

12B Land Use - Administration

12B-100 City Council

12B-101 Powers And Duties

For the purposes of this Title, the City Council shall be responsible for:

- A. Adopting the City's General Plan, all elements thereof, and all amendments thereto.
- B. Adopting the City's land use ordinances, including this Title, all provisions and requirements thereof and all amendments thereto.
- C. Directing the Planning Commission to prepare, or cause to be prepared, the General Plan, all elements thereof, and amendments thereto, and to submit such plan, elements, or amendments to the City Council for its consideration.
- D. Directing the Planning Commission to prepare, or cause to be prepared all land use ordinances, including subdivision and zoning ordinances, zoning district maps, other official maps, and all amendments thereto, and to submit such land use ordinances, maps or amendments thereto, to the City Council for its consideration.
- E. Ensure all procedures and provisions of the City's land use ordinances, including the subdivision and zoning ordinances, are consistently and equitably applied.
- F. When indicated as the Land Use Authority, reviewing and approving, approving with conditions or modifications, or denying all conditional use applications.
- G. When indicated as the Land Use Authority, reviewing and approving, approving with conditions or modifications, or denying subdivision applications.
- H. Acting as an Appeal Authority when required by the City's land use ordinances, including the subdivision and zoning ordinances.
- I. Rendering, or appointing a designee to render a determination when an applicant asserts a deprivation of property rights, or has been subject to a taking of property without just compensation, or has asserted some other constitutional invalidity.
- J. Establishing a fee schedule for all approvals, permits, and licenses required by the City's land use ordinance, including the subdivision and zoning ordinances.
- K. Taking such other action(s) as authorized by this Title or §10-20 of Utah State Code (as amended) which has not been expressly delegated by the City Council to another Land Use Authority.
- L. Exercising any other powers that are necessary to enable it to perform its functions as outlined in this Title.

12B-200 Planning Commission

12B-201 Creation

- A. There is hereby created a Planning Commission to be known and designated as the Planning Commission of North Logan City, Utah, to be appointed and to hold office as set forth hereunder, pursuant to §10-20-301 of Utah State Code (as amended).
- B. The Planning Commission shall consist of five (5) members, and such other alternate members as the Mayor with the advice and consent of the City Council deems appropriate.
- C. Members of the Planning Commission, including alternates, shall be residents of the City. In making appointments to the Planning Commission the following criteria shall be considered by the Mayor and City Council:
 - 1. **Geographic Location.** An effort should be made to provide a reasonable geographic distribution of members throughout the City.
 - 2. **Education, Occupation, And Expertise.** While it is desirable to have members with a wide variety of background and training, consideration should also be given for skills, knowledge, expertise, and experience in the areas of the land use planning, zoning, subdivision development, or other related fields including the processes involved, and the member's role therein.

12B-202 Compensation

- A. Members of the Planning Commission including alternates, shall be compensated for each meeting of the Planning Commission attended.
- B. The rate at which members of the Planning Commission including alternates are to be compensated shall be established each calendar year by resolution of the City Council.
- C. Members of the Planning Commission including alternates may also be reimbursed for any reasonable expenses incurred in performing their duties as a member or alternate member of the Planning Commission.

12B-203 Reserved

12B-204 Terms Of Office

- A. Each member of the Planning Commission shall serve for a term of three (3) years and until their successor is appointed.
- B. The terms of office for members of the Planning Commission shall be staggered in the following cycle:
 - 1. Two (2) of the five (5) members shall expire the first year;
 - 2. Terms of the next two (2) members shall expire the following year; and
 - 3. The term of the last member shall expire in the third year.

- C. Terms of office for members of the Planning Commission shall begin on or before the first Monday in February of each year.
- D. Each alternate member of the Planning Commission shall serve for a term of one (1) year.

12B-205 Removal Of Members And Alternates

- A. The Mayor upon the advice and consent of the City Council may remove any member of the Planning Commission including an alternate for cause. Cause shall include the nonperformance of duties and responsibilities of members and alternates outlined herein this Chapter, and shall include the repeated failure (i.e., three (3) consecutive meetings or twenty five percent (25%) of meetings in a calendar year) of a member or alternate to attend meetings of the Planning Commission, failure to disclose conflicts of interests or other actions intended to serve personal interests or financial gain.

12B-206 Vacancies

Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term.

12B-207 Alternate Members

- A. An alternate member shall serve in the absence of a member of the Planning Commission under rules established by the City Council.
- B. Alternate members may fully participate in work meetings, but will only be allowed to participate in a regular or special meeting of the Planning Commission when they are needed to fill a vacancy during the temporary absence of an absentee member.
- C. Alternate members shall take turns when filling in for an absentee member. It shall be the duty of the chair of the Planning Commission to determine the order and turns of the alternate members.
- D. No more than two (2) alternate members shall sit at any meeting of the Planning Commission in the place of absentee members at any time.
- E. An alternate member shall be entitled to vote on matters only when they are sitting in place of an absentee member.

12B-208 Organization; Meetings; Quorum; Voting

- A. The members of the Planning Commission shall select from their own members a chairperson or “chair” and vice chairperson or “vice chair” and such other officers as deemed necessary, whose terms will be for one (1) year, and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.
- B. In the absence of the chair, the vice chair shall act as the chair and shall have all powers of the chair. The chair, or in the chair’s absence, vice chair, shall be in charge of all proceedings before the Planning Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Planning Commission.

- C. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the Planning Commission.
- D. Reports of official acts and recommendations of the Planning Commission shall be public and made by the chair, or in the chair's absence, vice chair, in writing to the City Council and shall indicate how each member of the Planning Commission voted with respect to such act or recommendation.
- E. Any member of the Planning Commission may also make a concurring or dissenting report or recommendation to the City Council.
- F. The Planning Commission shall conduct regularly scheduled meetings which shall be advertised pursuant to state statutes. The Planning Commission may also call for special meetings to occur upon a majority vote of the members of the Planning Commission or by the chair.
- G. All meetings of the Planning Commission shall be open to the public.
- H. Three (3) members of the Planning Commission shall constitute a quorum. No meeting shall be called to order, nor may any business be transacted without a quorum being present.
- I. If a matter is postponed due to the lack of a quorum, the chair, or in the chair's absence, the vice chair, shall reschedule the matter to the next available Planning Commission meeting and notify any interested parties.
- J. All actions of the Planning Commission shall require the majority vote of the total members of the Planning Commission present.
- K. All decisions of the Planning Commission shall become effective on the date of the meeting when the decision is made, unless a different date is designated in the rules of the Planning Commission or the Planning Commission designates a different date when the decision is made.

12B-209 Duties And Powers

- A. The Planning Commission shall have all of the powers, duties, and responsibilities explicitly or impliedly given by the laws of the State of Utah and those specified in this Title.
- B. The Planning Commission shall have the authority to:
 - 1. Prepare, or cause to be prepared, the General Plan, all elements thereof, and amendments thereto, and to submit such plan, elements, or amendments to the City Council.
 - 2. Prepare or cause to be prepared all land use ordinances, including the subdivision and zoning ordinances, official maps, all standards, and requirements thereof, and all amendments thereto, and to submit such ordinances, official maps, standards, requirements, and all amendments to the City Council.
 - 3. Ensure all procedures and provisions of the City's land use ordinances, including the subdivision and zoning ordinances, are consistently and equitably applied.

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4. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny all conditional use applications.
5. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny subdivision applications.
6. When indicated as a Reviewing Body, recommend approval, approval with conditions or modifications, or denial of subdivision applications as authorized to the Land Use Authority.
7. Act as an Appeal Authority when required by the City's land use ordinances, including the subdivision and zoning ordinances.
8. Advise the City Council on matters as the City Council may direct.
9. Upon the approval of the City Council, employ experts and staff, including consultants, and pay expenses as may be reasonable and necessary for carrying out the duties defined in this Chapter; given, that expenditures may not exceed the amounts appropriated for the operation of the Planning Commission by the City Council.
10. Adopt bylaws, policies and procedures for the conducting of the meetings, consideration of applications, and for any other purpose deemed necessary by the Planning Commission provided that such bylaws, policies and procedures are first approved by the City Council before taking effect.
11. Exercise any other powers that are necessary to enable it to perform its functions as outlined in this Title.

12B-210 - 12B-217 Reserved

12B-300 Zoning Administrator

12B-301 Creation

- A. There is hereby created the position of Zoning Administrator to be known and designated as the Zoning Administrator of North Logan City, Utah.
- B. The Zoning Administrator shall carry out the administrative and interpretation responsibilities of the City's land use ordinances, including the subdivision and zoning ordinances as set forth in this Title or found elsewhere in the City's Municipal Code.
- C. The City Administrator, or a person designated by the City Administrator with the advice and consent of the Mayor and City Council, shall serve as the Zoning Administrator.

12B-302 Powers And Duties

The Zoning Administrator shall:

- A. Assist the Planning Commission in preparing, or cause to be prepared, the General Plan, all elements thereof, and amendments thereto, and submitting such plan, elements, or amendments to the City Council for consideration.
- B. Assist the Planning Commission in preparing or causing to be prepared all land use ordinances, including the subdivision and zoning ordinances, official maps, all standards, and requirements thereof, and all amendments thereto, and to submit such ordinances, official maps, standards, requirements, and all amendments to the City Council for consideration.
- C. Ensure all procedures and provisions of the City's land use ordinances, including the subdivision and zoning ordinances, are consistently and equitably applied.
- D. Receive all land use applications or other plans to be permitted or approved as required by the City's land use ordinances, including the subdivision and zoning ordinances, and review for completeness and prepare submittals for review by the Reviewing Body, Recommending Body, and Land Use Authority as required by this Title.
- E. Render interpretations of the City's land use ordinances, including the subdivision and zoning ordinances as needed.
- F. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny all permitted uses, including seasonal or temporary uses.
- G. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny all conditional use applications.
- H. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny subdivision applications.
- I. Exercise any other powers that are necessary to enable it to perform its functions as outlined in this Title.

