconsideration.~~

1946 R. ~~C.~~ Force And Effect: No final map shall have any force or effect until the same has been approved by
1947 the city City as reflected by the signature of the mayor and is officially recorded with the city City
1948 ~~recorder~~ Recorder within ~~eighteen~~ six (186) months from the date of the ~~mayor's~~ Mayor's signature.
1949 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1950 **13-6-030 10-7-5: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE**
1951 **PARKS; SPECIAL REQUIREMENTS:**

1952 A. ~~A.~~ Purpose And Intent: The purpose and intent of this section is to:

1953 1. ~~1.~~ Permit variety and flexibility in land development for residential purposes by allowing the use
1954 of mobile homes and recreational vehicles under certain conditions.

1955 2. ~~2.~~ Require that mobile home and recreational vehicle developments will be of such character as
1956 to promote the objectives and purposes of this title; to protect the integrity and characteristics
1957 of the district contiguous to those in which mobile home parks are located; and to protect other
1958 land use values contiguous to or near mobile home or recreational vehicle developments.

1959 B. ~~B.~~ Location:

1960 1. ~~1.~~ Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries
1961 of the City except in a licensed mobile home park or approved mobile home subdivision, ~~or as~~
1962 temporary living quarters by conditional use permit. Emergency or temporary parking of any
1963 unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will
1964 be permitted for a period not exceeding twenty four (24) hours. This limitation does not apply to
1965 unoccupied mobile homes in licensed mobile home sales areas.

1966 2. ~~2.~~ Recreational Coaches Vehicles:

1967 a. ~~a.~~ Recreational coaches which do not include facilities necessary to be "mobile homes", as
1968 defined in section 10-1-46 of this title code, shall not be used at any place within the
1969 corporate boundaries of the City, at any time, for living quarters except in designated
1970 camping areas or recreational coach vehicle parks.

1971 b. ~~b.~~ Recreational coaches vehicles which are unoccupied for living space may be temporarily
1972 stored on an owner's private residential lot ~~or larger parcel of land~~, provided they do not
1973 violate any required setbacks for front or side yards the parking complies with the
1974 regulations in section 10-6-6 of this title. Long term commercial storage of recreational
1975 coaches vehicles, maintenance operations, reconstruction or construction activities are
1976 permitted within enclosures only and in zoning districts allowing such uses.

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- 1977 ~~C.~~ C. Standards And Requirements:
- 1978 1. ~~1.~~ Determination Of Compliance: The ~~planning commission~~ Planning Commission shall review the
- 1979 proposed development plan to determine its compliance with all portions of the ~~city~~ City ~~general~~
- 1980 General plan ~~Plan~~ and, among other things, shall attempt to make sure that such development
- 1981 will constitute a residential environment of sustained desirability and stability and that it will not
- 1982 adversely affect amenities in the surrounding area. Standards higher than the minimum
- 1983 standards contained in this title may be required if necessary for local conditions of health,
- 1984 safety and protection of property, and to ensure that the development will mix harmoniously
- 1985 with contiguous and nearby existing and planned uses.
- 1986 2. ~~2.~~ Required Facilities: The ~~planning commission~~ Planning Commission shall not approve any
- 1987 application for mobile home park, recreational vehicle park or mobile home subdivision
- 1988 conditional use permit if the developer cannot provide required water supplies and facilities,
- 1989 waste disposal systems, storm drainage facilities, access or improvements, or if the developer
- 1990 cannot assure that the development will be completed within twelve (12) months, or if the
- 1991 ~~planning commission~~ Planning Commission or ~~city council~~ City Council determines there would be
- 1992 unusual danger of flood, fire or other hazard, or if the proposed development would be of such
- 1993 character or in such a location that it would:
- 1994 a. ~~a.~~ Create excessive costs for public services and facilities;
- 1995 b. ~~b.~~ Endanger the health or safety of the public;
- 1996 c. ~~c.~~ Unreasonably hurt or destroy the environment;
- 1997 d. ~~d.~~ Cause excessive air or water pollution, or soil erosion; or
- 1998 e. ~~e.~~ Be inconsistent with any adopted general or specific plan of the area in which it is to be
- 1999 placed.
- 2000 3. ~~3.~~ Standards And Requirements Specified; Exception: The development shall conform to the
- 2001 following standards and requirements, unless modified by an approved planned unit
- 2002 development plan:
- 2003 a. ~~a.~~ The area shall be in one ownership, or if in several, the application for approval of the
- 2004 development shall be filed jointly by all owners of the property included in the plan.
- 2005 b. ~~b.~~ A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left
- 2006 unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings,
- 2007 garages or any ~~add ons~~, accessory buildings or uses and shall be planted and maintained in
- 2008 lawn, shrubs or trees, with an approved durable permanent wall or fence designed to afford
- 2009 privacy to the development.
- 2010 c. ~~c.~~ All storage and solid waste receptacles outside the confines of any mobile home or
- 2011 recreational vehicle shall be housed in a closed structure compatible in design and
- 2012 construction to the mobile homes, and to any service buildings within the development; all
- 2013 patios, carports, garages and other add ons shall be compatible in design and construction
- 2014 with the mobile home. The service buildings shall be constructed in accordance with
- 2015 standard commercial practice and kept in good repair ~~as determined by the zoning~~
- 2016 ~~administrator~~. In mobile home developments where units will be situated with long axis
- 2017 perpendicular to the street, streets will run in a north-south direction to the greatest extent
- 2018 possible. This is to promote solar orientation of the units.
- 2019 d. ~~d.~~ In addition to meeting the above requirements and conditions, and conforming to the
- 2020 other laws of the ~~city~~ City, all mobile home parks, recreational vehicle parks, and mobile

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2021 home subdivisions shall also conform to all applicable state regulations. In the event of any
2022 conflict between said regulations and this chapter, this chapter shall take precedence where
2023 its regulations are more strict, and the provisions of the state regulations shall take
2024 precedence where such regulations are more strict.

2025 4. ~~4.~~ Utilities Underground: Every mobile home park, recreational vehicle park and mobile home
2026 subdivision shall provide underground utility service to every mobile home stand or lot as
2027 required by the ~~planning commission~~ Planning Commission, including, but not limited to, water,
2028 sewer, power, natural gas, telephone and television.

2029 5. ~~5.~~ Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the
2030 ~~city~~ City to be less durable and less resistant to deterioration than are conventional homes;
2031 therefore, all mobile homes which are used for human habitation, whether conforming or
2032 nonconforming, and whether located in mobile home parks, in mobile home subdivisions or on
2033 bona fide farms and ranches, shall be subject to the following special regulations:

2034 a. ~~a.~~ Permits are required for mobile home setup, plumbing and electrical hookups, and such
2035 hookups shall be made only by licensed plumbers and electricians.

2036 ~~b. No mobile home may be placed on a permanent foundation without state approved~~
2037 ~~modification.~~

2038 b. ~~c.~~ A certificate of compliance is required for all mobile homes within the ~~city~~ City, whether
2039 occupied or awaiting occupancy, and may be obtained from the building official following an
2040 inspection wherein the mobile home is found to meet the safety, sanitary and structural
2041 standards adopted by the ~~city~~ City. The state or federal inspection certificate will be honored
2042 in lieu of a certificate of compliance.

2043 ~~d. Each mobile home may be inspected annually, or upon evidence of need, by the building~~
2044 ~~official, to determine whether the structure is sound and being kept in a safe and sanitary~~
2045 ~~condition for human habitation. During the inspection, the building official may revoke the~~
2046 ~~certificate of compliance or certificate in lieu thereof for cause, including, but not limited to,~~
2047 ~~violation of the fire or sanitary codes adopted by the city, substantial deterioration of structure~~
2048 ~~so as to adversely affect the health or safety of the occupants, or deterioration in appearance so~~
2049 ~~as to be unsightly and to adversely affect the value of neighboring properties.~~

2050 ~~e. Upon the revocation of a certificate of compliance or certificate in lieu thereof, or a finding of~~
2051 ~~noncompliance, the building official shall order the deficiencies corrected and a certificate of~~
2052 ~~compliance obtained within thirty (30) days.~~

2053 ~~f. If such deficiencies are not corrected, or cannot be corrected, the mobile home shall be~~
2054 ~~ordered vacated and removed from the premises upon which located, and shall not thereafter~~
2055 ~~be used for human habitation within the city, unless all deficiencies are corrected and a~~
2056 ~~certificate of compliance obtained.~~

2057 6. ~~6.~~ Compliance With Other Regulations: Any mobile home or recreational vehicle located in any
2058 permitted area shall comply with and conform to all other zoning laws, rules and regulations,
2059 and building, plumbing, electrical and fire prevention codes, and all other codes and
2060 requirements applicable to a structure or building erected within the district in which said
2061 mobile home or recreational vehicle is located.

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7. Guarantees:

- a.** ~~a.~~ For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees must be provided as determined by the ~~planning~~ Planning ~~Commission~~ Commission and ~~city~~ City ~~Council~~ Council for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities and landscaping resulting from the application of these regulations. ~~Guarantees shall be in the form of a bond, or a cash deposit, in a sum to be determined by the planning commission, which form must be approved by the city council and the city attorney. The basis for providing assurance of compliance will be a management plan developed by the applicant and approved by the planning commission and city council that will outline standards of operation, remedies for failure to comply with those standards and a single responsible person or entity for its administration and dealing with the city.~~ The developer shall provide the following:
- (i) Adequate and reasonable guarantees as determined by the Planning Commission for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities and landscaping resulting from the application of these regulations.
 - (ii) The developer shall record against the property a declaration of covenants, conditions, restrictions, and easements (CCRs) which shall provide for a home owner’s association (HOA) or management entity responsible for the maintenance of all common areas and private infrastructure.
 - (iii) The declaration shall provide provisions for the creation of an initial operating budget, as well future yearly budgets, long term reserves, maintenance, and required payments of dues and fees by lot owners of the park for both yearly maintenance and long range reserve projects or maintenance.
 - (iv) The developer shall implement any reasonable steps in the creation of the appropriate accounts and funding sources for the HOA yearly operations and maintenance costs prior to occupancy of any units in the park. The developer shall ensure that said accounts are funded in a manner to cover ongoing maintenance costs during construction of all common facilities and units, so long as the developer remains in control of the park.
 - (v) The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for the purposes of funding the improvements in perpetuity. The reinvestment fee shall apply to all closings within the park in perpetuity, including initial closings from the developer to a buyer and all subsequent closings. The reinvestment fee shall be used to fund the reserve and operating funds for the park.
 - (vi) The developer shall provide to the Planning Commission a management plan and a first year budget at build out demonstrating the viability of the park to meet its obligations including proposed monthly or annual assessment. The management plan developed by the applicant shall outline standards of operation and remedies for failure to comply with those standards, as well as a single responsible person or entity for its administration and communication with the City.
- b.** ~~b.~~ In any case, when a mobile home park or recreational vehicle park is owned by more than one person, the ~~developer~~ owners shall establish and appoint a park manager. The manager

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- 2105 shall be authorized to receive, process and represent fully the interests of the owners in
2106 respect to continuing management and maintenance of the park.
- 2107 ~~c.~~ ~~c.~~ Prerequisite to the operation of any mobile home park or recreational vehicle park in the
2108 ~~city~~City shall be the obtaining of an annual business license from the ~~city~~City.
- 2109 ~~d.~~ ~~d.~~ In the event a mobile home or recreational vehicle park is not completed according to
2110 approved plans, or operated and maintained according to the approved management plan,
2111 the annual business license may be denied or revoked. The mobile homes or recreational
2112 vehicles and associated property and facilities shall be removed, and all services
2113 discontinued before any part of the land within the development planning area may be used
2114 for any other purpose, or be subdivided.
- 2115 ~~e.~~ ~~e.~~ The premises on which any mobile home is located, used or occupied shall be maintained
2116 in a clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds,
2117 inoperative vehicles or other unsightly material thereon shall constitute a public nuisance
2118 and a violation of this title. Reasonable guarantees to assure compliance with this
2119 requirement will be required of the developer and/or owner as a condition of conditional
2120 use permit approval and ultimately the issuance of the annual ~~city~~City business license.
- 2121 ~~D.~~ ~~D.~~ Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile
2122 home parks outlined in this section, mobile home parks shall meet the following requirements:
- 2123 ~~1.~~ 1. ~~1-~~ Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre
2124 and may be limited to fewer units, depending on mobile home size, topography and other
2125 factors of the particular site. The mobile homes may be clustered; provided, that the total
2126 number of units does not exceed the number permitted on one acre, multiplied by the number
2127 of acres in the development. The remaining land not contained in individual lots, roads or
2128 parking shall be set aside and developed as parks, playgrounds and service areas for the
2129 common use and enjoyment of occupants of the development, and the visitors thereto.
- 2130 ~~2.~~ 2. ~~2-~~ Distance Between Structures: No home or ~~add on~~addition shall be located closer than ten feet
2131 (10') from the nearest portion of any other home or add on. All such homes and ~~add~~
2132 ~~ons~~additions shall be set back at least ten feet (10') from road curbs or walks. If the mobile
2133 home tongue remains attached, it shall be set back a minimum of six feet (6') from road curbs or
2134 walks. All mobile homes, storage buildings, service buildings, garages, carports or other ~~add~~
2135 ~~ons~~additions, etc., shall be set back at least fifteen feet (15') from any boundary of the mobile
2136 home park.
- 2137 ~~3.~~ 3. ~~3-~~ Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces
2138 per mobile home space, and each such parking space shall have a minimum width of ten feet
2139 (10') and minimum depth of twenty feet (20'). In no case shall the parking space be located
2140 farther than one hundred feet (100') from the mobile home space, as approved by the ~~planning~~
2141 ~~commission~~Planning Commission.
- 2142 ~~4.~~ 4. ~~4-~~ Bulk Storage Areas: One-story bulk storage areas shall be provided within a mobile home
2143 park, equivalent to sixty (60) square feet per mobile home space. The area designated for said
2144 bulk storage shall be improved, landscaped and screened as approved by the ~~planning~~
2145 ~~commission~~Planning Commission.
- 2146 ~~5.~~ 5. ~~5-~~ Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be
2147 set aside for the joint use and enjoyment of occupants in a parklike setting with both active and
2148 passive recreational accommodations. The land covered by vehicular roadways, sidewalks, off

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- 2149 street parking and required setbacks shall not be construed as part of this ten percent (10%)
2150 common area required; provided, however, that in initial stages of development or special
2151 smaller developments, the minimum area shall be not less than one acre or ten percent (10%),
2152 whichever is greater.
- 2153 ~~6.~~ 6. ~~6-~~Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
2154 protective yard lighting the full length of all driveways and walkways.
- 2155 ~~7.~~ 7. ~~7-~~Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing
2156 or buildings shall be landscaped as approved by the ~~planning commission~~ Planning Commission,
2157 and such landscaping shall be permanently maintained.
- 2158 ~~8.~~ 8. ~~8-~~Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall
2159 be hard surfaced before the adjacent spaces may be occupied.
- 2160 ~~9.~~ 9. ~~9-~~Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
2161 following standards, unless modified by an approved planned unit development plan:
- 2162 ~~a.~~ a. ~~a-~~One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary
2163 for maneuvering mobile homes.
- 2164 ~~b.~~ b. ~~b-~~Two-way traffic: A minimum of thirty feet (30') in width.
- 2165 ~~c.~~ c. ~~c-~~Entrance roadways: A minimum of thirty six feet (36') in width.
- 2166 ~~d.~~ d. ~~d-~~Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
2167 rolled gutters or an approved equivalent.
- 2168 ~~e.~~ e. ~~e-~~Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
2169 roadways within the development, if required by the ~~planning commission~~ Planning
2170 Commission.
- 2171 ~~f.~~ f. ~~f-~~Access: Each park shall have at least two (2) accesses to public streets, unless more than
2172 one access is prohibited by a responsible public agency.
- 2173 ~~10.~~ 10. ~~10-~~Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if
2174 shields are used, they are to be fireproof, well painted or otherwise preserved.
- 2175 ~~11.~~ 11. ~~11-~~Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect
2176 residents of the development as well as adjacent property owners. Such facilities must be of
2177 sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of
2178 water in or adjacent to the development and shall be provide in accordance with City Ordinance,
2179 Title 8 Chapter 5, Stormwater Management-
- 2180 ~~12.~~ 12. ~~12-~~Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:
- 2181 ~~a.~~ a. ~~a-~~Be in keeping with the general character of the district in which it is to be located.
- 2182 ~~b.~~ b. ~~b-~~Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels
2183 separated by a street or alley only, and totaling ten (10) acres, unless modified by an
2184 approved planned unit development plan.
- 2185 ~~c.~~ c. ~~c-~~Have at least twenty five (25) spaces completed, ready for occupancy, or an approved
2186 financing plan for construction and phase completion, together with approved security to
2187 assure compliance, before first occupancy is permitted.
- 2188 ~~13.~~ 13. ~~13-~~Laundry Facility: A laundry for convenience of park occupants, but not for the general public,
2189 may be included in mobile home parks.
- 2190 ~~14.~~ 14. ~~14-~~Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty
2191 (30) days, and occupancy shall be by written lease. Leases shall be made available for inspection
2192 by the officials of the ~~city~~ City upon demand.

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- 2193 ~~15.~~ ~~15-~~ Access: Access shall be provided to each mobile home stand for maneuvering mobile homes
2194 into position. The accessway shall be kept free from trees and other immovable obstructions.
2195 Paving under mobile homes will not be required if adequate support is provided as required by
2196 state regulations. Uses of planks, steel mats or other means to support the mobile home during
2197 placement shall be allowed, so long as the same are removed upon completion of placement.
- 2198 ~~E.~~ ~~E-~~ Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for
2199 recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following
2200 requirements:
- 2201 ~~1.~~ ~~1-~~ Location: Recreational vehicle parks shall generally be located:
- 2202 ~~a.~~ ~~a-~~ Adjacent to or in close proximity to a major traffic artery or highway.
- 2203 ~~b.~~ ~~b-~~ Near adequate shopping facilities.
- 2204 ~~c.~~ ~~c-~~ Within or adjacent to a mobile home park.
- 2205 ~~2.~~ ~~2-~~ Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for
2206 the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and
2207 off street parking shall not be construed as part of the ten percent (10%) common area required
2208 for parks and playgrounds for occupants; provided, however, that in initial stages of
2209 development or in special smaller developments, the minimum area shall not be less than one-
2210 half ($1/2$) acre or ten percent (10%), whichever is greater.
- 2211 ~~3.~~ ~~3-~~ Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
2212 protective yard lighting the full length of all driveways and walkways.
- 2213 ~~4.~~ ~~4-~~ Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall
2214 be landscaped and permanently maintained pursuant to a plan approved by the ~~planning~~
2215 ~~commission~~ Planning Commission.
- 2216 ~~5.~~ ~~5-~~ Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall
2217 be ~~hard surfaced~~ paved with asphalt or concrete before the adjacent recreational vehicle spaces
2218 may be occupied.
- 2219 ~~6.~~ ~~6-~~ Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
2220 following standards, unless modified by an approved planned unit development plan:
- 2221 ~~a.~~ ~~a-~~ One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary
2222 for maneuvering recreational vehicles.
- 2223 ~~b.~~ ~~b-~~ Two-way traffic: A minimum of thirty feet (30') in width.
- 2224 ~~c.~~ ~~c-~~ Entrance roadways: A minimum of thirty six feet (36') in width.
- 2225 ~~d.~~ ~~d-~~ Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
2226 rolled gutters or an approved equivalent.
- 2227 ~~e.~~ ~~e-~~ Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
2228 roadways within the development, if required by the ~~planning commission~~ Planning
2229 Commission.
- 2230 ~~f.~~ ~~f-~~ Access: Each recreational vehicle park shall have at least two (2) accesses to public streets,
2231 unless more than one access is prohibited by a responsible public agency.
- 2232 ~~7.~~ ~~7-~~ Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one
2233 individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space
2234 be rented or leased to any one individual for a period longer than ninety (90) days in any one
2235 calendar year.

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- 2236 ~~8.~~ ~~8-~~ Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where
2237 permitted, but not used for permanent living quarters.
- 2238 ~~9.~~ ~~9-~~ Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for
2239 living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a
2240 conditional use.
- 2241 ~~10.~~ ~~10-~~ Screening; Access: Recreational vehicles may be accommodated in an approved and licensed
2242 mobile home park; provided, that:
- 2243 ~~a.~~ ~~a-~~ The recreational vehicle park portion of the development is separated by barriers, screens
2244 or otherwise from the area of mobile homes.
- 2245 ~~b.~~ ~~b-~~ The recreational vehicle use area shall have direct access to a collector or arterial street.
- 2246 ~~c.~~ ~~c-~~ Separate ingress and egress shall be provided for recreational vehicles when required by
2247 the ~~planning commission~~ Planning Commission.
- 2248 ~~11.~~ ~~11-~~ Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved
2249 by the ~~city~~ City Council ~~Council~~ in locations permitting such use in this title. Before such approval
2250 is given, a report to the ~~city~~ City Council ~~Council~~ by the ~~planning commission~~ Planning
2251 Commission shall find that the proposed development will:
- 2252 ~~a.~~ ~~a-~~ Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park,
2253 unless modified by a planned unit development plan.
- 2254 ~~b.~~ ~~b-~~ Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile
2255 home park), or an approved schedule of financing, construction and phase completion, and
2256 approved security, to assure compliance.
- 2257 ~~F.~~ ~~F-~~ Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for
2258 mobile home subdivisions outlined in this section, mobile home subdivisions shall meet the
2259 following requirements:
- 2260 ~~1.~~ ~~1-~~ Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved by the ~~city~~
2261 ~~council~~ City Council in locations permitting such use in this title. Before such approval may be
2262 granted, a report to the ~~city council~~ City Council by the ~~planning commission~~ Planning
2263 Commission shall find that the proposed development will:
- 2264 ~~a.~~ ~~a-~~ Be located on a parcel of land containing not less than five (5) acres.
- 2265 ~~b.~~ ~~b-~~ Contain lots with a minimum net area of five thousand (5,000) square feet and a
2266 minimum width of fifty feet (50').
- 2267 ~~c.~~ ~~c-~~ Be organized in a homeowners' association, if required by the ~~planning~~
2268 ~~commission~~ Planning Commission.
- 2269 ~~2.~~ ~~2-~~ Security Compound: The ~~planning commission~~ Planning Commission may require a security
2270 compound for the storage of vehicles, boats and other large items, to be provided equivalent to
2271 a minimum of three hundred (300) square feet of paved area per mobile home lot, to be
2272 maintained by a homeowners' association in the mobile home subdivision.
- 2273 ~~3.~~ ~~3-~~ Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of
2274 occupancy. If shields are used, they are to be fireproof and painted, or otherwise preserved.
- 2275 ~~4.~~ ~~4-~~ Street Widths: Street widths shall be as required by the development regulations, except as
2276 may be modified by an approved planned unit development plan.
- 2277 ~~5.~~ ~~5-~~ Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased
2278 for a period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2279

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13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS

13-7-010: PLAT AMENDMENTS

13-7-020: EXEMPTION FROM PLAT REQUIREMENT

13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:

13-7-010: Plat Amendments: [existing language from 10-7-7(H)]

~~A.2. The application for a proposed plat amendment shall be submitted to the community development department and shall contain the following: Petition To Change Or Vacate Subdivision Plat:~~

A. The application for a proposed plat amendment shall be submitted to the community development department and shall contain the following:~~a. General Petition Contents:~~

1. ~~(1)~~ A complete application on forms created by the city City;

2.

~~(2) Ten (10) Two (2) 24" x 36" copies, one (1) reduced 11" x 17" copy, and an electronic copy of a preliminary the proposed plat amendment drawing showing the land to be subdivided lots to be amended, properly and accurately drawn to scale, certified as accurate by a registered land surveyor or professional engineer;~~

~~(3) One reduced eleven inch by seventeen inch (11" x 17"), or eight and one half inch by eleven inch (8¹/₂" x 11") copy of the preliminary plat drawing;~~

1.3. Plat amendments shall be prepared in conformance to the standards outlined in this title for a final plat submission, and shall include all notes, conditions, easements, or other pertinent information included upon the subdivision plat to be amended.

2.4.

~~3. For plat amendments which vacate or amend a public right of way or public trail, stamped, addressed envelopes for property owners within 300 feet of the boundary of the plat and all property owners within the boundary of the proposed amended plat. Notice of public hearing shall be delivered as detailed in 10-3-3 Public Hearings. The name and address, on gummed mailing labels, of the following:~~

~~(A) All owners, as shown in the last county assessment rolls, of the land contained in the entire original or previously amended subdivision plat and of all property owners within three hundred feet (300') of the property (excluding streets) that is the subject of the proposed plat change;~~

~~(B) All owners, as shown in the last county assessment rolls, of land within the subdivision plat or adjacent to any street that is proposed to be closed, vacated, altered or amended;~~

~~(C) The name and address of the petitioner.~~

~~(5) A current ownership plat from the Davis County recorder's office showing the entire subdivision plat and notice area.~~

5. ~~b~~ Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to the consolidated fee schedule for the city City.

B. 3. Review Process: Subdivision Amendments Not Involving Streets:

1. ~~a~~ Applicability:

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- 2320 a. ~~a-~~ Residential, commercial, industrial or agricultural subdivision amendments ~~not involving~~
2321 ~~the closure, vacation, alteration, addition or amendment of any street, or that cannot be~~
2322 ~~processed as routine and uncontested lot line adjustments, shall be processed pursuant to~~
2323 ~~this subsection.~~
- 2324 b. ~~b-~~ Plat amendments that create one or more additional lots to the subdivision, shall not be
2325 processed as a plat amendment, but shall be processed as new subdivision.
- 2326 2. ~~b-~~ City Internal Review:
- 2327 a. ~~(1)~~ The community development department shall obtain comments regarding the
2328 amendment petition from all interested ~~city~~ City departments.
- 2329 b. ~~(2)~~ If the development review committee determines that the proposed amendment
2330 petition may have an adverse material impact on traffic, it may require the applicant to
2331 submit a professionally prepared traffic impact study ~~prior to the hearing on the application.~~
- 2332 c. ~~(3)~~ The departmental comments shall be transmitted to the ~~petitioner~~ applicant.
- 2333 3. ~~c-~~ ~~Planning Commission~~ Planning Commission ~~Hearing~~ Review:
- 2334 a. ~~(1)~~ Plat amendments which vacate or amend a public right of way or public trail shall be
2335 noticed for Public Hearing in accordance with Section 10-3-3 of this code and as required by
2336 Utah State Code Annotated. The ~~planning commission~~ Planning Commission shall hold a
2337 public hearing to consider the amendment petition.
- 2338 b. For plat amendments which amend the location of a public utility easement, the applicant
2339 shall provide evidence that no public utilities have been located within the existing
2340 easement, or shall provide letters from all public utilities using the easement consenting to
2341 the amendment to said public utility easement.
- 2342 ~~(2)~~ Notice of the ~~planning commission~~ hearing shall be mailed to all individuals and entities
2343 identified in ~~subsection H2a(4)~~ of this section, ~~or its successor.~~
- 2344 c. ~~(3)~~ The ~~planning commission~~ Planning Commission shall review all ~~city~~ City departmental
2345 comments, comments from the ~~petitioner~~ applicant and other individuals, and shall approve
2346 or deny the amendment ~~petition~~ application with specific findings of fact, according to the
2347 standards for approval set forth in ~~subsection H3d~~ of this section.
- 2348 d. For plat amendments which vacate or amend a public right of way or public trail, the
2349 Planning Commission shall consider all ~~city~~ City departmental comments, comments from
2350 the applicant and the public, and shall recommend to the ~~city council~~ City Council the
2351 approval or denial of the amendment application with specific findings of fact, according to
2352 the standards for approval set forth in this section. The ~~city council~~ City Council shall hold a
2353 public hearing on the proposed amendment, consider the plat amendment application and
2354 approve, approve with conditions, or deny the application, according to the same standards
2355 and in accordance with state code, as applicable.
- 2356 4. ~~d-~~ Standards For Approval ~~Of~~ of Plat Amendment ~~Petition~~: An A plat amendment ~~petition~~
2357 application shall be approved only if it meets all of the following requirements:
- 2358 a. ~~(1)~~ The amendment will be in the best interests of the ~~city~~ City;
- 2359 b. ~~(2)~~ All lots comply with all applicable ~~zoning~~ land use and subdivision standards;
- 2360 c. ~~(3)~~ All necessary and required dedications are made;
- 2361 d. ~~(4)~~ Provisions for the construction of any required ~~public improvements~~ essential
2362 infrastructure improvements are included;

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e. (5) The amendment complies with all applicable laws and regulations; and
f. (6) The amendment does not materially injure the public or any person and there is good cause for the amendment.

g. ~~g. No additional lot or parcel is created.~~

5. ~~e. Appeals From Planning Commission Decision Not Involving Streets~~ **Public Right of Way or Public Trail:**

a. (1) If the petitioner, or any notified ~~affected~~ individual or organization disagrees with the ~~planning commission~~ **Planning Commission** decision, a written objection, clearly specifying the reasons therefor, shall be filed with the ~~city~~ **City Recorder** within fourteen (14) days following the ~~planning commission~~ **Planning Commission** decision.

b. (2) The objection shall be heard before the ~~city council~~ **City Council**, subject to the provisions of subsection H4d of ~~standards for approval set forth in this~~ **sub-section (d) above.**

6. ~~f. Recordable Instrument: If the amendment petition is approved, the zoning administrator~~ **city** shall execute and record the final amended subdivision plat and such other documents as may be required ~~shall be recorded~~ with the Davis County recorder's office.

13-7-020: Exemptions From Plat Requirement:

A subdivision plat amendment is not required for a lot line or boundary adjustment as defined in Utah Code Section 10-9a-523, as amended, but shall be processed as outlined in the following section.

13-7-030: H. Routine and Uncontested Lot Line Adjustments: Vacating Or Changing Subdivision Plat:

1. Routine And Uncontested Lot Line Adjustments:

A. ~~a.~~ Purpose: The purpose of this section is to enable routine and uncontested lot line adjustments between two (2) lots to be considered and approved administratively by the ~~city~~ **City**'s development staff.

B. ~~b.~~ Applicability: This section applies to routine and uncontested lot line adjustments between two (2) legally existing agricultural, residential, commercial or industrial subdivision lots. Applications processed pursuant to this section shall:

1. (1) Meet all applicable ~~zoning~~ **land use code** requirements.

2. (2) Receive the consenting signatures of all ~~abutting~~ **affected** property owners.

3. (3) Not affect any street right of way.

4. (4) Not create any new lots.

5. (5) Not affect any trail right of way.

C. ~~e.~~ General Application Contents: The application for routine and uncontested lot line adjustments shall include:

1. (1) The signatures of approval of all ~~abutting~~ **affected** property owners, ~~and property owners directly across any abutting streets, whether the property is in the same subdivision or not.~~

2. (2) ~~Three~~ **Two** (3) copies of a ~~survey drawing~~ **preliminary plat drawing, preliminary plat**, showing the ~~lots involved and the lot line to be adjusted, land to be subdivided, properly and accurately drawn to scale, certified as accurate by a registered land surveyor or professional engineer, and the proposed form of a deed~~ **or boundary line agreement** for the lot line adjustments.

(3) A current ownership plat from the Davis County recorder's office showing the entire subject area.

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2404 D. ~~d.~~ Fees: The petitioners shall pay an application review fee consistent with the consolidated fee
2405 schedule for the ~~city~~City.

2406 E. ~~e.~~ CityCity Internal Review: The development review committee shall review the application for
2407 completeness and for compliance to the regulations of this title. Upon review of the application and
2408 preliminary plat~~survey drawing~~, the development review committee ~~may either~~ shall approve the
2409 lot line adjustment if the application conforms the adopted standards and regulations of the land
2410 use ordinance or deny the lot line adjustment if it does not.

2411 F. Lot line adjustments that are denied by the development review committee may be amended for
2412 reconsideration or may be appealed to the Planning Commission by filing a request with the
2413 community development department.

2414 G. ~~f.~~ Recordable Instrument: If the lot line adjustment is approved, the ~~city~~City recorder or
2415 designee shall provide a letter of approval signed by the ~~city~~City Engineer and community
2416 development director, certifying that the lot line adjustment conforms to the requirements of the
2417 ~~city~~City's land use regulations and approving the ~~shall~~ recordation of an appropriate deed or ~~deeds~~
2418 boundary line agreement with the Davis County recorder's office containing the legal description of
2419 each new lot and stating any conditions of approval.

2420 ~~4. Subdivision Amendments Involving Streets Or Trails:~~

2421 ~~a. Purpose And Authorization: If the amendment petition involves closure, vacation, alteration,~~
2422 ~~addition or amendment of any street or trail, the amendment petition shall be processed~~
2423 ~~pursuant to the provisions of this section. (Ord. 2012-07, 4-30-2012)~~

2424 ~~b. City Internal Review:~~

2425 ~~(1) The community development department shall obtain comments regarding the~~
2426 ~~amendment petition from all interested city departments or divisions, including, as~~
2427 ~~applicable, the parks, trails, arts and recreation advisory board. (Ord. 2012-07, 4-30-2012;~~
2428 ~~amd. Ord. 2014-01, 1-7-2014)~~

2429 ~~(2) If the development review committee determines that the proposed amendment~~
2430 ~~petition may have an adverse material impact on traffic, it may require the applicant to~~
2431 ~~submit a professionally prepared traffic impact study prior to the hearing on the application.~~

2432 ~~(3) The departmental comments shall be transmitted to the petitioner.~~

2433 ~~c. Planning Commission Hearing:~~

2434 ~~(1) The planning commission shall hold a public hearing to consider the amendment~~
2435 ~~petition.~~

2436 ~~(2) Notice of the planning commission hearing shall be mailed to all individuals and entities~~
2437 ~~identified in subsection H2a(4)(A) of this section, mailed to the record owner of each parcel~~
2438 ~~that is accessed by the public street, right of way, or easement, mailed to each affected~~
2439 ~~entity, published in a newspaper of general circulation, published on the Utah public notice~~
2440 ~~website, and shall be posted on the subject property at least fourteen (14) days prior to the~~
2441 ~~scheduled hearing.~~

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2442 ~~(3) The planning commission shall review all city departmental comments, comments from~~
2443 ~~the petitioner and other individuals and shall recommend approval or denial of the~~
2444 ~~amendment petition to the city council with specific findings of fact, according to the~~
2445 ~~standards for approval set forth in subsection H3d of this section.~~

2446 ~~d. City Council Meeting:~~

2447 ~~(1) The city council shall hold a public meeting to consider the amendment petition.~~

2448 ~~(2) The city council shall review all city departmental comments, comments from the~~
2449 ~~petitioner and other individuals, the recommendation of the planning commission and shall~~
2450 ~~approve or deny the amendment petition with specific findings of fact, according to the~~
2451 ~~standards for approval set forth in subsection H3d of this section.~~

2452 ~~e. Recordable Instrument: If the amendment petition is approved by the city council, the final~~
2453 ~~amended subdivision plat and such other documents as may be required shall be recorded with~~
2454 ~~the Davis County recorder's office.~~

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13-8: GENERAL REQUIREMENTS

13-8-010: GENERAL STANDARDS

13-8-020: SUBDIVISION LAYOUT:

13-8-030: BLOCKS:

13-8-040: LOTS:

13-8-050: FLAG LOTS:

13-8-060: STREETS:

13-8-070: LANDSCAPING:

13-8-080: UTILITIES AND EASEMENTS:

13-8-090: WATERCOURSES:

13-8-100: WARRANTY PERIOD:

13-8-110: DEDICATIONS OF STREETS AND TRAILS

13-8-120: RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:

13-8-010-10-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:

When applicable, the following general standards shall apply to all conditional use developments within the city, unless waived for good and sufficient reasons by the planning commission. This section is not intended to apply to single family dwellings unless contained within a multiple home planned unit development (PUD).

- A. Ownership: The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property or their representative.
- B. Landscaping, Fencing And Screening: Landscaping, fencing and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the ~~planning commission~~ Planning Commission for approval, together with other required plans for the development.
- C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.
- D. Grading And Drainage Plan: A grading and drainage plan shall be submitted to the ~~planning commission~~ Planning Commission with the application.
- E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for those portions of the development proposed as common area, open space, recreational amenities, or public dedications. ~~the entire site to be developed, including especially the yards which abut upon public streets.~~
- F. Nondetrimental Use: It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the conditional use development.
- G. Water And Sewer Systems: All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the building official and which are in compliance with applicable local and state law.

