

**ORDINANCE #407**

**VARIOUS LAND USE AMENDED CHAPTERS**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE CHAPTER 11.02 RELATING TO ADMINISTRATION; CHAPTER 11.06 RELATING TO ZONING PROCEDURE; AND CHAPTER 11.22 RELATING TO SITE PLAN AND DESIGN REVIEW; SEVERABILITY; AND EFFECTIVE DATE.**

**WHEREAS**, Harrisville "City" is a municipal corporation duly organized and existing under the laws of the State of Utah;

**WHEREAS**, in accordance with Title 10, Chapter 9a of the *Utah Code Annotated*, the City may regulate land use and development;

**WHEREAS**, the City desires to respond to the challenges presented by development and has an interest in planning and to ensure that public improvements have been installed properly and according to the applicable City standards;

**WHEREAS**, the City has an interest in protecting and preventing public funds from being used to subsidize development or to pay for costly repairs and replacement of substandard infrastructure installed by a developer or his/her contractor;

**WHEREAS**, the City utilizes consulting engineers, public works staff, planning staff, and other professional and administrative staff during the development process;

**WHEREAS**, the City desires to update its land use ordinance to respond to challenges presented by development;

**WHEREAS**, the Council deems it to be in the best interest of public health, safety, and welfare to enact this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Harrisville City, Utah, as follows:


- Section 1. Amendment.** The *Harrisville City Municipal Code* is hereby amended as follows:
- A. Chapter 1.02 – Administration as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.
  - B. Chapter 1.06 – Zoning Procedure as set forth in Exhibit "B" attached hereto and incorporated herein by this reference.
  - C. Chapter 11.22 – Plan Design and Review as set forth in Exhibit "C" attached hereto and incorporated herein by this reference.

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

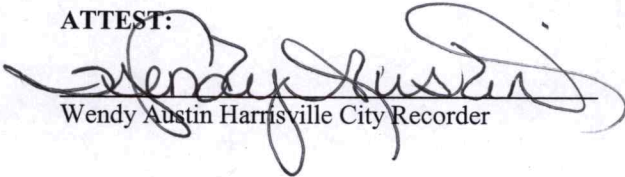
**Section 3. Effective Date.** This Ordinance is effective immediately upon passage and posting.

**PASSED AND ADOPTED THIS 28<sup>th</sup> DAY OF April, 2009.**

**BY:**

  
Richard Hendrix Mayor, Harrisville City

**ATTEST:**

  
Wendy Austin Harrisville City Recorder

Roll Call Vote is as Follows:

Mr. Crowther	<u>yes</u>	no
Ms. Tait	<u>yes</u>	no
Mr. Wilhelmsen	<u>yes</u>	no
Mr. Richins	<u>yes</u>	no
Ms. Fowers	<u>yes</u>	no

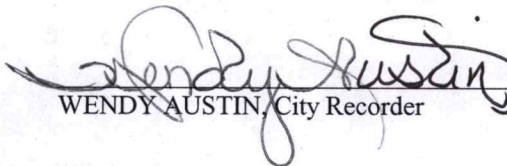
RECORDED this 29<sup>th</sup> day of April, 2009.

PUBLISHED OR POSTED this 29<sup>th</sup> day of April, 2009.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1952 as amended, I, the municipal recorder of Harrisville City, hereby certify that forgoing Ordinance was duly passed and published, or posted at:

1) 2150 North, 2) Cabin, 3) City Hall on the above referenced dates.

 DATE: 4-29-09  
WENDY AUSTIN, City Recorder



## Chapter 11.02 ADMINISTRATION

### Sections:

- 11.02.010. Land use authorities.**
- 11.02.020. Project management committee.**
- 11.02.030. Planning commission.**
- 11.02.040. Appeal authority.**
- 11.02.050. Redevelopment and related agencies.**

### **11.02.010. Land use authorities.**

In accordance with *Utah Code Annotated* 10-9a-103(19), the legislative body hereby designates the planning commission and project management committee as the land use authorities to act upon land use applications, except where another person, board, commission, agency, or other body is designated by the legislative body to act upon a land use application as may be set forth in the municipal code.