12B-400 Development Review Committee (DRC)

12B-401 Creation; Purpose

- A. A Development Review Committee (DRC) to be known and designated as the Development Review Committee (DRC) of North Logan City, Utah, may be created and established by the City Administrator or the City's Administrator's designee with the advice and consent of the Mayor and City Council.
- B. The purpose of the DRC is to ensure that any proposed use, activity, building, or structure is consistent with the City's General Plan and complies with all requirements of the City's land use ordinances, including the subdivision and zoning ordinances, and all other applicable City ordinances and requirements.

12B-402 Membership

The DRC shall consist of person(s) representing various City Departments which are impacted by development or land use applications, and other person(s) as may be designed by the City Administrator or the City Administrator's designee, who are responsible for reviewing and coordinating applications for any approvals, permits, or licenses required in the City's Municipal Code.

12B-403 Powers And Duties

The DRC shall act under the direction of the City Administrator or the City Administrator's designee and shall have the following duties and responsibilities:

- A. Establish procedures for the conducting of DRC meetings, including but not limited to the scheduling of meetings, field trips, and any other DRC matters. Such procedures shall be approved by the City Administrator or the City Administrator's designee before taking effect.
- B. Ensure all procedures and provisions of the City's land use ordinances, including the subdivision and zoning ordinances, are consistently and equitably applied.
- C. When indicated as the Land Use Authority in this title, review and approve, approve with conditions or modifications, or deny submitted subdivision or land use applications.
- D. When identified as a Reviewing Body or Recommending Body in this Title the DRC shall review a submitted subdivision or land use application and provide a report of its findings to the applicable Land Use Authority which outlines the submitted subdivision or land use application's compliance or noncompliance with the City's adopted General Plan, applicable land use ordinances including the subdivision and zoning ordinance, and all other applicable City ordinances or design and construction standards.
- E. Exercise any other powers that are necessary to enable it to perform its functions as outlined in this Title.

12B-500 Appeal Authority

12B-501 Creation

- A. There is hereby created the position of the Administrative Appeals Hearing Officer, to be known and designated as the Administrative Appeals Hearing Officer (AAHO) of North Logan City, Utah.
- B. The authority to hear requests for variances from the terms of the City's adopted land use ordinance, including the subdivision and zoning ordinance, and appeals from decisions applying such ordinances shall be vested in the AAHO.

12B-502 Appointment; Powers And Duties

- A. The Mayor upon the advice and consent of the City Council shall appoint or contract with a person or person(s) to serve as the AAHO as required by this Title.
- B. If the City chooses to contract with a person or person(s) to serve as the AAHO, the AAHO shall serve upon the terms and conditions of the contract negotiated with the City which may be terminated with or without cause as determined by the contract.
- C. The AAHO shall:
 - 1. Establish procedures for the conducting meetings, including but not limited to the scheduling of meetings, and any other AAHO related matters. Such procedures shall be approved by the Mayor with the advice and consent of the City Council before taking effect.
 - 2. Recommend to the City Council and Planning Commission any amendments to the City's General Plan or any elements thereof as the AAHO considers necessary.
 - 3. Recommend to the City Council and Planning Commission and Zoning Administrator any amendments to any adopted land use ordinances, including the subdivision and zoning ordinances, as the AAHO considers necessary.
 - 4. Review and approve, approve with requirements, or deny all appeals applications as provided herein.
 - 5. Review and approve, approve with requirements, or deny all variance applications as provided herein.
 - 6. Keep a record of all proceedings that shall be filed with the City Recorder. All such records shall be available for public review and access in accordance with the laws of the State of Utah.
 - 7. Exercise any other powers that are necessary to enable it to perform its functions as outlined in this Title.
- D. The AAHO shall have no power, jurisdiction or authority to consider any of the following:

1. To hear any amendments, waivers or modifications to any of the standards governing the approval of any general plan amendment application or any land use ordinance amendment application.
2. To hear any amendments, waivers or modifications to the City's General Plan, any element, provision, or map thereof, or any provision or requirement of any land use ordinance, including the subdivision or zoning ordinance, any zoning district map or other official map.
3. To make any decisions or determinations that would have the effect of authorizing a use which is not identified within this Title.
4. To hear or decide any matter or application not expressly identified herein.

12B-503 Appealing Land Use Authority's Decision

An applicant, a board or officer of the City, or any person adversely affected by the Land Use Authority's decision applying a land use ordinance may, within the time period provided below, appeal that decision to the AAHO by alleging there is error in any order, requirement, decision, or determination made by the Land Use Authority in the decision applying the land use ordinance.

- A. **Time To Appeal.** An appeal shall be filed in writing with the City Recorder within ten (10) calendar days of the issuance of the Land Use Authority's written decision applying the land use ordinance.
- B. **Time For Hearing Appeal.** The AAHO shall hear the appeal within fifteen (15) to thirty (30) days of the date the appeal was filed.
- C. **Written Statement Setting Forth Theories Of Relief Required.** The appellant shall deliver to the AAHO and all other participants, five (5) business days prior to the scheduled hearing, a written statement setting forth each and every theory of relief they intend to raise at the hearing, along with a brief statement of facts in support thereof.
- D. **Condition Precedent To Judicial Review.** No person, board or officer of the City may seek judicial review of any decision applying a land use ordinance until after challenging the Land Use Authority's decision in accordance with this Title. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the AAHO.
- E. **Standard Of Review And Burden Of Proof On Appeal.** The AAHO shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is the responsibility of the appellant.
- F. **Due Process Rights.** The AAHO shall respect the due process rights of each participant(s).
- G. **Direct Appeal To District Court.** Notwithstanding the foregoing, decisions of the City Council relative to adopting or amending the City's General Plan or any other land use ordinance may only be appealed directly to the District Court.

12B-504 Variances

- A. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a lot or parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the AAHO for a variance from the terms of the ordinance.
 - 1. The AAHO may grant a variance only if:
 - a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. The variance will not substantially affect the City's General Plan and will not be contrary to the public interest; and
 - e. The spirit of the land use ordinance is observed and substantial justice done.
 - 2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the AAHO may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - 3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the AAHO may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - 4. In determining whether or not there are special circumstances attached to the property, the AAHO may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same zone.
- B. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- C. Variances shall run with the land.

- D. In granting a variance, the AAHO may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.

12B-600 Designation Of Land Use Authority

12B-601 Designation Of Land Use Authority

- A. The following tables designate the relevant Land Use Authority for land use approvals within the City.
- B. Pursuant to §10-20 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application.
- C. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

TABLE 1 - Designation Of Land Use Authority (Zoning Ordinance Related Land Use Approvals)

Type Of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Annexation	DRC	Planning Commission	City Council	County Boundary Commission
General Plan Amendment	City Staff	Planning Commission	City Council	District Court
Temporary Land Use Regulations	N/A	N/A	City Council	District Court
Land Use (Zoning) Ordinance Amendments	City Staff	Planning Commission	City Council	District Court
Land Use (Zoning) Map Amendments	City Staff	Planning Commission	City Council	District Court
Administrative Interpretation Of Land Use Ordinances	Zoning Administrator	N/A	Zoning Administrator	Administrative Appeals Hearing Officer (AAHO) / District Court
Zoning District Boundary	Zoning Administrator	N/A	Zoning Administrator	Planning Commission /

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Interpretation				District Court
Development Agreements; Master Development Plan	DRC	Planning Commission	City Council	District Court
Permitted (P) Uses Including Expansion / Modification	Zoning Administrator	N/A	Zoning Administrator	Administrative Appeals Hearing Officer (AAHO) / District Court
Conditional (C-CC) Uses Including Expansion / Modification	City Staff	Planning Commission	City Council	Administrative Appeals Hearing Officer (AAHO) / District Court
Conditional (C-PC) Uses Including Expansion / Modification	City Staff	DRC	Planning Commission	Administrative Appeals Hearing Officer (AAHO) / District Court
Conditional (C-ZA) Uses Including Expansion / Modification	City Staff	DRC	Zoning Administrator	Administrative Appeals Hearing Officer (AAHO) / District Court
Site Plan Review / Zoning Clearance	City Staff	DRC	Zoning Administrator	Administrative Appeals Hearing Officer (AAHO) / District Court
Determination Of Nonconforming Use / Noncomplying Structure	City Staff	City Staff	Zoning Administrator	Administrative Appeals Hearing Officer (AAHO) / District Court
Amortization Of Nonconforming Use / Noncomplying Structure	City Staff	City Staff	City Council	Administrative Appeals Hearing Officer (AAHO) / District Court
Variance / Appeals	N/A	N/A	Administrative Appeals Hearing	District Court

			Officer (AAHO)	
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TABLE 2 - Designation Of Land Use Authority (Subdivision Ordinance Related Land Use Approvals)