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2501 H. ~~Bond Required:~~ In order to ensure that the development will be constructed to completion in
2502 accordance with approved plans, the planning commission shall require the developer to post a bond or
2503 mortgage, or other valuable assurance, acceptable to the city council in an amount equal to the
2504 estimated cost, plus ten percent (10%), of constructing all required landscaping, road improvements,
2505 pedestrianways, bike paths, curbs and gutters, hard surfacing, culinary water and sewer lines, as shown
2506 on the final site plan. Estimates of cost shall be furnished by the city engineer. Final determination of the
2507 amount of the bond or other assurance shall be made by the city council.

2508 1. The duration of the bond or other assurance shall be for one or more years from the date of
2509 approval of the development by the city council. An extension of time for completion may be
2510 granted by the city council upon application by the developer, provided such application is
2511 submitted at least sixty (60) days prior to the expiration of the bond or other assurance, and
2512 provided the issuer of the bond is willing to extend the time of the assurance. (Ord. 93-5, 7-6-1993,
2513 eff. 7-15-1993)

2514 2. In the event the developer defaults or fails or neglects to satisfactorily install the required
2515 improvements within one year from the date of approval of the development by the city council or
2516 to pay all liens in connection therewith, the city council may declare the bond or other assurance
2517 forfeited and the city may install or cause the required improvements to be installed using the
2518 proceeds from the collection of the bond or other assurance to defray the expense thereof. After
2519 required improvements have been made, any balance after expenses shall be returned to the
2520 developer at the end of the assurance period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

2521 3. The developer shall be responsible for the quality of all materials and workmanship. At the
2522 completion of the work, or not less than ten (10) days prior to the release date of the bond or other
2523 assurance, the city engineer shall make a preliminary inspection of the improvements made and
2524 submit a report to the city council setting forth the conditions of such facilities. If all liens are paid
2525 and other conditions thereof are found to be satisfactory, the city council shall release the bond or
2526 other assurance. If the condition of material or workmanship shows unusual depreciation or does
2527 not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the
2528 city council may declare the developer in default.

2529 H. ~~I.~~ Design Of Development: In the event that the land contained within a development is traversed by
2530 a proposed major street, water line, sewer line or drainage channel shown on the general plan, or
2531 any other official city City map, said development shall be designed in accordance therewith. The
2532 right of way across the development for said major streets, or other right of way, shall be dedicated
2533 to the public.

2534 I. ~~J.~~ Environment Of Residential Areas: Grouping and spacing of buildings and dwellings in residential
2535 areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged
2536 as the dominant features of the development. Areas not covered by buildings or by off street
2537 parking space or driveways shall generally be planted into natural vegetation, lawn, trees and
2538 shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as
2539 approved on the final plan. Permanent automatic irrigation systems shall be installed when required
2540 by the ~~planning commission~~ Planning Commission to provide for maintenance of planted areas.

2541 J. ~~K.~~ Conformance To Standards: Details of plans, plats and documents to be submitted showing the
2542 size of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash

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2543 disposal, the quality of material and improvements, protection from adverse influences, lighting,
2544 landscaping, off street parking, grading and other details of design and construction shall conform to
2545 standards as set forth in such resolutions pertaining to such standards as may be adopted by the
2546 ~~planning commission~~ Planning Commission.

2547 K. ~~L.~~ Ordinance Standards: The development shall meet all standards and requirements of this title and
2548 all requirements of applicable ordinances.

2549 L. ~~M.~~ Character ~~Of of~~ Development: The development shall be in keeping with the general character of
2550 the district within which it is to be located.

2551 M. ~~N.~~ Plan Preparation: Depending upon the complexity of the project, the ~~planning~~
2552 ~~commission~~ Planning Commission may require that plans for the development be prepared by a
2553 qualified professional team. In all cases, it is recommended that professional design and other
2554 assistance be obtained early in the program. It is the intent of the city City that the developer solve
2555 his problems before approval is given and construction begins.

2556 N. ~~O.~~ Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents
2557 of the development as well as adjacent property owners. ~~Such facilities shall be of sufficient capacity~~
2558 ~~to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to~~
2559 ~~the development.~~ (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2560 O. ~~P.~~ Inspections: All structures required by this title to have building permits and all uses required to
2561 have use permits shall be inspected by the building official in accordance with procedures
2562 established by the international building code, as adopted by the city City, and this title; ~~provided,~~
2563 ~~however, that no building permits for such structures or use permits shall be issued until the~~
2564 ~~planning commission, or the zoning administrator if authorized by the planning commission and city~~
2565 ~~council, has issued a conditional use permit for the building site or use, or has determined that a~~
2566 ~~conditional use permit is not required by this title.~~ (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012
2567 Code)

2568 (10-7-7-K)

2569 K. Design Standards:

2570 1. Compliance Required: All developments shall comply with the following standards unless a variance
2571 from one or more provisions of this section is approved by the city council in accordance with the
2572 variance procedure of this title.

2573 2. General Standards:

2574 P. ~~a.~~ The design of a development shall preserve insofar as possible the natural terrain, natural
2575 drainage, existing topsoil and trees.

2576 Q. ~~b.~~ Land subject to hazardous conditions, such as slides, mudflow, rockfalls, snow avalanches,
2577 possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable
2578 water supplies, shall be identified and shall not be developed until the hazards have been eliminated
2579 or will be eliminated by the development and construction plans.

2580 22. Permit Required: A conditional use permit shall be required prior to the construction of any
2581 development. Final plan approval shall constitute such conditional use permit for any development.
2582 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

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2583 **13-8-020: SUBDIVISION LAYOUT:**

- 2584 A. Conformance To General Plan: Where a proposed subdivision includes property identified within the
2585 City General Plan or other Master Planning documents to include specific essential infrastructure
2586 improvements, such as trails, active transportation improvements, or right of way improvements;
2587 the developer shall provide a lot layout which accommodates the improvement.
- 2588 B. Preservation Of Features: Where trees, groves, waterways, scenic points, historic spots or other City
2589 assets and landmarks, as determined by the City, are located within a proposed subdivision, every
2590 reasonable means shall be provided to preserve these features.
- 2591 C. Adjoining Existing Street: Whenever a tract to be subdivided adjoins or contains any part of an
2592 existing or proposed street so designated on the street plan, such part of the public way shall be
2593 platted, dedicated and improved by the developer in the location and at the width specified.

2594 **13-8-030: BLOCKS:**

- 2595 A. ~~11~~Block Standards~~Length~~: Block lengths shall be reasonable as approved by the ~~planning~~
2596 ~~commission~~Planning Commission, and in total design shall provide for convenient access and
2597 circulation for emergency vehicles. ~~Generally blocks shall be a minimum of four three hundred feet~~
2598 ~~(4300')~~ with maximum length of ~~one thousand seven hundred feet (1,000700')~~. In blocks over
2599 ~~eight~~six hundred feet ~~(800600')~~ in length, a dedicated walkway through the block, at approximately
2600 ~~the center of the block is required where feasible. Such walkways shall be not less than sixteen feet~~
2601 ~~(16')~~ in width with a paved or concrete surface of eight feet (8').
- 2602 B. Double Frontage: Lots having double frontage shall not be approved except where necessitated by
2603 topographic or other unusual conditions. The Planning Commission may require that vehicular
2604 access be restricted for portions of double fronted lots, where access would be deemed difficult due
2605 to topography or pose a traffic hazard.
- 2606 C. Width; Variation: The width of each block shall be sufficient for an ultimate layout of two (2) tiers of
2607 lots therein of a size required by the provisions of this title, unless the general layout of the vicinity,
2608 lines of ownership, topographical conditions or locations of arterial streets or freeways justify or
2609 make necessary a variation from this requirement.

2610 **13-8-040: LOTS:**

- 2611 A. ~~A~~-General Requirements: All subdivisions shall result in the creation of lots which are developable
2612 and capable of being built upon. A subdivision shall not create lots, and no building permit shall be
2613 issued for any lots which would make improvement impractical due to size, shape, steepness of
2614 terrain, location of watercourses, problems of sewerage or driveway grades, or other physical
2615 conditions.
- 2616 B. ~~3~~-Lots: **(from section 10-7-7-K)**
- 2617 1. ~~a~~-No single lot shall be divided by a municipal or county boundary line.
- 2618 2. ~~b~~-A lot shall not be divided by a road, alley or other lot.
- 2619 3. ~~c~~-No wedge shaped lot shall be less than ~~thirty feet (30')~~ in width at the front property line, or
2620 the lot frontage required in the zoning district, ~~whichever is larger~~.
- 2621 4. ~~d~~-Side lot lines shall be at right angles to the street which the lot fronts or approximately radial
2622 to center of street curves or cul-de-sac on which the lot faces street lines, except where justified
2623 by the developer and approved by the ~~planning commission~~Planning

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Commission may allow exceptions to this requirement where considerations are warranted for solar orientation or topography.

5. e. All residential lots in developments created by the subdivision shall front on a public street, or on an approved private street, improved to the standards hereinafter required, equal to the minimum frontage requirement for the zone, unless modified as part of a planned unit development. approved by the planning commission and the city council. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited. Double frontage lots are prohibited unless approved by the planning commission.

1.6. Corner lots shall be so designed as to provide for the same quality and size of building area as interior lots by such enlargement as necessary increasing the minimum width by ten feet (10') to accommodate the increased required side street setbacks and yards.

7. g. 13. Lot Size Standards: All lots shall conform to area requirements of any existing zoning regulations. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the planning commission. Planning Commission.

2.8.

All residential lots shall have a buildable area of with an average slope of less than 30% and of at least five thousand (5,000) square feet in sized and a minimum with no single dimension of less than fifty feet (50'), excluding required setbacks and easements. All approved lots less than 5,000 sq. ft. in shall be less than 30% average slope.

9. i. Remnants parcels of property shall not be left which do not conform to lot requirements or are not required or suitable for common open space, private utility or public purpose.

10. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications. No block designations shall be used. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase 2 would be numbered 201, 202, 203, etc.

13-8-05010-7-8: FLAG LOTS²:

In older areas of the city City, certain properties have evolved over time with irregular shapes and sizes, some with deep rear lots. As the city City continues to see these lots subdivided, there may exist a need to develop these deeper lots. Flag lots are one alternative to such development. However, many problems can result from the misuse of flag lots, including increased points of traffic access on busy or narrow streets, large paved areas created to access rear units, a mass of new units incompatible with an existing neighborhood, and the compromising of adequate and safe fire protection to rear units. These problems threaten the character and stability of existing neighborhoods. For these reasons, the following restrictions and prohibitions are established to better control increasing residential density in predominantly single-family neighborhoods through the use of flag lots:

- A. Circumstances Permitting: The city City discourages and restricts the creation of flag lots. A flag lot should be permitted only under certain limited circumstances. Flag lots are prohibited except:
1. Where necessary to reduce access onto major streets and thoroughfares;
 2. To reasonably utilize irregularly shaped land;
 3. To reasonably utilize land with severe topography;
 4. To provide for the protection of significant natural or environmentally sensitive areas; or
 5. To allow a property owner reasonable use and benefit of a parcel of land not otherwise developable.

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- 2667 B. Prohibited Flag Lots: Flag lots are expressly prohibited where:
- 2668 1. The creation of the flag lot will increase the number of access points onto a major thoroughfare;
- 2669 2. The density created by the flag lot would exceed the average existing density in the immediately
- 2670 adjacent developed residential area; or
- 2671 3. The proposed flag lot would resubdivide an existing lot or lots in a recorded subdivision plat.
- 2672 ~~C. C. Conditional Use: Flag lots are conditional uses and must receive planning commission approval~~
- 2673 ~~prior to being taken through a subdivision review and approval process.~~ The applicant proposing a
- 2674 flag lot must have demonstrated to the ~~planning commission~~ **Planning Commission** that because of
- 2675 topographical features and/or unique situations as set forth in subsection A of this section, creation
- 2676 of a flag lot should be allowed.
- 2677 ~~C.D.~~ **D.** Design Requirements For Flag Lot:
- 2678 1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion
- 2679 thereof.
- 2680 2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The
- 2681 minimum width of the staff portion of each flag lot shall be thirty feet (30'). Two (2) staffs may
- 2682 be placed side by side and be a minimum width of twenty five feet (25') each. The staff shall not
- 2683 be longer than one hundred fifty feet (150').
- 2684 3. The flag portion of the lot shall meet the minimum lot size requirement for the zone in which it
- 2685 is located. The staff portion shall not count as part of the land area needed to meet the lot area
- 2686 requirement.
- 2687 4. Flag lots must be similar in shape of the buildable area (i.e., rectangular or pie shaped if on a cul-
- 2688 de-sac) to the majority of the lots in the immediately adjacent developed residential area.
- 2689 5. The front side of the flag portion of the lot shall be deemed to be that side nearest to the
- 2690 dedicated public street upon which the staff portion fronts. The staff portion shall be deemed to
- 2691 end and the flag portion shall be deemed to begin at the extension of the front lot line.
- 2692 6. Flag lot units located away from the street shall maintain a presence to the street, be oriented
- 2693 to the street, and be visible from the street. A larger building for the flag lot unit in relation to a
- 2694 unit in front of the flag lot unit is not acceptable as a means to meet the street presence
- 2695 requirement.
- 2696 7. All minimum required setbacks for the zone in which the flag lot is located shall apply **and all**
- 2697 **front setback distances shall be measured from the flag portion of the lot and not from the**
- 2698 **street.** Orientation, setbacks and private yards shall conform to the following criteria:
- 2699 a. All units shall orient to the street;
- 2700 b. Each unit shall have both a "front" and "rear" yard on opposite sides of the unit; and (Ord.
- 2701 07-12, 6-5-2007)
- 2702 c. To protect the privacy of yard areas on neighboring properties, large windows and decks on
- 2703 the second floor shall not orient to adjacent, surrounding properties. (Ord. 07-12, 6-5-2007;
- 2704 amd. 2012 Code)
- 2705 8. An access driveway with a minimum width of twenty feet (20') shall be provided with
- 2706 landscaping on each side. The access driveway shall be asphalt or concrete with adequate
- 2707 drainage and shall be properly maintained on a continuous basis. Where two (2) flag lots are
- 2708 adjacent to each other, a common driveway for both units is encouraged; multiple driveways
- 2709 are discouraged.
- 2710 9. Fire protection for flag lot units. Each proposal to construct a unit on a flag lot more than one
- 2711 hundred fifty feet (150') from a public street must first be reviewed and approved by the fire

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2712 marshal and all other criteria listed below prior to receiving a building permit. No primary
2713 residential structure may be located on a flag lot more than five hundred feet (500') from a
2714 public street. All measurements shall be taken from the edge of the public right of way along the
2715 centerline of the driveway or private access driveway to the nearest point of the primary
2716 structure. All of the following must be met before a building permit may be approved:

2717 a. An access road or driveway shall be provided which meets the following standards:

2718 (1) An asphalt or concrete surface capable of supporting the imposed load of fire apparatus
2719 shall be provided and extended to within one hundred fifty feet (150') of all portions of
2720 the exterior walls of the first story of any building. If constructed of asphalt, the access
2721 road or driveway shall be a minimum of two and one-half inches (2¹/₂") of asphalt over a
2722 minimum of six inches (6") of compacted road base. If constructed of concrete, the
2723 access road or driveway shall have a minimum of five inches (5") of concrete over a
2724 compacted road base. The access road or driveway shall be maintained by the property
2725 owner or possessor of the premises in good condition and repair and with adequate
2726 snow removal so as to provide free and uninhibited access by emergency service
2727 vehicles.

2728 (2)

2729 The access road or driveway shall be a minimum of twenty feet (20') wide. Where such roadway
2730 is adjacent to required fire hydrants, the width shall be a minimum of twenty six feet (26')
2731 within twenty feet (20') in either direction from the hydrant. Such required widths shall be
2732 unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of
2733 thirteen and one-half feet (13¹/₂'). Approval of driveways in excess of ten percent (10%) grade
2734 will be required to present an alternative means and method of fire protection to be reviewed
2735 and approved by the Fire Marshal. ~~The maximum grade for any access road or driveway shall be~~
2736 ~~fifteen percent (15%) at any point measured along the centerline of the access road or driveway.~~

2737 (3) A turnaround approved by the fire marshal shall be provided at the end of the access
2738 road or driveway.

2739 (4) Each access road or driveway shall be identified and marked by the property owner to
2740 the satisfaction and approval of the fire marshal. Signs shall be posted near the
2741 entrances of access roadways and driveways. Signs shall be a minimum of twelve inches
2742 by eighteen inches (12" x 18") in two and one-half inch (2¹/₂") block lettering with one-
2743 half inch (1¹/₂") stroke on a contrasting background. Signs shall read "No Parking - Fire
2744 Department Access Road".

2745 b. Fire Hydrants:

2746 (1) A fire hydrant shall be installed by the ~~city~~City at the expense of the property owner and
2747 shall be connected by a six inch (6") water line from the water main. The hydrant shall
2748 be located to the satisfaction and approval of the fire marshal. Fire hydrants shall be
2749 located on all required access roads or driveways and shall be located within five feet
2750 (5') of the required access road or driveway.

2751 (2)

2752 (1)

2753 2.—If, in the opinion of the fire marshal, fire hydrants are vulnerable to vehicular damage,
2754 appropriate crash posts shall be required. No obstruction shall exist within a three foot
2755 (3') working area of each fire hydrant. Required crash posts shall be four inch (4")

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2756 concrete filled pipe, having a minimum of three feet (3') in height above grade, with two
2757 feet (2') of pipe below grade set in concrete. Hydrant shutoff valves shall be located no
2758 closer than five feet (5') from the hydrant and no further than twenty feet (20').

2759 (3)

2760 ~~3.~~ The fire hydrant, water line and access road or driveway shall be located within a public
2761 utility easement of at least twenty feet (20') in width such that emergency and utility service
2762 vehicles and personnel have unimpeded access to the improvements.

2763 ~~i.c.~~ All dwelling structures shall have installed at the time of construction, and keep
2764 continuously maintained, a pressurized interior fire protection sprinkling system that
2765 complies with the minimum standards of the international fire code and is approved by the
2766 fire marshal.

2767 ~~ii.d.~~ All of the required improvements shall be installed at the property owner's expense. (Ord.
2768 07-12, 6-5-2007)

2769 **Footnotes** ~~Click any footnote link to go back to its reference.~~

2770 ~~Footnote 1: See section 10-7-8 of this chapter.~~

2771 ~~Footnote 2: See also subsection 10-7-1B1f of this chapter.~~

2772 **13-8-060: STREETS:**

2773 ~~A.~~ ~~4.~~ Street Requirements: (10-7-7-K)

2774 ~~1.~~ ~~a.~~ The street layout shall conform to the general plan of the city City.

2775 ~~2.~~ ~~b.~~ Minor streets shall be laid out to discharge through traffic.

2776 ~~3.~~ ~~c.~~ Stub streets shall be provided where needed to connect to adjacent undeveloped land, and
2777 new streets must be provided where needed to connect to existing stub streets in adjacent
2778 developments. Not more than six (6) lots shall front on a stub street, except where a temporary
2779 cul-de-sac turnaround is provided.

2780 ~~4.~~ ~~d.~~ Intersections of minor streets with major collector streets shall be kept to the minimum.

2781 ~~5.~~ ~~e.~~ Minimum right of way widths and pavement widths for public and private streets shall be
2782 determined by the City standards and specification manual as adopted resolution of ~~by~~ the city
2783 council City Council for various categories of streets, but shall in no case be less than the
2784 following:

Street Category	Minimum ROW	<u>Width to back of curb</u>
Minor arterial	80 feet	<u>62 feet</u>
Major collector street	66 feet	<u>48 feet</u>
Minor collector street	60 feet	<u>42 feet</u>

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Local (minor) street	50 feet	<u>32 feet</u>
<u>Private Street</u>	<u>35 feet</u>	<u>26 feet</u>
<u>Private Alley</u>	<u>30 feet</u>	<u>26 feet</u>
<u>Private Alley (one-way)</u>	<u>20 feet</u>	<u>15 feet</u>

2785 f. Minimum right of way widths for private streets shall be the same as for public streets of the
 2786 same use category, unless a different width is approved in a planned unit development. The
 2787 appropriate use category for a private street shall be determined by the planning commission
 2788 before a building or use permit is approved along such private street.

2789 6. g. Public street shall have roadway widths from, back of curb to back of curb, as adopted by
 2790 resolution of the city City council, but shall in no case be less than the following:

Minor arterial	62 feet
Major collector street	48 feet
Minor collector street	42 feet
Local (minor) street or frontage road	32 feet

2791 ~~h. Minimum roadway widths for private streets shall be the same as for public streets of the~~
 2792 ~~same use category, unless a different width is approved in a planned unit development.~~

2793 ~~i. Where no curbs are required to be installed, a minimum of six foot (6') shoulders shall be~~
 2794 ~~provided on each side of the street, not to exceed a two to one (2:1) slope.~~

2795 1. ~~7. 16.~~ Alleys: The ~~planning commission~~ Planning Commission may approve service access to the
 2796 interior of blocks where deemed to be in the public interest, in which case such alleys must be
 2797 indicated in the preliminary design plans and on the final plat. (Ord. 93-5, 7-6-1993, eff. 7-15-
 2798 1993)

2799 8. ~~j.~~ No half streets are permitted ~~unless approved by the planning commission and city council.~~

2800 9. ~~k.~~ Dead end streets, including stub streets, shall be permitted or required by the ~~planning~~
 2801 ~~commission~~ Planning Commission only to provide future access to adjoining property, except for
 2802 dead end street systems in cluster developments, in planned unit developments, condominium
 2803 developments, or similar special projects. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2804 10. Streets which provide frontage and access for thirty (30) or more lots or dwelling units are
 2805 required to have a minimum of two (2) separate means of egress.

2806 11. ~~l.~~ The following standards apply to all temporary and permanent cul-de-sacs:

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- 2807 a. ~~(1)~~ Cul-de-sacs shall be terminated by a turnaround of not less than one hundred feet
2808 (100') in right of way diameter, and the face of curb or pavement edge radius shall be thirty
2809 eight and one-half feet ($38\frac{1}{2}$ ') or more.
- 2810 b. ~~(2)~~ Temporary cul-de-sacs shall be paved with a minimum of two inches (2") of asphalt or
2811 other binder pavement.
- 2812 c. ~~(3)~~ Permanent cul-de-sacs shall be paved with a minimum of three inches (3") of asphaltic
2813 or portland cement or other binder pavement.
- 2814 d. ~~(4)~~ Downhill cul-de-sacs are strongly discouraged and may only be allowed if it can be
2815 demonstrated that surface drainage and street grade will be controlled in a manner
2816 acceptable by the ~~city~~City engineer. A surface overflow drainage outlet will be designed to
2817 protect adjacent properties in the event the curb face inlet(s) become obstructed or
2818 clogged.
- 2819 e. ~~(5)~~ Cul-de-sac length shall be measured from the centerline of an intersecting street,
2820 excluding other cul-de-sacs, along the centerline of the cul-de-sac, to a point at the center
2821 of the closed end of the cul-de-sac.
- 2822 f. ~~(6)~~ Residential zoning districts:
- 2823 ~~(1)~~ ~~(A)~~ A cul-de-sac shall not serve more than twenty (20) lots or exceed six hundred feet
2824 (600') in length.
- 2825 ~~(2)~~ ~~(B)~~ The ~~planning commission~~Planning Commission may recommend to the ~~city~~
2826 ~~council~~City Council, and the ~~city council~~City Council may approve, an increase to the
2827 maximum length of a cul-de-sac, up to one thousand feet (1,000') in total length, when
2828 the following conditions exist:
- 2829 ~~(A)~~ ~~(i)~~ Physical conditions exist which preclude the ability to establish any other
2830 practical means of access. Such conditions may include: topography;
2831 environmentally sensitive areas such as wetlands, ponds, streams, rivers, or lakes;
2832 or manmade structures that cannot be altered, moved or relocated;
- 2833 ~~(B)~~ ~~(ii)~~ Construction of a through street will result in undesired cuts and fills or will
2834 damage natural terrain or drainage; or
- 2835 ~~(C)~~ ~~(iii)~~ Buildings or existing developments block access to the site, which would result
2836 in landlocked property or an inefficient development plan; and
- 2837 ~~(D)~~ ~~(iv)~~ Such an exception has received a favorable recommendation from the South
2838 Davis metro fire district and the ~~city~~City's development review committee.
- 2839 ~~(3)~~ ~~(C)~~ Exceptions to cul-de-sac length may also be subject to the following as needed:
- 2840 ~~(A)~~ ~~(i)~~ Possible modified construction standards such as pavement width and cul-de-sac
2841 diameter, quantity of fire hydrants, placement of fire hydrants on alternating side of
2842 street, looped water lines, emergency egress routes or plans, drainage, pedestrian
2843 easements or other reasonable measures to ensure public safety.
- 2844 g. ~~(7)~~ Nonresidential zoning districts:
- 2845 ~~(1)~~ ~~(A)~~ A cul-de-sac shall not exceed six hundred feet (600') in length. Cul-de-sacs longer
2846 than six hundred feet (600') may be recommended by the ~~planning commission~~Planning
2847 Commission and approved by the ~~city council~~City Council if the development review
2848 committee (DRC) makes a written finding that such a cul-de-sac would better preserve
2849 the natural terrain and vegetation in the area or provide a superior street design or
2850 provide needed access to landlocked parcels.

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2851 ~~(2) (B)~~ The ~~planning commission~~ Planning Commission may require public accessways from a
2852 cul-de-sac to provide safe circulation for pedestrians and bicyclists. (Ord. 2016-06, 5-17-
2853 2016)

2854 ~~12. m.~~ No more than four (4) streets shall enter an intersection.

2855 ~~13. n.~~ Streets shall intersect at ninety degrees (90°), except where otherwise approved as necessary
2856 by the ~~planning commission~~ Planning Commission upon favorable recommendation of the City
2857 Engineer.

2858 ~~14. o.~~ The centerlines of two (2) subordinate streets meeting a through street from opposite sides
2859 shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty feet
2860 (150'). (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2861 ~~15. p.~~ Protection strips are not allowed adjacent to or on public streets and rights of way. (Ord. 93-
2862 5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

2863 B. 5. Street Names: The following principles shall govern street names in a subdivision:

2864 1. Streets shall be numbered based on the adopted grid system ~~wherever practical.~~ Alphabetic
2865 names may be considered for streets of a meandering or diagonal nature or for other streets as
2866 specifically approved by the Planning Commission. Streets may also be named but there shall be
2867 no duplication of street names within the area.

2868 2. All ~~new~~ street names must be ~~approved by the planning commission~~ and shall be given
2869 to ~~reviewed with~~ the county recorder and ~~building official~~ development review committee for
2870 review and recommendation prior to the approval of street names by the ~~planning~~
2871 commission ~~to avoid duplication or near duplication to any streets in the City or area that may~~
2872 lead to confusion of response by public safety agencies.

2873 3. Each street which is a continuation of, or an approximate continuation of, any existing dedicated
2874 street shall be given the name of such existing street.

2875 4. The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of any
2876 street shall be spelled out in full on the plat and shall be subject to approval by the Planning
2877 Commission. Any street name incorporating one of the terms used above shall conform to the
2878 established definition of that term. Any named street shall also have the proper numerical
2879 coordinate as approved by the City Engineer.

2880 5. Street names shall not be permitted that contain a cardinal direction, such as north, south, east,
2881 or west, for example "South Bay Drive".

2882 6. Street names which reflect the history or character of the City are strongly encouraged.

2883 C. 6. Curvature And Alignment:

2884 1. a. To ensure adequate sight distances, street roadway line connections shall be made by
2885 horizontal curves. The minimum centerline radii for minor streets shall be one hundred feet
2886 (100') and of all other streets shall be three hundred feet (300'). On collector streets, a minimum
2887 tangent of one hundred feet (100') shall be required between a curve and street intersection; a
2888 minimum tangent of one hundred feet (100') shall be required between reverse curves.

2889 2. b. Vertical curves shall be used at all changes of grade exceeding one percent (1%) and shall be
2890 designed to provide minimum sight distances of two hundred feet (200') for minor streets and
2891 three hundred feet (300') for all other streets, except that vertical curves for major streets shall
2892 be as determined by the current specifications of the state department of transportation.

2893 D7. Frontage On Major Highways: Where a residential development abuts a major highway, frontage
2894 roads may be required.

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- 2895 D. 8. Roadbed Construction Standards For Paved Roadways For (Public and Private Streets): Minimum
2896 roadbed grading and paving for minor, collector and major streets all street types shall be
2897 established within the City standards and specifications manual approved by the city council City
2898 Council. Reduction of such roadway grading and paving may be approved by the planning
2899 commission and city council for one-way streets, mountain developments or other justifiable design
2900 or topographical reasons.
- 2901 E. 9. Street Grades: All street grades shall be designed as follows:
- 2902 1. a. Major collector streets shall be limited to a maximum grade of twelve ten percent (1210%).
2903 b. Minor collector streets shall be limited to a maximum grade of twelve ten percent (1210%).
2904 2. c. Cul-de-sacs shall terminate with a grade not to exceed three percent (3%) for the last ten feet
2905 (10') of traveled surface.
2906 3. d. A street intersection shall have a vertical alignment such that the grade shall not exceed three
2907 percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the
2908 intersection.
2909 e. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and
2910 where length of that portion of that road at maximum grade is less than six hundred feet (600').
2911 4. f. All changes that exceed one (1%) percent in vertical alignment shall be made by vertical curves
2912 with minimum length of fifty feet (50') for local (minor) streets and one hundred feet (100') for
2913 collector streets.
2914 g. Streets in mountainous terrain shall be designed at less than maximum allowable grade in
2915 order that they can be safely negotiated and that snow can be removed during winter.
- 2916 F. 10. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters shall be provided on both sides of all
2917 streets to be dedicated to the public, unless approved otherwise by the planning commission and
2918 city council. Private streets and private alleys shall provide for sidewalk and park strip on only one
2919 side of the street. Private alleys with dual rear access garages shall not be required to provide
2920 sidewalks and park strips. Sidewalks, curbs and gutters may be required by the city council City
2921 Council on existing streets bordering the development.
- 2922 G. 12. Pedestrian Midblock Crosswalks: Where blocks exceed one thousand six hundred feet (1,0600')
2923 in length and where a dedicated walkway is required through the block, pedestrian rights a
2924 midblock crosswalk s of way of not less than ten feet (10') in width may be required by the planning
2925 commission Planning Commission through blocks where needed for adequate pedestrian circulation.
2926 Walk improvements (paving) of not less than five feet (5') in width shall be placed within the rights
2927 of way, when required by the planning commission.
- 2928 H. 1. Study May Be Required: Where the potential impacts on the existing street systems are
2929 considered to be great, or in the case of unique circumstances concerning access, topography or
2930 street layout, a transportation planning/engineering study may be required.
- 2931 I. J. Private streets shall not be permitted unless the Planning Commission finds that the most logical
2932 development of the land requires that lots be created which are served by a private street or other
2933 means of access, and makes such findings in writing with the reasons stated therein. All private
2934 streets shall meet North Salt Lake development standards as it pertains to standard street
2935 intersections, typical cul-de-sac and standard roadway sections. This includes, but is not limited to,
2936 submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base
2937 course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of
2938 existing improvements, storm drainage systems, boundary markers and survey monuments,

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2939 geotextiles and concrete reinforcement. Land designated as public right of way shall be separate
2940 and distinct from lots adjoining such right of way and shall not be included in the area of such lots.

2941 **13-8-070: LANDSCAPING:**

2942 A. Special Treatment: Whenever, in the opinion of the Planning Commission, the cuts and fills in a
2943 hillside subdivision are of sufficient size or visibility to demand special treatment, the developer shall
2944 be required to landscape such areas with suitable permanent plant materials and to provide for
2945 their maintenance.

2946 B. Preservation: The subdivision shall be so designed as to either preserve, or provide for, the greatest
2947 amount of onsite vegetation.

2948 C. Sensitive Lands Overlay: Subdivisions in the sensitive lands overlay zones shall comply with all
2949 provisions of the City sensitive lands ordinance.

2950 D. ~~23-~~Landscaping Design Standards For Redwood Road:

2951 1. a-For development along the west side of Redwood Road, the following development
2952 standards are adopted:

2953 a. (1)-The area behind the curb and gutter of Redwood Road shall include an area not less
2954 than twenty four feet (24') wide containing improved and irrigated landscaping and an
2955 eight foot (8') wide meandering asphalt multiuse trail. If any portion of the required
2956 twenty-four foot (24') landscaped area is outside the dedicated right of way, a public
2957 trail easement and street tree easement shall be dedicated to the ~~city~~City upon the
2958 recorded plat

2959 b. (2)-Within the twenty-four foot (24") wide area trees shall be planted in accordance
2960 with the requirements of Title 7 Chapter 9, Community Forestry.

2961 c. (3)-Residential developments along Redwood Road shall, in addition to complying with
2962 the requirements of chapter 11 of this title, include a solid wall, not less than six feet (6')
2963 in height as a buffer along the entire length of frontage along Redwood Road. The wall
2964 shall be constructed of masonry or other hard, permanent materials and shall generally
2965 be a sight obscuring wall or a combination of berms, rocks, planted materials and
2966 manmade materials that render the wall sight obscuring. Any solid walls constructed
2967 pursuant to this subsection shall also be treated with an antigraffiti treatment approved
2968 by the ~~city~~City.

2969 2. b-For developments along the east side of Redwood Road, the same development
2970 standards apply except that there shall be a five foot (5') wide concrete sidewalk provided in
2971 lieu of an eight foot (8') wide meandering asphalt multiuse trail. (Ord. 2012-04, 2-7-2012)

2972 **13-8-080: UTILITIES AND EASEMENTS:**

2973 14. Easement Standards:

2974 A. a-Utility Eeasements shall follow rear and every other side lot lines whenever practical and shall
2975 have a minimum total width of ~~fifteen~~sixteen feet (~~15-~~16') apportioned equally in abutting
2976 properties (~~7-58~~ feet each lot).

2977 B. b-Where front line yard utility easements are required to be, a minimum of ~~seven-~~ten feet (~~7-~~10')
2978 shall be allocated as a utility easement. Perimeter easements shall be not less than ~~seven-~~eight feet
2979 (~~7-~~8') in width, extending throughout the peripheral area of the development, ~~and will be larger if~~
2980 ~~required by the planning commission.~~

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2981 C. e. All easements shall be designed so as to provide efficient installation of utilities or street
2982 plantings. Special guying easements at corners may be required if any existing utilities are ~~to be~~
2983 overhead. Public utility installations shall be so located as to permit multiple installations within the
2984 easements. The developer shall establish final utility grades prior to utility installations.

2985 D. The Planning Commission may require additional easements, or increased width of easements, as
2986 necessary to provide for adequate utility service and/or drainage within the subdivision and to or
2987 from adjoining parcels when recommended by the City Engineer.

2988 ~~A. E. 15.~~ Utilities To Be Underground: Unless the ~~planning commission~~ Planning Commission and city
2989 ~~council~~ City Council determine, upon application by the developer, and recommendation of the
2990 city City engineer, that it is not feasible to do so, all power lines, telephone lines and other normally
2991 overhead utility lines shall be placed underground by the developer, including existing overhead
2992 utilities.

2993 F. Utility easement width may be reduced as approved by the Planning Commission for lots within
2994 planned unit developments.

2995 **13-8-090: WATERCOURSES:**

2996 The developer shall dedicate a right of way for storm drainage conforming substantially to the lines of
2997 any natural watercourse or channel, stream, creek, irrigation ditch or floodplain that enters or traverses
2998 the subdivision, as determined by Davis County flood control and/or the City Engineer. The developer
2999 shall also dedicate acceptable rights of way for any pipe, conduit, channel, and retention or detention
3000 area as approved by the City Engineer for flood control.