### **11.02.020. Project management committee**

The project management committee reviews applications for completeness and makes recommendations to the planning commission concerning quasi judicial applications, reviews for completeness for quasi legislative actions.

### **11.02.030. Planning commission.**

In accordance with *Utah Code Annotated* §10-9a-301, Harrisville City hereby establishes a planning commission as follows:

1. Membership and appointment. The planning commission is composed of up to seven (7) members who shall be residents and registered voters of Harrisville City duly appointed by the mayor, subject to the advice and consent of the city council. The mayor may appoint as many alternate planning commission members as needed, pending the advice and consent to the city council. Alternate planning commissioners may vote on all actions before the planning commission as any other planning commission member
2. Term. Each member of the planning commission shall serve a five (5) year term staggered so that no more than three (3) commissioners expire in a given year. A planning commissioner shall remain in office after expiration of his or her term until duly reappointed, or until a replacement has been duly appointed.
3. Procedures for filling vacancies and removal from office. Any vacancy in the planning commission membership shall be filled for the remainder of the unexpired term by appointment from the mayor with the advice and consent of the city council. A member of the planning commission may be removed by the mayor for high crimes and misdemeanors, dereliction of duties, for egregious violations of rules of ethical conduct, or for failing to complete required training curriculum as established by the city or failure to attend three consecutive regular meetings or eighty percent of regular and special planning commission meetings.
4. Authority. In addition to any authority delegated or further defined by ordinance, regulation, rule, or policy, the planning commission is vested with all authority

set forth in *Utah Code Annotated* §10-9a-302, 1953, as amended.

5. Organization, voting, and procedures of the planning commission.
  - a. Land use authority. Except where otherwise provided or designated by the municipal code, the planning commission shall serve as the land use authority.
  - b. Chair and vice-chair. The planning commission shall annually elect a chair and vice-chair from its membership. The chair shall service as the presiding officer, and the vice-chair shall service as such in the absence of the chair.
  - c. Quorum and voting. A quorum of the planning commission shall consist of the majority of the total number of planning commissioners appointed to the planning commission, excluding alternates. Alternate planning commission members shall count as part of the quorum, but do not count to determine the number of planning commission members required to constitute a quorum. A decision shall be rendered by the planning commission based upon the majority vote of those planning commission members, including alternates, present and voting at a particular meeting. Each member present at a meeting shall vote on an issue, yea or nay, except when a member declares a conflict of interest.
  - d. Agenda. Action cannot be taken on an agenda item unless a meeting has been properly noticed and the items placed upon the agenda in accordance with law.
  - e. Records. Minutes of each meeting shall be kept and preserved in accordance with law. A copy of the minutes from each meeting shall be provided to the planning commission for approval, correction or amendment, if necessary.
  - f. Rules of procedure. *Robert's Rules of Order*, newly revised, and as adapted by the presiding officer, shall govern all meetings as far as such do not conflict with applicable law.
  - g. Ethics. Each member shall abide by the rules of ethical conduct adopted by the city.
6. Compensation. The city council may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended and in accordance with the city's travel and training policies.

**11.02.040. Appeal authority.**

In accordance with *Utah Code Annotated* §10-9a-701, Harrisville City hereby establishes an appeal authority as follows:

1. Designation. The planning commission is hereby designated as the initial appeal authority for all decisions where the planning commission is not the designated land use authority, except for granting variances. The administrative hearing officer for land use is hereby designated as the final appeal authority to hear and decide all matters relating to the appeal of a land use decision.
2. Authority. When acting in an appeal authority capacity, an appeal authority shall:

