

ORDINANCE 2024-12

AN ORDINANCE AMENDING SUBDIVISION REVIEW PROCESSES AND DEVELOPMENT STANDARDS, PROVIDING FOR CODIFICATION, INCLUSION IN THE MUNICIPAL CODE, CORRECTION OF SCRIVERNER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Gunnison City is a fifth class city of the state of Utah; and

WHEREAS, Cities in the State of Utah are authorized under Utah State Code, Title 10-9a, to enact Land Use Regulations in order to promote and protect the health, safety and welfare of the community; and

WHEREAS, The State of Utah Legislature adopted S.B. 174 during the 2023 legislative session, which mandated cities revise their subdivision review procedures; and

WHEREAS, the Gunnison City Planning Commission has reviewed proposed amendments to the Gunnison City codes that will bring the city's development review processes into compliance with the new State law. The Planning Commission also conducted a properly noticed public hearing on the amendments, which hearing was conducted November 13, 2024, and has forwarded a positive recommendation for the amendments to the City Council; and

WHEREAS, the City Council has determined that the proposed amendments are appropriate and in keeping with the authorities granted to the city by the Utah Code and serve the greater community health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE GUNNISON CITY COUNCIL THAT:

Section I. Amendments Adopted. The Gunnison Subdivision Code, Land Use Ordinances, Municipal Code, Construction Standards, and Land Use Administrative Manual are amended as provided in Exhibit A of this Ordinance, which consists of 45 pages attached hereto and by this reference made part hereof.

Section II. Contrary Provisions Repealed. Any and all other provisions of the Gunnison City Municipal Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section III. Codification, Inclusion in the Code, and Scrivener's Errors. It is the intent of the City Council that the provisions of this ordinance be made part of the Municipal Code of Gunnison City, Utah as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of

this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

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

Section V. Posting and Effective Date. Prior to 5:00 p.m. on November 21, 2024, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on November 21, 2024.

ADOPTED AND PASSED by the City Council of the City of Gunnison, Utah this 20th day of November, 2024.

Lori Nay, Mayor

ATTEST

Valerie Andersen, City Recorder

Councilmember Robert Andersen _____
Councilmember Donald Childs _____
Councilmember Shawn Crane _____
Councilmember Stella Hill _____
Councilmember Michael Wanner _____

I. **GCSO 105 “Subdivision Defined” is deleted and subsequent sections are renumbered (See changes to GCSO Chapter 14 Definitions under section XX).**

II. **GCSO Chapter 1, new Section 106 Provision of Administrative Guidelines, Standards, and Other Materials – Compliance Required** is amended as follows: (Underlined text is added and stricken text is deleted).

The Council may provide administrative guidelines, standards, forms, or other documents to assist the City staff, City residents, and Applicants in providing and processing applications and interpreting and administering the City’s Land Use Ordinances, including this Ordinance.

When provided by the Council the Land Use Applications required by this Ordinance shall be reviewed and approved or denied by the designated Land Use Authority, as applicable, and in compliance with all requirements and standards of this Ordinance and all guidelines, standards, forms, or other documents, as applicable.

III. **GCSO Chapter 1, new Section 108, Approvals and Permits to Comply With This Ordinance, subparagraph 3** is amended as follows: (Underlined text is added and stricken text is deleted).

3. The City shall not approve nor authorize and issuing a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all adopted Land Use Ordinances of the City, including this Ordinance, and the Gunnison City Zoning Ordinance (hereinafter “Zoning Ordinance”).

IV. **GCSO Chapter 1, new Section 109 Prohibited Acts, Paragraphs 5 and 6** are created and shall read as follows:

5. Remnant Property. It is unlawful to divide real property in such a way that a parcel of property is created or left behind, such as a lot remnant, that cannot be developed according to the requirements of the City Land Use Code, or other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips, other than those allowed by law, parcels created or left for the sole purpose of denying another property owner access to his or her property, parcels with insufficient square footage, parcels with insufficient buildable area, parcels that cannot be included in future subdivided parcels, and parcels that do not abut on a dedicated street or a private street

6. Violations of this Ordinance are subject to enforcement proceedings and penalties as outlined in Sections 113 and 114 herein.

V. **GCSO Chapter 1, new Section 110 Subdivision Lots** is amended as follows: (Underlined text is added and stricken text is deleted).

The layout and design of all proposed subdivision lots shall meet and comply with the minimum requirements of the Zoning District in which the subdivision is located, and as follows:

1. Lots Must Abut on a Public Street. Each lot in a subdivision shall abut on a street dedicated to the City by the subdivision plat or an existing public street, either dedicated or which has become public by right of use, and is more than fifty feet wide. Interior lots having frontage on two streets are prohibited except in instances where topographic conditions make such design desirable.
2. Remnant Property. Any property remnants remaining after subdividing a larger tract must be included in the subdivision lots or conveyed to adjacent property owners. ~~shall and~~ No remnant parcels shall be created or remain as an unusable, non-conforming parcels, or have less than the minimum lot size and dimensions required by the Zoning District in which the subdivision is located.
3. Multiple Ownership. Where ~~the land covered by~~ a subdivision plat includes two or more parent parcels in separate ownership and the new lot arrangement is such that a parent property ownership line divides one or more of the proposed lots, the land in each lot so divided shall be transferred by deed to single ownership before approval and recordation of the final plat and the subdivision shall be considered as a joint project and the final plat shall be signed by all property owners.

VI. GCSO Chapter 1, new Section 111 is deleted and subsequent sections are renumbered accordingly

VII. GCSO Chapter 1, new Section 114 When an Applicant Is Entitled to Approval of an Application, paragraph 3, is amended as follows: (Underlined text is added and stricken text is deleted).

3. If ~~the Final a Subdivision Plat development, as required herein,~~ conforms fully to the requirements of this Ordinance, ~~and~~ the City's other Land Use Ordinances, ~~and~~ Administrative Manual, applicable development standards, and has been approved by the Culinary Water Authority and the Sanitary Sewer Authority, as identified herein, the Final Subdivision Plat shall be approved.

VIII. GCSO, Section 202 Decision-Making Standards is amended as follows: (Underlined text is added and stricken text is deleted).

The decision-making standards set forth in this Chapter are provided, based on the distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy that is applicable generally, while administrative proceedings apply public law and policy to factually distinct, individual circumstances.

1. Legislative Proceedings. The Council is hereby identified as the only Land Use Authority authorized to render a decision on any application determined to be a legislative matter and subject to a legislative proceeding. The following applications and actions, under this Ordinance, are declared to be legislative matters and subject to legislative proceedings:
 - a. ~~Land Use~~ Subdivision Ordinance adoption.

- b. ~~Land Use~~ Subdivision Ordinance Amendment Application.
 - c. Official Map adoption.
 - d. Official Map Amendment Application.
 - e. Temporary ~~Land Use~~ Subdivision Regulations.
2. Legislative Proceedings - Decision Standards. A decision regarding a legislative matter shall be based on the "reasonably debatable" standard, as identified by Section 302, Zoning Ordinance.
 3. Administrative Proceedings. The following types of applications are hereby declared to be administrative matters and subject to administrative proceedings:
 - a. ~~Concept Subdivision Application.~~
 - a. Preliminary Subdivision Application.
 - b. Final Subdivision Application.
 - c. Determination of Application Completeness.
 - d. All other applications for any necessary approval or permit required by the provisions of this Ordinance, and not identified to be a legislative matter.
 4. Administrative Proceedings - Decision Standards. All decisions regarding an administrative matter shall be based on the "substantial evidence" standard, as identified by Section 302, Zoning Ordinance.

- IX. **GCSO, Section 308 Procedural Irregularities** is amended as follows: (Underlined text is added and stricken text is deleted).

Disputes regarding Any irregularities to the procedures followed in reviewing an application as set forth by this Ordinance and/or the Administrative Manual shall be considered as required by Section 410, Zoning Ordinance.

- X. **GCSO, Section 402 Appeals is deleted** and Section 403 Temporary Regulations is renumbered as Section 402.

- XI. **GCSO, Chapter 5 Concept Subdivision Applications** is rewritten as follows:

Section 501 Purpose

This Chapter provides the standards for the review of all Concept Subdivision Applications that are required by this ordinance.

Section 502 Concept Subdivision Application Required

Concept development applications are required for any non-residential subdivision proposal and any residential development that includes multi-family or a combination of varying residential and non-residential uses where a legislative action or discretionary agreement is required for the development approval.

Developments involving only single-family homes, duplexes, or townhomes are not required to submit a concept subdivision application. However, developers may request a meeting with the Zoning

Administrator or members of the technical review committee to discuss development options, standards application, or other regulatory hurdles before submitting a preliminary subdivision application.

Section 503 Review Procedures For Concept Subdivision Applications

The procedures for review of a Concept Subdivision Application are identified by Chapter 6 and Chapter 15, of the Administrative Manual.

Section 504 Review Standards For Concept Subdivision Applications

1. No final approval of a submitted concept subdivision plan is required before a developer may submit a preliminary subdivision application under an optional concept application scenario.
2. All Gunnison City standards shall apply to concept applications. However, due to the limited amount of data available at a concept stage, it is difficult for city comments to reflect real-world conditions, infrastructure limitations, or a proposal’s full compliance with city ordinances. As such, staff comments on concept plans shall be considered only as guidance and precautionary advice to help developers understand major development hurdles, regulatory considerations, or city concerns before preparing preliminary development applications.

Section 505 Concept Subdivision Application Approvals

Discussion of Concept Subdivision Applications shall not be considered an indication, either actual or implied, of any forthcoming approval of a Land Use Application required by this Ordinance. A Concept Subdivision Application review is in no way binding on the City or the Applicant(s) unless the concept plan is attached to a legislative action or discretionary agreement approved by the City Council.

Section 506 Actions Following A Concept Subdivision Application Meeting

Following any required Concept Subdivision Application discussions with the respective Land Use Authority, a preliminary subdivision application may be filed by the Applicant with the City Recorder.

- XII. GCSO, Chapter 6 Preliminary Subdivision Applications (Major)** is renamed Chapter 6 Preliminary Subdivision Applications and is rewritten as follows:

Chapter 6 Preliminary Subdivision Applications

Section 601 Purpose

This Chapter provides the review standards and procedures for all preliminary subdivision applications including Minor Residential Subdivisions, Major Residential Subdivisions, and Master Planned Developments.

Section 602 Procedures

1. The procedures for review of preliminary Minor Residential Subdivisions, Major Residential Subdivisions, and Master Planned Developments are identified by Chapter 7, Administrative

Manual, and the preliminary application materials, as contained in Chapter 15, Administrative Manual.

2. If through the review process, it is determined that existing city infrastructure must be extended or expanded (e.g., water lines, sewer, etc.) to facilitate a Minor development request, then the application shall be treated as a Major Subdivision, and shall follow the approval process outlined in Figure 2-11b of Land Use Manual Chapter 15. Additional application fees will also apply as per the city's fee schedule. Establishing additional easements for future public utilities is not considered an expansion or extension of city systems under this part.
3. If it is determined that a Major or Minor Residential development proposal will require a code amendment, zone change, or other legislative action or discretionary agreement, then the application shall be treated as a Master Planned Development and will need to provide the application materials and follow the procedures for a Master Planned Development. Additional application fees will also apply as per the city's fee schedule.

Section 603 Review Standards For Preliminary Subdivision Applications

In considering a Preliminary Subdivision Application the appropriate Land Use Authority shall review the Application and shall determine if the proposed subdivision:

1. Complies with all requirements of this Ordinance and the Zoning District in which the subject property is located.
2. Complies with all applicable Federal, State, or Local requirements and regulations.
3. Will comply with all requirements for expansion of and connection to the city's culinary and irrigation water systems including dedication of appropriate water rights and/or shares, as stipulated by the Water Authority and city ordinances.
4. Will comply with all requirements for expansion of and connection to the city's sanitary sewer system, as stipulated by the Sanitary Sewer Authority.
5. Will comply with recommendations of fire protection, suppression, and fire access facilities, as stipulated by the City Fire Chief.
6. Is consistent with the city's Official Maps, and General Plan as adopted.
7. Complies with all applicable dedication requirements of the City and provides the necessary infrastructure, services and amenities as required.
8. Will provide all necessary infrastructure, services and amenities sufficient to meet the needs of the proposed subdivision.

Section 604 Preliminary Actions and Requirements

The Land Use Authority may take the following actions regarding a preliminary subdivision application:

1. Approve a Preliminary Subdivision Application as presented and having demonstrated compliance with all elements noted in Section 603,
2. Conditionally approve an application based on compliance with adopted standards of Section 603, any temporary land use regulations, and provision of improvements under Section 605, or

3. Deny the application with findings of non-compliance with this Ordinance, the City's other Land Use Ordinances and all other requirements, as applicable. The Commission may also refuse to approve a preliminary subdivision application, or the dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the preliminary subdivision application.

