

Chair

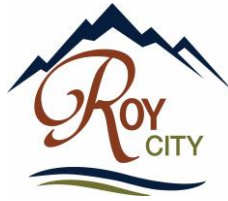
- Ryan Cowley

Vice-Chair

- Jason Felt

City Planner

- Steve Parkinson

**Commission Members**

- Samantha Bills
- Torris Brand
- Christopher Collins
- Janel Hulbert
- Claude Payne
- Jason Sphar
- Daniel Tanner

PLANNING COMMISSION AGENDA

November 14, 2023

6:00 p.m.

The Roy City Planning Commission regular meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

[This meeting will be streamed live on the Roy City YouTube channel.](#)

Agenda Items

1. Declaration of Conflicts
2. Approval of the September 26, 2023, work-session minutes
3. Approval of the October 10, 2023, regular meeting minutes
4. Approval of the October 24, 2023, work-session minutes

Legislative Items

5. **Public Hearing** - To consider amendments to Title 11 Subdivision Regulations as per SB 174 (2023)

Administrative Items

6. A request for Site Plan and Architectural approval for Goldenwest Credit Union located at approximately 5627 South 2050 West
7. A request for Site Plan approval for Limitless Potential located at approximately 4881 South 1900 West
8. Commissioners Minute
9. Staff Update
10. Adjourn

In Compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1040 or by email: ced@royutah.org at least 48 hours in advance of the meeting.

Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) "Electronic Meetings" of the Open and Public Meetings Law, any Commissioner may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference.

Certificate of Posting

The undersigned, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 9th day of November 2023. A copy was also provided to the Standard Examiner, posted on the Roy City Website, Public Notice Website and at the Roy City Municipal Building on the same date.

Visit the Roy City Web Site @ www.royutah.org
Roy City Planning Commission Agenda Information – (801) 774-1027

Steve Parkinson, City Planner





ROY CITY
Planning Commission Work-Session
September 26, 2023 – 6:00 p.m.
Community Development Conference

The meeting was a regularly scheduled work-session designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Ryan Cowley, Chair
Samantha Bills
Torrin Brand
Chris Collins
Jason Felt
Janel Hulbert
Jason Sphar
Daniel Tanner

Steve Parkinson, City Planner
Patrick Tan, Assistant City Attorney

Others in attendance: Kevin Homer

Pledge of Allegiance: Commissioner Collins

1. DISCUSSION REGARDING SB 174 AND THE REQUIRED CHANGES TO TITLE 11
SUBDIVISION REGULATIONS.

Mr. Parkinson announced the State had required many changes to their subdivision Code, and the main one which he needed to discuss tonight was State Bill 174, which eliminated the need for the subdivision plat to get legislative approval. He explained previously, subdivision plats went before the Planning Commission for a recommendation, and then they were passed on to the City Council. However, the State now required that subdivision plats were only allowed to sit for 15 days, and it was not always possible to get the plat request on both a Planning Commission and City Council agenda within that time frame. Therefore, the Bill had made subdivision plats require administrative approval, rather than legislative.

Mr. Parkinson explained the question now was who they wanted to designate as the administrative body who would handle subdivision plats. Commissioner Tanner opined property rights should not be a legislative issue and thought approvals and reviews should stay within the purview of the Planning Commission. Mr. Parkinson pointed out this was not feasible since the Planning Commission only met to vote on Action Items once a month.

Mr. Parkinson said one option would be to have the Community Development Director or someone they designated, which in this case would be himself or whoever the City Planner was at the time. He said another option would be to have the DRC review it, which would work since they met on a weekly basis. Mr. Parkinson said he had already sent plat requests to the Fire Department so they would have time to review it as well. He explained the DRC already evaluated plats from all angles including landscaping, engineering, and public works rather than just from a zoning standpoint, so he thought this would be the best solution. He disclosed that he served on the development review committee.

The Commissioners agreed it would be best to send things to the DRC, since if it was codified that the Community Development Director reviewed plat requests, then it would only be looked at by one person, but if the DRC evaluated it there would be a more holistic review of the request. Mr. Parkinson agreed that the standards were more cut and dry from just a zoning standpoint, so he thought making the DRC the approving body might allow for a more comprehensive review, although he expressed he could go either way.

Mr. Parkinson said he just needed direction at this stage and explained the process for approval. Commissioner Hulbert thought appointing the DRC would be best since it might mitigate applicants blaming Mr. Parkinson in the event they were denied. Mr. Parkinson said he could pass on the recommendation to the legal team that the DRC be appointed, but clarified nothing was finalized and the Planning Commission would have another chance to consider this item when it came back around for actual approval.

Chairman Cowley proposed the Community Development Director be the one to give approval, but they do so in consultation with the DRC. He explained the distinction on the grounds that in the event the Community Development Director or their designee were unable to sign off in a timely fashion, the DRC could still review it. Mr. Parkinson said the DRC would always review it in either case, and said if they appointed the Community Development Director, they would then always have to be the one to sign off on subdivision plat requests. Commissioner Hulbert summarized it seemed best to have the Community Development Director and the DRC work in concert.

Mr. Parkinson briefly explained the thought process behind not designating himself and said before Brody Flint became the Community Development Director had become his department head the City Attorney had been his direct boss. He explained the chain of command.

Chairman Cowley expressed approval of the idea that the Community Development Director work in conjunction with the DRC and the other Commissioners concurred.

2. DISCUSSION REGARDING TITLE 13 SIGN REGULATIONS, AMENDING CH 4 – POLITICAL/CAMPAIGN SIGNS; AND VISUAL CLEARANCE TRIANGLE.

Mr. Parkinson explained the current regulations for the amount of time before and after campaign signs were permitted to be displayed in town. However, the Supreme Court had seen a case, *Reed v Gilbert*, in which it had been determined there could be no limit on the length of time campaign signs could be up. Mr. Parkinson said he wanted to make a distinction between political signs and campaign signs, since he thought political signs were more of a free speech issue, whereas campaign signs were more relaxed. He said his recommendation was to remove the phrase about “political/campaign signs” in order to have a clear delineation.

Mr. Parkinson explained the discrepancies in the Code about this rule. He said in the Campaign Signs section of the Code, it was stated that signs were not permitted in the sight triangle; however, in the Monument Signs section of the Code it only stipulated signs could not be placed to impede the sight triangle. This conflicted as it essentially meant only permanent signs could be placed in the sight triangle, but temporary ones could not, so they needed to rectify this.

Mr. Parkinson asked for direction from the Commission. Commissioner Tanner clarified when it came to monument signs it was typically just one, but when it came to campaign signs it could be multiple signs. Mr. Parkinson pointed out the end result was the same, and if people could not see past the sight triangle at an intersection the signs would have to move. Mr. Parkinson commented that this made more work for Code Enforcement. Commissioner Tanner opined the candidates should know the Code; although Commissioner Bills pointed out school children walking home from school often messed with the signs and they did not always stay in the same place they had been left. The Commissioners discussed it was not feasible to always enforce the Code adequately when it came to temporary signs.

Commissioner Hulbert said the public did benefit from signs and used them to get information about things going on around town. It was clarified the Commission was not trying to stop signs from being

101 posted in Roy; they just needed people to adhere to the regulations, including keeping the sight triangles
102 clear at intersections and staying within the size requirements. Chairman Cowley said he wanted to
103 avoid governmental overreach when it came to telling businesses what they could do with their signs.
104

105 Mr. Parkinson noted he had already received about a half dozen complaints so far about signs impeding
106 the view while driving and Commissioner Spahr asked if that was a relatively high amount, to which Mr.
107 Parkinson commented for everyone who took the time to file a complaint, there were likely many other
108 residents who had the same issue but did not speak up about it. Chairman Cowley pointed out City
109 officials did not have the time to go out and measure every single sign; it was easier to just not permit
110 signs within the sight triangle at all rather than to trust people would abide by sizing requirements. Mr.
111 Parkinson noted the Code allowed for Code Enforcement officers to remove signs which were in
112 violation of the Code.
113

114 Mr. Parkinson indicated this item would come back before the Planning Commission for a public hearing
115 and their final recommendation. Commissioner Spahr pointed out this was going to be one of the cases
116 in which no matter what they did, someone would be unhappy. The Commissioners concurred they
117 wanted to go with the language of "impede" as far as signs in the sight triangles were concerned and
118 Mr. Parkinson thanked them for their direction.
119

120 3. DISCUSSION REGARDING TITLE 13 SIGN REGULATIONS, YARD SALE SIGNS. 121

122 Mr. Parkinson next discussed yard sale signs and recalled a resident had complained about the ban on
123 yard sale signs in a recent meeting. He said although yard sale signs were prohibited on both public
124 and private property, many people put them up anyway and the Code Enforcement officers spent a
125 substantial amount of time going out in the City and tearing them down. Mr. Parkinson said there had
126 been a proposal to allow people to post yard sale signs on their own private property. He said the City
127 Council had debated changing the ordinance and sending a recommendation on up, and he also
128 explained the definition between on-premise and off-premise signs. Mr. Parkinson also noted if a private
129 home had a business within their residence, they were allowed to have a sign, although he stipulated
130 the sign needed to be attached to the home. He explained it was hard to specify what kind of content
131 the signs were allowed to have, so most cities just chose to ban them entirely since it was much easier
132 to control.
133

134 Mr. Parkinson asked the Planning Commission if they wanted to modify the ordinance, and if so, to what
135 extent. He commented the Roy City Mayor had visited a few other cities who did allow for yard sale
136 signs, and discussed one of the issues they had observed were other cities had requirements on length
137 of time the signs could be posted, although given the previous conversation about political and
138 campaign signs he was no longer sure if the cities were allowed to do this.
139

140 Commissioner Hulbert asked why Roy High was allowed to have signs posted along the sidewalk and
141 Mr. Parkinson explained those were public signs, but yard sale signs were private. He said even in the
142 event the yard sale sign was a fundraiser, the benefit went to a private individual and so they were
143 considered separately. Mr. Parkinson elaborated on things such as community fund raisers and open
144 houses were also considered to be private. He pointed out the main issue was the City could not control
145 the content of every individual sign. He explained it was much easier to prohibit off-premise signs in
146 general, since that included yard sale signs.
147

148 Commissioner Spahr asked how many occurrences of violations there were, and Mr. Parkinson replied
149 it took Code Enforcement officers about three to four hours a week every Monday to take down illegal
150 yard sale signs. Chairman Cowley pointed out these were mostly signs on public property, however,

and that was different than what they were talking about. Mr. Parkinson said he would gather more information about what other cities did and did not allow and said he could report his findings to the Planning Commission so they could decide from there. He stated he would bring a report to their next work session and commented that every city did things slightly differently so they would have to tailor a solution to work for them. He anticipated this was not something they would be able to solve in the next meeting and said it would probably take around three or four meetings to iron out a solution.

4. COMMISSIONERS MINUTE

Chairman Cowley indicated he did not have any updates. The Commissioners held a short conversation about the state of disrepair of the roads at the intersection of 4000 and 1900.

5. STAFF UPDATE

City Planner gave some updates about the City Attorney position. He explained Matt Wilson was now the City Attorney, and they had recently decided they needed an additional assistant City Attorney as well. Mr. Parkinson noted that prior to this, they had contracted out for part-time contractors but had found it warranted a full-time position. There was a short conversation about the shifting roles within the city, and Mr. Parkinson explained Brody Flint was now the Community Development Director.

Patrick Tan introduced himself as the new Assistant City Attorney and provided his career background. He indicated he had worked as a prosecutor for many years, serving both Salt Lake Country and Beaver County. He explained he had gotten burned out by the criminal cases and so had been excited to see City Attorney Wilson contract out for some of Roy City's cases. He said he was looking forward to working with the City in a greater capacity. He stated he had been working with the city for about three weeks thus far.

Mr. Parkinson reported he had submitted both the Station Area plan and their General Plan for awards from the State and said the Station Area plan had received recognition from the State.

6. ADJOURN

Commissioner Felt moved to adjourn at 6:56 PM. Commissioner Brand seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Felt, Hulbert, Sphar, and Tanner Payne voted "aye." The motion carried.

Ryan Cowley
Chair



ROY CITY
Planning Commission
October 10, 2023 – 6:00 p.m.
Community Development Conference Room
5051 South 1900 West

1 The meeting was a regularly scheduled work-session designated by resolution. Notice of the
2 meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the
3 agenda was posted.

4
5 The following members were in attendance:

6
7 Ryan Cowley, Chair
8 Torris Brand
9 Chris Collins
10 Jason Sphar
11 Daniel Tanner

Steve Parkinson, City Planner
Patrick Tan, Assistant City Attorney

12
13 Excused: Commissioners Samantha Bills, Jason Felt and Janel Hulbert

14
15 Others in attendance: Kevin Homer, Glenda Moore, Byron Burnett, Ryan Hales, and Dave
16 Whittaker.

17
18 Pledge of Allegiance: Commissioner Brand

19
20 1. DECLARATION OF CONFLICTS OF INTEREST

21
22 There were no conflicts of interest.

23
24 2. APPROVAL OF SEPTEMBER 12, 2023, REGULAR MEETING MINUTES

25
26 **Commissioner Collins moved to approve the September 12, 2023, regular meeting minutes**
27 **as written. Commissioner Tanner seconded the motion. Commissioners Brand, Collins,**
28 **Cowley, Sphar and Tanner voted “aye.” The motion carried.**

29
30 3. REQUEST FOR ARCHITECTURAL REVIEW APPROVAL FOR RAILRUNNER,
31 LOCATED AT APPROXIMATELY 2449 WEST 4000 SOUTH

32
33 The applicant came forward and introduced himself as Ryan Hells and said he was with DAI. He
34 reported they had experienced delays in getting their architectural approval done and apologized
35 for this delay, and said he was there that evening to answer questions.

36
37 Mr. Parkinson presented and recalled the Commission had approved the site plan with conditions
38 at their last meeting. He identified there were four different types of buildings, two of which were
39 two stories with two-car garages and some featured driveways as well for additional parking. He
40 noted most of the buildings were on the east side of the property, and there were three story
41 buildings farther to the west. He noted the three-story buildings had a different pitch on the roof
42 and an overall different feel to them. He also indicated where the clubhouse was located and
43 noted this was a one-story building featuring a pool and several other amenities.

44
45 Mr. Parkinson discussed the colors and materials which would be used as well, and identified the
46 color palette was overall very neutral with some light blue and other lighter shades being used as
47 accents. He reiterated the site plan was approved and said City Staff recommended approval of
48 the site plan as well, as long as it adhered to DRC comments.

Commissioner Brand moved to approve the Architectural review for RailRunner with the conditions as stated in the staff report. Commissioner Tanner seconded the motion. Commissioners Brand, Collins, Cowley, Sphar and Tanner voted “aye.” The motion carried.

4. DISCUSSION REGARDING TANNER CLINIC, LOCATED APPROXIMATELY AT 5600 SOUTH 3500 WEST

Mr. Parkinson presented on behalf of the applicant and explained the applicant had experienced unforeseen circumstances that evening and was unable to attend the meeting. He stated there was an existing site plan, and indicated where the existing hospital was and highlighted an area with empty space.

Dave Whittaker arrived and identified himself as the general contractor for the project and said he would attempt to answer questions on behalf of the applicant and architect.

Mr. Parkinson explained the applicant had relatively minor changes to make, and stated they wanted to add another building on the east side where there was vacant space and add more parking as well. He noted the proposed building mirrored the existing one, and he highlighted where the new entryway would be located. He explained the building would primarily be offices, and it gave the physicians more places to be able to work. Mr. Parkinson said there were issues with the plan, but nothing so major that it inhibited construction, so he reported City Staff recommended approval. Mr. Whittaker reiterated the proposed site was a mirror of the extant building, so if they had any questions about the layout, they could look at the existing building. Mr. Whittaker also estimated they would add about 35 parking stalls with the new plan, and Mr. Parkinson added it would likely be even more than that.

Commissioner Sphar moved to approve the Site Plan for Tanner Clinic with the conditions as stated in the staff report. Commissioner Collins seconded the motion. Commissioners Brand, Collins, Cowley, Sphar and Tanner voted “aye.” The motion carried.

Commissioner Tanner moved to approve the Architectural review for Tanner Clinic with the conditions as stated in the staff report. Commissioner Collins seconded the motion. Commissioners Brand, Collins, Cowley, Sphar and Tanner voted “aye.” The motion carried.

5. COMMISSIONERS MINUTE

Chair Cowley noted he and several other Commissioners had recently attended the Planning Conference in Ogden and thanked Mr. Parkinson for coordinating their attendance. He said he and the other Commissioners had learned a lot and had been able to get training hours in as well.

Mr. Parkinson discussed Midland Market in response to a question about its planned redevelopment, and said since all the changes were inside, he did not know a lot of the details. He clarified that he was only involved with projects that changed the outside of a building.

6. STAFF UPDATE

Mr. Parkinson announced Roy City had received an award for their Station Area plan. He reported nineteen plans had been submitted, and there had been one first place award and two honorable mentions, of which Roy City had received one. He commented it was nice to see them be recognized for their hard work.

Mr. Parkinson also reported that Roy City had received a letter from the State indicating they were compliant with six out of seven moderate income housing requirements, and said they were now looking into how they could get the seventh requirement as well.

Mr. Parkinson lastly noted the roads in Abbingdon Heights had been paved and were ready to go for the winter and said all the buildings were completed.

7. ADJOURN

Commissioner Tanner moved to adjourn at 6:16 p.m. Commissioner Sphar seconded the motion. Commissioners Brand, Cowley, Sphar and Tanner voted “aye”, Commissioner Collins voted “nay”. The motion carried.

Ryan Cowley
Chair

dc: 10-10-23



ROY CITY
Planning Commission Work-Session
October 24, 2023 – 6:00 p.m.
Community Development Conference

1 The meeting was a regularly scheduled work-session designated by resolution. Notice of the
2 meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the
3 agenda was posted.

4
5 The following members were in attendance:

6
7 Ryan Cowley, Chair

Steve Parkinson, City Planner

8 Samantha Bills

Patrick Tan, Assistant City Attorney

9 Torris Brand

10 Jason Felt

11 Janel Hulbert

12 Jason Spahr

13 Daniel Tanner

14
15 Excused: Commissioner Chris Collins

16
17 Others in attendance: Kevin Homer and Glenda Moore

18
19 Pledge of Allegiance: Commissioner Felt

20
21 1. CONTINUED DISCUSSION REGARDING TITLE 13 SIGN REGULATIONS, YARD SALE
22 SIGNS.

23
24 Mr. Parkinson noted the Commissioners had been emailed information about other cities
25 ordinances in regard to signs, and what other cities did and did not allow. He asked the
26 Commissioners for feedback about what policies they had liked. Some of the Commissioners
27 opined they were in favor of what American Fork had done.

28
29 Chairman Cowley pointed out whatever they did should not cause more of a burden on their Code
30 Enforcement officers, and added he was still unsure what the specific problem was that they were
31 trying to address with this ordinance.

32
33 Mr. Parkinson summarized the way the ordinance currently read was that there could be no off-
34 property signs, no signs in public right-of-ways or streets. Commissioner Felt said he understood
35 why signs could not be posted on streetlights or public trees, although he felt people should be
36 allowed to post signs in other people's yards, as long as they were given permission. Mr.
37 Parkinson noted this was the feedback he had received from Council as well; he reported Council
38 was willing to consider allowing signs in other people's yards, although they were concerned
39 about how to lay parameters on that. Mr. Parkinson also clarified they were only discussing
40 private signs and campaign and other political signs would be considered separately.

41
42 Commissioner Felt thought this was governmental oversight, and pointed out in no way did it
43 protect the rights and safety of the citizens to not allow signs to go in other people's yards.
44 Commissioner Spahr explained the problem they needed to solve was having an ordinance which
45 was clear and concise, and one that also did not violate the First Amendment. Commissioner
46 Spahr said what they ultimately needed to figure out was if their ordinance adhered to the First
47 Amendment to protect them from any possible litigation, and said one of the main ways to protect
48 the City was to ensure their ordinances were clearly understood.

Mr. Parkinson pointed out once they allowed signs, it was going to be more difficult to differentiate between the content of individual signs, and gave the example of private signs versus one promoting businesses. Commissioner Brand commented the difference was one was commercial, although Mr. Parkinson noted it was now much more subjective to categorize and that was the challenge. Mr. Parkinson discussed how once one kind of off-premise sign was permitted, they would have to allow all kinds of off-premise signs. He also pointed out it was functionally impossible for Code Enforcement officers to drive around the City and determine what kind of signs were allowed and what was not.