- a. Hear and decide variances and appeals of land uses decisions in accordance with *Utah Code Annotated* §§10-9a-702 and 703.
  - b. Act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of land use ordinances.
  - c. Exercise other powers and duties prescribed by law or assignment.
3. Rules of procedure.
- a. Burden of proof. In accordance with *Utah Code Annotated* §10-9a-705, the appellant has the burden of proving that the land use authority erred.
  - b. Due process. In accordance with *Utah Code Annotated* §10-9a-706.
    - i. Each appeal authority shall conduct each appeal and variance request as provided in local ordinance.
    - ii. Each appeal authority shall respect the due process rights of each of the participants.
  - c. Standard of review for appeals. In accordance with *Utah Code Annotated* §10-9a-707 the standard of review for the appeal authority is as follows:
    - i. For factual matters, the appeal authority shall review the matter de novo.
    - ii. The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.
    - iii. Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.
    - iv. All other decisions shall be based upon the preponderance of the evidence.
  - d. Generally. The following general rules apply:
    - i. If the appeal authority is multi-person, its shall conduct its meetings in accordance with *Utah Code Annotated* §10-9a-701(5).
    - ii. No member of the appeal authority shall have heard an issue on appeal while serving in the capacity of a land use authority.
    - iii. All references to the former board of adjustment are hereby amended to read the respective appeal authority.
    - iv. Title 10, Chapter 9a, Part 7 of the *Utah Code Annotated* shall govern other matters not set forth in this chapter regarding appeal deadlines, burden of proof, due process, standard of review, finality, and other matters.
  - e. Time to appeal. In accordance with *Utah Code Annotated* §10-9a-704, a written appeal of any land use decision shall be filed with the city recorder on behalf of the appeal authority within ten (10) calendar days of the written decision issued by the land use authority. An applicant present at a meeting where a decision is made is deemed to have actual notice of the decision and no separate writing is necessary to commence the appeal period.
4. District court. No person may challenge in district court any land use decision of the municipality in accordance with state law, or under a regulation made under

authority of state law, until that person has complied with *Utah Code Annotated* §10-9a-801, and otherwise exhausted all administrative remedies. In accordance with *Utah Code Annotated* §10-9a-701:

- a. No adversely affected parties shall present a theory of relief in district court that was not first presented to the appeal authority.
  - b. Adversely affected parties are precluded from pursuing duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies.
  - c. The appeal authority may provide that specified types of land use decisions may be appealed directly to the district court.
5. Alternate. In the event the person acting as the appeal authority has a conflict of interest in a matter, the mayor may designate an alternate to act in his or her place.

**11.02.050. Redevelopment or related agency.**

In the event that Harrisville City establishes a redevelopment agency or related agency, the members of the city council are hereby designated as the members of the respective agency or agencies established by the city with all the powers and duties as specified in the applicable sections of the *Utah Code Annotated* relating to the same.

**Chapter 11.06**  
**ZONING PROCEDURE**

**Sections:**

- 11.06.010. Purpose and interpretation.**
- 11.06.020. Development to be linked to re-zoning.**
- 11.06.030. Petition procedure.**
- 11.06.040. Concept development plan.**
- 11.06.050. Concept development plan attached to re-zoning.**
- 11.06.060. Procedure for processing development proposals.**
- 11.06.070. Development to take place only in accordance with approved plans.**
- 11.06.080. Conditional zoning and revision to original zoning designation.**
- 11.06.090. Development agreement.**
- 11.06.100. Development agreement to constitute a covenant running with the land.**
- 11.06.110. City zoning alternative actions.**

**11.06.010. Purpose and interpretation.**

The purpose of this chapter is to establish responsibilities and commitments of both the city and a zoning petitioner at the time the city considers re-zoning property in response to a petition filed by an applicant/developer. This chapter also outlines the procedure and options of the city in considering re-zoning approval. Nothing in this chapter shall be construed by a court or other legal entity with jurisdiction over the city to limit or otherwise restrict in any way the legislative nature of zoning and zoning map amendments. All zoning map or zoning amendments shall be made by ordinance and shall be held by the courts to the "reasonably debatable" standard, meaning the decision will be upheld as long as it is supported by a reasonable debatable basis.

