



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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

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

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

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

Adjourn

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

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

*Meeting ID: 833 7734 1748*

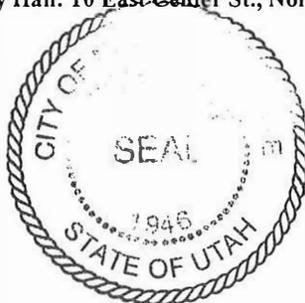
The public is invited to attend all Planning Commission meetings. If you need special accommodations to participate in the Planning Commission meeting, please call the City offices at (801) 335-8700. Please provide at least 24 hours' notice for adequate arrangements to be made. The agenda items may be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

### Notice of Posting:

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

Dated this 5<sup>th</sup> day of October, 2023

  
Wendy Page, City Recorder





# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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10 East Center Street, North Salt Lake, Utah 84054  
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## MEMORANDUM

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

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### **RECOMMENDATION**

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

### **BACKGROUND**

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

### **Draft Amendments**

#### ***New Title 13 Subdivisions:***

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

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

#### **13-6-010: Planned Unit Developments:**

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

#### **Sections A-C.**

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

#### **Section D.**

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

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

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

*New Process:*

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

Section F

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

Section G

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

Section H

*PUD standards*

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

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

Section I. Open Spaces

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

**Section 13-6-020: Condominium Subdivisions**

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

Sections A-B

- *Are the purpose and intent statements*

Section C

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

Sections D-E

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

Section F-I

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

Section J-K

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

Section L-M

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

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

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

Section A-B

- *Applicability and purpose statements*

Section C

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

Section D

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

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

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

13-7-010 Plat Amendments

Section A

- *Application and plat requirements*

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

#### Section B

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

#### Section C

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

#### **Attachments**

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

TITLE 13 SUBDIVISION REGULATIONS

**(REDLINE 10.04.2023)**

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

**13-6-010 ~~10-7-4~~: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

**13-6-020 ~~10-19~~: CONDOMINIUM SUBDIVISIONS**

**13-6-030 ~~10-7-5~~: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS; SPECIAL REQUIREMENTS:**

**13-6-010~~10-7-4~~: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:**

A. Purpose: The purpose of planned unit development (PUD) is to permit flexibility in land use regulations and for the consolidation of open spaces by clustering dwelling units, in order to preserve natural features, allow a variety of land uses, provide meaningful and usable open spaces, and to make efficient use of essential infrastructure and public facilities. The application of planned unit development concept is intended to encourage neighborhoods, housing, design, open space and facilities compatible with the present living environment in the cityCity as described by the general plan, while at the same time ensuring compliance with practices which will assure the health, safety and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project.

B. The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations. Through the flexibility of the planned unit development regulations, the City seeks to achieve the following specific objectives:

1. ~~1-~~The stabilization and preservation of the existing or planned land uses in abutting areas and surrounding residential neighborhoods;
2. ~~2-~~Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
3. ~~3-~~Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;
4. ~~4-~~Maximizing and preserving vegetation and open space and/or other special development amenities to provide light, air and privacy, to buffer abutting properties and to provide active and passive recreation opportunities for residents of the planned development and/or the community;
5. ~~5-~~Minimize significant through traffic impacts on adjacent residential neighborhoods;
6. ~~6-~~Provide an appropriate transition or buffering between uses of differing intensities both on site and off site; and
7. ~~7-~~Provide safe and convenient vehicle and pedestrian connections between adjacent uses

C. In return for greater flexibility in site development, the PUD introduces some special requirements and standards for design approval. These conditions will be employed to maximize quality of site design. They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more conventional development. The PUD process will not be used as a device to force a decrease in residential density below that otherwise allowed by the comprehensive plan and underlying zoning.

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

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

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

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

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

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

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

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

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

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

~~\_\_\_\_2. Planning Commission Review: The city council shall submit the variance application to the planning commission for review and comments upon receipt of said application.~~

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

H.