Section 605 City Imposed Requirements and Exactions

As part of the preliminary review process, the Land Use Authority may impose requirements for onsite and offsite improvements, facilities, services, and amenities, to be provided by the Applicant(s) where such requirements have a nexus to the proposal and are consistent with the requirements of GCSO Section 116 herein. Requirements may include, but are not limited to:

1. Road and street improvements, including layout, design, grading and surfacing.
2. Flood control facilities.
3. Culinary Water facilities.
4. Secondary and Irrigation Water facilities.
5. Sanitary Sewer facilities.
6. Storm Drainage facilities.
7. Erosion Control facilities.
8. Traffic Circulation and Access Management facilities.
9. Lot, Parcel, and/or Site drainage.
10. Park and open space areas and facilities.
11. Public features and recreational amenities.
12. Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
13. Electrical power and telecommunications facilities.
14. Fencing and buffering treatments.
15. Street lighting facilities.
16. Streetscape enhancements, including street trees and park strip improvements.
17. Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
18. Alterations necessary to limit the creation of non-conforming or non-complying structures and properties
19. Such other measures, improvements, facilities, amenities and services determined reasonable and necessary to allow the proposed subdivision in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

Section 606 Effect Of Preliminary Subdivision Approval And Validity Period

1. Effect of Preliminary Approval. Approval of a preliminary subdivision application, with or without requirements, shall not constitute a final approval of the proposed subdivision. A preliminary

subdivision application approval shall not authorize the division or development of the subject property but allows the applicant(s) to proceed with a final subdivision application for the subject property.

2. Period of Validity. As provided by the Act, the continuing validity of a preliminary subdivision application approval is conditioned upon the applicant(s) proceeding to implement the approval with reasonable diligence. For purposes of this ordinance and this section, the approval of a preliminary subdivision application shall be effective for a period of one hundred eighty (180) calendar days from the date of approval. If a final application is not submitted within one hundred eighty (180) calendar days after preliminary approval, the preliminary approval shall be rendered void and invalid.
3. Development Restrictions Until Final Plat Approval. No excavation, grading, or regrading, shall take place on any subject property, and no building permits shall be approved by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Sanpete County Recorder.

XIII. GCSO, Chapter 7 Preliminary Subdivision Applications (Minor) is repealed in its entirety and is rewritten as Chapter 7 Final Subdivision Applications as follows:

Chapter 7 Final Subdivision Applications

Section 701 Purpose

This Chapter provides the review standards and procedures for all final subdivision applications including Minor Residential Subdivisions, Major Residential Subdivisions, and Master Planned Developments.

Section 702 Review Authority

The Technical Review Committee shall act as the Administrative Land Use Authority for reviewing all final subdivision applications. However, if through the final application review process, Significant Change occurs to the development plans from what was approved at the preliminary review stage, then a condition of final approval shall be the City Council's or Planning Commission's review and approval of the Significant Changes depending on which body acted as the Preliminary subdivision approving body.

Section 703 Procedures

The procedures for review of final Minor Residential Subdivisions, Major Residential Subdivisions, and Master Planned Developments are identified by Chapter 8, Administrative Manual, and the final application materials, as contained in Chapter 15, Administrative Manual. Furthermore, all final applications shall be reviewed in accordance with procedures and timelines outlined in Utah Code Section 10-9a-604.2 as may be amended.

Section 704 Review Standards for Final Subdivision Applications

In considering a Final Subdivision Application, the Technical Review Committee shall review the Application and shall determine if the proposed subdivision:

1. Complies with all requirements of this Ordinance and the Zoning District in which the subject property is located.
2. Complies with all applicable Federal, State, or Local requirements and regulations including, but not limited, to flood plain protection standards and those of the State Historic Preservation Office (SHPO).
3. Complies with all infrastructure construction standards adopted by the City.
4. Complies with all requirements for expansion and connection to the city’s culinary and irrigation water systems including dedication of appropriate water rights or shares, as stipulated by the Water Authority and city ordinances.
5. Complies with all requirements for expansion and connection to the city’s sanitary sewer system, as stipulated by the Sanitary Sewer Authority.
6. Complies with recommendations of fire protection, suppression, and fire access facilities, as stipulated by the City Fire Chief.
7. Is consistent with the city’s Official Maps, and General Plan as adopted.
8. Mitigates any traffic impacts identified by a Traffic Impact Study in accordance with Section 112.
9. Complies with all applicable dedication requirements of the City and provides the necessary infrastructure, services, and amenities as required.
10. Resolves all matters of property boundaries, protection strips, prescriptive rights-of-way, and other ownerships, interests, and easements or rights-of-way pertaining to the subject property.
11. Has provided a complete and accurate Subdivision Plat
12. Will provide all necessary infrastructure, services, and amenities sufficient to meet the needs of the proposed subdivision.
13. For developments that include the dedication of property to the city or another government entity for roads, parks, or other public purposes, developers shall provide proof of payment of all past and current property taxes and no liens are on the property.

Section 705 Additional Development Requirements and Exactions

As part of the final review process, the Technical Review Committee may impose requirements for onsite and offsite improvements, facilities, services, and amenities, to be provided by the Applicant(s) where such requirements have a nexus to the proposal and are consistent with the requirements of GCSO Section 116 herein. Requirements may include, but are not limited to those identified in Section 605 of this Ordinance.

Section 706 Effect Of Final Subdivision Approval And Validity Period

1. Period of Validity. As provided by the Act, the continuing validity of a final subdivision application approval is conditioned upon the applicant(s) proceeding to implement the approval with reasonable diligence. For purposes of this ordinance and this section, the approval of a final subdivision application shall be effective for a period of one year from the date of approval. If a

subdivision plat is not executed and recorded within the one-year time frame, the final approval shall be rendered void and invalid.

2. Development Restrictions Until Final Plat Approval. No excavation, grading, or regrading, shall take place on the subject property, and no building permits shall be approved by the City until the Final Subdivision Plat has been recorded in the Office of the Sanpete County Recorder.

Section 707 Final Plat Preparation and Approval

1. All subdivisions plats required by this ordinance shall be prepared in accordance with Utah Code Section 10-9a-603 and the guidelines provided with the city's Final subdivision applications.
2. In addition to any owners' signatures required by Utah Code Section 10-9a-603, plats shall be prepared and provide a place for the following individuals to sign their approval of the plat:
 - a. Gunnison City Mayor,
 - b. City Engineer or city contracted engineering firm representative,
 - c. Gunnison City Water Master and Sewer Authority,
 - d. Representatives of each public utility or entity for which an easement is provided on the plat.

- XIV. GCSO, Chapter 8 is repealed** in its entirety and replaced with the following **Chapter 8 Condominium Developments** as written hereafter:

Chapter 8 Condominium Developments.

Section 801 Purpose

The purpose of this chapter is to outline review procedures and standards for developments that include condominiums as provided in Utah Code title 57-8 Condominium Ownership Act

Section 802 Reviewing Authority and Standards

1. Developments that include condominium elements shall be reviewed as Major Single-Family Subdivisions or Master Planned Developments based on the anticipated dwelling types. The Technical Review Committee shall be the land use authority for any final subdivision or condominium plats.
2. Review standards for condominium developments shall be the same as with Major Single-Family Subdivisions or Master Planned Developments as adopted in city ordinances.
3. Condominium Plats shall be prepared in accordance with Utah Code Section 57-8-13 as may be amended, and shall include approving signature blocks the same as with Final Subdivision Plats noted in Chapter 7. Condominium plats may be reviewed simultaneously with the development review proceedings.

Section 803 Condominium Applications

Condominium developments shall submit applications for review as Major Single-Family Subdivisions or Master Planned Developments based on the anticipated dwelling types and applicable regulations. The condominium plat shall be reviewed instead of a subdivision plat for the development. No additional application or review procedures are required.

Section 804 Common and limited Common Areas

1. A parcel designated as common area on a Condominium Plat and recorded in the Office of the Sanpete County Recorder shall not be separately owned or conveyed independent of the other parcels created by the Condominium Plat.
2. The ownership interest in a common area parcel described in Subsection (1) herein shall:
 - a. For purposes of assessment, be divided equally among all parcels created by the Condominium Plat, unless a different division of interest for assessment purposes is indicated on the Condominium Plat or an accompanying recorded document; and
 - b. be considered to be included in the description of each instrument describing a parcel on the Condominium Plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

XV. GCSO, Chapter 9 Division of Large Lots is rewritten as follows:

Section 901 Purpose

This Chapter is provided to establish requirements for the division of Large Lots, legally existing on the effective date of this Ordinance into a maximum of two (2) lots.

Section 902 Reviewing Authority and Procedures

The division of a Large Lot shall be considered a Subdivision, which may be reviewed as a Major or Minor Single-Family development depending on site conditions and shall be subject to all applicable standards, procedures, and reviewing authorities for such.

Section 903 Development Standards

A Large Lot, as defined in GCSO Chapter 14, may be divided into a maximum of two (2) separate lots provided:

1. That all access and minimum setback requirements of the respective Zoning District can be met without the need for any variance approvals.
2. The division will comply with all requirements of the City’s Land Use Ordinances, including this Ordinance, as applicable, except that a reduction of 20% of the minimum required lot area and minimum lot widths may be approved to reasonably facilitate the Large Lot division.
3. All required improvements either exist, will be provided, or a performance guarantee is provided for such improvements according to the city’s bonding requirements.
4. The large-lot division will not create a detriment, or nuisance, to any surrounding properties.

XVI. GCLU Appendix B Minimum Lot Sizes and Widths language is amended as follows: (Underlined text is added, stricken text is deleted)

Minimum Lot Sizes and Widths. The following standards are for specified residential uses permitted within the city's zones. Permitted non-residential uses or multi-family developments with more units than those listed below must have sufficient acreage and site dimensions to comply with the development standards of this code based on the intended use. Large lots may be subdivided in accordance with the Subdivision Ordinance and may have lot areas and widths less than those indicated below for the respective zones.

XVII. GCSO Chapter 10 Notice Requirements, Section 1002 is amended as follows: (underlined text is added, stricken text is deleted.)

The notice requirements of the City for public hearings and public meetings required by this Ordinance, ~~and including required Applicant notice and notice challenges,~~ shall be as required by Chapter 12, Zoning Ordinance, and Utah Code, Section 10-9a.

XVIII. GCSO Chapter 11 Building Permits is modified as follows: (Underlined text is added, stricken text is deleted)

Section 1101 Building Permit Issuance

~~The City's Building Official shall not issue any~~ No building permit(s) for a proposed building or structure on a lot or parcel located within the boundaries of the City shall be approved by city staff unless;

1. The lot is within a subdivision and the lot was legally created pursuant to this Ordinance, or prior enactment(s).
2. The lot is a legal lot of record, such lot being created and recorded in the Office of the Sanpete County Recorder prior to January 1, 1980.
3. The plans for the proposed erection, construction, reconstruction, alteration, or use fully conform and comply with all Municipal and Land Use Ordinances and Building Codes, as adopted.

Section 1102 Building Permit Application

All proposed buildings, structures, facilities and uses located within the boundaries of the City and requiring the approval and issuance of a building permit, as required by the building codes, as adopted, shall ~~present~~ submit a complete building permit/land use application for review by the City's Building Official, City Zoning Administrator, Water/Sewer Authority, and Engineering staff where applicable.

Section 1103 Certificate Of Occupancy Required

1. Unless exempt by the Building Code(s), as adopted, no building or structure shall be occupied, or used, until a Certificate of Occupancy has been issued by the City's authorized Building Official. The Building Official shall not issue a Certificate of Occupancy unless appropriate city departments have signed off on the completion of required infrastructure construction or bonding requirements, and/or water dedication requirements have been fulfilled.

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2. It is unlawful to occupy or use a building or structure until a Certificate of Occupancy has been issued for such building or structure.
3. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and the Building Code(s), as adopted.
4. The occupancy or use of any building, structure for which a Certificate of Occupancy has not been issued is declared to be a public nuisance and may be cited and abated as such.
5. The City shall not withhold the issuance of a Certificate of Occupancy because of an Applicant's failure to comply with a requirement that is not expressed:
 - a. In the Building Permit, or in documents on which the Building Permit is based.
 - b. In the approval required by this Ordinance, or in documents on which such approval is based; or
 - c. In this Ordinance, or the City's other Land Use Ordinances and Resolutions, including the Subdivision Ordinance and Administrative Manual.

XIX. GCSO Chapter 13 Subdivision Improvements, Section 1302 is modified as follows: (Underlined text is added, stricken text is deleted.)

The layout and design of all proposed subdivisions and the content of all plats, engineering plans, documentation, and other required submissions shall be in accordance with the standards of this Chapter and the City's Construction and Design Standards.

