



CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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

NORTH SALT LAKE PLANNING COMMISSION NOTICE & AGENDA October 10, 2023 6:30 p.m.

Notice is given of a public meeting of the North Salt Lake Planning Commission to be held on the above noted date and time in the North Salt Lake City Council Chambers located at 10 East Center Street. The agenda will be as follows:

- 1) Welcome and Introduction
- 2) Public comments
- 3) Work Session: Draft Code Amendments
 - a. Title 13, Chapter 6: PUDs, Condos, Mobile Home/RV Parks
 - b. Title 13, Chapter 7: Plat Amendments & Lot Line Adjustments
- 4) Report on City Council actions on items recommended by Planning Commission
- 5) Approval of minutes:
 - a. 9/26/2023

Adjourn

*This meeting has an option to attend electronically via Zoom, with joining information below:
Time: October 10, 2023, 06:30 PM Mountain Time (US and Canada)*

Join Zoom Meeting: <https://us02web.zoom.us/j/83377341748?pwd=a3RraElwL3JiWWVq5QkIMSno1T0k3Zz09>

Meeting ID: 833 7734 1748

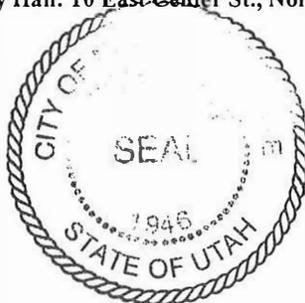
The public is invited to attend all Planning Commission meetings. If you need special accommodations to participate in the Planning Commission meeting, please call the City offices at (801) 335-8700. Please provide at least 24 hours' notice for adequate arrangements to be made. The agenda items may be heard in a different order as warranted by the Commission.

Notice of Posting:

I, the duly appointed City Recorder for the City of North Salt Lake, hereby certify that copies the agenda for the Planning Commission meeting to be held October 10, 2023 were posted on the Utah Public Notice website: <https://www.utah.gov/pmn/>, City's website: <https://www.nslcity.org>, and at City Hall: 10 East Center St., North Salt Lake.

Dated this 5th day of October, 2023


Wendy Page, City Recorder





CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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MEMORANDUM

TO: Planning Commission
FROM: Sherrie Pace, Community Development Director
DATE: October 10, 2023
SUBJECT: Work session items-Draft Code Amendments

RECOMMENDATION

There will be no formal action on the proposed draft amendments. Additional amendments are being drafted and will be discussed at future meetings. When the complete draft is ready, a public hearing will be scheduled for formal recommendation to the City Council.

BACKGROUND

The Utah State Code was amended in 2023 to change the process for approval of subdivisions. City's are required to amend their codes to abide by this change prior to February 1, 2024. An outline of the state code provisions is attached for your review. The Planning Commission has reviewed Chapters 1-5 to date. Chapter 6 is attached for your review and covers Planned Unit Developments (PUDs), Condominium Subdivisions, and Mobile Home/RV Parks.

Draft Amendments

New Title 13 Subdivisions:

Chapter 6: PUDs (10-7-4), Condos (10-19), Mobile Home/RV Parks (10-7-5)

(This chapter contains existing sections as noted, a redline and clean version have been provided)

13-6-010: Planned Unit Developments:

Create a process for PUD subdivisions which must meet the standards of a regular subdivision, with provisions for modified standards of design as a PUD.

Sections A-C.

This section establishes the purpose of a PUD to consolidate open spaces by clustering dwelling units.

Section D.

Establishes that the process for review and approval is the same as a regular subdivision in chapter 5.

Section E. Deviation from design standards (current code section 10-7-1(G))

PUDs are allowed to be created in the same manner as a regular subdivision and specific standards can be modified as outlined in the sections that follow. This section addresses modifications to any additional standards that are not specifically allowed to be modified as a PUD. The current process refers to Variances granted by the City Council after a public hearing at City Council level. This is not the appropriate language (a variance is something granted to ensure a substantial property right is not infringed upon and is granted by a hearing officer or formerly by Boards of Adjustment.) However modifications to the standards are actually legislative decisions that can only be made by City Council. Thus the language has been updated in accordance with State Code, a public hearing is required for the adoption or modification of a land use regulation, thus the public hearing should be noticed according to state code and held by the Planning Commission with the PC making a recommendation to the City Council.

New Process:

- *Application for modification*
- *Staff Review*
- *PC Public Hearing*
- *PC recommendation to CC*
- *CC approval of modification*
- *PC has the option to conditionally approve a preliminary plat upon approval of the modification by CC or table preliminary plat approval until the Council has acted on the modification application.*
- *Examples of modifications-length of a dead-end road, maximum slope of street, modification to install sidewalk on only one side of a street, change in the maximum density, etc.*

Section F

Specifies that PUDs in P-Districts must have a development agreement with all design standard variations.

Section G

PUDs must comply with the underlying zoning in relation to use and density of that zone.

Section H

PUD standards

- *Minimum development size established by PC*
- *Perimeter setback 15 feet*
- *Increase perimeter setback to 25' for buildings over 2 stories in height when adjacent to single family zones/uses*
- *Front street setback 20 feet*
- *Front setback from a perimeter or physical barrier like a retaining wall 25 feet*
- *Building separation (facades/courtyards) 30 feet*
 - *Encroachment of porches, patios, awnings, decks up to 5 feet*
 - *Fenced front courtyards limited to 10 feet*
 - *Min. 5 foot walkways in separation areas*
- *Building separation rear facades (no garage access)*
 - *30 feet*
 - *Fenced limited common area of 15 feet*

- *Building separation side facades*
 - *25 feet*
 - *5 foot walkways*
- *Rear Setback (alley loaded garages)*
 - *5 feet from garage door to alley/private road*
- *Private Street width*
 - *26 feet r.o.w.*
 - *24 paved*
- *Driveways*
 - *Where required or provided minimum 22' long*
- *Parking*
 - *Based upon Title 10, Chapter 6*
 - *May be reduced based on bedroom count*
 - *Studio/1-bdrm 1.25*
 - *2-bdrm 1.75*
 - *3+bdrm 2.25*
 - *Required 1 covered space per unit for exclusive use/permanent use*
 - *Further reduction via modification approval by CC based on:*
 - *Parking study*
 - *Development type*
 - *Proximity to transit*
 - *Proximity to shared parking facilities*
 - *Other unique circumstances*
- *Front Facades on slopes*
 - *Front door no lower than the curb height at the street level*
 - *Front door no higher than 3 feet above curb height*
- *Lot area, width, yard, height and lot coverage determined by PC*
- *Required to provide free flow of air and direct sunlight (not overcrowded)*
- *Solar access maintained*

Section I. Open Spaces

- *Water efficient landscaping*
- *Dedication of public spaces*
- *Easements for permanent open spaces*
- *Common area rules under condo legislation*

Section 13-6-020: Condominium Subdivisions

The majority of this section is current language from Title 10, chapter 19. The process described in this section is rarely used. Most of it refers to the conversion of existing apartment buildings into Condos. The last time it was used was in a commercial project when Brighton converted the commercial building across from City Hall into office condos to separate ownership interests.

Sections A-B

- *Are the purpose and intent statements*

Section C

- *Chapter 5 provides the requirements for subdivisions and requires additional documentation for the conversion of existing structures. Some language is redundant to the Chapter 5 and is being eliminated.*

Sections D-E

- *Review process is the same as Chapter 5, these sections identify other review above that in Chapter 5.*

Section F-I

- *Identifies the PC review and the specific findings that must be made for approval or denial*

Section J-K

- *There are special notice requirements for conversion of residential condos outline in this section.*

Section L-M

- *There are special protest provisions in these sections.*

Section 13-6-030: Mobile Home Parks, Mobile Home Subdivisions & Recreational Vehicle Parks; Special Requirements

It seems unlikely that this section will be used to create new parks, but could have a potential for use for expansion of existing parks. The majority of the section is existing language in 10-7-5

Section A-B

- *Applicability and purpose statements*

Section C

- *Standards for where mobile homes may be located within the city*
- *Standards for where recreational vehicles may be located or stored.*

Section D

- *Standards for required facilities*
- *Removes section requiring annual inspection of each mobile home. This is not something that can be reasonably done, nor has it been done.*
- *Updates the language for guarantees for permanent retention of open spaces.*
- *Standards for design of parks*

Chapter 7: PLAT AMENDMENTS & LOT LINE ADJUSTMENT (10-7-7(H))

(This chapter contains existing sections as noted, a redline and clean version have been provided)

13-7-010 Plat Amendments

Section A

- *Application and plat requirements*

- *Plat amendments that require vacation of a right of way or public utility easement require a public hearing*

Section B

- *Applicability*
- *Staff review*
- *PC Review/Approval (not right of way vacation)*
- *PC recommendation to CC for plat amendments with right of way or pue vacations*

Section C

- *Lot Line Adjustments*
- *Approved by Staff*
- *Application requirements*
- *Appeal to PC if denied by staff*

Attachments

- 1) Draft Title 13, Chapter 6 Redline Version
- 2) Draft Title 13, Chapter 6 Clean Version
- 3) Draft Title 13, Chapter 7 Redline Version
- 4) Draft Title 13, Chapter 7 Clean Version

TITLE 13 SUBDIVISION REGULATIONS

(REDLINE 10.04.2023)

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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. 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. 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 cityCity 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.

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. ~~1-~~The stabilization and preservation of the existing or planned land uses in abutting areas and surrounding residential neighborhoods;
2. ~~2-~~Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
3. ~~3-~~Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;
4. ~~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. ~~5-~~Minimize significant through traffic impacts on adjacent residential neighborhoods;
6. ~~6-~~Provide an appropriate transition or buffering between uses of differing intensities both on site and off site; and
7. ~~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 a decrease in residential density below that otherwise allowed by the comprehensive plan and underlying zoning.

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(REDLINE 10.04.2023)

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

~~D. B-Planned Unit Developments Approval: A development which is to be developed as a PUD shall be processed in the same manner as minor or major subdivisions.-- PUD developments shall comply with the underlying zoning requirements except as specifically varied by this section.~~

~~Section E is from current code 10-7-1(G)~~

~~A.E. _____ —G.—Deviation From Design And Improvement Standards: Requests for design deviations, other than those outlined in this section or as approved by development agreement in conjunction with a P-District rezone, may only be approved as a legislative decision by the City Council. Where, in the opinion of the eCity eCouncil, the literal enforcement of the design and improvement standards in this title would result in an unreasonable utilization of land and water or undue hardship due to unique circumstances compliance with one or more of the design and improvement standards may be waived, according to the following procedure:~~

~~B-1. _____ 1. Application: Application for a variance for a modification of the design standards shall be made to the city council on a form provided by the City and shall include:~~

~~C-a. _____ —a.— A description of the land to be developed;~~

~~D-b. _____ —b.— An identification of the title provision from which the variance modification is requested;~~

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

~~F-d. _____ —d.— A description of the hardships which will accrue to the detriment of the property owner if the requested variance modification is not granted;~~

~~G-e. _____ e. A nonrefundable variance-review fee, where established, payable to the city, in accordance with the currently applicable fee schedule as adopted by resolution of the city City council Council.~~

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

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2. ~~Public Hearing; Notice: The city council~~Planning Commission shall hold a public hearing before ~~granting the variance~~making a recommendation on the requested modification. Notice of said public hearing shall be given in accordance with USC 10-9a-205 as a class B notice, ~~by at least one publication in a newspaper of general circulation in the city. The hearing shall be held no later than thirty (30) calendar days from receipt by the city council of the recommendations of the planning commission and no less than fourteen (14) calendar days from the publication of notice.~~

H.

~~3.~~3. Recommendation To City Council: The ~~p~~ePlanning ~~e~~Commission shall review the ~~variance modification~~ application and shall submit its written recommendations for approval or disapproval of such application to the ~~e~~City ~~e~~Council, along with written reasons therefore within thirty (30) calendar days from receipt of said application ~~from the city council~~ at a regularly scheduled meeting of the ~~p~~ePlanning ~~e~~Commission. The Planning Commission may at its own discretion conditionally approve a preliminary plat subject to approval of the modification by the City Council, or may table action on a preliminary plat until the City Council has acted on the modification request.

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

~~5.~~5. Decision Of City Council: Subsequent to and within fifteen (15) calendar days of the public hearing, the city council shall approve or deny the request for a variance. A variance shall be granted only if t~~The city council may approve the requested modification upon~~ makes a finding upon the record submitted to it that the issuance of ~~a variance~~the modification will be detrimental to ~~in~~ the interest of the public safety, health or welfare, ~~and~~ the proposed development substantially complies with the ~~C~~eity ~~g~~General ~~p~~Plan and adopted ~~z~~Ordinance, and the proposed modification will result in improved overall development design.

~~6.~~6. Records Maintained: A record of all correspondence, recommendations, submissions and official action regarding all ~~variance design modifications~~ applications shall be maintained ~~for a reasonable time~~permanently by the ~~C~~eity as a public record.

F. ~~P-District Developments: PUD developments in conjunction with a Planned (P) District rezone shall also require the approval of a development agreement by the City Council which includes all design standard variations.~~

G. ~~C-~~Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located:

~~1.~~1. ~~Land uses permitted within a PUD subdivisions shall comply with the underlying zone district or the negotiated terms contained in an approved P-District development agreement. Multi-family attached dwellings shall only be allowed to the extent~~

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permitted in the underlying zone. ~~No conditional use permit for a planned unit development shall be granted unless such development will meet the use limitations of the zoning district in which it is to be located, including planned unit developments in planned districts, and~~

2. ~~2-~~The density allowed in a residential PUD shall be determined by calculating the net developable area of the development divided by the minimum land area required per dwelling unit within the zone district. Net developable area is defined as the total development parcel less the area required for private or public road rights of ways and including the required adjacent pedestrian walkways and park strips. ~~meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this chapter or by district regulations. Compliance with the regulations of this title in no sense excuses the development from the applicable requirements of the subdivision regulations, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.~~

H. D-Required Conditions:

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

2. ~~2-~~Arrangement Of Structures; (residential)

a. ~~a-~~Open Space: The ~~planning commission~~ Planning Commission shall require such arrangements of structures ~~and to consolidate and maximize usable~~ open spaces ~~for the enjoyment and convenience of future residents of the development. Care shall be taken as necessary~~ to assure that adjacent properties will not be adversely affected. ~~In particular:~~

b. ~~ab-~~Perimeter Setback: All structures within a PUD shall be setback from the perimeter boundary of the development a minimum of fifteen (15) feet. ~~Where feasible, buildings of least height and the least intensity of buildings and uses shall be arranged around the boundaries of the development.~~

c. Height Restrictions: ~~The perimeter setback shall be a minimum of twenty-five (25') feet for structures with greater than two (2) stories adjacent to a property line shared with a single family dwelling(s) or single family zone.~~

d. ~~-~~Front Setback (street façade): All front façades of buildings which face a private or public street right of way shall be setback a minimum distance of twenty (20) feet from the edge of the right of way, including any required sidewalk and park strip.

e. ~~-~~Front Setback (other): All front facades of buildings which face a perimeter development boundary or other physical feature or barrier, such as a retaining wall greater than 4 feet in height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-five feet.

f. ~~-~~Building Separation-front façade(s): Residential structures which front a courtyard or other shared common open space have a minimum building separation of thirty (30) feet. Front porches, patios, awnings, or above ground decks may extend into the separation distance up to five (5) feet. Fenced limited common area may extend up to ten (10) feet into the separation distance.

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Pedestrian walkways within the front separation shall be a minimum of five (5) feet in width.

g. Building Separation-rear facades: Residential structures without rear garage or rear alley access, shall have a minimum separation distance of thirty (30) feet. Fenced limited common area may extend up to fifteen (15) feet into the separation distance.

h. Building Separation-side facades: Adjacent side building facades shall have a minimum separation distance of twenty-five (25) feet. Adjacent side yards may be used for common open space, pedestrian circulation, or landscaping. Prohibited use in adjacent side yards shall be parking and fenced limited common area. Pedestrian walkways within the side separation shall be a minimum of five (5) feet in width.

i. Rear setback (alley loaded): Residential structures with alley loaded garages shall be setback from the private street right of way a minimum of distance of five (5) feet.

j. Private street/alley width: The minimum street right of way width for a private street shall be 26 feet with a minimum of 24 feet of pavement. One-way single loaded alleys (one side only) may be reduced right of way width of 17 feet with a minimum of 15 feet of pavement. Private streets or alleys adjacent to a perimeter property boundary shall be required to have a minimum 8 foot landscape buffer between the private street/alley and the abutting property line.

k. Driveways: Where driveways are provided or required by the Planning Commission, the minimum driveway length shall be twenty-two (22') feet.

l. Parking: The minimum parking requirement shall be determined based upon the type of development and in accordance with Title 10, Chapter 6, Parking with the following modifications, as approved by the Planning Commission:

(1) A minimum of one covered parking space per unit shall be provided for the exclusive use of residents of said unit.