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

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

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

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

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

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

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

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

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

### H. ~~D-~~Required Conditions:

1. ~~1-~~Area: No planned unit development shall have an area less than that approved by the ~~planning commission~~ Planning Commission as adequate for the proposed development.
2. ~~2-~~Arrangement Of Structures; (residential)
  - a. ~~a-~~Open Space: The ~~planning commission~~ Planning Commission shall require such arrangements of structures ~~and to consolidate and maximize usable~~ open spaces for the enjoyment and convenience of future residents of the development. Care shall be taken as necessary to assure that adjacent properties will not be adversely affected. ~~In particular:~~
  - b. ~~ab-~~Perimeter Setback: All structures within a PUD shall be setback from the perimeter boundary of the development a minimum of fifteen (15) feet. ~~Where feasible, buildings of least height and the least intensity of buildings and uses shall be arranged around the boundaries of the development.~~
  - c. Height Restrictions: The perimeter setback shall be a minimum of twenty-five (25') feet for structures with greater than two (2) stories adjacent to a property line shared with a single family dwelling(s) or single family zone.
  - d. ~~-~~Front Setback (street façade): All front façades of buildings which face a private or public street right of way shall be setback a minimum distance of twenty (20) feet from the edge of the right of way, including any required sidewalk and park strip.
  - e. ~~-~~Front Setback (other): All front facades of buildings which face a perimeter development boundary or other physical feature or barrier, such as a retaining wall greater than 4 feet in height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-five feet.
  - f. ~~-~~Building Separation-front façade(s): Residential structures which front a courtyard or other shared common open space have a minimum building separation of thirty (30) feet. Front porches, patios, awnings, or above ground decks may extend into the separation distance up to five (5) feet. Fenced limited common area may extend up to ten (10) feet into the separation distance.

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

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

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

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

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

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

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

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

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

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

4-

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

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

m. Front façade elevation:

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



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



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

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

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

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

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

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

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

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

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

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

289 10-19-1: PURPOSE AND INTENT:

290 10-19-2: SUBMISSION OF APPLICATION:

291 10-19-3: STAFF REVIEW:

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

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

294 10-19-6: TENANT PROTEST REVIEW:

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

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

298 10-19-1: PURPOSE AND INTENT:

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

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

318 10-19-2: SUBMISSION OF APPLICATION:

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

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

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

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

340 a. ~~The age of the building or buildings.~~

341

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

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

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

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

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

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

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

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

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

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

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

379 1. ~~1.~~ Planning Staff Review:

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

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

397 2. ~~2.~~ Building Inspection Staff Review:

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

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

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

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

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

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

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

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

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

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

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

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

~~O. Final Approval. If upon submission of the recommendations of the building official and planning staff, engineering staff and fire marshal Development Review Committee, the planning commission Planning Commission finds that the project is in compliance with applicable ordinances and the requirements of preliminary approval, the planning commission Planning Commission may grant final approval. The planning commission Planning Commission will review recommendations for from the planning staff, engineering staff, development review committee and the fire marshal and building official for work that is proposed for subsequent completion, bonding or waiver and may otherwise impose appropriate terms upon such bonding or conditions upon its approval. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

**10-19-8: APPROVAL BY CITY COUNCIL:**

- ~~A. Submission To City Council: Upon final approval by the planning commission, the planning staff shall ensure all conditions of approval have been completed, all final documentation is signed and submitted, including any required bonds or agreements required to be filed, and shall then submit the matter, together with the recommendation of the planning commission with the chairperson's signature upon the map before the city council for final approval. If the city council shall determine said project is in conformity with the requirements of applicable ordinances of the city, or if they reject any offers of dedication, or if~~
- ~~P. Disapproval. If the Planning Commission is not satisfied with plans of a project which constitutes a subdivision, the city council Planning Commission may disapprove said map, specifying reasons for disapproval.~~
- ~~B. Reconsideration: Within thirty (30) days after the city council Planning Commission has disapproved any project, the developer may file with the planning staff a map or documents altered to meet the requirements of the city council Planning Commission or may appeal the denial to the City Council. Upon receipt of said map or documents, the matter shall be referred back to the Planning Commission for reconsideration or city council to the City Council for appeal by the planning staff for reconsideration.~~
- ~~C. Force And Effect: No final map shall have any force or effect until the same has been approved by the city City as reflected by the signature of the mayor and is officially recorded with the city City recorder Recorder within eighteen six (186) months from the date of the mayor's Mayor's signature. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

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

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

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

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

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

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

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

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

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

~~7. 7-~~ Guarantees:

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

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

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

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

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

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

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

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

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

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

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

- A. Purpose: The purpose of planned unit development (PUD) is to permit flexibility in land use regulations and for the consolidation of open spaces by clustering dwelling units, in order to preserve natural features, allow a variety of land uses, provide meaningful and usable open spaces, and to make efficient use of essential infrastructure and public facilities. The application of planned unit development concept is intended to encourage neighborhoods, housing, design, open space and facilities compatible with the present living environment in the City as described by the general plan, while at the same time ensuring compliance with practices which will assure the health, safety and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project.
- B. The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations. Through the flexibility of the planned unit development regulations, the City seeks to achieve the following specific objectives:
  - 1. The stabilization and preservation of the existing or planned land uses in abutting areas and surrounding residential neighborhoods;
  - 2. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
  - 3. Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;
  - 4. Maximizing and preserving vegetation and open space and/or other special development amenities to provide light, air and privacy, to buffer abutting properties and to provide active and passive recreation opportunities for residents of the planned development and/or the community;
  - 5. Minimize significant through traffic impacts on adjacent residential neighborhoods;
  - 6. Provide an appropriate transition or buffering between uses of differing intensities both on site and off site; and
  - 7. Provide safe and convenient vehicle and pedestrian connections between adjacent uses
- C. In return for greater flexibility in site development, the PUD introduces some special requirements and standards for design approval. These conditions will be employed to maximize quality of site design. They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more conventional development. The PUD process will not be used as a device to force a decrease in residential density below that otherwise allowed by the comprehensive plan and underlying zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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m. Front façade elevation:

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



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



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

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

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

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

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

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

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

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

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

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

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405 or Chapter 7 Plat Amendments, as applicable, and shall be in conformance to purpose and intent of  
406 the regulations contained within this section.

407 B. Purpose And Intent: The purpose and intent of this section is to:

- 408 1. Permit variety and flexibility in land development for residential purposes by allowing the use of  
409 mobile homes and recreational vehicles under certain conditions.  
410 2. Require that mobile home and recreational vehicle developments will be of such character as to  
411 promote the objectives and purposes of this title; to protect the integrity and characteristics of  
412 the district contiguous to those in which mobile home parks are located; and to protect other  
413 land use values contiguous to or near mobile home or recreational vehicle developments.

414 C. Location:

- 415 1. Mobile Homes: No mobile home shall be located anywhere within the corporate boundaries of  
416 the City except in a licensed mobile home park or approved mobile home subdivision.  
417 Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile  
418 home park or mobile home subdivision will be permitted for a period not exceeding twenty four  
419 (24) hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home  
420 sales areas.

421 2. Recreational Vehicles:

- 422 a. Recreational vehicles which do not include facilities necessary to be "mobile homes", as  
423 defined in section 10-1-47 of this code, shall not be used at any place within the corporate  
424 boundaries of the City, at any time, for living quarters except in designated camping areas or  
425 recreational vehicle parks.  
426 b. Recreational vehicles which are unoccupied for living space may be stored on an owner's  
427 private residential lot, provided the parking complies with the regulations in section 10-6-6  
428 of this title. Long term commercial storage of recreational vehicles, maintenance operations,  
429 reconstruction or construction activities are permitted within zoning districts allowing such  
430 uses.

431 D. Standards And Requirements:

- 432 1. Determination Of Compliance: The Planning Commission shall review the proposed  
433 development plan to determine its compliance with all portions of the City General Plan and,  
434 among other things, shall attempt to make sure that such development will constitute a  
435 residential environment of sustained desirability and stability and that it will not adversely affect  
436 amenities in the surrounding area. Standards higher than the minimum standards contained in  
437 this title may be required if necessary for local conditions of health, safety and protection of  
438 property, and to ensure that the development will mix harmoniously with contiguous and  
439 nearby existing and planned uses.

440 2. Required Facilities: The Planning Commission shall not approve any application for mobile home  
441 park, recreational vehicle park or mobile home subdivision if the developer cannot provide  
442 required water supplies and facilities, waste disposal systems, storm drainage facilities, access  
443 or improvements, or if the developer cannot assure that the development will be completed  
444 within twelve (12) months, or if the Planning Commission determines there would be unusual  
445 danger of flood, fire or other hazard, or if the proposed development would be of such  
446 character or in such a location that it would:

- 447 a. Create excessive costs for public services and facilities;  
448 b. Endanger the health or safety of the public;