1. Streets and Roads – General Criteria. All subdivisions, and all subdivision documents and materials, shall be consistent with the Gunnison City Street Plan as adopted, as follows:
 - a. Collector Streets. Where the area of a proposed subdivision includes any Collector streets, as shown on the Street Plan, the subdivision plan shall provide and incorporate such streets in the location shown and the approval of the subdivision's final plat shall include the dedication of the right-of-way and its improvement in accordance with the City's Construction and Design Standards, as applicable.
 - b. Minor Streets. Where the area of a proposed subdivision includes any Minor streets, as shown on the Street Plan, the subdivision plan shall provide and incorporate such streets in the location shown and the subdivision's final plat shall include the dedication of the right-of-way and its improvement in accordance with the applicable City's Construction and Design Standards, as applicable.
 - c. No subdivision plan which proposes the deletion or realignment of any street shown on the Street Plan shall receive approval unless and until the Street Plan is amended, as required by state law.
 - d. Dual Access.
 - i. To disburse traffic impacts and improve public safety access to neighborhoods, no more than 15 dwelling units or residential equivalent units shall be permitted along a single access road. This standard shall include all units which are accessed from an existing street that is used as the access route to the

- development and not just those proposed units adjacent to new streets built within the development.
- ii. Phased developments assure that the dual access standard is met with each phase of the development. The secondary access with a phased development may be a partially constructed, public safety access route able to bare the weight of a fully loaded fire apparatus under wet conditions.
2. Relationship to Adjacent Streets. All streets included in a subdivision shall properly align and be compatible with all joining and adjacent streets. New developments shall incorporate and extend the Gunnison city street grid and block system where reasonably practicable and per city street and road construction standards.
 3. Access to Adjacent Properties. In order to facilitate the development of an adequate and convenient circulation system within the City and to provide access for the logical development of adjacent vacant properties, the City may, as a condition of approval, require the subdivision plan to include one or more temporary dead end street (stub streets) which extend to the boundary of the subdivision. All such stub streets shall be fully developed to the boundary of the subdivision. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street
 4. Streets and Roads – Right-of-Way Width. The minimum width of Right-of-way for streets shown on the Street Plan shall conform to the width as designated on the plan. The minimum right-of-way width for streets not shown on the plan shall be as follows:
 - a. Collector Streets – Sixty (60) feet.
 - b. Minor Streets – Fifty (50) feet.
 5. Street and Roads – Pavement Width and Other Requirements.
 - a. All streets within and adjacent to a subdivision shall be hard-surfaced in accordance with the city’s construction standards.
 - b. The width of the hard surfacing and the location and type of other required street improvements and designs shall be in accordance with the design and construction standards of the City’s Construction and Design Standards, as applicable.
 - c. All subdivisions consisting of twenty-five (25) lots or more, whether in a single plat or multiple, phased plats combined, shall complete a traffic impact study (TIS) to determine and delineate any and all apparent and potential traffic impacts on or to existing roads. The study shall include mitigation measures to eliminate or minimize each identified impact. Whenever possible, alternative designs for the subdivision or a portion thereof shall also be included in order to demonstrate mitigation of impacts. The TIS shall be completed by the developer and submitted to the City Engineer with the final subdivision submission. The TIS shall be completed using the current standards and methods of the Institute of Traffic Engineers from the highway capacity manual.

6. Dedication Required – All streets, roads and vehicular travel ways shall be dedicated to the City for use by the public and shall be improved in accordance with the City’s Construction and Design Standards, except that the Land Use Authority may accept the dedication of partial width street provided:
 - a. That said street is located at the boundary of the subdivision.
 - b. That the width proposed for dedication shall be sufficient to accommodate the minimum travel way and all utility systems as set forth in City standards.
 - c. That there are not existing conditions which would prevent the subsequent development of the remaining portion of the street.
 - d. That construction of a partial width street at the proposed location will not create an unsafe or hazardous condition.

XX. GCSO Chapter 14 Definitions is modified to read as follows:

Section 1401 Purpose and Conflicts

1. This Chapter provides terms and definitions specific to the GSCO. Other general terms and definitions used throughout this Ordinance may be found in [Appendix C, Zoning Ordinance](#). If a conflict arises between a term in this Chapter and Appendix C, Zoning Ordinance, than the GCSO term and definition shall apply.
2. For the convenience of users of this Ordinance, certain terms may be illustrated. If a conflict arises between an illustration and a definition, the definition shall apply.

Section 1402 Terms and Definitions

Large Lot: A lot or parcel, legally existing on the effective date of this ordinance and at least 1.8 times larger in area than the minimum required by the Zoning District in which the lot is located.

Significant Change: For Subdivision review purposes, this term shall include any of the following: an increase in the total lots within a development, a reduction of approved lot sizes by more than 10%, a change of public open space locations or reduction of area, or elimination or increase in the number of roads.

Subdivision: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

"Subdivision" includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

2. All divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes; except as provided in the Act, and Section 107 herein.

As provided by the Act “Subdivision” does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use Ordinance.
2. A recorded agreement between owners of adjoining, unsubdivided properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not violate applicable Land Use Ordinances; or
 - c. A recorded document, executed by the owner of record:
 - I. Revising the legal description of more than one (1) contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - II. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable Land Use Ordinances.
3. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a. No new dwelling lot or housing unit will result from the adjustment; and
 - b. The adjustment will not violate any applicable Land Use Ordinance.
4. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” as to the unsubdivided parcel of property or subject the unsubdivided parcel to this Ordinance.

Subdivision – Large Lot: Means a subdivision of a Large Lot in accordance with Large Lot division standards in this ordinance. A Large Lot Subdivision may also be a Minor Single Family subdivision depending on the site characteristics and available infrastructure.

Subdivision – Major Single-Family: Means a subdivision that is not a Minor Subdivision and includes single-, two-family, or attached single-family homes and must be reviewed under an administrative land use authority processes as stipulated under Utah Code §10-9a-604.1.

Subdivision – Minor Single-Family: Means a subdivision, as defined herein, and limited further to those proposals where the land to be divided:

1. Is not traversed by the mapped lines of a proposed road or street as shown by the General Plan,
2. Does not require the dedication of any land for a road or street or for any other public purposes.
3. Has been approved by the culinary water authority and the sanitary sewer authority and will not require the extension or expansion of city water, irrigation, or sewer systems.
4. Is located in a zoned area.

5. Conforms to all applicable land use ordinances; and
6. Contains no more than ten (10) lots, including any lot containing any remnant of the subject property.

Subdivision – Condominium: Means a development which is created under the Utah Condominium Ownership Act and fully complies with all city regulations pertaining to the development.

Subdivision – Master Planned – Any non-residential subdivision proposal and any residential development which includes multi-family or a combination of varying residential and non-residential uses where a legislative action or discretionary agreement is required for the development approval.

Ordinance 2024-12 Amendments to Gunnison City Land Use Ordinance (GCLU)

XXI. GCLU Chapter 2, Land Use Authorities, Section 202 is amended as follows: (Underlined text is added and stricken text is deleted).

1. The Council is both a Land Use Authority and Appeals Authority, as defined by the Act, and shall have the following powers and duties under this Ordinance:
 - a. To adopt, and to initiate amendments to the General Plan, and all elements of the General Plan.
 - b. To adopt, and to initiate amendments to the City's Land Use Ordinances, including this Ordinance.
 - c. To adopt and to initiate amendments to the City's Land Use Resolutions, including the Administrative Manual.
 - d. To approve, approve with conditions, or deny all Conditional Use Applications.
 - e. To approve, approve with conditions, or deny all Conditional Use (C) Sign Applications.
 - f. To approve, approve with conditions, or deny all concept plans for master planned developments. The Council shall receive recommendations from the Technical Review Committee and Planning Commission before taking final action on a concept plan.
 - g. To approve, approve with requirements, or deny all preliminary applications for ~~Major~~ Master Planned Subdivisions and final applications for ~~Major~~ Master Planned subdivisions where Significant Change occurs from the preliminary approvals.
 - h. To approve Subdivision Plat Amendments that alter dedicated public property or streets.
 - i. To render a decision, or appoint a hearing officer to render a recommendation to the Council prior to a Council decision, if an Applicant asserts a deprivation of, or has been subject to a taking of property without just compensation, or asserts some other constitutional invalidity, as provided by Chapter 22.
 - j. To establish a Fee Schedule by Resolution for all approvals, permits and licenses required by this Ordinance.
 - k. To appoint a Zoning Administrator for the efficient and consistent administration of this Ordinance and to carry out the other duties and responsibilities as provided by this Ordinance.
 - l. To appoint a Land Use Hearing Officer (hereinafter "LUHO") to carry out the duties and responsibilities as provided by this Ordinance.
 - m. To approve all bylaws, policies, and procedures for the conduct of all duties and meetings, for the consideration of applications, and for any other purposes for the efficient functioning of the City's Land Use Authorities.
 - n. To take such other action(s) not expressly delegated to any other Land Use Authority.
2. All decisions of the Council, made under this Ordinance, shall take effect on the date of the Council meeting when the decision is made, unless a different date is designated by the Council at the time the decision is made. ~~The minutes of all meetings of the Council shall be filed in the office of the City Recorder. All such records shall be the official record of the Council and shall be available for public review and access in accordance with the State of Utah Government Records and Access Management Act (hereinafter "GRAMA").~~

Ordinance 2024-12 Amendments to Gunnison City Land Use Ordinance (GCLU)

XXII. GCLU Chapter 2, Land Use Authorities, Section 203, Subparagraph 1 is amended as follows:
(Underlined text is added and stricken text is deleted).

1. Powers and Duties. The Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan and Land Use Ordinances. The Commission shall have the following powers and duties under this Ordinance:
 - a. To prepare, or cause to be prepared, the proposed General Plan, any proposed plan element, any amendments thereto, and to transmit such plan, element or amendments to the Council, with the Commission's recommendation.
 - b. To prepare or cause to be prepared all proposed City Land Use Ordinances, including all maps, any amendments thereto, and to transmit such Land Use Ordinances, maps, or amendments thereto to the Council, with the Commission's recommendation.
 - c. To hear, review and recommend approval or denial of all Applications for a General Plan Amendment and to transmit such recommendation to the Council.
 - d. To hear, review and recommend approval or denial of all Applications for a Land Use Ordinance Amendment (including Land Use Ordinance text and/or map amendments) and to transmit such recommendation to the Council.
 - e. To ~~hear, review, and approve, approve with revisions, or deny~~ all preliminary subdivision applications for ~~Minor Residential Subdivisions and all final applications for Minor Subdivisions where Significant Change occurs from the preliminary approvals.~~
 - f. To approve Subdivision Plat Amendments that alter private property boundaries unless the amendment includes alteration of streets and public property, which are then reviewed by the City Council.
 - g. To hear, review, and approve, approve with revisions, or deny all Home Occupation Business License Applications in accordance with the city's Home Occupation Regulations.
 - h. To hear, review, and recommend approval, approval with conditions, or denial of all Conditional Use Applications and to transmit such recommendation to the Council.
~~To hear, review, and recommend approval, approval with revisions, or denial of all Preliminary Subdivision (Major) Applications and all Final Subdivision (Major) Applications and to transmit such recommendation to the Council.~~
 - i. To approve, approve with revisions, or deny all Permitted P-2 Use Applications.
 - j. To approve, approve with revisions, or deny all Permitted P-2 Sign Applications.
 - k. To participate in all mandatory Concept Subdivision Application reviews.
 - l. To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, provided that such bylaws, policies, and procedures are approved by the Council before taking effect.
 - m. Advise the Council on all other matters as the Council may direct.

XXIII. GCLU Chapter 2, Section 205 Gunnison City Technical Review Committee, subparagraph 3 is amended as follows: (Underlined text is added and stricken text is deleted).

Ordinance 2024-12 Amendments to Gunnison City Land Use Ordinance (GCLU)

3. Powers and Duties. The TRC shall act under the direction of the Mayor and shall have the following duties and responsibilities:
 - a. Before a Land Use Authority considers any Permitted P-2 Use or Conditional Use Application, the TRC may review the Application to determine compliance of the Application with the General Plan and all applicable Ordinances, including this Ordinance, and the Administrative Manual.
 - b. The TRC may provide a report to the Land Use Authority identifying compliance of any Permitted P-2 Use or Conditional Use Application with the General Plan and all applicable Ordinances, including this Ordinance, and the Administrative Manual, prior to a review and decision by a Land Use Authority.
 - c. The TRC shall be the Land Use Authority responsible for reviewing all optional Concept Subdivision Applications for Major Residential developments or developments involving two-family structures or town homes.
 - d. The TRC shall provide a report to the Land Use Authority, identifying ordinance compliance of any preliminary subdivision applications and shall be the Land Use Authority for any final subdivision and condominium development applications.
 - e. The TRC may provide a report to a Land Use Authority for any General Plan matter, including all elements thereof, and all amendments thereto.
 - f. The TRC may provide a report to a Land Use Authority for any Land Use Ordinance matter, including this Ordinance, all provisions and requirements thereof, and all amendments thereto.
 - g. The TRC may provide a report to a Land Use Authority for any Official Map matter, including all provisions and requirements thereof.
 - h. The TRC may provide a report to the LUHO for any Variance Application.
 - i. The TRC may provide a report to a Land Use Authority for an Application for any approval, permit, or license.
 - j. The TRC may present findings for consideration by a Land Use Authority in the review and decision of any Application for any approval, permit, or license.

XXIV. GCLU Chapter 2, Section 206 Gunnison City Zoning Administrator is amended as follows:

(Underlined text is added and stricken text is deleted).

1. Powers and Duties. It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of the Land Use Ordinances are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:
 - a. To make necessary interpretations of this Ordinance, as provided by the Administrative Manual.
 - b. To approve, approve with revisions, or deny Permitted P-1 Use Applications.
 - c. To approve, approve with revisions, or deny Permitted P-1 Sign Applications.

Ordinance 2024-12 Amendments to Gunnison City Land Use Ordinance (GCLU)

- d. To participate in all Concept Subdivision Application reviews and be the Land Use Authority for optional Concept Review applications for Minor Subdivisions.
- e. To perform and carry out all other duties, as identified by the Administrative Manual.

XXV. GCLU Chapter 4, paragraph 408.6 pertaining to Certificate of Occupancy restrictions is deleted and subsequent paragraphs of Section 408 are renumbered accordingly. (See changes in Section XVIII.)