Commissioner Brand asked why this was on their radar, and Mr. Parkinson replied a resident had come before the Council to ask about signs for their garage sale, which had led to a discussion about the ordinance and Council had decided to pass the issue on to the Planning Commission for them to review. Commissioner Bills asked who would enforce the ordinance, and Mr. Parkinson replied that was part of the issue; they had limited Code Enforcement staff. Commissioner Bills commented there were already citizen complaints on social media about other things so she did not feel it was an important use of their time to manage their sign ordinance. She gave the example of a broken-down mobile home near her house, and said if there was not even enough Code Enforcement staff to get that removed she did not see who was going to go through the City to find illegal signs. Mr. Parkinson commented the Code Enforcement officer in Roy City went out every Monday to take signs down, and reiterated the Planning Commission could choose to leave the ordinance as it currently was, or change it.

Mr. Parkinson clarified signs for public businesses were not protected by the same way as private signs were under the First Amendment and clarified they would be considered separately. He said many cities had chosen to just not allow any signs since it was much easier to manage. Commissioner Brand asked when the last complaint the City had received about their sign ordinance, and Mr. Parkinson replied that other than the case he had just referenced, there were not many complaints, although there was a large volume of illegally posted signs throughout the City. Mr. Parkinson also noted there was not usually a citation issued when illegal signs were found since it was difficult to discern who had put them up. He said in the case of campaign signs, he usually called the candidate to find out who had posted them and to let them know where they were and were not allowed to leave them.

Mr. Parkinson added there were some caveats for the sign ordinance, and said anything which was for the community's good was exempt from the ban on signs in the right-of-way. He gave some examples and said church signs were not included in this. He said real estate open house signs were protected, as well as notice signs for City public hearings. Mr. Parkinson said political signs were protected by the candidates and Commissioner Brand opined this did not seem logical to her. Mr. Parkinson said political signs were considered to be free speech.

Commissioner Felt left the meeting at 6:20 PM.

Chairman Cowley noted the challenges of finding a balance between clarity and having too many ordinances. He said it was challenging for people to live in a City with too many regulations. Commissioner Brand agreed and noted sometimes it was best to do nothing. Commissioner Tanner commented even if they changed the ordinance, many people would still be unaware of the regulations and would continue to put signs up that the Code Enforcement officers would need to manage. Commissioner Tanner acknowledged while this did not necessarily mean they should take no action, he pointed out changing the ordinance did not immediately solve the issue. Mr. Parkinson said it was easier for him and other members of City staff for the ordinance to be as

black and white as possible, and said it made his job much easier. Mr. Parkinson said it could sometimes be helpful for ordinances to list out certain instances and have specific parameters for those situations; however, he did not think something like that was applicable in this case and thought they would have to decide to either allow all kinds of signs or ban them all.

Commissioner Bills asked if decorative signs counted if they had words on them, such as signs that said things like “happy spring” or “Easter.” Mr. Parkinson clarified those counted as lawn decorations and so were not subject to the same regulations.

Commissioner Brand thought if they had only heard one complaint in recent memory it did not warrant making an action. Commissioner Bills agreed it seemed silly to not allow garage sale signs, although she understood if they allowed them it opened the door for other kinds of signs and she agreed she did not want to make an action based on one complaint. Commissioner Felt said most people got information online now rather than from street signs, especially younger generations. He acknowledged this was a generalization but felt it was a mostly true statement that people did not primarily get information from public signs.

Mr. Parkinson asked for direction. Commissioner Brand thought on-property garage sales signs should be permitted. Mr. Parkinson noted it could be challenging to manage it if they allowed for one sign to be posted in residents' yards. Commissioner Brand opined they leave the ordinance as is, and if it became a bigger issue the Commission could re-evaluate it then. The other Commissioners concurred with this.

2. COMMISSIONERS MINUTE

Commissioner Hulbert brought up the upcoming UTA Ride Along Day, and suggested the Planning Commission and City Staff take part in the event in January. She pointed out while many of them did not personally use public transit, many residents did utilize it, especially the buses. She thought it would be beneficial for the City Staff and Commission to have first hand experience using the buses, since many residents asked them about it and she thought it would be good for them to know where the stops were and things of that nature.

3. STAFF UPDATE

Mr. Parkinson announced the subdivision ordinance would be completed soon and he hoped to have a public hearing about it at the upcoming Council meeting so they could consider the public feedback and be on track for their February first deadline. He also announced Roy City had been given an award for their Station Area plan.

4. ADJOURN

Commissioner Bills moved to adjourn at 6:37 p.m. Commissioner Tanner seconded the motion. Commissioners Bills, Brand, Cowley, Hulbert, Sphar, and Tanner voted “aye.” The motion carried.

Ryan Cowley
Chair



STAFF REPORT

Planning Commission

November 14, 2023

Agenda Item #5

SYNOPSIS

Application Information

Request: **6:00 p.m. – PUBLIC HEARING** – To consider amendments to Title II Subdivision Regulations as per SB 174 (2023)

Staff

Report By: Steve Parkinson

Recommendation: Approval

APPLICABLE ORDINANCES

- Roy City Municipal Code Title II - Subdivision Regulations

ANALYSIS

Senate Bill 174 of the 2023 legislative session requires that each City amend their Subdivision code to accommodate several changes, which were:

- Eliminates the Subdivision plat needing Legislative Body approval.
- Eliminates requiring a Concept Plan Application and review.
- Establishes Subdivision Plats to be an Administrative approval.
- Establishes that the Preliminary Plats must be reviewed within 15 days.
- Establishes that the Final Plat must be reviewed within 20 days.

During the September 26, 2023 work-session the Planning discussed whom or which administrative body should be the approving body. Those changes and many others are a part of the proposed code changes.

When there is a consideration of amending Zoning Code is outlined in section 10-5-9 “Criteria for Approval of a Zoning Ordinance ... Amendment”

10-5-9 Criteria for Approval of a Zoning Ordinance and/or Zoning Districts Map Amendment:

General Plan and Land Use Maps Consistency Required. No amendment to the Zoning Ordinance or Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps. In considering a Zoning Ordinance or Zoning Districts Map Amendment, the Commission and the Council shall consider the following factors, among others:

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

Staff will try and provide the Planning Commission and/or Council with some comments or concerns for the five (5) items mentioned above.

The proposed amendment is to advance the goals and policies of the Roy City General Plan.

The proposed amendment comes from the 2023 Utah State legislative session. These types of Bills don't look at individual cities for compliance to the General Plan but reflects what or how the State would like the cities of the state to handle this issue.

The effect of the proposed amendment on the character of the surrounding area.



The effect will be minimal, this is just to change how, when, and where to post and/or send notices.

The compatibility of the proposed uses with nearby and adjoining properties.

The proposed amendment comes from the 2023 Utah State legislative session. These types of Bills don't look at individual cities for compatibility of surrounding properties but reflects what or how the State would like the cities of the state to handle this issue.

The suitability of the properties for the uses requested.

The proposed amendment comes from the 2023 Utah State legislative session. These types of Bills don't look at individual cities for suitability of properties but reflects what or how the State would like the cities of the state to handle this issue.

The overall community benefits.

This change will bring Roy City in compliance with Senate Bill 174 regarding our subdivision code.

An additional question that the Commission and Council needs to reflect upon is:

- Does changing are not changing the Zoning Ordinance provide the best options for the City and the residents as a whole and not just for a handful of residents?

FINDINGS

1. The proposed amendments are consistent with the General Plan.
2. Is consistent with previous discussions with the Planning Commission.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Approval with conditions, Denial or Table.

RECOMMENDATION

Staff recommends forwarding a recommendation of approval to the City Council regarding the proposed amendments to Title 11 Subdivision Regulations as per SB 174 (2023)

EXHIBITS

A. Proposed Code Changes

There are many moving parts in this Code Change, and I will try to explain them to you.

Typically, anything that is "Red" and struck out is to be removed and anything that is "Blue" and bold is to be added. But in this case there are other nuances at play.

Example

Chapter 2 of the existing Code is regarding "Concept Plans", which according to the State cannot be required. Thus it is proposed to be removed. Staff moved the definitions chapter (formerly Chapter 11) to Chapter 2. Therefore all of the "Concept Plan" stuff is struck out and all of the Definitions appear to be New, which it is to an extent because it's new to that chapter 2. But there were portions of the former chapter 11 that needed to be removed and staff still wanted to show those.

So there are two "New" rules.

"Green" and struck out – is stuff that needed to be removed from old chapter

"Orange" Bold and Underlined – is stuff that is new to the old chapter.

This goes for the following chapters:

2, 5, 6, 7, 8, and 9

Chapters 3 & 4 will follow the "typical" proposed amendment pattern

EXHIBIT “A” – PROPOSED CODE CHANGES**11-1-1 Short Title:**

This Ordinance shall be known and may be cited as the "Roy City Subdivision Ordinance" and may be identified within this document and other documents as "the Ordinance," "this Ordinance" "Subdivision Ordinance," or "Land Use Ordinance," as defined by the Act.

11-1-2 Purposes:

This Ordinance is established to promote the purposes of Title 10 Chapter 9a Utah Code Annotated, 1953, as amended (hereinafter the "Act") and to provide for the orderly division of lands, to avoid incompatibilities in land uses, and to secure the provision, and long-term maintenance of necessary infrastructure and services in an efficient and economical manner for existing and future City residents.

11-1-3 Final Subdivision Application Approval Required Before Plat may be Recorded and Lots Sold:

As provided and authorized by the Act, a Final Subdivision Application and Final Plat shall be approved, as provided herein, complying with all requirements of this Ordinance, and the Act, before such Final Plat may be recorded in the Office of the Weber County Recorder, and lots sold.

11-1-4 Enactment:

The City Council of Roy City, Utah (hereinafter "Council") adopts this Ordinance pursuant to the Act and all other authorities and provisions of Utah and Federal statutory and common law, as applicable. This Ordinance constitutes a part of the Roy City's Land Use Ordinances, as authorized and identified by the Act.

11-1-5 Applicability and Authority:

Upon its adoption by the Council, ~~and effective the 16th day of January 2007,~~ this Ordinance shall govern and apply to the subdivision of all lands lying within the municipal boundaries of Roy City, Utah (hereinafter "the City")

11-1-6 Subdivision Defined:

For the purposes of this Ordinance, and the Act, "Subdivision" shall be, and shall mean;

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

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
2. Except as provided by 11-1-7 herein, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

11-1-7 Subdivision Not to Include:

As provided by the Act and this Ordinance "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one (1) of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither

the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use Ordinance;

2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not violate applicable Land Use Ordinances.
 - i. **Contact the Zoning Administrator for a verification letter.**
3. A recorded document, executed by the owner of record:
 - a. Revising the legal description of more than one (1) contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or
 - b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable Land Use Ordinances.
 - i. **Contact the Zoning Administrator for a verification letter.**
4. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a. No new dwelling lot or housing unit will result from the adjustment; and
 - b. The adjustment will not violate any applicable Land Use Ordinance.
 - i. **Contact the Zoning Administrator for a verification letter.**
5. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to this Ordinance.

11-1-8 Prohibited Acts:

1. An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a Final Plat of the subdivision has been approved and recorded in the Office of the Weber County Recorder, as required and provided by this Ordinance, and the Act, is guilty of a violation of this Ordinance, and the Act, for each lot or parcel transferred or sold.
2. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring lots does not exempt the transaction from being a violation of this Ordinance, and the Act, or from the penalties or remedies provided by this Ordinance, or the Act.
3. Notwithstanding the provisions of this Section, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this Ordinance, and the Act:
 - a. Does not affect the validity of the instrument or other document; and
 - b. Does not affect whether the property that is the subject of the instrument or other document complies with the City's Land Use Ordinances, including this Ordinance, and the City's other Land Use Ordinances, including the Roy City Zoning Ordinance (hereinafter "Zoning Ordinance").

11-1-9 Fees and Charges:

The Council, by Resolution, may establish necessary fees and charges payable for application processing and application review, and any additional services provided by the City, or required by this Ordinance. Such fees and charges may be amended from time to time, as considered necessary by the Council.

11-1-10 Enforcement:

1. The City may take all actions allowed under the law, to insure compliance and enforcement of this Ordinance. Failure of the City to enforce any provision or seek remedies to any violation of this Ordinance shall not legalize any such violation.
2. The City, or any adversely affected owner of real estate within the City, in which violations of this Ordinance are occurring, or are about to occur may, in addition to other remedies

provided by law, institute:

- a. Injunctions, Mandamus, Abatement, or any other appropriate actions; or
 - b. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
3. As provided by the Act, the City need only establish a violation of this Ordinance to obtain the injunction.
 4. The City may bring an action against a property owner to require that the property conforms to and complies with the provisions of this Ordinance, or the Act.
 5. An action brought by the City against a property owner, and authorized by this Section, and the Act, may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation of this Ordinance.
 6. The City may withhold or deny the issuance of any required land use permit, or building permit, as provided by 11-1-11 herein.

11-1-11 Licenses and Permits:

1. From the effective date of this Ordinance, no approval, including the issuance of any building permit for the construction, alteration, or modification of any building or structure, shall be issued by the City unless such approval complies with the requirements and provisions of this Ordinance, including a determination that the lot or parcel, proposed for the approval is a legal lot created pursuant to the provisions of this Ordinance, or prior enactments of this Ordinance, or is a legal lot of record. Any approval issued in conflict with the provisions and requirements of this Ordinance shall be void.
2. The City may enforce this Ordinance by withholding land use permits and building permits.
3. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City without approval of a building permit, unless such building is exempt; as provided by the Building Codes of the City.
4. Except as provided by herein, the City shall not approve and issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all adopted Land Use Ordinances of the City, including this Ordinance, and the Zoning Ordinance.

11-1-12 Penalties:

1. A violation of any provision of this Ordinance is punishable either:
 - a. As a Class C misdemeanor; or
 - b. By imposing an appropriate civil penalty adopted under the authority of the Act.

11-1-13 When an Applicant is Entitled to Approval of an Application – Exceptions – City May Not Impose Unexpressed Requirements – City Required to Comply with the Requirements of this Ordinance:

1. An Applicant is entitled to the approval of an Application, required by this Ordinance, if such Application conforms to the requirements of this Ordinance, and the City's other Land Use Ordinances, Land Use Maps, and Zoning Ordinance, as may be applicable, and in effect at the time when the ~~City Planner (hereinafter "Planner")~~ **Zoning Administrator** determines the Application to be complete and all fees have been paid, unless:
 - a. The Land Use Authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or
 - b. In the manner provided by Local Ordinance and before the Application is submitted, the City has formally initiated proceedings to amend its Land Use Ordinances in a manner that would prohibit approval of the Application as submitted.
2. The City shall process an Application without regard to proceedings initiated to amend the City's Land Use Ordinances if:
 - a. One hundred and eighty (180) calendar days have passed since the proceedings were

- initiated; and
- b. The proceedings have not resulted in an enactment that prohibits approval of the Application, as submitted.
- 3. If the Final Plat, as required by 11-4 herein, conforms fully to the requirements of this Ordinance, and the City's other Land Use Ordinances, including the Zoning Ordinance, and has been approved by the Culinary Water Authority and the Sanitary Sewer Authority, as identified by 11-3-2 (8) herein, the Final Plat shall be approved.
- 4. The City shall not impose on an Applicant, or any holder of any approval required by this Ordinance, any requirement that is not expressed:
 - a. In the approval required by this Ordinance, or in the Ordinance, Code, regulation, or requirement on which such approval is based; or
 - b. In this Ordinance, or in the City's other Land Use Ordinances, including the Zoning Ordinance.
 - c. **In design and construction standards imposed by Utah Administrative Code and permits for public water systems (UAC R309-Series 500 and Series 600), sewer systems (UAC R317-3), and stormwater requirements (Utah UPDES permits).**
 - d. **In traffic design standards outlined in the most current version of the *Manual on Uniform Traffic Control Devices* for streets and Highways (Federal Highway Administration).**
 - e. **In roadway design standards outlined in the most current version of *A Policy on Geometric Design of Highways and Streets* (AASHTO Publication).**
- 5. The City shall not withhold the issuance of a Certificate of Occupancy because of an Applicant's failure to comply with a requirement that is not expressed:
 - a. In the Building Permit, or in documents on which the Building Permit is based; or
 - b. In this Ordinance, or the City's other Land Use Ordinances, including the Zoning Ordinance.
- 6. The City shall be bound by the terms and standards of this Ordinance, and the City's other Land Use Ordinances, as applicable, and shall comply with all mandatory requirements and provisions of such Ordinances.
- 7. The City shall process and render a decision on each Application required by this Ordinance with reasonable diligence.

11-1-14 City Imposed Requirements and Exactions on Application Approval:

The City shall not impose any requirement(s) or exaction(s) on any approval required by this Ordinance unless:

- 1. An essential link exists between a legitimate governmental interest and each requirement or exaction; and
- 2. Each requirement or exaction is roughly proportionate, both in nature and extent, to the impact of the proposed subdivision.

11-1-15 Appeals:

Any person, including the Applicant for any approval, license, or permit required by this Ordinance and any board or officer of the City, adversely affected by a decision of a Land Use Authority administering or interpreting this Ordinance may appeal that decision to the Appeal Authority, as identified by Chapter 28 of the Zoning Ordinance.

11-1-16 Amendment of Applicable State Laws:

Any provision of this Ordinance, affected by any amendment to the Act, or any other laws of the State

of Utah, shall be automatically amended on the effective date of such amendment, to be consistent with such amendment of the Act, or any other laws of the State of Utah, without any required action by the Roy City Planning Commission (hereinafter "Commission") or Council.

11-1-17 Condominium Projects:

Whenever a subdivision is proposed that would meet the definition of a "Condominium Project," as defined herein and Section 57-8-1 Utah Code Annotated, 1953, as amended, such subdivision shall meet the procedural requirements of this Ordinance for ~~Concept Plan, and~~ Preliminary and Final Subdivision Applications, and the requirements of the "Condominium Ownership Act," Section 57-8-1 Utah Code Annotated, 1953, as amended.

11-2-1 ~~Mandatory Pre-Application Meeting~~ Purpose: **Purpose and Conflicts:**

~~A Pre-Application Meeting shall be scheduled with the Zoning Administrator to create an opportunity for an understanding of the City's subdivision requirements and to obtain ordinance and process information before a Concept Plan Application may be filed with the Zoning Administrator. Following the meeting, a Concept Plan Application may be filed with the Zoning Administrator.~~

This Chapter provides definitions of general terms used throughout this Ordinance for which a definition is considered necessary. The words and terms defined in this chapter shall have the meanings as indicated. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory the word "may" is permissive. The word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. For the convenience of users of this Ordinance, certain terms may be illustrated herein. If a conflict arises between an illustration and a definition, the definition shall apply.

Act: Means Title 10 Chapter 9a of the Utah Code Annotated, as amended.

Affected Entity: Means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:

- a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

Appeal Authority: Means the person, board, commission, agency, or other body designated by this Ordinance to decide an appeal of a decision of a Land Use Application.

Applicant/Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity, that has legal title to real property proposed for residential subdivision, installs the required infrastructure improvements, and builds the residences within the subdivision.

Application: A ~~Concept Plan~~, Preliminary Subdivision, or Final Subdivision Application as required by this Ordinance.

Buildable Area: A portion of a building site that conforms to all minimum criteria required for the placement of a structure.

~~Chief Executive Officer:~~ Means the:

- a) ~~Mayor in municipalities operating under all forms of municipal government except the~~

- ~~Council Manager form; or~~
b) ~~City Manager in municipalities operating under the Council Manager form of municipal government.~~

~~For the purposes of this Ordinance, the Roy City Manager is identified as the Roy City Chief Executive Officer.~~

City: Roy City, Utah.

City Council: The City Council and legislative body of Roy City, Utah.

City Engineer: The City Engineer of Roy City, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.

Code: Means the Utah Code Annotated, 1953, as amended

Community Development Director (CD Director): The Community Development Director of Roy City, Utah, or authorized designee.

Concept Plan Conference: An opportunity for an Applicant(s) to meet with the Development Review Committee to obtain necessary information regarding the City's applicable subdivision requirements. No fee is required.

Condominium: Means the ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property.

Condominium Plat: Means a plat or plats of survey of land and units prepared in accordance with Section 57-8-13 Utah Code Annotated, 1953, as amended.

Condominium Project: Means a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale. Condominium project also means the property when the context so requires.

Condominium Unit: Means a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this Ordinance or the Condominium Ownership Act, Section 57-8-1 Utah Code Annotated, 1953, as amended, to a condominium unit includes both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

Constitutional Taking: Means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
a) **Fifth or Fourteenth Amendment of the Constitution of the United States; or**
b) **Utah Constitution Article I, Section 22.**

Culinary Water Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. For the purposes of this Ordinance, the Roy City Engineer is identified as the Roy City Culinary Water Authority.

Development Review Committee (DRC): A committee of City Staff and other public or private service providers responsible to provide technical review of all subdivision applications.

Development Standards and Specifications: Documents provided by the City that contain text and diagrams for detailed construction and installation of public infrastructure and improvements. The documents shall be approved by the City Engineer and approved by a Resolution by the City Council.

Discretionary Action: A final decision on any application rendered by the Council CD Director based on information provided by the Applicant(s), and DRC, ~~and Planning Commission~~ and accompanied with the finding of facts.