**11.06.020. Development to be linked to re-zoning - a city policy.**

1. Since the purpose of zoning and land use regulations are to promote the general welfare, safety, health, convenience and economic prosperity of the residents of the city, it is city policy that re-zoning of property upon a petition by property owners, further this purpose. As re-zoning of property by itself does nothing to promote these goals, the achievement of proposed development upon which re-zoning is based, is of prime importance to the city to justify the actual re-zoning requested.
2. It is to the advantage of a petitioner for re-zoning to gain city approval to a development concept for property that is the subject of a zoning petition. Approval of a development concept will be in accordance with policies and guidelines outlined in the city's adopted General Plan respecting the needs and desires of residents in the immediate area.
3. Therefore, in order to associate projected development with a re-zoning petition, the city requires that a concept development plan showing a petitioner's general development proposals be submitted as a part of a re-zoning petition for all proposed developments.
4. With this information, the city can more readily determine whether a re-zoning petition would be in conformance with the city adopted General Plan, its goals and policies and be compatible with surrounding land use and zoning and can better assess the impact of the purposed development on existing public infrastructure along with the attitudes of property owners and residents of the impacted area. The intent herein is to enhance

flexibility and facilitate ease of acceptance in the city's response to re-zoning requests while requiring that such conform to the General Plan.

**11.06.030. Petition procedure.**

1. The procedure for processing re-zoning petitions requires a petitioner to submit as a part of the re-zoning petition, a concept development plan, and to specify the general land uses, the general site and building arrangements which will occupy the property and the general time frame and phasing of development if re-zoning is granted.
2. Notice of any zoning map amendment shall be provided in accordance with law, followed by any required public hearing.
3. The land use authority will consider whether the petition should be approved or disapproved based upon the merits and compatibility of the proposed project conformance with the General Plan, and in relation to surrounding land uses, and development impact on the surrounding area. The land use authority will also consider whether the proposed development, and in turn the petitioned-for re-zoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. They may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts. The land use authority shall make its recommendation to the city council on each petition to amend the zoning map.
4. No petition for re-zoning shall be considered or adopted by either the planning commission or the city council unless such re-zoning conforms to the General Plan adopted by the city. Notwithstanding conformance to the General Plan, nothing in this part shall be construed to limit the city from making a zoning map amendment to a lesser intense zone such as from RE-20 to A-1 or from any zone to O-1.

**11.06.040. Concept development plan.**

A "concept plan" shall be submitted to the land use authority in conjunction with any petition to amend the zoning map where development may be contemplated. The plan to be submitted with a re-zoning petition shall indicate:

1. General land use types.
2. Approximate locations and arrangements of:
  - a. Buildings.
  - b. Structures and facilities.
  - c. Open space.
  - d. Parking, access, and traffic patterns.
  - e. Infrastructure.
3. The concept plan shall be regarded as a "concept" only with more specific development plans to be reviewed by necessary city officials at a later date as part of its site plan design review, conditional use approval and building permit issuance process.
4. The information shown on the Concept Plan may vary in detail depending on the scale of projects. Small-scale projects shall be more detailed than large-scale projects that may be described in broad general terms in plan and/or narrative form.

**11.06.050. Concept development plan attached to re-zoning.**

At the time of re-zoning approval by the city council, the concept plan is also approved and becomes attached to the re-zoning and the re-zoned land. The petitioner/owner and any assigns or successors in interest, becomes committed to develop only in accordance with the proposals outlined in the plan and any materially different concept, use, building arrangements, etcetera, will not be approved nor will building permits be issued by the city until and unless such plan is amended by the city council after recommendations of the planning commission. If the city denies such changes or amendments and/or the concept plan is abandoned, the city may institute steps to revert the zoning to its former or other appropriate zone as herein outlined.

**11.06.060. Procedure for processing development proposals.**

After re-zoning is completed, a development proposal shall be processed and specific plans for all or a phase of the development on the re-zoned land shall be reviewed as required by the land use regulations and other applicable regulations and codes in effect and shall be in accordance with the approved concept plan and any conditions attached thereto. No vested rights arise until a complete site plan or subdivision application or building permit, as the case may be, is filed.

**11.06.070. Development to take place only in accordance with approved plans.**

Where a concept plan has been approved in conjunction with the re-zoning of land, and where more specific plans have been approved as part of the zoning process for obtaining building permits, such permits shall be issued only for uses, buildings and structures approved on the plan. Permits shall be issued and development shall only proceed in such a manner as to assure that all amenities and features of the plan are constructed and all conditions are complied with as development proceeds.