XXVI. GCLU Chapter 13, Sections 1302-1314 are rewritten as follows and Section 1315 District Court Review is renumbered as Section 1308:

Section 1302 Appeal Authorities

1. To provide for appeals of decisions of Land use Authorities and to comply with the Act, the following Appeal Authorities, with their appeal responsibilities are identified. Persons aggrieved by decisions of a Land use Authority may file petitions or appeal applications accordingly.
 - a. District Court. The District Court shall act as the Appeal Authority for any decision of the City Council or the Land Use Hearing Officer. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a Land Use Authority's decision, in accordance with the requirements of this Chapter.
 - b. City Council. The City Council shall act as the Appeal Authority and Appeal Panel for any decision of the Planning Commission or Technical Review Committee respectively, when they are acting as the final approving authority for an application. The City Council and an appellant may agree to allow a third party to act as the appeal authority in a matter that would otherwise come before the City Council. In such matters, the agreed upon third-party may act as the appeal authority subject to all requirements and standards of this Ordinance.
 - c. Land Use Hearing Officer. The Land Use Hearing Officer shall act as the Appeal Authority for any decision of the Zoning Administrator or City Recorder.
2. Appeal Authorities shall act in a quasi-judicial manner. They serve as the final arbiter of issues involving the interpretation or application of Land Use Ordinances, including this Ordinance; and may not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority.

Section 1303 Maximum time Allowed to File Appeal

A person, including the Applicant for any Land Use Application required by this Ordinance and any decision-making body or officer of the City, adversely affected by a decision of a Land Use Authority administering or interpreting this Ordinance may, within ten (10) calendar days of the date of the decision, appeal the decision to the Appeal Authority identified by this Chapter.

Section 1304 Appeal Application Requirements

1. Only those decisions where a Land Use Authority has applied the requirements of this Ordinance to a particular application, person, lot or parcel may be appealed to an Appeal Authority.
2. An appeal of any order, requirement, decision, or determination of a Land Use Authority shall be made on the Appeal Application, provided by the City.

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3. Appellants shall specify which land use authority decision is being appealed and identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority.
4. Appellants shall include with their appeal request every theory of relief that it can raise in District Court.

Section 1305 Burden of Proof

Any person presenting an Appeal Application alleging an error of a Land Use Authority's order, requirement, decision, or determination has the burden of proof that the Land Use Authority erred.

Section 1306 Appeal Application Review Procedures

1. An Appeal Authority shall conduct each appeal as provided.
2. An Appeal Authority shall respect the due process rights of each of the participants.
3. Appeal review procedures shall be as follows:
 - a. Upon submission of an appeal application to the City Recorder, the Zoning Administrator shall notify the respective Appeal Authority of the application and schedule a meeting or hearing;
 - b. The Zoning Administrator, City Recorder, and City Attorney shall transmit to the Appeal Authority all materials constituting the full record of the decision of the Land Use Authority. All members Appeal Authority shall receive the same information and access to City resources as any other member;
 - c. The Appeal Authority shall convene their meeting in accordance with Utah Open Public Meeting standards and only if a quorum of its members is present;
 - d. The Appeal Authority shall hear and review all Appeal Applications "on the record," including the review of all factual matters. Each Appeal Authority shall only consider the materials presented originally before the Land Use Authority in making the decision that is the subject of the appeal.
 - e. Final decisions of the Appeal Authority shall be in accordance with Section 1307 and made by a majority vote of the present quorum members.
 - f. After a vote of the Appeal Authority, the Appeal Authority shall prepare a written decision, which shall be delivered to the Zoning Administrator within ten (10) business days. The City Recorder shall provide the Appellant with a copy of the written decision.
 - g. A record of the decisions of the Appeal Authority shall be maintained in the office of the City Recorder, which shall constitute the record of the appeal.

Section 1307 Appeal Authority Decisions

1. The Appeal Authority shall
 1. determine the correctness of the Land Use Authority's interpretation and application of the plain meaning of the land use regulations; and
 2. interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
2. An Appeal Authority may not use an appeal process to waive, modify, or amend any requirement, provision, or term of this Ordinance. Persons seeking to obtain a variance must

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follow the city variance procedures as found in Chapter 10 of this ordinance. When evaluating irregularities in procedures an Appeal Authority shall follow standards under Section 410 of the Zoning Ordinance.

3. An Appeal Authority shall not require an adversely affected party to pursue duplicate or successive appeals before it or another Appeal Authority as a condition of the adversely affected party's duty to exhaust administrative remedies.
4. A decision of each Appeal Authority shall take effect on the date when the Appeal Authority, as applicable, issues a written decision, which shall constitute a final decision by the City in the matter.

XXVII. GCLU Section 1622 Required Yards to be Unobstructed – Exceptions is amended as follows:
(Underlined text is added and stricken text is deleted)

All required yard or setback areas shall be open to the sky and unobstructed and all buildings or parts thereof shall comply with the minimum setback requirements of the Zoning District, except for permitted and approved accessory buildings, for the projection of sills and other ornamental features. ~~Unenclosed steps and unwalled stoops, and porches less than eighteen inches (18")~~ above grade may project up to three feet (3') into a required minimum setback.

XXVIII. GCLU Section 1624 Exception to Required Front Yard Setback in Certain Districts is deleted and subsequent sections are renumbered accordingly.

XXIX. 1. GCLU Appendix B Standards For Primary Buildings and Structures is amended by adding the following text to the Minimum Yard Requirements as follows:

The following Yard Area Requirements (i.e., setbacks) shall be the minimum for all primary structures on a lot or property. However, unenclosed steps, unwalled stoops, and porches less than eighteen inches (18") above grade may project up to three feet (3') into the listed front and rear setbacks. Additionally, For primary buildings proposed to be located in the R-2, R-4, MHP and the R&C Districts, the front setback for a primary building located between two (2) existing primary buildings may be reduced to the average front yard setback of the existing primary buildings, provided the two (2) existing primary buildings are located on the same side of the street right-of-way, and are located within one hundred fifty feet (150') of each other, and provided further that no primary building has a front yard less than twenty feet (20').

2. GCLU Appendix B Standards For Primary Buildings and Structures is amended by adding the following text to the Minimum Yard Requirements for Corner Lots as follows:

The following Yard Area Requirements (i.e., setbacks) shall be the minimum for all primary structures on a corner lot or property. Exceptions to these standards shall be the same as outlined for interior lots.

XXX. **GCLU 1626 Maximum and Minimum Height of All Buildings**, is amended to read as follows and GCLU Section 1627 and 1628 are deleted with remaining sections renumbered accordingly:

Section 1626 Maximum and Minimum Height of All Buildings

1. The maximum and minimum height of all primary buildings shall be as identified in Appendix B, Table of Development Standards, for the Zoning District in which the primary building is located.
2. Exceptions.
 - a. The requirement for maximum building height shall not apply to Chimneys, wireless or television masts, nor agricultural buildings, provided such structures or buildings are not used for human occupancy.
 - b. A building height greater than the maximum building height may be allowed for public buildings, flag Poles, and churches, provided the portion of the building exceeding the maximum height standard is set back from required setback lines a distance of one (1) foot for each additional foot of building height above the maximum height allowed in the Zoning District.

XXXI. **GCLU Appendix B Standards For Primary Buildings and Structures** is amended by adding the following text to the Maximum Building Height cell:

Maximum Building Height (See GCLU Section 1626 for exceptions)

XXXII. **GCLU Section 1634 Certificate of Occupancy Required** is deleted and subsequent sections are renumbered accordingly.

XXXIII. **GCLU Section 2101 Purpose**, is amended as follows: (Underlined text is added, stricken text is deleted)

This Chapter establishes procedures, remedies, and penalties for violations of the City's Land Use Ordinances, including this Ordinance.

~~The City, or any adversely affected owner of real estate within the City, in which violations of this Ordinance occur, or are about to occur may, in addition to other remedies provided by law, institute:~~

~~Injunctions, Mandamus, Abatement, or any other appropriate actions; or Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.~~

XXXIV. **GCLU Section 2102 Violations and Building Permits**, is amended to read as follows: (Underlined text is added, stricken text is deleted)

Section 2102 ~~Violations and Building Permits~~ Enforcement

Ordinance 2024-12 Amendments to Gunnison City Land Use Ordinance (GCLU)

The City, or any adversely affected owner of real estate within the City, in which violations of this Ordinance occur, or are about to occur may, in addition to other remedies provided by law, institute:

1. Injunctions, Mandamus, Abatement, or any other appropriate actions; or
2. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
3. The City may also enforce this Ordinance, or other City Land Use Ordinances, by withholding building permits, where permitted by the Act.
4. ~~It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City without the necessary Land Use Application approval, license or permit, and the issuance of a valid building permit, as applicable.~~
5. ~~The City shall not issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform and comply with all Land Use Ordinances, including this Ordinance, and the Building Codes, as adopted.~~

XXXV. GCLU Sections 2109-2111 are renumbered as 2108, 2109, and 2110 respectively and **2109 Stop Work, amended as follows: (Underlined text is added, stricken text is deleted)**

In accordance with its power to stop work under the Building Code, as adopted, the Building Official may issue a stop work order, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of the Building Code.

The City Engineer, or other city-authorized engineering firm, is authorized to issue a stop work order on any development activity, that is or may be in violation of city adopted ordinances, construction standards, or approved construction plans, or which is hazardous or detrimental to city residents or public infrastructure systems.

XXXVI. GCLU Appendix C Definitions is by adding or modifying the following terms and definitions. (Underlined text is added, stricken text is deleted)

~~Illegal Lot: A lot created for a development activity that has not received the necessary approvals, permits, or licenses, as required by this Ordinance, the Gunnison City Subdivision Ordinance, or their prior enactments.~~

~~Legal Lot/Legal Lot of Record: Any land parcel that existed, as recorded in the Office of the Sanpete County Recorder, with a separate property identification number as provided by the County Recorder and County Assessor, prior to the date of the enactment of the first Gunnison City Subdivision Ordinance, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of Gunnison City and the laws of the State of Utah after the date of the enactment of the first Gunnison City Subdivision Ordinance.~~

~~Legal Nonconforming Lot: A lot, lawfully existing at the time of this Ordinance, or prior enactments, whose width, area, or other dimension do not conform to the regulations of the Zoning District in which it is located.~~

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~~Lot: A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street. A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. For purposes of this ordinance, the terms Lot and Parcel may be used interchangeably.~~

Lot, Illegal: A separately delineated piece of real property, created for the purposes of a development activity, and which has not received the necessary approvals, as required by the Gunnison City Subdivision Ordinance, and State laws, and their prior enactments.

Lot, Legal: A separately delineated piece of real property, created for the purposes of a development activity, which: (a) Is shown on a recorded final subdivision plat that has received the necessary approvals, as required by the Gunnison City Subdivision Ordinance, and State laws, and their prior enactments, or (b) Is defined by some other legal instrument and has a separate property identification number according to the records of the Sanpete County Recorder, and was legally created, as required by the Gunnison City Subdivision Ordinance, and State laws, and their prior enactments.

Lot, Nonconforming: A lot or parcel that: (a) Legally existed before its current zoning designation; and (b) Has been shown continuously on the records of the Sanpete County Recorder as an independent parcel since the time the zoning regulation governing the lot or parcel changed; and (c) Because of subsequent zoning changes does not conform with the lot size or other dimensional or property development standards applicable in the Zoning District in which the lot or parcel is located.

Parcel: Any real property that is not a Lot. For purposes of this ordinance, the terms Parcel and Lot may be used interchangeably.

~~Setback or Required Yard Area: The shortest permitted distance on a lot or parcel between a building line and a property line or designated right-of-way line excluding uncovered patios, decks and balconies not greater than two (2) feet in height from grade, and not less than 4 feet from the rear property line and 8 feet from the side property line, and chimney and roof overhangs protruding no greater than two (2) feet into the setback area.~~

~~Subdivision: See GCSO Section 105 Chapter 14.~~

Subdivision (Condominium): See GCSO Chapter 14.

Subdivision (Large Lot): See GCSO Chapter 14.

~~Subdivision (Major Single Family): See GCSO Section 105 Chapter 14.~~

Subdivision (Master Planned): See GCSO Chapter 14.

~~Subdivision (Minor Single Family): See GCSO Section 105 Chapter 14.~~

XXXVII. Administrative Manual, Section 102 Authority, subparagraph 2. is amended as follows:

(Underlined text is added and stricken text is deleted).

As provided for by Section 105, Gunnison City Zoning Ordinance, the Council may provide administrative guidelines, standards, reference materials, applications, forms, or other documents to assist the City Staff, City residents, and Applicants in providing and processing applications and interpreting and administering the City's Land Use Ordinances. This Manual provides the administrative guidelines, standards, reference materials, applications, forms, or other documents, contemplated by Section 105 of the Land Use Ordinance and Section 107 of the Subdivision Ordinance and is provided under such authority.

XXXVIII. Chapter 6 of the Land Use Administrative Manual is rewritten as follows:

Section 601 Purpose

This Chapter identifies and provides the procedures for the review of all Concept Subdivision Applications as required in the Gunnison City Subdivision Ordinance.

Section 602 Application Initiation

A property owner(s), as identified on the assessment rolls of Sanpete County, may submit a Concept Subdivision Application. An agent of the property owner(s) may submit a Concept Subdivision Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Concept Subdivision Application. All persons with a fee interest in the subject property shall be required to join in and sign the Concept Subdivision Application.

Section 603 Review Procedures For Concept Use Applications

Concept Subdivision Applications shall be reviewed in accordance with those procedures illustrated in Figures 2-11a, 2-11b, and 2-12, as found in Chapter 15, herein.

Section 604 Effect Of Concept Subdivision Meeting

As provided by Section 505, Subdivision Ordinance, any discussion about a development concept shall not be considered by the Applicant as any indication of approval or disapproval, either actual or implied of any subsequent Land Use Application. Following a Concept Subdivision Meeting with the appropriate land use authority, a property owner, or agent of the property owner, may submit a Preliminary Subdivision Application for processing as provided by Chapter 7, herein. (See also Section 506, Subdivision Ordinance).