Easement: A grant of the use of land by the property owner to the public, a corporation, or person for specific uses and purposes.

Excavation: Any disruption of the soil or surface of land for the purpose of preparing land for development.

Frontage: All property fronting on one side of the street or right-of-way.

General Plan: Means the Roy City General Plan, such document setting forth general guidelines for proposed future development of the land within Roy City.

Guarantees: A bond, or escrow, ~~or irrevocable letter of credit~~ given by the Applicant(s) and approved by the City to ensure the proper installation of public improvements. **Land Use Application:** Means an application required by a municipality's land use ordinance. For the purposes of this Ordinance, ~~a Concept Plan Application~~, a Preliminary Subdivision Application, and Final Subdivision Application are determined to be Land Use Applications.

Land Use Authority: Means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application. For the purposes of this Ordinance, the Council CD Director is identified as a Land Use Authority for the approval of Preliminary Subdivision Applications and ~~the Mayor is identified as a Land Use Authority for the approval~~ of Final Subdivision Applications, being designated as such by the passage of this Ordinance.

Land Use Ordinance: Means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan. This Ordinance is a Land Use Ordinance of Roy City, Utah.

Land Use Permit: Means a permit issued by a Land Use Authority. For the purposes of this Ordinance, a Preliminary Subdivision Application approval and a Final Subdivision Application approval are identified as a Land Use Permit.

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

Legislative Body: Means the duly elected City Council of Roy City, Utah.

Lot: A legal lot or lot of record as defined herein.

Lot Line Adjustment: The relocation of the property ~~boundary line between~~ within a subdivision of two (2) adjoining lots with the consent of the owners of record.

Major Street Plan: A map or plan showing the current and/or proposed future layout of all classifications of streets within Roy City. This may also be referred to as the Master Street Plan or Transportation Plan of Roy City.

Noncomplying Structure: Means a structure that:

- a) legally existed before its current land use designation; and
- b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Nonconforming Use: Means a use of land that:

- a) legally existed before its current land use designation.
- b) has been maintained continuously since the time the land use ordinance governing the land changed; and
- c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Official Map: Means a map drawn by municipal authorities and recorded in a county recorder's office that:

- a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities.
- b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- c) has been adopted as an element of the municipality's general plan.

Off-site Improvements: All improvements required to provide necessary services and utilities to a subdivision and located either within, or outside, the boundaries of the subject property being divided.

On-site Improvements: All improvements required to provide necessary services and utilities to a lot and required to qualify for a building permit and located within the boundaries of a lot.

Person: Means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Planning Commission: The Planning Commission of Roy City, Utah.

Plat: Means a map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9a-603, Section 17-23-17, or Section 57-8-13 of the Utah Code.

~~Public Hearing: Means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.~~

~~Public Meeting: Means a meeting that is required to be open to the public under Title 52, Chapter 4, Utah Open and Public Meetings Act.~~

Record of Survey Map: Means a map of a survey of land prepared in accordance with Section 17-23-17 of the Utah Code.

Right-of-way: A portion of land dedicated for public uses such as streets, sidewalks, trees, and public or private utilities and improvements.

Sanitary Sewer Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purposes of this Ordinance, the Roy City Engineer is identified as the Roy City Sanitary Sewer Authority.

Special District: Means an entity established under the authority of Title 17A, Special Districts, of the Utah Code, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

Specified Public Utility: Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1 of the Utah Code Annotated, as amended.

Street: Means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

Subdivision: Means "subdivision" as defined by Section 105 herein, and the Act. Subdivision does not include any action, as identified and defined by Section 106 herein, and the Act

Subject Property: The land area proposed to be divided as provided by this Ordinance and included within an application for subdivision approval.

Unincorporated: Means the area outside of the incorporated area of a city or town.

Utilities or Improvements: All types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services.

Zoning Administrator: The City Planner of Roy City, Utah, or authorized designee.

Zoning Ordinance: The adopted Zoning Ordinance of Roy City, Utah.

Zoning Map: Means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts of Roy City.

~~11-2-2 Concept Plan Application Meeting and Purpose:~~

~~A property owner proposing to subdivide any lands located within the municipal boundaries of the City shall file a Concept Plan Application with the Zoning Administrator. The Zoning Administrator shall schedule a Concept Plan Application meeting with the Applicant(s) and the Development Review Committee (hereinafter "DRC") to review the Concept Plan at a DRC meeting, the time and place of~~

~~such meeting to be identified by the Zoning Administrator. The DRC shall consist of members determined necessary by the City Manager, including, but not limited to the Development Services Director, Zoning Administrator, City Engineer, Fire Marshal, Public Works Director, Police Chief, Parks and Recreation Director, or authorized designee(s), and other representatives of public or private service providers, as determined necessary by the Zoning Administrator.~~

~~The purposes of the Concept Plan meeting are to promote an understanding of the City's requirements for subdivisions, including this Ordinance, and to obtain Preliminary and Final Subdivision Application processing and review information. The Concept Plan Application meeting shall also be an opportunity for the DRC to provide information to the potential Applicant(s), respond to questions, and provide a cursory review of the proposed subdivision. The DRC and the Applicant(s) may review the procedure anticipated for subdivision approval, application requirements and standards, other applicable City, County, State and Federal requirements, and any other matters deemed appropriate.~~

~~11-2-3 Concept Plan Application Requirements:~~

~~A Concept Plan Application is required for a Concept Plan Application with the DRC, but no Application Fee is required. The Concept Plan Application is a discussion document, designed to allow the identification of application procedures, requirements and standards, and other items that may be considered once a complete Preliminary Subdivision Application is received by the Zoning Administrator. To achieve these objectives, a complete Concept Plan Application shall provide the following:~~

- ~~1. Concept Plan Application Form.~~
- ~~2. One (1) copy in an 11 inch x 17 inch size of the proposed layout for the entire area of the subdivision site (hereinafter "Subject Property") identifying all proposed lots meeting the minimum development standards as required by the Zoning Ordinance for the Zoning District in which the Subject Property is located including lot area, lot frontage, lot width, and yard requirements. The proposed layout shall identify all proposed streets including proposed rights-of-way widths, street lengths, and proposed street connections to all adjacent streets and adjoining properties.~~

~~11-2-4 Zoning Administrator to Determine a Complete Application:-~~

~~Prior to the DRC reviewing the Concept Plan Application, the Zoning Administrator shall determine and find that the Concept Plan Application is complete and contains all information required by 11-2-3.~~

~~11-2-5 Lack of Concept Plan Application Information Determination of Incomplete Application:~~

~~The lack of any information required for a complete Concept Plan Application, as required by 11-2-3, shall be cause for the Zoning Administrator to find the Concept Plan Application incomplete.~~

~~A Zoning Administrator determination of an incomplete Concept Plan Application shall prohibit the DRC from considering the Concept Plan Application. The Zoning Administrator shall notify the Applicant(s), in writing, of the information lacking from the Application to provide a complete Concept Plan Application. The Zoning Administrator shall allow thirty (30) calendar days, from the date of notification of an incomplete Concept Plan Application, for the Applicant(s) to provide the required information. If the Concept Plan Application remains incomplete after thirty (30) calendar days from date of notification by the Zoning Administrator, as required herein, the Zoning Administrator shall return the entire incomplete Concept Plan Application to the Applicant(s).~~

~~Any person(s) aggrieved by a decision of the Zoning Administrator related to a Determination of~~

~~Application Completeness may appeal the Zoning Administrator's decision to the Commission.~~

~~11-2-6 Concept Plan Application Review Procedures:~~

~~The review procedures of the City for a Concept Plan Application are identified in Figure 1. Figures 3-2 identifies the procedures for a Determination of Application Completeness.~~

~~11-2-7 Concept Plan Application – Not an Application for Subdivision Approval:-~~

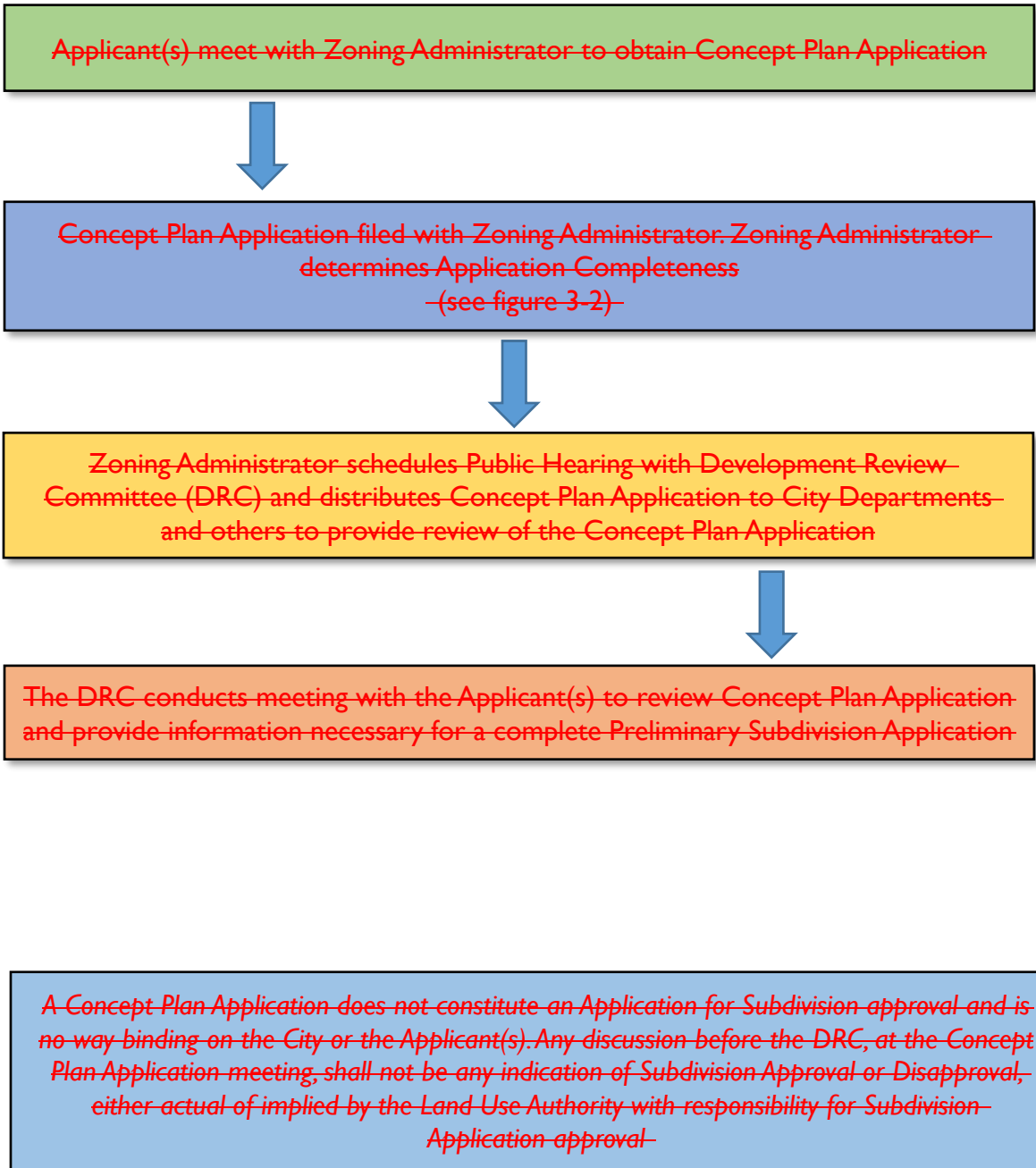
~~A Concept Plan Application shall not constitute an application for subdivision approval. Any discussion before the DRC when the Concept Plan Application is discussed shall not be considered binding on the City or the Applicant(s) or any indication of subdivision approval, or disapproval, either actual or implied by the City.~~

~~An application for subdivision approval shall only be considered filed with Roy City upon the submission of ALL information and materials as required for a Preliminary Subdivision Application or Final Subdivision Application, as identified herein.~~

~~11-2-8 Site Preparation Work Prohibited:-~~

~~No excavation, grading or re-grading, and no installation of any subdivision improvements shall take place on any Subject Property until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Weber County Recorder.~~

FIGURE 2-1—~~CONCEPT PLAN APPLICATION~~



11-3-1 Intent:

1. It is the intent of this Ordinance that a Preliminary Subdivision Application decision be a ~~discretionary~~ **administrative** action by the ~~Council~~ **CD Director** acting as a Land Use Authority. A decision by the ~~Council~~ **CD Director** related to a Preliminary Subdivision Application shall be accompanied by findings of fact, ~~following the receipt of a Commission recommendation, such recommendation also being accompanied by findings of fact.~~
2. For the purposes of this Ordinance, the procedures and requirements for the consideration of a Preliminary Subdivision Application are provided to allow for the consideration of all items in relation to the proposed subdivision.
3. The DRC shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the ~~Commission and Council~~ **CD Director**.
4. ~~The Commission shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Council.~~
5. The ~~Council~~ **CD Director** shall identify and address all items applicable to a Preliminary Subdivision Application prior to approving, approving with requirements, or denying the Preliminary Subdivision Application.

11-3-2 Preliminary Subdivision Application – Requirements:

All Preliminary Subdivision Applications, filed with the Zoning Administrator, shall provide the following information.

1. Preliminary Subdivision Application Form. A Preliminary Subdivision Application Form, provided by the City, shall be completed and signed by all owner(s) with a fee interest in the Subject Property, as identified on the property assessment rolls of Weber County, or the authorized agent of the property owner(s).
 - a. If the Preliminary Subdivision Application Form is signed by an agent of the owner(s), the Preliminary Subdivision Application Form shall be accompanied by an original notarized affidavit by the owner(s) identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Preliminary Subdivision Application.
2. Preliminary Subdivision Application Fee. The Preliminary Subdivision Application Form shall be accompanied by the Preliminary Subdivision Application fee, as established by a Resolution of the Council.
3. Preliminary Subdivision Plat. A Preliminary Subdivision Plat, prepared by a licensed land surveyor, or engineer, shall be provided. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A minimum of one (1) 11-inch x 17-inch size and ~~five~~ **one (5)** 24-inch x 36-inch size paper copies, and a digital copy in format acceptable to the City Engineer shall be provided. The Preliminary Subdivision Plat shall show the following:
 - a. A layout plan of the proposed subdivision for the entire Subject Property, at a scale of not more than 1" = 100', or as recommended by the Zoning Administrator and/or City Engineer.
 - b. The name of the proposed Subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the Preliminary Subdivision Plat.
 - c. A title block, placed on the right-hand side of the Plat showing:
 - i. Name and address of the Property Owner(s) of record and the name and address of the licensed surveyor or licensed engineer responsible for preparing the Preliminary Subdivision Plat.
 - ii. Date of preparation of the Preliminary Subdivision Plat, and all revision dates.
 - d. North arrow, graphic and written scale, and basis of bearings used.
 - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose.

- f. A vicinity map of the Subject Property, at a minimum scale of 1" = 1000'.
- g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The location of the Subject Property with respect to surrounding properties and roads, and the names of all adjoining property owners of record.
- h. The legal description of the entire Subject Property boundary.
- i. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set aside, and conditions, if any, of the dedication or reservation.
4. Required Subject Property Information. The following information shall be provided for the Subject Property at the same scale as the Preliminary Subdivision Plat and on separate sheets, as applicable:
 - a. The identification of known natural features on a map including, but not limited to, jurisdictional wetlands as **defined identified** by the U.S. Army Corps of Engineers, flood **hazard areas and** channels as identified by a Federal or State Agency, all water bodies and drainage ways, any sensitive lands, and any potential natural hazards such as ground shaking or liquefaction, and any other natural features for the Subject Property, including the total acres in each.
 - b. Existing site contours, at intervals of no greater than one (1) feet, unless otherwise approved by the City Engineer, overlaid with the proposed subdivision layout.
 - c. The location of any known man-made features on, or contiguous to the Subject Property, including existing platted lots, utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road and street rights-of-way and easements, field drains, and well or spring protection areas.
 - d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
 - e. The layout of all existing and proposed overhead and underground utilities such as power, gas, cable, telephone, and other public and private utilities.
 - f. All existing and proposed road and street locations and dimensions, with cross sections of all new roads and streets, proposed to be dedicated to the City, showing the grades of all proposed streets and roads, all proposed cuts and fills exceeding three (3) feet, and the proposed radius of all center line curves.
 - g. The location and size of existing and proposed culinary water and sanitary sewer lines, the location of all wells and springs, and/or the location of all existing and proposed secondary water system facilities as required by Roy Water Conservancy Subdistrict and City Engineer, as applicable, overlaid with the proposed subdivision layout.
 - h. The location and size of existing and proposed storm drainage and flood control facilities including pipe sizes, inlets, detention areas, and identifying all drainage arrows.
 - i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
 - j. Each proposed lot shall identify required setback lines including identifying the required front, side, and rear yard areas, as required by the Zoning District in which the proposed subdivision is located.
 - k. The location of existing and proposed land drains systems.
- ~~5. Title Report. A Title Report for the Subject Property, provided by a Title Company within thirty (30) calendar days of the date of the Preliminary Subdivision Application.~~
- ~~6. Tax Clearance. A tax clearance provided by the Weber County Treasurer within thirty (30) calendar days of the date of the Preliminary Subdivision Application indicating that all taxes, interest, and penalties owing for the Subject Property have been paid.~~
7. Evidence of Availability of Necessary Services. The following information shall be provided to establish the availability of services to the proposed subdivision.
 - a. Culinary Water. As required and provided by the Act, the Roy City Engineer, is hereby designated as the Culinary Water Authority for the City. It shall be the responsibility of the

- Applicant(s) to provide all information and materials required by the City Engineer necessary to review the proposed culinary water system and culinary water sources.
- b. Sanitary Sewer. As required and provided by the Act, the Roy City Engineer is hereby designated as the Sanitary Sewer Authority for the City. It shall be the responsibility of the Applicant(s) to provide all information and materials required by the City Engineer, necessary to review and provide a written approval of the feasibility of the proposed sanitary sewer system.
 - c. Roads and Streets. The Preliminary Subdivision Application shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets. It shall be the responsibility of the Applicant (s) to provide all information and materials, required by the City Engineer, necessary to review and provide a written recommendation of the proposed road and street system and designs.
 - d. Storm Drainage and Flood Control Facilities. The Preliminary Subdivision Application shall identify the proposed storm water management, **land drain requirements** storm drainage and flood control system. It shall be the responsibility of the Applicant(s) to provide all information and materials, required by the City Engineer, necessary to provide a written recommendation of the proposed storm drainage and flood control system and facilities.
 - e. Fire Protection, Suppression, and Access Facilities. The Preliminary Subdivision Application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed subdivision fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities. All fire protection, fire suppression, and fire access facilities shall be designed as required by the City Engineer. It shall be the responsibility of the Applicant(s) to provide information and materials, as required by the City Fire Marshall and City Engineer, necessary to provide a written recommendation of the proposed fire protection, fire suppression, and fire access facilities.
 - f. Special Service District or Special Service Area. If the Subject Property is located within the boundaries of a Special Service District or a Special Service Area, a written recommendation shall be provided from the governing board of such District or Area with the Preliminary Subdivision Application materials which may identify any potential impacts resulting from the proposed subdivision.
8. **Geotech Report. A geotech report must be submitted identifying allowable soil bearing pressure, lateral earth pressure, lateral pressure due to seismic forces, liquefaction, seismic design category/site class, proximity to fault lines, extent of existing fill materials, and ground water level conditions of the buildable areas proposed to be subdivided shall be submitted as part of the preliminary subdivision review. The soils report shall be prepared by a registered soils engineer. In the event the soils report determines unusual conditions requiring additional development restrictions on what otherwise appears to be a buildable lot, then such information shall be noted on the final plat in order to provide notice to subsequent owners. The manager may waive the requirement for a soils report for property already developed and constructed upon.**

11-3-3 Preliminary Subdivision Application – Engineering Review Fees:

The Applicant(s) for Preliminary Subdivision Application approval shall pay all costs incurred by the City for the provision of engineering services, provided by a licensed engineer, and necessary to review the Preliminary Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable Land Use Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practice.

11-3-4 Zoning Administrator to Determine a Complete Application:

Prior to the DRC considering a Preliminary Subdivision Application, the Zoning Administrator shall determine and find that the Preliminary Subdivision Application is complete and contains all the information and materials as required by 11-3-2 and necessary for a complete Preliminary Subdivision Application.

11-3-5 Lack of Preliminary Subdivision Application Information and Materials – Determination of an Incomplete Application:

The lack of any information and materials required by 11-3-2 shall cause for the Zoning Administrator to find the Preliminary Subdivision Application to be incomplete.

