

**VERNAL
ORDINANCE 2021-06**

**AN ORDINANCE OF THE VERNAL CITY COUNCIL AMENDING THE VERNAL
CITY MUNICIPAL CODE AMENDING SECTIONS 16.06.010 - AMENDMENTS,
16.08.060 - LAND USE PLAN, 16.08.070 - GENERAL PLAN, 16.16.050 - PROPOSED
DEVELOPMENT - SUBMISSION OF PLANS AND DOCUMENTS, 16.58.040 -
PROCEDURE FOR OBTAINING SUBDIVISION APPROVAL, 16.58.055 - MINOR
SUBDIVISIONS REGULATIONS, AND 16.58.500 - AMENDED PLATS**

WHEREAS, the City Council finds that the Utah Legislature has changed the requirements for notifying the public of any upcoming public hearings; and

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation

WHEREAS, the City Council finds it is in the best interest of the City to be consistent with the Utah Code.

NOW THEREFORE, be it ordained by the City Council of the Vernal, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Section 16.06.010 Amendments” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.06.010 Amendments

- A. This title, including the zoning map, may be amended from time to time by the City Council after holding a public hearing. ~~At least ten (10) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.~~ The public hearing notice shall ~~also be posted~~ published on the Utah Public Notice Website and posted on the City's web site at least ten (10) days prior to the public hearing of the City Council. All proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for its recommendation within thirty (30) days. The Planning Commission shall hold a public hearing before giving its recommendation to the City Council. ~~At least ten (10) days notice of the time and place of such hearing shall be published in a newspaper of~~

~~general circulation.~~ Notice of the Planning Commission public hearing shall ~~also be posted~~ published on the Utah Public Notice Website and posted on the City's web site ~~at least~~ ten (10) days before the hearing. Failure of the Planning Commission to take action on the proposed amendment within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment. The City Council may overrule the Planning Commission's recommendation by a majority vote of its members. The City Council shall prescribe, by resolution, the fees required to amend this title or the accompanying map.

- B. A development agreement ~~shall~~ may be entered into between any applicant for a zoning map amendment and the City.
1. The City Council shall review the development agreement concurrently with the application for a zoning map amendment.
 2. The development agreement shall be perpetually attached to the property as described in the agreement and shall be recorded with the Uintah County Recorder within ten (10) calendar days of its execution.
 3. In the event that State or federal laws or regulations, enacted after a development agreement has been entered into, prevents or precludes compliance with one or more regulations of the development agreement, such agreement may be amended or terminated as may be necessary to comply with the new State or federal laws or regulations.
 4. The City Council may waive the requirement for a development agreement.
 5. A final development agreement may be amended or terminated in whole or in part by either a request of the parties to the agreement, or their successors in interest, with approval by the Vernal City Council or by action initiated by the City Council.
 - a. The termination or amendment shall be consistent with the process and provisions specified in the development agreement.

(PZSC § 03-02-001)

(Ord. 2013-09, Amended, 05/15/2013; Ord. 2012-16, Amended, 05/16/2012; Ord. 2007-33, Amended, 10/17/2007; Ord. 2005-07, Amended, 06/01/2005)

SECTION 2: AMENDMENT "Section 16.08.060 Land Use Plan" of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.08.060 Land Use Plan

- A. The Planning Commission, through its own initiative or by order of the City Council, ~~and after holding a public hearing of at least ten (10) day notice in a newspaper of general circulation and posted on the City's web site,~~ shall make and certify to the City Council a land use ordinance, including both the full text of the land use ordinance and

maps and any amendments thereto, representing the Commission's recommendations for land use in all or part of the City ~~after holding a public hearing. The notice for the public hearing before the Planning Commission shall be published on the Utah Public Notice Website and posted on the Vernal City website at least ten (10) days before the public hearing.~~ The City Council shall hold a public hearing on the proposed land use ordinance recommended to it by the Planning Commission. ~~The notice for the public hearing of the City Council shall be published a-~~At least ten (10) day's ~~before the hearing and shall include notice of~~ the time and place of such ~~public~~ hearing, shall be published ~~in a newspaper of general circulation on the Utah Public Notice Website in the City~~ and posted on the City's web site. After the public hearing the City Council may divide the City into districts or zones of such number, shape and area as it may determine.