Section 605 Mandatory Concept Plan Review

Concept reviews are not required unless the application is for a Master-Planned Development.

XXXIX. Chapter 7 of the Land Use Administrative Manual is rewritten as follows:

Chapter 7 Preliminary Subdivision Applications

Section 701 Purpose

This Chapter identifies and provides the procedures for the review of all Preliminary Subdivision Applications as required in the Gunnison City Subdivision Ordinance.

Section 702 Application Initiation

1. A property owner(s), as identified on the assessment rolls of Sanpete County, may submit a Preliminary Subdivision Application. An agent of the property owner(s) may submit a Preliminary Subdivision Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Application. All persons with a fee interest in the subject property shall be required to join in and sign the Preliminary Subdivision Application.
2. Before filing a preliminary application, any Master-Planned Development shall have completed a concept application review and have an executed development agreement for the proposal.
3. Concept reviews are not required before a Minor or Major Single-family Subdivision can submit a preliminary application.

Section 703 Review Procedures For Preliminary Subdivision Applications

Sections 602-604 of the Subdivision Code outline the actions and standards for reviewing preliminary applications. The procedures for the review of a Preliminary Subdivision Application are illustrated in Figures 2-11a and 2-11b in chapter 15 herein.

Section 704 Decision For A Preliminary Subdivision Application

See Sections 606, Subdivision Ordinance

Section 706 Preliminary Subdivision Application Expiration

See Sections 606, Subdivision Ordinance

Section 707 Appeals

See Chapter 13 of the Land Use Ordinances

Section 708 Application Withdrawal, Amendments, or Reapplication Following Denial

See Sections 207-209 herein.

XL. Chapter 8 of the Land Use Administrative Manual is rewritten as follows

Chapter 8 Final Subdivision and Condominium Applications

Section 801 Purpose

This Chapter identifies and provides the procedures for reviewing all Final Subdivision or Condominium Applications as required by the Gunnison City Subdivision Ordinance.

Section 802 Application Initiation

1. A property owner(s), as identified on the assessment rolls of Sanpete County, may submit a Final Subdivision or Condominium Application. An agent of the property owner(s) may submit a Final Subdivision Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Final Subdivision Application. All persons with a fee interest in the subject property shall be required to join in and sign the Final Subdivision Application.
2. Before filing a Final Subdivision or Condominium Application, a Preliminary Subdivision Application for the subject property, with or without requirements, shall have been approved by the Planning Commission or Council, as applicable.

Section 803 Review Procedures For Final Subdivision Applications

1. Sections 703 of the Subdivision Code outline the actions and standards for reviewing final Subdivision applications. The procedures for the review of a Final Subdivision Application are illustrated in Figures 2-11a and 2-11b in chapter 15 herein.
2. Section 802 of the Subdivision Code outlines the standards for reviewing a condominium application.

Section 804 Standards of Review for Final Subdivision Applications

See Sections 704 and 705 of the Subdivision Code

Section 807 Decision For A Final Subdivision Application

The Technical Review Committee shall only approve final subdivision applications after determining compliance with all review and construction standards.

Section 808 Final Subdivision Application Expiration

See Section 706, Subdivision Ordinance.

Section 809 Site Preparation Work Prohibited

See Section 706, Subdivision Ordinance.

Section 810 Appeals

See Chapter 13 of the Land Use Ordinances

Section 811 Application Withdrawal, Amendments, or Reapplication Following Denial

See Sections 207-209 herein.

Section 812 Amending A Recorded Final Subdivision Plat

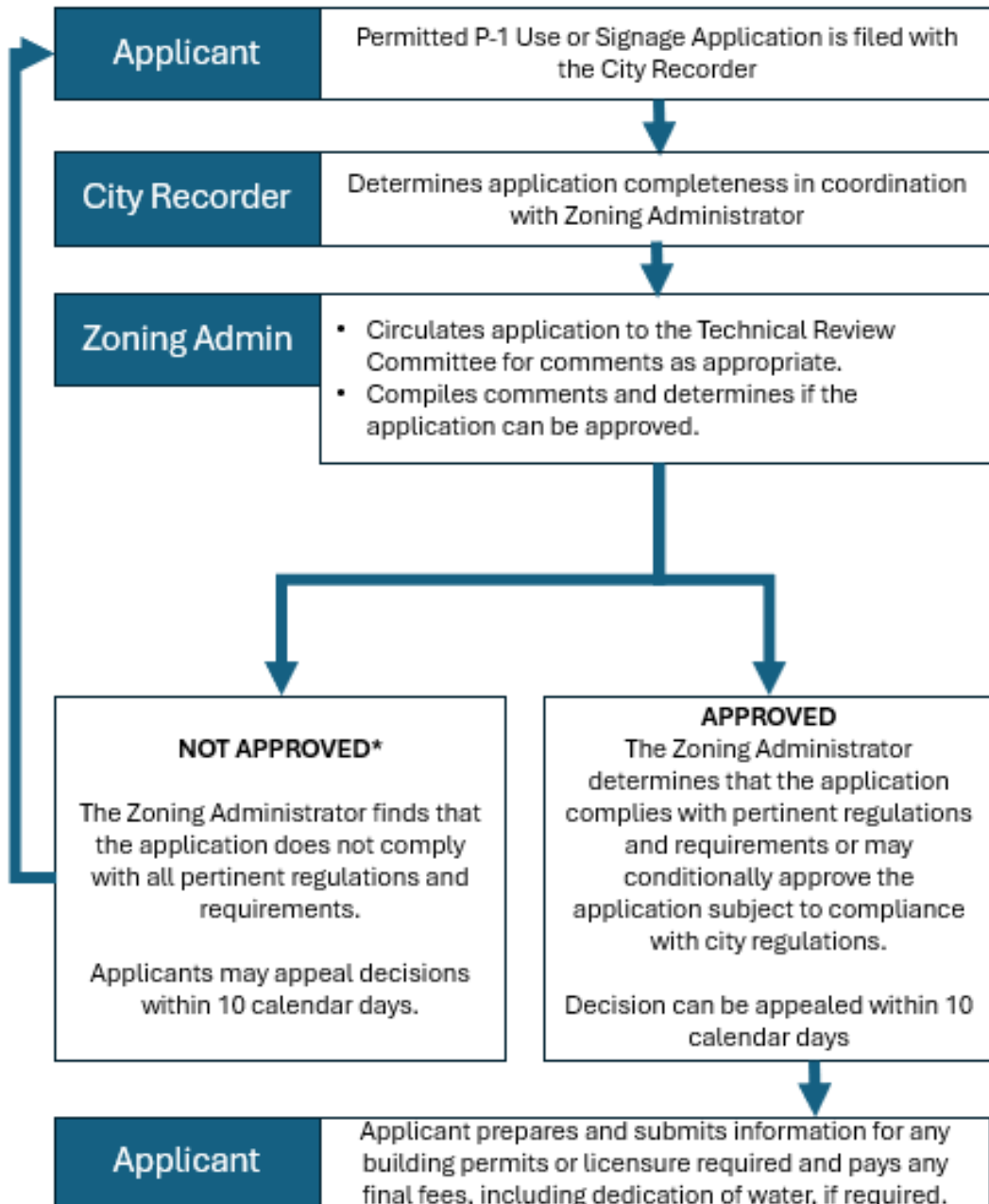
Ordinance 2024-12 Amendments to Gunnison City Administrative Manual

The Council may vacate or amend a recorded Final Subdivision Plat, or any portion of a recorded Final Subdivision Plat, by following and complying with all requirements for vacating or changing a Subdivision Plat, as identified by Sections 10-9a-608 and 10-9a-609, Utah Code Annotated, 1953, as amended.

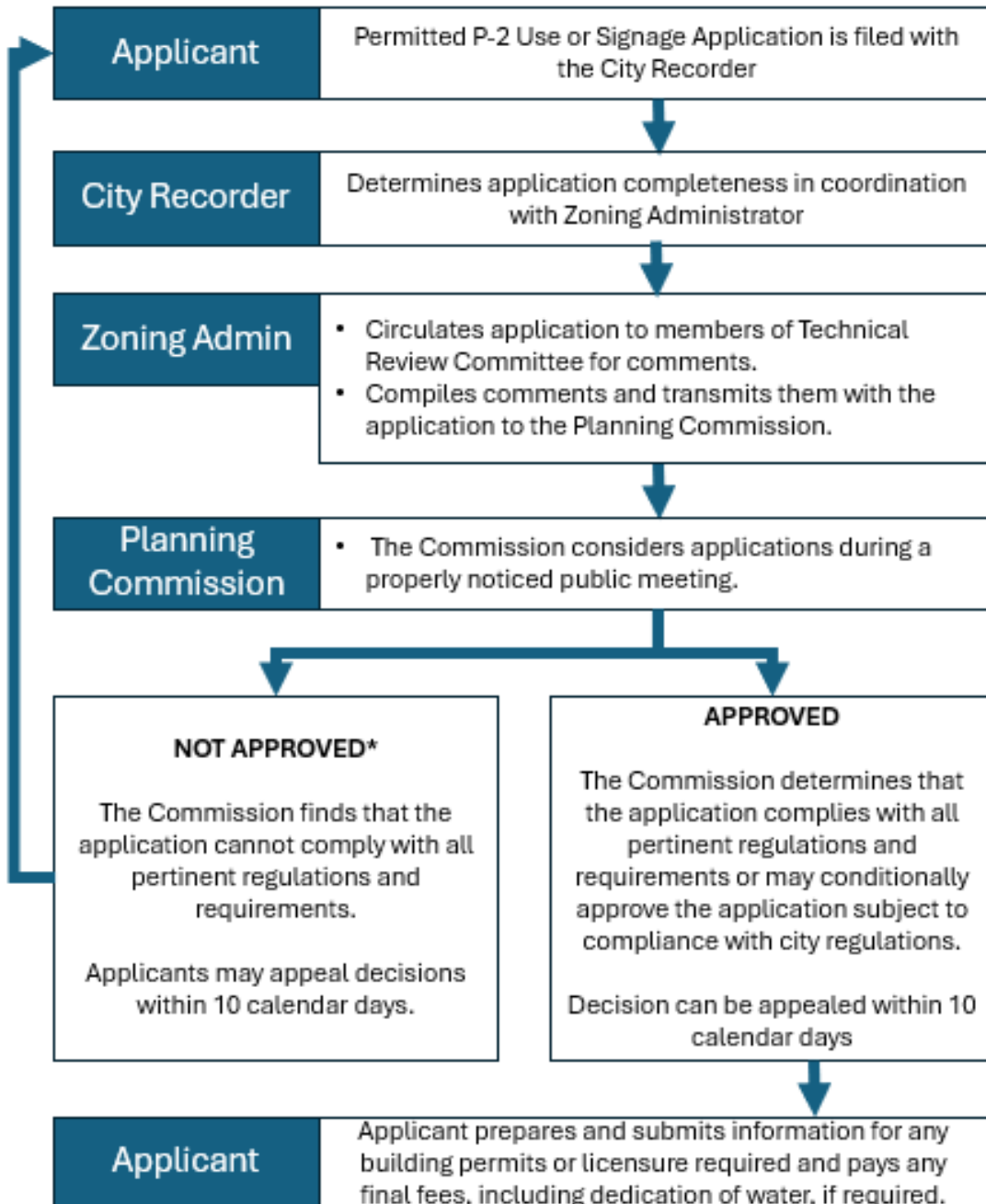
XLI. All Figures in the Administrative Manual Chapter 15: Review Processes are deleted and replaced with the following figures. References in the text of the Administrative Manual are updated accordingly.