A Zoning Administrator determination of an incomplete Preliminary Subdivision Application shall prohibit the DRC, ~~Commission~~, or ~~Council~~ **CD Director** from considering any information or material related to the proposed subdivision. The Zoning Administrator shall notify the Applicant(s), in writing, of the required information and material lacking from the Preliminary Subdivision Application. The Zoning Administrator shall allow thirty (30) calendar days, from the date of notification of an incomplete Preliminary Subdivision Application, for the Applicant(s) to provide the required information and material. If the Preliminary Subdivision Application remains incomplete after thirty (30) calendar days from date of notification by the Zoning Administrator, as required herein, the Zoning Administrator shall return the entire incomplete Preliminary Subdivision Application to the Applicant(s) accompanied by any Preliminary Subdivision Application review fees paid.

Any person(s) aggrieved by a decision of the Zoning Administrator related to a Determination of Application Completeness may appeal the Zoning Administrator's decision to the ~~Commission~~ **City Attorney**.

11-3-6 Preliminary Subdivision Application Review Procedures:

The review procedures of the City for a Preliminary Subdivision Application are identified in Figures 3-1. Figures 3-2 identifies the procedures for a Determination of Application Completeness.

The ~~Council~~ **CD Director** is identified and authorized to act as the Land Use Authority for a Preliminary Subdivision Application, following the receipt of a Commission recommendation.

1. Determination of a Complete Application. The Zoning Administrator as provided and identified in Figures 3-2 and 11-3-4 and 11-3-5 shall make a determination of a complete Preliminary Subdivision Application. Only after a Preliminary Subdivision Application has been determined to be complete by the Zoning Administrator shall the Zoning Administrator schedule a meeting with the DRC to review the complete Preliminary Subdivision Application.
2. DRC Review. Following the receipt of the complete Preliminary Subdivision Application from the Zoning Administrator, the DRC shall review the Preliminary Subdivision Application for compliance to all requirements of this Ordinance, all other applicable Ordinances, and all other Federal, State, and Local requirements, as applicable. Following the DRC review, the Zoning Administrator shall provide the DRC comments to the ~~Commission and Council~~ **CD Director** for consideration in ~~the Commission and Council's~~ review of the Preliminary Subdivision Application.
- ~~3. Commission Public Hearing. The Commission shall conduct a public hearing on the Preliminary Subdivision Application. Notice shall be provided for the public hearing as required by Section 500 herein.~~
4. ~~Commission~~ **CD Director** Review and ~~Recommendation~~ **Approval, Approval with Requirements, or Denial of the Preliminary Subdivision Application.**

~~Following the close of the public hearing, the Commission shall consider all information,~~

~~materials, and comment received. The Commission shall formulate and transmit a recommendation to the Council for Council consideration on the Preliminary Subdivision Application, accompanied by findings of fact.~~

~~The Commission shall consider the Preliminary Subdivision Application at a regularly scheduled meeting.~~

Following the ~~close of the public hearing,~~ **consideration of the Preliminary Subdivision Application, and all information and materials presented, including the recommendations of the DRC** the ~~Commission~~**CD Director** shall consider all information, materials, and comment received, **may approve the Preliminary Subdivision Application, as presented, approve the Preliminary Subdivision Application with requirements, or deny the Preliminary Subdivision Application with findings of compliance or non-compliance with this Ordinance, other Ordinances, or other applicable City, County, State, and Federal requirements.** ~~The Commission shall formulate and transmit a recommendation to the Council for Council consideration on the~~ **A decision by the CD Director related to a** Preliminary Subdivision Application **shall be** accompanied by findings of fact.

The ~~Commission~~**CD Director** may recommend onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Application approval, and determined necessary by the ~~Commission~~**CD Director** to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:

- a. Road and street improvements, including layout, design, grading and surfacing.
- b. Flood control facilities.
- c. Culinary Water facilities.
- d. Sanitary Sewer facilities.
- e. Storm Drainage facilities.
- f. Erosion Control facilities.
- g. Traffic Circulation and Access Management facilities.
- h. Land Drainage facilities.
- i. Lot and/or Site drainage.
- j. Park and open space areas and facilities.
- k. Fire protection and suppression facilities, including fire hydrants and water storage facilities.
- l. Electrical power, telecommunication, gas, and other utility facilities.
- m. Fencing and buffering treatments.
- n. Street lighting and streetscape enhancements including street trees and park strip improvements.

~~5. Council Review and Approval, Approval with Requirements, or Denial of the Preliminary Subdivision Application:~~

~~The Council shall consider the Preliminary Subdivision Application at a regularly scheduled meeting.~~

~~Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, including the recommendations of the DRC and Commission, the Council may approve the Preliminary Subdivision Application, as presented, approve the Preliminary Subdivision Application with requirements, or deny the Preliminary Subdivision Application with findings of compliance or non-compliance with this Ordinance, other Ordinances, or~~

~~other applicable City, County, State, and Federal requirements. A decision by the Council related to a Preliminary Subdivision Application shall be accompanied by findings of fact.~~

~~The Council may require onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Application approval, and determined necessary by the Council to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:~~

- ~~a. Road and street improvements, including layout, design, grading and surfacing.~~
- ~~b. Flood control facilities.~~
- ~~c. Culinary Water facilities.~~
- ~~d. Sanitary Sewer facilities.~~
- ~~e. Storm Drainage facilities.~~
- ~~f. Erosion Control facilities.~~
- ~~g. Traffic Circulation and Access Management facilities.~~
- ~~h. Land Drainage facilities.~~
- ~~i. Lot and/or Site drainage.~~
- ~~j. Park and open space areas and facilities.~~
- ~~k. Fire protection and suppression facilities, including fire hydrants and water storage facilities.~~
- ~~l. Electrical power, telecommunication, gas, and other utility facilities.~~
- ~~m. Fencing and buffering treatments.~~
- ~~n. Street lighting and streetscape enhancements including street trees and park strip improvements.~~

11-3-7 Effect of ~~Council~~ **CD Director** Preliminary Subdivision Application Approval and Effective Period:

The approval of a Preliminary Subdivision Application by the ~~Council~~ **CD Director** shall not constitute final approval of the subdivision by the City or authorize the division or development of land, but permits the Applicant(s) to proceed with the preparation of the Final Subdivision Application and all required documents.

As provided by the Act, the continuing validity of a Preliminary Subdivision Application approval by the ~~Council~~ **CD Director** shall be conditioned upon the Applicant(s) proceeding with reasonable diligence. For the purposes of this Section, and this requirement, the approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the ~~Council~~ **CD Director**, at the end of which time the Applicant(s) shall have submitted a Final Subdivision Application to the Office of the Zoning Administrator. If a Final Subdivision Application is not received by the Zoning Administrator within the one (1) year period, and the ~~Council~~ **CD Director** has not extended the approval of the Preliminary Subdivision Application, the Preliminary Subdivision Application approval for the Subject Property shall be rendered void.

(Ord No 1009, 12-2-2008)

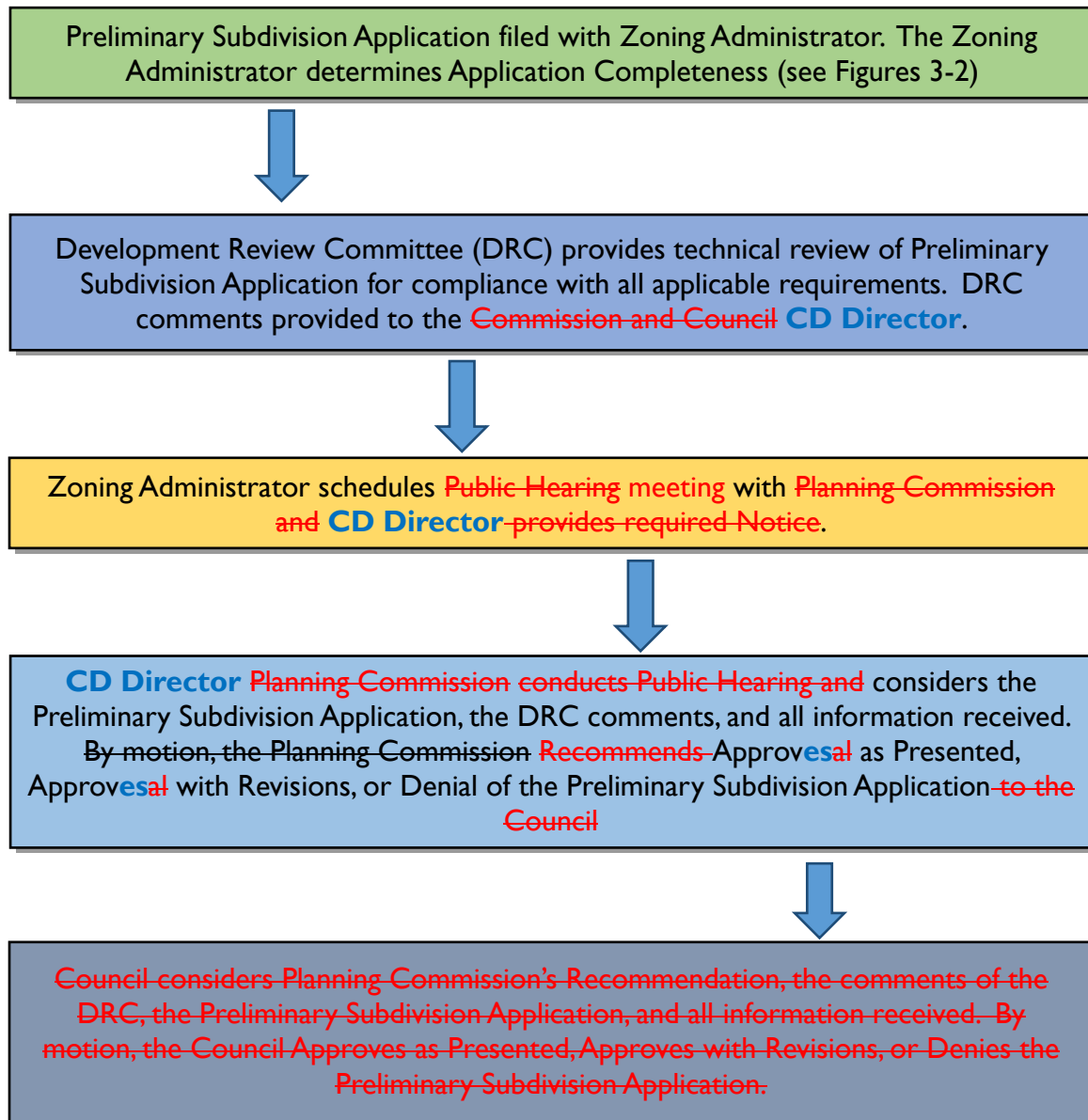
11-3-8 Appeal of Preliminary Subdivision Application Decisions:

Any person(s) aggrieved by a decision of the ~~Council~~ **CD Director** related to a Preliminary Subdivision Application may appeal the ~~Council's~~ decision to ~~District Court~~ **Hearing Officer**, as provided by Chapter 28 of the Roy City Zoning Ordinance.

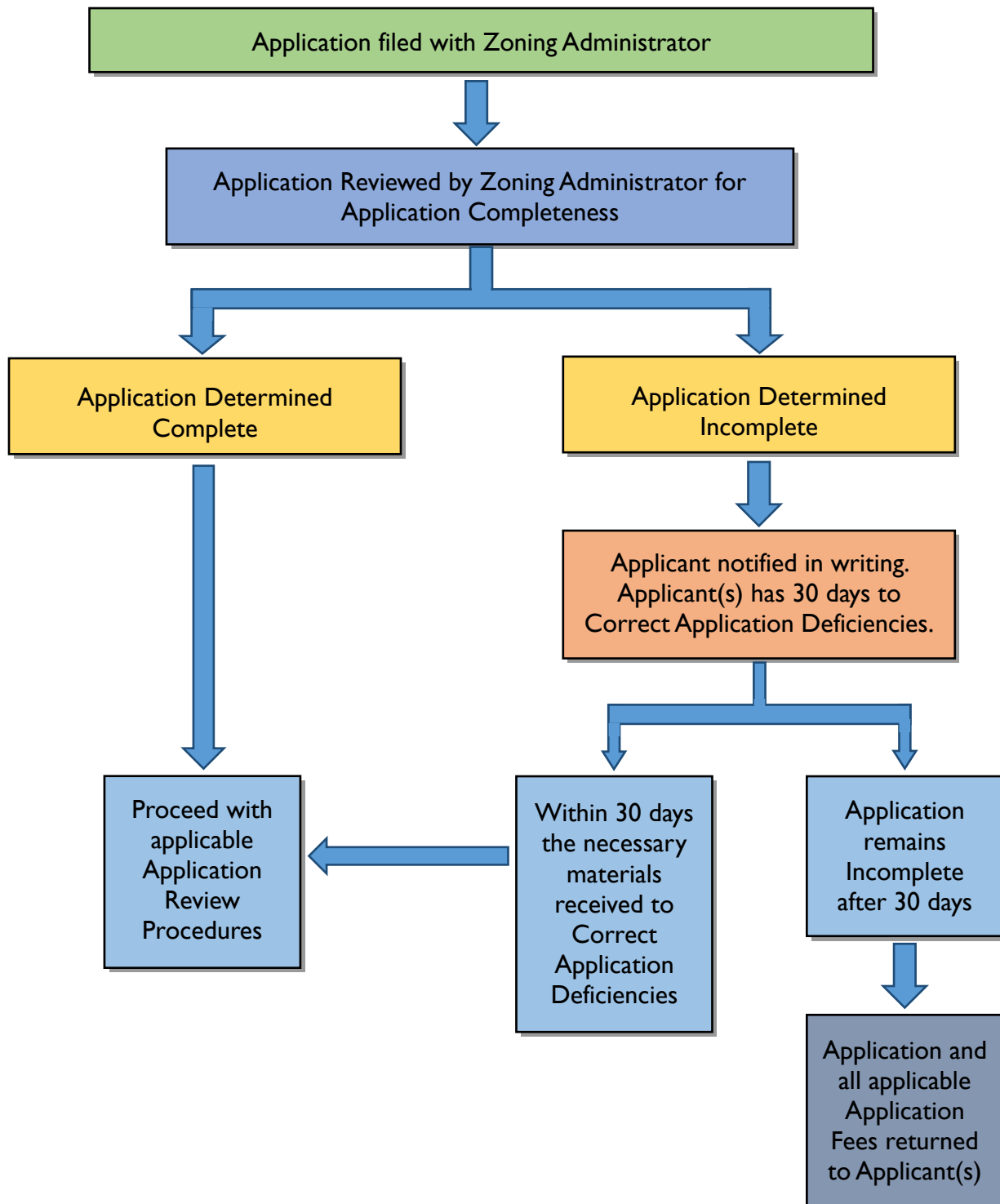
11-3-9 Site Preparation Work Prohibited:

No excavation, grading or re-grading, and no installation of any subdivision improvements shall take place on any Subject Property until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Weber County Recorder.

FIGURES 3-1 - PRELIMINARY SUBDIVISION APPLICATION



FIGURES 3-2 - DETERMINATION OF APPLICATION COMPLETENESS



11-4-1 Intent:

1. It is the intent of this Ordinance that a Final Subdivision Application decision be an administrative action by the ~~Roy City Mayor (hereinafter "Mayor")~~ **CD Director**, acting as a Land Use Authority. A decision by the ~~Mayor~~ **CD Director** related to a Final Subdivision Application shall be accompanied with findings of fact.
2. For the purposes of this Ordinance, the procedures and requirements for the consideration of a Final Subdivision Application are provided to allow for the consideration of all items in relation to the proposed subdivision.
3. The DRC shall identify and address all items applicable to a Final Subdivision Application prior to providing a recommendation to the ~~Mayor~~ **CD Director**.
4. The ~~Mayor~~ **CD Director** shall identify and address all items applicable to a Final Subdivision Application prior to approving, approving with requirements, or denying the Final Subdivision Application.

11-4-2 Final Subdivision Application - Requirements:

All Final Subdivision Applications, filed with the Zoning Administrator, shall provide the following information;

1. Final Subdivision Application Form. A Final Subdivision Application, provided by the City, shall be completed and signed by the owner(s) with a fee interest in the Subject Property, as identified on the property assessment rolls of Weber County, or the authorized agent of the property owner(s). If the Final Subdivision Application Form is signed by an agent of the owner(s), the Final Subdivision Application Form shall be accompanied by an original notarized affidavit by the owner(s) identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Final Subdivision Application.
2. Final Subdivision Application Fee. The Final Subdivision Application Form shall be accompanied by the Final Subdivision Application fee, as established by the Resolution of the Council.
3. Final Subdivision Plat. A Final Subdivision Plat, prepared by a licensed land surveyor, in a form acceptable to the Weber County Recorder for recordation shall be provided. The Final Subdivision Plat shall be prepared in pen and all sheets shall be numbered. All required certificates shall appear on a single sheet. The final subdivision plat shall be drawn on reproducible mylar. A minimum of one (1) 11-inch x 17-inch size and ~~five one (51)~~ **one (1)** 24-inch x 36-inch size paper copies, and a digital copy in a format acceptable to the City Engineer shall be provided. The Final Subdivision Plat shall show the same information as required by Section 11-3-2 herein, and shall include any revisions or additions, as required by ~~City Council~~ **CD Director**, as part of Preliminary Subdivision Application approval. The Final Subdivision Plat shall show the following:
 - a. Notation of any self-imposed restrictions, including proposed final restrictive covenants, signed by all owners of interest, and bearing the acknowledgment of a public notary, and all other restrictions as required by the Council in accordance with this Ordinance.
 - b. Endorsement by every person having a security interest in the Subject Property subordinating their liens to all covenants, servitudes, and easements imposed on the Subject Property.
 - c. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth of a foot; areas to the nearest hundredth acre.
 - d. The owner's certificate of dedication(s) including the dedication of any public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.

- e. A legal description of the Subject Property.
- f. Signature blocks prepared for the dated signatures of the Mayor, Commission Chair, City Engineer, and City Attorney.
- g. The name and address of the licensed surveyor responsible for preparing the Final Subdivision Plat showing that the surveyor making the Final Subdivision Plat certifies that the surveyor:
 - i. Holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - ii. Has completed a survey of the Subject Property described on the Final Subdivision Plat in accordance with Section 17-23-17, Utah Code Annotated, 1953, as amended, and has verified all measurements; and
 - iii. Has placed monuments as represented on the Final Subdivision Plat.

~~4. Title Report~~

~~If the Final Subdivision Application is filed with the City after one hundred eighty (180) calendar days from the date the Preliminary Subdivision Application is approved by the Council, a new Title Report shall be provided by a Title Company dated not more than thirty (30) calendar days from the date of the Final Subdivision Application.~~

5. Other Final Subdivision Application Information and Materials.

The following information is required to be presented as part of the Final Subdivision Application:

- a. As required by Section 11-9 herein, final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer, including, but not limited to, the profiles and cross sections of all proposed streets, and designed as required by the City Engineer, all storm water management and storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary water facilities, sanitary sewer facilities, and all other provided and required public facilities and improvements.
- b. An engineer's cost estimate of all proposed or required public improvements may be required in ~~11-4-5-5-a~~ **11-3-2** for review and approval by the City Engineer.

11-4-3 Common Area Parcels on a Plat – No Separate Ownership – Ownership interest equally divided among other parcels on plat and included in description of other parcels

- 1. As provided and required by the Act, a parcel designated as common area on any Final Subdivision Plat recorded in compliance with this Ordinance may not be separately owned or conveyed independent of the other parcels created by the Plat.
- 2. The ownership interest in a parcel described in Subsection (1) shall:
 - a. For purposes of assessment, be divided equally among all parcels created by the Final Subdivision Plat, unless a different division of interest for assessment purposes is indicated on the Plat or an accompanying recorded document; and
 - b. Be considered included in the description of each instrument describing a parcel on the Final Subdivision Plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

11-4-4 Dedication of Streets and Other Public Places:

- 1. Final Subdivision Plats, when made, acknowledged, and recorded according to the procedures

specified by this Ordinance, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land with the City for the public for the uses named or intended in those plats.

2. The dedication established by this Section does not impose liability upon the City for any streets and other public places that are dedicated in this manner but are unimproved.

11-4-5 Final Subdivision Application – Engineering Fees:

The Applicant(s) for Final Subdivision Application approval shall pay all costs incurred by the City for the provision of engineering services, provided by a licensed engineer, and necessary to review the Final Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable Land Use Ordinances, and other applicable Local, State, and Federal requirements, and accepted civil engineering practice.

11-4-6 Zoning Administrator to Determine a Complete Application:

Prior to the DRC considering the Final Subdivision Application, Zoning Administrator shall determine and find that the Final Subdivision Application is complete and contains all information and materials as required by 11-4-2 and necessary for a complete Final Subdivision Application.

11-4-7 Lack of Final Subdivision Application Information and Materials – A Determination of an Incomplete Application:

The lack of any information and materials required by 11-4-2 shall render the Final Subdivision Application incomplete.