(2) Total parking shall be provided based upon bedroom count for the project as outlined in the table below:

<u>Unit Type</u>	<u>Parking</u>
<u>Studio/1 bedroom</u>	<u>1.25</u>
<u>2 bedroom</u>	<u>1.75</u>
<u>3 or greater bedroom</u>	<u>2.25</u>

4-

(3) Modification of parking requirements. As outlined in Section E above, the City Council may approve parking less the required minimum when supported by a parking study form a qualified professional, demonstrating that due to the nature of the development, proximity to transit, off site shared parking facilities, or other unique circumstances. The City Council may require as a condition of modification, a

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development agreement, covenant or other guarantee outlining parking management practices required for the development.

m. Front façade elevation:

(1) Attached residential structures fronting on a public or private street shall be constructed with front entry doors no lower than the finished curb height and no higher than 3 feet above the finished curb height and shall be stepped in elevation on cross slopes as shown in the Figure 1 below:



(2) Attached residential structures shall not have recessed doors below the height of the curb nor be elevated above the curb as shown in Figure 2 below:



Commented [SP1]: I will find better architectural drawings for this figure. But this is the idea I want to convey.

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

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

p. ld. The development will be planned so as to provide solar access to all of the residential units, unless waived by the ~~Planning Commission~~Planning Commission.

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

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

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- 234 I. E-Preservation, Improvement, Maintenance And Ownership: Preservation, maintenance and
235 ownership of required open spaces within development shall be accomplished by:
- 236 1. Improvement of open spaces shall be designed, installed, and maintained in accordance
237 with Title 10, Chapter 22, Water Efficient Landscaped Standards.
- 238 2. Dedication: Dedication of the land to the City as a public park or parkway system,
239 including a certificate of title insurance; or
- 240 3. Easement:
- 241 a. Granting to the City a permanent, open space easement on and over the said
242 private open spaces to guarantee that the open space remains perpetually in
243 recreational or park use, with ownership and maintenance being the
244 responsibility of an owners' association established with articles of association
245 and bylaws which are satisfactory to the City Council; or
- 246 b. Granting to the City a permanent, open space easement on and over the said
247 private open spaces to guarantee that the open space remains perpetually in
248 recreational or park use, to be maintained from the proceeds of a Perpetual
249 Maintenance Trust Fund established by the developer in an amount satisfactory
250 to the City Council; or by
- 251 4. Condominium Ownership Act: Complying with the provisions of the Condominium
252 Ownership Act, Utah Code Annotated title 57, chapter 8, as amended, which provides
253 for the payment of common expenses for the upkeep of the common areas and
254 facilities. (Ord. 93-5, 7-6-1993, eff. 7-15-1993) The developer shall provide the following:
- 255 a. ~~a.~~—Adequate and reasonable guarantees as determined by the Planning
256 Commission for permanent retention of open spaces and for the maintenance
257 of roadways, storage facilities, service facilities and landscaping resulting from
258 the application of these regulations.
- 259 b. ~~b.~~—The developer shall record against the property a declaration of
260 covenants, conditions, restrictions, and easements (CCRs) which shall provide
261 for a home owner's association (HOA) responsible for the maintenance of all
262 common areas and private infrastructure.
- 263 c. ~~c.~~—The declaration shall provide provisions for the creation of an initial
264 operating budget, as well future yearly budgets, long term reserves, annual
265 maintenance, and required payments of dues and fees by lot owners of the PUD
266 for both yearly maintenance and long range reserve projects or maintenance.
- 267 d. ~~d.~~—The developer shall implement any reasonable steps in the creation of
268 the appropriate accounts and funding sources for the HOA yearly operations
269 and maintenance costs prior to occupancy of any units in the PUD. The
270 developer shall ensure that said accounts are funded in a manner to cover
271 ongoing maintenance costs during construction of all HOA common facilities
272 and units, so long as the developer remains the declarant in control of the HOA
273 to the extent that the HOA is not self-sustaining.
- 274 e. ~~e.~~—The declaration shall require a reinvestment fee, or other mechanism as
275 permitted by law, for the purposes of funding the HOA in perpetuity. The
276 reinvestment fee shall apply to all closings within the HOA in perpetuity,
277 including initial closings from the developer to a buyer and all subsequent

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278 closings. The reinvestment fee shall be used to fund the reserve and operating
279 funds of the HOA.

280 f. f.——The developer shall provide to the Planning Commission a management
281 plan and a first year budget at build out demonstrating the viability of the HOA
282 to meet its obligations including a proposed HOA monthly or annual
283 assessment. The management plan developed by the applicant shall outline
284 standards of operation, and remedies for failure to comply with those
285 standards. A letter from a qualified HOA management company shall be
286 provided desaturating that any submitted HOA budgets are reasonable.

288 13-6-020 10-19: Chapter 19 **CONDOMINIUM SUBDIVISIONS** (Current language from 10-19)

289 10-19-1: PURPOSE AND INTENT:

290 10-19-2: SUBMISSION OF APPLICATION:

291 10-19-3: STAFF REVIEW:

292 10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:

293 10-19-5: NOTICE TO TENANTS IN CONVERSION PROJECT:

294 10-19-6: TENANT PROTEST REVIEW:

295 10-19-7: FINAL APPROVAL BY PLANNING COMMISSION:

296 10-19-8: APPROVAL BY CITYCITY COUNCIL:

298 10-19-1: PURPOSE AND INTENT:

299 A. The procedures and requirements of this chapter-section shall apply to and govern the processing of
300 condominium record of survey maps pursuant to the requirements of the condominium ownership
301 act, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement
302 zoning, site development, health, building and other ordinances applicable to a particular
303 condominium project, and shall apply to the approval of such projects involving new construction,
304 as well as those involving the conversion of existing structures. In addition, condominium projects
305 which contemplate dedication of real property or improvements for the use of the public, or
306 condominium projects in which units are not contained in existing or proposed buildings, shall also
307 be considered subdivisions requiring compliance with all applicable codes of the cityCity.

308 B. It is the intent of this chapter to establish a reasonable process whereby the cityCity can assess the
309 impact of mixing collective and individual ownerships, as presented in a particular condominium
310 project, upon the public health, safety, convenience and general welfare of present and future
311 inhabitants of the cityCity. In the case of commercial or residential conversions of existing buildings,
312 corrections of building code violations, the upgrading of vehicle parking facilities and safety of
313 common functional elements of the structure or structures are of prime importance. It is also
314 recognized the conversion of existing apartments or similar multi-family rental dwelling structures
315 present the potential of relocation hardship to existing tenants, especially senior citizens, and
316 warrants that reasonable notice and disclosure requirements be established by the cityCity to
317 minimize said hardships. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

318 10-19-2: SUBMISSION OF APPLICATION:

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319 C. A. Application Requirements: The owner or developer of a proposed condominium project desiring
320 approval shall file an application with the ~~zoning administrator~~ Community Development
321 department in accordance with applicable major subdivision process or plat amendment. In addition
322 to the requirements contained within Chapter 5 Subdivisions or Chapter 7 Plat Amendments, the
323 following documents are required for submittal:

324 1. ~~1. Two (2) or more copies of the p~~roposed map accurately drawn to scale as required by Utah
325 Code Annotated section 57-8-13, as amended, which shall be made by a registered Utah land
326 surveyor ~~using a scale no smaller than one inch to equal forty feet (1" = 40').~~ In addition, said
327 map or an additional site plan shall include diagrammatic floor plans identifying boundaries of
328 the project units, convertible and expandable areas or spaces and common areas. Said map or
329 plan should designate the intended use of common areas (e.g., storage, recreational, parking for
330 guests as opposed to unit owners, open space, etc.) and should indicate whether such common
331 areas are to be open to the public, assigned to specific units or semiprivate and available only to
332 unit owners. Said map or site plan shall also identify and describe in detail the location of
333 existing or proposed driveways, pedestrian ways, curb cuts, walls, structures, fences,
334 landscaping and sprinkling systems.

335 2. ~~Two (2) copies, signed in the original, of t~~he proposed condominium declarations and bylaws.

336 3. Where conversion of an existing building is proposed as part of the condominium project, ~~two~~
337 ~~(2) copies of the~~ property report and code analysis, prepared by a licensed architect or
338 engineer, including the following information, ~~shall be submitted as part of the application,~~
339 together with the plan for proposed improvements, renovations and repairs:

340 a. The age of the building or buildings.

341

342 b. The general conditional, useful life and capacity of the building's structural elements,
343 including the roof, foundations, mechanical system, electrical system, plumbing system,
344 boiler, and other structural elements.

345 c. All known conditions constituting deficiencies requiring repair to meet existing Building
346 Codes.

347 d. All known conditions which may require repair or replacement within the next succeeding
348 five (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

349 e. The property report shall certify that the structure or structures conform to the
350 International Building Code minimum standards, or the owner shall present plans to bring
351 the structure or structures into conformity with said standards prior to issuance of
352 certificates of occupancy.

353 f. Where it is determined that physical conditions in an existing building do not allow the strict
354 application of the International Building Code standard, the City Board of Appeals, as
355 provided for in the International Building Code, shall review all requests to vary from these
356 standards and may grant variances or approve alternates where it is determined the intent
357 of the requirement will be met. In any event, there shall be disclosure to buyers of any
358 conditions that do not meet code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-
359 15-1993; amd. 2012 Code)

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360 4. ~~4.~~ Proof of notice to tenants as required by section ~~10-19-51~~ 10-19-51 of this chapter below shall be
361 required before final approval, but may be submitted, at the owner/developer's option, after
362 preliminary plat approval is obtained from the Planning Commission.

363 5. ~~5.~~ To assist the City to defray costs involved with the review of the project, fees shall be
364 submitted with a ~~condominium conversion~~ preliminary plat application as outlined in the
365 consolidated fee schedule. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

366 ~~B. Incomplete Applications: Incomplete applications may be proffered and reviewed for advisory
367 comment by the Zoning Administrator, community development director, department or Building
368 Inspection Department, but shall not be deemed accepted or received until complete, nor shall the
369 condominium project be scheduled for any hearings before the Planning Commission until the
370 application is complete, except only as provided by subsection A4 of this section. (Ord. 93-5, 7-6-
371 1993, eff. 7-15-1993; amd. 2012 Code)~~

372 ~~10-19-3: STAFF REVIEW:~~

373 D. ~~A.~~ Copies Routed: Upon receipt of a completed application for approval of a condominium project,
374 the Community Development Department staff shall route copies of the application and
375 development plans in the same manner as a standard major subdivision as outlined in chapter 3 of
376 this title.

377 E. ~~B.~~ Review: Additional preliminary review by the planning staff, Fire Marshal and the Building
378 Inspection Department shall include, but not be limited to, the following:

379 1. Planning Staff Review:

380 a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project
381 for review. The condominium declarations and bylaws shall be reviewed as part of the final
382 approval process and will include provisions addressing and fixing responsibility for the
383 maintenance, upkeep and repair of common areas, including common walls, electrical,
384 mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas.
385 The declarations shall also restrict the use of any individual residential dwelling unit to single
386 "families", as defined in section ~~10-1-46~~ 10-1-47 of this title code. The staff shall also review
387 said declaration to require appropriate disclosure of any unusual circumstances, variances
388 or conditions placed upon the condominium project for approval.

389 b. Plans And Related Documents: The staff shall review the plans and related documents to
390 determine whether the project conforms to applicable requirements of this title, the status
391 or extent of nonconforming rights, applicable conditions imposed upon the building or use
392 by ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered
393 or group dwelling plan. If the planning staff finds there are violations of applicable zoning
394 ordinances or requirements, the staff may recommend denial of the condominium project
395 until such violations have been corrected or requirements completed or bonded for prior to
396 final approval by the ~~Planning Commission~~ Planning Commission. (Ord. 2012-07, 4-30-2012)

397 2. Building Inspection Staff Review:

398 a. Upon receipt of the application for approval of a condominium project, the Building
399 Inspection Department shall review the proposed building plans for new construction
400 and/or in the case of a conversion project, the property report and plan of improvement,
401 renovations and repairs to determine conformance with applicable building codes. In the
402 case of a conversion, the department shall require inspections of the property and may

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403 require supplementation, revision and resubmission of the property report where
404 necessary. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
405 b. In the preliminary review report to the ~~planning commission~~ Planning Commission, the
406 ~~building inspection department~~ Building Official shall note corrections, repairs and
407 replacements which must be made to bring the structures into code compliance, together
408 with a list of renovation improvements proposed by the owner/developer which are not
409 required by code. The ~~chief~~ building official shall also list any requirements of the
410 ~~international building code~~ Code that needs ~~board of appeal~~ authority consideration due to
411 unique circumstances associated with the structure. The building official may then
412 recommend denial until such time as existing violations of code are corrected or may
413 recommend preliminary approval of the project and building report subject to correction of
414 the violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
415 3. Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and
416 shall submit a report thereon to the planning staff outlining the conditions of the structures as
417 they relate to fire safety. The marshal shall stipulate those conditions requiring improvement,
418 prior to occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

419 ~~10-19-4: PRELIMINARY APPROVAL BY PLANNING COMMISSION:~~

420 F. ~~A.~~ Planning Commission Consideration: Upon completion of the recommendations of the ~~building~~
421 ~~inspection department, the planning staff, engineering staff development review committee~~
422 ~~staff and the fire marshal~~, the matter shall be set for consideration by the ~~planning~~
423 ~~commission~~ Planning Commission in the same manner prescribed for a ~~major subdivision or plat~~
424 ~~amendment as provide in this title.~~
425 G. ~~B.~~ Findings For Approval: If the ~~planning commission~~ Planning Commission finds that the project is in
426 full compliance with:
427 1. ~~1.)~~ applicable ~~city~~ City ordinances;
428 2. ~~2.)~~ the requirements of the condominium ownership act;
429 3. ~~3.)~~ that proper notice to tenants has been given; and
430 4. ~~4.)~~ that in every way the project is ready for final approval.
431 ~~The planning commission~~ Planning Commission may grant final approval of the project, authorize
432 ~~the signature of the chairperson to be placed upon the necessary documents and forward the~~
433 ~~project onto the city~~ City council for their consideration.
434 H. ~~C.~~ Preliminary Approval: If the ~~planning commission~~ Planning Commission finds that the project
435 substantially complies with the above mentioned criteria but that certain facts of the proposal
436 require changes or modifications prior to final approval, or that tenant notification has not been
437 completed, the ~~planning commission~~ Planning Commission may grant preliminary approval to the
438 project with instructions as to what criteria must be met prior to submission for final approval.
439 I. ~~D.~~ Disapproval: If the ~~planning commission~~ Planning Commission finds the project in conflict with the
440 ordinances of the ~~city~~ City and/or the state and is not in the best interests of the ~~city~~ City as a whole
441 and/or specific neighborhood in which the project is proposed to be located, or if it is not satisfied
442 with the site development plans of the project, the ~~planning commission~~ Planning Commission may
443 disapprove the project specifying in detail the reasons for disapproval. (Ord. 93-5, 7-6-1993, eff. 7-
444 15-1993)

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445 ~~10-19-5- NOTICE TO TENANTS IN CONVERSION PROJECT:~~

446 J. A. Notice: As part of the application for approval of a condominium project, when said project
447 involves the conversion of an existing structure where the structure has been occupied by
448 residential or commercial tenants prior to application for conversion, the owner/developer shall
449 provide notice of intended conversion to said tenants by certified mail. This notice requirement shall
450 not apply to a structure that was vacant and remained so during the year prior to filing of the
451 developer's application for conversion. Such notice shall include:

- 452 1. 1. The proposal for the conversion of the building to a condominium project;
- 453 2. 2. The established dates of construction period and termination of occupancy which shall not be
454 less than sixty (60) days from the date notice is served upon occupants or expiration of
455 individual leases, whichever is longer;
- 456 4. 3. The disclosure of the sales price for each unit shall be no greater than the price initially
457 advertised and offered to the general public at such time as when the condominiums are
458 offered for public sale;
- 459 5. 4. Relocation information for the tenants specifying available alternative housing relocation
460 resource agencies and organizations and a plan of any services to be voluntarily provided by the
461 owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

462 K. 1. Dissemination Of Notice: A copy of said notice, together with a list prepared by the
463 owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and
464 other known special ~~handicaps-disabilities~~ or factors affecting relocation needs of the tenants, shall
465 be submitted to the Davis County ~~Housing a~~Authority and the ~~Ce~~County ~~s~~Social ~~S~~services
466 ~~d~~Department to advise said agencies of the conversion and/or solicit their assistance with relocation
467 services. No final approval of such a conversion project shall be granted by the ~~planning~~
468 ~~commission~~Planning Commission until the owner/developer has provided proof of notice by
469 certified mail or subsequent proof of actual delivery by method of services allowed under state law
470 of such notices and relocation information as required above, and any plans for relocation services
471 to be voluntarily provided by the owner/developer and the time designated therein (a minimum of
472 60 days) has expired. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

473 ~~10-19-6- TENANT PROTEST REVIEW:~~

474 L. A. Protest Review Procedure: When a tenant of a residential dwelling has received written formal
475 notice of eviction without cause and without at least sixty (60) days notice of conversion required
476 above and has reason to believe that notice was issued because of a proposed condominium
477 project, he may, within thirty (30) days of the date of the notice of eviction, initiate an appeal
478 regarding the issue of proper notice to the ~~zoning administrator~~Community dDevelopment
479 ~~d~~Director, or designee in the city planning office. The filing of such a protest shall stay the issuance
480 of any approval or issuance of any permits for the structure in question for a period not to exceed
481 thirty (30) days and the matter shall be set for hearing before the ~~planning commission~~Planning
482 Commission.