Figure 2-2	Review Procedures for Permitted P-1 Use or Signage Application
Figure 2-3	Review Procedures for Permitted P-2 Use or Signage Application
Figure 2-4	Review Procedures for Conditional Use or Signage Application
Figure 2-5	Review Procedures for Appeals
Figure 2-6	Review Procedures for General Plan or Code Amendment Requests
Figure 2-7	Review Procedures for Minor Residential Subdivisions
Figure 2-8	Review Procedures for Major Residential Subdivisions
Figure 2-9	Review Procedures for Master-Planned Residential or Commercial Subdivisions
Figure 2-10	Review Procedures for Variance Requests
Figure 2-11	Review Procedures for Determining Legal Non-Conforming Use or Legal Non-complying Structure status
Figure 2-12	Review Procedures for a Takings Review

**FIGURE 2-2
Review Procedures for
Permitted P-1 Use or Signage Application**



**FIGURE 2-3
Permitted P-2 Use or Signage Application
Review Procedures**



**FIGURE 2-4
Conditional Use or Signage Application
Review Procedures**

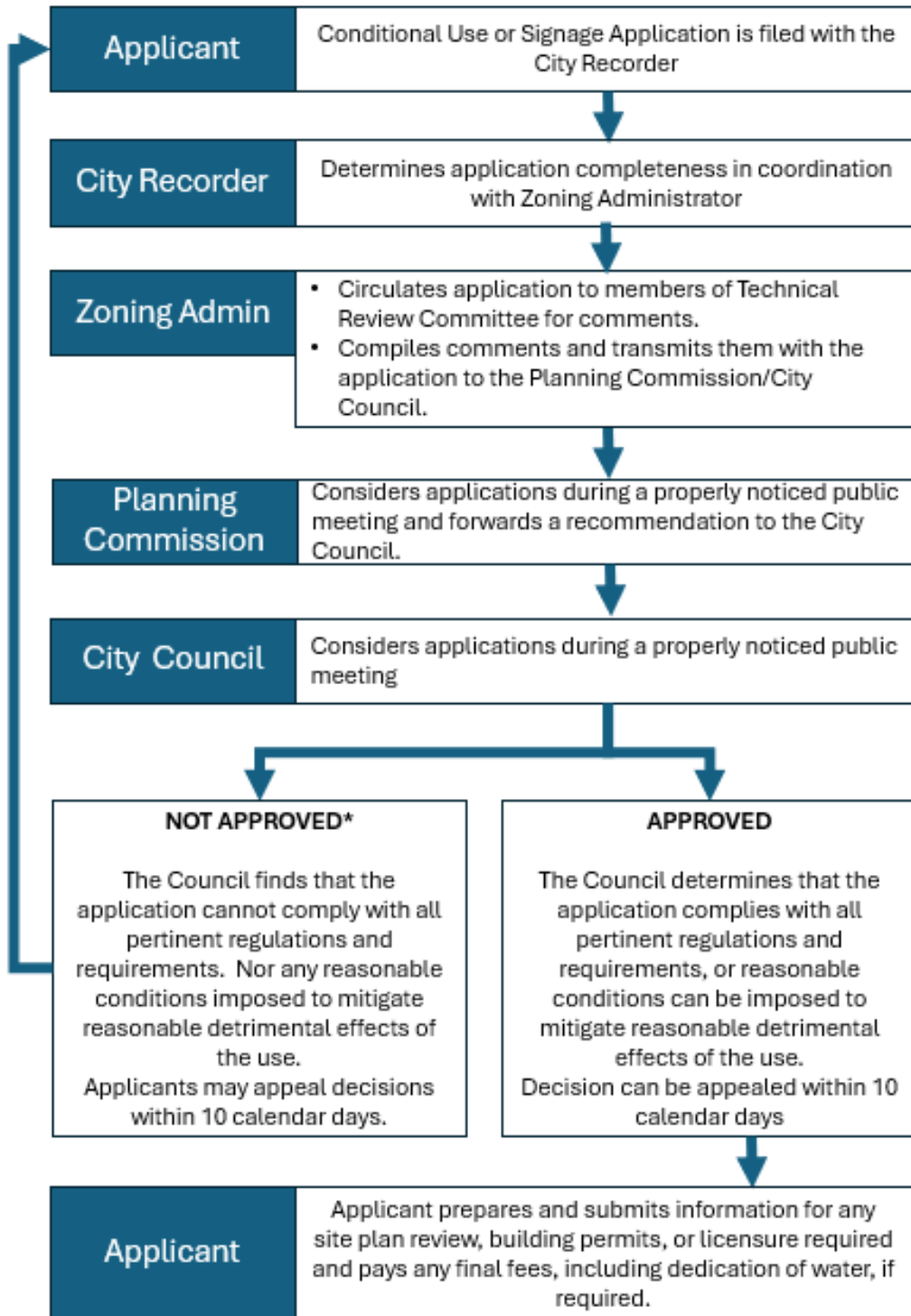


FIGURE 2-5
Review Procedures for Appeals

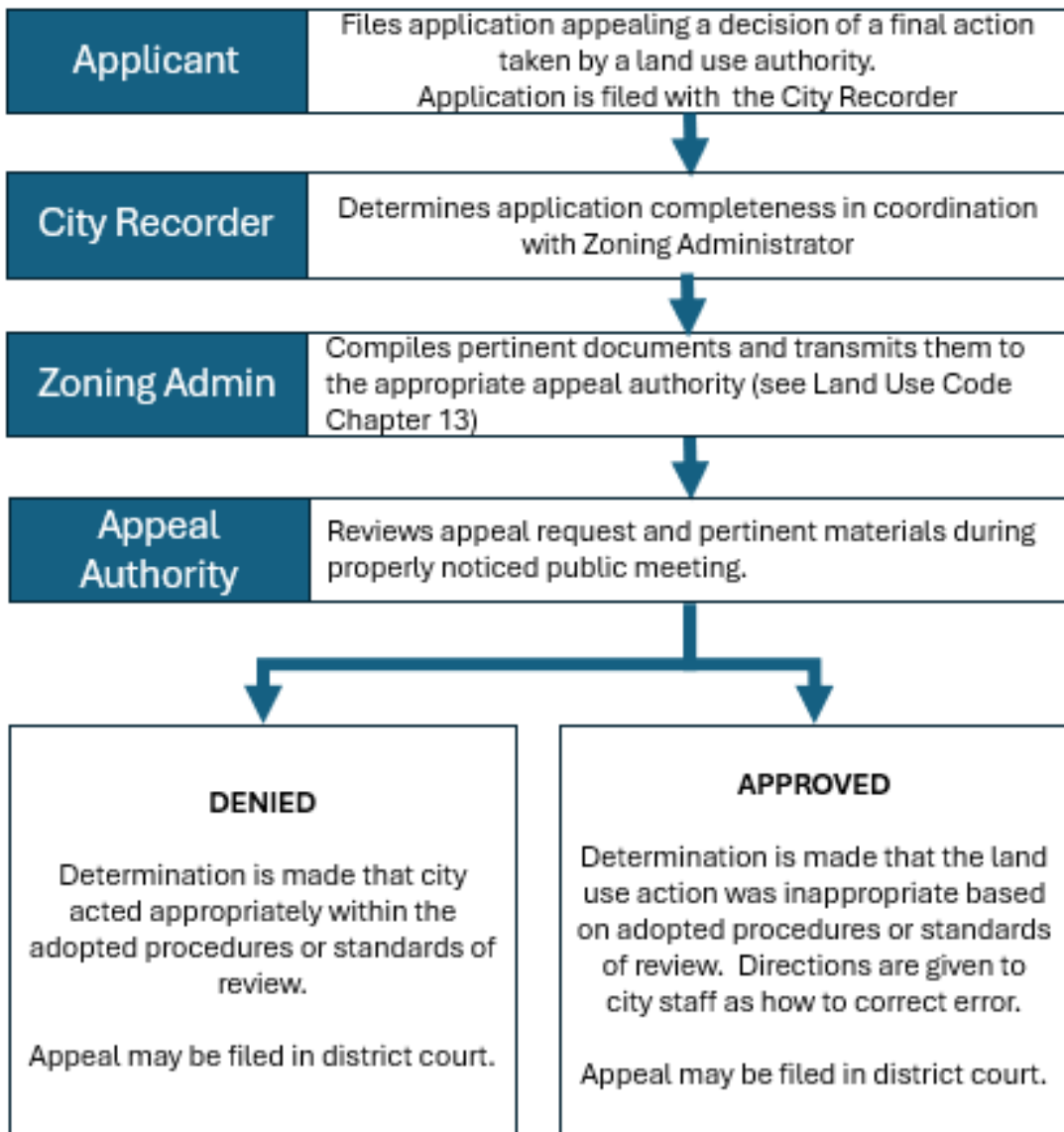
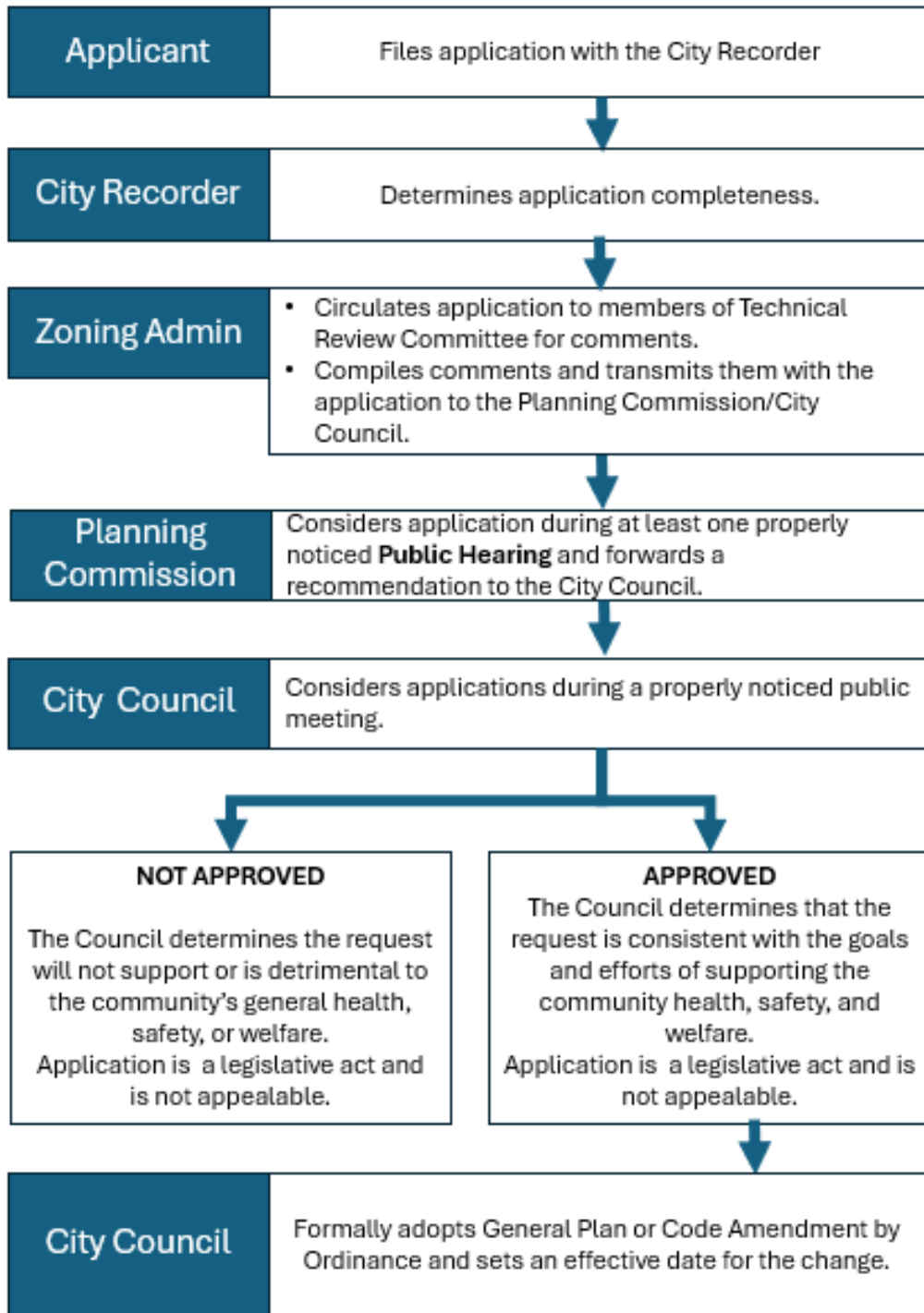


FIGURE 2-6
Review Procedures for
General Plan Amendment or Code Amendment



Ordinance 2024-12 Amendments to Gunnison City Administrative Manual

Figure 2-7 Minor Residential Subdivision Review Process

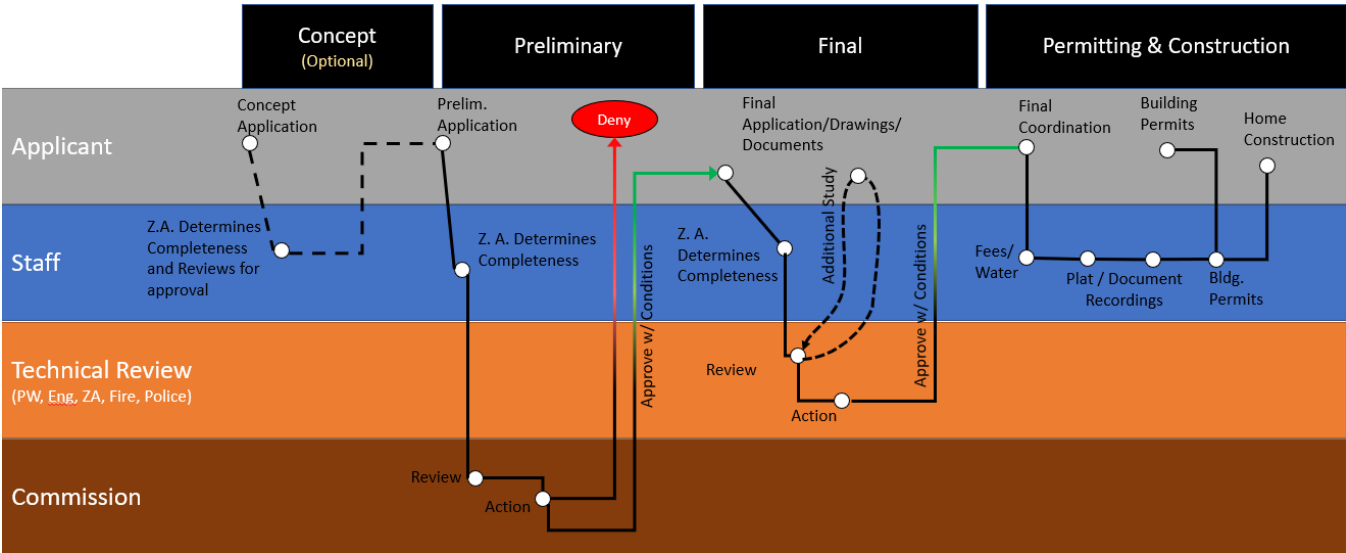
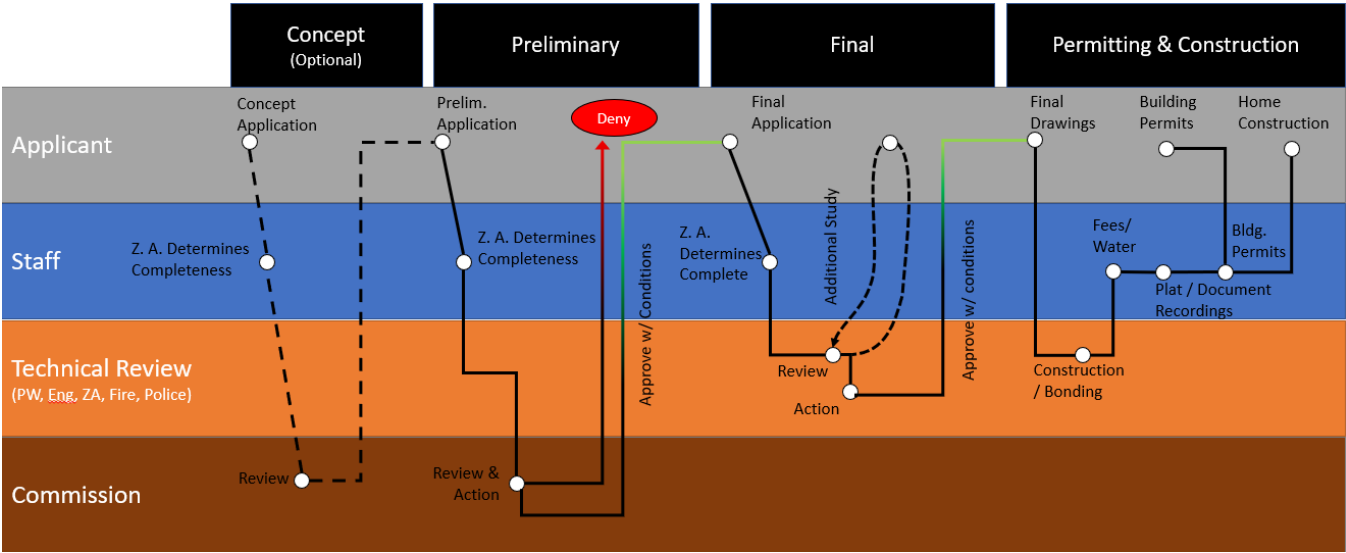