A Zoning Administrator determination of an incomplete Final Subdivision Application shall prohibit the DRC or Mayor from considering any information or material related to the proposed subdivision. The Zoning Administrator shall notify the applicant(s), in writing, of the required information lacking from the Final Subdivision Application. The Zoning Administrator shall allow thirty (30) calendar days, from the date of notification of an incomplete Final Subdivision Application, for the Applicant(s) to provide the required information and material. If the Final Subdivision Application remains incomplete after thirty (30) calendar days from date of notification by the Zoning Administrator, as required herein, the Zoning Administrator shall return the entire incomplete Final Subdivision Application to the Applicant(s), accompanied by any Final Subdivision Application review fees paid.

Any person(s) aggrieved by a decision of the Zoning Administrator related to a Determination of Application Completeness may appeal the Zoning Administrator's decision to the Commission.

11-4-8 Final Subdivision Application Review Procedures:

The ~~Mayor~~ **CD Director** is identified and authorized as the Land Use Authority for Final Subdivision Applications, determining compliance with all applicable requirements of this Ordinance and all requirements for Final Subdivision Application as required by the Council for Preliminary Subdivision Application approval. The review and approval procedures for a Final Subdivision Application are identified in Figure 4-1.

Figures 3-2 identifies the procedures for a Determination of Application Completeness.

The ~~Mayor~~ **CD Director** is identified and authorized to act as the Land Use Authority for a Final Subdivision Application, following the receipt of a DRC recommendation.

1. Determination of a Complete Application.

The Zoning Administrator as provided and identified in Figures 3-2 and 11-4-6 and 11-4-7 shall make a determination of a complete Final Subdivision Application. Only after a Final Subdivision Application has been determined to be complete by the Zoning Administrator then shall the Zoning Administrator schedule a meeting with the DRC to review the complete Final Subdivision Application.

2. DRC Review.

Following the receipt of the complete Final Subdivision Application from the Zoning Administrator, the DRC shall review the Final Subdivision Application and verify compliance of all requirements of the Council for Preliminary Subdivision Application approval, this Ordinance, all other applicable Ordinances, and all other Federal, State, and Local requirements, as applicable. Following the DRC review, the Zoning Administrator shall provide the DRC comments to the ~~Mayer~~ **CD Director** for consideration by the ~~Mayer~~ **CD Director** for the review of the Final Preliminary Subdivision Application.

3. Necessary Approvals and Recommendations.

Prior to the Final Subdivision Application being scheduled with the ~~Mayer~~ **CD Director** for consideration, the Zoning Administrator, and DRC shall require that the following approvals and recommendations are included with the information and materials considered by the ~~Mayer~~ **CD Director**:

- a. Written approval of the feasibility of the proposed culinary water system and culinary water sources, provided by the City Engineer.
- b. Written approval of the feasibility of the proposed sanitary sewer system, provided by the City Engineer.
- c. A written recommendation of the proposed street and road layout and street and road designs, provided by the City Engineer.
- d. If the proposed subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed from a County Road, authorization from Weber County to allow the subdivision access from a County Road shall be provided.
- e. A written recommendation of the proposed storm water management and storm drainage and flood control facilities, provided by the City Engineer.
- f. A written recommendation of the proposed fire protection, fire suppression, and fire access facilities, provided by the City Fire Marshall and City Engineer.
- g. Necessary approvals and/or permits from Federal, State, and Local agencies, as may be applicable.

4. Mayoral Review and Approval, Approval with Requirements, or Denial of the Final Subdivision Application.

Following the receipt of all necessary approvals and recommendations, and the DRC's review comments, the ~~Mayer~~ **CD Director** shall consider the Final Subdivision Application.

Following the consideration of the Final Subdivision Application, and all information and materials presented, the ~~Mayer~~ **CD Director** may approve the Final Subdivision Application, as presented, approve the Final Subdivision Application with requirements, or deny the Final Subdivision Application with findings of compliance or non-compliance with the Preliminary Subdivision Application approval of the Council, this Ordinance, other Ordinances, or other

applicable City, County, State, and Federal requirements.

5. Necessary Signatures and Acknowledgements.

All necessary signatures are received and the owner(s) of the Subject Property shall acknowledge the Final Plat before the Mayor, the Mayor being authorized to take the acknowledgement of conveyances of real estate.

6. Recordation of Final Subdivision Plat and all Subdivision Documents.

After:

- a. a Final Subdivision Application has been approved, with or without requirements by the ~~Mayor~~ **CD Director**,
- b. all necessary subdivision improvement guarantees, bonds and agreements have been established and are in place, as required by the Ordinances of the City, including this Ordinance, sufficient to insure the installation and construction of all required subdivision improvements, and
- c. the Final Subdivision Plat has been signed by all required Officials and services providers, the Final Subdivision Plat shall be provided to the City Attorney, for presentation by the City to the Office of the Weber County Recorder for recordation. After the Final Subdivision Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Subdivision Plat and the City's requirements for such permits. The Applicant(s) shall pay all fees, including copies, for the recording of all Final Subdivision documents and the Final Subdivision Plat.

7. Preconstruction Meeting.

Prior to any excavation, grading, re-grading, or the installation of any subdivision improvements, a Preconstruction Meeting shall be conducted by the City Engineer with the Applicant(s), and Applicant(s) contractors, to establish the requirements for all subdivision excavation, grading, re-grading, and the installation of all required subdivision improvements.

11-4-9 Effect of Mayoral Final Subdivision Application Approval and Effective Period:

After the Final Subdivision Plat has been recorded in the Office of the Weber County Recorder, the Applicant(s) may apply for building permits consistent with the approved and recorded Final Subdivision Plat and the City requirements for a building permit.

The approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date the Final Subdivision Application is approved by the ~~Mayor~~ **CD Director**, at the end of which time the Final Subdivision Plat shall have been recorded in the Office of the Weber County Recorder. If the approved Final Subdivision Plat is not recorded within the one (1) year period of date of approval, and the ~~Council~~ **CD Director** has not extended the approval of the Final Subdivision Plat, the Final Subdivision Application approval shall be void, and the Applicant(s) shall be required to submit a new Preliminary Subdivision Application for review by the City, subject to the then existing Preliminary Subdivision Application requirements of this Ordinance and all other applicable Federal, State and Local requirements.

11-4-10 Appeal of Final Subdivision Application Decisions:

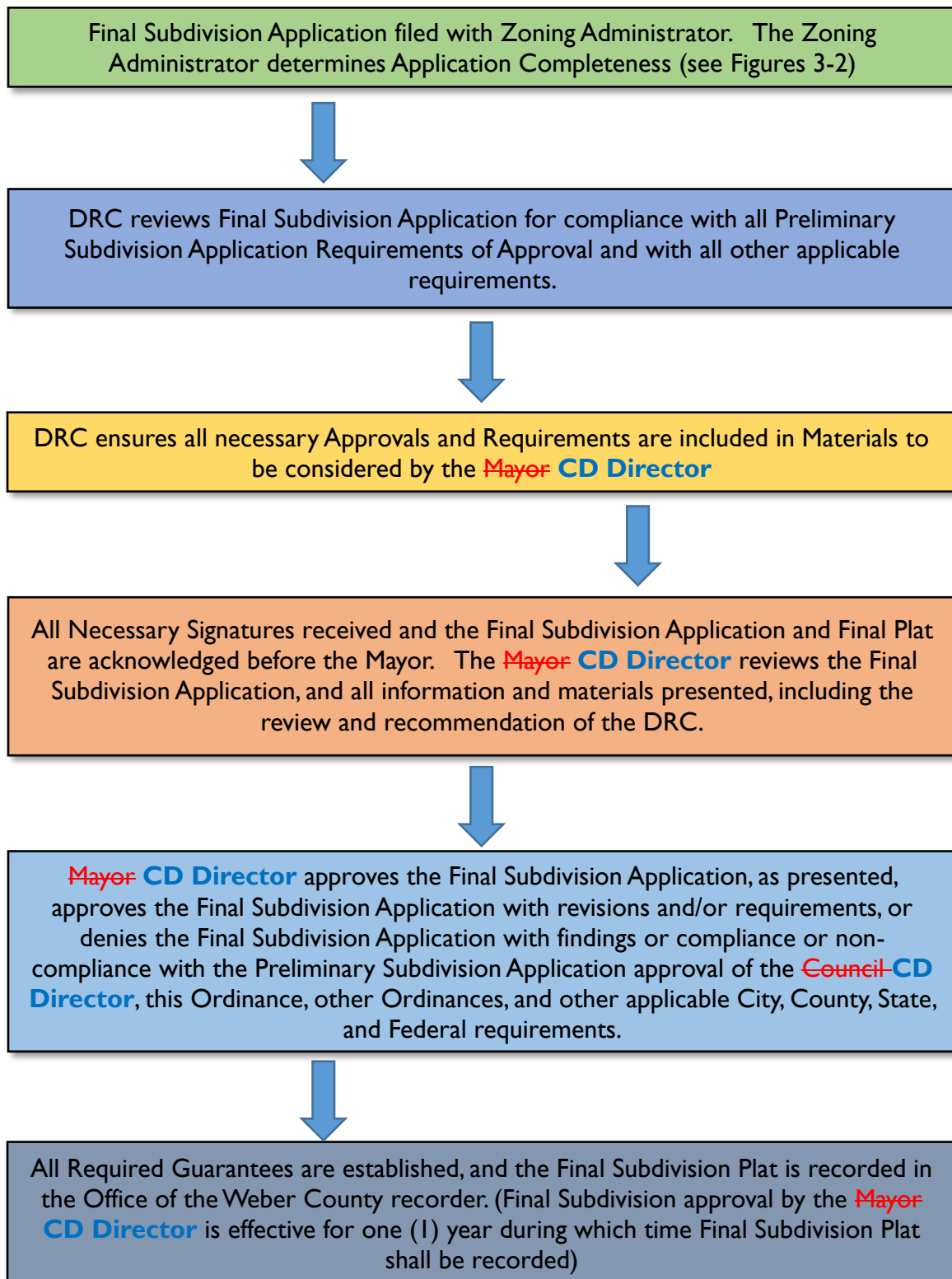
Any person(s) aggrieved by a decision of the ~~Mayor~~ **CD Director** related to a Final Subdivision Application may appeal the ~~Mayor~~ **CD Director** 's decision to ~~District Court~~ **Hearing Officer**, as

provided by Chapter 28 of the Roy City Zoning Ordinance.

11-4-11 Site Preparation Work Prohibited:

No excavation, grading or re-grading, and no installation of any subdivision improvements shall take place on any Subject Property until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Weber County Recorder.

FIGURE 4-1 - FINAL SUBDIVISION APPLICATION



11-5-1 Purpose Building Permit Issuance:

~~As required and provided by the Act, the City is required to provide notice of all public hearings and public meetings for adoption or modification of this Ordinance and when a Concept Plan Application, Preliminary Subdivision Application, and Final Subdivision Application is considered by the DRC, Commission, Council or Mayor.~~

I. Legal Lot Required.

The Roy City Building Official shall not issue any permit for a proposed building or structure, excluding agricultural buildings, on a lot located within the boundaries of the City unless;

- a. The lot is within a subdivision legally created pursuant to this Ordinance, or prior Subdivision Ordinances.
- b. The lot is a legal lot of record, such lot being created and recorded in the Office of the Weber County Recorder prior to December 21, 2004 1955.

All required improvements have been properly installed, inspected, and approved by the City Engineer.

11-5-2 ~~Notice required for Public Hearings and Public Meetings to consider the Adoption or any Modifications of this Ordinance and Notice of Final Action~~ Building Permit Application:

- ~~1. Public Hearings. The Zoning Administrator, or authorized designee, for public hearings before the Commission and Council shall provide notice of the public hearing to consider the adoption or any modification of this Ordinance as follows:~~
 - ~~a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:~~
 - ~~i. Mailed to each "affected entity," as defined by Section 10-9a-103(1) of the Act.¹~~
 - ~~ii. Posted in at least three (3) public locations within the City, or posted on the official website of Roy City.~~
 - ~~iii. Published in a newspaper of general circulation within the City.~~
 - ~~b. Notify each Applicant of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing.²~~
 - ~~c. Provide to each Applicant a copy of each staff report regarding the Application at least three (3) business days before the public hearing.~~
- ~~2. Public Meetings. The Zoning Administrator, or authorized designee, for public meetings before the Commission and Council shall provide notice of the public meeting to consider the adoption or any modification of this Ordinance as follows:~~
 - ~~a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:~~
 - ~~i. Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~
 - ~~b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.~~
 - ~~c. Provide to each Applicant a copy of each staff report regarding the Application at least three (3) business days before the meeting.~~
- ~~3. Notice of Final Action. The Zoning Administrator and/or City Recorder shall notify the Applicant of any final action taken by the Council for any Application related to the adoption or any modification of this Ordinance.~~

All proposed buildings, structures, facilities, and uses located within the boundaries of The City, excluding agricultural buildings to the extent exempted by the laws of the State of Utah, and requiring the approval and issuance of a building permit, as required by the building codes of Roy City, shall present a building permit application for review by the Roy City Building Official.

~~11-5-3 Notice required for Public Hearings and Public Meetings to consider a Preliminary Subdivision Application and Notice of Final Action:~~

- ~~1. Public Hearings. The Zoning Administrator, or authorized designee, for public hearings by the Commission shall provide notice of the public hearing to consider a Preliminary Subdivision Application as follows:
 - ~~a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:
 - ~~i. Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~
 - ~~ii. Mailed to each "affected entity" defined by Section 10-9a-103(1) of the Act.¹~~
 - ~~iii. Mailed to each property owner of record for each land parcel located within three hundred (300) feet of the boundary of the Subject Property; or~~
 - ~~iv. Posted on the Subject Property, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~~~
 - ~~b. Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.²~~
 - ~~c. Provide to each Applicant a copy of each staff report regarding the Preliminary Subdivision Application at least three (3) business days before the public hearing.~~~~
- ~~2. Public Meetings. The Zoning Administrator, or authorized designee, for public meetings before the Commission and Council, shall provide notice of the public meeting to consider a Preliminary Subdivision Application as follows:
 - ~~a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - ~~i. Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~~~
 - ~~b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.~~
 - ~~c. Provide to each Applicant a copy of each staff report regarding the Preliminary Subdivision Application at least three (3) business days before the meeting.~~~~
- ~~3. Notice of Final Action. The City Recorder for Preliminary Subdivision Applications shall notify the Applicant of any final action taken by the Council for any Preliminary Subdivision Application.~~

~~11-5-4 Notice required for Public Meetings to consider a Final Subdivision Application and Notice of Final Action:~~

- ~~1. Public Meetings. The Zoning Administrator, or authorized designee, for public meetings before the Mayor shall provide notice of the public meeting to consider a Final Subdivision Application as follows:
 - ~~a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - ~~i. Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~~~
 - ~~b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.~~
 - ~~c. Provide to each Applicant a copy of each staff report regarding the Final Subdivision~~~~

Application at least three (3) business days before the meeting.

2. ~~Notice of Final Action.~~ The City Recorder for Final Subdivision Applications shall notify the Applicant of any final action taken by the Mayor for any Final Subdivision Application.

~~11-5-5~~ ~~Notice required for Public Hearings and Public Meetings to consider an Amendment to a Final Subdivision Plat and Notice of Final Action:~~

1. ~~Public Hearings.~~ The Zoning Administrator, or authorized designee, for public hearings by the Commission and Council shall provide notice of the public hearing to consider a Final Plat Amendment Application as follows:
 - a. ~~Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:~~
 - i. ~~Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~
 - ii. ~~Mailed to each property owner of record for each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or~~
 - iii. ~~Posted on the Subject Property, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~
 - b. ~~Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.²~~

~~Provide to each Applicant a copy of each staff report regarding the Plat Amendment Application at least three (3) business days before the public hearing.~~

2. ~~Public Meetings.~~ The Zoning Administrator, or authorized designee, for public meetings before the Commission and Council, shall provide notice of the public meeting to consider a Final Plat Amendment Application as follows:
 - a. ~~Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:~~
 - i. ~~Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~
 - ii. ~~Mailed to each property owner of record for each land parcel located within three-hundred (300) feet of the boundary of the Subject Property;~~
 - b. ~~Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.~~
 - c. ~~Provide to each Applicant a copy of each staff report regarding the Plat Amendment Application at least three (3) business days before the meeting.~~
3. ~~Notice of Final Action.~~ The City Recorder Zoning Administrator shall notify the Applicant of any final action taken by the Council Commission for any Final Plat Amendment Application.

~~11-5-6~~ ~~Required Hearing and Notice for an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way:~~

1. ~~Public Hearings.~~ The Zoning Administrator, or designee, for the public hearing by the Council Commission shall provide notice of the public hearing to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way as follows:
 - a. ~~Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:~~
 - i. ~~Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~
 - ii. ~~Mailed to each property owner of record for each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or~~

- ~~iii. Posted on the Subject Property in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~
 - ~~iv. Mailed to each "affected entity" defined by Section 10-9a-103 (1) of the Act.¹~~
 - ~~b. Publishing notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the City.~~
 - ~~c. Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.²~~
 - ~~d. Provide to each Applicant a copy of each staff report regarding the Application to Vacate, Alter, or Amend a Public Street or Right-of-Way at least three (3) business days before the public hearing.~~
 - ~~2. Public Meetings. The Zoning Administrator, or authorized designee, for public meetings before the Commission and Council, shall provide notice of the public meeting to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way as follows:~~
 - ~~a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:~~
 - ~~i. Posted in at least three (3) public locations within the City; or posted on the official website of Roy City.~~
 - ~~b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.~~
 - ~~c. Provide to each Applicant a copy of each staff report regarding the Application to Vacate, Alter, or Amend a Public Street or Right-of-Way Plat at least three (3) business days before the meeting.~~
 - ~~3. Notice of Final Action. The City Recorder Zoning Administrator shall notify the Applicant of any final action taken by the Council Commission for any Application to Vacate, Alter, or Amend a Public Street or Right-of-Way.~~

~~11-5-7 Notice Challenge:~~

~~If notice given under authority of this Section, or authority of the Act, is not challenged, as provided by the Act, within thirty (30) calendar days after the hearing(s) or meeting(s), or action, for which notice is given, the notice is considered adequate and proper.~~

Footnotes

- ~~1. "Affected entity" means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:~~
 - ~~a. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;~~
 - ~~b. the entity has filed with the municipality a copy of the entity's general or long-range plan; or~~
 - ~~c. the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.~~
- ~~2. If the Zoning Administrator, or authorized designee, fails to comply with the requirements of 11-5-2 (1) (b) or (c) or both, an Applicant may waive the failure so that the Application may stay on the public hearing agenda and be considered as if the requirements had been met.~~

11-6-1 Building Permit Issuance Construction of Required Improvements:

~~1. Legal Lot Required.~~

~~The Roy City Building Official shall not issue any permit for a proposed building or structure, excluding agricultural buildings, on a lot located within the boundaries of the City unless;~~

- ~~a. The lot is within a subdivision legally created pursuant to this Ordinance, or prior Subdivision Ordinances.~~
- ~~b. The lot is a legal lot of record, such lot being created and recorded in the Office of the Weber County Recorder prior to December 21, 2004.~~

~~All required improvements have been properly installed, inspected, and approved by the City Engineer.~~

Construction of any required subdivision improvements, including infrastructure and facilities, necessary to meet the requirements of this Ordinance, shall comply with the Roy City Development Standards and Specifications.

11-6-2 Building Permit Application Proceed with Subdivision Construction:

~~All proposed buildings, structures, facilities, and uses located within the boundaries of The City, excluding agricultural buildings to the extent exempted by the laws of the State of Utah, and requiring the approval and issuance of a building permit, as required by the building codes of Roy City, shall present a building permit application for review by the Roy City Building Official.~~

~~Following the recording of the approved Final Subdivision Plat in the Office of the Weber County Recorder, a~~ **A Preconstruction Meeting shall be held, as directed by the City Engineer, prior to the installation of any public improvements. No improvements shall be installed until their locations have been approved by the City Engineer. Water mains, sewer lines, laterals, drainage facilities, fire hydrants shall be installed and tested prior to any road surfacing and the installation of road base.**

11-6-3 Subdivision Construction and Improvement Inspections:

The City Engineer shall inspect, or cause to be inspected, all public improvements and facilities, including, but not limited to, all water supply and sewage disposal systems in the course of construction, all streets and roads, all storm drainage and flood control facilities, all fire hydrants, and all other subdivision improvements and facilities. Excavations for all fire hydrants and water and sewer mains and laterals, storm drainage and flood control facilities shall not be covered or backfilled until such installations has been approved by the City Engineer, or designee. If any such installation is covered before being inspected, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer.

11-7-1 ~~Construction of Required Improvements~~ Amendment to Recorded Plats:

~~Construction of any required subdivision improvements, including infrastructure and facilities, necessary to meet the requirements of this Ordinance, shall comply with the Roy City Development Standards and Specifications.~~

The ~~Council~~ **CD Director** may, with or without a petition, consider and resolve, any proposed amendment of a recorded Subdivision Plat, any portion of a recorded Subdivision Plat or any road or lot, contained in a recorded Subdivision Plat by following and complying with all the requirements for vacating or changing a subdivision plat, as identified by §10-9a-608 and §10-9a-609 of the Act.