3001 **13-8-100: WARRANTY PERIOD:**

3002 The warranty period shall commence upon the date that all improvements required by the City to be
3003 installed within the subdivision have been completed to the satisfaction of the City and a final inspection
3004 thereof has been made approving the same. The warranty period shall commence at that date and shall
3005 continue for a period of one year thereafter. If any deficiencies are found by the City during the
3006 warranty period in materials or workmanship, the developer shall promptly resolve such defects or
3007 deficiencies and request the City Engineer to re-inspect the improvements. At the end of the one (1)
3008 year warranty period, the developer shall request the City Engineer to make a final warranty period
3009 inspection of all improvements. If the City Engineer verifies that the improvements are acceptable, the
3010 City Engineer shall release the balance of the security posted by the developer under the bond
3011 agreement.

3012
3013 **13-8-100: DEDICATIONS OF STREETS AND TRAILS**

3014 ~~F. Dedication Of Streets And Trails:~~

3015 A. 1. Requirement: Maps and plats, when made, acknowledged, filed and recorded according to
3016 procedures specified in this section, operate as a dedication of all streets, trails and other public
3017 places, and vest the fee of those parcels of land in the city City for the public for the uses named or
3018 intended in those maps or plats.

3019 B. 2. Nonliability For Unimproved Dedications: The dedication established by this section does not
3020 impose liability upon the city City for streets, trails and other public places that are dedicated in this
3021 manner but unimproved.

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3022 **13-8-120**, RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:

3023 A. ~~1-~~Regulations May Be Adopted: The ~~city council~~ City Council, in order to protect and ensure access
3024 to sunlight for solar energy devices, may adopt regulations governing legislative subdivision
3025 development plans that relate to the use of restrictive covenants of solar easements, height
3026 restrictions, side yard and setback requirements, street and building orientation and width
3027 requirements, height and location of vegetation in respect to property boundary lines, and other
3028 permissible forms of land use controls. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

3029 B.
3030 ~~2-~~Refusal To Approve: The ~~city council~~ Planning Commission may refuse to approve or renew any
3031 plat or subdivision plan, or dedication of any street or other ground, if the deed restrictions,
3032 covenants or similar binding agreements running with the land for the lots or parcels covered by the
3033 plat of subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar
3034 collectors, or other energy devices based on renewable resources from being installed on buildings
3035 erected on lots or parcels covered by the plat or subdivision. (Ord. 93-5, 7-6-1993, eff. 7-15-1993;
3036 amd. 2012 Code)

3037

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Chapter 9 ESSENTIAL IMPROVEMENTS

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13-9-010: DESIGN STANDARDS & SPECIFICATION:

13-9-020: REQUIRED IMPROVEMENTS:

13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:

13-9-050: STORM DRAINAGE:

13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:

13-9-060: FENCING OR PIPING OF HAZARDS:

13-9-070: MONUMENTS:

13-9-080: COMPLETION:

13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:

13-9-010: DESIGN STANDARDS & SPECIFICATIONS MANUAL:

- A. ~~A.~~ Preparation: The City Engineer and public works department shall prepare and recommend for adoption by resolution or ordinance the Design Standards & Specifications Manual for the design, construction, specifications, and inspection of essential infrastructure, whether publicly dedicated or privately owned. The manual shall include street and trail improvements, street trees, water distribution systems, storm drainage, flood control facilities, and other specifications as deemed necessary. The design standards shall be prepared in cooperation and coordination with the South Davis Sewer District, South Davis Metro Fire Agency, and any private special service district or water company providing service within the City.
- B. The developer shall provide evidence of design approval from any such outside agencies, prior to final plat approval. Additional design standards prepared by private utilities shall be the responsibility of the individual agency. All such standards for design and construction of essential infrastructure improvements and amendments thereto, which are under the control of the City, shall be approved and adopted by the City Council before becoming effective. All developers shall comply with the approved standards required herein.
- C. ~~B.~~ Streets, Blocks, Etc.: The design of the subdivision in relation to streets, blocks, lots, open spaces, and other design factors shall be in harmony with design standards recommended by the Planning Commission and other City staff and approved by the City Council.

~~**13-9-020: REQUIRED IMPROVEMENTS:**~~ **13-9-020: REQUIRED IMPROVEMENTS:**

- A. ~~A.~~ Scope Of Requirements: The developer shall improve, or agree to improve, all streets, pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not commence until improvement plans and profiles have been approved by the City and, if applicable, an improvement agreement, including security bond, has been executed between the developer and the City as specified in this title.
- B. Roadway Surface Treatment: It shall be required, as part of the public street improvements, that the developer deposit with the City sufficient sums to provide an appropriate roadway surface treatment for the streets, such as a slurry seal, chip seal, or mineral bond, as required by the City Engineer based on road type. The City shall install the surface treatment at the end of the warranty period and in conjunction with other City street preservation projects. The developer shall be

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3079 responsible for the placement of the appropriate roadways surface treatment for all private streets
3080 within the development, upon the prior to the expiration of the warranty period.

3081 C. Street Signs: The developer shall also provide additional sums to cover the cost of street signs and
3082 regulatory signs which the City determines are required for the subdivision. The City will utilize
3083 funds deposited for street signs to obtain the signs and install the same within the subdivision.

3084 D. -Installation; Inspection: Improvements shall be installed to permanent line and grade to the
3085 satisfaction of the City and in accordance with the standard specifications adopted by the City
3086 Council. Cost of inspection shall be paid by the developer as outlined in the consolidated fee
3087 schedule.

3088 E. -Non-responsibility Of City: Notwithstanding the fact that the land on which the improvements will
3089 be located is dedicated at the time of the recording of a plat, the City shall not be responsible for the
3090 improvements, their construction or maintenance, until the warranty period specified in the bond
3091 agreement has expired, the improvements have been inspected, and the City certifies that they
3092 meet City standards.

3093 **13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:**

3094 High back curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and
3095 residential lots. High back curb, gutter and paving shall be required on all industrial property. At the
3096 discretion of the Planning Commission, sidewalks may also be required for industrial property.

3097 **13-9-040: STORM DRAINAGE:**

3098 ~~L. Storm Drainage And Floodplains:~~

3099 A. 1-Required Systems: Complete drainage systems for the entire development area shall be designed
3100 by a professional engineer, licensed in the state and qualified to perform such work, and shall be
3101 shown graphically. All existing drainage features which are to be incorporated in the design shall be
3102 so identified. If the final plat is to be presented in sections, a general drainage plan for the entire
3103 area shall be presented with the first section, and appropriate development stages for the drainage
3104 system for each section indicated. All drainage plans shall meet adopted flood control standards and
3105 limit runoff to a maximum of 0.2 second feet per acre.

3106 B. 2-Design: The drainage and floodplain systems shall be designed to with:

3107 ~~— a. Unimpeded Flow: Permit the unimpeded flow of natural watercourses.~~

3108 1. b. Adequate Drainage: Ensure adequate drainage of all low points.

3109 2. c. Designated Floodplain Regulations: Ensure applications of the following regulations regarding
3110 development in designated floodplains:

3111 a. (1)-Construction of buildings shall not be permitted in a designated floodway with a return
3112 frequency more often than a 100-year storm.

3113 b. (2)-Building construction may occur in that portion of the designated floodplain, as
3114 designated by FEMA, where the return frequency is between a 100-year and a maximum
3115 probable storm provided all usable floor space is constructed above the designated
3116 maximum probable flood level.

3117 c. (3)-Where flow velocities in a floodplain are generally determined to be under five feet (5')
3118 per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated
3119 agriculture, nurseries, parks and recreation facilities and accessory parking may be
3120 permitted.

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- 3121 d. ~~(4)~~ Any use of land is prohibited where flooding would create a public health hazard or
3122 problem. This includes shallow wells, noncased deep wells, sanitary landfills, septic tanks
3123 and on lot sewage disposal systems, water treatment plants, and also sewage disposal
3124 systems not completely protected from inundation.
- 3125 e. ~~(5)~~ Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed
3126 and its effect on stream flow determined before such encroachment is undertaken. Any
3127 construction, dumping and filling operations in a designated floodway constitute an
3128 encroachment and must be approved by the ~~planning commission~~ Planning Commission
3129 before accomplishment.
- 3130 f. ~~(6)~~ No lot one acre or less in area shall include any portion of a 100-year floodplain when
3131 computing the size of the lot. All lots containing more than one acre shall contain not less
3132 than forty thousand (40,000) square feet of land which is at an elevation at least two feet
3133 (2') above the elevation of the 100-year recurrence interval flood, or, where such data is not
3134 available, five feet (5') above the elevation of the maximum flood of record.
- 3135 ~~1-3. d.~~ Drainage Basin: The drainage basin as a whole shall accommodate not only runoff from the
3136 development area but also, where applicable, the system shall be designed to accommodate the
3137 runoff from those areas adjacent to and "upstream" from the development itself, as well as its
3138 effects on lands downstream. Basins by which the developer proposes to handle stormwater
3139 drainage shall be designed for an event with a ten (10) year return period for all storm drain
3140 pipe, and for an event with a one hundred (100) year return period for all storm drain detention
3141 basins. The calculation must size the detention basin, size the orifice plate and determine the
3142 amount of flow which can be released (the release rate can be 0.2 cfs/acre).
- 3143 ~~2-4. e.~~ Surface Drainage Structures: All proposed surface drainage structures shall be indicated on
3144 the plans.
- 3145 ~~3-5. f.~~ Construction Materials And Elevations: All appropriate designs, details and dimensions needed
3146 to clearly explain proposed construction materials and elevations shall be included in the
3147 drainage plans.
- 3148 ~~4-6. g.~~ Permits: All necessary permits shall be obtained from applicable local, state and federal
3149 agencies (i.e., state engineer, U.S. army corps of engineers, state division of health, etc.).
- 3150 ~~5-7. h.~~ Low Impact Development (LID):
- 3151 a. All development and redevelopment that warrants compliance with the Utah General
3152 Construction Permit (UGCP) regulation must include an LID analysis that meets the objective
3153 of mirroring the predevelopment hydrology and meets the objective of retaining on site.
3154 Detention basins shall retain the required 24-hour storm equivalent, as required under the
3155 Utah Pollutant Discharge Elimination System (UPDES) general discharge permit.
- 3156 b. ~~(1)~~ Low impact development (LID) is an approach to land development that uses various
3157 land planning and design practices and technologies to simultaneously conserve and protect
3158 natural resource systems and reduce infrastructure costs. LID still allows land to be
3159 developed, but in a cost effective manner that helps mitigate potential environmental
3160 impacts.
- 3161 c. ~~(2)~~ As part of the ~~city~~ City of North Salt Lake permit, the ~~city~~ City requires use of an LID
3162 approach, which includes the implementation of structural BMPs, where practicable, that
3163 infiltrate, evapotranspire or harvest and use stormwater for the site to protect water
3164 quality.

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3165 d. Groundwater recharge may be considered to meet ~~this~~ the onsite retaining requirement,
3166 where applicable and feasible. If meeting ~~this~~ the retention standard is technically
3167 infeasible, a rationale shall be provided on a case by case basis for the use of an alternative
3168 design criteria-

3169 e. ~~(4)~~ No LID limits are defined except designs must not negatively impact surrounding
3170 properties. The LID analysis must identify LID options considered and list the reasons why it
3171 will be incorporated or why the considered LIDs are not practical for the site use or
3172 conditions. Submit a report with stormwater calculations that summarizes the analysis and
3173 results.

3174 f. ~~(5)~~ Suggested and preferred LIDs are outlined in the ~~city~~ City's "Stormwater Best
3175 Management Practices Handbook".

3176 8. ~~i.~~ Postconstruction Stormwater Maintenance Plan And Agreement:

3177 a. ~~(1)~~ The purpose of the postconstruction stormwater maintenance plan and agreement is to
3178 control stormwater runoff and reduce pollutants in stormwater runoff after construction is
3179 complete and the developed site is in operation. This is achieved by accomplishing the
3180 following:

3181 (1) ~~(A)~~ Controlling erosion.

3182 (2) ~~(B)~~ Controlling discharge of sediment into stormwater drainage facilities or off
3183 site.

3184 (3) ~~(C)~~ Preventing illicit discharges into on site soils, storm drainage facilities or off
3185 site.

3186 (4) ~~(D)~~ Prevention of debris and garbage from entering the stormwater system.

3187 b. ~~(2)~~ A postconstruction stormwater maintenance plan must be prepared and submitted with
3188 the plans for approval for all privately owned or maintained facilities that warrant
3189 compliance with the UGCP regulation. The plan shall be contained on a plan sheet of its
3190 own, rather than being a part of another plan sheet, and is to contain at least the following:

3191 (1) ~~(A)~~ The site plan, including vicinity map, proposed contours, permanent
3192 stormwater features, and landscaping.

3193 (2) ~~(B)~~ BMPs to accomplish the purpose of the plan. Examples of appropriate BMPs
3194 may include those addressing operation and maintenance of storm drainage quality
3195 control facilities, operation and maintenance of stormwater discharge control facilities,
3196 maintenance of landscaping, good housekeeping practices, etc.

3197 (3) ~~(C)~~ Showing the following for each BMP specified:

3198 (A) ~~(i)~~ Location and extent of specified BMPs, as appropriate.

3199 (B) ~~(ii)~~ Detailed schedule of execution for each specified BMP, in terms of starting time,
3200 duration, frequency, etc., as appropriate.

3201 (C) ~~(iii)~~ Any information in addition to or different from that shown on the BMP fact
3202 sheets as necessary to employ the BMPs on the site.

3203 c. ~~(3)~~ The owner of development that warrants compliance with the UGCP regulation must
3204 submit a signed stormwater maintenance agreement using the ~~city~~ City of North Salt Lake
3205 agreement template. The postconstruction maintenance agreement needs to be recorded
3206 at the Davis County recorder's office. (Ord. 2016-12, 8-16-2016)

3207 **13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:**

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- 3208 A. Utilities, Sewers, Drains: All underground utilities, sanitary sewers and storm drains installed in
3209 streets or alleys should be constructed prior to the surfacing of such streets or alleys. Connections
3210 for all underground utilities, water lines, pressure irrigation lines, and sanitary sewers for each lot
3211 should be laid to a point which will eliminate the necessity for disturbing the street or alley
3212 improvements, when service connections thereto are made.
3213
- 3214 B. Wires, Cables: All telephone, electric power, cable television or other wires or cables shall be placed
3215 underground. Equipment appurtenant to the underground facilities, such as surface mounted
3216 transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be
3217 above ground. The developer shall make all necessary arrangements with the utilities involved for
3218 the installation of the underground facilities.
3219
- 3220 C. ~~17-~~Sanitary Sewage Disposal; General Requirements:
3221 1. ~~a-~~The developer shall provide, or have provided, a piped sanitary sewerage system to the
3222 boundary line of the development. ~~property line of e~~Every lot in the development shall be
3223 provided a lateral, which shall be extended from the main line to a minimum of five (5') feet
3224 behind the property line. The sewerage system shall meet the minimum standards and
3225 requirements of the ~~city~~City and the regulating health department.
3226 2. ~~b-~~In all, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a
3227 complete community or public sanitary system. All sewer mains shall be a minimum of eight
3228 inches (8") in diameter. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
3229
- 3229 D. ~~18-~~Test Procedures: Test of sanitary sewer mains, laterals and house connections shall be
3230 conducted in accordance with local and state health requirements.
3231
- 3231 E. ~~19-~~Water In Sufficient Quantity To Be Obligation Of Developer:
3232 1. ~~a-~~The procurement of water, whether by purchase of water rights, water shares, exchange or
3233 service agreement, shall be the responsibility of the developer; and the water shall be provided
3234 for the use of the development in an amount sufficient to meet minimum flows of two hundred
3235 fifty (250) gallons per person, per day, plus outside irrigation and minimum static pressures of
3236 fifty (50) pounds per square inch (psi), unless it can be proved to the ~~planning~~
3237 commission~~Planning Commission~~ that a lesser amount is adequate.
3238 2. ~~b-~~However, in no event shall the quantity of water provided by the developer be less than that
3239 required to meet fire flow standards as established by the fire department and the ~~city~~
3240 council~~City Council~~, and the ~~city council~~City Council shall be given first right of refusal to
3241 purchase any excess water formerly used on the land.
3242
- 3242 F. ~~20-~~Culinary Water System: The culinary water delivery system shall extend to the ~~property~~
3243 boundary line of the development. ~~e~~Every lot and shall be provided a lateral, which shall be
3244 extended from the main line to a minimum of five (5') feet behind the property line. All laterals shall
3245 be capable of delivering the flows and pressures as required. All water mains shall be a minimum of
3246 ~~six-eight~~ inches (~~68~~") in diameter.
3247
- 3247 G. ~~Water mains and fire hydrants connecting to the water system owned by the City shall be installed~~
3248 as approved by the City. Mains and individual lot services shall be of sufficient size to furnish an
3249 adequate water supply for each lot or parcel in the subdivision and to provide adequate fire
3250 protection as determined by the fire marshal and as required under any applicable law, rule or
3251 regulation.

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- 3252 H. 21-Irrigation Systems (Including Drainage Facilities):
3253 1. a-Where an existing irrigation system consisting of open ditches is located on or adjacent to or
3254 within one hundred feet (100') of a proposed development, complete plans for relocation,
3255 piping, covering or other safety precautions shall be submitted with an application for
3256 preliminary approval of a plat.
3257 2. b-In all developments in which the smallest lot is less than one acre, all irrigation systems shall
3258 be underground.
3259 3. c-All pressure irrigation systems in or within one hundred feet (100') of a proposed
3260 development shall be identified and otherwise color coded as to pipe and valve color to meet
3261 state standards and regulations.

3262 **13-9-060: FENCING OR PIPING OF HAZARDS:**

- 3263 A. Requirements: The developer shall install a six foot (6') non-climbable chain link fence along all
3264 canals, waterways, non-access streets, open reservoirs or bodies of water, railroad rights of way,
3265 property in agricultural use or zoned for agricultural use and other such features of potentially
3266 hazardous nature which are on, cross or are contiguous to, the property being subdivided, except on
3267 those features which the Planning Commission shall determine would not be a hazard to life, or
3268 where the fence itself would create a hazard to the safety of the public. Fences required by this
3269 section shall comply with construction standards established by the City.
3270 B. Irrigation Ditches: All irrigation ditches shall be piped, unless this requirement is waived by the
3271 Planning Commission.

3272 **13-9-070: MONUMENTS:**

3273 Permanent monuments shall be furnished, accurately established, and set by the developer at such
3274 points as are necessary to definitely establish all lines of the plat except those defining rear property
3275 corners of individual lots which will be semi-permanent.

3276 **13-9-080: COMPLETION:**

3277 A complete improvement plan "as built" shall be filed with the City upon completion of said
3278 improvements. The "as built" plans shall be drawn on reproducible copies of the original tracings and
3279 certified as to accuracy and completeness by the developer's licensed engineer.

3280 **13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

3281 A. Scope Of Agreement: A payback agreement entered into between the City and the developer who
3282 installs the improvements or facilities for water, storm sewer or roads is authorized, where the
3283 improvements installed are intended to extend, expand or improve the City's water system, storm
3284 sewers or roads beyond the improvements required to service or benefit the subdivision or
3285 development proposed by the developer. Such payback agreements shall be for project
3286 improvements and not system improvements as defined in the Utah impact fees act. The payback
3287 agreement is not mandatory, but may be used at the option of the City Manager, upon approval of
3288 the payback agreement by the City Council. The amount of the payback to the developer shall be
3289 determined by the City Council after receiving a recommendation from the City Engineer after
3290 considering the improvements or facilities required or benefiting developer's development, and

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3291 those facilities or improvements that are specifically oversized to provide for future development of
3292 adjacent projects.

3293 B. Non-liability Of City: The City shall, in all cases, be immune and not liable for any payments to the
3294 developer if the payback agreement is determined to be unenforceable. The payback agreement
3295 shall not confer a benefit upon any third party and shall be in a form approved by the City Council.
3296 The responsibility for payment of the required improvements or facilities shall rest entirely with the
3297 developer. The City shall not be responsible for collection of amounts from third parties.

3298

3299

1 Chapter 3

2 AMENDMENTS, DOCUMENT SUBMISSION, REVIEW PROCEDURES AND PUBLIC NOTICE

3 **10-3-1: PROCEDURES FOR AMENDMENTS AND REZONINGS:**

4 **10-3-2: DOCUMENT SUBMISSION AND REVIEW PROCEDURES:**

5 **10-3-3: PUBLIC NOTICE:**

6 **10-3-4: SUPPLEMENTAL REQUIREMENTS:**

7
8 **10-3-1: PROCEDURES FOR AMENDMENTS AND REZONINGS:**

- 9 A. Authority Of City Council: The City Council may amend this title pursuant to Utah Code Annotated
10 section 10-9a-503. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- 11 B. Residents Or Other Interested Persons: Any resident of the City or other person having an equitable
12 interest in real property located in the City may petition the City for an amendment or rezoning.
- 13 C. Application; Information Required: The person seeking to amend this title or zoning map shall make
14 application for such amendment by taking required actions and filing the following information and
15 documents with the Planning Commission:
- 16 1. A written application describing the change desired and the reasons therefor.
 - 17 2. A nonreturnable amendment application fee.
 - 18 3. A vicinity plan.
 - 19 4. a. Names of all owners of the subject property. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
20 b. Names of all owners within three hundred feet (300') of the subject property boundary when
21 an identified property is the specific beneficiary. (Ord. 02-3, 1-15-2002)
 - 22 5. A sufficient number of plain white legal size envelopes, addressed to required recipients and
23 with proper postage affixed. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 24 D. Notice; Public Hearings And Public Meetings: The City shall prepare and give notice of public
25 hearings and public meetings to consider such amendment in accordance with section 10-3-3 and as
26 provided by Utah Code Annotated sections 10-9a-205 and 10-9a-502, as amended, for land use
27 ordinance or zoning map amendments. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- 28 E. Planning Commission Review: The Planning Commission shall review the application and make its
29 recommendations concerning the proposed amendment to the City Council within forty five (45)
30 days from receipt of the amendment application in a regularly scheduled meeting. The Planning
31 Commission shall recommend adoption of a proposed amendment only when the following findings
32 are made:
- 33 1. The proposed amendment is in accord with the comprehensive general plan, goals and policies
34 of the City.
 - 35 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry
36 out the "purposes" stated in this title.
- 37 F. Recommendation Of Approval: When the Planning Commission recommends the amendment, the
38 City Council may:
- 39 1. Adopt the amendment by majority vote;
 - 40 2. Reject the amendment;
 - 41 3. Modify the proposed amendment and refer back to the Planning Commission for its
42 recommendation to be returned to the City Council within thirty (30) days.

- 43 G. Recommendation Of Denial: When the Planning Commission recommends denial of the
44 amendment, the City Council may:
- 45 1. Reject the amendment;
 - 46 2. Modify the proposed amendment and refer back to the Planning Commission for its
47 recommendation to be returned to the City Council within thirty (30) days;
 - 48 3. If the City Council determines that the proposed amendment may have merit in spite of the
49 Planning Commission's negative recommendation, the City Council may adopt the amendment
50 by an affirmative vote of four (4) members.
- 51 H. Previously Denied Applications: Where an application for zoning amendment has been denied, the
52 Planning Commission and the City Council shall not review the same zoning amendment application
53 within one year of a denial unless there is a substantial change of conditions since the earlier
54 application. A new application and fee will be required. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

55 **10-3-2: DOCUMENT SUBMISSION AND REVIEW PROCEDURES:**

- 56 A. Presubmission Procedures: To facilitate the handling of applications, the Development Review
57 Committee may adopt presubmission procedures to allow for adequate investigations and staff
58 review, and may require compliance with such presubmission review procedures as a prerequisite to
59 formal application and action by the Planning Commission. Presubmission review shall in no way be
60 interpreted to mean review by the Planning Commission.
- 61 B. Submission And Docketing For Review: Upon receipt of all required fees and information for any
62 specific step of the review procedure, the Community Development Director and other members of
63 the Development Review Committee, shall review the application for completeness and compliance
64 with the provisions of this title and other pertinent City regulations. When the Community
65 Development Director determines that the application is properly prepared and ready for
66 submission to the Planning Commission for review, shall be docketed for review at the next regular
67 public meeting of the Planning Commission. Incomplete applications shall not be docketed for
68 Planning Commission review.
- 69 C. Applicability Of Application And Document Requirements To Types Of Uses:
- 70 1. Conditional uses (CU);
 - 71 2. Planned unit developments (PUD);
 - 72 3. Subdivisions;
 - 73 4. Mobile home parks (MHP);
 - 74 5. Mobile home subdivisions (MH Sub);
 - 75 6. Recreational vehicle parks (RVP);
 - 76 7. Site plans (see chapter 20 of this title).

77 **10-3-3: PUBLIC NOTICE**

- 78 A. **Notice of public hearings:** The City shall provide notice of the date, time, and place of all public
79 hearings as required by City ordinance or state code for proposed amendments to the following:
- 80 1. Title 10 Land Use Ordinance;
 - 81 2. Title 13 Subdivision Ordinance;
 - 82 3. North Salt Lake Zoning Map; and
 - 83 4. North Salt Lake General Plan.

- 84 B. **Notice of subdivision review:** The City shall notify all appropriate agencies or other parties with
 85 legitimate interests and all landowners of property located within three hundred feet (300') of the
 86 boundary of a proposed subdivision. Notified parties shall have fourteen (14) days to submit written
 87 comments limited to environmental concerns on the following topics:
 88 1. Erosion, dust, soils and topsoil loss;
 89 2. Grades, slope stability and geologic hazards;
 90 3. Groundwater, watercourses, flood hazards and areas;
 91 4. Vegetative types;
 92 5. Wildlife and habitat;
 93 6. Essential urban services presently available;
 94 7. Fire potential;
 95 8. Accumulation of solid and liquid wastes;
 96 9. Potential area wide economic impact of the development.
- 97 C. **Mailed Notice, Subdivisions:** Applicants for subdivision approval shall provide stamped, addressed
 98 envelopes for property owners within 300 feet of the boundary of the subdivision and for all
 99 property owners within the boundary of the proposed subdivision. The notice shall include the date,
 100 time, and place of the public meeting and shall include a visual representation of the location and
 101 scope of the proposed subdivision. The notice shall be mailed a minimum of fourteen (14) days
 102 prior to the Planning Commission meeting.
- 103 D. **Mailed Notice, Zone Map Amendments:** Applicants for a zone map amendment shall provide
 104 stamped, addressed envelopes for property owners within 300 feet of the boundary of the zone
 105 map amendment, and for all property owners within the boundary of the proposed zone map
 106 amendment. The notice shall comply with State Code 10-9a-205(4) including the date, time, and
 107 place of the public hearing, and a visual representation of the boundary of the proposed map
 108 amendment with the current and proposed zoning. The notice shall be mailed a minimum of ten
 109 (10) days prior to the public hearing.
- 110 E. **Posted Notice:**
 111 1. The City shall post notice of all public hearings in accordance with Utah State Code 10-9a-205(2),
 112 as amended, a minimum of ten (10) days prior to the public hearing.
 113 2. The City shall post notice of all public meetings in accordance with Utah State Code 10-9a-
 114 205(3), as amended, a minimum of twenty-four (24) hours prior to the public meeting.

115 **10-3-4: SUPPLEMENTAL REQUIREMENTS:**

- 116 A. **Applications To Be Reviewed At Planning Commission Meeting:** Whenever applications to the
 117 Planning Commission for formal action are required by this title, "submission to the Planning
 118 Commission" is hereby defined as submission of such applications at a regularly scheduled public
 119 meeting of the Planning Commission.
- 120 B. **Time Periods For Planning Commission Action:** Time periods for Planning Commission action shall
 121 not begin to run until after complete applications are officially received by the Planning Commission
 122 at a regularly scheduled public meeting.
- 123 C. **Fees:** Fees may be charged applicants for excavation permits, zoning amendments, building permits,
 124 occupancy permits, conditional use permits, design review, field inspection, Planning Commission
 125 and hearing officer hearings, and such other services as are required by this title to be performed by

- 126 public officers or agencies. Such fees shall be established by the City Council by resolution and shall
127 be in amounts reasonably needed to defray costs to the public.
- 128 D. Approval Or Disapproval: At each step of the review procedure, the Planning Commission shall
129 approve, approve with conditions or disapprove of the writings and materials submitted to it, and
130 where applicable, shall approve or disapprove the entire application or any portion thereof. Any
131 approval conditions, or disapproval made by the Planning Commission, shall be in the form of
132 written findings of fact and conclusions, which findings and conclusions shall be made available to
133 the applicant and all parties concerned by the Planning Commission within forty five (45) calendar
134 days of the Planning Commission meeting at which the application was reviewed.
- 135 E. Copies: The minimum number of copies of all required materials shall be established by the
136 community development department as needed for proper review by the City.
- 137 F. Formal Action: Formal action on any application, i.e., action approving or denying an application,
138 shall be taken only at regularly scheduled or officially called meetings of the Planning Commission.
- 139 G. Public Hearing: Unless specifically required by this title or other applicable law, no public hearing
140 need be held. However, a hearing may be held when the Planning Commission shall deem such a
141 hearing to be necessary and in the public interest. Whenever a public hearing is held, notice thereof
142 shall be given as required by applicable law, or if there is no otherwise applicable law, then by a
143 method reasonably calculated to give notice to interested parties. Such notice shall be given as
144 required by state law. Failure of interested parties to receive actual notice of said hearing shall in no
145 way affect the validity of action taken.
- 146 H. Dedication Of Land To Public: Acceptance of dedication of proposed public lands, utility or street
147 rights of way in an approved site plan can be made only by the City Council.
- 148 I. Application Forms: Application for any required Planning Commission action shall be submitted on
149 forms prepared for that purpose.
- 150 J. Retention Of Plans: Plans, specifications and reports for all applications submitted to the City shall
151 become the property of the public and shall be retained by the City for a minimum period of two (2)
152 years.
- 153 K. Changes: Any significant changes made in an approved drawing require resubmission of the drawing
154 for subsequent approval in the manner of the original approval.
- 155 L. Additional Required Information: The Planning Commission, City Council, Development Review
156 Committee or City Attorney may require such additional information as necessary to complete a
157 proposal for the written record, demonstrate capability, solve anticipated problems, or show
158 geotechnical solutions to site development.
- 159 M. Preconstruction Meetings: Prior to excavating or starting of the work on a commercial site, a
160 subdivision or a multi-family development, the applicant shall schedule a preconstruction meeting
161 by making application with the community development department. The applicant shall bring to
162 the meeting all contractors, design engineers, or project managers responsible to build the
163 improvements associated with the project. The purpose of this meeting shall be to:
- 164 1. Verify recordation of the plat and final approval of the plans.
 - 165 2. Determine schedule of construction.
 - 166 3. Determine names, addresses and phone numbers of contractors, inspectors and all persons
167 involved.
 - 168 4. Review plans and special conditions or requirements.
 - 169 5. Review bond reduction request.

- 170 6. Coordinate inspection and testing.
- 171 7. Discuss City standards and specifications.
- 172 N. Construction Review: Construction work involving the installation of essential improvements in
- 173 subdivisions or commercial site plans shall be subject to construction review by the City Engineer or
- 174 public works department.
- 175 1. Daily construction review shall be required on the following types of work:
- 176 a. Laying of street surfacing.
- 177 b. Placing of concrete for curb and gutter, sidewalks and other structures.
- 178 c. Laying of drainage pipe, water pipe, valves, hydrants and testing.
- 179 d. Street grading and gravel base.
- 180 e. Excavations for curb and gutter and sidewalks.
- 181 f. Excavations for structures.
- 182 2. Requests for construction review shall be made to the City Engineer or public works inspector by
- 183 the person responsible for the construction. Requests for construction review on work shall be
- 184 made one working day prior to the commencement of the work.
- 185 O. Correcting Defective Work: Construction reviews shall be made by the City Engineer or public works
- 186 inspector after various phases of the construction work is completed. Any faulty or defective work
- 187 shall be corrected by the contractor within a period of thirty (30) days from the date of the
- 188 construction review wherein the faulty or defective work is noted and written notice is given to the
- 189 applicant and/or contractor. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 190 P. Park Development Fees:
- 191 1. In order to cover part of the costs involved in the development of parks and recreational areas
- 192 for the inhabitants of the City and to provide for the acquisition of additional parks and park
- 193 facilities to serve future development, a park development fee shall be paid to the City at the
- 194 time of the issuance of each building permit within the City and in addition to any other fees
- 195 provided by the revised ordinances in accordance with the fee schedule established by
- 196 resolution of the City Council, which fee schedule may be amended by resolution of the City
- 197 Council.
- 198 2. In the event a developer shall elect to dedicate land to the City in lieu of payment of the park
- 199 development fees herein provided, the City may, at the option of its governing body, accept said
- 200 land and waive that portion of the building permit fee attributable to the park development fee
- 201 and in an amount equivalent thereto on lots contained within such development or subdivision.
- 202 3. All park development fees obtained pursuant to the provisions of this subsection shall be
- 203 maintained in a fund separate and apart from the other funds of the City and used for the
- 204 purpose of developing, expanding, acquiring and improving parks and recreational facilities to
- 205 meet the requirements of future development within the City, as the City Council may
- 206 determine reasonable and necessary.
- 207 4. Any person required to pay funds to the City in satisfaction of this requirement may appeal by
- 208 giving written notice of appeal to the City Manager within thirty (30) days on the latter of: a) the
- 209 date on which the fee or charge fell due; or b) the date on which payment under protest was
- 210 received by the City. The notice of appeal shall state all grounds for the appeal and shall be set
- 211 for hearing before the City Council. Any decision on the appeal shall be provided to the
- 212 appellant in writing. (Ord. 95-1, 1-17-1995)

Chapter 7
CONDITIONAL USES

10-7-1: GENERAL PROVISIONS:

10-7-2: PERFORMANCE STANDARDS FOR CONDITIONAL USES:

10-7-1: GENERAL PROVISIONS:

- A. Purpose And Intent: The purpose of this chapter and the intent of the city in its adoption is to promote the health, safety, convenience and general welfare of the present and future inhabitants of the city. This chapter accomplishes the aforesaid purpose and intent by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the district or are of a temporary nature only, but which may be suitable and desirable only in certain locations in that district due to conditions and circumstances peculiar to that location or upon certain conditions which make the uses suitable or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. While flexibility in allowing uses which would otherwise be generally unsuitable to a given district is an important goal of this chapter, it is also recognized that constraints on governmental decision making are a legal imperative. This chapter, therefore, also provides a framework of standards within which those governmental decisions must be made.
- B. Conditional Use Permit Required: A conditional use permit shall be required for all uses listed as conditional uses in this title.
- C. Action By Planning Commission:
 - 1. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - 2. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
- D. Revocation Of Permit:
 - 1. Temporary Suspension: In the event any person holding a conditional use permit pursuant to this chapter violates the terms of the permit, or conducts or carries on said site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the property of the said permittee, a temporary suspension may be made effective immediately upon notification by the Community Development Director.
 - 2. Hearing; Notice: No conditional use permit shall be permanently revoked or suspended until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing and said notification shall state:
 - a. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.
 - b. The time and place such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least ten (10) days prior to the date set for the hearing. At any such hearing, the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing,

42 the Planning Commission shall determine whether or not the permit shall be suspended or
43 revoked. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

- 44 c. Action by the Planning Commission to revoke a conditional use permit may be appealed in
45 accordance with section 10-2-2.
- 46 E. Expiration Of Permit: Every conditional use permit shall expire by limitation and become null and
47 void if the work authorized by such permit has not been commenced within one year, or is not
48 completed within two (2) years from date of issue. If the permit holder presents satisfactory
49 evidence that unusual difficulties have prevented work being started or completed within the
50 specified time limits, the Planning Commission may grant a reasonable extension of time, up to one
51 year, if written application is made before the expiration of the permit. (Ord. 01-05, 4-3-2001)
- 52 F. Inspections: Following the issuance of a conditional use permit, the Community Development
53 Director, City Engineer, or designee shall inspect such use to ensure that development is undertaken
54 and completed in compliance with the conditional use permit.
- 55 G. Minimum Construction And Improvement Standards: Construction standards, including drawings,
56 tables, charts, references and regulations as adopted by resolution by the city council, and when
57 done so shall constitute land development standards supplementing this title.
- 58 H. Conflicting Provisions: Where specific requirements are made or exemptions allowed under other
59 sections of the code, those requirements or exemptions shall prevail over the land development
60 standards supplementing this title.
- 61 I. Improvement Construction Obligation Of Developer: Improvements required by this title shall be
62 constructed at the expense of the developer and shall comply with the land development standards
63 supplementing this title.
- 64 J. Commencement Of Construction: Site improvement or grading of any proposed development site
65 prior to plan approval by the Planning Commission is prohibited. (Ord. 93-5, 7-6-1993, eff. 7-15-
66 1993; amd. 2012 Code)

67 **10-7-2: PERFORMANCE STANDARDS FOR CONDITIONAL USES:**

- 68 A. Conditions Relating To Safety For Persons And Property: Applicants for conditional use permits shall
69 meet all specific requirements made in this title. In addition, the Planning Commission may establish
70 additional requirements as outlined herein to meet the concerns of safety for persons and property,
71 health and sanitation, environment, general plan proposals and neighborhood needs, performance
72 and administration. More specifically, the Planning Commission may require:
- 73 1. Building elevations and grading plans which will prevent or minimize floodwater damage, where
74 property may be subject to flooding.
 - 75 2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential
76 attractive nuisances existing on or adjacent to the property.
 - 77 3. Increased setback distances from lot lines where the Planning Commission determines it to be
78 necessary to ensure the public safety and to ensure compatibility with the intended
79 characteristics of the district as outlined in this title.
 - 80 4. Appropriate design, construction and location of structures, buildings and facilities in relation to
81 any earthquake fault which may exist on the property, and limitations or restrictions on the use
82 and/or location of uses due to special site conditions, including, but not limited to, geologically
83 hazardous areas, floodplains, fault zones and landslide areas.