Figure 2-8 Major Residential Subdivision Review Process



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Figure 2-9 Review Process for Master-Planned Residential or Commercial Subdivision Developments

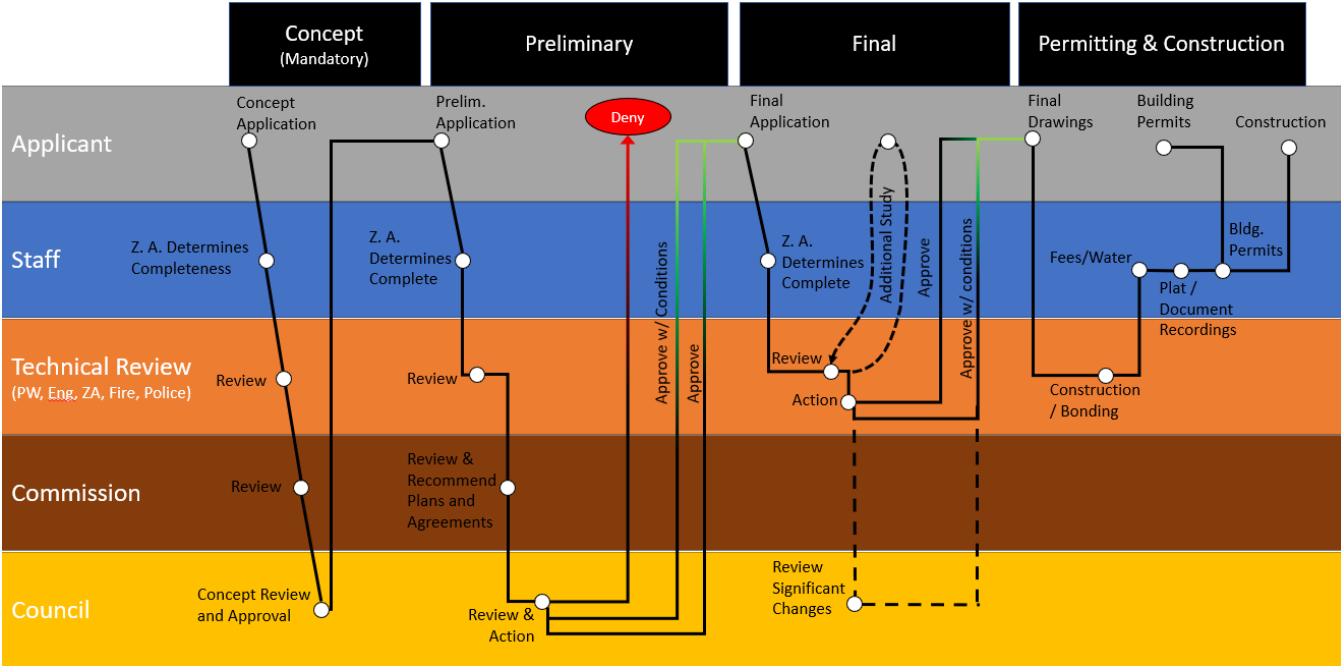


FIGURE 2-10
Review Procedures for Variances

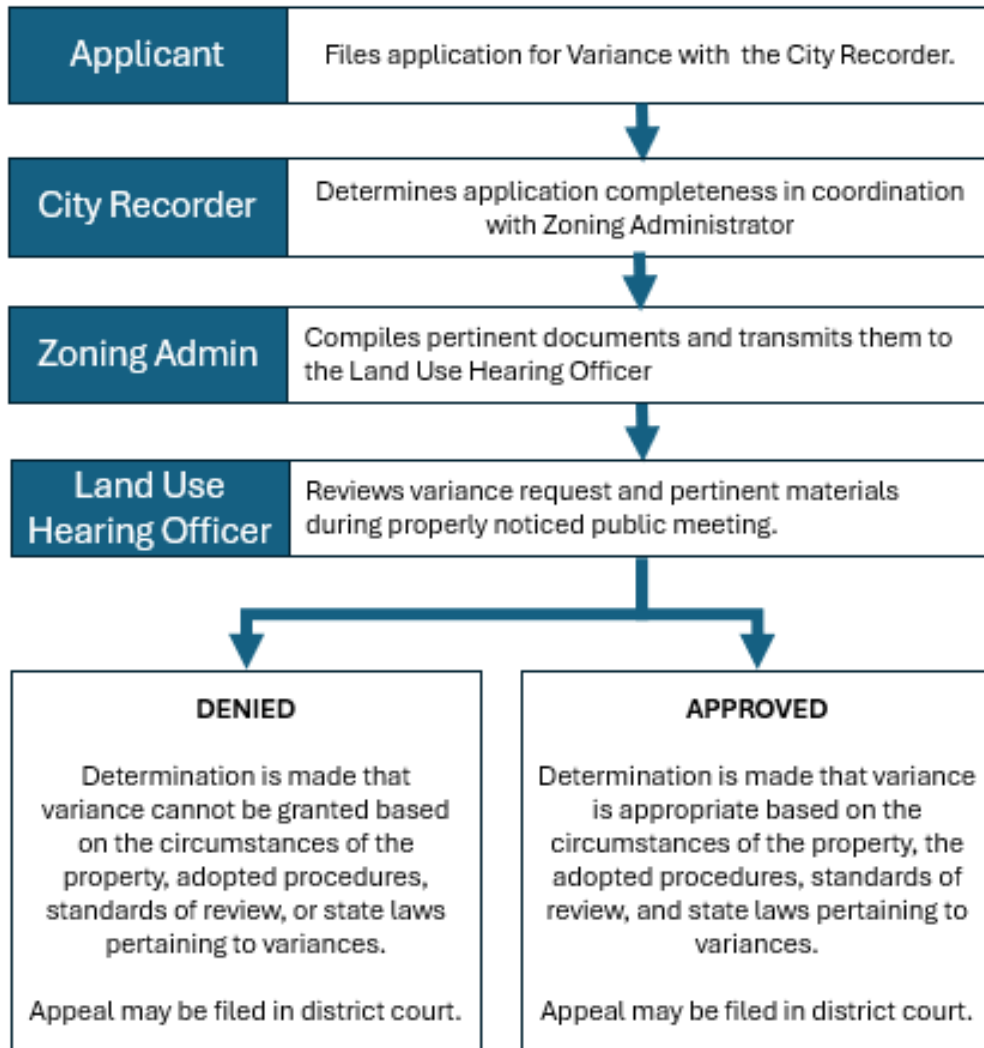
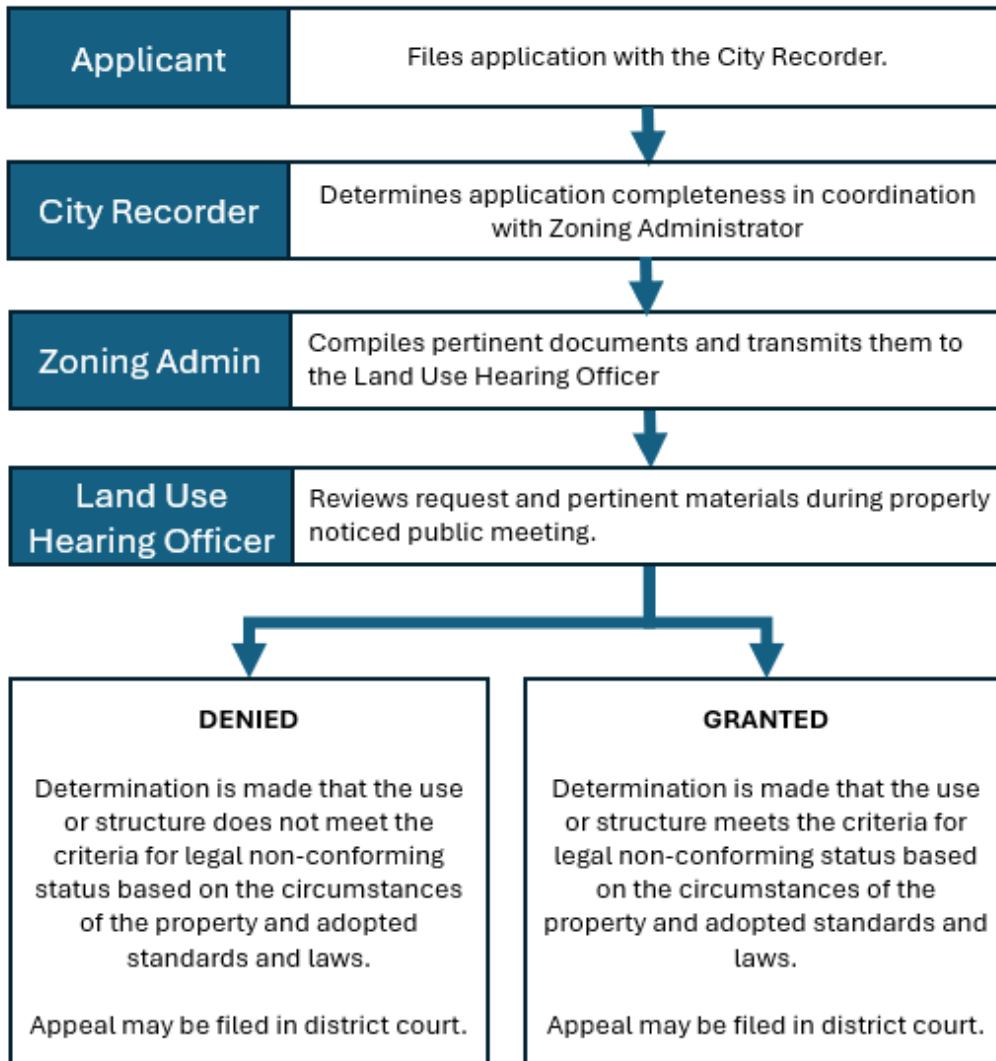
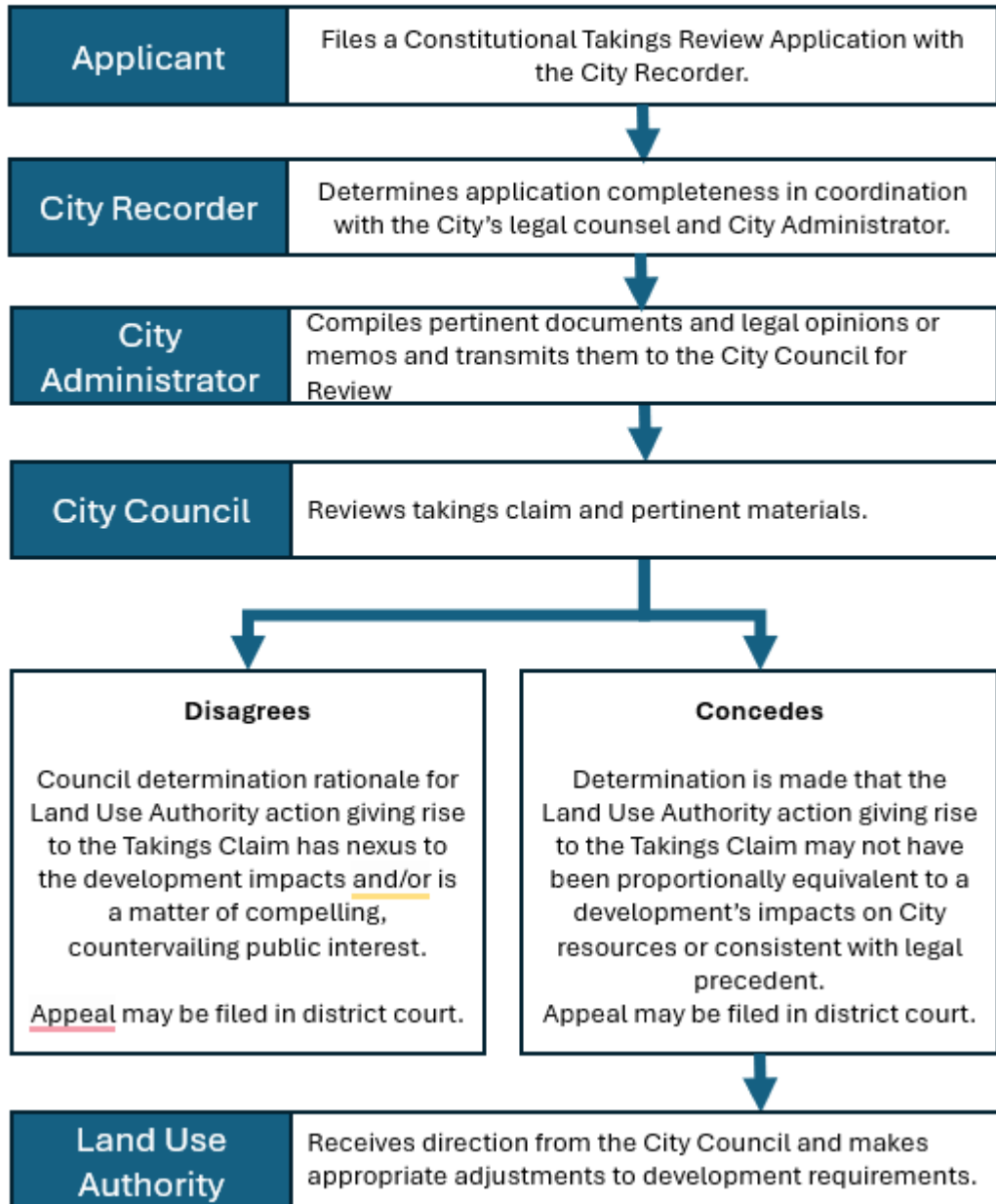