Type Of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Temporary Land Use Regulations	N/A	N/A	City Council	District Court
Land Use (Subdivision Ordinance) Amendments	City Staff	Planning Commission	City Council	District Court
Administrative Interpretation Of Land Use Ordinances	Zoning Administrator	N/A	Zoning Administrator	Administrative Appeals Hearing Officer (AAHO) / District Court
Development Agreements	DRC	Planning Commission	City Council	District Court
Subdivision Amendment	DRC	DRC	Planning Commission	Administrative Appeals Hearing Officer / District Court
Vacation of Public Right-of-Way or Public Utility Easement	DRC	DRC	City Council	Administrative Appeals Hearing Officer / District Court
Subdivision Amendment Including Vacation Of Public Right-Of-Way or Public Utility Easements	DRC	Planning Commission	City Council	Administrative Appeals Hearing Officer / District Court
Simple Boundary Adjustments / Full Boundary Adjustments (Without Subdivision Plat Amendment)	Zoning Administrator	Zoning Administrator	Zoning Administrator	Administrative Appeals Hearing Officer / District Court
Variance / Appeals	N/A	N/A	Administrative Appeals Hearing Officer	District Court

Residential Single Family, Two Family or Townhome Subdivision Projects:				
Pre-Application Meeting / Concept Plan (Method 1: Standard Subdivisions/Method 2: Lot-Averaging Subdivisions (If Requested By Applicant))	DRC	DRC	DRC	N/A
Preliminary Subdivision Plat (Method 1: Standard Subdivisions/Method 2: Lot-Averaging Subdivisions)	DRC	DRC	Planning Commission	Administrative Appeals Hearing Officer / District Court
Final Subdivision Plat (Method 1: Standard Subdivisions/Method 2: Lot-Averaging Subdivisions)	DRC	DRC	DRC	Administrative Appeals Hearing Officer / District Court
Pre-Application Meeting (Method 3: Bonus Density Subdivisions)	DRC	DRC	DRC	N/A
Concept Plan Review (Method 3: Bonus Density Subdivisions)	DRC	DRC	Planning Commission	Administrative Appeals Hearing Officer / District Court
Preliminary Subdivision Plat (Method 3: Bonus Density Subdivisions)	DRC	DRC	Planning Commission	Administrative Appeals Hearing Officer / District Court
Final Subdivision Plat (Method 3: Bonus Density Subdivisions)	DRC	DRC	DRC	Administrative Appeals Hearing Officer / District Court
Sensitive Lands (Preliminary Subdivision Plat)	DRC & 3rd Party Geologic Reviewer	Planning Commission	City Council	Administrative Appeals Hearing Officer / District Court

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Sensitive Lands (Final Subdivision Plat)	DRC & 3rd Party Geologic Reviewer	N/A	DRC	Administrative Appeals Hearing Officer / District Court
All Other Subdivision Projects:				
Pre-Application Meeting	DRC	DRC	DRC	N/A
Concept Plan Review	DRC	N/A	DRC	Administrative Appeals Hearing Officer / District Court
Preliminary Subdivision Plat	DRC	Planning Commission	City Council	Administrative Appeals Hearing Officer / District Court
Final Subdivision Plat	DRC	N/A	DRC	Administrative Appeals Hearing Officer / District Court
Sensitive Lands (Preliminary Subdivision Plat)	DRC & 3rd Party Geologic Reviewer	Planning Commission	City Council	Administrative Appeals Hearing Officer / District Court
Sensitive Lands (Final Subdivision Plat)	DRC & 3rd Party Geologic Reviewer	N/A	DRC	Administrative Appeals Hearing Officer / District Court

12B-700 General Application Requirements And Processing

12B-701 General Application Requirements

The Land Use Authority shall review and approve submitted applications for land use and development as provided in this Chapter. The following general requirements shall apply to an application required by this Chapter.

- A. **Application Forms.** Submitted applications shall be on forms provided by the City, and with the required documentation outlined on such application in quantities as reasonably required by the City for each particular type of land use application. Applicants shall submit all applications to the City for review to ensure compliance with the requirements as outlined in this Chapter.
- B. **City Initiated Applications.** The Zoning Administrator, Planning Commission, or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this Chapter shall apply to an application initiated by the City.
- C. **Accurate Information.** All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this Chapter shall be accurate and complete.
- D. **Determination Of A Complete Application.** After receipt of an application the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.
- E. **Fees.** The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, act upon the application, and conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable except as provided in this Title. Applications initiated by the City shall not require fees.
- F. **Validity.** The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence. Unless otherwise stated in this Title, land use application approvals granted by the Land Use Authority shall be valid for a period of one (1) year.
- G. **Extensions Of Time.** Unless otherwise prohibited or outlined in this Title, upon written request for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this Title on such application, its approval, or the applicant, provided that the Zoning Administrator receives such a request or initiates an

extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed six (6) months.

12B-702 Abandoned Applications

- A. Any complete application required by this title, including all fees paid, that has been filed with the City shall be allowed to comply with the land use regulations in effect at the time that the complete application was filed. However, in the event the applicant does not move forward with the land use application within three (3) months of the application date, the application may be deemed to have been abandoned by the applicant and the Zoning Administrator may reject the application in writing and return the application and associated documents to the applicant.
- B. If reviews have been performed by the City, no refund of fees shall be issued to the applicant.
- C. The applicant of an abandoned application may reapply to the City for land use approval at a later date in time, but shall be required to complete a new application, including the payment of fees as outlined in the City's fee schedule.
- D. The reapplication, once accepted by the City, shall be subject to the provisions of this title in effect at the time the complete reapplication was filed.

12B-703 Applicant Notice Required; Waiver Of Requirements

- A. For each land use application required by this title, the City shall:
 - 1. Notify the applicant of the date, time and place of each public hearing and public meeting to consider the application;
 - 2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
 - 3. Notify the applicant of any final action on a pending application.
- B. If the City fails to comply with the requirements of this Section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

12B-704 Annexation

- A. **Master Annexation Policy Declaration.** The City hereby adopts the following master annexation policy declaration pursuant to §10-2-4 of Utah State Code (as amended):
 - 1. **Map.** Attached to this ordinance and codified herein is a master annexation policy declaration map which describes the unincorporated territory into which the City anticipates or favors expansion of its boundaries. Where feasible and practical, areas projected for municipal expansion have been drawn along the boundary lines of existing sewer, water, improvement, or special service districts in order to:

- a. Eliminate islands and peninsulas of unincorporated territory;
 - b. Facilitate the consolidation of overlapping functions of local government;
 - c. Promote service delivery efficiencies; and
 - d. Encourage the equitable distribution of community resources and obligations.
2. **Statement Of Criteria.** The specific criteria pursuant to which the City will favor or not favor a petition for annexation includes the following:
- a. The annexation shall conform to the requirements, procedures, and standards established by §10-2-4 of Utah State Code (as amended), which includes the following standards:
 - (1) The area to be annexed shall be contiguous to the boundaries of the City at the time the annexation is approved by the City Council.
 - (2) The area proposed to be annexed shall lie within the area projected for municipal expansion under this master annexation policy declaration.
 - (3) The area to be annexed shall not be located within the boundaries of another incorporated municipality, except as otherwise provided in §10-2 of Utah State Code (as amended).
 - (4) The proposed annexation shall not create unincorporated islands within the boundaries of the City except that existing islands or peninsulas within the City may be annexed in portions, leaving islands, if the City Council finds that the creation or leaving of an island is in the interest of the City.
 - (5) If the territory proposed for annexation includes urban development, the annexation of which would displace municipal-type services being provided at that time by an affected entity which applies for a boundary commission review, then the actual taxes and other revenue which would be lost by the affected entity because of the annexation must not significantly exceed the affected entity's actual delivery costs of services assumed by the City.
 - b. The annexation shall be compatible with the character of the City which is comprised of commercial, residential, and agricultural areas and the annexation shall conform to the master street, development, sewer, zoning, and other such plans as adopted by the City at the time the annexation petition is submitted, all such master plans being maintained and available for review at the office of the City Recorder.
 - c. The annexation shall not be approved unless and until the need for municipal services in developed and developing unincorporated areas, the

plans and time-frame of the of the City for extension of municipal services, the financing of such services, and nature of such services have been duly determined as to the territory proposed to be annexed and the effect of such annexation on the residents and owners of property in the City in terms of the foregoing aspects related to services duly evaluated. In any event, the following elements as to municipal services shall be considered:

(1) Description of services needed:

- (A) Type;
- (B) Scope;
- (C) Location and area to be served;
- (D) Time when needed;
- (E) Phases of and priorities as to various services; and
- (F) Phases of intended development.

(2) Extension of services:

- (A) Current and anticipated future City plans for extension of services within the existing City limits; and
- (B) Effect on current plans and anticipated plans and timetables for extension of services if proposed area is not annexed.

(3) Finances:

- (A) Costs of services to the City;
- (B) Costs of services to be paid by landowners or area sought to be annexed; and
- (C) Method of financing and time for payment by owners or developers.

- d. Prior to and as a condition of the approval of any annexation petition, an estimate of the tax consequences to residents in both the then existing City and the area proposed to be annexed would have to be ascertained, considered, and deemed acceptable. In particular, consideration would have to be given as to the impact, if any, upon residents and owners both within the City and the new area with or without annexation. It should be noted that the tax consequences of any proposed annexation should be very little in that the costs of annexation and the extension and maintaining of municipal services to areas to be annexed should be borne by that area. Property taxes for unincorporated areas would increase by the amount of the mill levy of the City.

- e. Because of the requirements of §10-2 of Utah State Code (as amended), full consideration of the interests of all affected entities as defined therein shall be taken into account and the procedures of that chapter followed. In particular any annexation would have to be considered in light of the following:
 - (1) Identify of any affected entity;
 - (2) Description of geographic proximity of proposed territory to any affected entity;
 - (3) Possible effects upon the affected entity if territory is annexed and if it is not; and
 - (4) Nature and extent of anticipated opposition, if any, of any affected entity to the annexation.
- 3. **Amendments.** This policy declaration, including the map, may be amended from time to time by the City Council after at least twenty (20) day's notice and a public hearing.
- 4. **Specific Declaration.** When a policy declaration is prepared in response to a specific petition for annexation, the petitioner shall pay all of the costs for the preparation thereof.