- B. The City Council may amend the number, shape, boundaries or area of zones, regulations of or within zones, or any other provisions defined in the land use ordinance after being proposed by or submitted to the Planning Commission for its approval, disapproval or recommendations. The City Council shall hold a public hearing on the proposed land use ordinance amendment recommended to it by the Planning Commission. ~~The notice for the public hearing shall be published a-~~At least ten (10) day's ~~before the hearing and shall include notice of~~ the time and place of such ~~public~~ hearing, shall be published ~~in a newspaper of general circulation in the City on the Utah Public Notice Website~~ and posted on the City's web site. Also, written notices shall be mailed to owners of property within three hundred (300) feet of the proposed zone change. The notices ~~to the property owners~~ shall state the time and place of the hearing and the proposed zone changes.
- C. A property owner may petition the City Council to amend the zoning map of the land use plan in the area that addresses the property owner's parcel. Petition shall be made on forms provided by the City and a fee shall be paid in an amount set by resolution of the City Council. The process set forth in subsection B of this section shall be followed.

(PZSC § 03-03-006)

(Ord. 2013-26, Amended, 11/20/2013; Ord. 2008-25, Amended, 10/01/2008; Ord. 2005-07, Amended, 06/01/2005; Ord. 2000-15, Amended, 12/06/2000)

SECTION 3: AMENDMENT "Section 16.08.070 General Plan" of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.08.070 General Plan

- A. It shall be the function and duty of the Planning Commission, ~~after holding public hearings of at least ten (10) days notice to a newspaper of general circulation, posted~~

~~on the City's web site and mailed to the affected entities,~~ to make and adopt and certify to the City Council a general plan for the physical development of the City, including any areas outside of its boundaries which, in the Commission's judgement, bear relation to the planning of the City after holding a public hearing. The notice for the public hearing before the Planning Commission shall be published on the Utah Public Notice Website and posted on the City's website at least ten (10) days prior to the hearing. Where the plan involves territory outside the boundaries of the City, action shall be taken with the concurrence of the county or other municipal legislative body concerned. The general plan, with the accompanying maps, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and may include, among other things:

1. A land use element that:
 - a. Designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - b. May include a statement of the standards of population density and building density recommended for the various land use categories covered by this plan;
2. A transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit and any other modes of transportation that are appropriate, all correlated with the land use element of the plan;
3. An environmental element that addresses:
 - a. The protection, conservation, development and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources, and
 - b. The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control and correction of the erosion of soils, protection of watersheds and wetlands and the mapping of known geologic hazards;
4. A public services and facilities element showing general plans for sewage, waste disposal drainage, local utilities, rights-of-way, easements and facilities for them, police and fire protection, and other public services;
5. A rehabilitation, redevelopment and conservation element consisting of plans and programs for:
 - a. Historic preservation;
 - b. The elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites;
6. An economic element composed of appropriate studies and an economic development plan that may include review of Vernal City's revenue and expenditures, revenue sources, identification of base and residentiary industry,

- primary and secondary market areas, employment and retail sales activity;
- 7. Recommendations for implementing the plan, including the use of land use ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions; and
- 8. Any other elements the City considers appropriate.

B. The Planning Commission ~~may from time to time recommend to the City Council an amendment, extension or addition to the plan or in carrying any subject matter in greater detail~~, after holding a public hearing. ~~Notice of the public hearing shall be published~~ after at least ten (10) days ~~before the hearing~~ ~~notice in a newspaper of general circulation on the Utah Public Notice Website~~, and posted on the City's web site and mailed to the affected entities, ~~may from time to time recommend to the City Council an amendment, extension or addition to the plan or in carrying any part of subject matter into greater detail.~~

(PZSC § 03-03-007)

(Ord. 2014-18, Amended, 06/18/2014; Ord. 2005-07, Amended, 06/01/2005)

SECTION 4: AMENDMENT “Section 16.16.050 Proposed Development -- Submission Of Plans And Documents” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.16.050 Proposed Development -- Submission Of Plans And Documents