483 M. B. Investigation: Upon filing a tenant appeal, the ~~planning-review~~ staff shall institute an investigation
484 to determine if the notice requirements set forth above were satisfied. They shall then report their
485 findings to the ~~planning commission~~Planning Commission within ten (10) days of filing of the appeal.
486 (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

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

~~O. Final Approval. If upon submission of the recommendations of the building official and planning staff, engineering staff and fire marshal Development Review Committee, the planning commission Planning Commission finds that the project is in compliance with applicable ordinances and the requirements of preliminary approval, the planning commission Planning Commission may grant final approval. The planning commission Planning Commission will review recommendations for from the planning staff, engineering staff, development review committee and 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~~
- ~~P. Disapproval. If the Planning Commission is not satisfied with plans of a project which constitutes a subdivision, the city council Planning Commission may disapprove said map, specifying reasons for disapproval.~~
- ~~B. Reconsideration: Within thirty (30) days after the city council Planning Commission 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 Planning Commission or may appeal the denial to the City Council. Upon receipt of said map or documents, the matter shall be referred back to the Planning Commission for reconsideration or city council to the City Council for appeal 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 City as reflected by the signature of the mayor and is officially recorded with the city City recorder Recorder within eighteen six (186) months from the date of the mayor's Mayor's signature. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

13-6-030 10-7-5: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS; SPECIAL REQUIREMENTS: existing language from 10-7-5

A. The procedures and requirements of this section shall apply to and govern the processing of mobile home parks, mobile home subdivisions and recreational vehicle parks. The owner or developer of a proposed mobile home or recreational vehicle project desiring approval shall file an application with the Community Development department in accordance with applicable subdivision process or plat amendment. Applications will be processed in the manner described within Chapter 5 Subdivisions or Chapter 7 Plat Amendments, as applicable, and shall be in conformance to purpose and intent of the regulations contained within this section.

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- 528
- 529 B. A. Purpose And Intent: The purpose and intent of this section is to:
- 530 1. 1. Permit variety and flexibility in land development for residential purposes by allowing the use
- 531 of mobile homes and recreational vehicles under certain conditions.
- 532 2. 2. Require that mobile home and recreational vehicle developments will be of such character as
- 533 to promote the objectives and purposes of this title; to protect the integrity and characteristics
- 534 of the district contiguous to those in which mobile home parks are located; and to protect other
- 535 land use values contiguous to or near mobile home or recreational vehicle developments.
- 536 C. B. Location:
- 537 1. 1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries
- 538 of the City except in a licensed mobile home park or approved mobile home subdivision, ~~or as~~
- 539 ~~temporary living quarters by conditional use permit~~. Emergency or temporary parking of any
- 540 unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will
- 541 be permitted for a period not exceeding twenty four (24) hours. This limitation does not apply to
- 542 unoccupied mobile homes in licensed mobile home sales areas.
- 543 2. 2. Recreational ~~Coaches~~Vehicles:
- 544 a. a. Recreational ~~coaches-vehicles~~ which do not include facilities necessary to be "mobile
- 545 homes", as defined in section ~~10-1-46-47~~ of this ~~titlecode~~, shall not be used at any place
- 546 within the corporate boundaries of the City, at any time, for living quarters except in
- 547 designated camping areas or recreational ~~coach-vehicle~~ parks.
- 548 b. b. Recreational ~~coaches-vehicles~~ which are unoccupied for living space may be ~~temporarily~~
- 549 stored on an ~~owner's~~ private residential lot ~~or larger parcel of land~~, provided ~~they do not~~
- 550 ~~violate any required setbacks for front or side yards~~ ~~the parking complies with the~~
- 551 ~~regulations in section 10-6-6 of this title~~. Long term ~~commercial~~ storage of recreational
- 552 ~~coaches/vehicles~~, maintenance operations, reconstruction or construction activities are
- 553 permitted within ~~enclosures only and in~~ zoning districts allowing such uses.
- 554 D. C. Standards And Requirements:
- 555 1. 1. Determination Of Compliance: The ~~planning commission~~Planning Commission shall review the
- 556 proposed development plan to determine its compliance with all portions of the ~~city~~City general
- 557 ~~General plan-Plan~~ and, among other things, shall attempt to make sure that such development
- 558 will constitute a residential environment of sustained desirability and stability and that it will not
- 559 adversely affect amenities in the surrounding area. Standards higher than the minimum
- 560 standards contained in this title may be required if necessary for local conditions of health,
- 561 safety and protection of property, and to ensure that the development will mix harmoniously
- 562 with contiguous and nearby existing and planned uses.
- 563 2. 2. Required Facilities: The ~~planning commission~~Planning Commission shall not approve any
- 564 application for mobile home park, recreational vehicle park or mobile home subdivision
- 565 ~~conditional use permit~~ if the developer cannot provide required water supplies and facilities,
- 566 waste disposal systems, storm drainage facilities, access or improvements, or if the developer
- 567 cannot assure that the development will be completed within twelve (12) months, or if the
- 568 ~~planning commission~~Planning Commission ~~or city council~~City Council determines there would be
- 569 unusual danger of flood, fire or other hazard, or if the proposed development would be of such
- 570 character or in such a location that it would:
- 571 a. a. Create excessive costs for public services and facilities;

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- 572 ~~b.~~ ~~b.~~—Endanger the health or safety of the public;
- 573 ~~c.~~ ~~e.~~—Unreasonably hurt or destroy the environment;
- 574 ~~d.~~ ~~d.~~—Cause excessive air or water pollution, or soil erosion; or
- 575 ~~e.~~ ~~e.~~—Be inconsistent with any adopted general or specific plan of the area in which it is to be
- 576 placed.
- 577 ~~3.~~ ~~3.~~—Standards And Requirements Specified; Exception: The development shall conform to the
- 578 following standards and requirements, unless modified by an approved planned unit
- 579 development plan:
- 580 ~~a.~~ ~~a.~~—The area shall be in one ownership, or if in several, the application for approval of the
- 581 development shall be filed jointly by all owners of the property included in the plan.
- 582 ~~b.~~ ~~b.~~—A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left
- 583 unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings,
- 584 garages or any ~~add ons~~; accessory buildings or uses and shall be planted and maintained in
- 585 lawn, shrubs or trees, with an approved durable permanent wall or fence designed to afford
- 586 privacy to the development.
- 587 ~~c.~~ ~~e.~~—All storage and solid waste receptacles outside the confines of any mobile home or
- 588 recreational vehicle shall be housed in a closed structure compatible in design and
- 589 construction to the mobile homes, and to any service buildings within the development; all
- 590 patios, carports, garages and other add ons shall be compatible in design and construction
- 591 with the mobile home. The service buildings shall be constructed in accordance with
- 592 standard commercial practice and kept in good repair ~~as determined by the zoning~~
- 593 ~~administrator.~~ administrator. In mobile home developments where units will be situated with long axis
- 594 perpendicular to the street, streets will run in a north-south direction to the greatest extent
- 595 possible. This is to promote solar orientation of the units.
- 596 ~~d.~~ ~~d.~~—In addition to meeting the above requirements and conditions, and conforming to the
- 597 other laws of the ~~city~~City, all mobile home parks, recreational vehicle parks, and mobile
- 598 home subdivisions shall also conform to all applicable state regulations. In the event of any
- 599 conflict between said regulations and this chapter, this chapter shall take precedence where
- 600 its regulations are more strict, and the provisions of the state regulations shall take
- 601 precedence where such regulations are more strict.
- 602 ~~4.~~ ~~4.~~—Utilities Underground: Every mobile home park, recreational vehicle park and mobile home
- 603 subdivision shall provide underground utility service to every mobile home stand or lot ~~as~~
- 604 ~~required by the planning commission~~Planning Commission, including, but not limited to, water,
- 605 sewer, power, natural gas, telephone and television.
- 606 ~~5.~~ ~~5.~~—Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the
- 607 ~~city~~City to be less durable and less resistant to deterioration than are conventional homes;
- 608 therefore, all mobile homes which are used for human habitation, whether conforming or
- 609 nonconforming, and whether located in mobile home parks, in mobile home subdivisions or on
- 610 bona fide farms and ranches, shall be subject to the following special regulations:
- 611 ~~a.~~ ~~a.~~—Permits are required for mobile home setup, plumbing and electrical hookups, and such
- 612 hookups shall be made only by licensed plumbers and electricians.
- 613 ~~b.~~ ~~No mobile home may be placed on a permanent foundation without state approved~~
- 614 ~~modification.~~

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615 b. be. A certificate of compliance is required for all mobile homes within the cityCity, whether
616 occupied or awaiting occupancy, and may be obtained from the building official following an
617 inspection wherein the mobile home is found to meet the safety, sanitary and structural
618 standards adopted by the cityCity. The state or federal inspection certificate will be honored
619 in lieu of a certificate of compliance.

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

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

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

634 6. 6- Compliance With Other Regulations: Any mobile home or recreational vehicle located in any
635 permitted area shall comply with and conform to all other zoning laws, rules and regulations,
636 and building, plumbing, electrical and fire prevention codes, and all other codes and
637 requirements applicable to a structure or building erected within the district in which said
638 mobile home or recreational vehicle is located.

639 7. 7- Guarantees:

640 a. a- For mobile home parks and recreational vehicle parks, adequate and reasonable
641 guarantees must be provided ~~as determined by the pPlanning cCommission and cityCity~~
642 ~~cCouncil~~ for permanent retention of open spaces and for the maintenance of roadways,
643 storage facilities, service facilities and landscaping resulting from the application of these
644 regulations. ~~Guarantees shall be in the form of a bond, or a cash deposit, in a sum to be~~
645 ~~determined by the planning commission, which form must be approved by the city council~~
646 ~~and the city attorney. The basis for providing assurance of compliance will be a~~
647 ~~management plan developed by the applicant and approved by the planning commission~~
648 ~~and city council that will outline standards of operation, remedies for failure to comply with~~
649 ~~those standards and a single responsible person or entity for its administration and dealing~~
650 ~~with the city. The developer shall provide the following:~~

651 (i) Adequate and reasonable guarantees for permanent retention of open spaces and for
652 the maintenance of roadways, storage facilities, service facilities and landscaping
653 resulting from the application of these regulations.

654 (ii) The developer shall record against the property a declaration of covenants, conditions,
655 restrictions, and easements (CCRs) which shall provide for a home owner's association

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- 656 (HOA) or management entity responsible for the maintenance of all common areas and
657 private infrastructure.
- 658 (iii) The declaration shall provide provisions for the creation of an initial operating budget,
659 as well future yearly budgets, long term reserves, maintenance, and required payments
660 of dues and fees by lot owners of the park for both yearly maintenance and long range
661 reserve projects or maintenance.
- 662 (iv) The developer shall implement any reasonable steps in the creation of the appropriate
663 accounts and funding sources for the HOA yearly operations and maintenance costs
664 prior to occupancy of any units in the park. The developer shall ensure that said
665 accounts are funded in a manner to cover ongoing maintenance costs during
666 construction of all common facilities and units, so long as the developer remains in
667 control of the park.
- 668 (v) The declaration shall require a reinvestment fee, or other mechanism as permitted by
669 law, for the purposes of funding the improvements in perpetuity. The reinvestment fee
670 shall apply to all closings within the park in perpetuity, including initial closings from the
671 developer to a buyer and all subsequent closings. The reinvestment fee shall be used to
672 fund the reserve and operating funds for the park.
- 673 (vi) The developer shall provide a management plan and a first year budget at build out
674 demonstrating the viability of the park to meet its obligations including proposed
675 monthly or annual assessment. The management plan developed by the applicant shall
676 outline standards of operation and remedies for failure to comply with those standards,
677 as well as a single responsible person or entity for its administration and communication
678 with the City.
- 679 b. ~~b.~~In any case, when a mobile home park or recreational vehicle park is owned by more than
680 one person, the ~~developer-owners~~ shall establish and appoint a park manager. The manager
681 shall be authorized to receive, process and represent fully the interests of the owners in
682 respect to continuing management and maintenance of the park.
- 683 c. ~~c.~~Prerequisite to the operation of any mobile home park or recreational vehicle park in the
684 cityCity shall be the obtaining of an annual business license from the cityCity.
- 685 d. ~~d.~~In the event a mobile home or recreational vehicle park is not completed according to
686 approved plans, or operated and maintained according to the approved management plan,
687 the annual business license may be denied or revoked. The mobile homes or recreational
688 vehicles and associated property and facilities shall be removed, and all services
689 discontinued before any part of the land within the development planning area may be used
690 for any other purpose, or be subdivided.
- 691 e. ~~e.~~The premises on which any mobile home is located, used or occupied shall be maintained
692 in a clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds,
693 inoperative vehicles or other unsightly material thereon shall constitute a public nuisance
694 and a violation of this title. Reasonable guarantees to assure compliance with this
695 requirement will be required of the developer and/or owner as a condition of conditional
696 use permit approval and ultimately the issuance of the annual cityCity business license.
- 697 E. ~~D.~~Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile
698 home parks outlined in this section, mobile home parks shall meet the following requirements:

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- 699 1. ~~1-~~Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre
700 and may be limited to fewer units, depending on mobile home size, topography and other
701 factors of the particular site. The mobile homes may be clustered; provided, that the total
702 number of units does not exceed the number permitted on one acre, multiplied by the number
703 of acres in the development. The remaining land not contained in individual lots, roads or
704 parking shall be set aside and developed as parks, playgrounds and service areas for the
705 common use and enjoyment of occupants of the development, and the visitors thereto.
- 706 2. ~~2-~~Distance Between Structures: No home or ~~add-on~~addition shall be located closer than ten feet
707 (10') from the nearest portion of any other home or add on. All such homes and ~~add~~
708 ~~on~~additions shall be set back at least ten feet (10') from road curbs or walks. If the mobile
709 home tongue remains attached, it shall be set back a minimum of six feet (6') from road curbs or
710 walks. All mobile homes, storage buildings, service buildings, garages, carports or other ~~add~~
711 ~~on~~additions, etc., shall be set back at least fifteen feet (15') from any boundary of the mobile
712 home park.
- 713 3. ~~3-~~Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces
714 per mobile home space, and each such parking space shall have a minimum width of ten feet
715 (10') and minimum depth of twenty feet (20'). In no case shall the parking space be located
716 farther than one hundred feet (100') from the mobile home space, ~~as approved by the planning~~
717 ~~commission~~Planning Commission.
- 718 4. ~~4-~~Bulk Storage Areas: One-story bulk storage areas shall be provided within a mobile home
719 park, equivalent to sixty (60) square feet per mobile home space. The area designated for said
720 bulk storage shall be improved, landscaped and screened ~~as approved by the planning~~
721 ~~commission~~Planning Commission.
- 722 5. ~~5-~~Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be
723 set aside for the joint use and enjoyment of occupants in a parklike setting with both active and
724 passive recreational accommodations. The land covered by vehicular roadways, sidewalks, off
725 street parking and required setbacks shall not be construed as part of this ten percent (10%)
726 common area required; provided, however, that in initial stages of development or special
727 smaller developments, the minimum area shall be not less than one acre or ten percent (10%),
728 whichever is greater.
- 729 6. ~~6-~~Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
730 protective yard lighting the full length of all driveways and walkways.
- 731 7. ~~7-~~Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing
732 or buildings shall be landscaped in accordance with Title 10, Chapter 22, Water Efficient
733 Landscaped Standards ~~as approved by the planning commission~~Planning Commission, and such
734 landscaping shall be permanently maintained.
- 735 8. ~~8-~~Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall
736 be hard surfaced before the adjacent spaces may be occupied.
- 737 9. ~~9-~~Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
738 following standards, unless modified by an approved planned unit development plan:
- 739 a. ~~a-~~One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary
740 for maneuvering mobile homes.
- 741 b. ~~b-~~Two-way traffic: A minimum of thirty feet (30') in width.
- 742 c. ~~c-~~Entrance roadways: A minimum of thirty six feet (36') in width.