12B-705 General Plan Amendments

- A. **Purpose.** The City has previously adopted a General Plan. For the purposes of this Section, general plan amendments shall include the addition of new elements to the General Plan as well as any comprehensive revisions to or adoption of the same.
- B. **Authority.** The City may from time to time amend the General Plan as provided in this Section. Such amendments may include any matter within the scope of the General Plan or as required in §10-20-4 of Utah State Code (as amended). The Land Use Authority for a General Plan amendment is outlined in Section 12B-601 (Designation Of Land Use Authority).
- C. **Initiation.** Anyone may propose amendments to the General Plan as provided in this Section.
- D. **Procedure.** The City shall process and consider General Plan amendments as provided in this Section.
- E. **Application.** Anyone proposing an amendment to the General Plan shall do the survey and analysis work necessary to justify the proposed amendment. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:

1. For Map Amendments:

- a. One (1) 8 ½" x 11" map showing the area of the proposed amendment;
- b. Current copy of the County Assessor's parcel map showing the area of the proposed amendment;
- c. Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half (½) mile beyond such area;
- d. Correct property addresses of parcels included within the area of the proposed amendment;
- e. Written statement specifying the potential use of property(ies) within the area of the proposed amendment;
- f. Written statement explaining why the existing General Plan designation for the area is no longer appropriate, desirable, or feasible; and
- g. Analysis of potential impacts of the proposed amendments on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, and such other matters as the City may require.

2. For Text Amendments:

- a. Written statement showing the desired language change and explaining why the existing General Plan language is no longer appropriate, desirable, or feasible;
- b. Analysis of potential impacts of the proposed amendment; and
- c. Map showing affected geographic areas based on the proposed text changes.

F. Determination Of Complete Application. After the Zoning Administrator or designee determines the completeness of an application, or prior to a City initiated General Plan amendment, the City shall provide Class A notice of the intent to prepare a general plan or comprehensive general plan amendment in accordance with the provisions outlined in §10-20-203 and §10-20-204 of Utah State Code (as amended). After providing the required notice, the Zoning Administrator or designee shall transmit the application to the Reviewing Body as outlined in Section 12B-601 (Designation Of Land Use Authority) for review and preparation of a staff report evaluating the proposed amendment.

G. Planning Commission Hearing. The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-20-404 of Utah State Code (as amended) and shall review the staff report prepared by the Reviewing Body, and recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.

- H. **City Council Adoption.** The City Council shall review the proposed general plan amendment, and the recommendation of the Planning Commission. The City council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.
- I. **Appeals.** Any person adversely affected by the final decision of the City Council to amend the General Plan may appeal that decision to the District Court as provided in §10-20-1109 of Utah State Code (as amended).
- J. **Effect Of Approval.** No person shall deem approval of an application to amend the General Plan as approval of any zone, conditional use, site plan, or other permit. Obtaining approval of a particular zone or permit shall be in accordance with the applicable provisions of this Title.
- K. **Effect Of Disapproval.** The City Council's denial of an application to amend the General Plan shall preclude another person from filing another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval. This Section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating a General Plan amendment at any time.

12B-706 Temporary Land Use Regulations

- A. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
 - 1. The City Council makes a finding of compelling, countervailing public interest; or
 - 2. The area is unregulated.
- B. A temporary land use regulation under this Section shall be in conformance with §10-20-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
- C. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
- D. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
- E. Unless otherwise provided by §10-20-504 of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days, but:
 - 1. May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional periods of one-hundred eighty (180) days by ordinance enacted before the expiration of the previous regulation. However, the renewal regulation is effective only as long as the environmental impact statement or major investment study is in progress.

12B-707 Land Use Ordinance And Map Amendments

- A. **Purpose.** This Section sets forth the procedures for amending the provisions of this Title and the City's official Zoning Map.
- B. **Authority.** The Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) may, from time to time, amend the text of this Title and the City's official Zoning Map as provided by this Section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations, or any other provisions of this Title. The provisions set forth in this Section shall not apply to temporary zoning regulations that the City Council may enact without a public hearing in accordance with §10-20-504 of Utah State Code (as amended).
- C. **Initiation.** Anyone may propose amendments to the text of this Title and the City's official Zoning Map as provided in this Section.
- D. **Procedure.** The City shall process and consider amendments to the text of this Title and the City's official Zoning Map as provided in this Section.
- E. **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - 1. **For Text Amendments:**
 - a. Name and address of every person or company the applicant represents;
 - b. Explanation of the proposed amendment and reasons supporting the request; and
 - c. Title, chapter, and section references of the affected sections, including a draft of the proposed text.
 - 2. **For Map Amendments:**
 - a. An accurate map depicting present and proposed zoning classifications;
 - b. All abutting properties and their present zoning designations; and
 - c. An accurate legal description and approximate common address of the area proposed for rezoning if one does not presently exist.
- F. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Planning Commission for its review.
- G. **Notice.** Notice shall be provided pursuant to §10-20-205 of Utah State Code (as amended).
- H. **Planning Commission Hearing.** The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-20-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council. The Planning Commission shall provide its

recommendation within thirty (30) days of the date the application was referred to the Planning Commission for its consideration.

- I. **City Council Adoption.** The City Council as outlined in Section 12B-601 (Designation Of Land Use Authority) shall review the proposed amendment and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.
- J. **Approval Standards.** A decision to amend the text of this Title shall be consistent with Utah State Code (as amended) and, when applicable, be in harmony with the current General Plan including the future land use map. In making an amendment the Land Use Authority shall also consider:
 - 1. Whether the proposed amendment would be harmonious with the overall character of existing development in the vicinity of the subject property, or in the case of a text amendment, in areas governed by the amended text;
 - 2. Whether the proposed amendment would be consistent with the standards of any applicable overlay zone(s) and, in the case of a text amendment, harmonious with areas governed by the amended text;
 - 3. The extent to which the proposed amendment may adversely affect adjacent property; and
 - 4. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
- K. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in 10-20-1109 of Utah State Code (as amended).
- L. **Effect Of Approval.** No person shall deem approval of an application to amend the provisions of this Title or the City's official Zoning Map as an approval of any conditional use, site plan, or other permit. Obtaining approval of such permits shall be in accordance with the applicable provisions of this Title.
- M. **Effect Of Disapproval.** The Land Use Authority's denial of an application to amend the text of this Title or the City's official Zoning Map shall preclude another person from filing another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application. This Section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating an amendment to the text of this Title or to the City's official Zoning Map.

12B-708 Subdivision Ordinance Amendments

- A. **Purpose.** This Section sets forth the procedures for amending the subdivision ordinance provisions of this Title.
- B. **Authority.** The City Council may, from time to time, amend the text of the subdivision ordinance provisions of this Title. The provisions set forth in this Section shall not apply to temporary land use regulations that the City Council may enact without a public hearing in accordance with §10-20-504 of Utah State Code (as amended).
- C. **Initiation.** Anyone may propose amendments to the text of this Title to amend the subdivision provisions of this Title as provided in this Section.
- D. **Procedure.** The City shall process and consider such amendments as provided in this Section.
 - 1. **Application.** An application shall be submitted to the City along with the fee as outlined in the City's fee schedule. The application shall include:
 - a. Name and address of every person or company the applicant represents;
 - b. Explanation of the proposed amendment and reasons supporting the request; and
 - c. Title, chapter, and section references of the affected subdivision ordinance provisions, including a draft of the proposed text.
 - 2. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Planning Commission for its review.
 - 3. **Notice.** Notice shall be provided pursuant to §10-20-205 of Utah State Code (as amended).
 - 4. **Planning Commission Hearing.** The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-20-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council. The Planning Commission shall provide its recommendation within thirty (30) days of the date the application was referred to the Planning Commission for its consideration.
 - 5. **Land Use Authority Adoption.** The Land Use Authority as outlined in 12B-601 (Designation Of Land Use Authority) of this Chapter shall review the proposed amendment and the recommendation of the Planning Commission. The Land Use Authority may either approve, approve with modifications, or reject the proposed amendment. The Land Use Authority may also table the matter for further information or future consideration or action.
 - 6. **Approval Standards.** A decision to amend the text of this Title shall be consistent with Utah State Code (as amended) and, when applicable, in harmony with the current General Plan.

7. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-20-1109 of Utah State Code (as amended).
8. **Effect Of Approval.** Approval of an application to amend the provisions of this Chapter shall not be an approval of a subdivision application or other land use permit. Obtaining approval of such subdivision applications or permits shall be in accordance with the applicable provisions of this Chapter.
9. **Effect Of Disapproval.** The Land Use Authority's denial of an application to amend the text of this Title shall preclude another person from filing another application covering substantially the same subject for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application. This Section shall not limit the City Council, Planning Commission, Zoning Administrator, or other authorized City Staff from initiating an amendment to the text of this Title at any time.