**11.06.080. Conditional zoning and revision to original zoning designation.**

1. The ordinance amending the zoning map may be adopted with conditions or as conditional as set forth in the ordinance.
2. If development does not occur as proposed at the time of zoning approval, the public benefits expected from the development cannot be realized and the effect of the re-zoning is therefore without merit in terms of improving the public economic prosperity, general welfare, safety, health and convenience to the city's residents. If in such cases the city finds that the zoning purpose has not been attained, the city then may revert the zoning to its former or other appropriate zone, as specified in the original ordinance or subsequent enactment, so future opportunities for similar development in the same general area may be shared by all properties deemed suitable and so that a speculative zoning monopoly is not created.
2. If building permits have not been obtained and construction of the development or an agreed upon phase thereof, in accordance with the approved concept plan and final development plans, has not commenced within two (2) years from the date of zoning approval or other time period as set by the city council by ordinance, the city may examine the reasons for the delay and the progress of the developers to that point and may either extend the time period or initiate steps to revert the zoning designation of the previously re-zoned land to its former or other appropriate zone. Unless specified

otherwise by the enacting ordinance, the reversion of zoning shall be made by a subsequent ordinance

**11.06.090. Development agreement.**

1. The city council may require a petitioner, at the time of zoning approval, to enter into a "zoning development agreement" which specifies and details, among other things, the petitioner's responsibilities and commitments in carrying out development contained in an approved concept plan and which lists the conditions and limitations of development imposed by the city and also the contemplated action of the city in case of default by a petitioner or any successors in interest in the re-zoned property.
2. The agreement shall also contain the petitioner's acknowledgment that the commitment of zoning is predicated upon the good faith accomplishment of the approved development and if not started or constructed within the specified period of time, the city may take steps to rescind the zoning approval and revert the zoning to its former or other appropriate zone.

**11.06.100. Development agreement to constitute a covenant running with the land.**

A development agreement that has been executed as part of a re-zoning process may be recorded by the city with the county recorder as a covenant running with the land, concurrently with adoption of an ordinance implementing a re-zoning petition.

**11.06.110. City zoning alternative actions.**

1. In all re-zoning petition considerations, the city council after considering the recommendations of the planning commission and after holding the required public hearing(s), may take any of the following alternative actions:
  - a. Where a concept plan is required as provided for in this chapter, the city council may approve re-zoning and concurrently approve a concept plan for the development of the petitioned-for property, in whole or in part, with or without changes or conditions and adopt an ordinance re-zoning the property, or
  - b. The city council may, by motion, grant conditional zoning approval with the re-zoning to become effective by passage of an ordinance at a future date, or by future performance of petitioner as stated in an adopted ordinance, or when more detailed development plans and/or other information have been approved by the city. This action represents a zoning commitment by the city with fulfillment based upon a petitioner's future performance or more complete proposals for development.
  - c. Conditional zoning approval shall be valid for a period of two (2) years or such other time period as set by the city council. Upon the expiration of such period of time, the city council, after due consideration of additional material submitted, shall either grant an extension of time or rescind its conditional approval and deny the re-zoning petition.
  - d. The city council may grant or deny a re-zoning petition outright in whole or in part. They may require the petitioner to execute a development agreement with the city where they deem it appropriate and necessary.

- e. The city council may re-zone or agree to re-zone the subject land to any other zone or zoning deemed more appropriate in considering the petition in order to assure conformance to the General Plan.
  - f. The city council may re-zone or agree to re-zone the subject land to any other zone or zoning deemed more appropriate in considering valid citizen comments and other factors and which may allow some or all of the petitioner's requested uses.
2. The city council, upon its own initiative and after receiving the recommendation of the planning commission, may zone or re-zone land:
- a. Where it is determined to be in the best interests of the general public, or
  - b. As a result of conformance to the General Plan, in order to achieve consistency, or
  - c. Where changed conditions, public attitudes, or life styles so indicate a need.