FIGURE 2-11
Review Procedures for Determining Legal Non-Conforming Use or Legal Non-Complying Structure



See Chapter 11 of the Land Use Ordinance.

FIGURE 2-12
Review Procedures for Constitutional Takings Review



XLII. Gunnison Municipal Code, Chapter 8, Section 8.10.020 Duties and Powers of Building Inspector, is amended as follows: (Underlined text is added and stricken text is deleted).

The Building Inspector shall have the following duties and powers.

1. To enforce the provisions of the codes hereinafter adopted.
2. To enforce the provisions of the ~~Development Code~~ Land Use Ordinances of the City in conjunction with the City's Zoning Administrator. ~~(Zoning Ordinance)~~
3. To review permit applications for conformance with the above codes and to refuse to issue permits where plans do not comply.
4. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances or is dangerous or unsafe, the building official is authorized to stop work.
5. "Also, wherever violations occur, to consult with the City Attorney and to ~~issue stop orders and citations and/or to~~ give testimony, prepare exhibits, and provide other data which may be needed in the enforcement of said codes.
6. To perform such other duties as are from time to time assigned to him by the City Council.

XLIII. Gunnison Construction & Design Standards, is amended to add Chapter 8: Storm Drain Systems as follows:

Chapter 8 Storm Drain Systems

8.1 Purpose

The purpose of this chapter is to set guidelines for the management of storm water that ensures that all land development and improvements within the jurisdiction of Gunnison City have an adequate and safe storm water management system. These standards shall apply to all land development including but not limited to individual site grading, single-family home construction, subdivisions, and multi-family or non-residential developments.

8.2 General Requirements

The best available technology should be used to minimize off-site storm water runoff, increase on site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off site discharge of pollutants to ground and surface water. The best available technology may include measures such as retention basins, recharge trenches, piping, contour terraces, and swales.

The following general requirements apply to all new developments:

1. All storm water management systems must be approved by the city engineer.
2. All storm water calculations and designs shall be prepared by a qualified professional engineer using currently accepted civil engineering practices, applicable safety standards and city approved design standards. Calculations and designs shall be based on a field investigation taking into consideration the development's off site contributing and receiving drainage areas.
3. All storm water management systems shall provide on-site retention or detention for a 50-year storm event as noted in the design standards of Section 8.3.
4. A release rate of 0.20 cfs/acre may be allowed if discharging to a city storm drain system, and the storm drain system is deemed capable by the city engineer of handling this discharge
5. New developments, including individual home construction, shall not cause a natural drainage channel to be filled in, obstructed, or diverted. When proposing modifications to a natural drainage channel, a development drainage control plan shall be submitted for approval by the city engineer.
6. The point where the natural drainage channel enters and leaves the property shall not be changed without approval of the city engineer.
7. Storm drain improvements shall be considered to be permanent and shall be designed and constructed accordingly. Storm drain improvements shall be designed for trouble free maintenance.
8. All lots shall be graded with a minimum slope of two percent (2%) away from any building for at least ten feet (10') from the building. Where setbacks requirements are less than 10' a grading and drainage plan shall be submitted for engineering approval to show how proper drainage from the building will be maintained.
9. All storm water management systems shall be separate and independent from sanitary sewer systems.

10. Maintenance easements shall be provided for storm water facilities where such facilities are located outside of the public right of way. The size of the easement should be dictated by working needs. In general, the easement should be twenty feet (20') in width for one utility and five (5) additional feet, if practicable, for each additional utility located in the same easement.
11. All storm water management systems shall be designed for erosion control, the velocity should be estimated and compared to the allowable velocity for the material on which the water is flowing.

8.3 Design Standards

The following design standards shall apply to the design of all storm water management improvements whether public or private, whether new development or "off site", whether above or below design discharge points, whether within a floodplain or not, or within a natural channel or not:

1. Hydrology: Estimation of peak storm water runoff rates shall be performed using the Rational method or a hydrograph method analysis accepted by the city engineer.
2. Storm Frequency:
 - a. All storm water management systems shall provide collection and on-site retention of a one (1) hour 50-year storm event, and
 - b. Control the flooding hazard of a 100-year storm event.
3. Storm Intensity: The intensity used for design purposes shall be according to the most recent data from the National Oceanic and Atmospheric Administration
4. Collection: Storm water inlets are located at the transition between open surface flow and a closed conduit system. They are either constructed as part of the street's curb and gutter system or used to drain open areas.
 - a. Inlets shall be designed and constructed to remove runoff from surfaces when the flows exceed the criteria for velocity, reduce the spread of water across streets, eliminate the flow of runoff across intersections, and to prevent localized ponding.
 - b. Inlet boxes shall be spaced to ensure that there will be no curb overtopping during a 50-year storm event.
 - c. Inlet box spacing shall not exceed five hundred feet (500') for any length of curb and gutter.
 - d. The vertical height of any curb opening should be no greater than six inches (6").
 - e. All inlet boxes shall have a "snout" type grease trap (or approved equivalent) over the outlet of the box.
 - f. Curb inlet box grates shall be D&L model I-3517 (or approved equivalent).
 - g. All inlet grates must be bicycle safe.
 - h. Assume fifty percent (50%) blockage of inlets when designing capacity.
5. Conveyance: In general, storm water conveyance capacity shall be designed to safely convey runoff resulting from a 25-year storm event. At no time shall the storm water management system be designed to be a pressurized system without prior approval from the city engineer.
 - a. Runoff collected in ditches or natural channels shall be carried as far as practical before entering an underground pipe system.
 - b. All open channels used to convey storm water must have a minimum freeboard of twelve inches (12").

- c. Open channel side slopes shall be limited to a maximum of three to one (3:1) (3 horizontal, 1 vertical), unless otherwise approved by the city engineer.
 - d. Open channels must be designed to have adequate maintenance access along its entire length.
 - e. Pipes must be designed to adequately handle storm water flows resulting from a 25-year storm event.
 - f. The minimum pipe size shall be fifteen inches (15") in diameter.
 - g. The minimum slope of storm water piping shall be 0.2 percent.
 - h. All storm drain pipe shall be designed by applying Manning's equation. The Manning's "n" value shall represent that value that will be appropriate during the useful life of the pipe, rather than that of a new pipe.
 - i. Pipe sizes fifteen inches (15") through twenty two inches (22") in diameter can be PVC, HDPE, ductile iron, or reinforced concrete. Pipe sizes twenty four inches (24") diameter and larger shall be reinforced concrete.
 - j. Junction boxes shall have a minimum inside diameter of forty-eight inches (48").
6. Streets And Curbs: Planning a drainage system should be done simultaneously with street layout and gradient planning, and careful consideration should be given to the following:
- a. The functions of streets as parts of the storm water management system.
 - b. Street slopes in relation to storm water capacity and flow velocity in gutters.
 - c. Location of streets in relation to natural streams, storage ponds and open channel components of the system.
 - d. Location and capacity of inlet points to pipes in relation to gutter slopes, the spread of water across streets and the flow of water across intersections.
 - e. Coordination of street grades with lot drainage; positive slope away from all sides of the house should be accomplished. Lot drainage becomes difficult when there is less than one and one-half (1 1/2) to two percent (2%) fall from the earth grade at the center rear of the house to the street curb at the lowest front corner of the lot.
7. Street Flooding Evaluation: In general, the following criteria should be used to determine at what threshold street flooding should be considered unacceptable:
- a. For the 50-year storm event:
 1. Allowable flows in streets shall be limited to the height of the curb.
 2. Flow shall not extend into traffic lanes.
 3. Storm water runoff should be discharged into storm drains as soon as is practically possible.
 - b. For the 100-year storm event:
 1. Street flooding is acceptable as long as no property damage occurs.
 2. Street flooding should be contained within the road right of way.
 3. Street flooding should at no time exceed twelve inches (12") in depth.
 4. Street flooding should not exceed two (2) hours in duration.
8. Flow Across Intersections: A critical situation exists where a street on a grade intersects with another street, especially a collector road. Cross gutters shall be provided along all collector or higher class streets. For local roads cross gutters shall be provided to eliminate ponding at low

points of intersections. Even when the flow on the grade is severely limited, great care should be taken to provide that inlets will intercept virtually all the flow from a 25-year storm event.

9. Storm Water Retention: Storm water retention shall be designed to reduce peak runoff rates, aid in the replenishment of the ground water supply, provide an attenuation mechanism for storm water treatment, lessen the possibility of downstream flooding, stream erosion, and sedimentation, and can be used in the development of upstream areas to avoid increasing the runoff peaks which impact existing downstream facilities. Storm water storage shall be provided by either sumps or retention basins.
 - a. Sumps: Under favorable conditions of deep, permeable subsoil, runoff may be discharged into sumps backfilled with gravels chosen and placed in accordance with sound graded filter principles. As long as the system does not become clogged by sediment, it will accomplish the dual purpose of disposing of at least part of the storm water and of recharging ground water storage. The following are sump design requirements:
 1. All new developments requiring sumps must locate them within the boundaries of the development.
 2. A percolation test must be performed within four hundred feet (400') of any proposed sump location and shall be witnessed by the city engineer.
 3. When calculating the percolation area of a sump, the area of the bottom of the sump is to be omitted.
 - b. Retention Basin:
 1. Retention basins are intended to temporarily store runoff and to provide ground water infiltration. They shall be designed to fully contain runoff of a 50-year storm event.
 2. Retention facilities should be located as far horizontally from surface water and as far vertically from ground water as is practicable. Retention facilities should not intercept the post-development ground water table, where practicable.
 3. If a retention basin is intended for access by the public, the maximum depth of the basin, from the invert to the top of the embankment, shall be three feet (3'), including one foot (1') of freeboard. All retention basins intended for public access shall be sodded or otherwise landscaped as approved by the city council upon recommendation from the city engineer.
 4. If a retention basin is not intended for public access, the basin depth may exceed three feet (3') but shall not exceed fifteen feet (15'), including one foot (1') of freeboard. Such retention basins shall not be located near streets and shall be out of public view. All retention basins not intended for public access must be enclosed by a six foot (6') high sight obscuring fence, having at least one 10-foot wide access gate. The fence must be placed on the outer edge of the embankment, providing maintenance access to the entire perimeter of the basin.
 5. The minimum top widths of all embankments shall be ten feet (10').
 6. Retention basins must be designed to have at least one foot (1') of freeboard.
 7. Side slopes of retention basins shall have a maximum slope of three to one (3:1) (3 horizontal, 1 vertical) unless approved by the city engineer.

8. Retention basins shall be designed to provide maintenance access around the entire embankment.

8.4 OPERATION AND MAINTENANCE

Adequate provision for short- and long-term maintenance of the storm water system is an important design consideration. Maintenance and replacement needs and costs should be considered.

When planning an on-site retention pond, determination should be made about long-term ownership and/or maintenance and operation of the facility. The choices will generally be between public and private organizations and the final decision will be dependent on local conditions.

8.5 SURFACE WATER TO BE RETAINED

All surface water drainage, rated to the capacity of a 50-year storm event, shall be retained and properly disposed of within the boundaries of the development. In the event that such surface water cannot be retained within the subdivision, such water may be properly disposed of off-site only through the applicant securing drainage easements for that purpose. No such off-site drainage shall be permitted except following city council approval upon recommendation of the city engineer. In no case shall any surface water be allowed to drain beyond the boundaries of any approved drainage easement.