12B-709 Administrative Interpretations

- A. **Purpose.** To promote the day-to-day efficiencies in the administration and implementation of this Title, and where ambiguity, conflicting provisions, or confusion may exist in any standard or requirement of this Title, this Section is provided to allow the Zoning Administrator to make interpretations of this Title, on an as-required basis, guided by the purposes of this Title, §10-20 and other relevant provisions of Utah State Code (as amended), applied to the specific circumstance.
- B. **Authority.** The Zoning Administrator is authorized to render interpretations of this Title.
- C. **Initiation.** Any person may request an administrative interpretation of a standard or requirement of this Title by presenting an application for an Administrative Interpretation to the Zoning Administrator.
- D. **Procedure.** An application for an Administrative Interpretation shall be considered and processed as follows:
 1. A complete application shall be submitted to the Zoning Administrator.
 2. After the application is determined complete, the Zoning Administrator shall review the application and shall make an interpretation in accordance with the standards set forth in this Section.
 3. After making a decision, the Zoning Administrator shall provide written notice of the Administrative Interpretation to the applicant. A record of the Administrative Interpretation of the Zoning Administrator shall be maintained by the City in the office of the City Recorder.
- E. **Standards For Making Administrative Interpretations.** The Zoning Administrator shall apply the following standards in making an Administrative Interpretation:

1. The Administrative Interpretation shall not have the effect of adding or removing any standard or requirement of this Title.
 2. An Administrative Interpretation shall be consistent with the purposes of this Title, §10-20 and other relevant provisions of Utah State Code (as amended), and any previously rendered Administrative Interpretations, based on similar facts.
 3. An Administrative Interpretation concerning a use interpretation shall not allow the establishment of a use that is substantially different from an allowed or permitted use or one which is a prohibited use in the zoning district of the subject property. No use interpretation shall permit the establishment of any use that would be inconsistent with the purposes of the zoning district in which it would be located.
- F. **Effect Of Administrative Interpretation.** An Administrative Interpretation shall apply only to the property for which an Administrative Interpretation is given. A use interpretation that finds a use to be a permitted or conditional use shall not authorize the establishment of such use, but merely authorized the filing of the land use applications necessary or required for any related approvals, permits, or licenses as may be required by the City's Municipal Code.
- G. **Appeal.** Any person adversely affected by an Administrative Interpretation rendered by the Zoning Administrator may appeal the decision to the AAHO.

12B-710 Zoning District Boundary Interpretations

- A. **Authority.** In the event of the need to determine the boundary of a zoning district contained on the City's official Zoning Map, the Zoning Administrator shall have the authority and jurisdiction
- B. **Initiation.** Any person may request a Zoning District Boundary Interpretation of a by presenting an application for a Zoning District Boundary Interpretation to the Zoning Administrator.
- C. **Procedure.** An application for a Zoning District Boundary Interpretation shall be considered and processed as follows:
1. A complete application shall be submitted to the Zoning Administrator.
 2. After the application is determined complete, the Zoning Administrator shall review the application and shall make a Zoning District Boundary Interpretation in accordance with the standards set forth in this Section.
 3. After making a decision, the Zoning Administrator shall provide written notice of the Zoning District Boundary Interpretation to the applicant. A record of the Zoning District Boundary Interpretation of the Zoning Administrator shall be maintained by the City in the office of the City Recorder.
- D. **Standards For Making Zoning District Boundary Interpretations.** The Zoning Administrator shall apply the following standards in making a Zoning District Boundary Interpretation:

1. In areas divided into lots, a zoning district boundary shall follow the boundary of a lot, unless clearly intended to divide a lot for reasons of topography, landform, or other physical constraints.
 2. In areas not subdivided into lots, whenever a zoning district is indicated as a strip adjacent to and paralleling a right-of-way, the depth of such strips shall be in accordance with dimensions measured at right angles from the centerline of the right-of-way, and the length of frontage shall be in accordance with dimensions measured from section, quarter section, or division lines, or center lines of rights-of-way, unless otherwise indicated.
 3. Where a zoning district boundary follows a natural or human-made feature such boundary shall be deemed to be the centerline of natural or human-made feature.
 4. Where a zoning district boundary follows the right-of-way of any road, street, trail, or other public or private right-of-way or easement, such boundary shall be deemed to be the centerline of such road, street, trail, or other public or private right-of-way or easement.
- E. **Effect Of Zoning District Boundary Interpretation.** A Zoning District Boundary Interpretation shall apply only to the property for which a Zoning District Boundary Interpretation is given. A Zoning District Boundary Interpretation shall not authorize the establishment of any use, but merely authorized the filing of the land use applications necessary or required for any related approvals, permits, or licenses as may be required by the City's Municipal Code.
- F. **Appeal.** Any person adversely affected by a Zoning District Boundary Interpretation rendered by the Zoning Administrator may appeal the decision to the Planning Commission.

12B-711 Permitted (P) Uses Including Expansion And Modifications

- A. **Authority.** The Zoning Administrator is hereby authorized to act as the Land Use Authority to review and render a decision approving, approving with requirements, or denying requests to establish Permitted (P) uses as outlined in this Title including requests for their expansion and modification.
- B. **Approval Standards.** When applicable, the Zoning Administrator shall review Permitted (P) uses including expansion or modifications to previous Permitted (P) use approvals, and determine, from the materials presented by the applicant, that the proposed Permitted (P) use complies with the following:
1. The proposed use is an allowed or Permitted (P) use within the zoning district of the subject property where the use is to be conducted.
 2. The proposed use and accompanying site plan complies with all requirements of the zoning district and of this Title, including but not limited to minimum area, setbacks, building/structure heights, lot coverages, etc.

3. If the Zoning Administrator finds that the Permitted (P) use complies with all requirements of this Title and other relevant requirements of the City, the use shall be approved.
 4. If the Zoning Administrator finds that the Permitted (P) use does not comply with the requirements of this Title and other relevant requirements of the City, the use shall be denied and not approval, permit, or license shall be issued by the Zoning Administrator or other City Official, including a building permit or business license.
- C. **Effect Of Approval Of A Permitted (P) Use.** The approval of a Permitted (P) use by the Zoning Administrator shall authorize the establishment of the approved Permitted (P) use, subject to any written requirements of approval. The approval shall not be deemed an approval of any other application, permits, or licenses as may be required by the City's Municipal Code.
- D. **Revocation Of Approval For A Permitted (P) Use.** A Permitted (P) use approved in accordance with the provisions of this Title may be revoked by the Zoning Administrator if any of the following apply:
1. One (1) or more of the requirements of approval have not been met.
 2. The approval was obtained in a fraudulent manner.
 3. The approval is used to violate any law or ordinance.
 4. The Zoning Administrator shall notify the property owner by certified mail of any violation of approval. If no attempt to correct the violation is made within ten (10) days after notification, the Permitted (P) use approval or approvals for expansion or modification may be revoked by the Zoning Administrator.
- E. **Appeal.** Any person adversely affected by a Permitted (P) use approval, or approval for its expansion or modification rendered by the Zoning Administrator may appeal the decision to the AAHO.

12B-712 Conditional (C-CC, C-PC, C-ZA) Uses Including Expansion And Modifications

- A. **Purpose.** This Section sets forth the procedures for considering and approving Conditional (C-CC, C-PC, C-ZA) Use permits. An approved conditional use permit shall be required for each conditional use listed in this Title.
- B. **Authority.** The Land Use Authority for Conditional (C-CC, C-PC, C-ZA) Use permits shall be as outlined in Section 12B-601 (Designation Of Land Use Authority).
- C. **Initiation.** A property owner or their designated agent may request a Conditional (C-CC, C-PC, C-ZA) Use permit as provided in this Section.
- D. **Procedure.** The City shall process and consider an application for a Conditional (C-CC, C-PC, C-ZA) Use permit as provided in this Section.

E. **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:

1. Address and lot/parcel identification of the subject property;
2. Current zoning designation, location of zone district boundary in relation to the subject property, and description of present use(s) of the subject property;
3. Complete description of the proposed Conditional (C-CC, C-PC, C-ZA) Use sought for the subject property.
4. A site plan depicting the following:
 - a. Applicant's name;
 - b. Subject property's address;
 - c. Subject property's layout of existing and proposed buildings and structures, parking and loading areas, fencing, landscaping, utilities and easements;
 - d. Adjoining property lines and uses within one hundred feet (100') of the subject property; and
 - e. Any other information determined to be necessary by the Land Use Authority.
5. Traffic study or other similar impact analysis reports, including but not limited to: utilities, school, soil and water, existing conditions, line-of-site and building massing, etc., if required by the Land Use Authority upon recommendation of the Zoning Administrator or other City Staff;
6. A statement by the applicant demonstrating how the proposed use meets or would meet the approval standards of this Section; and
7. A statement indicating whether the applicant will require any variances in connection with the proposed Conditional (C-CC, C-PC, C-ZA) Use. If the proposed Conditional (C-CC, C-PC, C-ZA) Use would require a variance, the applicant shall also submit a variance application concurrently with the proposed Conditional (C-CC, C-PC, C-ZA) Use permit application.

F. **Determination Of Complete Application.** After the Zoning Administrator or designee determines the completeness of an application the Zoning Administrator or designee shall transmit the application to the Reviewing Body as outlined in Section 12B-601 (Designation Of Land Use Authority) for the preparation of a staff report evaluating the application.

G. **Review By Recommending Body.** The Recommending Body shall review the staff report and application prepared by the Reviewing Body. When the Recommending Body is the Planning Commission, the review shall be conducted in a public meeting and Class A notice shall be provided as required by Utah State Code (as amended). The Recommending Body shall recommend approval, approval with modifications, or denial of the proposed

Conditional (C-CC, C-PC, C-ZA) Use permit application to the Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority).