**Chapter 11.22**  
**PLAN DESIGN AND REVIEW**

**Sections:**

- 11.22.010. Purpose.**
- 11.22.020. Applicability.**
- 11.22.030. Application and process.**
- 11.22.040. Considerations in review of applications.**
- 11.22.050. Deferral.**
- 11.22.060. Action by land use authority.**
- 11.22.070. Agreement for improvements.**
- 11.22.080. Time limitations on approval.**
- 11.22.090. Transfer or approval upon change in use.**
- 11.22.100. Conformance to approval.**
- 11.22.110. Modification or amendment.**

**11.22.010. Purpose.**

The purpose and intent of this chapter is to review certain development projects and site plan to help ensure that such conform to the municipal code and the applicable provisions of the general plan. Site plan and design review and approval is based upon the general design, layout, and appearance of buildings and structures and to ensure that the development of property shall in no case be such as would impair the orderly and harmonious development of the community, or impair investment in and occupation of the community.

**11.22.020. Applicability.**

This chapter applies to all multi-family dwellings of two (2) units or more, public uses, quasi-public uses, non residential uses, commercial and manufacturing uses including all buildings, structures, and uses and their accessory buildings.

**11.22.030. Application and process.**

1. **Pre Application Meeting.** Each applicant who proposes a site plan or site plan amendment in the City of Harrisville may contact the land use authority secretary to schedule a pre-application meeting with the project management committee before preparing any plats, charts, plans in order to become familiar with this ordinance and other Harrisville City development requirements for the territory in which the proposal lies. The pre-application meeting is an opportunity for discussion and communication between the applicant and the city and is non-binding on the applicant and the city. As the pre-application meeting is an informal meeting, no submission requirements are identified except the presentation of all materials and information necessary for the city to identify the potential application procedures and requirements that may affect the proposed development. The applicant is not responsible for any processing fees associated with this meeting.
2. **Drawings.** All site plan applications filed with the city shall be accompanied by architectural elevations and site development plans to scale, which shall show building

- locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades.
3. Design. The location and dimensions of all existing buildings, physical features, property lines, zoning district boundary lines shall be shown as well as existing fence lines, public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, irrigation ditches, existing drainage patterns of proposed development and surrounding properties, location of existing springs or water sources on property where ground water rises periodically to within two (2) feet of the surface of the ground, and areas where they would be covered in the event of 100 year floods within and contiguous to the development site.
  4. Consent. If applicant is someone other than the owner or owners of the property proposed for development, submit a letter from such owners acknowledging their consent to have land reviewed for development.
  5. Review. All such drawings and sketches shall be reviewed by staff and, when the application meets all the requirements of the municipal code, be submitted for action by the land use authority in whole or in part. No review and approval is necessary for a one time building or construction project amending an original site plan by less than 1,500 square feet in size as such may be approved by the building official upon compliance with the municipal code. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy, or building permit.
  6. Compliance. Design review of a site plan shall consist of review for compliance with the applicable code requirements for the following:
    - a. Pre-application meeting with project management committee to review preliminary plan.
    - b. Preliminary approval requirements:
      - i. Applicant has filed a complete application as provided by staff.
      - ii. Applicant has paid all preliminary fees.
      - iii. Compliance with general plan, identified geological hazards and sensitive lands, and overlay areas.
      - iv. Compliance with zoning, lots area, frontage, set-backs, existing structures, in accordance with the applicable standard.
      - v. Project is not located in any flood plain.
      - vi. Section and street location shown on plans.
      - vii. Scale and north arrow shown on plans.
      - viii. Block size show between 500 - 1300 feet.
      - ix. Contour lines shown on plans (2', 5', or 10').
      - x. Adjoining land owners identified on plan.
      - xi. Notification to adjacent property owners may be required for certain uses as indicated in the municipal code or by city policy.