~~Notice requirements for public hearings and public meetings to consider any proposal to vacate, alter, or amend a plat shall comply with all requirements of the Act.~~

11-7-2 ~~Proceed with Subdivision Construction~~ Vacating or Altering a Street or Alley:

~~Following the recording of the approved Final Subdivision Plat in the Office of the Weber County Recorder, a Preconstruction Meeting shall be held, as directed by the City Engineer, prior to the installation of any public improvements. No improvements shall be installed until their locations have been approved by the City Engineer. Water mains, sewer lines, laterals, drainage facilities, fire hydrants shall be installed and tested prior to any road surfacing and the installation of road base.~~

The ~~Council~~ **CD Director** may vacate or alter a street or alley by following and complying with all the requirements for vacating or altering a street or alley, as identified by the Act at § 10-9a-609.5.

11-7-3 ~~Subdivision Construction and Improvement Inspections~~ Appeal of Subdivision Amendment Decisions

~~The City Engineer shall inspect, or cause to be inspected, all public improvements and facilities, including, but not limited to, all water supply and sewage disposal systems in the course of construction, all streets and roads, all storm drainage and flood control facilities, all fire hydrants, and all other subdivision improvements and facilities. Excavations for all fire hydrants and water and sewer mains and laterals, storm drainage and flood control facilities shall not be covered or backfilled until such installations has been approved by the City Engineer, or designee. If any such installation is covered before being inspected, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer.~~

Any person(s) aggrieved by a decision of the ~~Council~~ **CD Director** concerning a vacation or amendment of a recorded Subdivision Plat, or any portion of a recorded Final Subdivision Plat, or the decision of the ~~Council~~ **CD Director** concerning the vacation or alteration of a street or alley may appeal the ~~Council~~ **CD Director** decision to the ~~District Court~~ **Hearing Officer**, as provided by Chapter 28 of the Roy City Zoning Ordinance.

11-8-1 ~~Amendment to Recorded Plats~~ Relation to Adjoining Street System:

~~The Council may, with or without a petition, consider and resolve, any proposed amendment of a recorded Subdivision Plat, any portion of a recorded Subdivision Plat or any road or lot, contained in a recorded Subdivision Plat by following and complying with all the requirements for vacating or changing a subdivision plat, as identified by §10-9a-608 and §10-9a-609 of the Act.~~

~~Notice requirements for public hearings and public meetings to consider any proposal to vacate, alter, or amend a plat shall comply with all requirements of the Act.~~

1. **Arrangement of Streets:** The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) as required for public utilities and improvements. The street arrangement shall not cause unnecessary hardships to owners of adjoining property when such property is subdivided, and access is required.
2. **Angle of Minor Streets:** Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).
3. **Intersection locations, alignments, and design shall conform to AASHTO standards as described in A Policy on Geometric Design of Highways and Streets (latest edition).**

11-8-2 ~~Vacating or Altering a Street or Alley~~ Street and Alley Widths, Cul-de-sacs, and Easements:

~~The Council may vacate or alter a street or alley by following and complying with all the requirements for vacating or altering a street or alley, as identified by the Act at § 10-9a-609.5.~~

1. **Street Dedication:** All streets in subdivisions in the City shall be dedicated to the City, except that private streets may be approved under special circumstances as determined by the ~~City Council~~ **CD Director**. Construction of all streets shall comply with City Standards and be approved by the City Engineer.
2. **Major and Collector Streets:** Major and collector streets shall conform to the width designated on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plat is submitted to the ~~Planning Commission~~ **CD Director**, major or collector streets shall be provided as required by the ~~Planning Commission~~ **CD Director**, with minimum widths of one hundred feet (100') for major streets and sixty-six feet (66') for collector streets.
3. **Minor Streets:** Minor streets shall have a minimum width of sixty feet (60').
4. **Minor Terminal Streets:**
 - a. Minor terminal streets shall not exceed five hundred feet (500') measured from the center of the intersecting street to the center of the cul-de-sac. Streets shall be terminated with a cul-de-sac of not less than one hundred feet (100') in diameter. If surface water drains is into the cul-de-sac, due to the slope of the proposed roadway, necessary catch basins, swales, easements, and/or other appropriate drainage improvements shall be provided.
 - b. As part of a continuing, phased development, a street in excess of one hundred seventy-five feet (175'), measured from the center of the nearest intersecting street to the termination point, designed to remain only temporarily as a dead end street, shall be terminated with an adequate temporary turning area of one hundred feet (100') in diameter at the dead end thereof to remain and be available for public use so long as the dead end condition exists. In no instance

shall a temporary dead-end street exceed one thousand feet (1000') without secondary access as measured from the center of the nearest intersecting street to the center of the temporary turnaround.

5. **Marginal Access Streets:** Marginal access streets of not less than forty feet (40') in width may parallel all limited access major streets, as required by the City Engineer, and approved by the ~~City Council~~ **CD Director**.
6. **Half Streets:** Half streets proposed along a subdivision boundary or within any part of a subdivision are prohibited.
7. **Standard Street Sections:** All proposed streets, whether public or private, shall conform to the street cross section standards as recommended by the city engineer and adopted by the ~~City Council~~ **CD Director**.
8. **Street Grades:** Minimum grades for all streets shall not be less than 0.5%. Except where due to special circumstances, street grades for any length of road at any point shall not exceed the following percentages:
 - a. Major public streets eight percent (8%);
 - b. Collector streets ten percent (10%);
 - c. Minor public streets twelve percent (12%);
 - d. Private streets twelve percent (12%).
9. **Alleys:** Alleys may be required in the rear of business lots but will not be accepted in residential blocks.

11-8-3 ~~Appeal of Subdivision Amendment Decisions~~ Lots:

~~Any person(s) aggrieved by a decision of the Council concerning a vacation or amendment of a recorded Subdivision Plat, or any portion of a recorded Final Subdivision Plat, or the decision of the Council concerning the vacation or alteration of a street or alley may appeal the Council decision to the District Court, as provided by Chapter 28 of the Roy City Zoning Ordinance.~~

1. **Arrangement and Design:** The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and future requirements.
2. **Complies with Zoning Ordinance:** All lots shown on the subdivision plat must comply with requirements of the Zoning Ordinance.
3. **Abut on Public or Private Street:** Each lot shall abut on a public street or private street dedicated by the subdivision plat or an existing publicly dedicated street. Interior lots having frontage on two (2) streets shall be prohibited.
4. **Side Lines:** Side lines of lots shall be approximately at right angles, or radial to the street line.
5. **Remnants:** All remnants of the Subject Property below the minimum required size left over after subdividing must be added to adjacent lots, rather than allowed to remain as unusable parcels.
6. **Natural Drainage and Other Easements:** The City Engineer and ~~City Council~~ **CD Director** may require easements for drainage through adjoining property be provided by the subdivide, and easements of not less than ten feet (10') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision where required by the ~~City Council~~ **CD Director**.

11-8-4 ~~Reserved for Shared Driveway or Private Lane:~~ Restrictions for Solar and other Energy Devices:

~~[Left Blank Intentionally]~~

As provided by the Act; ~~the Commission may refuse to recommend, and the City Council~~ **CD**

Director may refuse to approve or amend any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

11-9-1 ~~Relation to Adjoining Street System~~ Required Subdivision Improvements:

- ~~1. Arrangement of Streets: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) as required for public utilities and improvements. The street arrangement shall not cause unnecessary hardships to owners of adjoining property when such property is subdivided, and access is required.~~
- ~~2. Angle of Minor Streets: Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).~~

The owner of any land to be part of a subdivision shall, at his own expense, install all required subdivision improvements and guarantee the installation of such subdivision improvements, as provided herein, according to the Roy City Development Standards and Specifications and as inspected and approved by the City Engineer.

1. Water Supply:

- a. The Applicant(s) shall install culinary water lines or shall contract with the local culinary water authority to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The subdivider shall provide three (3) copies of plans showing the location and size of proposed water lines and fire hydrants and existing water lines to which a connection is to be made to the City Engineer. Information concerning the static or working water pressure in the existing mains at the approximate point of connection shall be provided.
 - b. The Applicant(s) shall have an engineer determine the adequacy of the existing water system to provide culinary water and fire protection as required by the State Office of Environmental Quality and Division of Drinking Water and shall submit the information to the City Engineer for review and approval.
 - c. The Applicant(s) shall install secondary water lines and shall contract with the local secondary water distributing agency to make the secondary water supply available to each lot within the subdivision, including laterals to the property line of each lot.
2. Sewage Disposal: All sanitary sewer systems are required to connect to the public sanitary sewer system and provide adequate lateral lines to a point five (5) feet beyond the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the Roy City Development Standards and Specifications and shall be approved by the City Engineer.
3. Storm Water: The Applicant(s) is/are required to dispose of storm water and surface drainage into an approved City storm drain system. If easements are required across adjoining property to permit drainage of the subdivision, it shall be the responsibility of the applicant(s) to acquire such easements. Detention of storm water is required for all subdivisions. Exceptions may be approved by the City Engineer where a nearby regional detention basin and the existing storm drains provide excess capacity. On-site retention of storm water may be approved by the City Engineer based on acceptable soil permeability and groundwater levels. All construction shall comply with the City storm water management plan.
4. Roads and Streets: All roads and streets shall be installed as required by the Development Standards and Specifications.
5. Curbs and Gutters: Curbs and gutters shall be installed on existing and proposed streets by the Applicant(s).
6. Street Drainage: Drainage structures shall be required as determined necessary by the City Engineer.

7. **Sidewalks:** Sidewalks shall be provided for the general safety and welfare of the public.
8. **Monuments:** Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat. Monuments shall be of a type approved by the City Engineer. All subdivision plats shall be tied to at least two approved county monuments.
9. **Street Trees:** Street trees shall be planted at locations along street rights-of-way, as required by the Final Subdivision Plat approval.
10. **Fire Hydrants:** Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number, and installed in such locations as determined by the City Fire Marshall and City Engineer.
11. **Street Signs:** Street signs shall be installed by the City and charged to the applicant(s).
12. **Fencing:**
 - a. A fence not less than six feet (6') in height shall be installed on both sides of existing irrigation canals, bordering open reservoirs, sloughs, railroad rights of way or non-access streets, and which are located within or adjacent to the subdivision, except where the Council determines that park areas, including streams or bodies of water, shall remain unfenced.
 - b. The CD Director may also require a fence of the type to be determined in each instance to be erected when any subdivision adjoins a use to which uncontrolled access, light or noise might result in damage or nuisance to the subdivision or adjoining property.
13. **Staking of Lots:** Survey stakes shall be placed at all lot corners to completely identify the lot boundaries on the ground.

11-9-2 ~~Street and Alley Widths, Cul-de-sacs, and Easements~~ **Guarantee of Installation of Subdivision Improvements:**

- ~~1. Street Dedication: All streets in subdivisions in the City shall be dedicated to the City, except that private streets may be approved under special circumstances as determined by the City Council. Construction of all streets shall comply with City Standards and be approved by the City Engineer.~~
- ~~2. Major and Collector Streets: Major and collector streets shall conform to the width designated on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plat is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum widths of one hundred feet (100') for major streets and sixty-six feet (66') for collector streets.~~
- ~~3. Minor Streets: Minor streets shall have a minimum width of sixty feet (60').~~
- ~~4. Minor Terminal Streets:
 - a. Minor terminal streets shall not exceed five hundred feet (500') measured from the center of the intersecting street to the center of the cul-de-sac. Streets shall be terminated with a cul-de-sac of not less than one hundred feet (100') in diameter. If surface water drains is into the cul-de-sac, due to the slope of the proposed roadway, necessary catch basins, swales, easements, and/or other appropriate drainage improvements shall be provided.
 - b. As part of a continuing, phased development, a street in excess of one hundred seventy-five feet (175'), measured from the center of the nearest intersecting street to the termination point, designed to remain only temporarily as a dead-end street, shall be terminated with an adequate temporary turning area of one hundred feet (100') in diameter at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists. In no instance shall a temporary dead-end street exceed one thousand feet (1000') without secondary access as measured from the center of the~~

- nearest intersecting street to the center of the temporary turnaround:
- ~~5. Marginal Access Streets: Marginal access streets of not less than forty feet (40') in width may parallel all limited access major streets, as required by the City Engineer, and approved by the City Council.~~
 - ~~6. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision are prohibited.~~
 - ~~7. Standard Street Sections: All proposed streets, whether public or private, shall conform to the street cross section standards as recommended by the city engineer and adopted by the City Council.~~
 - ~~8. Street Grades: Minimum grades for all streets shall not be less than 0.5%. Except where due to special circumstances, street grades for any length of road at any point shall not exceed the following percentages:~~
 - ~~a. Major public streets eight percent (8%);~~
 - ~~b. Collector streets ten percent (10%);~~
 - ~~c. Minor public streets twelve percent (12%);~~
 - ~~d. Private streets twelve percent (12%).~~
 - ~~9. Alleys: Alleys may be required in the rear of business lots but will not be accepted in residential blocks.~~
- 1. Methods: The Applicant(s) shall guarantee the installation by one of the methods specified as follows:**
 - a. The Applicant(s) shall furnish and file with the Zoning Administrator a bond with corporate surety in an amount equal to the cost of the subdivision improvements plus ten (10) percent to warrant and guarantee the subdivision improvements), as estimated by the City Engineer, to assure the installation of such subdivision improvements within a one (1) year period immediately following the recordation of the Final Subdivision Plat, which bond shall be approved by the City Attorney and shall be filed with the Zoning Administrator.**
 - b. The Applicant(s) shall deposit in escrow with an escrow holder approved by the City Attorney an amount of money equal to the cost of the subdivision improvements plus ten (10) percent to warrant and guarantee the subdivision improvements), as estimated by the City Engineer, under an escrow agreement to assure the installation of such subdivision improvements within a one (1) year period immediately following the recordation of the Final Subdivision Plat, which escrow agreement shall be approved by the City Attorney and shall be filed with the Zoning Administrator.**
 - 2. Administration: The Zoning Administrator is authorized to prescribe by administrative rule, forms, and procedures to ensure the orderly and efficient processing of all Applications provided by this Ordinance and to ensure compliance with all requirements of this Ordinance.**
 - 3. Phased Development: Whenever a subdivision is developed a portion at a time, such development shall be in an orderly manner and in such a way that the required subdivision improvements will be continuous and all required subdivision improvements will be made available for the full protection of the health, welfare, and safety of all residents of the subdivision, and the City.**

(Ord No 909, 12-2-2008)

11-9-3 ~~Lots~~ Inspection of Subdivision Improvements:

- ~~1. Arrangement and Design: The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and future requirements.~~

- ~~2. Complies with Zoning Ordinance: All lots shown on the subdivision plat must comply with requirements of the Zoning Ordinance.~~
- ~~3. Abut on Public or Private Street: Each lot shall abut on a public street or private street dedicated by the subdivision plat or an existing publicly dedicated street. Interior lots having frontage on two (2) streets shall be prohibited.~~
- ~~4. Side Lines: Side lines of lots shall be approximately at right angles, or radial to the street line.~~
- ~~5. Remnants: All remnants of the Subject Property below the minimum required size left over after subdividing must be added to adjacent lots, rather than allowed to remain as unusable parcels.~~
- ~~6. Natural Drainage and Other Easements: The City Engineer and City Council may require easements for drainage through adjoining property be provided by the subdivide, and easements of not less than ten feet (10') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision where required by the City Council.~~

The City Engineer shall inspect or cause to be inspected all required subdivision improvements in the course of construction, installation, or repair. No excavations for the installation of any subdivision improvements shall be covered or backfilled until such, installation shall have been approved by the City Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the Applicant(s) by the City Engineer.

~~11-9-4~~ ~~Reserved for Shared Driveway or Private Lane~~ **Conditions of Subdivision Improvements Guaranteed:**

~~[Left Blank Intentionally]~~

The Applicant(s) shall warrant and guarantee the subdivision improvements provided for herein and every part thereof, will remain in good condition for a minimum period of one (1) years, after the City Engineer has conditionally accepted the subdivision improvements in writing, and the Applicant(s) agrees to make all repairs to and maintain the subdivision improvements and every part thereof in good working condition during the guarantee period with no cost to the City.

(Ord No 909, 12-2-2008)

~~11-9-5~~ ~~Restrictions for Solar and other Energy Devices:~~

~~As provided by the Act, the Commission may refuse to recommend, and the Council may refuse to approve or amend any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.~~

11-10-1 Required Subdivision Improvements:

~~The owner of any land to be part of a subdivision shall, at his own expense, install all required subdivision improvements and guarantee the installation of such subdivision improvements, as provided herein, according to the Roy City Development Standards and Specifications and as inspected and approved by the City Engineer.~~

~~1. Water Supply:~~

- ~~a. The Applicant(s) shall install culinary water lines or shall contract with the local culinary water authority to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The subdivider shall provide three (3) copies of plans showing the location and size of proposed water lines and fire hydrants and existing water lines to which a connection is to be made to the City Engineer. Information concerning the static or working water pressure in the existing mains at the approximate point of connection shall be provided.~~
- ~~b. The Applicant(s) shall have an engineer determine the adequacy of the existing water system to provide culinary water and fire protection as required by the State Office of Environmental Quality and Division of Drinking Water and shall submit the information to the City Engineer for review and approval.~~
- ~~c. The Applicant(s) shall install secondary water lines and shall contract with the local secondary water distributing agency to make the secondary water supply available to each lot within the subdivision, including laterals to the property line of each lot.~~

~~2. Sewage Disposal: All sanitary sewer systems are required to connect to the public sanitary sewer system and provide adequate lateral lines to a point five (5) feet beyond the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the Roy City Development Standards and Specifications and shall be approved by the City Engineer.~~

~~3. Storm Water: The Applicant(s) is/are required to dispose of storm water and surface drainage into an approved City storm drain system. If easements are required across adjoining property to permit drainage of the subdivision, it shall be the responsibility of the applicant(s) to acquire such easements. Detention of storm water is required for all subdivisions. All construction shall comply with the City storm water management plan.~~

~~4. Roads and Streets: All roads and streets shall be installed as required by the Development Standards and Specifications.~~

~~5. Curbs and Gutters: Curbs and gutters shall be installed on existing and proposed streets by the Applicant(s).~~

~~6. Street Drainage: Drainage structures shall be required as determined necessary by the City Engineer.~~

~~7. Sidewalks: Sidewalks shall be provided for the general safety and welfare of the public.~~

~~8. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat. Monuments shall be of a type approved by the City Engineer. All subdivision plats shall be tied to at least two approved county monuments.~~

~~9. Street Trees: Street trees shall be planted at locations along street rights of way, as required by the Final Subdivision Plat approval.~~

~~10. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number, and installed in such locations as determined by the City Fire Marshall and City Engineer.~~

~~11. Street Signs: Street signs shall be installed by the City and charged to the applicant(s).~~

~~12. Fencing:~~

- ~~a. A fence not less than six feet (6') in height shall be installed on both sides of existing irrigation canals, bordering open reservoirs, sloughs, railroad rights of way or non-access streets, and which are located within or adjacent to the subdivision, except where the~~

~~Council determines that park areas, including streams or bodies of water, shall remain unfenced.~~

- ~~b. The Council **CD Director** may also require a fence of the type to be determined in each instance to be erected when any subdivision adjoins a use to which uncontrolled access, light or noise might result in damage or nuisance to the subdivision or adjoining property.~~

~~13. Staking of Lots: Survey stakes shall be placed at all lot corners to completely identify the lot boundaries on the ground.~~

~~11-10-2—Guarantee of Installation of Subdivision Improvements:~~

~~1. Methods: The Applicant(s) shall guarantee the installation by one of the methods specified as follows:~~

~~a. The Applicant(s) shall furnish and file with the City Recorder **Zoning Administrator** a bond with corporate surety in an amount equal to the cost of the subdivision improvements plus ten (10) percent to warrant and guarantee the subdivision improvements), as estimated by the City Engineer, to assure the installation of such subdivision improvements within a two (2) **one (1)** year period immediately following the recordation of the Final Subdivision Plat, which bond shall be approved by the City Attorney and shall be filed with the City Recorder **Zoning Administrator**.~~

~~b. The Applicant(s) shall deposit in escrow with an escrow holder approved by the City Attorney an amount of money equal to the cost of the subdivision improvements plus ten (10) percent to warrant and guarantee the subdivision improvements), as estimated by the City Engineer, under an escrow agreement to assure the installation of such subdivision improvements within a two (2) **one (1)** year period immediately following the recordation of the Final Subdivision Plat, which escrow agreement shall be approved by the City Attorney and shall be filed with the City Recorder **Zoning Administrator**.~~