- A. Discuss Proposed PRUD with City Planner. Any person wishing to create a PRUD within Vernal City, Utah, shall secure from the City Planner information pertaining to the City's plan of streets, parks, drainage, land use, and other general plan requirements affecting the land proposed for the PRUD.
- B. Prepare Vicinity Plan. The developer shall then prepare a vicinity plan and shall submit nine (9) copies of the same to the Planning Commission.
- C. Obtain Planning Commission Approval of Vicinity Plan. The Planning Commission shall review and shall approve or disapprove the general design of the subdivision or approve it subject to required changes or alterations.
- D. Prepare Preliminary Plat and Engineering Drawing and Pay Preliminary Plat Fees to City Clerk. Upon approval of the vicinity plan by the Planning Commission, the developer shall prepare a preliminary plat of the PRUD and shall submit to the Planning Commission the following:
 - 1. Nine (9) copies of the preliminary plat for the proposed PRUD should be submitted to the Planning Commission at least fourteen (14) days prior to the scheduled Planning Commission meeting. The preliminary plat should show proposed uses, dimensions, locations of proposed structures, landscaping, recreational facilities and areas reserved as common open space and utility

easements. The preliminary plat shall also indicate the following tabulations:

2. Total number of acres in the proposed development;
 3. Total number of dwelling units;
 4. Number of off-street parking spaces;
 5. Percentage of total lot area maintained in open green space.
- E. Three (3) copies of the engineering drawings shall also be submitted prior to final approval, showing:
1. Typical cross sections of streets;
 2. Provisions for drainage;
 3. Location and size of both on-site and off-site water mains and sewer lines.
- F. The Planning Commission shall hold a public hearing, review and shall approve or disapprove the preliminary plat, or approve it with modifications within thirty (30) days from the date of submission of the preliminary plat. Notice of the public hearing shall be posted on the Utah Public Notice Website and also on the City's website at least ten (10) days prior to the public hearing. The action of the Planning Commission shall be written on the face of two (2) copies of the plat, one (1) of which shall be returned to the developer.
- G. Prepare Final Plat and Obtain Approval of Planning Commission and Pay Final Plat Fees to City Clerk. After the preliminary plat has been approved, the developer shall then prepare and submit one (1) tracing, three copies of the finalized covenants, conditions and restrictions to the Planning Commission. The following documents shall also be submitted to the Planning Commission prior to final approval:
1. A declaration of management policies and the covenants setting forth the responsibilities and duties of the occupants within the development (homeowners association articles of incorporation and bylaws);
 2. An agreement between the developers and Vernal City stating among other things:
 - a. That in the event of failure or neglect on the part of the owners, successors or assigns to maintain the common areas, landscaping and other improvements in good condition, the City may perform the necessary work and for this purpose may enter upon the land and do the work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors and assigns, and
 - b. That the developer will construct the project in accordance with approved plans, and
 - c. That the agreement shall be binding upon the heirs, assigns, receivers or successors of the project for the life of the building or project, and
 - d. That the required open space shall be protected against building development by conveying to the City an open space easement over such open space areas, and
 - e. That the project shall be subject to any other conditions that the Planning Commission deems reasonably necessary to carry out the intent of this title.
- H. Obtain Approval of the City Council. After setting up an escrow account, the plat,

shall be submitted to the City Council for approval. Unless otherwise provided on the plat, approval of the final plat shall constitute acceptance by the City of all streets and other properties dedicated for public use.

- I. Record Final Plat. After obtaining approval of the City Council, the developer shall submit the final plat tracing to the office of the Uintah County recorder for recording within ninety (90) days of the date of approval by the City Council.