- xii. Dedication of any public streets, improvements, or open spaces shown on plans (no street names allowed, streets are to be numbered by the grid system).
- xiii. Identify any area with a holding strip.
- xiv. Street angles intersect on plans not less than 80°.
- xv. Plans show street size, grades, and connection.
- xvi. Temporary turnarounds (if permitted) or permanent turnarounds shown with a cul-de-sac length and size as set forth in the city's public work standards and technical specifications.
- xvii. Plans accompany commitment to serve letter from an affected entity or service provider.
- xviii. Projects that access from a state road include a UDOT approve access letter.
- xix. Plans show location and size of culinary water lines.
- xx. Plans show location and size of sewer lines/manholes – gravity flow required
- xxi. Plans show location, size, and design of a pressurized secondary water system, including the dedication of adequate water rights equivalent to four (4) acre feet per acre.
- xxii. Plans accompanied by a letter from the fire marshal, plans show location of fire hydrants, and lots do not exceed the maximum number before requiring a second road to access the site.
- xxiii. Grading plan to be provided.
- xxiv. Landscaping plan to be provided showing a minimum 20% site landscape, which may include the required natural surface storm water detention, along with tree and plant types and placement in accordance with the landscape ordinance.
- xxv. Fencing to be shown in accordance with the landscape ordinance.
- xxvi. Identify all building exterior colors and materials. Colors to be earth-tone in nature with whites and reds as accents, and compliance with any architecture regulations.
- xxvii. All lots are to be properly numbered showing the size and address designated by the city engineer.
- xxviii. Include any conservation easement if applicable.
- xxix. Applicant is to obtain written permission from the user(s) of any affected canals or irrigation ditches/facilities.
- xxx. Site plan must conform to the current version of the Weber County Ordinance relating to Well Source Protection.
- xxxi. Show water ways, wetlands, and perform a delineation of such if required by any agency, staff, or the land use authority.
- xxxii. Plan shall show a one hundred foot (100') building setback from the centerline of all natural water courses, including but not limited to, Four Mile Creek, Six Mile Creek (100') and Western Irrigation Canal.

- xxxiii. Show sewer connection, size, and system as applicable.
  - xxxiv. Obtain the necessary state permit for storm water construction or discharge (including industrial discharge) notice of intent (NOI) and any UPDES state permit.
  - xxxv. Provide adequate on-site storm detention for a 100-year storm event (metered into storm water system at 0.1 cfs), retention only allowed if no alternative.
  - xxxvi. Show access to public lands and compliance with trails plan.
  - xxxvii. Identify any historical sites.
  - xxxviii. Provide proof of annexation to any required special service district.
  - xxxix. Note agricultural protection areas that are in the vicinity of the project.
  - xl. Ten (10) days prior to the land use authority meeting, the applicant will provide the city engineer with a paper copy including all current changes and revisions, and also deliver two (2) paper copies to the city office along with nine (9) reduced scale 11 inch x 17 inch copies. The land use authority must receive a letter of review from the city engineer prior to approval.
  - xli. Compliance with other governing regulations including public works and technical specifications.
- c. Final approval requirements:
- i. Payment of final application fee.
  - ii. Complete any remaining preliminary approval items not already completed during preliminary approval process.
  - iii. Show project name.
  - iv. Show the north arrow on plans.
  - v. Show streets numbered, with widths, bearings & curve data.
  - vi. Show special parcel(s) of land (other than lots) if any.
  - vii. Provide profiles for city engineer.
  - viii. Provide an erosion control plan (storm water).
  - ix. Provide a sign plan.
  - x. Obtain review from city attorney for any transfer of deed, dedications, declaration, and other title or plan related matters.
  - xi. Prepare to enter a development agreement with city upon approval.
  - xii. Provide a copy of Condominium Declaration, covenants, CC&Rs or other title documents for approval, if applicable.
  - xiii. Complete any requirement of an affected entity or service provider.
  - xiv. Complete any requirements of the city engineer.
  - xv. Prepare any documents for recording.
  - xvi. Ten (10) days prior to the land use authority meeting, the applicant will provide the city engineer with a paper copy including all current changes and revisions, and also deliver two (2) paper copies to the city office along with nine (9) reduced scale 11 inch x 17 inch copies. The land use authority must receive a letter of review and recommendations from the city engineer prior to approval.

- xvii. Show compliance with any other code requirement including public works and technical specifications.
7. For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within the conditional use permit application process, and need not be by a separate application, provided the requirements of this chapter are met.