- 84 5. Limitations and control of the number, location, color, size, height, lighting and landscaping of
85 outdoor advertising signs and structures in relation to the creation of traffic hazards and
86 appearance and harmony with adjacent development.
- 87 6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
- 88 7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street
89 lighting.
- 90 8. Reduction of permitted street grades for winter and storm conditions or exposure.
- 91 9. Fences shall not create visual nor other safety hazards. Backing movements, passing vehicles,
92 sidewalk traffic or small children shall be considered in the location of fences.
- 93 B. Conditions Relating To Health And Sanitation:
- 94 1. Water: A guarantee of sufficient water to serve the intended land use and a water delivery
95 system meeting standards adopted by the city council.
- 96 2. Wastewater And Waste Disposal Systems: A wastewater disposal system and a solid waste
97 disposal system meeting standards adopted by the city council.
- 98 3. Water, Sewer And Drainage Facilities: Construction of water mains, sewer mains and drainage
99 facilities serving the proposed use, in sizes necessary to protect existing utility users in the
100 district and to provide for an orderly development of land in the city.
- 101 C. Environmental Concerns:
- 102 1. Sensitive Areas: Limitations or restrictions on the use or location of uses in sensitive areas due
103 to soils capabilities, wildlife and plant life.
- 104 2. Pollution: Processes for the control, elimination or prevention of land, water or air pollution; the
105 prevention of soil erosion; and the control of objectionable odors.
- 106 3. Ground Cover: The planting of ground cover or other surfacing to prevent dust and erosion.
- 107 4. Structuring Land: Restructuring of the land and planting of the same as directed by the Planning
108 Commission when the conditional use involves cutting and/or filling the land and where such
109 land would be adversely affected if not restructured.
- 110 D. Conditions Relating To Compliance With Intent Of General Plan And Characteristics Of Vicinity (Or
111 Neighborhood):
- 112 1. Incompatible Characteristics: The removal of structures, debris or plant materials, incompatible
113 with the intended characteristics of the district outlined in this title.
- 114 2. Screening: The screening of yards or other areas as protection from obnoxious land uses and
115 activities.
- 116 3. Landscaping: Landscaping to ensure compatibility with the intended characteristics of the
117 district as outlined in this title.
- 118 4. Walls, Fences, Hedges And Screening: Limitations or controls on the location, height and
119 materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent
120 development, or to conceal storage areas, utility installations or other unsightly development.
- 121 5. Structure Relocation: The relocation of proposed or existing structures as necessary to provide
122 for future streets on the major street plan of the city, adequate sight distances for general
123 safety, groundwater control or similar problems.
- 124 6. Recreational Facilities: Provision for or construction of recreational facilities necessary to satisfy
125 needs of the conditional use.

- 126 7. Density; Intensity: Population density and intensity of land use limitations where land capability
127 or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or
128 conservation of values.
- 129 8. Other Improvements: Other improvements which serve the property in question and which may
130 compensate in part or in whole for possible adverse impacts to the district from the proposed
131 conditional use.
- 132 9. Fencing: The character of the neighborhood and aesthetics of the streetscape shall be
133 considered in the location of fences and in determining the reduction of any front yard for
134 fencing purposes.
- 135 E. Conditions Relating To Performance:
- 136 1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by
137 the following guidelines:
- 138 a. A conditional use permit for uses which are of a temporary nature only may be issued for
139 the intended duration of the temporary use or for two (2) years, whichever period of time is
140 shorter.
- 141 b. Unless there is substantial and positive development action under a conditional use permit
142 within a period of one year of its issuance, said permit shall expire. The Planning
143 Commission may grant a maximum extension for one year, when deemed in the public
144 interest.
- 145 1. A bond or other valuable assurance in favor of the city in an amount to be determined by the
146 City Engineer. The amount of said bond or other valuable assurance shall be calculated by the
147 City Engineer.
- 148 2. Specific short and long range plans of development may be required to demonstrate timeliness,
149 feasibility and impact on the public.
- 150 F. Energy Conservation Concerns:
- 151 1. Solar orientation of buildings and uses.
- 152 2. Use of renewable energy sources.
- 153 3. Efficiency of exterior lighting.
- 154 4. Shading and protection of important buildings and pavings (parking lots, etc.), landscaping and
155 trees, location of buildings and screens.
- 156 5. Effective use of vestibules.
- 157 6. Wind screening.
- 158 7. Circulation (travel) efficiency.
- 159 8. Efficiency of stormwater removal and erosion control.
- 160 9. Maintenance efficiency for on site improvements to be maintained by users, occupants and
161 owners, etc.
- 162 G. Public Hearings: A public hearing may be held when deemed by the Planning Commission to be in
163 the public interest. However, in the following instances, the holding of a public hearing shall be
164 mandatory:
- 165 1. The Planning Commission determines that existing streets and thoroughfares are not suitable
166 and adequate to carry anticipated traffic, and increased densities resulting from the proposed
167 use may generate traffic in such amounts as to overload the street network outside the district.

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2. The Planning Commission determines that increases in miscellaneous traffic, light, odor or environmental pollution generated by the proposed use may significantly change the intended characteristics of the district as outlined in this title.
 3. The Planning Commission determines that the architectural design of the proposed use varies significantly from the architectural characteristics of the district (as outlined in this title) in which such use is proposed. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

(Ch. 19 Condo Subdivisions Text Moved to 13-6-020)

Repealed

**Chapter 19
CONDOMINIUM SUBDIVISIONS**

TITLE 13 SUBDIVISION REGULATIONS

(REDLINE 03.11.2020)

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(REDLINE 03.11.2020)

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77 13-8-040: LOTS:
78 13-8-050: FLAG LOTS:
79 13-8-060: STREETS:
80 13-8-070: LANDSCAPING:
81 13-8-080: UTILITIES AND EASEMENTS:
82 13-8-090: WATERCOURSES:
83 13-8-100: WARRANTY PERIOD:
84 13-8-110: DEDICATIONS OF STREETS AND TRAILS
85 13-8-120: RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:
86
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88 **13-9: ESSENTIAL IMPROVEMENTS**

89 **13-9-010: DESIGN STANDARDS & SPECIFICATION:**

90 **13-9-020: REQUIRED IMPROVEMENTS:**

91 **13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:**

92 **13-9-050: STORM DRAINAGE:**

93 **13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:**

94 **13-9-060: FENCING OR PIPING OF HAZARDS:**

95 **13-9-070: MONUMENTS:**

96 **13-9-080: COMPLETION:**

97 **13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

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98

13-1: GENERAL PROVISIONS

99

100 **13-1-010: SHORT TITLE:**

101 **13-1-020: INTRODUCTION:**

102 **13-1-030: PURPOSE AND INTENT:**

103 **13-1-040: INTERPRETATION, CONFLICT, AND SEVERABILITY:**

104 **13-1-050: DEFINITIONS:**

105 **13-1-060: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:**

106 **13-1-070: CONSIDERATIONS:**

107 **13-1-080: GENERAL RESPONSIBILITIES:**

108 **13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:**

109 **13-1-100: APPEAL FROM CITY COUNCIL DECISION**

110 **13-1-010: SHORT TITLE:**

111 This title shall be known as title 13, or the *SUBDIVISION ORDINANCES OF THE CITY OF NORTH SALT LAKE*, and
112 may be so cited and pleaded.

113 **13-1-020: INTRODUCTION:**

114 A. Scope Of Subdivisions, Generally: Subdivisions in the City shall be designed for building purposes
115 without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural
116 hazards, or other menace. Land should not be subdivided and developed until available public
117 facilities and improvements exist (or adequate guarantees are in place) and proper provision has
118 been made for drainage, water, sewerage and capital improvements, such as schools, parks and
119 recreation facilities, streets and transportation facilities, and related improvements. If necessary and
120 required public facilities, infrastructure and safety protections are not in place or cannot be
121 provided for, the subdivision will not be allowed.

122 B. Conformance To Adopted Standards: Proposed essential infrastructure improvements shall conform
123 to adopted City standards, specifications, and ordinances.

124 C. Burden Of Proof: For all proceedings in regard to development approval under this title or
125 amendments to this title, the burden of proof showing satisfaction of all requirements shall rest
126 with the applicant or authorized agent of the proposed development or amendment. The
127 requirements and standards set forth herein are the minimum acceptable standards for land use
128 applications within the City.

129 D. Assumption Of Validity: The City will assume that all information provided is accurate and valid. If
130 any information provided to the City is found to be outdated, false or in any way misleading, the
131 application for development approval may be denied or revoked by the City Council regardless of
132 previous approvals.

133 **13-1-030: PURPOSE AND INTENT:**

134 A. Purpose: [existing language from 10-7-7(B)]

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- 135 1. The purpose of this section and the intent of the City in its adoption is to promote the health,
136 safety, convenience and general welfare of the present and future inhabitants of the City.
- 137 2. This section will accomplish this purpose by:
- 138 a. Providing policies, standards, requirements and procedures to regulate and control the
139 design and improvements of all developments.
- 140 b. Assisting in the implementation of the objectives, policies and programs of the general plan
141 by ensuring that all proposed developments, together with provisions for their design and
142 improvements, are consistent with the general plan and all applicable specific plans.
- 143 c. Preserving and protecting, to the maximum extent possible, unique and valuable natural
144 resources and amenities, including topographic and geologic features, beaches and natural
145 watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and
146 attractions; and improving the public access to and enjoyment of such resources and
147 amenities through the dedication or continuance of appropriate public easements thereto.
- 148 d. Preserving and protecting the special environmental quality and aesthetic character of all
149 hillside and mountainous areas; preventing detrimental impacts on the soil mantle,
150 vegetative cover and other environmental factors; reducing the hazards of life and property
151 from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of
152 grading within a development to the slope of the natural terrain.
- 153 e. Encouraging the clustering of housing and building developments where subdivisions or
154 other developments are permitted in hillside and mountainous areas, minimizing grading,
155 preserving the natural terrain and enlarging the open spaces.
- 156 f. Relating land use intensity and population density to existing developments, street capacity
157 and traffic access, the slope of the natural terrain, the availability and capacity of public
158 facilities and utilities, and open spaces.
- 159 g. Providing lots of sufficient size and appropriate design for the purposes for which they are
160 to be used.
- 161 h. Providing streets of adequate capacity and design for the traffic that will utilize them, and
162 ensuring maximum safety for pedestrians and users of vehicles.
- 163 i. Ensuring adequate access to each building site.
- 164 j. Providing sidewalks, pedestrian ways, bike paths, and equestrian and hiking trails for the
165 safety, convenience and enjoyment of residents of new developments.
- 166 k. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage,
167 street lighting and other utilities needed for public health, safety and convenience.
- 168 l. Providing adequate sites for public facilities needed to serve residents of new
169 developments.

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- 170 m. Ensuring that costs of providing land for streets, alleys, pedestrian ways, bike paths,
171 easements and other rights of way and for the improvements therein needed to serve new
172 developments are borne by the developer.
- 173 n. Preventing land which is actually or potentially dangerous by reason of flood hazard,
174 inundation, inadequate access, inadequate water supply or fire protection, insufficient
175 sewerage facilities or hazardous geological conditions from being developed for any use or
176 in any manner tending to create an increased detriment to the public health, safety or
177 welfare.
- 178 o. Ensuring that, insofar as possible, land is developed in a manner that will promote the public
179 health, safety, convenience and general welfare and the physical, social and economic
180 development of the area in conformance with the general plan, and provide access for solar
181 and other renewable energy sources to the maximum extent possible, and encourage
182 energy conservation through design, layout, "siting" and other techniques.
- 183 p. Preserving and protecting to the maximum extent possible, solar access to structures and
184 encourage and promote/require energy conservation and the use of renewable energy
185 sources.
- 186 q. Providing space for parking bays (off street parking as needed).
- 187 r. Providing space for bike paths and jogging trails.
- 188 B. Intent: This title is designed to inform the developer and public of the requirements and conditions
189 necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are
190 expressly delineated in this title or other applicable ordinances.
- 191 **13-1-040: INTERPRETATION, CONFLICT, AND SEVERABILITY:**
- 192 A. Interpretation: These regulations shall be held to be the minimum requirements for the promotion
193 of the public health, safety and general welfare. The burden of proof shall, in all proceedings
194 pursuant to this title, rest with the proponent of an application for development approval. Any
195 dispute arising from the administration of this title shall be forwarded to the City Council for
196 resolution.
- 197 B. Conflict With Other Provisions:
- 198 1. These regulations are not intended to interfere with, abrogate or annul any other ordinance,
199 rule, regulation, statute or provision of law. Where any provision of these regulations imposes a
200 restriction different from those imposed by other provision, ordinance, rule, regulation or law,
201 whichever provision is more restrictive or imposes higher standards shall control.
- 202 2. Further, these regulations are not intended to abrogate any easement, covenant, private
203 agreement or restriction, including, but not limited to, restrictive covenants and declarations of
204 covenants, conditions and restrictions; provided, however, that the City is under no obligation
205 to enforce private covenants or agreements.
- 206 C. Severability: If any part or provision of these regulations or application thereof to any person or
207 circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be

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208 confined in its operation to the part, provision or application directly involved in all controversy in
209 which such judgment shall have been rendered and shall not affect or impair the validity of the
210 remainder of these regulations or the application thereof to other persons or circumstances.

211 **13-1-050: DEFINITIONS:**

212 Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of
213 Utah Code Annotated or in the City of North Salt Lake City Land Use Ordinance (Title 10), such
214 definitions are incorporated herein and shall apply as though set forth herein in full, unless the context
215 clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the
216 present tense include the future, the singular includes the plural, the term "shall" is mandatory and the
217 term "may" is permissive.

218 **13-1-060: SAVING PROVISION, RELATIONSHIP TO PREVIOUS ORDINANCE:**

219 A. These regulations shall not be construed as abating any action under, or by virtue of, prior existing
220 subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or
221 about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any
222 right of the municipality under any section or provision existing at the time of adoption of these
223 regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by
224 lawful action for the municipality, except as shall be expressly provided for in these regulations.

225 B. The procedures set forth in this title are intended to supersede any inconsistent procedural
226 provisions in the previous development ordinances. The substantive requirements of the application
227 form and the review process shall remain unchanged, but all final actions under that ordinance are
228 subject to the appeal processes set forth herein. All applications for subdivision approval are subject
229 to termination as set forth herein.

230 **13-1-070: CONSIDERATIONS:**

231 A. General Plan: The general plan shall guide the use of all land within the corporate boundaries of the
232 City. The size and design of lots, the nature of utilities, the design and improvement of streets, the
233 type and intensity of land use, and the provisions for any special facilities in any subdivision shall
234 conform to the land uses shown and the standards established in the general plan, the land use
235 ordinance and other applicable ordinances.

236 B. Natural Landscape: Trees, native land cover, natural watercourses and topography shall be
237 preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and
238 scarring of the landscape in conformance with the sensitive lands and geologic hazards ordinances
239 (Title 10 Chapter 12). The design of new subdivisions shall consider, and relate to, existing street
240 widths, alignments and names.

241 C. Community Facilities: Community facilities, such as parks, recreation areas, trails and transportation
242 facilities shall be provided in the subdivision in accordance with general plan standards, this title,
243 and other applicable ordinances and resolutions. This title establishes procedures for the referral of
244 information on proposed subdivisions to interested boards, bureaus and other governmental
245 agencies and utility companies, both private and public, so that the extension of community
246 facilities and utilities may be accomplished in an orderly manner, coordinated with the development

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247 of the subdivision. In order to facilitate the acquisition of land areas required to implement this
248 policy, the developer may be required to dedicate, grant easements over or otherwise reserve land
249 for schools, parks, playgrounds, public ways, utility easements and other public purposes as
250 specified.

251 **13-1-080: GENERAL RESPONSIBILITIES:**

252 A. Developer: The developer shall prepare a plat consistent with the standards contained herein and
253 shall pay for the design and inspection of the essential infrastructure improvements required. The
254 City shall process said plats in accordance with the regulations set forth herein. The developer shall
255 not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any
256 site development until the necessary approvals as outlined herein have been obtained.

257 B. Development Review Committee (DRC): The development review committee, consisting of
258 representatives from City departments as required by the City Manager and as applicable to each
259 development application, shall review the plats for design; for conformity to the general plan, town
260 center master plan, or other applicable plans, and to the land use ordinance; for the environmental
261 quality of the subdivision design; and shall process the subdivision plats and reports as provided for
262 in this title.

263 C. Other Agencies: Plats of proposed subdivisions may be referred by the development review
264 committee to such special districts, governmental boards, bureaus, utility companies and other
265 agencies which will provide public and private facilities and services to the subdivision for their
266 information and comment. Developers shall be responsible for distributing plans to and
267 coordinating the comments received from all public and private entities and obtaining will-serve
268 letters or permits, as applicable.

269 D. Public Works And Engineer: The public works department and City Engineer shall make comments as
270 to engineering requirements for street widths, grades, alignments and flood control, whether the
271 proposed essential infrastructure improvements are consistent with this title and other applicable
272 ordinances and shall be responsible for the inspection and approval of all construction of essential
273 improvements. Street layout and overall circulation shall be in accord with adopted transportation
274 plans and sound transportation planning principles.

275 E. Planning Commission: The Planning Commission shall act the land use authority for minor
276 subdivisions, preliminary and final plats, and plat amendments which do not include the vacation of
277 any public right of way, public trail or municipal utility easement. The Planning Commission shall act
278 as an advisory agency to the City Council for conceptual subdivision plans and plat amendments
279 which include the vacation of any public right of way, public trail or municipal utility easement. It is
280 charged with making investigations, reports and findings on proposed subdivisions as to their
281 conformance to the general plan, town center master plan and land use ordinance, and other
282 pertinent plans, ordinances, or regulations.

283 F. City Attorney: The City Attorney shall verify, prior to recordation of a plat, that the form of the final
284 plat is correct and acceptable, that the developer dedicating land for use of the public is the owner
285 of record, and that the land is free and clear of unacceptable encumbrances, tax clearances
286 according to the title report submitted by the developer.

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287 G. City Manager: The City Manager acts as liaison between the Planning Commission, development
288 review committee, and the City Council. Prior to preliminary approval for a subdivision, the City
289 Manager may review the proposed plat and receive written comments from the City Council on the
290 plat. The comments may then be forwarded to the Planning Commission for evaluation.

291 H. City Council: The City Council has final jurisdiction in the approval of conceptual plans and plat
292 amendments which include the vacation of any public right of way, public trail or municipal utility
293 easement, the establishment of requirements and design standards for essential infrastructure
294 improvements, and the acceptance of lands and essential infrastructure improvements that may be
295 proposed for dedication, and shall consider appeals regarding the administration of this title as
296 provided herein.

297 **13-1-090: APPEAL OF PLANNING COMMISSION DECISIONS:**

298 A. City Council: Appeal may be made to the City Council from any decision, determination or
299 requirement of the Planning Commission under this title by filing with the City Recorder a notice
300 thereof in writing within fifteen (15) days after such decision, determination or requirement is
301 made. Such notice shall set forth in detail the action and grounds upon which the developer, or
302 other interested person, deems himself or herself aggrieved. In the event of an appeal, application
303 deadlines set forth in this title shall be extended to incorporate the time necessary to hear and
304 consider such appeals.

305 B. Hearing: The City Recorder shall set the appeal for hearing before the City Council to be held within
306 a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be
307 continued by order of the City Council. The appellant shall be notified of the appeal hearing date at
308 least seven (7) days prior to the hearing. After hearing the appeal, the City Council may affirm,
309 modify or overrule the decision, determination or requirement appealed and enter any such order
310 or orders as are in harmony with the spirit and purpose of this title. The filing of an appeal shall stay
311 all proceedings and actions in furtherance of the matter appealed, pending a decision of the City
312 Council.

313 **13-1-100: APPEAL FROM CITY COUNCIL DECISION: [existing language from 10-7-7(l)]**

314 A. If the petitioner, or any notified individual or organization disagrees with the City Council decision, a
315 written objection, clearly specifying the reasons therefor, shall be filed with the City Recorder within
316 ten (10) days following the City Council decision.

317 B. The objection shall be heard before the hearing officer at a scheduled meeting. (Ord. 2012-07, 4-30-
318 2012)

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320 **13-2: ADMINISTRATION AND APPLICATION**

321 **13-2-010: SUBDIVISION CONTROL:**

322 **13-2-020: REQUIRED PLAT APPROVAL:**

323 **13-2-030: TRANSFER OF LAND:**

324 **13-2-040: TRANSFER OF LAND; VOIDABLE:**

325 **13-2-050: BUILDING PERMITS:**

326 **13-2-060: CERTIFICATES OF OCCUPANCY:**

327 **13-2-070: PENALTIES:**

328

329 **13-2-010: SUBDIVISION CONTROL:** [existing language from 10-7-7(A)]

330 A. Compliance Required: No person shall subdivide or otherwise develop any tract of land which is
331 located wholly or in part within the City, except in compliance with this title, and with the
332 development regulations adopted by the City Council.

333 B. Applicability:

334 1. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part
335 of a development of a larger tract of land, nor offer for recording in the Office of the County
336 Recorder any deed conveying such parcel of land, or any interest therein, unless such
337 development has been created pursuant to and in accordance with the provisions of this title
338 and local regulations; provided, that this title shall not apply to any lot or lots forming a part of a
339 development created and recorded according to then applicable law prior to the effective date
340 hereof, except as specifically provided in this title.

341 2. This title shall apply, however, to lots created prior to adoption of this title and not in
342 compliance with then applicable law.

343 C. Approval Required: No lot within a development created and recorded prior to the effective date
344 hereof or approved by the Planning Commission and City Council and recorded in the County
345 Recorder's Office under the provisions of this title, shall be further divided, rearranged, added to or
346 reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more
347 lots than initially recorded, or any nonconforming lot, without first obtaining the approval required
348 herein Planning Commission .

349 D. Restricted Lots: Restricted lots are prohibited unless geotechnical design solutions to problems
350 associated with such lots have been prepared by a qualified professional team and approved by the
351 Planning Commission in accordance with Title 10 Chapter 12 Sensitive Lands Overlay and Geologic
352 Hazards.

353 **13-2-020: REQUIRED PLAT APPROVAL** [existing language from 10-7-7(C)]

354 A. Content: Whenever any lands are laid out and platted, the owner of those lands shall cause an
355 accurate plat to be made of them that sets forth and describes:

356 1. All parcels of ground laid out and platted, by their boundaries, course and extent, and whether
357 they are intended for streets or other public uses, together with any areas that are reserved for
358 public purposes; and

359 2. All blocks and lots intended for sale, by number, and their precise length and width.

360 B. Acknowledgment Required: The owner of the land shall acknowledge the plat before an officer
361 authorized by law to take acknowledgment of conveyances of real estate:

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- 362 1. The surveyor making the plat shall certify it.
363 2. The City Council shall approve the plat as provided by law.
- 364 C. Filing And Recording: After the plat has been acknowledged, certified and approved, the City
365 recorder, shall file and record it in the county recorder's office in the county in which the lands
366 platted and laid out are situated. The owner shall pay the expense of such recording.
- 367 D. PLAT EXPIRATION The recording of the final plat is to be done within one hundred eighty (180)
368 calendar days of the completed approval of the final plat by the Land Use Authority. Failure to
369 record the final plat within the allotted time required shall void all approvals for the subdivision.
370 Prior to the expiration of the final plat approval, the owner or developer may request a onetime
371 extension of one hundred eighty (180) days, by submitting to the land use authority a written
372 request of the owner or developer explaining the reasons for the delay. The development review
373 committee shall prepare an analysis of any amendments to the City code regulations or standards
374 and their effect on the subdivision. If such amendments to the City regulations or standards are
375 essential to protecting the health, safety, and welfare of the citizens, the land use authority shall not
376 grant the extension unless the final plat conforms to the new regulations or standards.
- 377 E. Subdivision Approval Procedure: No one may file or record a plat of a subdivision of land in the
378 county recorder's office unless:
- 379 1. Approval Required: It has been approved by:
- 380 a. The City Council, acting as the City Land Use Authority; or
381 b. Other Land Use Authority that the City Council designates in an ordinance; and
- 382 2. Written Approval: The approvals are entered in writing on the plat by the mayor or by other
383 officers designated in the ordinance.

384 **13-2-030: TRANSFER OF LAND:**

385 Land shall not be transferred, sold or offered for sale, nor shall a building permit be issued for a
386 structure thereon, until the final subdivision plat is recorded in the county recorder's office in
387 accordance with this title and any applicable provisions of state law, and until the improvements
388 required in connection with the subdivision have been constructed or guaranteed as provided herein.

389 **13-2-040: TRANSFER OF LAND; VOIDABLE:**

390 No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions
391 of this title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this title
392 is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal
393 representative, or trustee in bankruptcy, within one year after the date of execution of the deed of
394 conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon
395 any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those
396 above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or
397 devisee.

398 **13-2-050: BUILDING PERMITS:**

- 399 A. Requirements:
- 400 1. No building permit shall be issued for any structure within a subdivision until the final
401 subdivision plat is recorded in the county recorder's office, a bond is provided acceptable to the
402 City ensuring the adequate installation of required essential infrastructure improvements and

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- 403 utilities, and the required improvements and utilities have been installed and are operable as
404 provided herein and as deemed essential infrastructure (defined by State Code 10-9a-802, as
405 amended) which is necessary to meet the requirements for of the building code and fire code.
- 406 2. No building permit shall be issued for any structure within a subdivision until all sanitary sewer,
407 storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and
408 gutter, streets, other underground utilities located under the street surface, and required
409 grading and drainage improvements, are installed and fully functional, as determined by the
410 City, providing continuous access and/or service to the lot.
- 411 3. Notwithstanding the foregoing, for lots fronting existing streets that obtain access only from
412 that street and have existing fully functional utilities, the building official may issue permits,
413 subject to compliance with applicable requirements, including adequate access for emergency
414 vehicles.
- 415 B. Issuance Prior To Street Surfacing: A building permit may be issued by the City for the construction
416 of a structure within a subdivision prior to application of hard surfacing of the streets within the
417 subdivision under the following conditions:
- 418 1. The street improvements are being constructed during the months when cold weather prohibits
419 the laying of a hard surface on the street.
- 420 2. The streets shall be completed with all utilities, rough grading, and all weather road base
421 sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base,
422 including road base gradation and thickness, shall be determined by the City engineer upon
423 review and consideration of applicable soils reports, drainage factors and existing topographic
424 conditions of the property.
- 425 3. The developer enters into an agreement with the City that the developer will take responsibility
426 to ensure that the road is accessible for emergency vehicles and construction traffic at all times,
427 including snow removal and other required maintenance.
- 428 4. The developer enters into an agreement with the City that developer will hard surface the road
429 as soon as weather permits and as authorized by the City. If developer fails to do so, the City can
430 declare the developer in default of the applicable improvements bond agreement and may
431 withdraw any or all of the funds from the bond and cause the improvements to the street to be
432 constructed, completed and/or repaired in accordance with the terms and procedures set forth
433 in the bond agreement for the withdrawal of funds.
- 434 5. The building contractor, property owner and building permit applicant enters into an
435 assumption of risk agreement acknowledging the lack of hard surface streets within the
436 subdivision and developer's obligation regarding maintenance and access of the same and
437 assuming the risk of proceeding with construction under such circumstances pursuant to the
438 terms and conditions set forth herein.
- 439 6. Prior to hard surfacing road, the City engineer shall inspect road conditions for road base
440 contamination, rutting, or other deficiencies. Any deficiencies found shall be repaired in a
441 manner required by the City engineer and approved prior to any paving.
- 442 7. No certificate of occupancy shall be granted by the City for any structure within the subdivision
443 until all streets are hard surfaced.

444 **13-2-060: CERTIFICATES OF OCCUPANCY:**

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445 No building within a subdivision shall be occupied until a certificate of occupancy has been issued for
446 such structure by the City. No certificate of occupancy shall be issued for any structure within a
447 subdivision by the City until all required improvements for the subdivision are complete, including the
448 hard surfacing of the streets, all required street signs are installed for the subdivision and house
449 numbers are placed on the structure, all required utilities are installed providing service to the structure,
450 and all other applicable ordinance provisions have been satisfied.

451 **13-2-070: PENALTIES:**

452 Any person found in violation of this title shall be subject to penalty as provided in Title 12 of this Code
453 or may be subject to criminal prosecution as a class C misdemeanor. In addition to any criminal
454 prosecution, the City may pursue any other legal remedies provided by law to ensure compliance with
455 this title, including, but not limited to, instituting an injunction, mandamus, abatement or other
456 appropriate actions, or proceedings to prevent, enjoin, abate or remove the unlawful use or act.

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458 **13-3: CONCEPTUAL DEVELOPMENT PLAN:**

459 **13-3-010: CONCEPTUAL PLAN:**

460 **13-3-020: STAFF CANNOT BIND CITYCITY:**

461 **13-3-030: VESTED RIGHTS:**

462 **13-3-040: SUBMISSION:**

463 **13-3-050: NOTIFICATION:**

464 **13-3-060: REVIEW BY THE PLANNING COMMISSION:**

465 **13-3-070: APPROVAL BY THE CITYCITY COUNCIL:**

466 **13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:**

467 **13-3-010: CONCEPTUAL PLAN:**

468 A conceptual development plan shall be required of all developers. This provides the developer with an
469 opportunity to consult with and receive assistance from the City regarding the regulations and design
470 requirements applicable to the subdivision of property and facilitates resolution of problems and
471 revisions before the preparation of a preliminary design plan. The conceptual plan should be based on
472 an accurate survey showing boundaries, topography, important physical features, adjacent properties
473 and the sketch of the proposed subdivision. The applicant or applicant's duly authorized agent shall
474 submit an application to the community development department for conceptual plan approval and at
475 the same time, the applicant shall pay an application fee as provided in the City's consolidated fee
476 schedule.

477 **13-3-020: STAFF CANNOT BIND CITY:**

478 The conceptual plan requirement is designed to provide the developer with helpful information and
479 suggestions before the expense and time involved in preparing a preliminary design plan is incurred.
480 However, only the City Council may bind the City and the Planning Commission can make official
481 recommendations to the City Council. City employees and all other officers of the City act in advisory
482 capacity to the City Council and have no authority to make binding decisions or to make authoritative
483 representations, approvals or determinations. Employees and officers of the City may make
484 recommendations, suggestions, and dispense information regarding City ordinances, the general plan,
485 or other adopted policy documents, but such comments shall in no way whatsoever be binding on the
486 City.

487 **13-3-030: VESTED RIGHTS:**

488 Submission of a conceptual plan shall in no way confer any vested rights upon the developer. Vested
489 rights may attach only upon the filing of a subdivision plan under chapter 4, 5, 6 or 7 of this title, and the
490 subdivision being able to meet the requirements of this title and other applicable ordinances at the time
491 of the application. However, if there is a compelling, countervailing public interest or the City has
492 initiated proceedings to amend this title or other applicable ordinances at the time of the application,
493 then there shall be no vested rights.

494 **13-3-040: SUBMISSION:**

495 A. The developer shall submit the proposed conceptual plan which will enable a review of a proposed
496 project for general scope and conditions which might impact the proposed project and the City. The

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- 497 community development department will determined if the appropriate plan and application is
498 submitted, if the application is complete and if all the fees have been paid. If the application is
499 deemed to be incomplete the applicant shall be notified in writing within ten (10) days of the
500 application date, or as reasonably practical upon discovery of a deficiency. The Planning
501 Commission shall either recommend the plan or recommend the plan with conditions to the City
502 Council, or reject the concept plan. The City Council shall either approve the concept plan or
503 approve the concept plan with conditions or reject the concept plan.
- 504 B. Document Requirements: The following items shall be submitted to the community development
505 department for conceptual plan review:
- 506 1. An application form, as provided by the City detailing the proposed development and addressing
507 the following:
 - 508 a. A general explanation of the project size, scope, and land uses;
 - 509 b. Identification of any potential impacts or conflicts with adjacent land uses, along with
510 proposed mitigation all adverse aspects of the plan;
 - 511 c. Identification of any known or potential geologic hazards on the property or within the
512 development area in general;
 - 513 d. A statement regarding the proposed development, it's conformance to the existing zoning
514 and general plan or other adopted plans or policies, and identifying any opportunity for the
515 provision of housing which meet the goals and objectives of the City's Moderate Income
516 Housing Plan.
 - 517 e. Any additional pertinent information related to the project.
 - 518 2. Two (2) 24" x 35" copies and one (1) 11" x 17" copy of the conceptual plan and one electronic
519 copy of all required documents.
 - 520 3. Stamped, addressed envelopes for property owners within 300 feet of the boundary of the
521 proposed subdivision and all property owners within the project boundary.
 - 522 4. Conceptual plan set shall include the following:
 - 523 a. Cover Sheet which includes the following:
 - 524 (1) The proposed project name, approximate address of the project, and the relevant
525 parcels within the project;
 - 526 (2) Vicinity plan. An aerial map at a scale of one inch equals one hundred feet (1" = 100') or
527 other competent base map showing the area within six hundred feet (600') of the
528 project boundaries giving context to the proposed development;
 - 529 (3) Drawing index;
 - 530 (4) Developer name, address, and phone number;
 - 531 (5) Property owner name, address, and phone number, if different from the developer;
 - 532 (6) General Notes regarding the project; and
 - 533 (7) Boundaries of zoning districts, Taxing and other special districts
 - 534 (8) The name, address, and phone number of the engineer or surveyor who prepared the
535 conceptual plan set.
 - 536 b. Existing Conditions or Demolition Plan. The following shall be drawn to scale:
 - 537 (1) Existing topographic contours at no greater interval than two feet (2')
 - 538 (2) Existing buildings, utilities, and improvements;
 - 539 (3) Location of existing culinary and irrigation water systems and points of proposed
540 connection and extension;

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- 541 (4) Location and size of existing utility services and proposed connection and extension
- 542 (sewer, power, gas, telephone cable);
- 543 (5) Watercourses, impoundments, streams, springs, wells, floodplains, and areas subject to
- 544 continuous or occasional flooding, including those portions of the property which are
- 545 included in the most recent flood insurance rate maps prepared by FEMA;
- 546 (6) Significant vegetative patterns;
- 547 (7) Geologic hazards, formations and soils type;

- 548 (8)Public and private easements related to site, including trails and parks as identified within
- 549 the adopted general plan or other adopted plans or policies documents; and
- 550 (9) Existing survey monuments.
- 551 c. Conceptual Site Plan. The following elements shall be drawn to a scale of a minimum 1"=30':
- 552 (1) North arrow and scale;
- 553 (2) Names of all abutting property owners;
- 554 (3) The dimensions of the site and total acreage, with proposed density;
- 555 (4) A proposed lot layout showing approximate size of each lot;
- 556 (5) Location of existing and proposed streets, trails, and sidewalks;
- 557 (6) Proposed buildings, or building envelopes, as applicable;
- 558 (7) Proposed public facilities and open spaces;
- 559 (8) Location of proposed parking;
- 560 (9) Preliminary location of all proposed on site uses and desired improvements, including
- 561 any off-site improvements if considered essential to the project.
- 562 (10) Any additional information which will convey information that is necessary to
- 563 determine feasibility and identify problems that need to be addressed on the
- 564 preliminary design plan.