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- 743 ~~d.~~ d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
744 rolled gutters or an approved equivalent.
- 745 ~~e.~~ e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
746 roadways within the development, ~~if required by the planning commission~~ Planning
747 Commission.
- 748 ~~f.~~ f. Access: Each park shall have at least two (2) accesses to public streets, unless more than
749 one access is prohibited by a responsible public agency.
- 750 ~~10.~~ 10. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if
751 shields are used, they are to be fireproof, well painted or otherwise preserved.
- 752 ~~11.~~ 11. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect
753 residents of the development as well as adjacent property owners. Such facilities must be of
754 sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of
755 water in or adjacent to the development and shall be provide in accordance with City Ordinance,
756 Title 8 Chapter 5, Stormwater Management.
- 757 ~~12.~~ 12. Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:
758 a. ~~a.~~ Be in keeping with the general character of the district in which it is to be located.
759 b. ~~b.~~ Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels
760 separated by a street or alley only, and totaling ten (10) acres, unless modified by an
761 approved planned unit development plan.
- 762 c. ~~e.~~ Have at least twenty five (25) spaces completed, ready for occupancy, or an approved
763 financing plan for construction and phase completion, together with approved security to
764 assure compliance, before first occupancy is permitted.
- 765 ~~13.~~ 13. Laundry Facility: A laundry for convenience of park occupants, but not for the general public,
766 may be included in mobile home parks.
- 767 ~~14.~~ 14. Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty
768 (30) days, and occupancy shall be by written lease. Leases shall be made available for inspection
769 by the officials of the ~~city~~ City upon demand.
- 770 ~~15.~~ 15. Access: Access shall be provided to each mobile home stand for maneuvering mobile homes
771 into position. The accessway shall be kept free from trees and other immovable obstructions.
772 Paving under mobile homes will not be required if adequate support is provided as required by
773 state regulations. Uses of planks, steel mats or other means to support the mobile home during
774 placement shall be allowed, so long as the same are removed upon completion of placement.
- 775 F. ~~E.~~ Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for
776 recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following
777 requirements:
- 778 1. ~~1.~~ Location: Recreational vehicle parks shall generally be located:
779 a. ~~a.~~ Adjacent to or in close proximity to a major traffic artery or highway.
780 b. ~~b.~~ Near adequate shopping facilities.
781 c. ~~c.~~ Within or adjacent to a mobile home park.
- 782 2. ~~2.~~ Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for
783 the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and
784 off street parking shall not be construed as part of the ten percent (10%) common area required
785 for parks and playgrounds for occupants; provided, however, that in initial stages of

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- 786 development or in special smaller developments, the minimum area shall not be less than one-
787 half ($1/2$) acre or ten percent (10%), whichever is greater.
- 788 3. ~~3.~~ Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
789 protective yard lighting the full length of all driveways and walkways.
- 790 4. ~~4.~~ Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall
791 be landscaped and permanently maintained pursuant to a plan approved by the ~~planning~~
792 ~~commission~~ Planning Commission.
- 793 5. ~~5.~~ Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall
794 be ~~hard surfaced~~ paved with asphalt or concrete before the adjacent recreational vehicle spaces
795 may be occupied.
- 796 6. ~~6.~~ Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
797 following standards, unless modified by an approved planned unit development plan:
- 798 a. ~~a.~~ One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary
799 for maneuvering recreational vehicles.
- 800 b. ~~b.~~ Two-way traffic: A minimum of thirty feet (30') in width.
- 801 c. ~~c.~~ Entrance roadways: A minimum of thirty six feet (36') in width.
- 802 d. ~~d.~~ Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
803 rolled gutters or an approved equivalent.
- 804 e. ~~e.~~ Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
805 roadways within the development, ~~if required by the planning commission~~ Planning
806 Commission.
- 807 f. ~~f.~~ Access: Each recreational vehicle park shall have at least two (2) accesses to public streets,
808 unless more than one access is prohibited by a responsible public agency.
- 809 7. ~~7.~~ Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one
810 individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space
811 be rented or leased to any one individual for a period longer than ninety (90) days in any one
812 calendar year.
- 813 8. ~~8.~~ Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where
814 permitted, but not used for permanent living quarters.
- 815 9. ~~9.~~ Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for
816 living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a
817 conditional use.
- 818 10. ~~10.~~ Screening; Access: Recreational vehicles may be accommodated in an approved and licensed
819 mobile home park; provided, that:
- 820 a. ~~a.~~ The recreational vehicle park portion of the development is separated by barriers, screens
821 or otherwise from the area of mobile homes.
- 822 b. ~~b.~~ The recreational vehicle use area shall have direct access to a collector or arterial street.
- 823 c. ~~c.~~ Separate ingress and egress shall be provided for recreational vehicles when required by
824 the ~~planning commission~~ Planning Commission.
- 825 11. ~~11.~~ Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved
826 ~~by the city~~ City council Council in locations permitting such use in this title. Before such approval
827 is given, ~~a report to the city~~ City council Council by the ~~planning commission~~ Planning
828 Commission shall find that the proposed development will:

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- 829 a. ~~a.~~ Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park,
830 unless modified by a planned unit development plan.
- 831 b. ~~b.~~ Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile
832 home park), or an approved schedule of financing, construction and phase completion, and
833 approved security, to assure compliance.
- 834 G. ~~F.~~ Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for
835 mobile home subdivisions outlined in this section, mobile home subdivisions shall meet the
836 following requirements:
- 837 1. ~~1.~~ Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved ~~by the city~~
838 ~~council~~City Council in locations permitting such use in this title. Before such approval may be
839 granted, ~~a report to the city council~~City Council by the ~~planning commission~~Planning
840 Commission shall find that the proposed development will:
- 841 a. ~~a.~~ Be located on a parcel of land containing not less than five (5) acres.
842 b. ~~b.~~ Contain lots with a minimum net area of five thousand (5,000) square feet and a
843 minimum width of fifty feet (50').
- 844 c. ~~c.~~ Be organized in a homeowners' association, if required by the ~~planning~~
845 ~~commission~~Planning Commission.
- 846 2. ~~2.~~ Security Compound: The ~~planning commission~~Planning Commission may require a security
847 compound for the storage of vehicles, boats and other large items, to be provided equivalent to
848 a minimum of three hundred (300) square feet of paved area per mobile home lot, to be
849 maintained by a homeowners' association in the mobile home subdivision.
- 850 3. ~~3.~~ Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of
851 occupancy. If shields are used, they are to be fireproof and painted, or otherwise preserved.
- 852 4. ~~4.~~ Street Widths: Street widths shall be as required by the development regulations, except as
853 may be modified by an approved planned unit development plan.
- 854 5. ~~5.~~ Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased
855 for a period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

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

- 13-6-010 : PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**
- 13-6-020 : CONDOMINIUM SUBDIVISIONS**
- 13-6-030 : MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS; SPECIAL REQUIREMENTS:**

13-6-010: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:

- 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. 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 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.
- 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 a decrease in residential density below that otherwise allowed by the comprehensive plan and underlying zoning.

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44 D. Planned Unit Developments Approval: A development which is to be developed as a PUD shall be
45 processed in the same manner as subdivisions. PUD developments shall comply with the underlying
46 zoning requirements except as specifically varied by this section.

47

48 **Section E is from current code 10-7-1(G)**

49 E. Deviation From Design And Improvement Standards: Requests for design deviations, other
50 than those outlined in this section or as approved by development agreement in
51 conjunction with a P-District rezone, may only be approved as a legislative decision by the
52 City Council. Where, in the opinion of the City Council, the literal enforcement of the design
53 and improvement standards in this title would result in an unreasonable utilization of land
54 and water or undue hardship due to unique circumstances compliance with one or more of
55 the design and improvement standards may be waived, according to the following
56 procedure:

57 1. Application: Application for a modification of the design standards shall be made on a
58 form provided by the City and shall include:

59 a. A description of the land to be developed;

60 b. An identification of the title provision from which the modification is requested;

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

63 d. A description of the hardships which will accrue to the detriment of the property
64 owner if the requested modification is not granted;

65 e. e. A nonrefundable review fee, where established, payable to the city, in
66 accordance with the currently applicable fee schedule as adopted by resolution of
67 the City Council.

68 2. Public Hearing; Notice: The Planning Commission shall hold a public hearing before
69 making a recommendation on the requested modification. Notice of said public hearing
70 shall be given in accordance with USC 10-9a-205 as a class B notice.

71 3. Recommendation To City Council: The Planning Commission shall review the
72 modification application and shall submit its written recommendations for approval or
73 disapproval of such application to the City Council, along with written reasons therefore
74 within thirty (30) calendar days from receipt of said application at a regularly scheduled
75 meeting of the Planning Commission. The Planning Commission may at its own
76 discretion conditionally approve a preliminary plat subject to approval of the
77 modification by the City Council, or may table action on a preliminary plat until the City
78 Council has acted on the modification request.

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80 4. Decision Of City Council: The city council may approve the requested modification upon
81 makes a finding upon the record submitted to it that the issuance of the modification

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- 82 will be detrimental to the interest of the public safety, health or welfare, the proposed
83 development substantially complies with the City General Plan and adopted Zoning
84 Ordinance, and the proposed modification will result in improved overall development
85 design.
- 86 5. Records Maintained: A record of all correspondence, recommendations, submissions and official
87 action regarding all design modifications applications shall be maintained permanently by the
88 City as a public record.
- 89 F. P-District Developments: PUD developments in conjunction with a Planned (P) District rezone shall
90 also require the approval of a development agreement by the City Council which includes all design
91 standard variations.
- 92 G. Planned Unit Developments To Meet Use Limitations Of Districts Wherein Located:
- 93 1. Land uses permitted within a PUD subdivisions shall comply with the underlying zone district or
94 the negotiated terms contained in an approved P-District development agreement. Multi-family
95 attached dwellings shall only be allowed to the extent permitted in the underlying zone.
- 96 2. The density allowed in a residential PUD shall be determined by calculating the net developable
97 area of the development divided by the minimum land area required per dwelling unit within
98 the zone district. Net developable area is defined as the total development parcel less the area
99 required for private or public road rights of ways and including the required adjacent pedestrian
100 walkways and park strips.
- 101 H. Required Conditions:
- 102 1. Area: No planned unit development shall have an area less than that approved by the Planning
103 Commission as adequate for the proposed development.
- 104 2. Arrangement Of Structures; (residential)
- 105 a. Open Space: The Planning Commission shall require such arrangements of structures to
106 consolidate and maximize usable open spaces for the enjoyment and convenience of future
107 residents of the development. Care shall be taken to assure that adjacent properties will not
108 be adversely affected.
- 109 b. Perimeter Setback: All structures within a PUD shall be setback from the perimeter
110 boundary of the development a minimum of fifteen (15) feet.
- 111 c. Height Restrictions: The perimeter setback shall be a minimum of twenty-five (25') feet for
112 structures with greater than two (2) stories adjacent to a property line shared with a single
113 family dwelling(s) or single family zone.
- 114 d. Front Setback (street façade): All front façades of buildings which face a private or public
115 street right of way shall be setback a minimum distance of twenty (20) feet from the edge of
116 the right of way, including any required sidewalk and park strip.
- 117 e. Front Setback (other): All front facades of buildings which face a perimeter development
118 boundary or other physical feature or barrier, such as a retaining wall greater than 4 feet in
119 height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-
120 five feet.
- 121 f. Building Separation-front façade(s): Residential structures which front a courtyard or other
122 shared common open space have a minimum building separation of thirty (30) feet. Front
123 porches, patios, awnings, or above ground decks may extend into the separation distance up
124 to five (5) feet. Fenced limited common area may extend up to ten (10) feet into the

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- 125 separation distance. Pedestrian walkways within the front separation shall be a minimum of
126 five (5) feet in width.
- 127 g. Building Separation-rear facades: Residential structures without rear garage or rear alley
128 access, shall have a minimum separation distance of thirty (30) feet. Fenced limited
129 common area may extend up to fifteen (15) feet into the separation distance.
- 130 h. Building Separation-side facades: Adjacent side building facades shall have a minimum
131 separation distance of twenty-five (25) feet. Adjacent side yards may be used for common
132 open space, pedestrian circulation, or landscaping. Prohibited use in adjacent side yards
133 shall be parking and fenced limited common area. Pedestrian walkways within the side
134 separation shall be a minimum of five (5) feet in width.
- 135 i. Rear setback (alley loaded): Residential structures with alley loaded garages shall be setback
136 from the private street right of way a minimum of distance of five (5) feet.
- 137 j. Private street/alley width: The minimum street right of way width for a private street shall
138 be 26 feet with a minimum of 24 feet of pavement. One-way single loaded alleys (one side
139 only) may be reduced right of way width of 17 feet with a minimum of 15 feet of pavement.
140 Private streets or alleys adjacent to a perimeter property boundary shall be required to have
141 a minimum 8 foot landscape buffer between the private street/alley and the abutting
142 property line.
- 143 k. Driveways: Where driveways are provided or required by the Planning Commission, the
144 minimum driveway length shall be twenty-two (22') feet.
- 145 l. Parking: The minimum parking requirement shall be determined based upon the type of
146 development and in accordance with Title 10, Chapter 6, Parking with the following
147 modifications, as approved by the Planning Commission:
- 148 (1) A minimum of one covered parking space per unit shall be provided for the exclusive
149 use of residents of said unit.
- 150 (2) Total parking shall be provided based upon bedroom count for the project as outlined in
151 the table below:

Unit Type	Parking
Studio/1 bedroom	1.25
2 bedroom	1.75
3 or greater bedroom	2.25

- 153
- 154 (3) Modification of parking requirements. As outlined in Section E above, the City Council
155 may approve parking less the required minimum when supported by a parking study
156 form a qualified professional, demonstrating that due to the nature of the development,
157 proximity to transit, off site shared parking facilities, or other unique circumstances. The
158 City Council may require as a condition of modification, a development agreement,
159 covenant or other guarantee outlining parking management practices required for the
160 development.

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m. Front façade elevation:

- (1) Attached residential structures fronting on a public or private street shall be constructed with front entry doors no lower than the finished curb height and no higher than 3 feet above the finished curb height and shall be stepped in elevation on cross slopes as shown in the Figure 1 below:



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- (2) Attached residential structures shall not have recessed doors below the height of the curb nor be elevated above the curb as shown in Figure 2 below:

Commented [SP1]: I will find better architectural drawings for this figure. But this is the idea I want to convey.