(PZSC § 03-07-005)

(Ord. 2005-07, Amended, 06/01/2005)

SECTION 5: AMENDMENT “Section 16.58.040 Procedure For Obtaining Subdivision Approval” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.040 Procedure For Obtaining Subdivision Approval

- A. Discuss Proposed Subdivision with City Planner. Any person wishing to subdivide land within Vernal City, Utah, shall secure from the City Planner information pertaining to the City's plan of streets, parks, drainage, land use and other general plan requirements affecting the land to be subdivided.
- B. Prepare Concept Plan. The subdivider shall then prepare a concept plan and shall submit nine (9) copies of the same to the Planning Commission.
- C. Obtain Planning Commission Approval of Vicinity Plan. The Planning Commission shall review and shall approve or disapprove the general design of the subdivision or approve it subject to required changes or alterations.
- D. Prepare Preliminary Plat and Engineering Drawing and Pay Preliminary Plat Fees to City Clerk. Upon approval of the concept plan by the Planning Commission, the subdivider shall prepare a preliminary plat of the subdivision and shall submit to the Planning Commission the following:
 1. Nine (9) Three (3) copies of the preliminary plat in a 24 inch by 36 inch format; nine (9) copies in an 11 inch by 17 inch format and one (1) copy in a digital format readable by a computer as specified by Vernal City.
 2. Three (3) copies of the engineering drawings showing:
 - a. Typical cross sections of streets,
 - b. Provisions for drainage,
 - c. Location and size of both "on-site" and "off-site" water mains and sewer lines;
 3. Nine (9) copies of preliminary covenants, conditions and restrictions;
 4. Any other material or information required by the Planning Commission.
 5. A copy of the warranty deed(s) or other evidence of proprietary interest for all parcels contained within the boundaries of the proposed subdivision.
- E. Obtain Planning Commission Approval of Preliminary Plat.

1. The Planning Commission shall hold a public hearing providing ~~at least seven~~ ~~(7)~~ ~~ten~~ ~~(10)~~ days notice ~~to a newspaper of general circulation within the City~~ on the Utah Public Notice Website and posted on the City's web page and to property owners within three hundred feet of the subdivision. The Planning Commission shall review and shall approve or disapprove the preliminary plat, or approve it with modifications within thirty (30) days from the date of the submission of the preliminary plat. Approval or denial of the plat shall be based upon compliance with the general plan and with the standards and conditions of approval, as set forth in this chapter. The action of the Planning Commission shall be written on the face of two (2) copies of the plat, one (1) of which shall be retained in the files of the Planning Commission and one (1) of which shall be returned to the subdivider. If disapproved, the Planning Commission shall express its reasons therefor to the subdivider.
 2. Where a subdivider owns or controls more land that he wishes to develop immediately, the Planning Commission may require that the preliminary plat of the whole area be submitted, in which case the subdivider shall indicate on the preliminary plat the portion to be developed immediately and the portion to be held for development. Whenever final plat approval has been obtained on any part of the preliminary plat, approval of the remaining part of the preliminary plat shall remain in effect for a period of two (2) years. The preliminary plat, along with engineering drawings, may be presented to the Planning Commission at the same time as the concept plan.
- F. Prepare Final Plat and Obtain Approval of Planning Commission and Pay Final Plat Fees to City Clerk. After the preliminary plat has been approved, the subdivider shall then prepare and submit one (1) tracing, three (3) copies of the final plat of the subdivision and three (3) copies of the finalized covenants, conditions and restrictions to the Planning Commission.
 - G. Set up escrow account with the City. (see Section 16.58.030) After approval of the final plat of a subdivision by the Planning Commission, the subdivider shall either construct required improvements or set up an escrow account with the City Clerk in an amount, as determined by the City Engineer, sufficient to cover the costs of any improvements required under this code as a guarantee that the improvements will be installed and paid for without cost to the City.
 - H. Obtain Approval of the City Council. After setting up an escrow account, the plat, shall be submitted to the City Council for approval. Unless otherwise provided on the plat, approval of the final plat, or in the case of a minor subdivision the preliminary plat, shall constitute acceptance by the City of all streets and other properties dedicated for public use.
 - I. Record Final Plat. After obtaining approval of the City Council, the subdivider shall submit the final plat tracing to the office of the Uintah County recorder for recording within ninety (90) days of the date of approval by the City Council.