- 565 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

566 **13-3-050: NOTIFICATION:**

- 567 A. Upon receipt of the complete concept plan application, the community development director shall
- 568 distribute copies of the conceptual plan application to the development review committee, and
- 569 other agencies and, as applicable. Conceptual plans that contain parks, trails, public art or
- 570 recreational amenities shall be distributed to the Parks, Trails, Arts and Recreation Advisory Board.
- 571 The board shall provide input to the Planning Commission regarding the design, function, and
- 572 relationship to existing facilities and the parks master plan or other policy documents, as adopted.
- 573 (Ord. 05-14, 12-13-2005; amd. 2012 Code; Ord. 2014-01, 1-7-2014)

574 Public Comment Period. The city community development department shall notify all appropriate

575 agencies or other parties with legitimate interests and all landowners of property located within

576 three hundred feet (300') of the boundary of the proposed development. Notified parties shall have

577 fourteen (14) days to submit written comments limited to environmental concerns on the following

578 topics:

- 579 1. Erosion, dust, soils and topsoil loss;
- 580 2. Grades, slope stability and geologic hazards;
- 581 3. Groundwater, watercourses, flood hazards and areas;
- 582 4. Vegetative types;

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- 583 5. Wildlife and habitat;
- 584 6. Essential urban services presently available;
- 585 7. Fire potential;
- 586 8. Accumulation of solid and liquid wastes;
- 587 9. Potential area wide economic impact of the development.

588 13-3-060: REVIEW BY THE PLANNING COMMISSION:

- 589 A. Scope Of Review: Conceptual plan shall be reviewed for compliance with the City General Plan, Land
590 Use Ordinance, this title, and other appropriate regulations. The Planning Commission may
591 recommend approval or denial to the City Council, and shall make findings regarding the submitted
592 conceptual plan, specifying any inadequacy in the information submitted, noncompliance with City
593 regulations, questionable or undesirable design and/or engineering, and the need for any additional
594 information which may assist the Planning Commission to evaluate the proposed subdivision and in
595 making a recommendation to the City Council
- 596 B. The development review committee (DRC) shall review the conceptual plan application for
597 compliance with all applicable regulations and shall notify the developer of the concept plan review
598 findings, redlines and comments, and identify any other information necessary for review by w the
599 Planning Commission to evaluate the proposed development.
- 600 C. The developer shall be afforded a reasonable period of time to submit corrected drawings and
601 documents which address the DRC findings, redlines comments, and requested information.
- 602 D. The DRC shall review any corrected drawings or documents within ten (10) days of receipt and
603 provide additional feedback to the developer regarding findings of compliance with City regulations
604 and confirming the date for review by the Planning Commission.
- 605 E. If the DRC finds that the application is not in compliance with City regulations for conceptual plan
606 review, the developer shall be provided notice in writing of corrective actions required prior to
607 placement on the Planning Commission agenda.
- 608 F. Timely review:
 - 609 1. If the developer disagrees with the DRC regarding compliance with City regulations for
610 conceptual plan review, the developer may file a written request for formal review by the
611 Planning Commission and final decision within forty-five (45) days of the submittal of the written
612 request [USC 10-9a-509.5(2)]. The Planning Commission shall review the application for
613 compliance with City regulations and shall within thirty (30) days from the written request take
614 one of the following actions:
 - 615 a. Upon request by the developer and in deference to the required forty-five (45) day final
616 approval deadline, table action on the conceptual plan application to allow modifications to
617 the plan by the developer for further review;
 - 618 b. Recommend to the City Council denial of the conceptual plan and provide written findings
619 demonstrating the City regulations which are not in compliance; or
 - 620 c. Recommend to the City Council approval of the conceptual plan with findings of compliance
621 and where applicable conditions necessary to ensure compliance with City regulations.
 - 622 2. If a developer files a written request for final action in accordance with USC 0-9a-509.5(2), as
623 amended, the City Council shall take final action on the conceptual plan application within forty-
624 five (45) days of the date of the written request.
- 625 E. Additional Information: The Planning Commission may require additional information, data or
626 studies to be provided to the Planning Commission by the developer for the overall development

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627 before any recommendation is given by the Planning Commission to the City Council and the
628 Planning Commission may include requirements for the overall development as part of its findings
629 on the concept plan.

630 F. Where the proposed development boundaries are within the City sensitive lands area, conceptual
631 plan approval shall be conditioned upon submittal and approval of a geologic hazards report as
632 outlined in the North Salt Lake City Code Title 10, Chapter 12 .

633 **13-3-070: APPROVAL BY THE CITY COUNCIL:**

634 A. Scope Of Approval: After receiving a recommendation from the Planning Commission, the City
635 Council may grant or deny conceptual plan approval for the proposed subdivision and may adopt,
636 amend or reject any of the findings and conditions made by the Planning Commission regarding the
637 submitted conceptual plan.

638 B. Denial: If the City Council denies conceptual plan approval, no further review of the proposed
639 subdivision shall be made by the City Council, and a new conceptual plan submittal shall be required
640 to reinitiate the subdivision process.

641 C. Limitation of Approval: Granting of or denial of a conceptual plan by the City Council shall not
642 constitute an absolute approval or disapproval of the proposed development, but rather shall
643 operate in a manner as to give the developer general guidance as to the requirements and
644 constraints for development within the City. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

645 **13-3-080: EXPIRATION OF CONCEPTUAL PLAN APPROVAL:**

646 Once conceptual plan approval has been granted, the developer may apply for preliminary design plan
647 approval consistent with the conceptual plan. If preliminary design plan approval for any portion of an
648 approved conceptual plan has not been obtained within twelve (12) months of the date on which
649 conceptual plan approval was granted, a resubmittal and re-approval of the conceptual plan shall be
650 required by the City.

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13-4: MINOR SUBDIVISIONS

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- 13-4-010: PURPOSE:**
- 13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:**
- 13-4-030: APPLICABILITY:**
- 13-4-040: CONCEPTUAL PLAN REQUIRED:**
- 13-4-050: MINOR SUBDIVISION APPLICATION:**
- 13-4-060: DEVELOPMENT REVIEW:**
- 13-4-070: PLANNING COMMISSION ACTION:**
- 13-4-080: EXPIRATION OF FINAL APPROVAL:**
- 13-4-090: BOND AGREEMENT:**
- 13-4-100: PLAT REQUIREMENTS:**
- 13-4-110: RECORDING OF PLAT:**

667 **13-4-010: PURPOSE:**

668 The intent of this chapter is to provide an efficient review process for minor subdivisions. Minor
669 subdivisions include those developments of less than ten (10) lots which also meet the requirements set
670 forth herein. In this process, the preliminary and final plats, required for most subdivisions, are
671 simplified and combined.

672 **13-4-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:**

673 An owner of property located within the City of North Salt Lake may submit an application for a minor
674 subdivision; provided, that the property to be subdivided meets the following conditions:

- 675 A. Less than ten (10) lots shall be created in the subdivision;
- 676 B. The subdivision shall not require the dedication of any land for public streets or other public
677 purposes;
- 678 C. The area to be subdivided shall be immediately adjacent to existing public streets and utilities and
679 shall not require the extension of any such streets or utilities. The developer shall be required to
680 complete any essential infrastructure improvements on an existing street which are not in place at
681 the time the application to develop a minor subdivision is made. Such improvements shall include
682 any necessary storm drainage facilities, curb, gutter, sidewalk, trail, park strip, including landscaping,
683 and asphalt paving;
- 684 D. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general
685 plan;
- 686 E. The proposed minor subdivision shall conform to the general character of the surrounding area.
687 New lot lines shall conform to the general pattern of existing lot lines;
- 688 F. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall
689 conform to the applicable provisions of the zoning ordinance; and
- 690 G. Utility easements shall be dedicated.

691 **13-4-030: APPLICABILITY:**

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692 The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining
693 to, minor subdivisions, and shall take precedence over any other provisions to the contrary.

694 **13-4-040: CONCEPTUAL PLAN REQUIRED:**

695 Prior to filing a minor subdivision application, all developers of proposed minor subdivisions shall be
696 required to complete a conceptual plan as set forth in this title.

697 **13-4-050: MINOR SUBDIVISION APPLICATION:**

698 All developers of proposed minor subdivisions shall submit a minor subdivision application on a form
699 provided by the City. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of
700 the plat and one electronic copy of all required documents meeting the requirements of section 13-4-
701 100 of this chapter. If essential infrastructure improvements, as specified within this chapter, are
702 required, the application shall be accompanied by improvement drawings for such improvements. The
703 City Engineer may require that a soil report be provide which meets the requirements set forth in
704 section 13-5-040 of this title be provided. At the time the application is submitted, the developer shall
705 pay the appropriate application fee as set forth in the City's consolidated fee schedule.

706 The community development department will determined if the appropriate plan and application is
707 submitted, if the application is complete and if all the fees have been paid. If the application is deemed
708 to be incomplete the applicant shall be notified in writing within ten (10) days of the application date, or
709 as reasonably practical upon discovery of a deficiency.

710 **13-4-060: DEVELOPMENT REVIEW:**

711 Within a reasonable time after receipt of a minor subdivision application and comments and/or
712 approval from all appropriate reviewing entities, the development review committee shall include the
713 application on the Planning Commission agenda and prepare a report on the application's compliance
714 with the general plan, city ordinances, rules and regulations. The developer's application and the report
715 of the community development department shall then be presented to the Planning Commission.

716 **13-4-070: PLANNING COMMISSION ACTION:**

- 717 A. Scope Of Action: Within a reasonable time following the receipt of an application for minor
718 subdivision approval from the community development department, the Planning Commission shall
719 act thereon. The Planning Commission shall assure that the plat is in conformity with the
720 requirements of this chapter and title, other applicable ordinances or regulations, and any
721 conditions of approval deemed necessary by the Planning Commission. If the Planning Commission
722 finds that the proposed plat complies with the requirements of this title and that it is satisfied with
723 the plat of the subdivision, it shall approve or approve with conditions the minor plat subdivision.
724 B. Disapproval: If the Planning Commission determines that the proposed plat is not in conformity with
725 the ordinances of the City or any reasonable conditions imposed, it shall not approve the plat,
726 specifying the reasons for such disapproval. If a proposed plat is disapproved by the Planning
727 Commission, no further plat shall be submitted and a new minor subdivision application shall be
728 required to initiate minor subdivision approval, including the payment of the required fee.

729 **13-4-080: EXPIRATION OF FINAL APPROVAL:**

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730 If the plat is not recorded within six (6) months from the date of Planning Commission approval, such
731 approval shall be null and void. This time period may be extended for additional six (6) month periods by
732 the City manager. The developer must petition for an extension, prior to the expiration of the original six
733 (6) months, or an extension previously granted. An extension may be granted only if it is determined
734 that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision
735 approval, including, but not limited to, inspection fees, park fees, impact fees, as well as the amounts
736 the City uses to estimate bonds to insure completion of improvements have increased, the City manager
737 may require that the bond estimate be recalculated and that the developer pay any applicable fee
738 increases as a condition of granting the extension.

739 13-4-090: BOND AGREEMENT:

740 In the event essential infrastructure improvements are required within the subdivision, the developer
741 shall comply with the bond requirements of section 13-5-140 of this title.

742 13-4-100: PLAT REQUIREMENTS:

- 743 A. Contents: Each plat submitted under this chapter shall, at a minimum, contain the following:
- 744 1. The boundaries, courses and dimensions of the parcels of ground to be subdivided;
 - 745 2. The number, address and length and width of the blocks and lots intended for sale;
 - 746 3. Existing right of way and easement grants of record for underground facilities, as defined in
747 Utah Code Annotated section 54-8a-2, and for other utility facilities;
 - 748 4. An acknowledgment from the owner(s) of the property to be subdivided acknowledging the
749 preparation of the plat and the owner's consent to subdivide the parcel as shown on the plat;
 - 750 5. A certification from the surveyor preparing the plat; and
- 751 B. Davis County shall be added to all angle points to the exterior boundary of the subdivision.
- 752 C. Additional Requirements: In addition to the plat requirements of subsection A of this section, the
753 plat shall comply with any of the requirements set forth in section 13-5-110 of this title.

754 13-4-110: RECORDING OF PLAT:

755 Upon approval of a minor subdivision application under this chapter, and approval of a proposed plat
756 prepared in accordance with this chapter, the developer shall provide the City with a current title report
757 to be reviewed by the City Attorney. A "current title report" is considered to be one which is prepared
758 and dated not more than thirty (30) days before the proposed recordation of the final plat. Once title to
759 the property has been approved by the City Attorney, the approved plat shall be signed by the mayor
760 and may then be recorded with the Davis County recorder's office.

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13-5: MAJOR SUBDIVISIONS

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- 13-5-010: PRELIMINARY DESIGN PLAN; PURPOSE:**
- 13-5-020: APPLICATION AND FEES:**
- 13-5-030: PRELIMINARY DESIGN PLAN; PREPARATION AND REQUIRED INFORMATION:**
- 13-5-040: EVALUATION OF PRELIMINARY DESIGN PLAN:**
- 13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY DESIGN PLAN:**
- 13-5-060: NOTIFICATION OF ACTION:**
- 13-5-070: EFFECT OF APPROVAL OF THE PRELIMINARY DESIGN PLAN:**
- 13-5-080: FINAL PLAT; PURPOSE:**
- 13-5-090: FILING DEADLINE, APPLICATION AND FEES:**
- 13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:**
- 13-5-110: EVALUATION OF FINAL PLAT:**
- 13-5-120: PLANNING COMMISSION ACTION; FINAL PLAT:**
- 13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:**
- 13-5-140: SECURITY BOND; DEVELOPER:**
- 13-5-150: DELAY AGREEMENT:**
- 13-5-160: RECORDING OF PLAT:**
- 13-5-170: EXPIRATION OF FINAL APPROVAL:**

13-5-010: PRELIMINARY DESIGN PLAN PURPOSE:

The purpose of the preliminary design plan is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary design plan and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this title and any other applicable ordinances.

13-5-020: APPLICATION AND FEES:

The developer of a major subdivision, after completing the conceptual plan required by this title, shall file an application for preliminary design plan approval on a form provided by the City. The application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of the preliminary plat & preliminary design plans and one electronic copy of all required documents. At the same time, the developer shall pay an application fee as published in the consolidated fee schedule of the City. The community development department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the community development department, and the developer shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

13-5-030: PRELIMINARY DESIGN PLAN; PREPARATION AND REQUIRED INFORMATION:

- A. Form: The preliminary design plan shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch equaling one hundred feet (1" = 100'). The plat shall be so drawn that the top of the sheet is either north or west, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.

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803 (The sections below are from current code 10-3-4)

- 804 B. Document Requirements: The following items shall be submitted in an application for preliminary
805 plat review:
- 806 1. A preliminary title report covering the entire land in the proposed project, or other approved
807 evidence of title insurability.
 - 808 2. Evidence that the applicant has sufficient control and financial capability over the land to
809 effectuate the proposed use.
 - 810 3. When applicable, letters from the public agencies which will provide water and sewer service to
811 the proposed development. The letter should state what type, if any, of interim system will be
812 allowed until full service can be provided by the public agency; and that potable water will be
813 available to the developer in quantities and quality as required by state requirements for the
814 project.
 - 815 4. Statement of the estimated starting and completion dates for each phase of development,
816 including proposed grading work and any landscape work.
 - 817 5. A copy of proposed protective covenants, articles of incorporation, association or condominium.
 - 818 6. Tabulations showing the square footage and percent of total area proposed in:
819 a. Off street parking;
820 b. Streets;
821 c. Developed parks;
822 d. Natural open spaces or undeveloped parks.
 - 823 7. Tabulations showing the square footage and percent of area covered by buildings.
 - 824 8. Tabulations showing the square footage and total floor space by type of use, i.e., residential,
825 commercial, industrial, etc.
 - 826 9. Copies of any agreements with adjacent property owners relevant to the proposed subdivision.
 - 827 10. An adequate traffic report prepared by a qualified traffic engineer when required by the City
828 Engineer or Planning Commission.
- 829 C. Required Information: The following information shall be included on the preliminary plat or within
830 the preliminary design plan set:
- 831 1. A vicinity map of the proposed subdivision, drawn at a scale of five hundred feet to the inch
832 (1" = 500'), which defines the location of the subdivision within the City;
 - 833 2. The proposed name of the subdivision. Such subdivision names shall not duplicate or nearly
834 duplicate the name of any subdivision in the City or in the incorporated and unincorporated
835 area of Davis County;
 - 836 3. The names and addresses of the developer or agent, if applicable, the engineer and surveyor of
837 the development, and the owners of the land immediately adjoining the land to be developed. If
838 the developer is represented by an agent, there shall be a statement from the recorded owner
839 authorizing the agent to act
 - 840 4. The date, north arrow, written and graphic scales.
 - 841 5. The boundary lines of the tract to be subdivided, with all dimensions shown and a legal
842 description to defining the location and boundaries of the proposed subdivision;
 - 843 6. The location, widths and other dimensions of proposed streets, alleys, easements, or other
844 public or private rights of ways;

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- 845 7. The location and size of all sites proposed to be dedicated or reserved for parks, open spaces,
846 common area, or other recreational uses. All sites shall be clearly labeled as proposed for public
847 or private dedication and use.
- 848 8. Boundary lines of adjacent subdivisions and the names of owners of adjacent unplatted land
849 within one hundred feet (100') of the tract proposed for subdivision, showing ownership and
850 property monuments.
- 851 9. A contour map at one foot (1') intervals, for predominant ground slopes within the subdivision
852 between level and five percent (5%), and at two foot (2') intervals, for predominant ground
853 slopes within the subdivision over five percent (5%), showing all unusual topographic features
854 with verification by a qualified engineer or land surveyor. Such contours shall be based on Davis
855 County datum. The closest Davis County section corner shall be used and its elevation called out
856 on the map. Survey monument information shall be obtained from the Davis County surveyor or
857 City engineer;
- 858 10. Grading plan showing existing and proposed contour lines at no greater than two foot (2')
859 intervals at a scale of not less than one inch equals one hundred feet (1" = 100').
- 860 11. For developments that are not within the sensitive lands overlay area, a soils data report from a
861 registered soils engineer, engineering geologist or other qualified person, based upon adequate
862 test boring or excavations within the proposed project. (Ord. 01-05, 4-3-2001) The soil report
863 shall include, among other things, a description of the soil types and characteristics on the site,
864 describe whether or not groundwater was encountered in any of the test borings and at what
865 elevation it was encountered, and shall identify the location of any seismic zones or flood zones
866 on the property.
- 867 12. Investigation: If the soil report indicates the presence of critically expansive soils, high water
868 table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected,
869 would lead to structural defects of the proposed buildings, damage to the buildings from the
870 water, premature deterioration of the essential infrastructure improvements, or which would
871 represent a public health hazard, a soil investigation of each lot in the subdivision may be
872 required by the City engineer. The soil investigation shall recommend corrective actions
873 intended to prevent damage to proposed structures and/or essential infrastructure
874 improvements. The fact that a soil report has been prepared shall be noted on the final plat and
875 a copy attached to the preliminary design plan application.
- 876 13. A geologic hazard study prepared in accordance with Title 10, Chapter 12 for all developments
877 on properties: within the sensitive lands overlay area; with an average slope of fifteen percent
878 (15%) or greater; with known, suspect, or probable geologic hazards; critical wildlife habitat or
879 natural features; critical drainage channels; or other vital infrastructure.
- 880 14. The boundaries of areas subject to 100-year flooding or stormwater overflow, as determined by
881 the City, and the location, width and direction of flow of all watercourses, including all existing
882 and proposed irrigation and natural runoff channels and courses within the subdivision or within
883 two hundred feet (200') thereof, and all known wells or springs (consult state engineer's office).
- 884 15. The existing use or uses and zoning of the property and the outline of any existing buildings and
885 their locations in relation to existing or proposed street and lot lines drawn to scale;
- 886 16. The location, proposed names, widths and a typical cross section of curbs, gutters, sidewalks
887 and other improvements of the proposed street and access easements and names of all existing

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- 888 or recorded streets, alleys and easements, both within the proposed project and within one
889 hundred feet (100') of the boundary thereof, showing whether recorded or claimed by usage;
- 890 17. The location and dimensions to the nearest existing bench mark or monument, and section line;
891 the location and principal dimensions of all watercourses, public utilities, and other important
892 features and existing structures within the land adjacent to the tract to be developed, including
893 railroads, power lines and exceptional topography.
- 894 18. Layout of all lots, including the average and minimum lot size, lot divisions and consecutive
895 numbering;
- 896 19. Proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm
897 drainage facilities, fire hydrants, and any other public or private utility, as applicable.
- 898 20. Existing off site and on site culinary and secondary water facilities, sanitary sewers, storm
899 drainage facilities, subdrains, fire hydrants, and any other public or private utility within the
900 tract or within one hundred feet (100') thereof.
- 901 21. Location and size of all existing and proposed easements, dedications, and deed restrictions,
902 including solar, public utility lines, water and sewage lines, storm drains and facilities,
903 watercourses, irrigation systems, land drains, etc.
- 904 22. Stormwater drainage plan and management plan in accord with 8-5-21 by which the developer
905 proposes to handle stormwater drainage for an event with a ten (10) year return period for all
906 storm drain pipe, and for an event with a one hundred (100) year return period for all storm
907 drain detention basins. (Ord. 07-01, 1-9-2007) The calculation must size the detention basin, size
908 the orifice plate and determine the amount of flow which can be released (the release rate can
909 be 0.2 cfs/acre). Detention basin shall retain the required 24-hour storm equivalent, as required
910 under the Utah Pollutant Discharge Elimination System (UPDES) general discharge permit. All
911 development and redevelopment that warrants compliance with the UGCP regulation must
912 include an LID analysis that meets the objective of mirroring the predevelopment hydrology and
913 meets the objective of retaining on site, with no discharge, in accordance with the adopted
914 standard by the Utah Division of Water Quality.
- 915 23. If the site requires substantial cutting, clearing, grading or other earthmoving operations in the
916 construction of improvements, the application shall include a soil erosion and sedimentation
917 control plan prepared by a registered civil engineer.
- 918 24. Dimensioned parking layout showing location of individual parking stalls, driveways and other
919 areas of ingress and egress.
- 920 25. Landscaping plan. Generalized landscaping plans for the site and, if appropriate, information
921 relating to the landscaping on adjacent or surrounding areas affected by the proposed
922 development. Such landscaping plans shall be prepared by a qualified professional team
923 showing:
- 924 a. Distribution of plant material, existing trees, as related to energy conservation and solar
925 access, and work involved as related to slope control and/or physical environment;
- 926 b. Special effects and decorative materials;
- 927 c. Automatic irrigation systems (sprinkler, bubbler, etc.);
- 928 d. Recreation equipment. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 929 26. The location of the development as it forms part of a larger tract or parcel. The submittal shall
930 include a concept of the prospective future street system of the unplatted portion of the
931 property, and the street system of the part submitted shall be considered in light of adjustments

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932 and connections with the future street system of the surrounding area and in accordance with
933 the City General Plan.

934 27. Certification of the accuracy of the preliminary plat of the development and any traverse to
935 permanent survey monuments by a land surveyor, registered to practice in the state.

936 28. If it is contemplated that the development will proceed by phases, the boundaries of such
937 phases shall be shown on the preliminary design plan along with the estimated construction
938 schedule for each phase;

939 29. The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat.

940 **13-5-040: EVALUATION OF PRELIMINARY DESIGN PLAN:**

941 **(Previous Code 10-3-3(B))**

942 A. The community development department will determined if the appropriate plan and application is
943 submitted, if the application is complete and if all the fees have been paid. If the application is
944 deemed to be incomplete the applicant shall be notified in writing within ten (10) days of the
945 application date, or as reasonably practical upon discovery of a deficiency. Upon receipt of the
946 complete preliminary design plan submission, the department shall distribute copies of the plan to
947 the City Engineer and to other members of the development review committee, and to such other
948 governmental departments and agencies for review and comment as necessary and in the public
949 interest. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

950 B. The developer shall distribute plans for comment to all appropriate public or private agencies or
951 utilities for review and approval and obtain letters of approval as required. After reviewing the
952 plans, each of the agencies and utilities will provide the acknowledgment letter to the developer
953 indicating whether the plans are acceptable or need to be revised, and may forward to the
954 developer a written report of its findings and recommendations. These agencies shall include, but
955 are not necessarily limited to, water and sewer improvement districts, and the metro fire agency.

956 C. Failure of any of the recipient departments or agencies to respond to the City with comments
957 concerning the development within fourteen (14) days of receipt of a copy of the preliminary design
958 plan shall be construed as indicating that such agency or department has no adverse concern with
959 the proposed development.

960 D. The Development Review Committee (DRC) shall review the preliminary design plan application for
961 compliance with all applicable regulations and shall notify the developer of the preliminary design
962 plan review findings, redlines and comments, and identify any other information necessary for
963 review by the Planning Commission to evaluate the proposed development.

964 E. The developer shall be afforded a reasonable period of time to submit corrected drawings and
965 documents which address the DRC findings, redlines comments, and requested information.

966 F. The DRC shall review any corrected drawings or documents within ten (10) days of receipt and
967 provide additional feedback to the developer regarding findings of compliance with City regulations
968 and confirming the date for review by the Planning Commission.

969 G. If the DRC finds that the application is not in compliance with City regulations for preliminary design
970 plan review, the developer shall be provided notice in writing of corrective actions required prior to
971 placement on the Planning Commission agenda.

972 **13-5-050: PLANNING COMMISSION ACTION; PRELIMINARY DESIGN PLAN:**

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- 973 A. Within a reasonable time after the filing of a preliminary design plan application and any other
974 information required, the Planning Commission shall consider the application for approval. If the
975 Planning Commission finds that the proposed plat complies with the requirements of this chapter
976 and that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions,
977 the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of
978 this title or other applicable ordinances, it shall deny approval of such plat.
- 979 B. Findings: The Planning Commission may approve or deny the preliminary design plan and shall make
980 findings regarding the submitted plat, specifying any inadequacy in the information submitted,
981 noncompliance with City regulations, inconsistencies with the conceptual plan, and the need for any
982 additional information which may assist the Planning Commission to evaluate the preliminary design
983 plan and in making a final determination. The Planning Commission shall approve only those
984 preliminary design plans which the commission finds:
- 985 1. To be developed in accordance with the intent, standards and criteria specified in this title and
986 other applicable regulations.
 - 987 2. To conform to an approved conceptual plan.
 - 988 3. To create no substantial financial hardship to the City.
 - 989 4. To create no substantial environmental consequence which will adversely impact upon adjacent
990 properties and the health, safety or welfare of the inhabitants of the City when weighed against
991 the positive impacts of such development.
 - 992 5. To mitigate possible adverse impacts from the proposed development, the Planning Commission
993 shall determine from a review of the preliminary design plan whether the soil, slope, vegetation
994 and the drainage characteristics of the site are such as to require substantial cutting, clearing,
995 grading, and other earthmoving operations in the construction of the development, or
996 otherwise threaten an erosion hazard and, if so, the Planning Commission shall require the
997 developer to provide soil erosion, geological hazard and sedimentation control plans and
998 specifications. Such control plans and specifications shall be prepared by a qualified professional
999 team with the costs of preparation of such plans and specifications being borne by the
1000 developer. Also, when in the opinion of the Planning Commission public facilities should be
1001 constructed within the boundaries of a proposed development for the benefit of the community
1002 as established in the comprehensive general plan of the City, the developer shall reserve a site
1003 appropriate in area and location for such public facility.
- 1004 C. Examination Of Plat: Upon receipt of the preliminary design plan, the Planning Commission shall also
1005 examine the plat to determine whether the plat is consistent with the concepts set forth in the
1006 approved conceptual plan and with all changes requested and all requirements imposed as
1007 conditions of acceptance. In the event that the preliminary design plan has been altered
1008 substantially from the approved conceptual plan, at the discretion of the Planning Commission chair,
1009 with the recommendation of the community development department, the chair may suspend
1010 Planning Commission review of the preliminary design plan and require that the developer resubmit
1011 the plan subject to the conceptual plan review process. The chair may also defer such decisions
1012 related to conceptual plan resubmittal and/or preliminary design plan review to the Planning
1013 Commission for its approval.
- 1014 D. Substantial Change: The Planning Commission shall determine whether a proposed modification to
1015 an approved conceptual plan is a "substantial" change. Alterations of the following types shall define
1016 a substantial change:

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- 1017 1. A significant change to the roadway alignment or configuration;
1018 2. Significant changes to lot areas or lot configuration;
1019 3. Any increase to the number of lots;
1020 4. Any change to the configuration and amount of open space required;
1021 5. A significant change to culinary water, sanitary sewer, or storm drain plans related to the
1022 application;
1023 6. Any deviation from the approved conceptual plan as determined by the provisions set forth in
1024 this title;
1025 7. A modification of any other aspect of the conceptual plan that would significantly change its
1026 character.

1027 **13-5-060: NOTIFICATION OF ACTION:**

1028 The community development department shall notify the developer, in writing, of the action taken by
1029 the Planning Commission. Notification of the approval of the preliminary design plan shall be
1030 authorization for the developer to proceed with the preparation of detailed plans and specifications for
1031 the improvements required by City ordinances and the Planning Commission, and with the preparation
1032 of the final plat.

1033 **13-5-070: EFFECT OF APPROVAL OF THE PRELIMINARY DESIGN PLAN:**

1034 Approval of the preliminary design plan shall in no way relieve the developer of the responsibility to
1035 comply with all required conditions and ordinances, and to provide the improvements and easements
1036 necessary to meet all City standards.

1037 **13-5-080: FINAL PLAT; PURPOSE:**

1038 The purpose of the final plat is to require formal approval by the Planning Commission before a major
1039 subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all
1040 respects be in compliance with the provisions of this title. The final plat and improvement plans
1041 submitted shall conform in all respects to those regulations and requirements specified during the
1042 preliminary design plan procedure. Pursuant to Utah Code Annotated section 10-9a-604, as amended,
1043 the Planning Commission designates the Planning Commission chair as its agent to sign final subdivision
1044 plats. The Planning Commission chair shall not sign any final plat until such plat has been approved by
1045 the Planning Commission in accordance with the provisions set forth herein.

1046 **13-5-090: FILING DEADLINE, APPLICATION AND FEES:**

1047 The developer shall file an application for final plat approval with the community development
1048 department on a form prescribed by the City, together with one reproducible copy and prints of the final
1049 plat, the number of which shall be determined by City staff, and all required fees. The preliminary design
1050 plan shall become null and void unless the developer submits an application for and obtains final plat
1051 approval for all phases encompassing the area of the preliminary design plan within twelve (12) months
1052 after approval or conditional approval of the preliminary design plan by the Planning Commission,
1053 except as otherwise provided for by written agreement with the City. This time period may be extended
1054 for up to twelve (12) months for good cause shown if the developer petitions the Planning Commission
1055 in writing for an extension prior to the expiration date of the preliminary design plan together with any
1056 applicable fees. Only one extension of the preliminary design plan approval may be granted. In the event

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1057 the final plat approval expires, or the City does not grant an extension of final plat approval, or the City
1058 does not reapprove a previously approved final plat, the preliminary design plan approval shall also
1059 expire, unless twelve (12) months has not lapsed from the date of its approval and/or a twelve (12)
1060 month extension of time has been granted as provided herein.

1061 13-5-100: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

- 1062 A. The planning commission shall either approve the final plan or approve with conditions or reject the
1063 final plan.
- 1064 B. The final plan shall provide technical and engineering solutions to all identified problems as required
1065 by the Planning Commission. The following items shall be submitted to the community development
1066 department for final plat review:
- 1067 1. The developer of a major subdivision, after completing the preliminary design plan required by
1068 this title, shall file an application for final plat approval on a form provided by the City. The
1069 application shall include two (2) 24" x 35" copies and one (1) 11" x 17" copy of the final plat and
1070 final construction drawings and one electronic copy of all required documents. At the same
1071 time, the developer shall pay an application fee as published in the consolidated fee schedule of
1072 the City. The community development department will determine if the appropriate plan is
1073 submitted, if the application is complete and if all the fees have been paid. If all requirements
1074 are met, a letter of acknowledgment will be provided by the community development
1075 department.
 - 1076 2. A certificate of title insurance for any land to be dedicated to the City via the City Council.
 - 1077 3. Trust agreement for perpetual care funds when required as a condition of approval.
- 1078 C. Final Plat Drawing Requirements:
- 1079 1. Drawings shall be prepared and certification made as to plat accuracy by a registered
1080 professional licensed to do such work in the state of Utah. A workmanlike execution of the plat
1081 shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for final plat
1082 rejection.
 - 1083 2. The final plat shall consist of a sheet of approved mylar to the outside or trim line dimensions of
1084 nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in
1085 heavy lines leaving a space of at least one and one-half inches (1¹/₂") on the left side and at least
1086 one-half inch (1/2") margin on the other sides. The plat shall be so drawn that the top of the
1087 drawing faces either north or west, whichever accommodates the drawing best. All lines,
1088 dimensions and markings shall be made on the mylar, or comparable material, with approved
1089 waterproof black ink.
 - 1090 3. The plat shall be made to a scale large enough to clearly show all details, and in any case not
1091 smaller than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing
1092 shall be neat, clean cut and readable.
 - 1093 4. An accurate and complete survey to second order accuracy shall be made of the land to be
1094 subdivided. A traverse of the exterior boundaries of the tract, and of each block, when
1095 computed from field measurements on the ground, shall close within a tolerance of one foot (1')
1096 to twenty thousand feet (20,000'). A survey tie into two (2) legal section corners or other
1097 permanent markers established, or approved by the Davis County survey, is required.
 - 1098 5. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside
1099 the boundary line, not inside with the lot dimensions, and tied to two (2) existing land

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- 1100 monuments within the subdivision shall show the calculated Davis County coordinates. When
1101 the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a
1102 closing meander traverse should be given and a notation made that the plan includes all land to
1103 the water's edge or otherwise.
- 1104 6. If a plat is revised, the redlined copy of the old plat shall be returned for comparison purposes.
1105 7. In subdivisions, all blocks and all lots within each block shall be consecutively numbered.
1106 8. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the
1107 reestablishment of the curves on the ground. This curve data shall include the following for
1108 circular curves:
- 1109 a. Radius of curve;
 - 1110 b. Central angle;
 - 1111 c. Tangent;
 - 1112 d. Arc length;
 - 1113 e. Chord (bearing and length).
- 1114 9. Excepted parcels shall be marked "not included in this development" and the boundary
1115 completely indicated by bearings and distances.
- 1116 10. All streets within the project shall be numbered (named streets shall also be numbered) in
1117 accordance with and in conformity with the adopted street numbering system adopted by the
1118 City. Each lot shall show the street addresses assigned thereto, by and shall be according to the
1119 standard addressing methods approved by the City. In the case of corner lots, the address will
1120 be assigned to the street frontage which the home is most likely to front. In the event the home
1121 is faced to the alternate street frontage, the address shall be reassigned, by the City engineer, at
1122 the time of building permit application. The City engineer shall submit the address change to the
1123 Davis County Recorder's Office by affidavit.
- 1124 11. Sheets shall be so arranged that no lot is split between two (2) or more sheets, and wherever
1125 practicable, blocks in their entirety shall be shown on one sheet.
- 1126 12. Lot numbers shall begin with numeral "1" and continue consecutively throughout the
1127 subdivision with no omissions or duplications. When a subdivision is developed in phases, the
1128 phase number shall precede each lot number. For example, phase 2 would be numbered 201,
1129 202, 203, etc.
- 1130 13. The side lines of all easements shall be shown by fine dashed lines. The width of all easements
1131 and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be
1132 shown. All easements shall be clearly labeled and identified.
- 1133 14. . All lands within the boundaries of the plat shall be accounted for either as lots, walkways,
1134 streets, alleys, excepted parcels, common areas, building areas, parking areas, drainage
1135 facilities, landscape areas, and permanent open space, etc.
- 1136 15. . All dimensions of irregularly shaped lots shall be indicated in each lot.
- 1137 16. . All bearings and lengths shall be given for all lot lines, except that bearings and lengths need
1138 not be given for interior lot lines where the bearings and lengths are the same as those of both
1139 end lot lines.
- 1140 17. . Parcels not contiguous shall not be included in one plat. Contiguous parcels owned by different
1141 parties may be embraced in one plat, provided all owners join in dedication and
1142 acknowledgment.