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- n. Lot area, width, yard, height and coverage requirements shall be determined by approval of the preliminary design plan.
 - o. Where feasible, buildings or landscaping shall not prohibit the free flow of air or direct exposure to sunlight, specifically in regard to solar heating or cooling structures by solar energy systems.
 - p. The development will be planned so as to provide solar access to all of the residential units, unless waived by the Planning Commission.
- 3. Plan Preparation: All plans must be prepared by a qualified professional team.
 - 4. Tax Liability for private open space: Ownership for tax liability of private open space reservations shall be established in a manner acceptable to the City Council and made part of the conditions of the plan approval.
- I. Preservation, Improvement, Maintenance And Ownership: Preservation, maintenance and ownership of required open spaces within development shall be accomplished by:
 - 1. Improvement of open spaces shall be designed, installed, and maintained in accordance with Title 10, Chapter 22, Water Efficient Landscaped Standards.
 - 2. Dedication: Dedication of the land to the City as a public park or parkway system, including a certificate of title insurance; or
 - 3. Easement:

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- 191 a. Granting to the City a permanent, open space easement on and over the said private open
192 spaces to guarantee that the open space remains perpetually in recreational or park use,
193 with ownership and maintenance being the responsibility of an owners' association
194 established with articles of association and bylaws which are satisfactory to the City Council;
195 or
196 b. Granting to the City a permanent, open space easement on and over the said private open
197 spaces to guarantee that the open space remains perpetually in recreational or park use, to
198 be maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the
199 developer in an amount satisfactory to the City Council; or by
200 4. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership
201 Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of
202 common expenses for the upkeep of the common areas and facilities. (Ord. 93-5, 7-6-1993, eff.
203 7-15-1993) The developer shall provide the following:
204 a. Adequate and reasonable guarantees as determined by the Planning Commission for
205 permanent retention of open spaces and for the maintenance of roadways, storage
206 facilities, service facilities and landscaping resulting from the application of these
207 regulations.
208 b. The developer shall record against the property a declaration of covenants, conditions,
209 restrictions, and easements (CCRs) which shall provide for a home owner's association
210 (HOA) responsible for the maintenance of all common areas and private infrastructure.
211 c. The declaration shall provide provisions for the creation of an initial operating budget, as
212 well future yearly budgets, long term reserves, annual maintenance, and required payments
213 of dues and fees by lot owners of the PUD for both yearly maintenance and long range
214 reserve projects or maintenance.
215 d. The developer shall implement any reasonable steps in the creation of the appropriate
216 accounts and funding sources for the HOA yearly operations and maintenance costs prior to
217 occupancy of any units in the PUD. The developer shall ensure that said accounts are funded
218 in a manner to cover ongoing maintenance costs during construction of all HOA common
219 facilities and units, so long as the developer remains the declarant in control of the HOA to
220 the extent that the HOA is not self-sustaining.
221 e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law,
222 for the purposes of funding the HOA in perpetuity. The reinvestment fee shall apply to all
223 closings within the HOA in perpetuity, including initial closings from the developer to a
224 buyer and all subsequent closings. The reinvestment fee shall be used to fund the reserve
225 and operating funds of the HOA.
226 f. The developer shall provide to the Planning Commission a management plan and a first year
227 budget at build out demonstrating the viability of the HOA to meet its obligations including
228 a proposed HOA monthly or annual assessment. The management plan developed by the
229 applicant shall outline standards of operation, and remedies for failure to comply with those
230 standards. A letter from a qualified HOA management company shall be provided
231 desaturating that any submitted HOA budgets are reasonable.

232 **13-6-020 : CONDOMINIUM SUBDIVISIONS (Current language from 10-19)**

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- 233 A. The procedures and requirements of this section shall apply to and govern the processing of
234 condominium record of survey maps pursuant to the requirements of the condominium ownership
235 act, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement
236 zoning, site development, health, building and other ordinances applicable to a particular
237 condominium project, and shall apply to the approval of such projects involving new construction,
238 as well as those involving the conversion of existing structures. In addition, condominium projects
239 which contemplate dedication of real property or improvements for the use of the public, or
240 condominium projects in which units are not contained in existing or proposed buildings, shall also
241 be considered subdivisions requiring compliance with all applicable codes of the City.
- 242 B. It is the intent of this chapter to establish a reasonable process whereby the City can assess the
243 impact of mixing collective and individual ownerships, as presented in a particular condominium
244 project, upon the public health, safety, convenience and general welfare of present and future
245 inhabitants of the City. In the case of commercial or residential conversions of existing buildings,
246 corrections of building code violations, the upgrading of vehicle parking facilities and safety of
247 common functional elements of the structure or structures are of prime importance. It is also
248 recognized the conversion of existing apartments or similar multi-family rental dwelling structures
249 present the potential of relocation hardship to existing tenants, especially senior citizens, and
250 warrants that reasonable notice and disclosure requirements be established by the City to minimize
251 said hardships. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 252 C. Application Requirements: The owner or developer of a proposed condominium project desiring
253 approval shall file an application with the Community Development department in accordance with
254 applicable subdivision process or plat amendment. In addition to the requirements contained within
255 Chapter 5 Subdivisions or Chapter 7 Plat Amendments, the following documents are required for
256 submittal:
- 257 1. Proposed map accurately drawn to scale as required by Utah Code Annotated section 57-8-13,
258 as amended, which shall be made by a registered Utah land surveyor. In addition, said map or an
259 additional site plan shall include diagrammatic floor plans identifying boundaries of the project
260 units, convertible and expandable areas or spaces and common areas. Said map or plan should
261 designate the intended use of common areas (e.g., storage, recreational, parking for guests as
262 opposed to unit owners, open space, etc.) and should indicate whether such common areas are
263 to be open to the public, assigned to specific units or semiprivate and available only to unit
264 owners. Said map or site plan shall also identify and describe in detail the location of existing or
265 proposed driveways, pedestrian ways, curb cuts, walls, structures, fences, landscaping and
266 sprinkling systems.
 - 267 2. The proposed condominium declarations and bylaws.
 - 268 3. Where conversion of an existing building is proposed as part of the condominium project, a
269 property report and code analysis, prepared by a licensed architect or engineer, including the
270 following information, together with the plan for proposed improvements, renovations and
271 repairs:
 - 272 a. The age of the building or buildings.
 - 273 b. The general conditional, useful life and capacity of the building's structural elements,
274 including the roof, foundations, mechanical system, electrical system, plumbing system,
275 boiler, and other structural elements.

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- 276 c. All known conditions constituting deficiencies requiring repair to meet existing Building
277 Codes.
- 278 d. All known conditions which may require repair or replacement within the next succeeding
279 five (5) year period. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 280 e. The property report shall certify that the structure or structures conform to the
281 International Building Code minimum standards, or the owner shall present plans to bring
282 the structure or structures into conformity with said standards prior to issuance of
283 certificates of occupancy.
- 284 f. Where it is determined that physical conditions in an existing building do not allow the strict
285 application of the International Building Code standard, the City Board of Appeals, as
286 provided for in the International Building Code, shall review all requests to vary from these
287 standards and may grant variances or approve alternates where it is determined the intent
288 of the requirement will be met. In any event, there shall be disclosure to buyers of any
289 conditions that do not meet code or standards set by the City. (Ord. 93-5, 7-6-1993, eff. 7-
290 15-1993; amd. 2012 Code)
- 291 4. Proof of notice to tenants as required by section **K** below shall be required before final approval,
292 but may be submitted, at the owner/developer's option, after preliminary plat approval is
293 obtained from the Planning Commission.
- 294 5. To assist the City to defray costs involved with the review of the project, fees shall be submitted
295 with a preliminary plat application as outlined in the consolidated fee schedule. (Ord. 93-5, 7-6-
296 1993, eff. 7-15-1993)
- 297 D. Copies Routed: Upon receipt of a completed application for approval of a condominium project, the
298 Community Development Department staff shall route copies of the application and development
299 plans in the same manner as a major subdivision as outlined in this title.
- 300 E. Review: Additional preliminary review by the planning staff, Fire Marshal and the Building Inspection
301 Department shall include, but not be limited to, the following:
- 302 1. Planning Staff Review:
- 303 a. Letter Of Intent: A letter of intent shall be submitted indicating proposed concept of project
304 for review. The condominium declarations and bylaws shall be reviewed as part of the final
305 approval process and will include provisions addressing and fixing responsibility for the
306 maintenance, upkeep and repair of common areas, including common walls, electrical,
307 mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas.
308 The declarations shall also restrict the use of any individual residential dwelling unit to single
309 "families", as defined in section **10-1-47** of this code. The staff shall also review said
310 declaration to require appropriate disclosure of any unusual circumstances, variances or
311 conditions placed upon the condominium project for approval.
- 312 b. Plans And Related Documents: The staff shall review the plans and related documents to
313 determine whether the project conforms to applicable requirements of this title, the status
314 or extent of nonconforming rights, applicable conditions imposed upon the building or use
315 by ordinance, variance, conditional use permit and/or prior approval under a PUD, clustered
316 or group dwelling plan. If the planning staff finds there are violations of applicable zoning
317 ordinances or requirements, the staff may recommend denial of the condominium project
318 until such violations have been corrected or requirements completed or bonded for prior to
319 final approval by the Planning Commission. (Ord. 2012-07, 4-30-2012)

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- 320 2. Building Inspection Staff Review:
- 321 a. Upon receipt of the application for approval of a condominium project, the Building
- 322 Inspection Department shall review the proposed building plans for new construction
- 323 and/or in the case of a conversion project, the property report and plan of improvement,
- 324 renovations and repairs to determine conformance with applicable building codes. In the
- 325 case of a conversion, the department shall require inspections of the property and may
- 326 require supplementation, revision and resubmission of the property report where
- 327 necessary. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 328 b. In the preliminary review report to the Planning Commission, the Building Official shall note
- 329 corrections, repairs and replacements which must be made to bring the structures into code
- 330 compliance, together with a list of renovation improvements proposed by the
- 331 owner/developer which are not required by code. The building official shall also list any
- 332 requirements of the International Building Code that needs appeal authority consideration
- 333 due to unique circumstances associated with the structure. The building official may then
- 334 recommend denial until such time as existing violations of code are corrected or may
- 335 recommend preliminary approval of the project and building report subject to correction of
- 336 the violations prior to final approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)
- 337 3. Fire Marshal Review: The fire marshal shall inspect each structure proposed for conversion and
- 338 shall submit a report thereon to the planning staff outlining the conditions of the structures as
- 339 they relate to fire safety. The marshal shall stipulate those conditions requiring improvement,
- 340 prior to occupancy, in the report. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 341 F. Planning Commission Consideration: Upon completion of the recommendations of the development
- 342 review staff, the matter shall be set for consideration by the Planning Commission in the same
- 343 manner prescribed for a subdivision or plat amendment as provide in this title.
- 344 G. Findings For Approval: If the Planning Commission finds that the project is in full compliance with:
- 345 1. applicable City ordinances;
- 346 2. the requirements of the condominium ownership act;
- 347 3. that proper notice to tenants has been given; and
- 348 4. that in every way the project is ready for final approval.
- 349 H. . Preliminary Approval: If the Planning Commission finds that the project substantially complies with
- 350 the above mentioned criteria but that certain facts of the proposal require changes or modifications
- 351 prior to final approval, or that tenant notification has not been completed, the Planning Commission
- 352 may grant preliminary approval to the project with instructions as to what criteria must be met prior
- 353 to submission for final approval.
- 354 I. . Disapproval: If the Planning Commission finds the project in conflict with the ordinances of the City
- 355 and/or the state and is not in the best interests of the City as a whole and/or specific neighborhood
- 356 in which the project is proposed to be located, or if it is not satisfied with the site development plans
- 357 of the project, the Planning Commission may disapprove the project specifying in detail the reasons
- 358 for disapproval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 359 J. . Notice: As part of the application for approval of a condominium project, when said project
- 360 involves the conversion of an existing structure where the structure has been occupied by
- 361 residential or commercial tenants prior to application for conversion, the owner/developer shall
- 362 provide notice of intended conversion to said tenants by certified mail. This notice requirement shall

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- 363 not apply to a structure that was vacant and remained so during the year prior to filing of the
364 developer's application for conversion. Such notice shall include:
- 365 1. The proposal for the conversion of the building to a condominium project;
 - 366 2. The established dates of construction period and termination of occupancy which shall not be
367 less than sixty (60) days from the date notice is served upon occupants or expiration of
368 individual leases, whichever is longer;
 - 369 4. The disclosure of the sales price for each unit shall be no greater than the price initially
370 advertised and offered to the general public at such time as when the condominiums are
371 offered for public sale;
 - 372 5. Relocation information for the tenants specifying available alternative housing relocation
373 resource agencies and organizations and a plan of any services to be voluntarily provided by the
374 owner/developer. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 375 K. Dissemination Of Notice: A copy of said notice, together with a list prepared by the
376 owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and
377 other known special disabilities or factors affecting relocation needs of the tenants, shall be
378 submitted to the Davis County Housing Authority and the County Social Services Department to
379 advise said agencies of the conversion and/or solicit their assistance with relocation services. No
380 final approval of such a conversion project shall be granted by the until the owner/developer has
381 provided proof of notice by certified mail or subsequent proof of actual delivery by method of
382 services allowed under state law of such notices and relocation information as required above, and
383 any plans for relocation services to be voluntarily provided by the owner/developer and the time
384 designated therein (a minimum of 60 days) has expired. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd.
385 2012 Code)
- 386 L. Protest Review Procedure: When a tenant of a residential dwelling has received written formal
387 notice of eviction without cause and without at least sixty (60) days notice of conversion required
388 above and has reason to believe that notice was issued because of a proposed condominium
389 project, he may, within thirty (30) days of the date of the notice of eviction, initiate an appeal
390 regarding the issue of proper notice to the Community Development Director, or designee. The filing
391 of such a protest shall stay the issuance of any approval or issuance of any permits for the structure
392 in question for a period not to exceed thirty (30) days and the matter shall be set for hearing before
393 the Planning Commission.
- 394 M. Investigation: Upon filing a tenant appeal, the review staff shall institute an investigation to
395 determine if the notice requirements set forth above were satisfied. They shall then report their
396 findings to the Planning Commission within ten (10) days of filing of the appeal. (Ord. 93-5, 7-6-
397 1993, eff. 7-15-1993)

398 **13-6-030 : MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS;**
399 **SPECIAL REQUIREMENTS: (existing language from 10-7-5)**

- 400 A. The procedures and requirements of this section shall apply to and govern the processing of mobile
401 home parks, mobile home subdivisions and recreational vehicle parks. The owner or developer of a
402 proposed mobile home or recreational vehicle project desiring approval shall file an application with
403 the Community Development department in accordance with applicable subdivision process or plat
404 amendment. Applications will be processed in the manner described within Chapter 5 Subdivisions

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- 405 or Chapter 7 Plat Amendments, as applicable, and shall be in conformance to purpose and intent of
406 the regulations contained within this section.
- 407 B. Purpose And Intent: The purpose and intent of this section is to:
- 408 1. Permit variety and flexibility in land development for residential purposes by allowing the use of
409 mobile homes and recreational vehicles under certain conditions.
- 410 2. Require that mobile home and recreational vehicle developments will be of such character as to
411 promote the objectives and purposes of this title; to protect the integrity and characteristics of
412 the district contiguous to those in which mobile home parks are located; and to protect other
413 land use values contiguous to or near mobile home or recreational vehicle developments.
- 414 C. Location:
- 415 1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries of
416 the City except in a licensed mobile home park or approved mobile home subdivision.
417 Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile
418 home park or mobile home subdivision will be permitted for a period not exceeding twenty four
419 (24) hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home
420 sales areas.
- 421 2. Recreational Vehicles:
- 422 a. Recreational vehicles which do not include facilities necessary to be "mobile homes", as
423 defined in section 10-1-47 of this code, shall not be used at any place within the corporate
424 boundaries of the City, at any time, for living quarters except in designated camping areas or
425 recreational vehicle parks.
- 426 b. Recreational vehicles which are unoccupied for living space may be stored on an owner's
427 private residential lot, provided the parking complies with the regulations in section 10-6-6
428 of this title. Long term commercial storage of recreational vehicles, maintenance operations,
429 reconstruction or construction activities are permitted within zoning districts allowing such
430 uses.
- 431 D. Standards And Requirements:
- 432 1. Determination Of Compliance: The Planning Commission shall review the proposed
433 development plan to determine its compliance with all portions of the City General Plan and,
434 among other things, shall attempt to make sure that such development will constitute a
435 residential environment of sustained desirability and stability and that it will not adversely affect
436 amenities in the surrounding area. Standards higher than the minimum standards contained in
437 this title may be required if necessary for local conditions of health, safety and protection of
438 property, and to ensure that the development will mix harmoniously with contiguous and
439 nearby existing and planned uses.
- 440 2. Required Facilities: The Planning Commission shall not approve any application for mobile home
441 park, recreational vehicle park or mobile home subdivision if the developer cannot provide
442 required water supplies and facilities, waste disposal systems, storm drainage facilities, access
443 or improvements, or if the developer cannot assure that the development will be completed
444 within twelve (12) months, or if the Planning Commission determines there would be unusual
445 danger of flood, fire or other hazard, or if the proposed development would be of such
446 character or in such a location that it would:
- 447 a. Create excessive costs for public services and facilities;
- 448 b. Endanger the health or safety of the public;

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- 449 c. Unreasonably hurt or destroy the environment;
450 d. Cause excessive air or water pollution, or soil erosion; or
451 e. Be inconsistent with any adopted general or specific plan of the area in which it is to be
452 placed.
- 453 3. Standards And Requirements Specified; Exception: The development shall conform to the
454 following standards and requirements, unless modified by an approved planned unit
455 development plan:
- 456 a. The area shall be in one ownership, or if in several, the application for approval of the
457 development shall be filed jointly by all owners of the property included in the plan.
- 458 b. A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left
459 unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings,
460 garages or any accessory buildings or uses and shall be planted and maintained in lawn,
461 shrubs or trees, with an approved durable permanent wall or fence designed to afford
462 privacy to the development.
- 463 c. All storage and solid waste receptacles outside the confines of any mobile home or
464 recreational vehicle shall be housed in a closed structure compatible in design and
465 construction to the mobile homes, and to any service buildings within the development; all
466 patios, carports, garages and other add ons shall be compatible in design and construction
467 with the mobile home. The service buildings shall be constructed in accordance with
468 standard commercial practice and kept in good repair. In mobile home developments where
469 units will be situated with long axis perpendicular to the street, streets will run in a north-
470 south direction to the greatest extent possible. This is to promote solar orientation of the
471 units.
- 472 d. In addition to meeting the above requirements and conditions, and conforming to the other
473 laws of the City, all mobile home parks, recreational vehicle parks, and mobile home
474 subdivisions shall also conform to all applicable state regulations. In the event of any conflict
475 between said regulations and this chapter, this chapter shall take precedence where its
476 regulations are more strict, and the provisions of the state regulations shall take precedence
477 where such regulations are more strict.
- 478 4. Utilities Underground: Every mobile home park, recreational vehicle park and mobile home
479 subdivision shall provide underground utility service to every mobile home stand or lot
480 including, but not limited to, water, sewer, power, natural gas, telephone and television.
- 481 5. Inspection And Special Regulation Of Mobile Homes: Mobile homes are considered by the City
482 to be less durable and less resistant to deterioration than are conventional homes; therefore, all
483 mobile homes which are used for human habitation, whether conforming or nonconforming,
484 and whether located in mobile home parks, in mobile home subdivisions or on bona fide farms
485 and ranches, shall be subject to the following special regulations:
- 486 a. Permits are required for mobile home setup, plumbing and electrical hookups, and such
487 hookups shall be made only by licensed plumbers and electricians.
- 488 b. A certificate of compliance is required for all mobile homes within the City, whether
489 occupied or awaiting occupancy, and may be obtained from the building official following an
490 inspection wherein the mobile home is found to meet the safety, sanitary and structural
491 standards adopted by the City. The state or federal inspection certificate will be honored in
492 lieu of a certificate of compliance.