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

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

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

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

## **TITLE 13 SUBDIVISION REGULATIONS**

**(Clean 10.04.2023)**

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

**TITLE 13 SUBDIVISION REGULATIONS**

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- 666 a. The recreational vehicle park portion of the development is separated by barriers, screens  
667 or otherwise from the area of mobile homes.
- 668 b. The recreational vehicle use area shall have direct access to a collector or arterial street.
- 669 c. Separate ingress and egress shall be provided for recreational vehicles when required by the  
670 Planning Commission.
- 671 11. Area; Construction And Phase Completion Plan: Recreational vehicle parks may be approved in  
672 locations permitting such use in this title. Before such approval is given, the Planning  
673 Commission shall find that the proposed development will:
- 674 a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park,  
675 unless modified by a planned unit development plan.
- 676 b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile  
677 home park), or an approved schedule of financing, construction and phase completion, and  
678 approved security, to assure compliance.
- 679 G. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile  
680 home subdivisions outlined in this section, mobile home subdivisions shall meet the following  
681 requirements:
- 682 1. Area; Lots; Homeowners' Association: Mobile home subdivisions may be approved in locations  
683 permitting such use in this title. Before such approval may be granted, the Planning Commission  
684 shall find that the proposed development will:
- 685 a. Be located on a parcel of land containing not less than five (5) acres.
- 686 b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum  
687 width of fifty feet (50').
- 688 c. Be organized in a homeowners' association, if required by the Planning Commission.
- 689 2. Security Compound: The Planning Commission may require a security compound for the storage  
690 of vehicles, boats and other large items, to be provided equivalent to a minimum of three  
691 hundred (300) square feet of paved area per mobile home lot, to be maintained by a  
692 homeowners' association in the mobile home subdivision.
- 693 3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy.  
694 If shields are used, they are to be fireproof and painted, or otherwise preserved.
- 695 4. Street Widths: Street widths shall be as required by the development regulations, except as may  
696 be modified by an approved planned unit development plan.
- 697 5. Term Of Occupancy: No mobile home in a mobile home subdivision shall be rented or leased for  
698 a period of less than ninety (90) days. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)
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TITLE 13 SUBDIVISION REGULATIONS

(REDLINE 10.05.2023)

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13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS

13-7-010: PLAT AMENDMENTS

13-7-020: EXEMPTION FROM PLAT REQUIREMENT

13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:

13-7-010: Plat Amendments: [existing language from 10-7-7(H)]

~~A.2. The application for a proposed plat amendment shall be submitted to the community development department and shall contain the following: Petition To Change Or Vacate Subdivision Plat:~~

~~A. The application for a proposed plat amendment shall be submitted to the community development department and shall contain the following:~~  
~~a. General Petition Contents:~~

- ~~1. (1) A complete application on forms created by the cityCity;~~
- ~~2. (2) Ten (10) Two (2) 24" x 36" copies, one (1) reduced 11" x 17" copy, and an An electronic copy of a preliminarythe proposed plat amendment drawing designed to print at twenty-four by thirty-size (24"x36") inches, showing the land to be subdividedlots to be amended, properly and accurately drawn to scale, certified as accurate by a registered land surveyor or professional engineer;~~
- ~~(3) One reduced eleven inch by seventeen inch (11" x 17"), or eight and one-half inch by eleven inch (8<sup>1</sup>/<sub>2</sub>" x 11") copy of the preliminary plat drawing;~~

~~1.3. Plat amendments shall be prepared in conformance to the standards outlined in this title for a final plat submission, and shall include all notes, conditions, easements, or other pertinent information included upon the subdivision plat to be amended.~~

~~2.4.~~

~~3.—For plat amendments which vacate or amend a public right of way or public trail, stamped, addressed envelopes for property owners within 300 feet of the boundary of the plat, all property owners that access their property from the proposed vacated right of way and all property owners within the boundary of the proposed amended plat. Notice of public hearing shall be delivered as detailed in 10-3-3 Public Hearings—a class A notice as required by USC 10-9a-208. The name and address, on gummed mailing labels, of the following:~~

~~(A) All owners, as shown in the last county assessment rolls, of the land contained in the entire original or previously amended subdivision plat and of all property owners within three hundred feet (300') of the property (excluding streets) that is the subject of the proposed plat change;~~

~~(B) All owners, as shown in the last county assessment rolls, of land within the subdivision plat or adjacent to any street that is proposed to be closed, vacated, altered or amended;~~

~~(C) The name and address of the petitioner.~~

~~(5) A current ownership plat from the Davis County recorder's office showing the entire subdivision plat and notice area.~~