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- 1143 18. . Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to
1144 seconds of arc.
- 1145 19. . The information on the plat shall include description of project boundaries, public streets and
1146 easements (utility, drainage, access, etc.), as well as other design elements and the following:
- 1147 a. Name of development, astronomic north arrow and basis thereof, and date, and names of
1148 developer and engineer. The title of each sheet of the final plat shall consist of the approved
1149 name and unit number of the subdivision in bold letters, and if applicable, the words "a
1150 Planned Unit Development (PUD)" , followed by the words "City of North Salt Lake" at the
1151 top of the sheet.
- 1152 b. Name and address of owner or owners of record.
- 1153 c. Total acreage of development project; total number of lots and acreage of each.
- 1154 d. Township, range, section (and quarter section, if portion).
- 1155 e. Graphic scale.
- 1156 20. The final plat shall contain the name of the surveyor, together with the date of the survey, the
1157 scale of the map and number of sheets. The following certificates, acknowledgments and
1158 descriptions shall appear on the title sheet of the final plat, and such certificates may be
1159 combined where appropriate:
- 1160 a. Registered land surveyor's certificate of survey;
- 1161 b. Owner's dedication certificate;
- 1162 c. Notary public's acknowledgment for each signature on the plat;
- 1163 d. A correct metes and bounds description of all property included within the subdivision or
1164 project;
- 1165 e. Plats shall contain blocks for signatures of the Planning Commission, City Engineer, City
1166 Attorney, City Council (a signature line for the mayor and an attestation by the City
1167 Recorder). A block for the Davis County recorder shall be provided in the lower right corner
1168 of the final plat;
- 1169 f. Such other affidavits, certificates, acknowledgments, endorsements and notaries seals as
1170 are required by law, by this title or by the City Attorney;
- 1171 g. Prior to recordation of the plat, the developer shall submit a current title report to be
1172 reviewed by the City Attorney. A "current title report" is considered to be one which
1173 correctly discloses all recorded matters of title regarding the property and which is prepared
1174 and dated not more than thirty (30) days before the proposed recordation of the final plat;
- 1175 h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any
1176 other certificates contained on the final plat shall be in the form prescribed by the City
1177 Subdivision Standards and Specifications;
- 1178 i. When a subdivision contains lands which are reserved in private ownership for community
1179 use, including common areas, the developer shall submit with the final plat the name,
1180 proposed articles of incorporation and bylaws of the owner, or organization empowered to
1181 own, maintain and pay taxes on such lands and common areas.
- 1182 21. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the
1183 boundaries of the subdivision as found on the site. Any monument or bench mark that is
1184 disturbed or destroyed before acceptance of all improvements, shall be replaced by the
1185 developer under the direction of the City Engineer. The following required monuments shall be
1186 shown on the final plat:

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- 1187 a. The location of all monuments placed in making the survey, including a statement as to
1188 what, if any, points were reset by ties;
- 1189 b. All right of way monuments at angle points and intersections as approved by the City
1190 Engineer.
- 1191 D. Final Construction Plan Requirements:
- 1192 1. Standards for design, construction specifications, inspection of the street improvements, curbs,
1193 gutters, sidewalks and standards for design, construction specifications and inspection of water
1194 distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall
1195 be prepared by the City Engineer. Standards for fire hydrants shall meet the requirements of any
1196 federal, state and local governmental entities having jurisdiction over the same. All subdivision
1197 standards and specifications and amendments thereto which are under the control of the City
1198 shall be approved by the City Council before becoming effective. The City Council shall by
1199 resolution adopt subdivision standards and specifications of the City which may be amended
1200 from time to time. All developers shall comply with any subdivision standards and specifications
1201 adopted by the City Council. All essential infrastructure improvements shall be installed in
1202 accordance with the City subdivisions standards and specifications, the requirements of the City
1203 engineer, the subdivision improvements agreement between the developer and the City, and all
1204 other applicable City ordinances and regulations.
- 1205 2. Complete and detailed construction plans and drawings of all improvements shall be prepared
1206 in conformance to the design standards of the City. They shall be submitted to the City Engineer
1207 for review at the same time the final plat is being reviewed. Final approval of the project shall
1208 not be granted until the plans have been reviewed and recommended for approval by the City
1209 Engineer. No construction shall be started until the final plat and final construction plans have
1210 been approved by the City. Plans for all the street utilities shall be drawn on the same plans.
- 1211 3. Standards are set for the purpose of standardizing the drawings and to obtain uniformity in
1212 appearance, clarity, size and reproduction.
- 1213 a. Three (3) copies of construction plans shall be submitted with one set to be retained by the
1214 City Engineer, one set to be retained in the official City development file City, and one set
1215 returned to the developer for corrections and revisions. After corrections and revisions by
1216 the developer, three (3) sets shall be submitted for final review by the City Engineer.
- 1217 b. All drawings and/or prints shall be clear and legible and conform to good engineering and
1218 drafting practice. Size of drawings shall be twenty four inches by thirty six inches (24" x 36")
1219 (trim line) with one-half inch ($1/2$ ") border on top, bottom and right sides, left side one and
1220 one-half inches ($1\frac{1}{2}$ ").
- 1221 c. The plans shall include the following information:
- 1222 (1) North arrow (plan);
- 1223 (2) Elevations referenced to USGS datum;
- 1224 (3) Stationing and elevations for profiles;
- 1225 (4) Title block located in lower right corner of sheet, to include, project title (subdivision,
1226 etc.). Specific type and location of work, and name of engineer or firm preparing
1227 drawings with license number. Utah engineer's stamp shall be required on all
1228 construction plans;
- 1229 (5) Scale one inch equals twenty feet (1" = 20') or one inch equals forty feet (1" = 40')
1230 horizontally; one inch equals two feet (1" = 2') or four feet (4') vertical;

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- 1231 (6) Both plan view and profiles for curb and gutter plans shall be shown for each side of the
1232 street; street centerline profile may be eliminated. Top of curb elevations with curve
1233 data must be shown for all curb returns;
- 1234 (7) Size and location of culinary water lateral mains, meters, valves, elbows, air vacs,
1235 pressure reducing stations, and hydrants;
- 1236 (8) Type of pipe;
- 1237 (9) Size and location of irrigation lateral mains, valves, fittings, etc.;
- 1238 (10) Size, location and profile of sewer, storm drains and subdrains and their manhole
1239 cleanouts.
- 1240 (11) Detention and retention basins, including pertinent elevations, orifice diameter sizes,
1241 headwall details, etc.
- 1242 (12) Calculation, Traverse Sheets: Calculation and traverse sheets giving bearings, distances
1243 and coordinates of the boundary of the subdivision and blocks and lots as shown on the
1244 final plat.
- 1245 (13) Data, Assumptions, and Computations: Design data, assumptions and computations for
1246 proper analysis in accordance with sound engineering practice, along with appropriate
1247 plan, section and profile sheets for all essential infrastructure improvements.
- 1248 4. As needed, each set of plans shall be accompanied by a separate sheet of details for structures
1249 which are to be constructed. All structures shall be designed in accordance with minimum
1250 requirements established by the subdivision standards of the City.

1251 **13-5-110: EVALUATION OF FINAL PLAT:**

- 1252 A. Community development department: The community development department will determine if
1253 the final plat submission is complete and if all the fees have been paid. If all requirements are met, a
1254 letter of acknowledgment will be provided by the community development department, and the
1255 developer shall distribute plans, accompanied by the letter, for comment to all appropriate public
1256 and private entities.
- 1257 B. Reviewing Entities: After reviewing the plans, each of the public agencies and utilities will provide
1258 the acknowledgment letter to the developer indicating whether the plans are acceptable or need to
1259 be revised, and may forward to the developer a written report of its findings and recommendations.
1260 These agencies shall include, but are not necessarily limited to, water and sewer improvement
1261 districts, and the metro fire agency.
- 1262 C. Additional Reviews: In cases where developer's submission or plat is incomplete, incorrect or
1263 otherwise fails to comply with City ordinances and/or development standards as determined by the
1264 City and where such failure makes additional or repeat reviews on the part of the City engineer
1265 and/or other consultants to the City necessary, developer shall be required to resubmit the plans to
1266 those reviewing entities that will be affected by changes. After reviewing the plans, each of the
1267 public agencies and utilities will provide the acknowledgment letter to the developer indicating
1268 whether the plans are acceptable or need to be revised. This process shall continue until all
1269 reviewing entities have accepted the plans.
- 1270 D. Report To Planning Commission: Within a reasonable time after receipt of a final plat and approval
1271 or comments from all appropriate reviewing entities, the community development department shall
1272 include the final plat on the Planning Commission agenda and prepare a report on the plat's

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1273 compliance with the General Plan, City ordinances, rules and regulations. The plat and the report of
1274 the City community development department shall then be presented to the Planning Commission.

1275 **13-5-120: PLANNING COMMISSION PLANNING COMMISSION ACTION; FINAL PLAT:**

1276 A. Scope: The Planning Commission shall not be bound by the recommendations of the City
1277 departments or the City Manager, and may set its own conditions and requirements consistent with
1278 this title.

1279 B. Examination Of Plat: Upon receipt of the final plat, the Planning Commission shall examine the plat
1280 to determine whether the plat conforms with the preliminary design plan and with all changes
1281 requested and all requirements imposed as conditions of acceptance. If the Planning Commission
1282 determines that the plat is in conformity with the preliminary design plan, the requirements of this
1283 title, other applicable ordinances and any reasonable conditions as recommended by the City
1284 departments, City Manager or on its own initiative, and that it is satisfied with such plat of the
1285 subdivision, it shall approve the plat.

1286 **13-5-130: DISAPPROVAL BY THE PLANNING COMMISSION:**

1287 If the Planning Commission determines that the final plat is not in conformity with this title or other
1288 applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the
1289 reasons for such disapproval. Within one year after the Planning Commission has disapproved any plat,
1290 the developer may file with the community development department a plat altered to meet the
1291 requirements of the Planning Commission. No plat shall have any force or effect until the same has been
1292 approved by the Planning Commission.

1293 **13-5-140: SECURITY BOND; DEVELOPER:**

1294 Prior to the installation of or any work on any required essential infrastructure improvements, the
1295 developer shall enter into a subdivision improvement agreement including a security bond acceptable to
1296 the City to insure completion of all essential infrastructure improvements required to be installed in the
1297 subdivision. The agreement shall be in a form and contain such provisions as approved by the City
1298 Attorney. The agreement shall include, but not be limited to, the following:

- 1299 A. Incorporation: Incorporation by reference of the final plat and all accompanying data required
1300 herein which is used to compute the cost of the improvements by the City Engineer;
- 1301 B. Completion Of Improvements: Completion of the improvements within a period of time not to
1302 exceed two (2) years from the date the agreement is executed;
- 1303 C. Satisfactory Completion: The improvements shall be completed to the satisfaction of the City and
1304 according to City standards specified in this title;
- 1305 D. Amount: The bond amount shall be equal to one hundred percent (100%) of the City Engineer's
1306 estimated cost of the essential infrastructure improvements to be installed;
- 1307 E. Exclusive Control By City: The bond proceeds may be released only upon written approval of the City
1308 Engineer;
- 1309 F. Reduction: The bond proceeds may be reduced upon request of the developer as the improvements
1310 are installed. The amount of the reduction shall be determined by the City. Such requests may be
1311 made only once every thirty (30) days and no reductions shall be authorized until such time as the
1312 City has inspected the improvements and found them to be in compliance with City standards and

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- 1313 approved improvement plans. All reductions shall be by the written authorization of the City
1314 Engineer. The bond shall not be reduced below ten (10%) of the required bond amount, until such
1315 time that all improvements have been accepted and upon the expiration of the one (1) year
1316 warranty period. The warranty period shall begin once all improvements have been completed and
1317 approved by the City engineer, with the exception of the required slurry seal;
- 1318 G. Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the completion
1319 of the improvements according to City standards for whatever reason, including previous
1320 reductions, the developer shall be responsible for the deficiency and no further building permits
1321 shall be issued in the subdivision or development until the improvements are completed or new
1322 bond, satisfactory to the City, has been executed and delivered to the City to ensure completion of
1323 the remaining improvements;
- 1324 H. H. In the event the developer defaults or fails or neglects to satisfactorily install the required
1325 improvements within one year from the date of approval of the development by the City Council or
1326 to pay all liens in connection therewith, the City Council may declare the bond or other assurance
1327 forfeited and the City may install or cause the required improvements to be installed using the
1328 proceeds from the collection of the bond or other assurance to defray the expense thereof,
1329 including attorney fees and court costs. After required improvements have been made, any balance
1330 after expenses shall be returned to the developer at the end of the assurance period. (Ord. 93-5, 7-
1331 6-1993, eff. 7-15-1993; amd. 2012 Code)
- 1332 I. Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time period,
1333 the costs of completion shall include reimbursement to the City for the costs of administration
1334 incurred by the City in obtaining the completion of the improvements;
- 1335 J. Nonliability: The developer shall agree to hold the City harmless from any and all liability which may
1336 arise as a result of the improvements which are installed until such time as the City certifies the
1337 improvements as complete;
- 1338 K. Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by
1339 the City:
- 1340 1. A cash bond agreement accompanied by a cashier's check or a money market certificate made
1341 payable only to the City;
 - 1342 2. An escrow bond agreement and an escrow account with a financial institution federally insured;
 - 1343 3. A letter of credit bond agreement accompanied by an irrevocable letter of credit with a financial
1344 institution federally insured; or
 - 1345 4. A corporate surety performance bond in favor of the City.
- 1346 L. Right Of Rejection: The City reserves the right to reject any bond. The bonds required by this section
1347 are for the sole benefit of the City. The bonds are not for the benefit of any individual citizen or
1348 identifiable class of citizens, including the owners or purchasers of lots within the subdivision or
1349 project;
- 1350 M. Extension: The time period for the completion of the required essential infrastructure
1351 improvements may be extended in the following manner upon approval of the City Council:
- 1352 1. The developer may submit a new bond for approval;
 - 1353 2. The existing bond may be extended upon payment, by the developer, of the actual
1354 administrative costs incurred in reevaluating the sufficiency of the bond amount.

1355 **13-5-150: DELAY AGREEMENT:**

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1356 In lieu of the bond requirements outlined above, at the City's sole option, the developer may be
1357 permitted to execute an agreement, in a form acceptable to the City attorney, delaying the installation
1358 of any or all of the essential infrastructure improvements required pursuant to this title.

1359 13-5-160: RECORDING OF PLAT:

1360 After Planning Commission approval, completion of the required essential infrastructure improvements
1361 or filing of the bond agreement described herein, and signing of the plat by all those required, the plat
1362 shall be presented by the City Recorder to the Davis County recorder for recordation.

1363 13-5-170: EXPIRATION OF FINAL APPROVAL:

1364 If the plat is not recorded within six (6) months from the date of Planning Commission approval, such
1365 approval shall be null and void. This time period may be extended for additional six (6) month periods by
1366 the City Manager. The developer must petition for an extension, prior to the expiration of the original six
1367 (6) months, or an extension previously granted. An extension may be granted only if it is determined
1368 that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision
1369 approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the
1370 amounts the City uses to estimate bonds to ensure completion of improvements, have increased, the
1371 City Manager may require that the bond estimate be recalculated and that the developer pay any
1372 applicable fee increases as a condition of granting the extension.

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1373 **13-6: PLANNED UNIT, CONDOMINIUM, RECREATIONAL VEHICLE AND MOBILE HOME**
1374 **DEVELOPMENTS**

1375 **13-6-010 : PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

1376 **13-6-020 : CONDOMINIUM SUBDIVISIONS**

1377 **13-6-030 : MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;**
1378 **SPECIAL REQUIREMENTS:**

1379 **13-6-010: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

- 1380 A. Purpose: The purpose of planned unit development (PUD) is to permit flexibility in land use
1381 regulations and for the consolidation of open spaces by clustering dwelling units, in order to
1382 preserve natural features, allow a variety of land uses, provide meaningful and usable open spaces,
1383 and to make efficient use of essential infrastructure and public facilities. The application of planned
1384 unit development concept is intended to encourage neighborhoods, housing, design, open space
1385 and facilities compatible with the present living environment in the City as described by the general
1386 plan, while at the same time ensuring compliance with practices which will assure the health, safety
1387 and public welfare of the future inhabitants of the planned unit development, as well as maximizing
1388 the energy utilization efficiency of the project.
- 1389 B. The PUD approach is expected to result in development that is superior to what could be obtained
1390 through ordinary lot-by-lot development. It is not intended to circumvent conventional land use
1391 regulations. Through the flexibility of the planned unit development regulations, the City seeks to
1392 achieve the following specific objectives:
- 1393 1. The stabilization and preservation of the existing or planned land uses in abutting areas and
1394 surrounding residential neighborhoods;
 - 1395 2. Preservation and enhancement of desirable site characteristics such as natural topography,
1396 vegetation and geologic features, and the prevention of soil erosion;
 - 1397 3. Preservation of buildings which are architecturally or historically significant or contribute to the
1398 character of the City;
 - 1399 4. Maximizing and preserving vegetation and open space and/or other special development
1400 amenities to provide light, air and privacy, to buffer abutting properties and to provide active
1401 and passive recreation opportunities for residents of the planned development and/or the
1402 community;
 - 1403 5. Minimize significant through traffic impacts on adjacent residential neighborhoods;
 - 1404 6. Provide an appropriate transition or buffering between uses of differing intensities both on site
1405 and off site; and
 - 1406 7. Provide safe and convenient vehicle and pedestrian connections between adjacent uses
- 1407 C. In return for greater flexibility in site development, the PUD introduces some special requirements
1408 and standards for design approval. These conditions will be employed to maximize quality of site
1409 design. They will not be used to cause undue delays nor unwarranted increase in costs, when
1410 compared to more conventional development. The PUD process will not be used as a device to force
1411 a decrease in residential density below that otherwise allowed by the comprehensive plan and
1412 underlying zoning.
1413

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- 1414 D. Planned Unit Developments Approval: A development which is to be developed as a PUD shall be
1415 processed in the same manner as minor or major subdivisions. PUD developments shall comply with
1416 the underlying zoning requirements except as specifically varied by this section.
- 1417 E. Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located:
- 1418 1. Land uses permitted within a PUD subdivisions shall comply with the underlying zone district.
1419 Multi-family attached dwellings shall only be allowed to the extent permitted in the underlying
1420 zone.
- 1421 2. The density allowed in a residential PUD shall be determined by calculating the net developable
1422 area of the development divided by the minimum land area required per dwelling unit within
1423 the zone district. Net developable area is defined as the total development parcel less the area
1424 required for private or public road rights of ways and including the required adjacent pedestrian
1425 walkways and park strips.
- 1426 F. Required Conditions:
- 1427 1. Area: No planned unit development shall have an area less than that approved by the Planning
1428 Commission as adequate for the proposed development.
- 1429 2. Arrangement Of Structures; (residential)
- 1430 a. Open Space: The Planning Commission shall require such arrangements of structures to
1431 consolidate and maximize usable open spaces for the enjoyment and convenience of future
1432 residents of the development. Care shall be taken to assure that adjacent properties will not
1433 be adversely affected.
- 1434 b. Perimeter Setback: All structures within a PUD shall be setback from the perimeter
1435 boundary of the development a minimum of fifteen (15) feet.
- 1436 c. Height Restrictions: The perimeter setback shall be a minimum of twenty-five (25') feet for
1437 structures with greater than two (2) stories adjacent to a perimeter property line shared
1438 with a single family dwelling(s).
- 1439 d. Front Setback (street façade): All front façades of buildings which face a private or public
1440 street right of way shall be setback a minimum distance of twenty (20) feet from the edge of
1441 the right of way, including any required sidewalk and park strip.
- 1442 e. Front Setback (other): All front facades of buildings which face a perimeter development
1443 boundary or other physical feature or barrier, such as a retaining wall greater than 4 feet in
1444 height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-
1445 five feet.
- 1446 f. Building Separation-front façade(s): Residential structures which front a courtyard or other
1447 shared common open space have a minimum building separation of thirty (30) feet. Front
1448 porches, patios, awnings, or above ground decks may extend into the separation distance up
1449 to five (5) feet. Fenced limited common area may extend up to ten (10) feet into the
1450 separation distance. Pedestrian walkways within the front separation shall be a minimum of
1451 five (5) feet in width.
- 1452 g. Building Separation-rear facades: Residential structures without rear garage or rear alley
1453 access, shall have a minimum separation distance of thirty (30) feet. Fenced limited
1454 common area may extend up to fifteen (15) feet into the separation distance.
- 1455 h. Building Separation-side facades: Adjacent side building facades shall have a minimum
1456 separation distance of twenty-five (25) feet. Adjacent side yards may be used for common
1457 open space, pedestrian circulation, or landscaping. Prohibited use in adjacent side yards

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- 1458 shall be parking and fenced limited common area. Pedestrian walkways within the side
1459 separation shall be a minimum of five (5) feet in width.
- 1460 i. Rear Setback (alley loaded): Residential structures with alley loaded garages shall be setback
1461 from the private street right of way a minimum distance of five (5) feet.
- 1462 j. j. Lot area, width, yard, height and coverage requirements shall be determined by approval
1463 of the preliminary design plan.
- 1464 k. k. Where feasible, buildings or landscaping shall not prohibit the free flow of air or direct
1465 exposure to sunlight, specifically in regard to solar heating or cooling structures by solar
1466 energy systems.
- 1467 l. l. The development will be planned so as to provide solar access to all of the residential
1468 units, unless waived by the Planning Commission.
- 1469 3. Plan Preparation: All plans must be prepared by a qualified professional team.
- 1470 Tax Liability For Private Open Space: Ownership for tax liability of private open space reservations
1471 shall be established in a manner acceptable to the City Council and made a part of the conditions of
1472 the plan approval.
- 1473 G. Preservation, Maintenance And Ownership: Preservation, maintenance and ownership of required
1474 open spaces within development shall be accomplished by:
- 1475 1. Dedication: Dedication of the land to the City as a public park or parkway system, including a
1476 certificate of title insurance; or
- 1477 2. Easement:
- 1478 a. Granting to the City a permanent, open space easement on and over the said private open
1479 spaces to guarantee that the open space remains perpetually in recreational or park use,
1480 with ownership and maintenance being the responsibility of an owners' association
1481 established with articles of association and bylaws which are satisfactory to the City Council;
1482 or
- 1483 b. Granting to the City a permanent, open space easement on and over the said private open
1484 spaces to guarantee that the open space remains perpetually in recreational or park use, to
1485 be maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the
1486 developer in an amount satisfactory to the City Council; or by
- 1487 3. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership
1488 Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of
1489 common expenses for the upkeep of the common areas and facilities. (Ord. 93-5, 7-6-1993, eff.
1490 7-15-1993) The developer shall provide the following:
- 1491 a. Adequate and reasonable guarantees as determined by the Planning Commission for
1492 permanent retention of open spaces and for the maintenance of roadways, storage
1493 facilities, service facilities and landscaping resulting from the application of these
1494 regulations.
- 1495 b. The developer shall record against the property a declaration of covenants, conditions,
1496 restrictions, and easements (CCRs) which shall provide for a home owner's association
1497 (HOA) responsible for the maintenance of all common areas and private infrastructure.
- 1498 c. The declaration shall provide provisions for the creation of an initial operating budget, as
1499 well future yearly budgets, long term reserves, annual maintenance, and required payments

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1500 of dues and fees by lot owners of the PUD for both yearly maintenance and long range
1501 reserve projects or maintenance.

1502 d. The developer shall implement any reasonable steps in the creation of the appropriate
1503 accounts and funding sources for the HOA yearly operations and maintenance costs prior to
1504 occupancy of any units in the PUD. The developer shall ensure that said accounts are funded
1505 in a manner to cover ongoing maintenance costs during construction of all HOA common
1506 facilities and units, so long as the developer remains the declarant in control of the HOA to
1507 the extent that the HOA is not self-sustaining.

1508 e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law,
1509 for the purposes of funding the HOA in perpetuity. The reinvestment fee shall apply to all
1510 closings within the HOA in perpetuity, including initial closings from the developer to a
1511 buyer and all subsequent closings. The reinvestment fee shall be used to fund the reserve
1512 and operating funds of the HOA.

1513 f. The developer shall provide to the Planning Commission a management plan and a first year
1514 budget at build out demonstrating the viability of the HOA to meet its obligations including
1515 a proposed HOA monthly or annual assessment. The management plan developed by the
1516 applicant shall outline standards of operation, and remedies for failure to comply with those
1517 standards. A letter from a qualified HOA management company shall be provided
1518 desaturating that any submitted HOA budgets are reasonable.

1519 **13-6-020: CONDOMINIUM SUBDIVISIONS**

1520 A. The procedures and requirements of this section shall apply to and govern the processing of
1521 condominium record of survey maps pursuant to the requirements of the condominium ownership
1522 act, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement
1523 zoning, site development, health, building and other ordinances applicable to a particular
1524 condominium project, and shall apply to the approval of such projects involving new construction,
1525 as well as those involving the conversion of existing structures. In addition, condominium projects
1526 which contemplate dedication of real property or improvements for the use of the public, or
1527 condominium projects in which units are not contained in existing or proposed buildings, shall also
1528 be considered subdivisions requiring compliance with all applicable codes of the City.

1529 B. It is the intent of this chapter to establish a reasonable process whereby the City can assess the
1530 impact of mixing collective and individual ownerships, as presented in a particular condominium
1531 project, upon the public health, safety, convenience and general welfare of present and future
1532 inhabitants of the City. In the case of commercial or residential conversions of existing buildings,
1533 corrections of building code violations, the upgrading of vehicle parking facilities and safety of
1534 common functional elements of the structure or structures are of prime importance. It is also
1535 recognized the conversion of existing apartments or similar multi-family rental dwelling structures
1536 present the potential of relocation hardship to existing tenants, especially senior citizens, and
1537 warrants that reasonable notice and disclosure requirements be established by the City to minimize
1538 said hardships. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1539 C. Application Requirements: The owner or developer of a proposed condominium project desiring
1540 approval shall file an application with the community development department in accordance with
1541 applicable major subdivision process.

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- 1542 1. Proposed map accurately drawn to scale as required by Utah Code Annotated section 57-8-13,
1543 as amended, which shall be made by a registered Utah land surveyor. In addition, said map or an
1544 additional site plan shall include diagrammatic floor plans identifying boundaries of the project
1545 units, convertible and expandable areas or spaces and common areas. Said map or plan should
1546 designate the intended use of common areas (e.g., storage, recreational, parking for guests as
1547 opposed to unit owners, open space, etc.) and should indicate whether such common areas are
1548 to be open to the public, assigned to specific units or semiprivate and available only to unit
1549 owners. Said map or site plan shall also identify and describe in detail the location of existing or
1550 proposed driveways, pedestrian ways, curb cuts, walls, structures, fences, landscaping and
1551 sprinkling systems.
- 1552 2. Two (2) copies, signed in the original, of the proposed condominium declarations and bylaws.
- 1553 3. Where conversion of an existing building is proposed as part of the condominium project, two
1554 (2) copies of the property report, prepared by a licensed architect or engineer, including the
1555 following information, shall be submitted as part of the application, together with the plan for
1556 proposed improvements, renovations and repairs:
- 1557 a. The age of the building or buildings.
- 1558 b. The general conditional, useful life and capacity of the building's structural elements,
1559 including the roof, foundations, mechanical system, electrical system, plumbing system,
1560 boiler, and other structural elements.
- 1561 c. All known conditions constituting deficiencies requiring repair to meet existing Building
1562 Codes.
- 1563 d. All known conditions which may require repair or replacement within the next succeeding
1564 five (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 1565 e. The property report shall certify that the structure or structures conform to the
1566 International Building Code minimum standards, or the owner shall present plans to bring
1567 the structure or structures into conformity with said standards prior to issuance of
1568 certificates of occupancy.
- 1569 f. Where it is determined that physical conditions in an existing building do not allow the strict
1570 application of the International Building Code standard, the City Board of Appeals, as
1571 provided for in the International Building Code, shall review all requests to vary from these
1572 standards and may grant variances or approve alternates where it is determined the intent
1573 of the requirement will be met. In any event, there shall be disclosure to buyers of any
1574 conditions that do not meet code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-
1575 15-1993; amd. 2012 Code)
- 1576 4. Proof of notice to tenants as required by section 10-19-5 of this chapter shall be required before
1577 final approval, but may be submitted, at the owner/developer's option, after preliminary
1578 approval is obtained from the Planning Commission.
- 1579 5. To assist the City to defray costs involved with the review of the project, fees shall be submitted
1580 with a condominium conversion application as outlined in the consolidated fee schedule. (Ord.
1581 93-5, 7-6-1993, eff. 7-15-1993)
- 1582 D. Incomplete Applications: Incomplete applications may be proffered and reviewed for advisory
1583 comment by the community development department, but shall not be deemed accepted or
1584 received until complete, nor shall the condominium project be scheduled for any hearings before

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- 1585 the Planning Commission until the application is complete. (Ord. 93-5, 7-6-1993, eff. 7-15-1993;
1586 amd. 2012 Code)
- 1587 E. Copies Routed: Upon receipt of a completed application for approval of a condominium project, the
1588 Community Development Department staff shall route copies of the application and development
1589 plans in the same manner as a major subdivision as outlined in this title.
- 1590 F. Review: Additional preliminary review by the planning staff, Fire Marshal and the Building Inspection
1591 Department shall include, but not be limited to, the following:
- 1592 1. Planning Staff Review:
- 1593 a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project
1594 for review. The condominium declarations and bylaws shall be reviewed as part of the final
1595 approval process and will include provisions addressing and fixing responsibility for the
1596 maintenance, upkeep and repair of common areas, including common walls, electrical,
1597 mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas.
1598 The declarations shall also restrict the use of any individual residential dwelling unit to single
1599 "families", as defined in section 10-1-46 of this code. The staff shall also review said
1600 declaration to require appropriate disclosure of any unusual circumstances, variances or
1601 conditions placed upon the condominium project for approval.
- 1602 b. Plans And Related Documents: The staff shall review the plans and related documents to
1603 determine whether the project conforms to applicable requirements of this title, the status
1604 or extent of nonconforming rights, applicable conditions imposed upon the building or use
1605 by ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered
1606 or group dwelling plan. If the planning staff finds there are violations of applicable zoning
1607 ordinances or requirements, the staff may recommend denial of the condominium project
1608 until such violations have been corrected or requirements completed or bonded for prior to
1609 final approval by the Planning Commission. (Ord. 2012-07, 4-30-2012)
- 1610 2. Building Inspection Staff Review:
- 1611 a. Upon receipt of the application for approval of a condominium project, the Building
1612 Inspection Department shall review the proposed building plans for new construction
1613 and/or in the case of a conversion project, the property report and plan of improvement,
1614 renovations and repairs to determine conformance with applicable building codes. In the
1615 case of a conversion, the department shall require inspections of the property and may
1616 require supplementation, revision and resubmission of the property report where
1617 necessary. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 1618 b. In the preliminary review report to the Planning Commission, the Building Official shall note
1619 corrections, repairs and replacements which must be made to bring the structures into code
1620 compliance, together with a list of renovation improvements proposed by the
1621 owner/developer which are not required by code. The building official shall also list any
1622 requirements of the International Building Code that needs appeal authority consideration
1623 due to unique circumstances associated with the structure. The building official may then
1624 recommend denial until such time as existing violations of code are corrected or may
1625 recommend preliminary approval of the project and building report subject to correction of
1626 the violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- 1627 3. Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and
1628 shall submit a report thereon to the planning staff outlining the conditions of the structures as

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- 1629 they relate to fire safety. The marshal shall stipulate those conditions requiring improvement,
1630 prior to occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 1631 G. Planning Commission Consideration: Upon completion of the recommendations of the development
1632 review committee and the fire marshal, the matter shall be set for consideration by the Planning
1633 Commission in the same manner prescribed for a major subdivision as provide in this title.
- 1634 H. Findings For Approval: If the Planning Commission finds that the project is in full compliance with:
1635 1. applicable City ordinances;
1636 2. the requirements of the condominium ownership act;
1637 3. that proper notice to tenants has been given; and
1638 4. that in every way the project is ready for final approval.
- 1639 The Planning Commission may grant final approval of the project and authorize the signature of the
1640 chairperson to be placed upon the necessary documents.
- 1641 I. Preliminary Approval: If the Planning Commission finds that the project substantially complies with
1642 the above mentioned criteria but that certain facts of the proposal require changes or modifications
1643 prior to final approval, or that tenant notification has not been completed, the Planning Commission
1644 may grant preliminary approval to the project with instructions as to what criteria must be met prior
1645 to submission for final approval.
- 1646 J. Disapproval: If the Planning Commission finds the project in conflict with the ordinances of the City
1647 and/or the state and is not in the best interests of the City as a whole and/or specific neighborhood
1648 in which the project is proposed to be located, or if it is not satisfied with the site development plans
1649 of the project, the Planning Commission may disapprove the project specifying in detail the reasons
1650 for disapproval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 1651 K. Notice: As part of the application for approval of a condominium project, when said project involves
1652 the conversion of an existing structure where the structure has been occupied by residential or
1653 commercial tenants prior to application for conversion, the owner/developer shall provide notice of
1654 intended conversion to said tenants by certified mail. This notice requirement shall not apply to a
1655 structure that was vacant and remained so during the year prior to filing of the developer's
1656 application for conversion. Such notice shall include:
1657 1. The proposal for the conversion of the building to a condominium project;
1658 2. The established dates of construction period and termination of occupancy which shall not be
1659 less than sixty (60) days from the date notice is served upon occupants or expiration of
1660 individual leases, whichever is longer;
1661 4. The disclosure of the sales price for each unit shall be no greater than the price initially
1662 advertised and offered to the general public at such time as when the condominiums are
1663 offered for public sale;
1664 5. Relocation information for the tenants specifying available alternative housing relocation
1665 resource agencies and organizations and a plan of any services to be voluntarily provided by the
1666 owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 1667 L. Dissemination Of Notice: A copy of said notice, together with a list prepared by the
1668 owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and
1669 other known special disabilities or factors affecting relocation needs of the tenants, shall be
1670 submitted to the Davis County housing authority and the county social services department to
1671 advise said agencies of the conversion and/or solicit their assistance with relocation services. No

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1672 final approval of such a conversion project shall be granted by the Planning Commission until the
1673 owner/developer has provided proof of notice by certified mail or subsequent proof of actual
1674 delivery by method of services allowed under state law of such notices and relocation information
1675 as required above, and any plans for relocation services to be voluntarily provided by the
1676 owner/developer and the time designated therein (a minimum of 60 days) has expired. (Ord. 93-5,
1677 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

1678 M. Protest Review Procedure: When a tenant of a residential dwelling has received written formal
1679 notice of eviction without cause and without at least sixty (60) days notice of conversion required
1680 above and has reason to believe that notice was issued because of a proposed condominium
1681 project, he may, within thirty (30) days of the date of the notice of eviction, initiate an appeal
1682 regarding the issue of proper notice to the community development director. The filing of such a
1683 protest shall stay the issuance of any approval or issuance of any permits for the structure in
1684 question for a period not to exceed thirty (30) days and the matter shall be set for hearing before
1685 the Planning Commission.