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- 493 6. Compliance With Other Regulations: Any mobile home or recreational vehicle located in any
494 permitted area shall comply with and conform to all other zoning laws, rules and regulations,
495 and building, plumbing, electrical and fire prevention codes, and all other codes and
496 requirements applicable to a structure or building erected within the district in which said
497 mobile home or recreational vehicle is located.
- 498 7. Guarantees:
- 499 a. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees
500 must be provided for permanent retention of open spaces and for the maintenance of
501 roadways, storage facilities, service facilities and landscaping resulting from the application
502 of these regulations. The developer shall provide the following:
- 503 (i) Adequate and reasonable guarantees for permanent retention of open spaces and for
504 the maintenance of roadways, storage facilities, service facilities and landscaping
505 resulting from the application of these regulations.
- 506 (ii) The developer shall record against the property a declaration of covenants, conditions,
507 restrictions, and easements (CCRs) which shall provide for a home owner's association
508 (HOA) or management entity responsible for the maintenance of all common areas and
509 private infrastructure.
- 510 (iii) The declaration shall provide provisions for the creation of an initial operating budget,
511 as well future yearly budgets, long term reserves, maintenance, and required payments
512 of dues and fees by lot owners of the park for both yearly maintenance and long range
513 reserve projects or maintenance.
- 514 (iv) The developer shall implement any reasonable steps in the creation of the appropriate
515 accounts and funding sources for the HOA yearly operations and maintenance costs
516 prior to occupancy of any units in the park. The developer shall ensure that said
517 accounts are funded in a manner to cover ongoing maintenance costs during
518 construction of all common facilities and units, so long as the developer remains in
519 control of the park.
- 520 (v) The declaration shall require a reinvestment fee, or other mechanism as permitted by
521 law, for the purposes of funding the improvements in perpetuity. The reinvestment fee
522 shall apply to all closings within the park in perpetuity, including initial closings from the
523 developer to a buyer and all subsequent closings. The reinvestment fee shall be used to
524 fund the reserve and operating funds for the park.
- 525 (vi) The developer shall provide a management plan and a first year budget at build out
526 demonstrating the viability of the park to meet its obligations including proposed
527 monthly or annual assessment. The management plan developed by the applicant shall
528 outline standards of operation and remedies for failure to comply with those standards,
529 as well as a single responsible person or entity for its administration and communication
530 with the City.
- 531 b. In any case, when a mobile home park or recreational vehicle park is owned by more than
532 one person, the owners shall establish and appoint a park manager. The manager shall be
533 authorized to receive, process and represent fully the interests of the owners in respect to
534 continuing management and maintenance of the park.
- 535 c. Prerequisite to the operation of any mobile home park or recreational vehicle park in the
536 City shall be the obtaining of an annual business license from the City.

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- 537 d. In the event a mobile home or recreational vehicle park is not completed according to
538 approved plans, or operated and maintained according to the approved management plan,
539 the annual business license may be denied or revoked. The mobile homes or recreational
540 vehicles and associated property and facilities shall be removed, and all services
541 discontinued before any part of the land within the development planning area may be used
542 for any other purpose, or be subdivided.
- 543 e. The premises on which any mobile home is located, used or occupied shall be maintained in
544 a clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds,
545 inoperative vehicles or other unsightly material thereon shall constitute a public nuisance
546 and a violation of this title. Reasonable guarantees to assure compliance with this
547 requirement will be required of the developer and/or owner as a condition of conditional
548 use permit approval and ultimately the issuance of the annual City business license.
- 549 E. Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile home
550 parks outlined in this section, mobile home parks shall meet the following requirements:
- 551 1. Number Permitted: The number of mobile homes shall be limited to seven (7) units per acre and
552 may be limited to fewer units, depending on mobile home size, topography and other factors of
553 the particular site. The mobile homes may be clustered; provided, that the total number of units
554 does not exceed the number permitted on one acre, multiplied by the number of acres in the
555 development. The remaining land not contained in individual lots, roads or parking shall be set
556 aside and developed as parks, playgrounds and service areas for the common use and
557 enjoyment of occupants of the development, and the visitors thereto.
- 558 2. Distance Between Structures: No home or addition shall be located closer than ten feet (10')
559 from the nearest portion of any other home or add on. All such homes and additions shall be set
560 back at least ten feet (10') from road curbs or walks. If the mobile home tongue remains
561 attached, it shall be set back a minimum of six feet (6') from road curbs or walks. All mobile
562 homes, storage buildings, service buildings, garages, carports or other additions, etc., shall be
563 set back at least fifteen feet (15') from any boundary of the mobile home park.
- 564 3. Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces per
565 mobile home space, and each such parking space shall have a minimum width of ten feet (10')
566 and minimum depth of twenty feet (20'). In no case shall the parking space be located farther
567 than one hundred feet (100') from the mobile home space.
- 568 4. Bulk Storage Areas: One-story bulk storage areas shall be provided within a mobile home park,
569 equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk
570 storage shall be improved, landscaped and screened.
- 571 5. Residential Accommodations: Not less than ten percent (10%) of the gross land area shall be set
572 aside for the joint use and enjoyment of occupants in a parklike setting with both active and
573 passive recreational accommodations. The land covered by vehicular roadways, sidewalks, off
574 street parking and required setbacks shall not be construed as part of this ten percent (10%)
575 common area required; provided, however, that in initial stages of development or special
576 smaller developments, the minimum area shall be not less than one acre or ten percent (10%),
577 whichever is greater.
- 578 6. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
579 protective yard lighting the full length of all driveways and walkways.

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- 580 7. Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing or
581 buildings shall be landscaped in accordance with Title 10, Chapter 22, Water Efficient
582 Landscaped Standards, and such landscaping shall be permanently maintained.
- 583 8. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be
584 hard surfaced before the adjacent spaces may be occupied.
- 585 9. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
586 following standards, unless modified by an approved planned unit development plan:
587 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for
588 maneuvering mobile homes.
589 b. Two-way traffic: A minimum of thirty feet (30') in width.
590 c. Entrance roadways: A minimum of thirty six feet (36') in width.
591 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
592 rolled gutters or an approved equivalent.
593 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
594 roadways within the development.
595 f. Access: Each park shall have at least two (2) accesses to public streets, unless more than one
596 access is prohibited by a responsible public agency.
- 597 10. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if shields
598 are used, they are to be fireproof, well painted or otherwise preserved.
- 599 11. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect
600 residents of the development as well as adjacent property owners. Such facilities must be of
601 sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of
602 water in or adjacent to the development and shall be provide in accordance with City Ordinance,
603 Title 8 Chapter 5, Stormwater Management
- 604 12. Character; Acreage; Construction And Phase Completion Plan: The mobile home park shall:
605 a. Be in keeping with the general character of the district in which it is to be located.
606 b. Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels
607 separated by a street or alley only, and totaling ten (10) acres, unless modified by an
608 approved planned unit development plan.
609 c. Have at least twenty five (25) spaces completed, ready for occupancy, or an approved
610 financing plan for construction and phase completion, together with approved security to
611 assure compliance, before first occupancy is permitted.
- 612 13. Laundry Facility: A laundry for convenience of park occupants, but not for the general public,
613 may be included in mobile home parks.
- 614 14. Term Of Occupancy: No mobile home space shall be rented for a period of less than thirty (30)
615 days, and occupancy shall be by written lease. Leases shall be made available for inspection by
616 the officials of the City upon demand.
- 617 15. Access: Access shall be provided to each mobile home stand for maneuvering mobile homes into
618 position. The accessway shall be kept free from trees and other immovable obstructions. Paving
619 under mobile homes will not be required if adequate support is provided as required by state
620 regulations. Uses of planks, steel mats or other means to support the mobile home during
621 placement shall be allowed, so long as the same are removed upon completion of placement.

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- 622 F. Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for
623 recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following
624 requirements:
- 625 1. Location: Recreational vehicle parks shall generally be located:
 - 626 a. Adjacent to or in close proximity to a major traffic artery or highway.
 - 627 b. Near adequate shopping facilities.
 - 628 c. Within or adjacent to a mobile home park.
 - 629 2. Recreational Area: Not less than ten percent (10%) of the gross land area shall be set aside for
630 the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks and
631 off street parking shall not be construed as part of the ten percent (10%) common area required
632 for parks and playgrounds for occupants; provided, however, that in initial stages of
633 development or in special smaller developments, the minimum area shall not be less than one-
634 half ($\frac{1}{2}$) acre or ten percent (10%), whichever is greater.
 - 635 3. Yard Lighting: Yard lighting with a minimum of 0.2 foot-candle of light shall be required for
636 protective yard lighting the full length of all driveways and walkways.
 - 637 4. Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall be
638 landscaped and permanently maintained pursuant to a plan approved by the Planning
639 Commission.
 - 640 5. Surfacing Of Parking Spaces And Driveways: All off street parking spaces and driveways shall be
641 paved with asphalt or concrete before the adjacent recreational vehicle spaces may be
642 occupied.
 - 643 6. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the
644 following standards, unless modified by an approved planned unit development plan:
 - 645 a. One-way traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for
646 maneuvering recreational vehicles.
 - 647 b. Two-way traffic: A minimum of thirty feet (30') in width.
 - 648 c. Entrance roadways: A minimum of thirty six feet (36') in width.
 - 649 d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24")
650 rolled gutters or an approved equivalent.
 - 651 e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main
652 roadways within the development.
 - 653 f. Access: Each recreational vehicle park shall have at least two (2) accesses to public streets,
654 unless more than one access is prohibited by a responsible public agency.
 - 655 7. Term Of Occupancy: No individual space in a recreational vehicle park shall be used by one
656 individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space
657 be rented or leased to any one individual for a period longer than ninety (90) days in any one
658 calendar year.
 - 659 8. Use As Permanent Living Quarters Prohibited: Recreational vehicles may be stored where
660 permitted, but not used for permanent living quarters.
 - 661 9. Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for
662 living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a
663 conditional use.
 - 664 10. Screening; Access: Recreational vehicles may be accommodated in an approved and licensed
665 mobile home park; provided, that:

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- 666 a. The recreational vehicle park portion of the development is separated by barriers, screens
667 or otherwise from the area of mobile homes.
- 668 b. The recreational vehicle use area shall have direct access to a collector or arterial street.
- 669 c. Separate ingress and egress shall be provided for recreational vehicles when required by the
670 Planning Commission.
- 671 11. Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved in
672 locations permitting such use in this title. Before such approval is given, the Planning
673 Commission shall find that the proposed development will:
- 674 a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park,
675 unless modified by a planned unit development plan.
- 676 b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile
677 home park), or an approved schedule of financing, construction and phase completion, and
678 approved security, to assure compliance.
- 679 G. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile
680 home subdivisions outlined in this section, mobile home subdivisions shall meet the following
681 requirements:
- 682 1. Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved in locations
683 permitting such use in this title. Before such approval may be granted, the Planning Commission
684 shall find that the proposed development will:
- 685 a. Be located on a parcel of land containing not less than five (5) acres.
- 686 b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum
687 width of fifty feet (50').
- 688 c. Be organized in a homeowners' association, if required by the Planning Commission.
- 689 2. Security Compound: The Planning Commission may require a security compound for the storage
690 of vehicles, boats and other large items, to be provided equivalent to a minimum of three
691 hundred (300) square feet of paved area per mobile home lot, to be maintained by a
692 homeowners' association in the mobile home subdivision.
- 693 3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy.
694 If shields are used, they are to be fireproof and painted, or otherwise preserved.
- 695 4. Street Widths: Street widths shall be as required by the development regulations, except as may
696 be modified by an approved planned unit development plan.
- 697 5. Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased for
698 a period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
- 699

TITLE 13 SUBDIVISION REGULATIONS

(REDLINE 10.05.2023)

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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 cityCity;~~
- ~~2. (2) Ten (10) Two (2) 24" x 36" copies, one (1) reduced 11" x 17" copy, and an An electronic copy of a preliminarythe proposed plat amendment drawing designed to print at twenty-four by thirty-size (24"x36") inches, showing the land to be subdividedlots 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, all property owners that access their property from the proposed vacated right of way 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—a class A notice as required by USC 10-9a-208. 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 cityCity.~~

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- 41 B. 3. Review Process: Subdivision Amendments Not Involving Streets:
- 42 1. a. Applicability:
- 43 a. ~~a.~~ Residential, commercial, industrial or agricultural subdivision amendments ~~not involving~~
- 44 ~~the closure, vacation, alteration, addition or amendment of any street, or~~ that cannot be
- 45 processed as routine and uncontested lot line adjustments, shall be processed pursuant to
- 46 this subsection.
- 47 b. ~~b.~~ Plat amendments that create one or more additional lots to the subdivision, shall not be
- 48 processed as a plat amendment, but shall be processed as new subdivision.
- 49 2. b. City Internal Review:
- 50 a. ~~(1)~~ The ~~e~~Community ~~d~~Development ~~d~~Department shall obtain comments regarding the
- 51 amendment petition from all interested ~~city~~City departments.
- 52 b. ~~(2)~~ If the development review ~~committee~~ staff determines that the proposed amendment
- 53 petition may have an adverse material impact on traffic, it may require the applicant to
- 54 submit a professionally prepared traffic impact study ~~prior to the hearing on the application.~~
- 55 c. ~~(3)~~ The departmental comments shall be transmitted to the ~~petitioner~~ applicant.
- 56 3. e. ~~Planning Commission~~ Planning Commission ~~Hearing~~ Review:
- 57 a. ~~(1)~~ Plat amendments which vacate or amend a public right of way or public trail shall be
- 58 noticed for Public Hearing in accordance with ~~Section 10-3-3~~ USC 10-9a-208, as amended. ~~of~~
- 59 ~~this code and as required by Utah State Code Annotated.~~ The ~~planning commission~~ Planning
- 60 Commission shall hold a public hearing to consider the amendment petition.
- 61 b. For plat amendments which amend the location of a public utility easement, the applicant
- 62 shall provide evidence that no public utilities have been located within the existing
- 63 easement, or shall provide letters from all public utilities using the easement consenting to
- 64 the amendment to said public utility easement.
- 65 ~~(2)~~ Notice of the ~~planning commission~~ hearing shall be mailed to all individuals and entities
- 66 identified in subsection H2a(4) of this section, or its successor.
- 67 c. ~~(3)~~ The ~~planning commission~~ Planning Commission shall review all ~~city~~City departmental
- 68 comments, comments from the ~~petitioner~~ applicant and other individuals, and shall approve
- 69 or deny the amendment ~~petition~~ application with specific findings of fact, according to the
- 70 standards for approval set forth in ~~subsection H3d~~ of this section.
- 71 d. For plat amendments which vacate or amend a public right of way or public trail, the
- 72 Planning Commission shall consider all ~~city~~City departmental comments, comments from
- 73 the applicant and the public, and shall recommend to the ~~city council~~ City Council the
- 74 approval or denial of the amendment application with specific findings of fact, according to
- 75 the standards for approval set forth in this section. The ~~city council~~ City Council shall hold a
- 76 public hearing on the proposed amendment, consider the plat amendment application and
- 77 approve, approve with conditions, or deny the application, according to the same standards
- 78 and in accordance with state code, as applicable.
- 79 4. d. Standards For Approval ~~Of of Plat~~ Amendment ~~Petition~~: An ~~A~~ plat amendment ~~petition~~
- 80 application shall be approved only if it meets all of the following requirements:
- 81 a. ~~(1)~~ The amendment will be in the best interests of the ~~city~~City;
- 82 b. ~~(2)~~ All lots comply with all applicable ~~zoning land use and subdivision~~ standards;
- 83 c. ~~(3)~~ All necessary and required dedications are made;

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84 d. ~~(4)~~ Provisions for the construction of any required ~~public improvements~~essential
85 infrastructure improvements are included;

86 e. ~~(5)~~ The amendment complies with all applicable laws and regulations; and

87 f. ~~(6)~~ The amendment does not materially injure the public or any person and there is good
88 cause for the amendment.