~~c. The Applicant(s) shall furnish and file with the City Recorder a letter of credit in an amount equal to the cost of the subdivision improvements (plus ten (9) percent to warrant and guarantee the subdivision improvements),, estimated by the City Engineer, to assure the installation of such subdivision improvements within a two (2) year period immediately following the recordation of the Final Subdivision Plat, which letter of credit shall be approved by the City Attorney and shall be filed with the City Recorder.~~

~~2. Administration: The City Manager **Zoning Administrator** is authorized to prescribe by administrative rule, forms, and procedures to ensure the orderly and efficient processing of all Applications provided by this Ordinance and to ensure compliance with all requirements of this Ordinance.~~

~~3. Phased Development: Whenever a subdivision is developed a portion at a time, such development shall be in an orderly manner and in such a way that the required subdivision improvements will be continuous and all required subdivision improvements will be made available for the full protection of the health, welfare, and safety of all residents of the subdivision, and the City.~~

~~(Ord No 909, 12-2-2008)~~

~~11-10-3—Inspection of Subdivision Improvements:~~

~~The City Engineer shall inspect or cause to be inspected all required subdivision improvements in the course of construction, installation, or repair. No excavations for the installation of any subdivision improvements shall be covered or backfilled until such, installation shall have been approved by the City Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the Applicant(s) by the City Engineer.~~

~~11-10-4—Conditions of Subdivision Improvements Guaranteed:~~

~~Chapter 10—Required Subdivision Improvements and Guarantee~~

~~The Applicant(s) shall warrant and guarantee the subdivision improvements provided for herein and every part thereof, will remain in good condition for a minimum period of one (1) years, after the City Engineer has conditionally accepted the subdivision improvements in writing, and the Applicant(s) agrees to make all repairs to and maintain the subdivision improvements and every part thereof in good working condition during the guarantee period with no cost to the City.~~

~~(Ord No 909, 12-2-2008)~~

~~11-11-1 Purpose and Conflicts:~~

~~This Chapter provides definitions of general terms used throughout this Ordinance for which a definition is considered necessary. The words and terms defined in this chapter shall have the meanings as indicated. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory the word "may" is permissive. The word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. For the convenience of users of this Ordinance, certain terms may be illustrated herein. If a conflict arises between an illustration and a definition, the definition shall apply.~~

~~Act: Means Title 10 Chapter 9a of the Utah Code Annotated, as amended.~~

~~Affected Entity: Means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:~~

- ~~a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;~~
- ~~b) the entity has filed with the municipality a copy of the entity's general or long-range plan;~~
- ~~or~~
- ~~c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.~~

~~Appeal Authority: Means the person, board, commission, agency, or other body designated by this Ordinance to decide an appeal of a decision of a Land Use Application.~~

~~Applicant/Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity, that has legal title to real property proposed for residential subdivision, installs the required infrastructure improvements, and builds the residences within the subdivision.~~

~~Application: A Concept Plan, Preliminary Subdivision, or Final Subdivision Application as required by this Ordinance.~~

~~Buildable Area: A portion of a building site that conforms to all minimum criteria required for the placement of a structure.~~

~~Chief Executive Officer: Means the:~~

- ~~a) Mayor in municipalities operating under all forms of municipal government except the Council Manager form; or~~
- ~~b) City Manager in municipalities operating under the Council Manager form of municipal government.~~

~~For the purposes of this Ordinance, the Roy City Manager is identified as the Roy City Chief Executive Officer.~~

~~City: Roy City, Utah.~~

~~City Council: The City Council and legislative body of Roy City, Utah.~~

~~City Engineer: The City Engineer of Roy City, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.~~

~~Code: Means the Utah Code Annotated, 1953, as amended~~

~~Community Development Director (CD Director): The Community Development Director of Roy City, Utah, or authorized designee.~~

~~Concept Plan Conference: An opportunity for an Applicant(s) to meet with the Development Review Committee to obtain necessary information regarding the City's applicable subdivision requirements. No fee is required.~~

~~Condominium: Means the ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property.~~

~~Condominium Plat: Means a plat or plats of survey of land and units prepared in accordance with Section 57-8-13 Utah Code Annotated, 1953, as amended.~~

~~Condominium Project: Means a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale. Condominium project also means the property when the context so requires.~~

~~Condominium Unit: Means a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this Ordinance or the Condominium Ownership Act, Section 57-8-1 Utah Code Annotated, 1953, as amended, to a condominium unit includes both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.~~

~~Constitutional Taking: Means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:~~
~~a) Fifth or Fourteenth Amendment of the Constitution of the United States; or~~
~~b) Utah Constitution Article I, Section 22.~~

~~Culinary Water Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. For the purposes of this Ordinance, the Roy City Engineer is identified as the Roy City Culinary Water Authority.~~

~~Development Review Committee (DRC): A committee of City Staff and other public or private service providers responsible to provide technical review of all subdivision applications.~~

~~Development Standards and Specifications: Documents provided by the City that contain text and diagrams for detailed construction and installation of public infrastructure and improvements. The documents shall be approved by the City Engineer and approved by Resolution by the City Council.~~

~~Discretionary Action: A final decision on any application rendered by the City Council based on information provided by the Applicant(s), and DRC, and Planning Commission and accompanied with the finding of facts.~~

- ~~Easement: A grant of the use of land by the property owner to the public, a corporation, or person for specific uses and purposes.~~
- ~~Excavation: Any disruption of the soil or surface of land for the purpose of preparing land for development.~~
- ~~Frontage: All property fronting on one side of the street or right-of-way.~~
- ~~General Plan: Means the Roy City General Plan, such document setting forth general guidelines for proposed future development of the land within Roy City.~~
- ~~Guarantees: A bond, or escrow, or irrevocable letter of credit given by the Applicant(s) and approved by the City to ensure the proper installation of public improvements.~~ ~~Land Use Application: Means an application required by a municipality's land use ordinance. For the purposes of this Ordinance, a Concept Plan Application, a Preliminary Subdivision Application, and Final Subdivision Application are determined to be Land Use Applications.~~
- ~~Land Use Authority: Means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application. For the purposes of this Ordinance, the Council is identified as a Land Use Authority for the approval of Preliminary Subdivision Applications and the Mayor is identified as a Land Use Authority for the approval of Final Subdivision Applications, being designated as such by the passage of this Ordinance.~~
- ~~Land Use Ordinance: Means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan. This Ordinance is a Land Use Ordinance of Roy City, Utah.~~
- ~~Land Use Permit: Means a permit issued by a Land Use Authority. For the purposes of this Ordinance, a Preliminary Subdivision Application approval and a Final Subdivision Application approval are identified as a Land Use Permit.~~
- ~~Legal Lot/ Legal Lot of Record: Any land parcel that existed, as recorded in the Office of the County Recorder, with a separate property identification number as provided by the Office of the County Recorder and Office of the County Assessor, prior to the date of first City Subdivision Ordinance enactment, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the City and the laws of the State of Utah after the date of first Subdivision Ordinance enactment.~~
- ~~Legislative Body: Means the duly elected City Council of Roy City, Utah.~~
- ~~Lot: A legal lot or lot of record as defined herein.~~
- ~~Lot Line Adjustment: The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record.~~
- ~~Major Street Plan: A map or plan showing the current and/or proposed future layout of all classifications of streets within Roy City. This may also be referred to as the Master Street Plan or Transportation Plan of Roy City.~~
- ~~Noncomplying Structure: Means a structure that:~~
- ~~a) legally existed before its current land use designation; and~~
 - ~~b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern~~

~~the use of land.~~

~~Nonconforming Use: Means a use of land that:~~

- ~~a) legally existed before its current land use designation;~~
- ~~b) has been maintained continuously since the time the land use ordinance governing the land changed; and~~
- ~~c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.~~

~~Official Map: Means a map drawn by municipal authorities and recorded in a county recorder's office that:~~

- ~~a) shows actual and proposed rights of way, centerline alignments, and setbacks for highways and other transportation facilities;~~
- ~~b) provides a basis for restricting development in designated rights of way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and~~
- ~~c) has been adopted as an element of the municipality's general plan.~~

~~Off-site Improvements: All improvements required to provide necessary services and utilities to a subdivision and located either within, or outside, the boundaries of the subject property being divided.~~

~~On-site Improvements: All improvements required to provide necessary services and utilities to a lot and required to qualify for a building permit and located within the boundaries of a lot.~~

~~Person: Means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.~~

~~Planning Commission: The Planning Commission of Roy City, Utah.~~

~~Plat: Means a map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9a-603, Section 17-23-17, or Section 57-8-13 of the Utah Code.~~

~~Public Hearing: Means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.~~

~~Public Meeting: Means a meeting that is required to be open to the public under Title 52, Chapter 4, Utah Open and Public Meetings Act.~~

~~Record of Survey Map: Means a map of a survey of land prepared in accordance with Section 17-23-17 of the Utah Code.~~

~~Right of way: A portion of land dedicated for public uses such as streets, sidewalks, trees, and public or private utilities and improvements.~~

~~Sanitary Sewer Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purposes of this Ordinance, the Roy City Engineer is identified as the Roy City Sanitary Sewer Authority.~~

~~Special District: Means an entity established under the authority of Title 17A, Special Districts, of the Utah Code, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.~~

~~Specified Public Utility: Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1 of the Utah Code Annotated, as amended.~~

~~Street: Means a public right of way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.~~

~~Subdivision: Means "subdivision" as defined by Section 105 herein, and the Act. Subdivision does not include any action, as identified and defined by Section 106 herein, and the Act~~

~~Subject Property: The land area proposed to be divided as provided by this Ordinance and included within an application for subdivision approval.~~

~~Unincorporated: Means the area outside of the incorporated area of a city or town.~~

~~Utilities or Improvements: All types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services.~~

~~Zoning Ordinance: The adopted Zoning Ordinance of Roy City, Utah.~~

~~Zoning Map: Means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts of Roy City.~~



STAFF REPORT

Planning Commission

November 14, 2023
Agenda Item # 6

SYNOPSIS

Application Information

Applicant: Butch Campbell
Request: Request for Site Plan and Architectural approval of Goldenwest Credit Union
Address: Approximately 5627 South 2050 West

Land Use Information

Current Zoning: DT-G: Downtown Gateway
Adjacent Zoning: North: R-3; Multi-Family Residential
South: R-1-8; Single-Family Residential
East: DT-G: Downtown Gateway
West: R-1-8; Single-Family Residential & R-1-8; Single-Family Residential

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions.

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 13 – Mixed Use

ANALYSIS

Project Overview:

This project is on the Southwest corner of 5600 South and 2050 West. (see exhibit “A”). They are being affected by the widening of 5600 South and losing most of what is currently on the north side of their building, which consists of mostly parking stalls. (see exhibit “B” existing). The proposed site plan includes a single-family dwelling to the south on the west side of 2050.

Their proposed site plan is to demo the existing drive-thru structure, build a new detached structure and create additional parking stalls where the existing structure was located. (see exhibit “B” proposed).

Staff Review:

Site Plan: There are a few issues with the site plan that once corrected will require some changes to the overall site plan itself, but aren’t large concerns, just complying with codes. (see exhibit “B”)

Elevations: The proposed drive-thru structure doesn’t necessarily meet the design standards with regards to materials of the Mixed-Use zone but does match the materials of the existing building. Staff feels that matching the existing is a better option than having it at odds with the existing. (see exhibit “C”)

Summary: The proposed building and site plan have just a few issues that need to be resolved. Which won’t change the overall site and building itself. For your information the DRC memo can be found in Exhibit “D”.

The Planning Commission will need to determine if the proposed development meets the intent of the Zoning Ordinance.

CONDITIONS FOR APPROVAL

- Compliance to the requirements and recommendations within this report.
- Compliance to all requirements as discussed in this meeting



FINDINGS

1. The proposed site plan does not meet the minimum requirements of the Zoning Ordinance.
2. The proposed building elevations do not meet the minimum requirements of the Zoning Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Approval with conditions, Table or Deny.

RECOMMENDATION

Staff recommends approving both the Site Plan and Architectural review with the conditions that all current and future DRC review comments are complied with along with any conditions as stated in the Staff report or during this Planning Commission meeting.

EXHIBITS

- A. Aerial Map
- B. Site Plan (Existing & Proposed)
- C. Proposed Building Elevations
- D. The DRC Review Memo dated 9 November 2023

EXHIBIT "A" – AERIAL

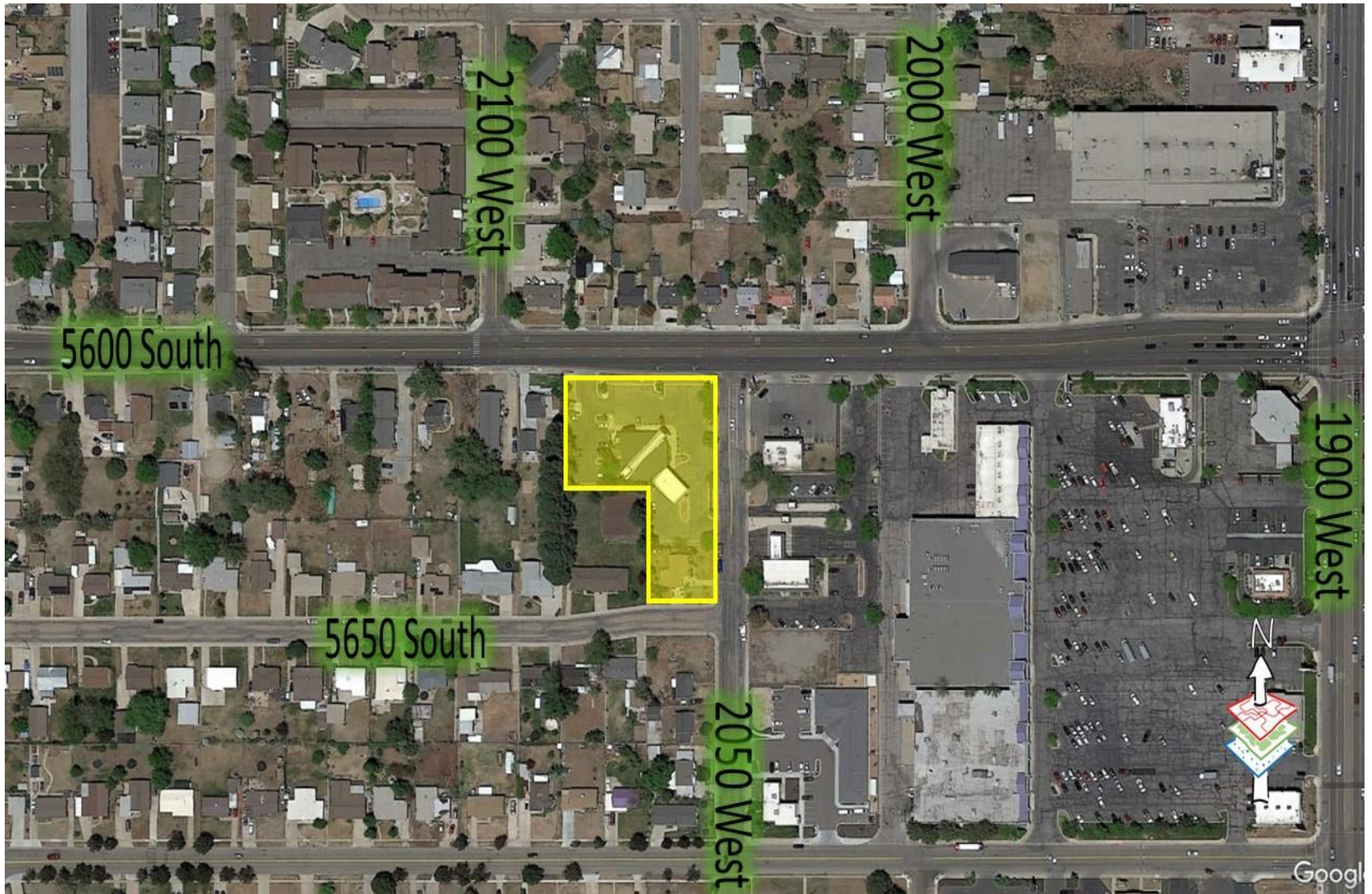


EXHIBIT "B" – SITE PLAN (EXISTING & PROPOSED)

Existing

Narrative

This Survey was requested by Goldenwest Federal Credit Union prerequisite to the re-development of this property.

A line between monuments found for the Northeast Corner of the North Quarter Corner of Section 23 was assigned the Weber County bearing of North 89°43'34" West as the Basis of Bearings to place the Survey on the NAD 1983 Utah North Zone State Plane Datum.

This Survey retraces and honors the original 1993 Great Basin Engineering Survey and the 2003 expansion area with the 3600 South Street Road Widening by Great Basin Engineering - South.

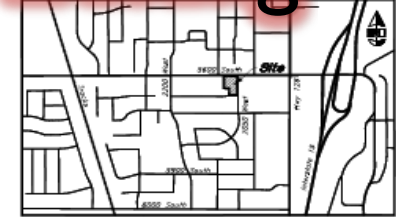
All cardinal directions within the adjoining record deeds were held parallel with the historic survey bearings for control and will all fit exactly together along the previous Survey boundary as placed on the Weber County Survey published Section Control.

No Property Corners were placed with this Survey.



Benchmark

Brass Cap Monument for the Northeast Corner of Section 23, T5N, R2W, S188M
Elevation = 4542.3 feet
Weber County Surveyor De Stiel, Published 2006
Observed August 4, 2023



Vicinity Map

Not to Scale

Title Information

This Survey was completed using Title Report File No. 039846 dated June 26, 2023 from Lincoln Title Insurance Company and dated by Old Republic National Title Insurance Company.

The following survey related items circled (Dashed) from Schedule B - Part II of the title report are plotted on the survey:

The following survey related items circled (Dashed) from Schedule B - Part II of the title report are plotted on the survey:

The following survey related items not circled from Schedule B - Part II of the title report could not be plotted:

16. 6 foot wide Communication Easement, and the terms, conditions, and limitations contained therein recorded February 2, 1994 as Entry No. 1272334 in Book 1701 of Page 878 in the Official Records of Weber County.

16. Right-of-Way Interests by and between Chevron Pipe Line Company and Tesoro Logistics Northeast Pipeline LLC recorded June 28, 2012 as Entry No. 3642659 in the Official Records of Weber County plat to the West and does not affect this site.

17. Protective Covenants and Easements recorded October 5, 1939 as Entry No. 47678 in Book 7 of Page 480 in the Official Records of Weber County reveals restrictions for single family residential dwellings covering this site along with more land.

* Exception No.'s 1-13 are general and/or standard exceptions that do not reveal matters of survey.

Notes

According to ALTA standards, the surveyor cannot certify a survey based upon an interpretation. The surveyor is not authorized to interpret zoning codes, nor can the surveyor determine whether certain improvements are burdening or actually benefiting the property.

Pertaining to ALTA Table 4 Item No. 6: No zoning report was supplied for review, information provided was found on the Ray City Zoning Website.

Pertaining to ALTA Table 4 Item No. 8: There were no observed areas of substantial refuge on the site. ALTA requirements do not mention trees or vegetation. The Surveyor has shown significant observation of trees under Table 4 Item Number 8. Trees from adjoining parcels may canopy over the property which may not show on this survey.

Pertaining to ALTA Table 4 Item No. 9: There are 52 parking stalls on Parcel 1, of which 2 are designated for disabled parking and access. There are no parking stalls on Parcel 2.

Pertaining to ALTA Table 4 Item No. 11(a): The location and/or elevation of existing utilities shown on these plans are based on a record of the various utility companies and, where possible, measurements taken in the field. No underground explorations were performed. According to Blueprints of Utah the following companies have utilities in the area: Rocky Mountain Power, Dominion Energy, Lumen/CenturyLink, Comcast, 4787, Cannon, North Utah Sewer District, Ray City Corporation, Ray Water Conservancy District, and Snylins. The Surveyor has requested maps and received no response from Cannon.

Record Description

Parcel 1:

Part of the Northeast Quarter of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 1155 feet West and 40 feet South of the Northeast Corner of said Northeast Quarter said point being on the South line of 3600 South Street, running thence South 86°11'02" East (South 85°54'15" East as per Highway Bearings) 64.53 feet, thence East (South 89°43'34" East Highway bearing) 77.29 feet, thence to the right along a 23.33 foot radius curve for a distance of 36.84 feet, thence South along the West line of 2050 West Street 222.58 feet, more or less, to a point that is 81 feet North of the North line of 3600 South Street, thence West 89 feet, thence North 88 feet, thence West 132 feet, thence North 166.41 feet, thence South 85°11'02" East 66.13 feet to the point of beginning.

Parcel 2:

Part of the Northeast Quarter of Section 23, Township 5 North, Range 2 West, Salt Lake Meridian, U.S. Survey:

Beginning at a point West 980 feet and South 290 feet from the Northeast Corner of said Section 23, and running thence South 81 feet, thence West 99 feet, thence North 81 feet, thence East 99 feet to the point of beginning.