1686 N. Investigation: Upon filing a tenant appeal, the planning staff shall institute an investigation to
1687 determine if the notice requirements set forth above were satisfied. They shall then report their
1688 findings to the Planning Commission within ten (10) days of filing of the appeal. (Ord. 93-5, 7-6-
1689 1993, eff. 7-15-1993)

1690 O. Final Approval. If upon submission of the recommendations of the Development Review Committee,
1691 the Planning Commission finds that the project is in compliance with applicable ordinances and the
1692 requirements of preliminary approval, the Planning Commission may grant final approval. The
1693 Planning Commission will review recommendations from the development review committee for
1694 work that is proposed for subsequent completion, bonding or waiver and may otherwise impose
1695 appropriate terms upon such bonding or conditions upon its approval. (Ord. 93-5, 7-6-1993, eff. 7-
1696 15-1993)

1697 P. Disapproval. If the Planning Commission is not satisfied with plans of a project which constitutes a
1698 subdivision, the Planning Commission may disapprove said map, specifying reasons for disapproval.

1699 Q. Reconsideration: Within thirty (30) days after the Planning Commission has disapproved any project,
1700 the developer may file with the planning staff a map or documents altered to meet the
1701 requirements of the Planning Commission or may appeal the denial to the City Council. Upon receipt
1702 of said map or documents, the matter shall be referred to the Planning Commission for
1703 reconsideration or to the City Council for appeal.

1704 R. Force And Effect: No final map shall have any force or effect until the same has been approved by
1705 the City as reflected by the signature of the mayor and is officially recorded with the City Recorder
1706 within six (6) months from the date of the Mayor's signature. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

1707 **13-6-030 : MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;**
1708 **SPECIAL REQUIREMENTS:**

1709 A. Purpose And Intent: The purpose and intent of this section is to:

- 1710 1. Permit variety and flexibility in land development for residential purposes by allowing the use of
1711 mobile homes and recreational vehicles under certain conditions.
1712 2. Require that mobile home and recreational vehicle developments will be of such character as to
1713 promote the objectives and purposes of this title; to protect the integrity and characteristics of

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1714 the district contiguous to those in which mobile home parks are located; and to protect other
1715 land use values contiguous to or near mobile home or recreational vehicle developments.

1716 B. Location:

1717 1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries of
1718 the City except in a licensed mobile home park or approved mobile home subdivision.

1719 Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile
1720 home park or mobile home subdivision will be permitted for a period not exceeding twenty four
1721 (24) hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home
1722 sales areas.

1723 2. Recreational Vehicles:

1724 a. Recreational coaches which do not include facilities necessary to be "mobile homes", as
1725 defined in section 10-1-46 of this code, shall not be used at any place within the corporate
1726 boundaries of the City, at any time, for living quarters except in designated camping areas or
1727 recreational vehicle parks.

1728 b. Recreational vehicles which are unoccupied for living space may be stored on an owner's
1729 private residential lot, provided the parking complies with the regulations in section 10-6-6
1730 of this title. Long term commercial storage of recreational vehicles, maintenance operations,
1731 reconstruction or construction activities are permitted within enclosures only and in zoning
1732 districts allowing such uses.

1733 C. Standards And Requirements:

1734 1. Determination Of Compliance: The Planning Commission shall review the proposed
1735 development plan to determine its compliance with all portions of the City General Plan and,
1736 among other things, shall attempt to make sure that such development will constitute a
1737 residential environment of sustained desirability and stability and that it will not adversely affect
1738 amenities in the surrounding area. Standards higher than the minimum standards contained in
1739 this title may be required if necessary for local conditions of health, safety and protection of
1740 property, and to ensure that the development will mix harmoniously with contiguous and
1741 nearby existing and planned uses.

1742 2. Required Facilities: The Planning Commission shall not approve any application for mobile home
1743 park, recreational vehicle park or mobile home subdivision conditional use permit if the
1744 developer cannot provide required water supplies and facilities, waste disposal systems, storm
1745 drainage facilities, access or improvements, or if the developer cannot assure that the
1746 development will be completed within twelve (12) months, or if the Planning Commission or City
1747 Council determines there would be unusual danger of flood, fire or other hazard, or if the
1748 proposed development would be of such character or in such a location that it would:

- 1749 a. Create excessive costs for public services and facilities;
- 1750 b. Endanger the health or safety of the public;
- 1751 c. Unreasonably hurt or destroy the environment;
- 1752 d. Cause excessive air or water pollution, or soil erosion; or
- 1753 e. Be inconsistent with any adopted general or specific plan of the area in which it is to be
1754 placed.

1755 3. Standards And Requirements Specified; Exception: The development shall conform to the
1756 following standards and requirements, unless modified by an approved planned unit
1757 development plan:

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- 1758 a. The area shall be in one ownership, or if in several, the application for approval of the
1759 development shall be filed jointly by all owners of the property included in the plan.
- 1760 b. A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left
1761 unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings,
1762 garages or any accessory buildings or uses and shall be planted and maintained in lawn,
1763 shrubs or trees, with an approved durable permanent wall or fence designed to afford
1764 privacy to the development.
- 1765 c. All storage and solid waste receptacles outside the confines of any mobile home or
1766 recreational vehicle shall be housed in a closed structure compatible in design and
1767 construction to the mobile homes, and to any service buildings within the development; all
1768 patios, carports, garages and other add ons shall be compatible in design and construction
1769 with the mobile home. The service buildings shall be constructed in accordance with
1770 standard commercial practice and kept in good repair. In mobile home developments where
1771 units will be situated with long axis perpendicular to the street, streets will run in a north-
1772 south direction to the greatest extent possible. This is to promote solar orientation of the
1773 units.
- 1774 d. In addition to meeting the above requirements and conditions, and conforming to the other
1775 laws of the City, all mobile home parks, recreational vehicle parks, and mobile home
1776 subdivisions shall also conform to all applicable state regulations. In the event of any conflict
1777 between said regulations and this chapter, this chapter shall take precedence where its
1778 regulations are more strict, and the provisions of the state regulations shall take precedence
1779 where such regulations are more strict.
- 1780 4. Utilities Underground: Every mobile home park, recreational vehicle park and mobile home
1781 subdivision shall provide underground utility service to every mobile home stand or lot as
1782 required by the Planning Commission, including, but not limited to, water, sewer, power, natural
1783 gas, telephone and television.
- 1784 5. Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the City
1785 to be less durable and less resistant to deterioration than are conventional homes; therefore, all
1786 mobile homes which are used for human habitation, whether conforming or nonconforming,
1787 and whether located in mobile home parks, in mobile home subdivisions or on bona fide farms
1788 and ranches, shall be subject to the following special regulations:
- 1789 a. Permits are required for mobile home setup, plumbing and electrical hookups, and such
1790 hookups shall be made only by licensed plumbers and electricians.
- 1791 b. A certificate of compliance is required for all mobile homes within the City, whether
1792 occupied or awaiting occupancy, and may be obtained from the building official following an
1793 inspection wherein the mobile home is found to meet the safety, sanitary and structural
1794 standards adopted by the City. The state or federal inspection certificate will be honored in
1795 lieu of a certificate of compliance.
- 1796 6. Compliance With Other Regulations: Any mobile home or recreational vehicle located in any
1797 permitted area shall comply with and conform to all other zoning laws, rules and regulations,
1798 and building, plumbing, electrical and fire prevention codes, and all other codes and
1799 requirements applicable to a structure or building erected within the district in which said
1800 mobile home or recreational vehicle is located.
- 1801 7. Guarantees:

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- 1802 a. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees
1803 must be provided as determined by the Planning Commission and City Council for
1804 permanent retention of open spaces and for the maintenance of roadways, storage
1805 facilities, service facilities and landscaping resulting from the application of these
1806 regulations. The developer shall provide the following:
- 1807 (i) Adequate and reasonable guarantees as determined by the Planning Commission for
1808 permanent retention of open spaces and for the maintenance of roadways, storage
1809 facilities, service facilities and landscaping resulting from the application of these
1810 regulations.
 - 1811 (ii) The developer shall record against the property a declaration of covenants, conditions,
1812 restrictions, and easements (CCRs) which shall provide for a home owner's association
1813 (HOA) or management entity responsible for the maintenance of all common areas and
1814 private infrastructure.
 - 1815 (iii) The declaration shall provide provisions for the creation of an initial operating budget,
1816 as well future yearly budgets, long term reserves, maintenance, and required payments
1817 of dues and fees by lot owners of the park for both yearly maintenance and long range
1818 reserve projects or maintenance.
 - 1819 (iv) The developer shall implement any reasonable steps in the creation of the appropriate
1820 accounts and funding sources for the HOA yearly operations and maintenance costs
1821 prior to occupancy of any units in the park. The developer shall ensure that said
1822 accounts are funded in a manner to cover ongoing maintenance costs during
1823 construction of all common facilities and units, so long as the developer remains in
1824 control of the park.
 - 1825 (v) The declaration shall require a reinvestment fee, or other mechanism as permitted by
1826 law, for the purposes of funding the improvements in perpetuity. The reinvestment fee
1827 shall apply to all closings within the park in perpetuity, including initial closings from the
1828 developer to a buyer and all subsequent closings. The reinvestment fee shall be used to
1829 fund the reserve and operating funds for the park.
 - 1830 (vi) The developer shall provide to the Planning Commission a management plan and a first
1831 year budget at build out demonstrating the viability of the park to meet its obligations
1832 including proposed monthly or annual assessment. The management plan developed by
1833 the applicant shall outline standards of operation and remedies for failure to comply
1834 with those standards, as well as a single responsible person or entity for its
1835 administration and communication with the City.
- 1836 b. In any case, when a mobile home park or recreational vehicle park is owned by more than
1837 one person, the owners shall establish and appoint a park manager. The manager shall be
1838 authorized to receive, process and represent fully the interests of the owners in respect to
1839 continuing management and maintenance of the park.
- 1840 c. Prerequisite to the operation of any mobile home park or recreational vehicle park in the
1841 City shall be the obtaining of an annual business license from the City.
- 1842 d. In the event a mobile home or recreational vehicle park is not completed according to
1843 approved plans, or operated and maintained according to the approved management plan,
1844 the annual business license may be denied or revoked. The mobile homes or recreational
1845 vehicles and associated property and facilities shall be removed, and all services

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1846 discontinued before any part of the land within the development planning area may be used
1847 for any other purpose, or be subdivided.

1848 e. The premises on which any mobile home is located, used or occupied shall be maintained in
1849 a clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds,
1850 inoperative vehicles or other unsightly material thereon shall constitute a public nuisance
1851 and a violation of this title. Reasonable guarantees to assure compliance with this
1852 requirement will be required of the developer and/or owner as a condition of conditional
1853 use permit approval and ultimately the issuance of the annual City business license.

1854 D. Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile home
1855 parks outlined in this section, mobile home parks shall meet the following requirements:

1856 1. Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre and
1857 may be limited to fewer units, depending on mobile home size, topography and other factors of
1858 the particular site. The mobile homes may be clustered; provided, that the total number of units
1859 does not exceed the number permitted on one acre, multiplied by the number of acres in the
1860 development. The remaining land not contained in individual lots, roads or parking shall be set
1861 aside and developed as parks, playgrounds and service areas for the common use and
1862 enjoyment of occupants of the development, and the visitors thereto.

1863 2. Distance Between Structures: No home or addition shall be located closer than ten feet (10')
1864 from the nearest portion of any other home or add on. All such homes and additions shall be set
1865 back at least ten feet (10') from road curbs or walks. If the mobile home tongue remains
1866 attached, it shall be set back a minimum of six feet (6') from road curbs or walks. All mobile
1867 homes, storage buildings, service buildings, garages, carports or other additions, etc., shall be
1868 set back at least fifteen feet (15') from any boundary of the mobile home park.

1869 3. Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces per
1870 mobile home space, and each such parking space shall have a minimum width of ten feet (10')
1871 and minimum depth of twenty feet (20'). In no case shall the parking space be located farther
1872 than one hundred feet (100') from the mobile home space, as approved by the Planning
1873 Commission.

1874 4. Bulk Storage Areas: One-story bulk storage areas shall be provided within a mobile home park,
1875 equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk
1876 storage shall be improved, landscaped and screened as approved by the Planning Commission.

1877 5. Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be set
1878 aside for the joint use and enjoyment of occupants in a parklike setting with both active and
1879 passive recreational accommodations. The land covered by vehicular roadways, sidewalks, off
1880 street parking and required setbacks shall not be construed as part of this ten percent (10%)
1881 common area required; provided, however, that in initial stages of development or special
1882 smaller developments, the minimum area shall be not less than one acre or ten percent (10%),
1883 whichever is greater.

1884 6. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
1885 protective yard lighting the full length of all driveways and walkways.

1886 7. Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing or
1887 buildings shall be landscaped as approved by the Planning Commission, and such landscaping
1888 shall be permanently maintained.

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- 1889 8. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be
1890 hard surfaced before the adjacent spaces may be occupied.
- 1891 9. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
1892 following standards, unless modified by an approved planned unit development plan:
- 1893 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for
1894 maneuvering mobile homes.
- 1895 b. Two-way traffic: A minimum of thirty feet (30') in width.
- 1896 c. Entrance roadways: A minimum of thirty six feet (36') in width.
- 1897 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
1898 rolled gutters or an approved equivalent.
- 1899 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
1900 roadways within the development, if required by the Planning Commission.
- 1901 f. Access: Each park shall have at least two (2) accesses to public streets, unless more than one
1902 access is prohibited by a responsible public agency.
- 1903 10. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if shields
1904 are used, they are to be fireproof, well painted or otherwise preserved.
- 1905 11. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect
1906 residents of the development as well as adjacent property owners. Such facilities must be of
1907 sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of
1908 water in or adjacent to the development and shall be provide in accordance with City Ordinance,
1909 Title 8 Chapter 5, Stormwater Management
- 1910 12. Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:
- 1911 a. Be in keeping with the general character of the district in which it is to be located.
- 1912 b. Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels
1913 separated by a street or alley only, and totaling ten (10) acres, unless modified by an
1914 approved planned unit development plan.
- 1915 c. Have at least twenty five (25) spaces completed, ready for occupancy, or an approved
1916 financing plan for construction and phase completion, together with approved security to
1917 assure compliance, before first occupancy is permitted.
- 1918 13. Laundry Facility: A laundry for convenience of park occupants, but not for the general public,
1919 may be included in mobile home parks.
- 1920 14. Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty (30)
1921 days, and occupancy shall be by written lease. Leases shall be made available for inspection by
1922 the officials of the City upon demand.
- 1923 15. Access: Access shall be provided to each mobile home stand for maneuvering mobile homes into
1924 position. The accessway shall be kept free from trees and other immovable obstructions. Paving
1925 under mobile homes will not be required if adequate support is provided as required by state
1926 regulations. Uses of planks, steel mats or other means to support the mobile home during
1927 placement shall be allowed, so long as the same are removed upon completion of placement.
- 1928 E. Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for
1929 recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following
1930 requirements:
- 1931 1. Location: Recreational vehicle parks shall generally be located:
- 1932 a. Adjacent to or in close proximity to a major traffic artery or highway.

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- 1933 b. Near adequate shopping facilities.
- 1934 c. Within or adjacent to a mobile home park.
- 1935 2. Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for
- 1936 the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and
- 1937 off street parking shall not be construed as part of the ten percent (10%) common area required
- 1938 for parks and playgrounds for occupants; provided, however, that in initial stages of
- 1939 development or in special smaller developments, the minimum area shall not be less than one-
- 1940 half ($\frac{1}{2}$) acre or ten percent (10%), whichever is greater.
- 1941 3. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
- 1942 protective yard lighting the full length of all driveways and walkways.
- 1943 4. Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall be
- 1944 landscaped and permanently maintained pursuant to a plan approved by the Planning
- 1945 Commission.
- 1946 5. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be
- 1947 paved with asphalt or concrete before the adjacent recreational vehicle spaces may be
- 1948 occupied.
- 1949 6. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
- 1950 following standards, unless modified by an approved planned unit development plan:
- 1951 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for
- 1952 maneuvering recreational vehicles.
- 1953 b. Two-way traffic: A minimum of thirty feet (30') in width.
- 1954 c. Entrance roadways: A minimum of thirty six feet (36') in width.
- 1955 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
- 1956 rolled gutters or an approved equivalent.
- 1957 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
- 1958 roadways within the development, if required by the Planning Commission.
- 1959 f. Access: Each recreational vehicle park shall have at least two (2) accesses to public streets,
- 1960 unless more than one access is prohibited by a responsible public agency.
- 1961 7. Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one
- 1962 individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space
- 1963 be rented or leased to any one individual for a period longer than ninety (90) days in any one
- 1964 calendar year.
- 1965 8. Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where
- 1966 permitted, but not used for permanent living quarters.
- 1967 9. Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for
- 1968 living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a
- 1969 conditional use.
- 1970 10. Screening; Access: Recreational vehicles may be accommodated in an approved and licensed
- 1971 mobile home park; provided, that:
- 1972 a. The recreational vehicle park portion of the development is separated by barriers, screens
- 1973 or otherwise from the area of mobile homes.
- 1974 b. The recreational vehicle use area shall have direct access to a collector or arterial street.
- 1975 c. Separate ingress and egress shall be provided for recreational vehicles when required by the
- 1976 Planning Commission.

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11. Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved by the City Council in locations permitting such use in this title. Before such approval is given, a report to the City Council by the Planning Commission shall find that the proposed development will:
 - a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park, unless modified by a planned unit development plan.
 - b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.
 - F. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile home subdivisions outlined in this section, mobile home subdivisions shall meet the following requirements:
 1. Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved by the City Council in locations permitting such use in this title. Before such approval may be granted, a report to the City Council by the Planning Commission shall find that the proposed development will:
 - a. Be located on a parcel of land containing not less than five (5) acres.
 - b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum width of fifty feet (50').
 - c. Be organized in a homeowners' association, if required by the Planning Commission.
 2. Security Compound: The Planning Commission may require a security compound for the storage of vehicles, boats and other large items, to be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobile home lot, to be maintained by a homeowners' association in the mobile home subdivision.
 3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy. If shields are used, they are to be fireproof and painted, or otherwise preserved.
 4. Street Widths: Street widths shall be as required by the development regulations, except as may be modified by an approved planned unit development plan.
 5. Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased for a period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

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- 2008 **13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS**
- 2009 **13-7-010: PLAT AMENDMENTS**
- 2010 **13-7-020: EXEMPTION FROM PLAT REQUIREMENT**
- 2011 **13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:**
- 2012
- 2013 **13-7-010: Plat Amendments:** [existing language from 10-7-7(H)]
- 2014 A. The application for a proposed plat amendment shall be submitted to the community development
- 2015 department and shall contain the following:
- 2016 1. A complete application on form created by the City;
- 2017 2. Two (2) 24" x 36" copies, one (1) reduced 11" x 17" copy , and an electronic copy of the
- 2018 proposed plat amendment showing lots to be amended, properly and accurately drawn to scale,
- 2019 certified as accurate by a registered land surveyor;
- 2020 3. Plat amendments shall be prepared in conformance to the standards outlined in this title for a
- 2021 final plat submission, and shall include all notes, conditions, easements, or other pertinent
- 2022 information included upon the subdivision plat to be amended.
- 2023 4. For plat amendments which vacate or amend a public right of way or public trail, stamped,
- 2024 addressed envelopes for property owners within 300 feet of the boundary of the plat and all
- 2025 property owners within the boundary of the proposed amended plat. Notice of public hearing
- 2026 shall be delivered as detailed in **10-3-3 Public Hearings**.
- 2027 5. Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to
- 2028 the consolidated fee schedule for the City.
- 2029 B. Review Process:
- 2030 1. Applicability:
- 2031 a. Residential, commercial, industrial or agricultural subdivision amendments that cannot be
- 2032 processed as routine and uncontested lot line adjustments, shall be processed pursuant to
- 2033 this subsection.
- 2034 b. Plat amendments that create one or more additional lots to the subdivision, shall not be
- 2035 processed as a plat amendment, but shall be processed as new subdivision.
- 2036 2. . City Internal Review:
- 2037 a. The community development department shall obtain comments regarding the
- 2038 amendment petition from all interested City departments.
- 2039 b. If the development review committee determines that the proposed amendment petition
- 2040 may have an adverse material impact on traffic, it may require the applicant to submit a
- 2041 professionally prepared traffic impact study.
- 2042 c. The departmental comments shall be transmitted to the applicant.
- 2043 3. . Planning Commission Review:
- 2044 a. Plat amendments which vacate or amend a public right of way or public trail shall be
- 2045 noticed for Public Hearing in accordance with **Section 10-3-3** of this code and as required by
- 2046 Utah State Code Annotated. The Planning Commission shall hold a public hearing to
- 2047 consider the amendment petition.
- 2048 b. For plat amendments which amend the location of a public utility easement, the applicant
- 2049 shall provide evidence that no public utilities have been located within the existing

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- 2050 easement, or shall provide letters from all public utilities using the easement consenting to
2051 the amendment to said public utility easement.
- 2052 c. The Planning Commission shall review all City departmental comments, comments from the
2053 applicant and other individuals, and shall approve or deny the amendment application with
2054 specific findings of fact, according to the standards for approval set forth in this section.
- 2055 d. For plat amendments which vacate or amend a public right of way or public trail, the
2056 Planning Commission shall consider all City departmental comments, comments from the
2057 applicant and the public, and shall recommend to the City Council the approval or denial of
2058 the amendment application with specific findings of fact, according to the standards for
2059 approval set forth in this section. The City Council shall hold a public hearing on the
2060 proposed amendment, consider the plat amendment application and approve, approve with
2061 conditions, or deny the application, according to the same standards and in accordance with
2062 state code, as applicable.
- 2063 4. . Standards For Approval of Plat Amendment: A plat amendment application shall be approved
2064 only if it meets all of the following requirements:
- 2065 a. The amendment will be in the best interests of the City;
- 2066 b. All lots comply with all applicable land use and subdivision standards;
- 2067 c. All necessary and required dedications are made;
- 2068 d. Provisions for the construction of any required essential infrastructure improvements are
2069 included;
- 2070 e. The amendment complies with all applicable laws and regulations; and
- 2071 f. The amendment does not materially injure the public or any person and there is good cause
2072 for the amendment.
- 2073 g. No additional lot or parcel is created.
- 2074 5. Appeals From Planning Commission Decision Not Involving Public Right of Way or Public Trail:
- 2075 a. If the petitioner, or any affected individual or organization disagrees with the Planning
2076 Commission decision, a written objection, clearly specifying the reasons therefor, shall be
2077 filed with the City Recorder within fourteen (14) days following the Planning Commission
2078 decision.
- 2079 b. The objection shall be heard before the City Council, subject to the standards for approval
2080 set forth in **sub-section (d)** above.
- 2081 6. Recordable Instrument: If the amendment petition is approved, the City shall execute and
2082 record the final amended subdivision plat and such other documents as may be required with
2083 the Davis County recorder's office.

2084 **13-7-020: Exemptions From Plat Requirement:**

2085 A subdivision plat amendment is not required for a lot line or boundary adjustment as defined in Utah
2086 Code Section 10-9a-523, as amended, but shall be processed as outlined in the following section.

2087 **13-7-030: Routine and Uncontested Lot Line Adjustments:**

- 2088 A. Purpose: The purpose of this section is to enable routine and uncontested lot line adjustments
2089 between two (2) lots to be considered and approved administratively by the City's development
2090 staff.

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- 2091 B. Applicability: This section applies to routine and uncontested lot line adjustments between two (2)
2092 legally existing agricultural, residential, commercial or industrial subdivision lots. Applications
2093 processed pursuant to this section shall:
- 2094 1. Meet all applicable land use code requirements.
 - 2095 2. Receive the consenting signatures of all affected property owners.
 - 2096 3. Not affect any street right of way.
 - 2097 4. Not create any new lots.
 - 2098 5. Not affect any trail right of way.
- 2099 C. General Application Contents: The application for routine and uncontested lot line adjustments
2100 shall include:
- 2101 1. The signatures of approval of all affected property owners.
 - 2102 2. Two (2) copies of a survey drawing, showing the lots involved and the lot line to be adjusted,
2103 properly and accurately drawn to scale, certified as accurate by a registered land surveyor, and
2104 the proposed form of a deed or boundary line agreement for the lot line adjustments.
- 2105 D. Fees: The petitioners shall pay an application review fee consistent with the consolidated fee
2106 schedule for the City.
- 2107 E. City Internal Review: The development review committee shall review the application for
2108 completeness and for compliance to the regulations of this title. Upon review of the application and
2109 survey drawing, the development review committee shall approve the lot line adjustment if the
2110 application conforms the adopted standards and regulations of the land use ordinance or deny the
2111 lot line adjustment if it does not.
- 2112 F. Lot line adjustments that are denied by the development review committee may be amended for
2113 reconsideration or may be appealed to the Planning Commission by filing a request with the
2114 community development department.
- 2115 G. Recordable Instrument: If the lot line adjustment is approved, the City shall provide a letter of
2116 approval signed by the City Engineer and community development director, certifying that the lot
2117 line adjustment conforms to the requirements of the City's land use regulations and approving the
2118 recordation of an appropriate deed or boundary line agreement with the Davis County recorder's
2119 office containing the legal description of each new lot and stating any conditions of approval.
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13-8: GENERAL REQUIREMENTS

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13-8-010: GENERAL STANDARDS

13-8-020: SUBDIVISION LAYOUT:

13-8-030: BLOCKS:

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13-8-110: DEDICATIONS OF STREETS AND TRAILS

13-8-120: RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:

13-8-010: GENERAL STANDARDS:

- A. Ownership: The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property or their representative.
- B. Landscaping, Fencing And Screening: Landscaping, fencing and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development.
- C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.
- D. Grading And Drainage Plan: A grading and drainage plan shall be submitted to the Planning Commission with the application.
- E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for those portions of the development proposed as common area, open space, recreational amenities, or public dedications..
- F. Nondetrimental Use: It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the conditional use development.
- G. Water And Sewer Systems: All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the building official and which are in compliance with applicable local and state law.
- H. Design Of Development: In the event that the land contained within a development is traversed by a proposed major street, water line, sewer line or drainage channel shown on the general plan, or any other official City map, said development shall be designed in accordance therewith. The right of way across the development for said major streets, or other right of way, shall be dedicated to the public.
- I. Environment Of Residential Areas: Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off street

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2165 parking space or driveways shall generally be planted into natural vegetation, lawn, trees and
2166 shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as
2167 approved on the final plan. Permanent automatic irrigation systems shall be installed when required
2168 by the Planning Commission to provide for maintenance of planted areas.

2169 J. Conformance To Standards: Details of plans, plats and documents to be submitted showing the size
2170 of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal,
2171 the quality of material and improvements, protection from adverse influences, lighting, landscaping,
2172 off street parking, grading and other details of design and construction shall conform to standards as
2173 set forth in such resolutions pertaining to such standards as may be adopted by the Planning
2174 Commission.

2175 K. Ordinance Standards: The development shall meet all standards and requirements of this title and
2176 all requirements of applicable ordinances.

2177 L. Character of Development: The development shall be in keeping with the general character of the
2178 district within which it is to be located.

2179 M. Plan Preparation: Depending upon the complexity of the project, the Planning Commission may
2180 require that plans for the development be prepared by a qualified professional team. In all cases, it
2181 is recommended that professional design and other assistance be obtained early in the program. It
2182 is the intent of the City that the developer solve his problems before approval is given and
2183 construction begins.

2184 N. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents of
2185 the development as well as adjacent property owners. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2186 O. Inspections: All structures required by this title to have building permits and all uses required to
2187 have use permits shall be inspected by the building official in accordance with procedures
2188 established by the international building code, as adopted by the City, and this title. (Ord. 93-5, 7-6-
2189 1993, eff. 7-15-1993; amd. 2012 Code)

2190 (10-7-7-K)

2191 P. The design of a development shall preserve insofar as possible the natural terrain, natural drainage,
2192 existing topsoil and trees.

2193 Q. Land subject to hazardous conditions, such as slides, mudflow, rockfalls, snow avalanches, possible
2194 mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water
2195 supplies, shall be identified and shall not be developed until the hazards have been eliminated or
2196 will be eliminated by the development and construction plans.

2197 **13-8-020: SUBDIVISION LAYOUT:**

2198 A. Conformance To General Plan: Where a proposed subdivision includes property identified within the
2199 City General Plan or other Master Planning documents to include specific essential infrastructure
2200 improvements, such as trails, active transportation improvements, or right of way improvements;
2201 the developer shall provide a lot layout which accommodates the improvement.

2202 B. Preservation Of Features: Where trees, groves, waterways, scenic points, historic spots or other City
2203 assets and landmarks, as determined by the City, are located within a proposed subdivision, every
2204 reasonable means shall be provided to preserve these features.

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2205 C. Adjoining Existing Street: Whenever a tract to be subdivided adjoins or contains any part of an
2206 existing or proposed street so designated on the street plan, such part of the public way shall be
2207 platted, dedicated and improved by the developer in the location and at the width specified.

2208 13-8-030: BLOCKS:

2209 A. Block Length: Block lengths shall be reasonable as approved by the Planning Commission, and in
2210 total design shall provide for convenient access and circulation for emergency vehicles. Generally
2211 blocks shall be a minimum of three hundred feet (300') with maximum length of seven hundred feet
2212 (700'). In blocks over six hundred feet (600') in length, a dedicated walkway through the block, at
2213 approximately the center of the block is required where feasible. Such walkways shall be not less
2214 than sixteen feet (16') in width with a paved or concrete surface of eight feet (8').

2215 B. Double Frontage: Lots having double frontage shall not be approved except where necessitated by
2216 topographic or other unusual conditions. The Planning Commission may require that vehicular
2217 access be restricted for portions of double fronted lots, where access would be deemed difficult due
2218 to topography or pose a traffic hazard.

2219 C. Width; Variation: The width of each block shall be sufficient for an ultimate layout of two (2) tiers of
2220 lots therein of a size required by the provisions of this title, unless the general layout of the vicinity,
2221 lines of ownership, topographical conditions or locations of arterial streets or freeways justify or
2222 make necessary a variation from this requirement.

2223 13-8-040: LOTS:

2224 A. General Requirements: All subdivisions shall result in the creation of lots which are developable and
2225 capable of being built upon. A subdivision shall not create lots, and no building permit shall be
2226 issued for any lots which would make improvement impractical due to size, shape, steepness of
2227 terrain, location of watercourses, problems of sewerage or driveway grades, or other physical
2228 conditions.

2229 B. Lots: (from section 10-7-7-K)

2230 1. No single lot shall be divided by a municipal or county boundary line.

2231 2. A lot shall not be divided by a road, alley or other lot.

2232 3. No wedge shaped lot shall be less than the lot frontage required in the zoning district.

2233 4. Side lot lines shall be at right angles to the street which the lot fronts or approximately radial to
2234 center of street curves or cul-de-sac on which the lot faces.. The Planning Commission may allow
2235 exceptions to this requirement where considerations are warranted for solar orientation or
2236 topography.

2237 5. All created by the subdivision shall front on a public street or on an approved private street,
2238 improved to the standards hereinafter required, equal to the minimum frontage requirement
2239 for the zone, unless modified as part of a planned unit development.

2240 6. Corner lots shall be so designed as to provide for the same quality and size of building area as
2241 interior lots by increasing the minimum width by ten feet (10') to accommodate the required
2242 side street setbacks .

2243 7. g. Lot Size Standards: All lots shall conform to area requirements of any existing zoning
2244 regulations. Where no zoning regulations are in effect, density standards or minimum lot size
2245 requirements may be specified by the Planning Commission.

2246 8.

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- 2247 9. All residential lots shall have a buildable area with an average slope of less than 30% and of at
2248 least five thousand (5,000) square feet in size with no single dimension of less than fifty feet
2249 (50'), excluding required setbacks and easements. All approved lots less than 5,000 sq. ft. in
2250 shall be less than 30% average slope. Remnants parcels of property shall not be left which do
2251 not conform to lot requirements or are not required or suitable for common open space, private
2252 utility or public purpose.
- 2253 10. Lot numbers shall begin with the number "1" and shall continue consecutively through the
2254 subdivision, with no omissions or duplications. No block designations shall be used. When a
2255 subdivision is developed in phases, the phase number shall precede each lot number. For
2256 example, phase 2 would be numbered 201, 202, 203, etc.

2257 13-8-050: FLAG LOTS:

2258 In older areas of the City, certain properties have evolved over time with irregular shapes and sizes,
2259 some with deep rear lots. As the City continues to see these lots subdivided, there may exist a need to
2260 develop these deeper lots. Flag lots are one alternative to such development. However, many problems
2261 can result from the misuse of flag lots, including increased points of traffic access on busy or narrow
2262 streets, large paved areas created to access rear units, a mass of new units incompatible with an existing
2263 neighborhood, and the compromising of adequate and safe fire protection to rear units. These problems
2264 threaten the character and stability of existing neighborhoods. For these reasons, the following
2265 restrictions and prohibitions are established to better control increasing residential density in
2266 predominantly single-family neighborhoods through the use of flag lots:

- 2267 A. Circumstances Permitting: The City discourages and restricts the creation of flag lots. A flag lot
2268 should be permitted only under certain limited circumstances. Flag lots are prohibited except:
2269 1. Where necessary to reduce access onto major streets and thoroughfares;
2270 2. To reasonably utilize irregularly shaped land;
2271 3. To reasonably utilize land with severe topography;
2272 4. To provide for the protection of significant natural or environmentally sensitive areas; or
2273 5. To allow a property owner reasonable use and benefit of a parcel of land not otherwise
2274 developable.
- 2275 B. Prohibited Flag Lots: Flag lots are expressly prohibited where:
2276 1. The creation of the flag lot will increase the number of access points onto a major thoroughfare;
2277 2. The density created by the flag lot would exceed the average existing density in the immediately
2278 adjacent developed residential area; or
2279 3. The proposed flag lot would resubdivide an existing lot or lots in a recorded subdivision plat.
- 2280 C. The applicant proposing a flag lot must have demonstrated to the Planning Commission that
2281 because of topographical features and/or unique situations as set forth in subsection A of this
2282 section, creation of a flag lot should be allowed.
- 2283 D. Design Requirements For Flag Lot:
2284 1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion
2285 thereof.
2286 2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The
2287 minimum width of the staff portion of each flag lot shall be thirty feet (30'). Two (2) staffs may
2288 be placed side by side and be a minimum width of twenty five feet (25') each. The staff shall not
2289 be longer than one hundred fifty feet (150').