89 g. ~~g.~~ No additional lot or parcel is created.

90 5. ~~e.~~ Appeals From Planning Commission Decision Not Involving ~~Streets~~Public Right of Way or
91 Public Trail:

92 a. ~~(1)~~ If the petitioner, or any ~~notified-affected~~ individual or organization disagrees with the
93 ~~planning commission~~Planning Commission decision, a written objection, clearly specifying
94 the reasons therefor, shall be filed with the ~~city~~City Recorder within fourteen (14) days
95 following the ~~planning commission~~Planning Commission decision.

96 b. ~~(2)~~ The objection shall be heard before the ~~city council~~City Council, subject to the ~~provisions~~
97 ~~of subsection H4d of standards for approval set forth in this~~ sub-section (d) above.

98 6. ~~f~~ Recordable Instrument: If the amendment petition is approved, the ~~zoning administrator~~
99 ~~city~~City shall execute and record the final amended subdivision plat and such other documents
100 as may be required ~~shall be recorded~~ with the Davis County recorder's office.

101 13-7-020: Exemptions From Plat Requirement:

102 A subdivision plat amendment is not required for a lot line or boundary adjustment as defined in Utah
103 Code Section 10-9a-523, as amended, but shall be processed as outlined in the following section.

104 13-7-030: ~~H.~~ Routine and Uncontested Lot Line Adjustments: ~~Vacating Or Changing Subdivision Plat:~~

105 ~~1. Routine And Uncontested Lot Line Adjustments:~~

106 A. ~~a.~~ Purpose: The purpose of this section is to enable routine and uncontested lot line adjustments
107 between two (2) lots to be considered and approved administratively by the ~~city~~City's development
108 staff.

109 B. ~~b.~~ Applicability: This section applies to routine and uncontested lot line adjustments between two
110 (2) legally existing agricultural, residential, commercial or industrial subdivision lots. Applications
111 processed pursuant to this section shall:

112 1. ~~(1)~~ Meet all applicable ~~zoning-land use code~~ requirements.

113 2. ~~(2)~~ Receive the consenting signatures of all ~~abutting-affected~~ property owners.

114 3. ~~(3)~~ Not affect any street right of way.

115 4. ~~(4)~~ Not create any new lots.

116 5. ~~(5)~~ Not affect any trail right of way.

117 C. ~~c.~~ General Application Contents: The application for routine and uncontested lot line adjustments
118 shall include:

119 1. ~~(1)~~ The signatures of approval of all ~~abutting-affected~~ property owners, ~~and property owners~~
120 ~~directly across any abutting streets, whether the property is in the same subdivision or not.~~

121 2. ~~(2) Three-Two (32)~~ copies of a ~~survey drawing~~preliminary plat drawing, preliminary plat, showing
122 the ~~lots involved and the lot line to be adjusted, land to be subdivided,~~ properly and accurately
123 drawn to scale, certified as accurate by a registered land surveyor ~~or professional engineer~~, and
124 the proposed form of a deed or boundary line agreement for the lot line adjustments.

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125 ~~(3) A current ownership plat from the Davis County recorder's office showing the entire subject~~
126 ~~area.~~

127 ~~D. d.~~ Fees: The petitioners shall pay an application review fee consistent with the consolidated fee
128 schedule for the ~~city~~City.

129 ~~E. e.~~ CityCity Internal Review: The development review ~~committee~~staff shall review the application for
130 completeness and for compliance to the regulations of this title. Upon review of the application and
131 ~~preliminary plat~~survey drawing, the development review committee ~~may either shall~~ approve ~~the~~
132 ~~lot line adjustment if the application conforms the adopted standards and regulations of the land~~
133 ~~use ordinance~~ or deny the lot line adjustment ~~if it does not~~.

134 ~~F. f.~~ Lot line adjustments that are denied by the development review committee may be amended for
135 reconsideration or may be appealed to the ~~Planning Commission~~ by filing a request with the
136 ~~community development department~~.

137 ~~G. g.~~ Recordable Instrument: If the lot line adjustment is approved, the ~~city~~City recorder or
138 ~~designee~~shall provide a letter of approval signed by the ~~city~~City Engineer and ~~e~~Community
139 ~~d~~Development ~~d~~Director, certifying that the lot line adjustment conforms to the requirements of
140 ~~the city~~City's land use regulations and approving the ~~shall~~recordation of an appropriate deed or
141 ~~deeds~~ boundary line agreement with the Davis County recorder's office containing the legal
142 description of each new lot and stating any conditions of approval.

143 ~~4. Subdivision Amendments Involving Streets Or Trails:~~

144 ~~a. Purpose And Authorization: If the amendment petition involves closure, vacation, alteration,~~
145 ~~addition or amendment of any street or trail, the amendment petition shall be processed~~
146 ~~pursuant to the provisions of this section. (Ord. 2012-07, 4-30-2012)~~

147 ~~b. City Internal Review:~~

148 ~~(1) The community development department shall obtain comments regarding the~~
149 ~~amendment petition from all interested city departments or divisions, including, as~~
150 ~~applicable, the parks, trails, arts and recreation advisory board. (Ord. 2012-07, 4-30-2012;~~
151 ~~amd. Ord. 2014-01, 1-7-2014)~~

152 ~~(2) If the development review committee determines that the proposed amendment~~
153 ~~petition may have an adverse material impact on traffic, it may require the applicant to~~
154 ~~submit a professionally prepared traffic impact study prior to the hearing on the application.~~

155 ~~(3) The departmental comments shall be transmitted to the petitioner.~~

156 ~~c. Planning Commission Hearing:~~

157 ~~(1) The planning commission shall hold a public hearing to consider the amendment~~
158 ~~petition.~~

159 ~~(2) Notice of the planning commission hearing shall be mailed to all individuals and entities~~
160 ~~identified in subsection H2a(4)(A) of this section, mailed to the record owner of each parcel~~
161 ~~that is accessed by the public street, right of way, or easement, mailed to each affected~~
162 ~~entity, published in a newspaper of general circulation, published on the Utah public notice~~

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(REDLINE 10.05.2023)

163 website, and shall be posted on the subject property at least fourteen (14) days prior to the
164 scheduled hearing.

165 (3) The ~~planning commission~~ shall review all ~~city~~ departmental comments, comments from
166 the petitioner and other individuals and shall recommend approval or denial of the
167 amendment petition to the ~~city~~ council with specific findings of fact, according to the
168 standards for approval set forth in subsection H3d of this section.

169 d. ~~City Council Meeting:~~

170 (1) The ~~city~~ council shall hold a public meeting to consider the amendment petition.

171 (2) The ~~city~~ council shall review all ~~city~~ departmental comments, comments from the
172 petitioner and other individuals, the recommendation of the ~~planning commission~~ and shall
173 approve or deny the amendment petition with specific findings of fact, according to the
174 standards for approval set forth in subsection H3d of this section.

175 e. ~~Recordable Instrument:~~ If the amendment petition is approved by the ~~city~~ council, the final
176 amended subdivision plat and such other documents as may be required shall be recorded with
177 the Davis County recorder's office.

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TITLE 13 SUBDIVISION REGULATIONS

(REDLINE 10.05.2023)

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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. The application for a proposed plat amendment shall be submitted to the community development department and shall contain the following:
 - 1. A complete application on form created by the City;
 - 2. An electronic copy of the proposed plat amendment designed to print at twenty-four by thirty-size (24"x36") inches, showing lots to be amended, properly and accurately drawn to scale, certified as accurate by a registered land surveyor;
 - 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.
 - 4. 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, all property owners that access their property from the proposed vacated right of way and all property owners within the boundary of the proposed amended plat. Notice of public hearing shall be delivered as a class A notice as required by USC 10-9a-208.
 - 5. Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to the consolidated fee schedule for the City.
- B. Review Process:
 - 1. Applicability:
 - a. Residential, commercial, industrial or agricultural subdivision amendments that cannot be processed as routine and uncontested lot line adjustments, shall be processed pursuant to this subsection.
 - b. Plat amendments that create one or more additional lots to the subdivision, shall not be processed as a plat amendment, but shall be processed as new subdivision.
 - 2. City Internal Review:
 - a. The Community Development Department shall obtain comments regarding the amendment petition from all interested City departments.
 - b. If the development review staff determines that the proposed amendment petition may have an adverse material impact on traffic, it may require the applicant to submit a professionally prepared traffic impact study.
 - c. The departmental comments shall be transmitted to the applicant.
 - 3. Planning Commission Review:
 - a. Plat amendments which vacate or amend a public right of way or public trail shall be noticed for Public Hearing in accordance with USC 10-9a-208, as amended. The Planning Commission shall hold a public hearing to consider the amendment petition.

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(REDLINE 10.05.2023)

- 42 b. For plat amendments which amend the location of a public utility easement, the applicant
43 shall provide evidence that no public utilities have been located within the existing
44 easement, or shall provide letters from all public utilities using the easement consenting to
45 the amendment to said public utility easement.
- 46 c. The Planning Commission shall review all City departmental comments, comments from the
47 applicant and other individuals, and shall approve or deny the amendment application with
48 specific findings of fact, according to the standards for approval set forth in this section.
- 49 d. For plat amendments which vacate or amend a public right of way or public trail, the
50 Planning Commission shall consider all City departmental comments, comments from the
51 applicant and the public, and shall recommend to the City Council the approval or denial of
52 the amendment application with specific findings of fact, according to the standards for
53 approval set forth in this section. The City Council shall hold a public hearing on the
54 proposed amendment, consider the plat amendment application and approve, approve with
55 conditions, or deny the application, according to the same standards and in accordance with
56 state code, as applicable.
- 57 4. Standards For Approval of Plat Amendment: A plat amendment application shall be approved
58 only if it meets all of the following requirements:
 - 59 a. The amendment will be in the best interests of the City;
 - 60 b. All lots comply with all applicable land use and subdivision standards;
 - 61 c. All necessary and required dedications are made;
 - 62 d. Provisions for the construction of any required essential infrastructure improvements are
63 included;
 - 64 e. The amendment complies with all applicable laws and regulations; and
 - 65 f. The amendment does not materially injure the public or any person and there is good cause
66 for the amendment.
 - 67 g. No additional lot or parcel is created.
- 68 5. Appeals From Planning Commission Decision Not Involving Public Right of Way or Public Trail:
 - 69 a. If the petitioner, or any affected individual or organization disagrees with the Planning
70 Commission decision, a written objection, clearly specifying the reasons therefor, shall be
71 filed with the City Recorder within fourteen (14) days following the Planning Commission
72 decision.
 - 73 b. The objection shall be heard before the City Council, subject to the standards for approval
74 set forth in **sub-section (d)** above.
- 75 6. Recordable Instrument: If the amendment petition is approved, the City shall execute and
76 record the final amended subdivision plat and such other documents as may be required with
77 the Davis County recorder's office.

78 **13-7-020: Exemptions From Plat Requirement:**

79 A subdivision plat amendment is not required for a lot line or boundary adjustment as defined in Utah
80 Code Section 10-9a-523, as amended, but shall be processed as outlined in the following section.

81 **13-7-030: Routine and Uncontested Lot Line Adjustments:**

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(REDLINE 10.05.2023)

- 82 A. Purpose: The purpose of this section is to enable routine and uncontested lot line adjustments
83 between two (2) lots to be considered and approved administratively by the City's development
84 staff.
- 85 B. Applicability: This section applies to routine and uncontested lot line adjustments between two (2)
86 legally existing agricultural, residential, commercial or industrial subdivision lots. Applications
87 processed pursuant to this section shall:
- 88 1. Meet all applicable land use code requirements.
89 2. Receive the consenting signatures of all affected property owners.
90 3. Not affect any street right of way.
91 4. Not create any new lots.
92 5. Not affect any trail right of way.
- 93 C. General Application Contents: The application for routine and uncontested lot line adjustments
94 shall include:
- 95 1. The signatures of approval of all affected property owners.
96 2. Two (2) copies of a survey drawing, showing the lots involved and the lot line to be adjusted,
97 properly and accurately drawn to scale, certified as accurate by a registered land surveyor, and
98 the proposed form of a deed or boundary line agreement for the lot line adjustments.
- 99 D. Fees: The petitioners shall pay an application review fee consistent with the consolidated fee
100 schedule for the City.
- 101 E. City Internal Review: The development review staff shall review the application for completeness
102 and for compliance to the regulations of this title. Upon review of the application and survey
103 drawing, the development review committee shall approve the lot line adjustment if the application
104 conforms the adopted standards and regulations of the land use ordinance or deny the lot line
105 adjustment if it does not.
- 106 F. Lot line adjustments that are denied by the development review committee may be amended for
107 reconsideration or may be appealed to the Planning Commission by filing a request with the
108 community development department.
- 109 G. Recordable Instrument: If the lot line adjustment is approved, the City shall provide a letter of
110 approval signed by the City Engineer and Community Development Director, certifying that the lot
111 line adjustment conforms to the requirements of the City's land use regulations and approving the
112 recordation of an appropriate deed or boundary line agreement with the Davis County recorder's
113 office containing the legal description of each new lot and stating any conditions of approval.

114

1 CITY OF NORTH SALT LAKE
2 PLANNING COMMISSION MEETING
3 ANCHOR LOCATION: CITY HALL
4 10 EAST CENTER STREET, NORTH SALT LAKE
5 SEPTEMBER 26, 2023

6
7 **DRAFT**
8

9 Commission Chair BreAnna Larson called the meeting to order at 6:30 p.m.

10
11 PRESENT: Commission Chair BreAnna Larson
12 Commissioner Ryan Holbrook
13 Commissioner Ron Jorgensen
14 Commissioner Irene Stone
15 Commissioner Brandon Tucker
16 Commissioner William Ward
17

18 EXCUSED: Commissioner Katherine Maus
19

20 STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Johnson,
21 Planner.
22

23 OTHERS PRESENT: Dee Lalliss, resident; Wesley Johnson, Hank's Garage; Jeff Cook, Cook
24 Builders; Cal Johnson, Legend Engineering. Via Zoom: Mike Warren, property owner.
25

26 1. PUBLIC COMMENTS
27

28 There were no public comments.
29

30 2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR HANK'S GARAGE AT
31 405 NORTH 400 WEST, WESLEY JOHNSON, APPLICANT
32

33 Mackenzie Johnson reported that this was a conditional use permit for 405 North 400 West
34 which was located in the Manufacturing Distribution (MD) zone. Reception or event centers
35 were not specifically listed in City code. Previously reception centers, including Arcoiris, were
36 classified as "amusement, gambling, and recreation industries" and were conditional uses in the
37 MD zone. She showed an aerial map of the property including the area used as a personal garage
38 for vehicle storage and the proposed event space. The building consisted of 1,820 sq. ft.
39 mezzanine and approximately 14,000 sq. ft. of main floor. Of the main floor space, only 5,652
40 would be used for the reception center as the remaining space was used for vehicle storage and
41 display.
42

43 Ms. Johnson explained that there was an easement along the northern property line for access to
44 the rear parcels. This easement would need to be relocated closer to the buildings to
45 accommodate the event center parking. The applicant would work with the County on relocating
46 this easement which was a recommended condition for approval of the conditional use permit.
47 Parking code for the land use was one stall per four seats of total capacity plus one stall per 100
48 square feet of assembly area, equaling a required total of 78 off street parking stalls. Of those
49 stalls, four must be ADA compliant with appropriate striping and signage. The Development
50 Review Committee (DRC) recommended that all parking stalls be painted and signed according
51 to the approved plan prior to the issuance of the business license. She showed images of the
52 existing interior including the mezzanine, cars, and event space.