**11.22.040. Considerations in review of applications.**

The land use authority shall consider the following matters, and others when applicable, in their review of applications and where the plan is found deficient, the plan shall be amended or conditions imposed to mitigate such deficiencies when considering:

1. Considerations relating to public and traffic safety, and traffic congestion, including:
  - a. The effect of the development on traffic conditions on abutting streets.
  - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
  - c. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
  - d. The location, arrangement and dimensions of truck loading and unloading facilities.
  - e. The circulation patterns within the boundaries of the development.
  - f. The street and surfacing and lighting, and lighting of off-street parking facilities.
2. Considerations relating to outdoor advertising: The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.
3. Considerations relating to landscaping, including:
  - a. The location, height and materials of walls, fences, hedges and screen landscaping to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - b. Landscaping and ground cover or other surfacing to prevent dust and erosion, and provide a visual break for the monotony of building materials, concrete, and asphalt.
  - c. Compliance with the requirements of the landscape ordinance.
  - f. The location, type, and size of any existing trees that are to be removed.
4. Considerations relating to buildings and site layout, including:
  - a. Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining building and the neighborhood concept.
  - b. Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements of structures on the parcel.

5. Considerations relating to utility easements, drainage and other engineering questions: The provision within the development for adequacy of storm and surface water drainage and retention facilities and for utilities to and through the property.
6. Considerations relating to prior development concept plan approval associated with any Rezoning Agreement, Planned Commercial or Manufacturing Rezoning Approval:
  - a. Does any proposed phase or phasing sequence of an approved Concept or Preliminary Development Plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?
  - b. Is this plan or phases thereof a more detailed refinement of the approved concept plan?
  - c. Are any modifications of a major nature that first need to follow the procedure for amending the approved concept plan?
6. Considerations relating to site compliance with the preliminary and final site plan review requirements identified in this chapter.

**11.22.050. Deferral.**

The land use authority, in conjunction with applicant, may defer by written agreement between the parties certain site improvements based upon the logical development of surrounding properties and feasibility or functionality of such improvements in relation to existing conditions on the area of the project.

**11.22.060. Action by land use authority.**

The land use authority shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of the municipal code, and shall give or withhold approval accordingly. Denial of approval by the land use authority may be appealed to the applicable appeal authority.

**11.22.070. Agreement for improvements.**

Upon the grant of design approval, the applicant or developer shall enter into an agreement with the city detailing the public and private improvements to be constructed on-site and off-site, and acknowledging applicant's or developer's responsibility for such installation within the time period allowed. Financial guarantees for completing improvements shall be filed with the city when and where required. Occupancy shall not occur until all improvements have either been installed or guaranteed for future installation, unless deferred in accordance with a written deferral agreement.

**11.22.080 Time limitations on approval.**

If construction of any development for which design approval has been granted has not been commenced within eighteen (18) months from date of site plan approval as specified by the city, the approval shall be deemed automatically revoked and the site plan void. Upon application, if before revocation and for good cause shown by applicant, one (1) extension up to one (1) year of time may be granted by the land use authority who granted approval.

**11.22.090. Transfer of approval upon change in use.**

Site plan approval shall be deemed revoked if the building(s) erected, or if the classification of the use, or if the zoning classification of the land where approval was granted is changed, unless the approval is transferred by the land use authority who granted the original approval. In the event of a transfer as indicated in this section, the land use authority who granted the original approval shall authorize the transfer of site plan approval provided that all requirements of the municipal code are met for the new use or new zone the same or similar to the prior use or zone. If a conflict arises concerning the interpretation of the zoning ordinance, the land use authority shall render its interpretation subject to appeal to the appeal authority.

**11.22.100. Conformance to approval.**

Development for which site plan approval has been granted shall conform to the municipal code regardless of the approval and any conditions attached thereto. In addition to other remedies and/or penalties as provided by the municipal code or other law, development that does not conform to the municipal code may be ordered by to cease until the project is brought into compliance.

**11.22.110. Modification or amendment.**

Upon request of the applicant or developer, modification or amendment to an approved site plan may be made to the land use authority upon a findings that the proposed modification or amendment will meet requirements of this chapter and the governing provisions of the municipal code. The applicable land use authority may independently revoke or modify a site plan approval previously granted which does not conform to approval granted or the requirements in effect at the time of the original application. In addition to other remedies and/or penalties as provided by the municipal code or other law, development that does not have an approved site plan may be ordered by to cease operation until the property is brought into compliance.