- H. **Review And Decision By The Land Use Authority.** After the Recommending Body has made its recommendation, the Land Use Authority shall review the staff report, application, and findings of the Recommending Body and either approve, approve with modifications, or deny the proposed Conditional (C-CC, C-PC, C-ZA) Use permit application. When the Land Use Authority is the City Council or Planning Commission the final decision shall be made in a public meeting and Class A notice shall be provided as required by Utah State Code (as amended). The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the Conditional (C-CC, C-PC, C-ZA) Use permit application substantially complies with approval standards.
- I. **Written Notice Of Decision.** After the Land Use Authority has rendered a decision, the Zoning Administrator or designee shall give the applicant written notice of the Land Use Authority's decision.
- J. **Inspection By Zoning Administrator.** Following the issuance of a Conditional (C-CC, C-PC, C-ZA) Use permit, the Zoning Administrator or designee shall inspect such use to ensure the use is undertaken and carried out in compliance with the use permit. The Zoning Administrator shall be responsible for maintaining a record of all Conditional (C-CC, C-PC, C-ZA) Use permits.
- K. **Approval Standards.** The following standards shall apply to the issuance of Conditional (C-CC, C-PC, C-ZA) Use permits:
 - 1. The Land Use Authority may:
 - a. Issue a conditional use permit for a use located within a zoning district that would allow, through regulations, the particular conditional use.
 - b. Impose conditions as necessary to prevent or minimize the adverse effects upon other property(ies) or improvements in the vicinity of the proposed conditional use, the City as a whole, or public facilities and services. These conditions may include but shall not be limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation and other matters relating to the purposes and objectives of this Title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit.
 - c. Approve, approve with conditions, or deny a conditional use permit. But shall approve whenever the Land Use Authority can impose reasonable conditions to mitigate the reasonably anticipated detrimental impacts or effects of the proposed use in accordance with applicable standards. Only when insufficient reasonable conditions exist that the Land Use Authority could impose may the Land Use Authority deny the request.
 - d. Request additional information as needed to determine the potential for compliance with the requirements of this Section.

2. The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application:
 - a. Compliance of the proposed conditional use meets the intent of the City's General Plan and the regulations and conditions outlined in this Title;
 - b. The proposed conditional use at the proposed location is necessary or desirable to provide a service or facility that will contribute positively to the general well-being of the neighborhood and the community;
 - c. Any reports and/or studies relating to impacts such as utilities, traffic, school, soil and water, existing conditions, line of sight and building massing, including any other additional information in order to render a proper decision;
 - d. Safeguards proposed to ensure adequate utilities, transportation access, drainage, parking, loading spaces, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation, and the prevention of noxious or offensive omissions such as noise, glare, dust, pollutants, and odor for the proposed conditional use;
 - e. Appropriate buffering of adjacent uses and building, including proper parking and traffic circulation and use of building materials and landscaping to ensure the proposed use is in harmony and compatible with adjoining uses; and
 - f. Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
3. When the applicant proposes a use that requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit subject to the following requirements:
 - a. A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Authority shall consider the nature, characteristics and impacts of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors previously outlined in this Section;
 - b. The allowance of nonconformance with respect to building setbacks, building height, landscaping, and parking space requirements; and
 - c. The ability to meet all current building, construction, engineering, fire, health and safety standards as a condition of approval.

- L. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority regarding the issuance of Conditional (C-CC, C-PC, C-ZA) Use permits may appeal that decision to the AAHO by filing a written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination.

M. **Effect Of Approval.**

1. A conditional use permit shall not relieve an applicant from obtaining any other authorizations or permits as required under this Title or under any other Title of the City's Municipal Code.
2. No building permit or business license shall be issued for a conditional use unless and until a conditional use permit has been approved by the Land Use Authority.
3. Unless otherwise specified by the Land Use Authority, and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall run with the land for an indefinite period of time.

N. **Transferability.**

1. A Conditional (C-CC, C-PC, C-ZA) Use permit shall be transferable with the Title of the underlying property so that an applicant may convey or assign an approved use without losing the approval. Subsequent owners of the underlying property may continue the Conditional (C-CC, C-PC, C-ZA) Use under the originally approved permit and associated conditions.
2. Any change to the use or operations that would be outside the parameters of the original permit shall require an amendment. An amendment in this situation may only be considered if such amendment(s) are permissible or conditionally permissible under the applicable land use regulations at the time of application.
3. The receipt of a Conditional (C-CC, C-PC, C-ZA) Use permit may not transfer the use from the property for which the approval was granted. If the applicant changes the use on the property, the existing Conditional (C-CC, C-PC, C-ZA) Use permit shall be deemed a voluntary termination thereof.

- O. **Amendments.** The procedure for amending any Conditional (C-CC, C-PC, C-ZA) Use permit shall be the same as the original procedure set forth in this Section.

- P. **Revocation Or Suspension.** On behalf of the Land Use Authority or acting as the Land Use Authority, the Zoning Administrator may revoke or suspend a Conditional (C-CC, C-PC, C-ZA) Use permit.

1. Any of the following shall be grounds for revocation or suspension:
 - a. The use for which the City granted the permit has ceased for one (1) year or more;

- b. The holder or user of the conditional use permit failed to comply with the conditions of approval, or is in violation of any other City, State, or Federal law governing the conduct of the use;
 - c. The holder or user of the conditional use permit failed to construct or maintain the site as shown on the approved site plan or map; or
 - d. The Land Use Authority determined that operation of the use or character of the site was a nuisance or a court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance.
- 2. The Land Use Authority shall not revoke a Conditional (C-CC, C-PC, C-ZA) Use permit without first holding a public hearing.
 - a. The Zoning Administrator or designee shall notify the holder or user of the conditional use permit in writing, which shall be served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its convening.
 - b. At any such hearing, the holder or user of the conditional use permit shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the public hearing, the Land Use Authority shall decide whether to revoke or suspend the permit.
 - c. In the event the determination is made to revoke or suspend the permit, the holder or user of the conditional use permit may appeal the decision to the AAHO within fifteen (15) days from the date of such final determination.
 - d. Revocation or suspension of a conditional use permit shall not limit the City's ability to complete other legal proceedings against the holder or user of the conditional use permit.

Q. Expiration And Extension.

- 1. **Expiration.** A Conditional (C-CC, C-PC, C-ZA) Use permit is valid for twelve (12) months from the date of Land Use Authority approval. If a building permit is required, it shall be obtained within twelve (12) months of Land Use Authority approval. If no building permit is required, the use or occupancy for which the permit has been issued shall be initiated and business licenses obtained within one (1) year from the date of Land Use Authority approval.
- 2. **Extension.** Subject to the requirements of this Section, a six (6) month extension may be granted by the Zoning Administrator upon prior written request by the applicant submitted no later than thirty (30) days prior to the expiration date.
 - a. In order to approve an extension of time, the Zoning Administrator shall find, based on substantial evidence, that:
 - (1) The Conditional (C-CC, C-PC, C-ZA) Use permit has not been utilized due to reasons beyond the control of the applicant; or

- (2) Substantial progress has been made toward obtaining a building permit or business license, as evidenced by the City's acceptance of a submitted building permit application, or business license application, or both, as the case may be;
 - (3) Conditions originally approved with the Conditional (C-CC, C-PC, C-ZA) Use permit are still viable based on the current applicable requirements of the City's Code; and
 - (4) No ordinance changes have occurred that would affect the activity or use authorized by the permit.
- R. **Effect Of Disapproval.** The Land Use Authority's denial of a Conditional (C-CC, C-PC, C-ZA) Use permit application shall preclude another person from filing another application covering substantially the same subject property, or any portion thereof, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different conditional use. This Section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator, or other authorized City Staff from initiating a conditional use permit request at any time.

12B-713 Site Plan Review

- A. **Purpose.** This Section sets forth the procedures for all site plan applications and required submittals. These standards and procedures are established to encourage adequate advanced site planning and review in order to assure the highest quality of development for the City. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the City's General Plan and this Title. This Section is not intended to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense, rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.
- B. **Authority.** The Land Use Authority for Site Plan Reviews shall be as outlined in Section 12B-601 (Designation Of Land Use Authority).
- C. **Initiation.** A property owner or their designated agent may request approval of a site plan as provided in this Section.
 - 1. Site Plan Review shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this Title:
 - a. Any multi-family residential use;
 - b. Any commercial use;
 - c. Any professional use;
 - d. Any manufacturing or industrial use; and

- e. Any institutional use.
 - 2. In situations requiring Site Plan Review and approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the site plan by the Land Use Authority. Furthermore, no clearing, grubbing, grading, drainage work, parking lot construction, or other site improvements shall be allowed prior to site plan approval.
- D. **Procedure.** The City shall process and consider an application for Site Plan Review as provided in this Section.
- 1. **Application.** An application shall be submitted to the Zoning Administrator along with the fee(s) as outlined in the City's fee schedule. The application shall include:
 - a. One (1) plan set, size 22" x 34" drawings; one (1) plan set, size 11" x 17" drawings; and one (1) PDF copy prepared to a scale which contains enough detailed information for proper evaluation.
 - (1) **Multiple Sheets May Be Used.** All sheets shall be numbered and referenced to an index, and all required certificates of relevant design professionals registered in the State of Utah shall appear on a single sheet (alone, with the index and vicinity maps.)
 - b. The application and plan sets shall include at a minimum the following documents and information:
 - (1) **Cover Sheet.** A cover sheet showing the entire site plan including a title block showing the name, address, and phone number of the applicant, designer, engineer, and any other professionals that contributed to the production of the plans and drawings.
 - (A) The cover sheet shall also include the name (if applicable) and address of the proposed project, and date of preparation of the plans and drawings.
 - (B) A general vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000 ft.) shall be inset on this sheet.
 - (2) **Legal Description/Map Exhibit.** A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1" = 100 ft.) showing the location and type of boundary evidenced.
 - (A) Such information should be provided from recorded plats.
 - (B) The legal description shall include the following data:
 - i. Metes and bounds of all property lines;

- ii. Total area of property;
- iii. Scale and north arrow; and
- iv. Name and route numbers of boundary roads and the width of existing right(s)-of-way.
- v. Existing topography with maximum contour interval of two feet (2'), except where existing ground topography is on a slope of less than two percent (2%), then either one foot (1') contours or spot elevation shall be provided where necessary to at least show the direction of storm water run-off.