(PZSC § 03-28-003) (Ord. No. 96-08, Amended, 03/20/96)
(Ord. 2008-13, Amended, 07/16/2008; Ord. 2008-07, Amended, 05/07/2008; Ord. 2005-07, Amended, 06/01/2005)

SECTION 6: AMENDMENT “Section 16.58.055 Minor Subdivisions Regulations” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.055 Minor Subdivisions Regulations

- A. A minor subdivision of land creating not more than 4 parcels may be approved provided the proposed subdivision:
 - 1. is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
 - 2. has been approved by the culinary water authority and the sanitary sewer authority;
 - 3. is located in a zoned area; and
 - 4. conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- B. A plat shall be prepared in accordance with Section 16.58.050C of the Vernal City Code and submitted to the city planner thirty (30) days prior to the Planning and Zoning Commission meeting at which the proposed subdivision will be heard.
 - 1. Section 16.58.050(C)(3)(i)(iii) addressing owner's dedications shall not be required.
- C. The Planning and Zoning Commission shall hold a public hearing and provide notice at least five (5) ten (10) days prior to such hearing:
 - 1. ~~to a newspaper of general circulation within the City~~ on the Utah Public Notice Website, and;
 - 2. by posting the notice on the City's webpage.
- D. The Planning and Zoning Commission shall approve, approve with modifications or disapprove the proposed subdivision within forty-five (45) days of the date of the first public hearing and forward its recommendation to the City Council.
- E. The City Council shall approve, approve with modifications or disapprove the proposed subdivision within forty-five (45) days of the date which the City Council first hears the proposed subdivision.
- F. The applicant shall:
 - 1. record the minor subdivision plat with the Uintah County recorder within ninety (90) days of the date of approval by the City Council or the minor subdivision plat shall become null and void, and;
 - 2. provide the city planner with a copy of the recorded minor subdivision.
- G. Notwithstanding other sections of the Vernal City Code, an escrow shall not be required to be established prior to the recording of a minor subdivision provided no improvements associated with the minor subdivision will be conveyed to Vernal City.
- H. Notwithstanding other sections of the Vernal City Code, provisions for stormwater

conveyance and retention shall not be required.

(Ord. 2012-15, Amended, 05/16/2012; Ord. 2010-15, Amended, 08/04/2010; Ord. 2007-21, Add, 08/15/2007)

SECTION 7: AMENDMENT “Section 16.58.500 Amended Plats” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.500 Amended Plats

Amended plats must be filed. When major changes in a plat of a subdivision which has been recorded are made, approval of the subdivision shall be vacated and an amended plat thereof approved and filed in accordance with the requirements of this chapter. No change shall be made in the approved plats unless approval thereof has been obtained by the Planning Commission and the City Council after the City Council has held a public hearing with at least ten (10) five (5) days notice ~~to a paper of general circulation~~ on the Utah Public Notice Website and posted on the City's website, except that the City Planner may approve petitions to adjust lot lines between adjacent properties upon the filing of a record of survey and the recordation of an appropriate deed if:

- A. No new dwelling lot or housing unit results from the lot line adjustment, and;
- B. The lot line adjustment does not result in remnant land that did not previously exist, and;
 1. Remnant land is land that does not meet zoning requirements.
- C. The adjustment does not result in violation of applicable zoning requirements.
- D. Notice of the lot line adjustment must be made ~~to a newspaper of general circulation~~ on the Utah Public Notice Website and posted on the City's website indicating the date by which objections must be received in the City Recorder's office. If no objections are received, the lot line adjustment may be approved by the City Planner if all other requirements are met. If an objection is filed, the lot line adjustment will be heard at the next Planning Commission meeting for their review and decision.

(PZSC § 03-28-009 (4))

(Ord. 2012-13, Amended, 05/16/2012; Ord. 2005-07, Amended, 06/01/2005; 99-08, Amended, 07/21/1999)

SECTION 8: REPEALER CLAUSE All ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 9: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10: EFFECTIVE DATE This Ordinance shall take effect the day after publication on the Utah Public Notice Website, 12 day of July, 2021. *August*

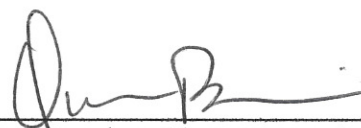
PASSED AND ADOPTED BY THE VERNAL COUNCIL
July 21, 2021

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nicholas Porter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Travis Allan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Dave Everett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Bert Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Ted Munford	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer


Doug Hammond, Mayor, Vernal

Attest


Quinn Bennion, City Manager /
Recorder Vernal