53
54 Commissioner Stone asked for clarification on whether the event center would be open for public
55 rentals. Mackenzie Johnson replied that it was currently a private space but would become a
56 commercial reception center.

57
58 Commissioner Stone asked about the bar and if the applicant would need a liquor license. Sherrie
59 Pace replied that the applicant would need to receive local consent from the City Council and
60 would then obtain the liquor license from the State.

61
62 **Commissioner Jorgensen moved that the Planning Commission approve the conditional use**
63 **permit for Hank’s Garage at 405 North 400 West with the following conditions:**

- 64
65 1) **The existing access easement be relocated (through the County) to allow for parking**
66 **along the northern property line; and**
67 2) **All parking stalls must be painted and signed according to the approved plan prior**
68 **to issuance of the business license.**

69
70 **Commissioner Holbrook seconded the motion. The motion was approved by**
71 **Commissioners Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner**
72 **Maus was excused.**

- 73
74 3. **CONSIDERATION OF A CONDITIONAL USE PERMIT FOR OVER 30 FEET OF**
75 **DRIVEWAY AT 1025 SOUTH PLUM TREE COURT, JEFF COOK, COOK**
76 **BUILDERS, APPLICANT**

77
78 Mackenzie Johnson reported that Plum Tree Court was a private road in a Planned Unit
79 Development (PUD). The builder constructed three driveways along the 287 feet of frontage.
80 Two of the driveways were 13 feet wide and created a circular driveway for guests and the third
81 driveway was 40 feet wide and provided access to the garage. The standard maximum driveway
82 width on a residential lot is 30 feet. With a conditional use permit, that maximum may be
83 increased to 40 feet. Additionally, residential lots with a frontage greater than 100 feet in width
84 may provide two access driveways for a circular drive. She explained that the three driveways

85 had already been constructed and said the damaged portion of the circular driveway would need
86 to be repaired before the City released the concrete bond. The DRC recommended approval with
87 no conditions.

88

89 **Commissioner Tucker moved that the Planning Commission approve the conditional use**
90 **permit for over 30 feet of driveway at 1025 South Plum Tree Court with no conditions.**

91 **Commissioner Ward seconded the motion. The motion was approved by Commissioners**

92 **Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner Maus was excused.**

93

94 4. CONSIDERATION OF SITE PLAN APPROVAL FOR FERRELL GAS AT 95 EAST
95 UNION AVENUE, CAL JOHNSON, LEGEND ENGINEERING, APPLICANT

96

97 Mackenzie Johnson reported the City Council approved the preliminary design plan and final
98 plat for the Union Court Subdivision on August 15, 2023. That subdivision allowed the property
99 owner of 95 East Union Avenue to purchase approximately 1.41 acres of vacant land from the
100 adjacent property at 25 East Union Avenue. The site plan application for Ferrell Gas, located at
101 95 Union Avenue, was to expand its outdoor storage operations to the newly acquired property
102 and improve drainage facilities for the entire property. This area, located in the MD zone, would
103 be used for storage of trucks and trailers and met all requirements of the code regarding
104 screening, surfacing, and location. No propane would be stored on the subject portion of the
105 property.

106

107 Mackenzie Johnson said the site plan would bring the property into compliance with modern
108 storm drain requirements by creating two new detention ponds. One pond would be shared by the
109 neighboring 25 East Union Avenue. The proposed area would be surfaced with a dustless gravel
110 and no new buildings were being proposed. The MD zone required a minimum of 15%
111 landscaping except when reduced by the Planning Commission during site plan approval in
112 support of water conservation efforts and when landscaping was concentrated within a front
113 setback and not necessary for buffering purposes within the side and rear yard areas. The current
114 plan did not have any landscaping and she said that the Commission could require the applicant
115 to increase the landscaping to a percentage or location. The DRC did not feel that landscaping
116 was necessary as this was an industrial area with no neighboring residential properties.

117

118 Commissioner Jorgensen commented that it was not necessary to spend water on landscaping
119 that would not be seen and was okay to approve the conditional use permit with no landscaping.

120

121 Commissioner Holbrook said that modifications were being made to the frontage with the
122 proposed detention basin and was in favor of some trees. Mackenzie Johnson replied that the
123 City Engineer shared that a native ground cover would be acceptable in the detention pond and
124 the applicant was willing to install that landscaping. .

125

126 Chair Larson asked what percentage of the site the front detention basin would be. Cal Johnson,
127 Legend Engineering, stated that the front detention was five to six percent of the entire site.
128 Commissioner Stone asked if the site was visible from any public street. Mackenzie Johnson
129 replied that the site was not visible from I-15, 2600 South, or any other major street.

130

131 Sherrie Pace suggested that the retention pond could consist of a minimum of two different
132 textures or types of rock mulch which would add street appeal.

133

134 Chair Larson asked for feedback on the decorative mulch and xeriscaping in the detention pond.

135

136 Mike Warren, Ferrell Gas, commented that the area was currently gravel.

137

138 Commissioner Holbrook said that he was as it was in favor of retaining the existing gravel.

139 Commissioners Jorgensen, Ward, Tucker, and Stone did not want to require extra landscaping.

140

141 **Commissioner Ward moved that the Planning Commission approve the site plan for the**
142 **Ferrell Gas outdoor storage expansion located at 95 East Union Avenue with the following**
143 **conditions:**

144

145 **1) Completion of all engineering and planner redlines.**

146

147 **Commissioner Jorgensen seconded the motion. The motion was approved by**
148 **Commissioners Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner**
149 **Maus was excused.**

150

151 **5. WORK SESSION: DRAFT CODE AMENDMENTS**

152 **a. TITLE 13, CHAPTER 4: MINOR SUBDIVISIONS**

153

154 Sherrie Pace reviewed Title 13 Chapter 4 Minor Subdivisions and Chapter 5 Subdivisions. A
155 minor subdivision would not require Planning Commission review or approval. The
156 requirements of a minor subdivision included subdivisions that were ten lots or less, no new
157 dedication of land for streets, adjacent to existing public streets and utilities, area not traversed
158 by future streets as defined by the General Plan, conformed to the general character of the
159 neighborhood, not adversely affecting the remainder of the parcel of adjoining property,
160 dedicated utility easements, and not located in the sensitive lands area. Conceptual plan review
161 was now only allowed under State code at the request of the developer. She showed examples of
162 areas that would qualify for a minor subdivision and said there were not a lot of properties that
163 would qualify but there were enough that could become minor subdivisions in future
164 redevelopment. The other sections in Title 13 Chapter 4 related to minor subdivisions included
165 the applicability, conceptual plan, development review, Administrative Land Use Authority
166 action, expiration of final approval, bond agreement, plat requirements, and recording of plat.
167 Ms. Pace explained that the Administrative Land Use Authority would be the Community

168 Development Director for minor subdivisions and was responsible for coordinating review and
169 approval from development review staff, the City Engineer, and City Attorney. If disapproved the
170 developer may then appeal the decision to the Planning Commission. Plat approval was valid for
171 six months with one extension if warranted. Bond agreements were required to meet the bonding
172 requirements for any infrastructure (water/sewer stubs) and repair of road installation of stubs,
173 etc. Plat requirements were required to meet the plat standards established for final plat in
174 Chapter 5.

175
176 Commissioner Jorgensen commented on Section 13-4-20 paragraph 20 related to geohazards. He
177 said this included sensitive lands overlay zone and said there should be no ambiguity on the
178 hazards that would be flagged. Commissioner Jorgensen said the sensitive overlay map should be
179 updated to address other hazards beyond a steep slope. He then provided several other
180 typographical corrections.

181
182 b. TITLE 13, CHAPTER 5: SUBDIVISIONS (PRELIMINARY & FINAL PLAT)

183
184 Sherrie Pace reviewed Title 13 Chapter 5 Subdivisions (preliminary and final plat) requirements.
185 This included the changes per State code establishing an Administrative Land Use Authority
186 (LUA) for preliminary plat (staff or Commission) and final plat (staff only). Any legislative
187 changes such as a Planned District would be reviewed and approved by the City Council. This
188 would apply to residential, commercial, and industrial subdivisions. This process would be for all
189 subdivisions that were not deemed minor subdivisions. State Code required that the City provide
190 for an optional pre-application meeting and the documentation that must be provided to the
191 developer. She spoke on items related to application and fees including the form of application
192 and size of plan documents, determination of complete application and deadline, first review
193 required within 15 days of complete application, conceptual plan review required for
194 commercial, industrial, multifamily or for subdivisions within the sensitive lands area which
195 require a geologic hazards review prior to preliminary plat. State Code allowed for up to four
196 review cycles and it was recommended by the City Attorney to have two reviews at preliminary
197 plat and two at final plat. Ms. Pace explained that the statute limitation of 4 review cycles does
198 not apply to areas with geologic hazards.

199
200 Sherrie Pace spoke on 13-5-040 preliminary plat and subdivision improvement plans and what
201 needed to be shown on the preliminary plat and subdivision improvement plans including scale,
202 title report, financial control/ownership of property, letters from public agencies for water/sewer
203 services, phasing timeline, draft protective covenants, tabulations, agreements with abutting
204 property owners, traffic report, soils report, geologic hazards, and preliminary plat and
205 construction plan elements. Title 13-5-050 establishes the process for staff review of preliminary
206 plat application including two review cycles, the initial review was 15 days, the review must
207 have citations of code or design standards, and the applicant has 20 days to respond to
208 corrections, failure to respond to each correction means the cycle is not complete and the second

209 review cycle could not begin. Once both review cycles were complete, the application would be
210 forwarded to the Planning Commission.

211
212 Sherrie Pace said per 13-5-060 the Planning Commission would be the Administrative Land Use
213 Authority for preliminary plat and findings would include being in accord with
214 ordinance/regulations, conformance to concept plan, no substantial financial hardship to the City,
215 no substantial environmental impacts, and conditions of approval to mitigate any issues. Staff
216 would then provide notification to the applicant of approval which would be void after twelve
217 months if the applicant did not apply for final plat. She reviewed 13-5-110 Final Plat preparation
218 and all of the required information which included electronic file submission, title report, final
219 plat drawings requirement (requirements specifically stated in code), common area ownership,
220 and all final improvement plans (construction drawings and all specifications listed in code). The
221 City Attorney would also review and approve the title report.

222
223 Sherrie Pace reviewed 13-5-120: Evaluation of the Final Plat with staff (CD Director) as the
224 LUA, two review cycles, 20 day response time, review must cite specific code or standards
225 regulations, failure to respond to all corrections meant the cycle was not complete, and second
226 review cycle similar to the first. She then reviewed 13-5-130: Administrative Land Use Authority
227 Action; Final Plat which included the Community Development Director review for
228 conformance and verified approval of other city review staff and affected entities Once
229 approved, notice would be sent to applicant, authorized printing of final mylar and documents
230 (documents specifically stated in code). The signed mylar and associated documents for recording
231 would be delivered to County Recorder, by the City Recorder. She noted that a final plat is
232 voided after 12 months if not recorded.

233
234 Ms. Pace reviewed 13-5-140: Disapproval of the Final Plat and 13-5-150: Security Bond; which
235 included the subdivision improvement agreement with bond elements (all elements listed in
236 code), 13-5-160: Delay Agreement, and 13-5-170: Recording of Plat.

237
238 Commissioner Jorgensen commented on section 40 related to the standard for storm water
239 drainage including sizing of drain pipes and storm drain detention basins. He said the code
240 showed pipes sized for a ten year storm event which was not adequate. Sherrie Pace replied that
241 this was a mixture of existing and revised code. She said this had not yet been reviewed with the
242 DRC and City Engineer and the information would be updated.

243
244 Commissioner Jorgensen mentioned section 60 administrative land use for preliminary plat and
245 the role of the Planning Commission. He suggested language to show that staff would be
246 responsible for reviewing soils, slopes, drainage and other technical aspects. Sherrie Pace
247 responded that staff would review the wording in this section.

248

249 Commissioner Holbrook asked for clarification on the number of reviews. Sherrie Pace clarified
250 that it was four total reviews and the City Attorney had suggested two reviews at preliminary plat
251 and two reviews at final plat.

252
253 Sherrie Pace reviewed the schedule of adopting the new Subdivision Ordinance with a review of
254 Chapter 6 PUDs, condos, etc. and Chapter 7 Plat Amendments during the October 10th meeting,
255 Chapter 8 General Requirements for all subdivisions during the October 24th meeting, Chapter 9
256 Essential Improvements during the November 14th meeting, overall final review and table of
257 contents during the November 28th meeting, Title 10, Chapter 3 Amendments and Rezones and
258 Chapter 7 Conditional Uses during the December 12th meeting, a public hearing and
259 recommendations during the January 9, 2024 meeting, and review by the City Council during
260 their January 16, 2024 meeting. The state code requires adoption by February 1, 2024. Other
261 code updates for 2024 included commercial and industrial zones, conditional uses lists, sign
262 code, geohazards updates, accessory building setbacks, water wise landscaping, short term
263 rentals, and changes per the 2024 legislative session.

264
265 Commissioner Jorgensen asked about short term rentals and if the code specified that a short
266 term rental be owner occupied. Sherrie Pace responded that the owner must occupy the home at
267 least 180 days of the year.

268
269 Mackenzie Johnson spoke on the issue of identifying short term rentals and said enforcement
270 was driven by complaints from residents.

271
272 Sherrie Pace reported that she had just finished the RFP for the General Plan update as well as
273 submitted a letter of interest for a TLC grant to hire a consultant to provide urban design and
274 architectural standards for the Town Center area. Planning staff were also working with the City
275 Engineer on a corridor preservation agreement with UDOT for the cross section in the Town
276 Center as well as a capital facilities plan for trails.

277
278 Commissioner Jorgensen asked in regard to the expectation for the General Plan update. Sherrie
279 Pace replied that this included an update of the vision for the General Plan and the Town Center
280 Master Plan and would bring all of the plans together in one cohesive document. This would also
281 include public input and a stakeholder committee. The RFP would include everything that
282 needed to happen and how the consultant would handle involving the public and help to achieve
283 the vision.

284
285 Sherrie Pace spoke on the current Community Development Department including the summer
286 intern that would continue through the school year and the new Code Enforcement Specialist.

287
288 6. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY
289 PLANNING COMMISSION

290

291 Sherrie Pace reported that the plat amendment for Eaglepointe Estates lots 1603, 1604, and 1605
292 was approved. The Hatch Park design services bid was awarded to G. Brown Design out of eight
293 proposals. The proposed completion date for park reconstruction was the fall of 2026. She shared
294 the top six results from the primary election including Tammy Clayton with 1,768 votes, Ted
295 Knowlton with 1,695 votes, Suzette Jackson with 1,282 votes, Leslie Clark with 1,001 votes,
296 Peter Wirthlin with 947 votes, and Collin Larson with 731 votes.

297
298 Mackenzie Johnson reminded the Planning Commission of the APA conference that would be
299 held on September 28th and 29th.

300
301 Chair Larson commented on the concern from Councilmember Porter on the Planning
302 Commission's role particularly related to public hearings. She was concerned that Council
303 Member Porter wanted the Commission to disregard the public comments received, and she did
304 not believe that to be accurate. Sherrie Pace replied that for legislative decisions and
305 recommendations to the City Council, the Commission should be wary of public clamor and
306 comments that were not substantive. She said the Commission should listen to public comments
307 that had substance such as concerns for items like parking or drainage. She stated that her
308 impression was that Councilmember Porter was referring to public clamor and the difficulty of
309 responding to comments that are not relevant or factual and not grounded in good planning
310 principles.

311

312 7. APPROVAL OF MINUTES

313

314 **The Joint Session meeting minutes of September 12, 2023 were reviewed and approved.**

315

316 **Commissioner Jorgensen moved to approve the joint work session with City Council**
317 **meeting minutes as drafted for September 12, 2023. Commissioner Ward seconded the**
318 **motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone,**
319 **Tucker, and Ward. Commissioner Maus was excused.**

320

321 **The Planning Commission meeting minutes of September 12, 2023 were reviewed and**
322 **approved.**

323

324 **Commissioner Jorgensen moved to approve the meeting minutes as drafted for the**
325 **September 12, 2023 Planning Commission meeting. Commissioner Ward seconded the**
326 **motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone,**
327 **Tucker, and Ward. Commissioner Maus was excused.**

328

329 8. ADJOURN

330

331 Commission Chair Larson adjourned the meeting at 8:11 p.m.

332

333 *The foregoing was approved by the Planning Commission of the City of North Salt Lake on*
334 *Tuesday, October 10, 2023 by unanimous vote of all members present.*

335

336

337

338

Wendy Page, City Recorder