(C) **Curved Boundaries.** For curved boundaries the curve radius, central angle, and length of arc shall be given.

(3) **Site Plan.** A detailed site plan showing the following information:

- (A) All property and parcel/lot lines;
- (B) All existing monuments found during the course of the survey (including a physical description such as "brass cap").
- (C) Soil boundaries, types and descriptions as shown on Natural Resources Conservation Service (NRCS) soil surveys;
- (D) The location of any existing wetlands, water courses, irrigation system elements, and flood plains;
- (E) The location of any significant features such as existing trees and shrubbery, open fields or meadows, fences, roads, and trails.
- (F) The location of all existing and proposed structures on the site, and arrangement of all proposed uses, including building height and any provisions to screen roof-based mechanical equipment, and the location of existing structures on adjoining properties;
- (G) The yard dimensions from the development boundaries and adjacent roads and alleys.
- (H) The location and width of existing and proposed abutting streets and rights-of-way;
- (I) The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths including related signage.

- (J) The location of off-street parking and loading areas and structures, and landscaping for parking areas.
 - (K) The location of existing and proposed curb, gutter, sidewalk, and curb cuts.
 - (L) If the property abuts a State owned highway, the applicant must obtain and provide approval from the Utah Department of Transportation (UDOT) for the location of curb, gutter and sidewalk. UDOT shall also approve the location and number of curb entrances;
 - (M) The location of all existing easements or rights-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records.
 - (N) The location and dimensions of any proposed easements and dedications, including those which impact adjacent property owners;
 - (O) Any public recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities;
 - (P) A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.
 - (Q) The location of refuse container(s); and
- (4) A detailed utilities plan showing the location and size of all existing or proposed utilities that will provide service to the project (including location of nearest fire hydrants) consistent with the design and construction standards approved by the City in any required engineered drawings for on-site and off-site improvements;
 - (5) A detailed landscaping plan that shows the following information:
 - (A) The proposed landscaping including identification of plant species and fencing in sufficient detail for review of screening and aesthetic qualities;
 - (B) Irrigation sprinkler designs indicating the location and service size of secondary water connections;
 - (C) Location and design of all exterior lighting;

- (D) Data table showing parcel, building, landscaping, parking areas and percentages, and the number of parking stalls required and provided;
- (6) A detailed lighting plan that shows existing and proposed lighting elements including fixture types, quantities, and dimensions;
- (7) A detailed signage plan that shows existing and proposed signage elements including quantities and dimensions;
- (8) A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development.
- (9) Floor plans and elevations of all buildings, other than single-family dwellings, both above and below or partially below the finished grade including exterior building finishes and colors of buildings or structures which are proposed to be constructed or modified;
- (10) Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.
- (11) The proposal shall also show adjacent landowners and existing or anticipated uses on adjacent properties and detail any opportunities to cooperate on common-use elements (i.e., parking, landscaping, storm-water retention, access, etc.);
- (12) A final statement in tabular form which sets forth the following data, when such data is applicable:
 - (A) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;
 - (B) Total number of dwelling units, by development phase;
 - (C) Residential density and units per acre;
 - (D) Total floor area and floor area ratio for each type of use;
 - (E) Total area in open space and length of trails;
 - (F) Total area in developed recreational open space; and
 - (G) Total number of off-street parking and loading spaces.
- (13) When the development is to be constructed in stages or units, a final sequence or development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit;

- (14) A traffic study and geotechnical study, unless waived by the Land Use Authority, Zoning Administrator, or City Engineer;
- (15) A copy of all covenants, restrictions, and conditions pertaining to the use, maintenance and operation of private open space areas; and
- (16) Any other requirements as may be outlined elsewhere in this Title.

E. **Determination Of Complete Application.** After the Zoning Administrator or designee determines the completeness of a Site Plan Review application, the Zoning Administrator or designee shall transmit the application to the Reviewing Body as outlined in Section 12B-601 (Designation Of Land Use Authority) for preparation of a staff report evaluating the application.

F. **Review By Recommending Body.** The Recommending Body shall review the proposed Site Plan Review application including the staff report prepared by the Reviewing Body and shall recommend approval, approval with modifications, or denial of the proposed site plan to the Land Use Authority.

G. **Land Use Authority Approval.** The Land Use Authority shall review the proposed Site Plan Review application and the recommendations of the Reviewing and Recommending Bodies. The Land Use Authority may either approve, approve with modifications, or reject the proposed Site Plan Review application. The Land Use Authority may also table the matter for further information or future consideration or action.

H. **Approval Standards.** The following standards shall apply to the approval of a site plan:

- 1. The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.
- 2. A site plan shall conform to all applicable standards set forth in this Title including other Titles of the City's Municipal Code. In addition, consideration should also be given to the following:

a. Considerations relating to buildings and general site layout:

- (1) The general silhouette and mass, including the location on the site and elevations in relationship to the character of the neighborhood and the applicable provisions of the City's General Plan; and
- (2) Exterior design in relation to adjoining structures in height, bulk, area openings, breaks in facade fronting onto rights-of-way, line and pitch of roofs, the arrangement of structures on the parcel or lot, and the appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the area of neighborhood.

b. Considerations relating to traffic safety and traffic congestion:

- (1) Effect of the proposed site plan on traffic conditions on abutting streets and neighboring land uses, both existing and as planned;
 - (2) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
 - (3) Arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provisions of City ordinances regarding the same;
 - (4) Location, arrangement and dimensions of truck loading and unloading spaces;
 - (5) Vehicular and pedestrian circulation patterns within the boundaries of the proposed development;
 - (6) Surfacing and lighting of off-street parking facilities; and
 - (7) Provision for transportation modes other than person motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
- c. Considerations relating to landscaping:
- (1) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
 - (2) Planning of ground cover or other surfaces to prevent dust and erosion; and
 - (3) Unnecessary destruction of existing healthy trees.
- d. Considerations relating to drainage and irrigation:
- (1) The effect of the site development on the adequacy of the storm and surface water drainage; and
 - (2) The need for piping or irrigation ditches bordering or within the site.
- e. Other considerations including, but not limited to:
- (1) Buffering;
 - (2) Lighting;
 - (3) Placement of refuse containers and disposal facilities; and
 - (4) Location of surface, wall and roof-mounted equipment.

- I. **Bonding.** The applicant shall provide a guarantee of installation and construction of all required on-site and off-site public improvements required by this Title, or as required by the Land Use Authority, prior to the issuance of any building permits or the commencement of any work.
 - 1. The guarantee shall be in a form acceptable to the City and in an amount equal to one hundred ten percent (110%) of the estimated cost of all improvements.
 - 2. The guarantee shall assure the installation of improvements within one (1) year of the date of the site plan approval, and shall provide a one (1) year warranty pertaining to the installed improvements.
 - 3. It shall be the responsibility of the developer to notify the City when the improvements are complete and ready for inspection.
- J. **Appeal Of Decision.** Any person adversely affected by a decision of the Land Use Authority regarding approval or denial of a Site Plan Review application may appeal to the AAHO in accordance with the provisions of this Title.
- K. **Effect Of Approval.** Every site for which a site plan has been approved shall conform to such approved plan.
 - 1. An applicant shall receive approval of the site plan from the Land Use Authority before any work is commenced on the site/project.
 - 2. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this Section have been met.
 - 3. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan.
 - 4. No structures or improvements may be added to a site that are not included on the approved site plan.
 - 5. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
 - 6. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit required by this Title or other Titles of the City's Municipal Code. Approval of such permit(s) shall be obtained in accordance with the applicable provisions of this Title or other Titles of the City's Municipal Code.
- L. **Amendments.** Except as may be provided for elsewhere in this Title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan from the Land Use Authority.
- M. **Revocation Or Suspension.** On behalf of the Land Use Authority or acting as the Land Use Authority, the Zoning Administrator may revoke or an approval for a site plan.

1. Any of the following shall be grounds for revocation or suspension:
 - a. The use for which the City granted the permit has ceased for one (1) year or more;
 - b. The holder or user of the approved site plan failed to comply with the conditions of approval, or is in violation of any other City, State, or Federal law governing the conduct of the use;
 - c. The holder or user of the site plan approval failed to construct or maintain the site as shown on the approved site plan or map; or
 - d. The Land Use Authority determined that operation of the use or character of the site was a nuisance or a court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance.
 2. The Land Use Authority shall not revoke an approved site plan without first holding a public hearing.
 - a. The Zoning Administrator or designee shall notify the holder or user of the approved site plan in writing, which shall be served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its convening.
 - b. At any such hearing, the holder or user of the approved site plan shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the public hearing, the Land Use Authority shall decide whether to revoke or suspend the permit.
 - c. In the event the determination is made to revoke or suspend the approved site plan, the holder or user of the approved site plan may appeal the decision to the AAHO within fifteen (15) days from the date of such final determination.
 - d. Revocation or suspension of an approved site plan shall not limit the City's ability to complete other legal proceedings against the holder or user of the approved site plan.
- N. **Expiration.** Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Zoning Administrator may require that a new application for Site Plan Review be submitted, and approval obtained pursuant to this Section.
1. A written request may be submitted to the Zoning Administrator prior to the expiration of the Site Plan Review approval for an extension of up to six (6) months.
 2. The Land Use Authority may grant such an extension where good cause can be shown.