Certification

To Goldenwest Credit Union, Goldenwest Federal Credit Union, Lincoln Title Insurance Company and Old Republic National Title Insurance Company:

This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and include items 1, 3, 4, 5, 6(c), 7(a), 8, 9 and 11(a) of Table 4 thereof. The fieldwork was completed on August 4, 2023.



Proposed

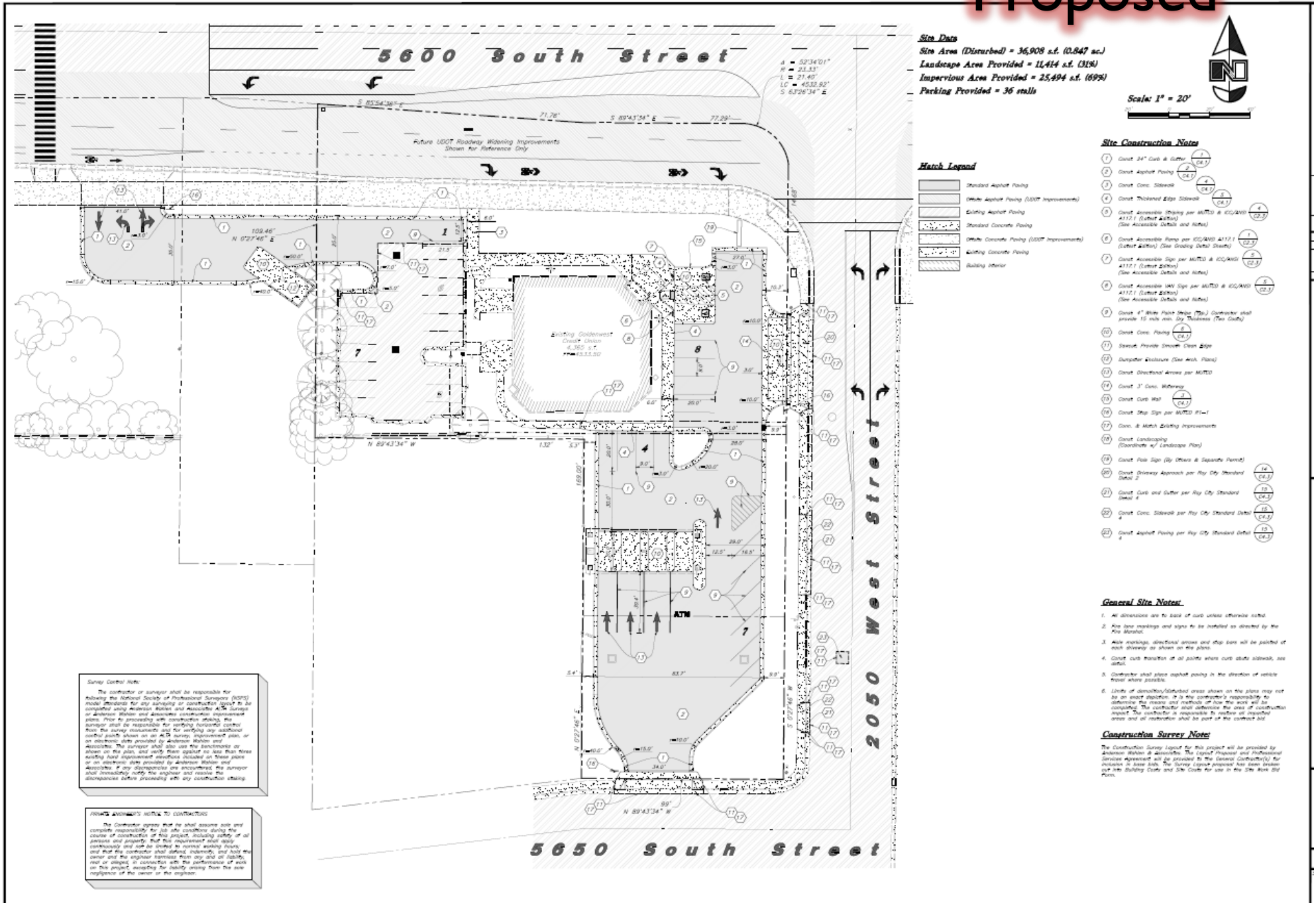
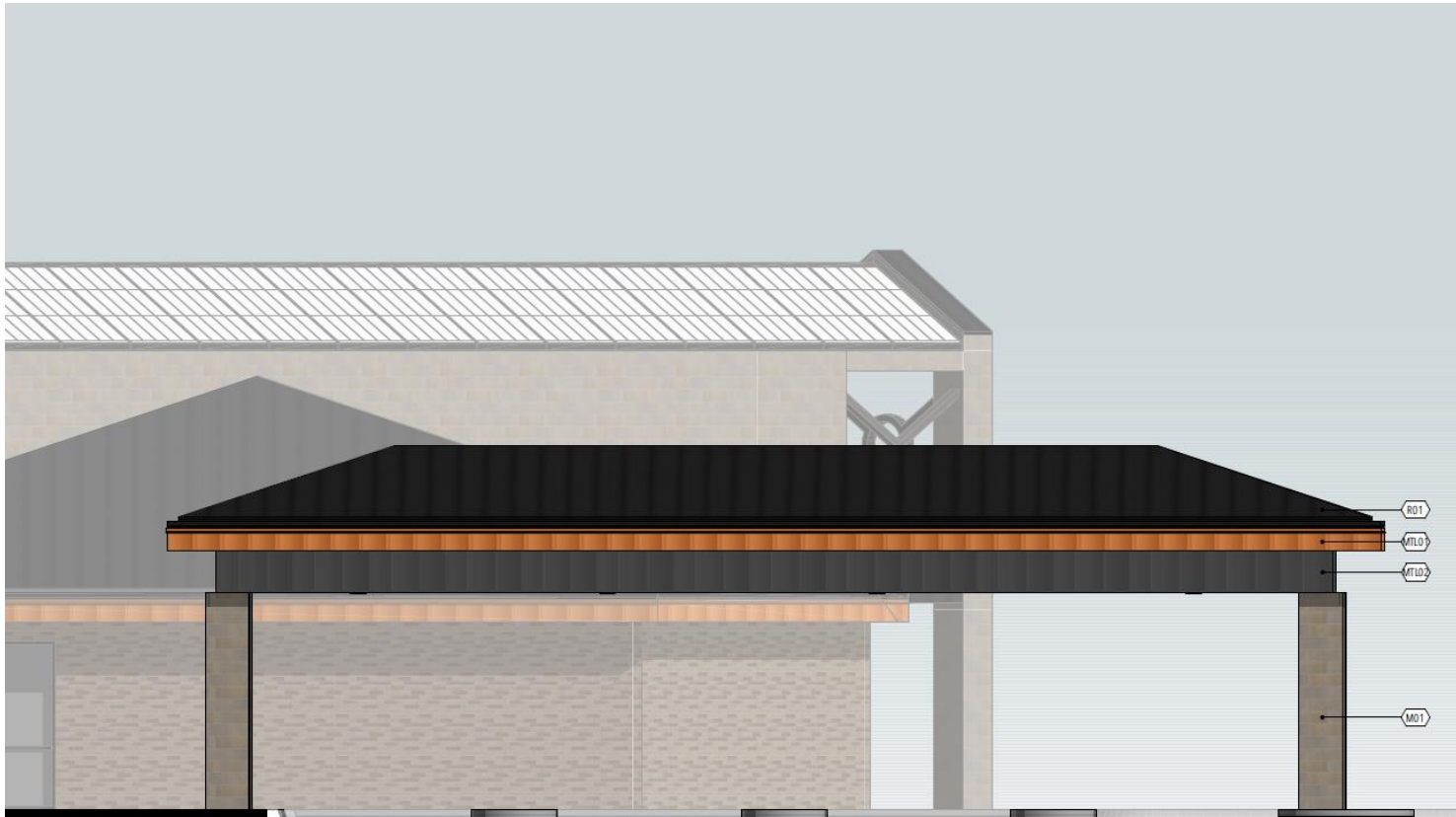


EXHIBIT "C" – PROPOSED ELEVATIONS





Date: 9 November 2023

To: Butch Campbell

From: Steve Parkinson – Planning & Zoning Administrator
Wasatch Civil – City Engineer
Mike King – Deputy Fire Chief
Gaile Supp – Building Official
Ross Oliver – Public Works Director

Subject: Goldenwest CU Site Plan – 5627 So. 2050 We. – submitted October 17, 2023

If there are comments below that require corrections OR changes to plans, resubmittal of plans is required.

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

A. Traffic and Access

1. Access from 5600 South will require UDOT approval. We are assuming that Goldenwest is already working with UDOT on this issue as part of UDOT's 5600 South widening project.
2. The ownership and maintenance status of the drive approach across the UDOT parcel will need to be resolved. This also impacts the proposed dumpster enclosure. Potential solutions include an easement or transferring ownership and including this property in the subdivision.
3. The proposed access off of 5650 South needs to be moved to 2050. 5650 is a residential road.

B. Water System

1. No issues

C. Sewer System

1. The existing sewer service to the house that will be demolished will need to be abandoned at the sewer in the street.

D. Secondary Water Service

1. Coordinate any work on the secondary water service with Roy Water Conservancy District. Abandonment of the existing secondary water meter and service (if any) will need to be resolved with the District.

E. Storm Drainage Design

1. Storm drainage calculations are needed.
2. Any runoff discharge to the UDOT right-of-way will require UDOT approval.
3. Existing sumps or connections to the 5600 South storm drain should be shown on the drawings.
4. The final design will need to show the details of the underground stormwater retention.

F. Water Quality Report

1. Water Quality Report / LID – A water quality report is required.
2. SWPPP and NOI – A SWPPP and stormwater construction activities permit are required prior to beginning construction. Please note that the receiving water is the Howard Slough. The Howard Slough is not classified as a Category 1 or 2 stream, and it is not 303d listed.
3. Erosion Control Plan – Engineering-related stormwater controls appear to be acceptable.



4. Maintenance Agreement – A maintenance agreement is required for all long-term stormwater management facilities, including detention and retention basins. A maintenance agreement that covers the overall site should be provided.

Building – (Listed below are comments for the site plan as it relates to the IBC and/or IRC.)

1. Ballard's will be required where equipment or buildings are likely to be damaged by vehicles.

Fire – (Listed below are comments for the site plan as it relates to fire protection and the IFC.)

1. No comments at this time

Public Works -

A. Street Division

1. Driveway approach and sidewalk must have 8" of road base and 6' of concrete. (Curb, apron, and sidewalk.). All other sidewalks must have 6" of road base and 4" of concrete.
2. Repairs must be made to any curb and/or sidewalk damaged during construction.
3. Contractor is responsible for acquiring permits for any work being done in the Roy City Right of Way.
4. Need to move the proposed access off of 5650 South.

B. Sewer & Water System

1. When demolishing the dwelling need to terminate the water and sewer lines at the main.

C. Storm Water (all items must be turned in before work begins)

1. The Roy City Storm Water Land Disturbance Permit will need to be filled out and approved prior to any work beginning.

Planning –

A. General Comments

1. Need a letter from UDOT allowing the access point off of 5600 South as shown.
2. If the proposed access point is approved there will need to be a cross-access agreement.
3. Sign locations and types require separate review and approval.

B. Site Review

1. The setback off of 2050 is zero (0) at a minimum to fifteen (15) feet as a maximum.
2. The minimum setback from any residential zone is twenty (20) feet.
3. No parking allowed North of the existing building, so the six (6) stalls proposed on the west side will need to be reduced to four (4), and the fifth stall can be used at comply with #4.
4. All parking rows must begin and end with a landscape island that is a minimum of five (5) feet in width.
5. All landscaping islands with abutting parking stalls require a tree.
6. The existing building requires only eighteen (18) parking stalls.
7. Parking stalls are 9'x20' unless they abut a walkway that is a minimum of six (6) feet in width, then the stall can be 9'x18'.
8. Where are the bicycle parking stalls? Site requires a minimum of two (2).
9. Dumpster and Enclosed needs to be on the same parcel as the use.
10. Dumpster Enclosures require landscaping on three (3) sides.
11. Once the Garbage truck has emptied the dumpster, how will they leave the site?
12. Need to provide detailed drawings of the proposed dumpster enclosure, none were included in the submittal. The details need to be a part of the civil plans.
13. All mechanical equipment needs to be screened from the public view. Either via fencing or landscaping
14. Need an irrigation plan
15. To maintain 5650 South as a residential street, the proposed access point will need to move to 2050 West. The access point cannot be within the 40' sight triangle.



STAFF REPORT

Planning Commission

November 14, 2023

Agenda Item #6

SYNOPSIS

Application Information

Applicant: Austin-Arlo & Rebecca Doyle
Request: Request for Site Plan approval Limitless Potential
Address: Approximately 4881 South 1900 West

Land Use Information

Current Zoning: CC: Community Commercial
Adjacent Zoning: North: CC: Community Commercial South: CC: Community Commercial
East: CC: Community Commercial West: R-1-8: Single-Family Residential

Staff

Report By: Steve Parkinson
Recommendation: Approval with conditions.

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 – General Property Development Standards
- Roy City Zoning Ordinance Title 10, Chapter 14 – Permitted Uses
- Roy City Zoning Ordinance Title 10, Chapter 19 – Off-Street Parking and Loading

ANALYSIS

Project Overview:

The property is on the West side of 1900 West, just South of the US Post Office. (Exhibit “A”)

The property used to be a Pre-school, but shut its doors mid-2022, and has been vacant for more than one (1) year and thus lost all non-conforming rights, and the Site will need to be brought into compliance with today's code.

Staff Review & Comments:

Elevations: There are no proposed changes to the exterior of the building.

Site Plan: There are a few issues with the site plan, from a Planning & Zoning standpoint these aren't large items that the site couldn't meet the ordinance after some minor modifications. (see exhibit “B”)

Summary: The proposed site can for the most part meet all of the minimum requirements of the code. There are still a department or two that haven't provided their comments; however the Planning portion of the DRC Memo can be found in exhibit “C”.

The Planning Commission will need to determine if the proposed development meets the intent of the Zoning Ordinance.

CONDITIONS FOR APPROVAL

1. Compliance to the requirements and recommendations within this report.
2. Compliance to all requirements as discussed in this meeting.

FINDINGS

1. The proposed site plan can meet all of the requirements of the Zoning Ordinance.
2. The proposed building elevations can meet all of the requirements of the Zoning Ordinance.



ALTERNATIVE ACTIONS

C

The Planning Commission can Approve, Approve with conditions, or Table.

RECOMMENDATION

Staff recommends approving the Site Plan review with the conditions that all current and future DRC review comments are complied with along with any conditions as stated in the Staff report or during this Planning Commission meeting.

EXHIBITS

- A. Aerial Map
- B. Proposed Site Plan
- C. Planning portion of the DRC Review Memo

EXHIBIT "A" – AERIAL



EXHIBIT "B" – PROPOSED SITE PLAN

LIMITLESS POTENTIAL LLC. 4881 S 1900 WEST, ROY UTAH 84067



1. Limitless Potential LLC will occupy the existing building at 4881 S 1900 West, Roy Utah 84067.
2. Property Owner: Tanya Blair, 1767 Beas Dr, Ogden UT 84403-3231.
3. Name and Address of Preparer: Douglas W. Mize, Sr., P.E. 6920709-2202, 530 CR 105 Hesperus, CO 81316
4. Statement describing use: Limitless Potential is an Applied Behavior Analysis (ABA) company that intends to occupy the existing building at 4881 S 1900 West, Roy, Utah 84067 with an ABA center for children. An Applied Behavior Analysis (ABA) center for children is a specialized facility that provides comprehensive therapeutic services based on the principles of Applied Behavior Analysis. ABA is a scientifically validated approach to understanding and modifying behavior in individuals with developmental or behavioral challenges, often used with children with autism spectrum disorder (ASD) or other developmental disorders.
5. Vicinity Map
6. North Arrow and Scale 1:50 @ 24"x36", Scale 1:300 @ 11"x17"
7. Tax ID# 95-2150348
8. Site Land Use and Zoning - CC - Community Commercial. Per The City of Roy Municipal Code: Zoning (municipalcodeonline.com) The purpose of the Community Commercial (CC) District is to provide suitable areas for the location of various types of commercial activity needed to serve the people and commerce of the city, at appropriate locations. The development standards provided for this District is intended to minimize any adverse effect of commercial areas on adjoining areas by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, while providing safe and efficient commercial uses. Commercial Day Care/Preschool Center and Educational Facility are both permitted uses for building in the CC district.
9. Adjacent Land Use & Zoning. \\192.168.4.20\\new\\Drawings\\Bass\\Maps\\ZoningMap2019 Layout1 (1) (revise.com)
 - North: CC - Community Commercial
 - South: CC - Community Commercial and R-4 - Multiple Family Residential
 - East: CC - Community Commercial
 - West: R-1-S Single-Family Residential
10. Percentage of property covered by building and hard surface:
 - Total Area = 47,916 Sq Ft (1.1 Acre per Weber County Geo-Glorio Weber County Geo-Glorio)
 - Parking Lot = 21,000 Sq Ft = 43.82%
 - Building = 3,752 Sq Ft = 7.8%
11. Legal Description

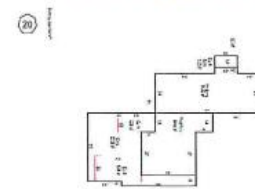
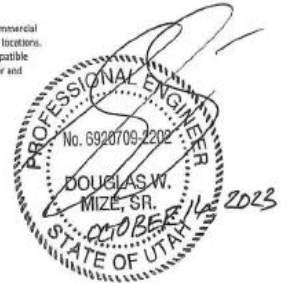
Parcel #090030005 - 4881 S 1900 West, Roy UT 84067

PART OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 466 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, AND RUNNING THENCE WEST 202 FEET THENCE SOUTH 159.3 FEET THENCE EAST 202 FEET THENCE NORTH 159.3 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PART OF SAID LAND OCCUPIED BY THE STATE HIGHWAY, SUBJECT TO EXISTING RIGHTS OF WAY, TOGETHER WITH AND SUBJECT TO A PERPETUAL RIGHT OF WAY FOR INGRESS & EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED TRACT OF LAND, BEGINNING AT THE NORTHEAST CORNER OF THE TRACT OF LAND ABOVE DESCRIBED AND RUNNING THENCE NORTH 10 FEET, THENCE WEST 660 FEET TO GRANTORS WEST LINE, THENCE SOUTH 30 FEET, THENCE EAST 660 FEET TO BEGINNING.

Parcel # 090030013 - 4881 S 1900 West [REAR], Roy UT 84067

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN U.S. SURVEY: BEGINNING AT A POINT 466 FEET SOUTH AND WEST 202 FEET; FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION; AND RUNNING THENCE SOUTH 159.3 FEET; THENCE WEST 100.0 FEET; THENCE NORTH 159.3 FEET; THENCE EAST 100.0 FEET TO THE POINT OF BEGINNING, TOGETHER WITH AND SUBJECT TO A PERPETUAL RIGHT OF WAY FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED TRACT OF LAND; BEGINNING AT A POINT 466 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 10 FEET, THENCE WEST 660 FEET, THENCE SOUTH 30 FEET, THENCE EAST 660 FEET.

12. Adjacent Streets
13. Building Setbacks
14. No changes to existing property boundaries. See Exhibit A Plat for Section 14, T5N, R2W, S1E & M.
15. Water Service is on site and provided by the City of Roy.
16. Sewer Service is on site and provided by the City of Roy.
17. There are no grease traps on the property.
18. Existing fire hydrant is located 141 ft north of the existing building entrance.
19. Parking Information:
 - Number of required spaces - building sq ft / 500 = 8 required spaces & 2 handicap space.
 - Proposed Striping will include 12 regular spaces, 2 standard handicap spaces and 1 van accessible handicap space.
20. Geometric layout of building will not change.
21. The existing landscape will remain. Grass will be planted in the dirt areas surrounding the building.
22. Existing building and parking lot grade and drainage will not change.
23. Building Elevations.
24. The existing structures will remain, no changes to the site conditions.





Date:

To: Austin-Arlo Doyle
Rebecca Doyle

From: Steve Parkinson – Planning & Zoning Administrator

Subject: Limitless Potential Site Plan – 4881 S 1900 W – plans submitted October 30, 2023

If there are comments below that require corrections OR changes to plans, resubmittal of plans is required.

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Planning –

A. General Comments

1. Site Plan needs to reflect all of UDOT's requirements.
2. Signs require building permits, which is a separate review and approval process.

B. Site Review

1. No parking allowed in front of the building, all concrete will need to be removed and landscaping installed.
2. Parking stalls are 9'x20' unless they abut a walkway that is a minimum of six (6) feet in width, then the stall can be 9'x18'.
3. Where is the dumpster & enclosure?

C. Architectural Review

1. No proposed changes were provided. However, if any changes to the exterior of the building is proposed, it will need approval from the Planning Commission prior to any work being conducted.