~~5. b Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to the consolidated fee schedule for the cityCity.~~

## TITLE 13 SUBDIVISION REGULATIONS

**(REDLINE 10.05.2023)**

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

## TITLE 13 SUBDIVISION REGULATIONS

**(REDLINE 10.05.2023)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE 13 SUBDIVISION REGULATIONS

**(REDLINE 10.05.2023)**

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

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

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

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

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

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

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

147 ~~b. City Internal Review:~~

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

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

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

156 ~~c. Planning Commission Hearing:~~

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

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

TITLE 13 SUBDIVISION REGULATIONS

**(REDLINE 10.05.2023)**

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

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

169 d. ~~City Council Meeting:~~

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

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

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

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**TITLE 13 SUBDIVISION REGULATIONS**

**(REDLINE 10.05.2023)**

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**13-7: PLAT AMENDMENTS & LOT LINE ADJUSTMENTS**

**13-7-010: PLAT AMENDMENTS**

**13-7-020: EXEMPTION FROM PLAT REQUIREMENT**

**13-7-030: ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS:**

**13-7-010: Plat Amendments: [existing language from 10-7-7(H)]**

- A. The application for a proposed plat amendment shall be submitted to the community development department and shall contain the following:
  - 1. A complete application on form created by the City;
  - 2. An electronic copy of the proposed plat amendment designed to print at twenty-four by thirty-size (24"x36") inches, showing lots to be amended, properly and accurately drawn to scale, certified as accurate by a registered land surveyor;
  - 3. Plat amendments shall be prepared in conformance to the standards outlined in this title for a final plat submission, and shall include all notes, conditions, easements, or other pertinent information included upon the subdivision plat to be amended.
  - 4. For plat amendments which vacate or amend a public right of way or public trail, stamped, addressed envelopes for property owners within 300 feet of the boundary of the plat, all property owners that access their property from the proposed vacated right of way and all property owners within the boundary of the proposed amended plat. Notice of public hearing shall be delivered as a class A notice as required by USC 10-9a-208.
  - 5. Fees: The petitioners shall pay, with the amendment petition, the appropriate fees pursuant to the consolidated fee schedule for the City.
- B. Review Process:
  - 1. Applicability:
    - a. Residential, commercial, industrial or agricultural subdivision amendments that cannot be processed as routine and uncontested lot line adjustments, shall be processed pursuant to this subsection.
    - b. Plat amendments that create one or more additional lots to the subdivision, shall not be processed as a plat amendment, but shall be processed as new subdivision.
  - 2. City Internal Review:
    - a. The Community Development Department shall obtain comments regarding the amendment petition from all interested City departments.
    - b. If the development review staff determines that the proposed amendment petition may have an adverse material impact on traffic, it may require the applicant to submit a professionally prepared traffic impact study.
    - c. The departmental comments shall be transmitted to the applicant.
  - 3. Planning Commission Review:
    - a. Plat amendments which vacate or amend a public right of way or public trail shall be noticed for Public Hearing in accordance with USC 10-9a-208, as amended. The Planning Commission shall hold a public hearing to consider the amendment petition.

**TITLE 13 SUBDIVISION REGULATIONS**

**(REDLINE 10.05.2023)**

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

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

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

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

## **TITLE 13 SUBDIVISION REGULATIONS**

**(REDLINE 10.05.2023)**

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

114

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

6  
7 **DRAFT**  
8

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

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

18 EXCUSED: Commissioner Katherine Maus  
19

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

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

26 1. PUBLIC COMMENTS  
27

28 There were no public comments.  
29

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

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

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

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

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

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

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

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

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

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

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

88

89 **Commissioner Tucker moved that the Planning Commission approve the conditional use**  
90 **permit for over 30 feet of driveway at 1025 South Plum Tree Court with no conditions.**  
91 **Commissioner Ward seconded the motion. The motion was approved by Commissioners**  
92 **Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner Maus was excused.**

93

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

96

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

106

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

117

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

120

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

125

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

130

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

133

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

135

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

137

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

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

140

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

144

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

146

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

150

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

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

153

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

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

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

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

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

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

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

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

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

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

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

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

248

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

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

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

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

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

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

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

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

290

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

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

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

311

#### 312 7. APPROVAL OF MINUTES

313

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

315

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

320

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

323

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

328

#### 329 8. ADJOURN

330

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

332

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

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336

337

338 

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*Wendy Page, City Recorder*