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- 2290 3. The flag portion of the lot shall meet the minimum lot size requirement for the zone in which it
2291 is located. The staff portion shall not count as part of the land area needed to meet the lot area
2292 requirement.
- 2293 4. Flag lots must be similar in shape of the buildable area (i.e., rectangular or pie shaped if on a cul-
2294 de-sac) to the majority of the lots in the immediately adjacent developed residential area.
- 2295 5. The front side of the flag portion of the lot shall be deemed to be that side nearest to the
2296 dedicated public street upon which the staff portion fronts. The staff portion shall be deemed to
2297 end and the flag portion shall be deemed to begin at the extension of the front lot line.
- 2298 6. Flag lot units located away from the street shall maintain a presence to the street, be oriented
2299 to the street, and be visible from the street. A larger building for the flag lot unit in relation to a
2300 unit in front of the flag lot unit is not acceptable as a means to meet the street presence
2301 requirement.
- 2302 7. All minimum required setbacks for the zone in which the flag lot is located shall apply and all
2303 front setback distances shall be measured from the flag portion of the lot and not from the
2304 street. Orientation, setbacks and private yards shall conform to the following criteria:
- 2305 a. All units shall orient to the street;
- 2306 b. Each unit shall have both a "front" and "rear" yard on opposite sides of the unit; and (Ord.
2307 07-12, 6-5-2007)
- 2308 c. To protect the privacy of yard areas on neighboring properties, large windows and decks on
2309 the second floor shall not orient to adjacent, surrounding properties. (Ord. 07-12, 6-5-2007;
2310 amd. 2012 Code)
- 2311 8. An access driveway with a minimum width of twenty feet (20') shall be provided with
2312 landscaping on each side. The access driveway shall be asphalt or concrete with adequate
2313 drainage and shall be properly maintained on a continuous basis. Where two (2) flag lots are
2314 adjacent to each other, a common driveway for both units is encouraged; multiple driveways
2315 are discouraged.
- 2316 9. Fire protection for flag lot units. Each proposal to construct a unit on a flag lot more than one
2317 hundred fifty feet (150') from a public street must first be reviewed and approved by the fire
2318 marshal and all other criteria listed below prior to receiving a building permit. No primary
2319 residential structure may be located on a flag lot more than five hundred feet (500') from a
2320 public street. All measurements shall be taken from the edge of the public right of way along the
2321 centerline of the driveway or private access driveway to the nearest point of the primary
2322 structure. All of the following must be met before a building permit may be approved:
- 2323 a. An access road or driveway shall be provided which meets the following standards:
- 2324 (1) An asphalt or concrete surface capable of supporting the imposed load of fire apparatus
2325 shall be provided and extended to within one hundred fifty feet (150') of all portions of
2326 the exterior walls of the first story of any building. If constructed of asphalt, the access
2327 road or driveway shall be a minimum of two and one-half inches (2¹/₂") of asphalt over a
2328 minimum of six inches (6") of compacted road base. If constructed of concrete, the
2329 access road or driveway shall have a minimum of five inches (5") of concrete over a
2330 compacted road base. The access road or driveway shall be maintained by the property
2331 owner or possessor of the premises in good condition and repair and with adequate
2332 snow removal so as to provide free and uninhibited access by emergency service
2333 vehicles.

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- (2) The access road or driveway shall be a minimum of twenty feet (20') wide. Where such roadway is adjacent to required fire hydrants, the width shall be a minimum of twenty six feet (26') within twenty feet (20') in either direction from the hydrant. Such required widths shall be unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of thirteen and one-half feet (13¹/₂'). Approval of driveways in excess of ten percent (10%) grade will be required to present an alternative means and method of fire protection to be reviewed and approved by the fire marshal.
 - (3) A turnaround approved by the fire marshal shall be provided at the end of the access road or driveway.
 - (4) Each access road or driveway shall be identified and marked by the property owner to the satisfaction and approval of the fire marshal. Signs shall be posted near the entrances of access roadways and driveways. Signs shall be a minimum of twelve inches by eighteen inches (12" x 18") in two and one-half inch (2¹/₂") block lettering with one-half inch (1/2") stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road".
- b. Fire Hydrants:
- (1) A fire hydrant shall be installed by the City at the expense of the property owner and shall be connected by a six inch (6") water line from the water main. The hydrant shall be located to the satisfaction and approval of the fire marshal. Fire hydrants shall be located on all required access roads or driveways and shall be located within five feet (5') of the required access road or driveway.
 - (2) If, in the opinion of the fire marshal, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be required. No obstruction shall exist within a three foot (3') working area of each fire hydrant. Required crash posts shall be four inch (4") concrete filled pipe, having a minimum of three feet (3') in height above grade, with two feet (2') of pipe below grade set in concrete. Hydrant shutoff valves shall be located no closer than five feet (5') from the hydrant and no further than twenty feet (20').
 - (3) The fire hydrant, water line and access road or driveway shall be located within a public utility easement of at least twenty feet (20') in width such that emergency and utility service vehicles and personnel have unimpeded access to the improvements.
- c. All dwelling structures shall have installed at the time of construction, and keep continuously maintained, a pressurized interior fire protection sprinkling system that complies with the minimum standards of the international fire code and is approved by the fire marshal.
- d. All of the required improvements shall be installed at the property owner's expense. (Ord. 07-12, 6-5-2007)

2371 **13-8-060: STREETS:**

- 2372 A. Street Requirements: (10-7-7-K)
- 2373 1. The street layout shall conform to the general plan of the City.
 - 2374 2. Minor streets shall be laid out to discharge through traffic.
 - 2375 3. Stub streets shall be provided where needed to connect to adjacent undeveloped land, and new
 - 2376 streets must be provided where needed to connect to existing stub streets in adjacent

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2377 developments. Not more than six (6) lots shall front on a stub street, except where a temporary
2378 cul-de-sac turnaround is provided.

2379 4. Intersections of minor streets with major collector streets shall be kept to the minimum.

2380 5. Minimum right of way widths and pavement widths for public and private streets shall be
2381 determined by the City standards and specification manual as adopted by the City Council for
2382 various categories of streets, but shall in no case be less than the following:

Street Category	Minimum ROW	Width to back of curb
Minor arterial	80 feet	62 feet
Major collector street	66 feet	48 feet
Minor collector street	60 feet	42 feet
Local (minor) street	50 feet	32 feet
Private Street	35 feet	26 feet
Private Alley	30 feet	26 feet
Private Alley (one-way)	20 feet	15 feet

2383 6. Public street shall have roadway widths from, back of curb to back of curb, as adopted by
2384 resolution of the City council, but shall in no case be less than the following:

2385 7. Alleys: The Planning Commission may approve service access to the interior of blocks where
2386 deemed to be in the public interest, in which case such alleys must be indicated in the
2387 preliminary design plans and on the final plat. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2388 8. No half streets are permitted.

2389 9. Dead end streets, including stub streets, shall be permitted or required by the Planning
2390 Commission only to provide future access to adjoining property, except for dead end street
2391 systems in cluster developments, in planned unit developments, condominium developments,
2392 or similar special projects. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2393 10. Streets which provide frontage and access for thirty (30) or more lots or dwelling units are
2394 required to have a minimum of two (2) separate means of egress.

2395 11. The following standards apply to all temporary and permanent cul-de-sacs:

2396 a. Cul-de-sacs shall be terminated by a turnaround of not less than one hundred feet (100') in
2397 right of way diameter, and the face of curb or pavement edge radius shall be thirty eight
2398 and one-half feet (38¹/₂') or more.

2399 b. Temporary cul-de-sacs shall be paved with a minimum of two inches (2") of asphalt or
2400 other binder pavement.

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- 2401 c. Permanent cul-de-sacs shall be paved with a minimum of three inches (3") of asphaltic or
2402 portland cement or other binder pavement.
- 2403 d. Downhill cul-de-sacs are strongly discouraged and may only be allowed if it can be
2404 demonstrated that surface drainage and street grade will be controlled in a manner
2405 acceptable by the City engineer. A surface overflow drainage outlet will be designed to
2406 protect adjacent properties in the event the curb face inlet(s) become obstructed or
2407 clogged.
- 2408 e. Cul-de-sac length shall be measured from the centerline of an intersecting street, excluding
2409 other cul-de-sacs, along the centerline of the cul-de-sac, to a point at the center of the
2410 closed end of the cul-de-sac.
- 2411 f. Residential zoning districts:
- 2412 (1) A cul-de-sac shall not serve more than twenty (20) lots or exceed six hundred feet
2413 (600') in length.
- 2414 (2) The Planning Commission may recommend to the City Council, and the City Council
2415 may approve, an increase to the maximum length of a cul-de-sac, up to one thousand
2416 feet (1,000') in total length, when the following conditions exist:
- 2417 (A) Physical conditions exist which preclude the ability to establish any other practical
2418 means of access. Such conditions may include: topography; environmentally
2419 sensitive areas such as wetlands, ponds, streams, rivers, or lakes; or manmade
2420 structures that cannot be altered, moved or relocated;
- 2421 (B) Construction of a through street will result in undesired cuts and fills or will
2422 damage natural terrain or drainage; or
- 2423 (C) Buildings or existing developments block access to the site, which would result in
2424 landlocked property or an inefficient development plan; and
- 2425 (D) Such an exception has received a favorable recommendation from the South Davis
2426 metro fire district and the City's development review committee.
- 2427 (3) Exceptions to cul-de-sac length may also be subject to the following as needed:
- 2428 (A) Possible modified construction standards such as pavement width and cul-de-sac
2429 diameter, quantity of fire hydrants, placement of fire hydrants on alternating side of
2430 street, looped water lines, emergency egress routes or plans, drainage, pedestrian
2431 easements or other reasonable measures to ensure public safety.
- 2432 g. Nonresidential zoning districts:
- 2433 (1) A cul-de-sac shall not exceed six hundred feet (600') in length. Cul-de-sacs longer than
2434 six hundred feet (600') may be recommended by the Planning Commission and
2435 approved by the City Council if the development review committee (DRC) makes a
2436 written finding that such a cul-de-sac would better preserve the natural terrain and
2437 vegetation in the area or provide a superior street design or provide needed access to
2438 landlocked parcels.
- 2439 (2) The Planning Commission may require public accessways from a cul-de-sac to provide
2440 safe circulation for pedestrians and bicyclists. (Ord. 2016-06, 5-17-2016)
- 2441 12. No more than four (4) streets shall enter an intersection.
- 2442 13. Streets shall intersect at ninety degrees (90°), except where otherwise approved as necessary by
2443 the Planning Commission upon favorable recommendation of the City Engineer.

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- 2444 14. The centerlines of two (2) subordinate streets meeting a through street from opposite sides
2445 shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty feet
2446 (150'). (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 2447 15. Protection strips are not allowed adjacent to or on public streets and rights of way. (Ord. 93-5,
2448 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- 2449 B. Street Names: The following principles shall govern street names in a subdivision:
- 2450 1. Streets shall be numbered based on the adopted grid system wherever practical. Alphabetic
2451 names may be considered for streets of a meandering or diagonal nature or for other streets as
2452 specifically approved by the Planning Commission.
- 2453 2. All new street names must be reviewed with the county recorder and development review
2454 committee to avoid duplication or near duplication to any streets in the City or area that may
2455 lead to confusion of response by public safety agencies.
- 2456 3. Each street which is a continuation of, or an approximate continuation of, any existing dedicated
2457 street shall be given the name of such existing street.
- 2458 4. The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of any
2459 street shall be spelled out in full on the plat and shall be subject to approval by the Planning
2460 Commission. Any street name incorporating one of the terms used above shall conform to the
2461 established definition of that term. Any named street shall also have the proper numerical
2462 coordinate as approved by the City Engineer.
- 2463 5. Street names shall not be permitted that contain a cardinal direction, such as north, south, east,
2464 or west, for example "South Bay Drive".
- 2465 6. Street names which reflect the history or character of the City are strongly encouraged.
- 2466 C. Curvature And Alignment:
- 2467 1. To ensure adequate sight distances, street roadway line connections shall be made by horizontal
2468 curves. The minimum centerline radii for minor streets shall be one hundred feet (100') and of
2469 all other streets shall be three hundred feet (300'). On collector streets, a minimum tangent of
2470 one hundred feet (100') shall be required between a curve and street intersection; a minimum
2471 tangent of one hundred feet (100') shall be required between reverse curves.
- 2472 2. Vertical curves shall be used at all changes of grade exceeding one percent (1%) and shall be
2473 designed to provide minimum sight distances of two hundred feet (200') for minor streets and
2474 three hundred feet (300') for all other streets, except that vertical curves for major streets shall
2475 be as determined by the current specifications of the state department of transportation.
- 2476 D. Roadbed Construction Standards For Paved Roadways (Public and Private Streets): Minimum
2477 roadbed grading and paving for all street types shall be established within the City standards and
2478 specifications manual approved by the City Council.
- 2479 E. Street Grades: All street grades shall be designed as follows:
- 2480 1. Streets shall be limited to a maximum grade of ten percent (10%).
- 2481 2. Cul-de-sacs shall terminate with a grade not to exceed three percent (3%) for the last ten feet
2482 (10') of traveled surface.
- 2483 3. A street intersection shall have a vertical alignment such that the grade shall not exceed three
2484 percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the
2485 intersection.

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- 2486 4. All changes that exceed one (1%) percent in vertical alignment shall be made by vertical curves
2487 with minimum length of fifty feet (50') for local (minor) streets and one hundred feet (100') for
2488 collector streets.
- 2489 F. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters shall be provided on both sides of all
2490 streets to be dedicated to the public. Private streets and private alleys shall provide for sidewalk and
2491 park strip on only one side of the street. Private alleys with dual rear access garages shall not be
2492 required to provide sidewalks and park strips. Sidewalks, curbs and gutters may be required by the
2493 City Council on existing streets bordering the development.
- 2494 G. Pedestrian Midblock Crosswalks: Where blocks exceed six hundred feet (600') in length and where a
2495 dedicated walkway is required through the block, a midblock crosswalk of not less than ten feet (10')
2496 in width may be required by the Planning Commission where needed for adequate pedestrian
2497 circulation.
- 2498 H. Study May Be Required: Where the potential impacts on the existing street systems are considered
2499 to be great, or in the case of unique circumstances concerning access, topography or street layout, a
2500 transportation planning/engineering study may be required.
- 2501 I. Private streets shall not be permitted unless the Planning Commission finds that the most logical
2502 development of the land requires that lots be created which are served by a private street or other
2503 means of access, and makes such findings in writing with the reasons stated therein. All private
2504 streets shall meet North Salt Lake development standards as it pertains to standard street
2505 intersections, typical cul-de-sac and standard roadway sections. This includes, but is not limited to,
2506 submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base
2507 course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of
2508 existing improvements, storm drainage systems, boundary markers and survey monuments,
2509 geotextiles and concrete reinforcement. Land designated as public right of way shall be separate
2510 and distinct from lots adjoining such right of way and shall not be included in the area of such lots.

2511 **13-8-070: LANDSCAPING:**

- 2512 A. Special Treatment: Whenever, in the opinion of the Planning Commission, the cuts and fills in a
2513 hillside subdivision are of sufficient size or visibility to demand special treatment, the developer shall
2514 be required to landscape such areas with suitable permanent plant materials and to provide for
2515 their maintenance.
- 2516 B. Preservation: The subdivision shall be so designed as to either preserve, or provide for, the greatest
2517 amount of onsite vegetation.
- 2518 C. Sensitive Lands Overlay: Subdivisions in the sensitive lands overlay zones shall comply with all
2519 provisions of the City sensitive lands ordinance.
- 2520 D. Landscaping Design Standards For Redwood Road:
- 2521 1. For development along the west side of Redwood Road, the following development
2522 standards are adopted:
- 2523 a. The area behind the curb and gutter of Redwood Road shall include an area not less
2524 than twenty four feet (24') wide containing improved and irrigated landscaping and an
2525 eight foot (8') wide meandering asphalt multiuse trail. If any portion of the required
2526 twenty-four foot (24') landscaped area is outside the dedicated right of way, a public
2527 trail easement and street tree easement shall be dedicated to the City upon the
2528 recorded plat

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- 2529 b. Within the twenty-four foot (24") wide area trees shall be planted in accordance with
2530 the requirements of Title 7 Chapter 9, Community Forestry.
- 2531 c. Residential developments along Redwood Road shall, in addition to complying with the
2532 requirements of chapter 11 of this title, include a solid wall, not less than six feet (6') in
2533 height as a buffer along the entire length of frontage along Redwood Road. The wall
2534 shall be constructed of masonry or other hard, permanent materials and shall generally
2535 be a sight obscuring wall or a combination of berms, rocks, planted materials and
2536 manmade materials that render the wall sight obscuring. Any solid walls constructed
2537 pursuant to this subsection shall also be treated with an antigraffiti treatment approved
2538 by the City.
- 2539 2. For developments along the east side of Redwood Road, the same development standards
2540 apply except that there shall be a five foot (5') wide concrete sidewalk provided in lieu of an
2541 eight foot (8') wide meandering asphalt multiuse trail. (Ord. 2012-04, 2-7-2012)

2542 **13-8-080: UTILITIES AND EASEMENTS:**

- 2543 A. Utility easements shall follow rear and every other side lot lines whenever practical and shall have a
2544 minimum total width of sixteen feet (16') apportioned equally in abutting properties (8 feet each
2545 lot).
- 2546 B. Front yard utility easements are required to be a minimum of ten feet (10') Perimeter easements
2547 shall be not less than eight feet (8') in width, extending throughout the peripheral area of the
2548 development.
- 2549 C. All easements shall be designed so as to provide efficient installation of utilities or street plantings.
2550 Special guying easements at corners may be required if any existing utilities are overhead. Public
2551 utility installations shall be so located as to permit multiple installations within the easements. The
2552 developer shall establish final utility grades prior to utility installations.
- 2553 D. The Planning Commission may require additional easements, or increased width of easements, as
2554 necessary to provide for adequate utility service and/or drainage within the subdivision and to or
2555 from adjoining parcels when recommended by the City Engineer.
- 2556 E. Utilities To Be Underground: Unless the Planning Commission and City Council determine, upon
2557 application by the developer, and recommendation of the City engineer, that it is not feasible to do
2558 so, all power lines, telephone lines and other normally overhead utility lines shall be placed
2559 underground by the developer, including existing overhead utilities.
- 2560 F. Utility easement width may be reduced as approved by the Planning Commission for lots within
2561 planned unit developments.

2562 **13-8-090: WATERCOURSES:**

2563 The developer shall dedicate a right of way for storm drainage conforming substantially to the lines of
2564 any natural watercourse or channel, stream, creek, irrigation ditch or floodplain that enters or traverses
2565 the subdivision, as determined by Davis County flood control and/or the City Engineer. The developer
2566 shall also dedicate acceptable rights of way for any pipe, conduit, channel, and retention or detention
2567 area as approved by the City Engineer for flood control.

2568 **13-8-100: WARRANTY PERIOD:**

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2569 The warranty period shall commence upon the date that all improvements required by the City to be
2570 installed within the subdivision have been completed to the satisfaction of the City and a final inspection
2571 thereof has been made approving the same. The warranty period shall commence at that date and shall
2572 continue for a period of one year thereafter. If any deficiencies are found by the City during the
2573 warranty period in materials or workmanship, the developer shall promptly resolve such defects or
2574 deficiencies and request the City Engineer to re-inspect the improvements. At the end of the one (1)
2575 year warranty period, the developer shall request the City Engineer to make a final warranty period
2576 inspection of all improvements. If the City Engineer verifies that the improvements are acceptable, the
2577 City Engineer shall release the balance of the security posted by the developer under the bond
2578 agreement.

2579

2580 **13-8-100: DEDICATIONS OF STREETS AND TRAILS**

2581 A. Requirement: Maps and plats, when made, acknowledged, filed and recorded according to
2582 procedures specified in this section, operate as a dedication of all streets, trails and other public
2583 places, and vest the fee of those parcels of land in the City for the public for the uses named or
2584 intended in those maps or plats.

2585 B. Nonliability For Unimproved Dedications: The dedication established by this section does not
2586 impose liability upon the City for streets, trails and other public places that are dedicated in this
2587 manner but unimproved.

2588 **13-8-120 RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES:**

2589 A. Regulations May Be Adopted: The City Council, in order to protect and ensure access to sunlight for
2590 solar energy devices, may adopt regulations governing legislative subdivision development plans
2591 that relate to the use of restrictive covenants of solar easements, height restrictions, side yard and
2592 setback requirements, street and building orientation and width requirements, height and location
2593 of vegetation in respect to property boundary lines, and other permissible forms of land use
2594 controls. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

2595 B. Refusal To Approve: The Planning Commission may refuse to approve or renew any plat or
2596 subdivision plan, or dedication of any street or other ground, if the deed restrictions, covenants or
2597 similar binding agreements running with the land for the lots or parcels covered by the plat of
2598 subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors,
2599 or other energy devices based on renewable resources from being installed on buildings erected on
2600 lots or parcels covered by the plat or subdivision. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012
2601 Code)

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2602 **Chapter 9 ESSENTIAL IMPROVEMENTS**

2603

2604 **13-9-010: DESIGN STANDARDS & SPECIFICATION:**

2605 **13-9-020: REQUIRED IMPROVEMENTS:**

2606 **13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:**

2607 **13-9-050: STORM DRAINAGE:**

2608 **13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:**

2609 **13-9-060: FENCING OR PIPING OF HAZARDS:**

2610 **13-9-070: MONUMENTS:**

2611 **13-9-080: COMPLETION:**

2612 **13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

2613

2614 **13-9-010: DESIGN STANDARDS & SPECIFICATIONS MANUAL:**

2615 A. Preparation: The City Engineer and public works department shall prepare and recommend for
2616 adoption by resolution or ordinance the Design Standards & Specifications Manual for the design,
2617 construction, specifications, and inspection of essential infrastructure, whether publicly dedicated or
2618 privately owned. The manual shall include street and trail improvements, street trees, water
2619 distribution systems, storm drainage, flood control facilities, and other specifications as deemed
2620 necessary. The design standards shall be prepared in cooperation and coordination with the South
2621 Davis Sewer District, South Davis Metro Fire Agency, and any private special service district or water
2622 company providing service within the City.

2623 B. The developer shall provide evidence of design approval from any such outside agencies, prior to
2624 final plat approval. Additional design standards prepared by private utilities shall be the
2625 responsibility of the individual agency. All such standards for design and construction of essential
2626 infrastructure improvements and amendments thereto, which are under the control of the City,
2627 shall be approved and adopted by the City Council before becoming effective. All developers shall
2628 comply with the approved standards required herein.

2629 C. Streets, Blocks, Etc.: The design of the subdivision in relation to streets, blocks, lots, open spaces,
2630 and other design factors shall be in harmony with design standards recommended by the Planning
2631 Commission and other City staff and approved by the City Council.

2632 **13-9-020: REQUIRED IMPROVEMENTS:**

2633 A. Scope Of Requirements: The developer shall improve, or agree to improve, all streets, pedestrian
2634 ways or easements in the subdivision and on streets which abut, or serve as access to, the
2635 subdivision. Permanent improvement work shall not commence until improvement plans and
2636 profiles have been approved by the City and, if applicable, an improvement agreement, including
2637 security bond, has been executed between the developer and the City as specified in this title.

2638 B. Roadway Surface Treatment: It shall be required, as part of the public street improvements, that the
2639 developer deposit with the City sufficient sums to provide an appropriate roadway surface
2640 treatment for the streets, such as a slurry seal, chip seal, or mineral bond, as required by the City
2641 Engineer based on road type. The City shall install the surface treatment at the end of the warranty
2642 period and in conjunction with other City street preservation projects. The developer shall be

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2643 responsible for the placement of the appropriate roadways surface treatment for all private streets
2644 within the development, upon the prior to the expiration of the warranty period.

2645 C. Street Signs: The developer shall also provide additional sums to cover the cost of street signs and
2646 regulatory signs which the City determines are required for the subdivision. The City will utilize
2647 funds deposited for street signs to obtain the signs and install the same within the subdivision.

2648 D. Installation; Inspection: Improvements shall be installed to permanent line and grade to the
2649 satisfaction of the City and in accordance with the standard specifications adopted by the City
2650 Council. Cost of inspection shall be paid by the developer as outlined in the consolidated fee
2651 schedule.

2652 E. Non-responsibility Of City: Notwithstanding the fact that the land on which the improvements will
2653 be located is dedicated at the time of the recording of a plat, the City shall not be responsible for the
2654 improvements, their construction or maintenance, until the warranty period specified in the bond
2655 agreement has expired, the improvements have been inspected, and the City certifies that they
2656 meet City standards.

2657 13-9-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:

2658 High back curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and
2659 residential lots. High back curb, gutter and paving shall be required on all industrial property. At the
2660 discretion of the Planning Commission, sidewalks may also be required for industrial property.

2661 13-9-040: STORM DRAINAGE:

2662 A. Required Systems: Complete drainage systems for the entire development area shall be designed by
2663 a professional engineer, licensed in the state and qualified to perform such work, and shall be
2664 shown graphically. All existing drainage features which are to be incorporated in the design shall be
2665 so identified. If the final plat is to be presented in sections, a general drainage plan for the entire
2666 area shall be presented with the first section, and appropriate development stages for the drainage
2667 system for each section indicated.

2668 B. Design: The drainage systems shall be designed with:

2669 1. Adequate Drainage: Ensure adequate drainage of all low points.

2670 2. Designated Floodplain Regulations: Ensure applications of the following regulations regarding
2671 development in designated floodplains:

2672 a. Construction of buildings shall not be permitted in a designated floodway with a return
2673 frequency more often than a 100-year storm.

2674 b. Building construction may occur in that portion of the designated floodplain, as designated
2675 by FEMA, where the return frequency is between a 100-year and a maximum probable
2676 storm provided all usable floor space is constructed above the designated maximum
2677 probable flood level.

2678 c. Where flow velocities in a floodplain are generally determined to be under five feet (5') per
2679 second and maximum flood depth will not exceed three feet (3'), such uses as cultivated
2680 agriculture, nurseries, parks and recreation facilities and accessory parking may be
2681 permitted.

2682 d. Any use of land is prohibited where flooding would create a public health hazard or
2683 problem. This includes shallow wells, noncased deep wells, sanitary landfills, septic tanks
2684 and on lot sewage disposal systems, water treatment plants, and also sewage disposal
2685 systems not completely protected from inundation.

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- 2686 e. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and
2687 its effect on stream flow determined before such encroachment is undertaken. Any
2688 construction, dumping and filling operations in a designated floodway constitute an
2689 encroachment and must be approved by the Planning Commission before accomplishment.
- 2690 f. No lot one acre or less in area shall include any portion of a 100-year floodplain when
2691 computing the size of the lot. All lots containing more than one acre shall contain not less
2692 than forty thousand (40,000) square feet of land which is at an elevation at least two feet
2693 (2') above the elevation of the 100-year recurrence interval flood, or, where such data is not
2694 available, five feet (5') above the elevation of the maximum flood of record.
- 2695 3. Drainage Basin: The drainage basin as a whole shall accommodate not only runoff from the
2696 development area but also, where applicable, the system shall be designed to accommodate the
2697 runoff from those areas adjacent to and "upstream" from the development itself, as well as its
2698 effects on lands downstream. Basins by which the developer proposes to handle stormwater
2699 drainage shall be designed for an event with a ten (10) year return period for all storm drain
2700 pipe, and for an event with a one hundred (100) year return period for all storm drain detention
2701 basins. The calculation must size the detention basin, size the orifice plate and determine the
2702 amount of flow which can be released (the release rate can be 0.2 cfs/acre).
- 2703 4. Surface Drainage Structures: All proposed surface drainage structures shall be indicated on the
2704 plans.
- 2705 5. Construction Materials And Elevations: All appropriate designs, details and dimensions needed
2706 to clearly explain proposed construction materials and elevations shall be included in the
2707 drainage plans.
- 2708 6. Permits: All necessary permits shall be obtained from applicable local, state and federal agencies
2709 (i.e., state engineer, U.S. army corps of engineers, state division of health, etc.).
- 2710 7. Low Impact Development (LID):
- 2711 a. All development and redevelopment that warrants compliance with the Utah General
2712 Construction Permit (UGCP) regulation must include an LID analysis that meets the objective
2713 of mirroring the predevelopment hydrology and meets the objective of retaining on site.
2714 Detention basins shall retain the required 24-hour storm equivalent, as required under the
2715 Utah Pollutant Discharge Elimination System (UPDES) general discharge permit.
- 2716 b. Low impact development (LID) is an approach to land development that uses various land
2717 planning and design practices and technologies to simultaneously conserve and protect
2718 natural resource systems and reduce infrastructure costs. LID still allows land to be
2719 developed, but in a cost effective manner that helps mitigate potential environmental
2720 impacts.
- 2721 c. As part of the City of North Salt Lake permit, the City requires use of an LID approach, which
2722 includes the implementation of structural BMPs, where practicable, that infiltrate,
2723 evapotranspire or harvest and use stormwater for the site to protect water quality.
- 2724 d. Groundwater recharge may be considered to meet the onsite retaining requirement, where
2725 applicable and feasible. If meeting the retention standard is technically infeasible, a
2726 rationale shall be provided on a case by case basis for the use of an alternative design
2727 criteria
- 2728 e. No LID limits are defined except designs must not negatively impact surrounding properties.
2729 The LID analysis must identify LID options considered and list the reasons why it will be

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- 2730 incorporated or why the considered LIDs are not practical for the site use or conditions.
2731 Submit a report with stormwater calculations that summarizes the analysis and results.
2732 f. Suggested and preferred LIDs are outlined in the City's "Stormwater Best Management
2733 Practices Handbook".
- 2734 8. Postconstruction Stormwater Maintenance Plan And Agreement:
2735 a. The purpose of the postconstruction stormwater maintenance plan and agreement is to
2736 control stormwater runoff and reduce pollutants in stormwater runoff after construction is
2737 complete and the developed site is in operation. This is achieved by accomplishing the
2738 following:
- 2739 (1) Controlling erosion.
 - 2740 (2) Controlling discharge of sediment into stormwater drainage facilities or off site.
 - 2741 (3) Preventing illicit discharges into on site soils, storm drainage facilities or off site.
 - 2742 (4) Prevention of debris and garbage from entering the stormwater system.
- 2743 b. A postconstruction stormwater maintenance plan must be prepared and submitted with the
2744 plans for approval for all privately owned or maintained facilities that warrant compliance
2745 with the UGCP regulation. The plan shall be contained on a plan sheet of its own, rather
2746 than being a part of another plan sheet, and is to contain at least the following:
- 2747 (1) The site plan, including vicinity map, proposed contours, permanent stormwater
2748 features, and landscaping.
 - 2749 (2) BMPs to accomplish the purpose of the plan. Examples of appropriate BMPs
2750 may include those addressing operation and maintenance of storm drainage quality
2751 control facilities, operation and maintenance of stormwater discharge control facilities,
2752 maintenance of landscaping, good housekeeping practices, etc.
 - 2753 (3) Showing the following for each BMP specified:
 - 2754 (A) Location and extent of specified BMPs, as appropriate.
 - 2755 (B) Detailed schedule of execution for each specified BMP, in terms of starting time,
2756 duration, frequency, etc., as appropriate.
 - 2757 (C) Any information in addition to or different from that shown on the BMP fact sheets
2758 as necessary to employ the BMPs on the site.
- 2759 c. The owner of development that warrants compliance with the UGCP regulation must submit
2760 a signed stormwater maintenance agreement using the City of North Salt Lake agreement
2761 template. The postconstruction maintenance agreement needs to be recorded at the Davis
2762 County recorder's office. (Ord. 2016-12, 8-16-2016)

2763 **13-9-050: UNDERGROUND UTILITIES AND SANITARY SEWER:**

- 2764 A. A. Utilities, Sewers, Drains: All underground utilities, sanitary sewers and storm drains installed in
2765 streets or alleys should be constructed prior to the surfacing of such streets or alleys. Connections
2766 for all underground utilities, water lines, pressure irrigation lines, and sanitary sewers for each lot
2767 should be laid to a point which will eliminate the necessity for disturbing the street or alley
2768 improvements, when service connections thereto are made.
2769
- 2770 B. Wires, Cables: All telephone, electric power, cable television or other wires or cables shall be placed
2771 underground. Equipment appurtenant to the underground facilities, such as surface mounted
2772 transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be

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- 2773 above ground. The developer shall make all necessary arrangements with the utilities involved for
2774 the installation of the underground facilities.
2775
- 2776 C. Sanitary Sewage Disposal; General Requirements:
- 2777 1. The developer shall provide, or have provided, a piped sanitary sewerage system to the
2778 boundary line of the development. Every lot in the development shall be provided a lateral,
2779 which shall be extended from the main line to a minimum of five (5') feet behind the property
2780 line. The sewerage system shall meet the minimum standards and requirements of the City and
2781 the regulating health department.
- 2782 2. In all, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a
2783 complete community or public sanitary system. All sewer mains shall be a minimum of eight
2784 inches (8") in diameter. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- 2785 D. Test Procedures: Test of sanitary sewer mains, laterals and house connections shall be conducted in
2786 accordance with local and state health requirements.
- 2787 E. Water In Sufficient Quantity To Be Obligation Of Developer:
- 2788 1. The procurement of water, whether by purchase of water rights, water shares, exchange or
2789 service agreement, shall be the responsibility of the developer; and the water shall be provided
2790 for the use of the development in an amount sufficient to meet minimum flows of two hundred
2791 fifty (250) gallons per person, per day, plus outside irrigation and minimum static pressures of
2792 fifty (50) pounds per square inch (psi), unless it can be proved to the Planning Commission that a
2793 lesser amount is adequate.
- 2794 2. However, in no event shall the quantity of water provided by the developer be less than that
2795 required to meet fire flow standards as established by the fire department and the City Council,
2796 and the City Council shall be given first right of refusal to purchase any excess water formerly
2797 used on the land.
- 2798 F. Culinary Water System: The culinary water delivery system shall extend to the boundary line of the
2799 development. Every lot and shall be provided a lateral, which shall be extended from the main line
2800 to a minimum of five (5') feet behind the property line. All laterals shall be capable of delivering the
2801 flows and pressures as required. All water mains shall be a minimum of eight inches (8") in diameter.
- 2802 G. Water mains and fire hydrants connecting to the water system owned by the City shall be installed
2803 as approved by the City. Mains and individual lot services shall be of sufficient size to furnish an
2804 adequate water supply for each lot or parcel in the subdivision and to provide adequate fire
2805 protection as determined by the fire marshal and as required under any applicable law, rule or
2806 regulation.
- 2807 H. Irrigation Systems (Including Drainage Facilities):
- 2808 1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or
2809 within one hundred feet (100') of a proposed development, complete plans for relocation,
2810 piping, covering or other safety precautions shall be submitted with an application for
2811 preliminary approval of a plat.
- 2812 2. In all developments in which the smallest lot is less than one acre, all irrigation systems shall be
2813 underground.
- 2814 3. All pressure irrigation systems in or within one hundred feet (100') of a proposed development
2815 shall be identified and otherwise color coded as to pipe and valve color to meet state standards
2816 and regulations.

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2817 **13-9-060: FENCING OR PIPING OF HAZARDS:**

- 2818 A. Requirements: The developer shall install a six foot (6') non-climbable chain link fence along all
2819 canals, waterways, non-access streets, open reservoirs or bodies of water, railroad rights of way,
2820 property in agricultural use or zoned for agricultural use and other such features of potentially
2821 hazardous nature which are on, cross or are contiguous to, the property being subdivided, except on
2822 those features which the Planning Commission shall determine would not be a hazard to life, or
2823 where the fence itself would create a hazard to the safety of the public. Fences required by this
2824 section shall comply with construction standards established by the City.
- 2825 B. Irrigation Ditches: All irrigation ditches shall be piped, unless this requirement is waived by the
2826 Planning Commission.

2827 **13-9-070: MONUMENTS:**

2828 Permanent monuments shall be furnished, accurately established, and set by the developer at such
2829 points as are necessary to definitely establish all lines of the plat except those defining rear property
2830 corners of individual lots which will be semi-permanent.

2831 **13-9-080: COMPLETION:**

2832 A complete improvement plan "as built" shall be filed with the City upon completion of said
2833 improvements. The "as built" plans shall be drawn on reproducible copies of the original tracings and
2834 certified as to accuracy and completeness by the developer's licensed engineer.

2835 **13-9-090: PAYBACK AGREEMENTS FOR IMPROVEMENTS:**

- 2836 A. Scope Of Agreement: A payback agreement entered into between the City and the developer who
2837 installs the improvements or facilities for water, storm sewer or roads is authorized, where the
2838 improvements installed are intended to extend, expand or improve the City's water system, storm
2839 sewers or roads beyond the improvements required to service or benefit the subdivision or
2840 development proposed by the developer. Such payback agreements shall be for project
2841 improvements and not system improvements as defined in the Utah impact fees act. The payback
2842 agreement is not mandatory, but may be used at the option of the City Manager, upon approval of
2843 the payback agreement by the City Council. The amount of the payback to the developer shall be
2844 determined by the City Council after receiving a recommendation from the City Engineer after
2845 considering the improvements or facilities required or benefiting developer's development, and
2846 those facilities or improvements that are specifically oversized to provide for future development of
2847 adjacent projects.
- 2848 B. Non-liability Of City: The City shall, in all cases, be immune and not liable for any payments to the
2849 developer if the payback agreement is determined to be unenforceable. The payback agreement
2850 shall not confer a benefit upon any third party and shall be in a form approved by the City Council.
2851 The responsibility for payment of the required improvements or facilities shall rest entirely with the
2852 developer. The City shall not be responsible for collection of amounts from third parties.

2853