12B-714 Development Agreements

- A. **Purpose.** A development agreement may be negotiated between a developer and the City to set forth the specific requirements, elements, and aspects of a proposed development prior to receiving approval from the Land Use Authority on a land use application.
- B. **Applicability.** Pursuant to §10-20-508 of Utah State Code (as amended):
1. The City may enter into a development agreement containing any term the City considers necessary or appropriate to accomplish the purposes of this Title and §10-20 of Utah State Code (as amended), including terms related to a master planned development, a planned unit development, an annexation, affordable or moderate income housing with development incentives, a public-private partnership, or a density transfer or bonus within a development project or between development projects.
- C. **Authority.** Development agreements, and their subsequent amendments, shall be subject to approval of the Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority).
- D. **Procedure.** All development agreements, upon proper execution, shall be recorded with the County Recorder's Office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum the following:
1. A legal description of the land subject to the development agreement.
 2. The restrictions or conditions to be attached to the property including development standards and the provisions of public facilities.
 3. The configuration of the project as shown on the project's master plan.
 4. A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way, or utilities.
 5. The time frame for performance by parties.
 6. A description of the various City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
 7. Provisions for enforcement of the terms and conditions of the development agreement.
 8. Provisions for making amendments to the development agreement.
 9. The time limitation of the agreement.

10. Such other terms and limitations which may be proposed and agreed to between the City and the applicant or developer.

E. Limitations And Prohibitions. A development agreement under this Section may not:

1. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
2. Require the City to change the zoning designation of an area of land within the City in the future; or
3. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under 10-20-502 of Utah State Code (as amended), including a review and recommendation for the Planning Commission and the conducting of a public hearing.
4. The City may not require a development agreement as the only option for developing land within the City.
5. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under §59-2-5 of Utah State Code (as amended).
6. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by §10-20 of Utah State Code (as amended) and the applicable land use regulations in this code.
7. The City may submit to the County Recorder for recording a fully executed agreement or a document related to code enforcement, a special assessment area, a local historic district boundary or the memorializing or enforcement of an agreed upon restriction, incentive, or covenant. The City shall not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property.

F. Expiration. A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's Office within one (1) year from the date of Land Use Authority approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Zoning Administrator for an extension of up to six (6) months. Approval of this extension may only be granted by the Land Use Authority.

12B-715 Subdivisions

All proposed subdivisions located within the City shall comply with the process of and meet all requirements as outlined in Title 12D (Land Use - Subdivisions).

12B-716 Subdivision Plat Amendments

- A. The Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) may, consider any proposed vacation, alteration, or amendment of a recorded subdivision plat, or any portion of the recorded subdivision plat, by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in §10-20-811 and §10-20-812 of Utah State Code (as amended).
- B. An applicant shall submit a complete application, including the fee as required as indicated on the City's fee schedule to the Zoning Administrator on a form prescribed by the City, together with the number and size of plans indicated on the application form, including all digital submittals
- C. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this Title or as outlined in §10-20-811 and §10-20-812 of Utah State Code (as amended) shall be cause for the City's determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) from considering any material, items, or other information related to the proposed subdivision amendment. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
- D. **Plat Requirements.** Applicant(s) shall prepare a plat that:
 - 1. Depicts only the portion of the subdivision that is proposed to be amended;
 - 2. Includes a plat name that distinguishes the amended plat from the original plat;
 - 3. Describes the differences between the amended and original plat; and
 - 4. Includes relevant references to the original plat.
- E. **Affected Entities.** The City shall provide notice to affected entities as required by §10-20-811 of Utah State Code (as amended).
- F. **Public Hearing Required.** Unless exempted from the public hearing requirements outlined in §10-20-811 of Utah State Code (as amended), the Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority) shall hold a public hearing to consider the approval, approval with modifications, or denial of a proposed subdivision amendment.
- G. **Preservation Of Easements Required.** The Land Use Authority may not approve a petition for a subdivision amendment unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- H. **Approval Requirements.** The Land Use Authority may only approve the vacation or amendment of a plat by finding that there is good cause for the vacation or amendment and that no public street or municipal utility easement has been vacated or amended.

- I. **Appeals.** An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in Section 12B-601 (Designation Of Land Use Authority).

12B-717 Vacation Of Public Right-Of-Way Or Public Utility Easement

- A. The Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) may, consider any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in §10-20-811, §10-20-812, and §10-20-813 of Utah State Code (as amended).
- B. An applicant shall submit a complete application, including the fee as required as indicated in the City's fee schedule to the Zoning Administrator on a form prescribed by the City, together with the number and size of plans indicated on the application form, including all digital submittals.
- C. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this Title or as outlined in 10-20-811, §10-20-812, and §10-20-813 of Utah State Code (as amended) shall be cause for the City's determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) from considering any material, items, or other information related to the proposed subdivision amendment or vacation of the public right-of-way. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
- D. **Plat Requirements.** Applicant(s) shall prepare a plat that:
 1. Depicts only the portion of the subdivision that is proposed to be amended;
 2. Includes a plat name that distinguishes the amended plat from the original plat;
 3. Describes the differences between the amended and original plat; and
 4. Includes relevant references to the original plat.
- E. A petition to vacate some or all of a public street or municipal utility easement shall include:
 1. The name, address, and signature of each owner of record of land that is adjacent to the public street or municipal utility easement between the two nearest public street intersections or accessed exclusively by or within three hundred feet (300') of the public street or municipal utility easement who consents to the vacation; and
 2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated.
- F. **Public Hearing Required.** The Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority) shall hold a public hearing in accordance with §10-20-208 of Utah State Code (as amended) to consider the approval, approval with modifications, or denial of a proposed subdivision amendment that vacates some or all of a public street or municipal utility easement.

- G. **Approval Requirements.** The Land Use Authority may only approve the vacation or amendment of a plat by finding that there is good cause for the vacation and neither the public interest nor any person will be materially injured by the vacation. The Land Use Authority may not approve a petition to vacate a public street unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.
- H. **Appeals.** An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in Section 12B-601 (Designation Of Land Use Authority).

12B-717 Simple Boundary Adjustment; Full Boundary Adjustment

- A. **Purpose.** This Section sets forth the procedures for simple and full boundary adjustments as provided by §10-20 of Utah State Code (as amended).
- B. **Authority.** The Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) shall be authorized to render decisions regarding simple and full boundary adjustments within the City.
- C. **Initiation.** A property owner or a property owner's designated agent may propose a simple or full boundary adjustment as provided in this Section.
- D. **Simple Boundary Adjustment.** A simple boundary adjustment shall include a conveyance document that complies with §57-1-45.5 of Utah State Code (as amended) and shall describe all lots or parcels affected by the proposed boundary adjustment.
 - 1. **Application.** When subject to review by the Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority), an applicant shall submit a complete application including the fee as required by the City's fee schedule to the Zoning Administrator together with the number and size of plans indicated on the application form.
 - 2. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this Title or as outlined in §10-20-906 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
 - 3. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the City shall transmit the application to the Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority) for its review.
 - 4. **Approval Standards.** The Land Use Authority shall consent to a proposed simple boundary adjustment if the Land Use Authority verifies that the proposed simple boundary adjustment meets the requirements of §10-20-906 of Utah State Code (as amended) and does not:
 - a. Affect a public right-of-way, municipal utility easement, or other public property;
 - b. Affect an existing easement, onsite wastewater system, or an internal lot

restriction; or

- c. Result in a lot or parcel out of conformity with the City's adopted land use regulations.
- d. If the Land Use Authority determines that a proposed simple boundary adjustment does not meet the requirements of §10-9a-522 of Utah State Code (as amended), an application for full boundary adjustment shall be required.

E. Full Boundary Adjustment.

1. **Application.** An applicant seeking a full boundary adjustment shall submit a complete application including the fee as required in the City's fee schedule to the Zoning Administrator together with the number and size of plans indicated on the application form.
2. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this Title or as outlined in §10-20-906 of Utah State Code (as amended) shall be cause for the City's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
3. The application for full boundary adjustment shall include:
 - a. A conveyance document that complies with §57-1-45.5 of Utah State Code (as amended);
 - b. A survey that complies with §57-1-4.5(3)(b) of Utah State Code (as amended); and
 - c. If deemed necessary by the Land Use Authority, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with this Title and §10-20-811 of Utah State Code (as amended).
4. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the City shall transmit the application to the Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority) for its review.
5. **Approval Standards.** The Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) shall consent to a full boundary adjustment if the proposal submitted to the Land Use Authority includes:
 - a. All necessary information;
 - b. The survey shows no evidence of a violation of a land use regulation; and
 - c. When deemed applicable by the Land Use Authority, the subdivision plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with this Title and §10-20-811 of Utah State Code (as amended).

F. Simple Boundary Adjustment; Full Boundary Adjustment; Consent.

1. The Land Use Authority's consent to a simple boundary adjustment or full boundary adjustment shall be an administrative act. Notice of consent shall be provided to the person proposing the boundary adjustment in a format that makes clear:
 - a. The Land Use Authority is not responsible for any error related to the boundary adjustment; and
 - b. The County Recorder may record the boundary adjustment.

G. Simple Boundary Adjustment; Full Boundary Adjustment; Effective Date; Appeals.

1. A boundary adjustment shall be effective from the day on which the boundary adjustment was consented to by the Land Use Authority and is recorded by the County Recorder along with the relevant conveyance document.
2. The recording of a boundary adjustment shall not constitute a land use approval by the Land Use Authority.
3. The City may enforce its ordinances against, or withhold approval of a land use application for property that is subject to a boundary adjustment if the Zoning Administrator determines that the resulting lots or parcels are not in compliance with the City's land use regulations in effect on the day on which the boundary adjustment is recorded.
4. An aggrieved party may appeal the decision of the Land Use Authority regarding a boundary adjustment to the Appeal Authority outlined in Section 12B-601 (Designation Of Land Use Authority).