

SOUTH WEBER CITY COUNCIL AGENDA

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PUBLIC NOTICE is hereby given that the City Council and Planning Commission of SOUTH WEBER CITY, Utah, will meet in a joint public work meeting commencing at 6:00 p.m. on Tuesday November 29, 2022 in the Council Chambers at 1600 E. South Weber Dr.

OPEN (Agenda items may be moved in order or sequence to meet the needs of the Council.)

1. Pledge of Allegiance: Commissioner Davis
2. Prayer: Councilman Halverson

DISCUSSION ITEMS

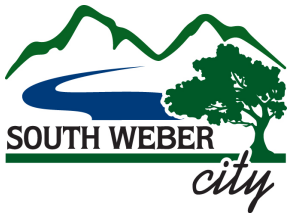
3. Development Process
4. Land Use Code Change Recommendation Process
5. Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

The undersigned City Recorder for the municipality of South Weber City hereby certifies that a copy of the foregoing notice was mailed/mailed/posted to: City Office building, Family Activity Center, City Website <http://southwebercity.com/>, Utah Public Notice website <https://www.utah.gov/pmn/index.html>, Mayor and Council, and others on the agenda.

DATE: 11-22-2022

CITY RECORDER: Lisa Smith



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

November 29, 2022

PREPARED BY

David Larson

City Manager

Trevor Cahoon

Community Services Dir

ITEM TYPE

Legislative

ATTACHMENTS

None

PRIOR DISCUSSION DATES

None

AGENDA ITEM

Development Process

PURPOSE

Review and discuss code-based roles and responsibilities of the staff, Planning Commission, and City Council relating to the development approval process.

RECOMMENDATION

NA

BACKGROUND

The State of Utah grants land use authority to cities and counties through state code in what is known as the Land Use, Development, and Management Act (LUDMA). LUDMA authorizes and governs land use and zoning regulation by cities and counties and establishes mandatory requirements that local governments must follow. LUDMA establishes the legal framework for each locality to make zoning decisions, enact ordinances, and implement plans. The municipality version is found in Title 10, Chapter 9a of the Utah Code.

Although local governments have fairly broad discretion to make land use decisions, LUDMA is ultimately the controlling authority. Local governments must comply with its requirements, and with the zoning ordinances adopted under LUDMA authority.

ANALYSIS

The hope for tonight's item is to candidly review & discuss the development approval process as outlined in city code so that City Council members, Planning Commissioners, staff, and residents can all better understand the project approval process and development stages. To begin the conversation with a shared pool of meaning, staff is providing the following items for review prior to the discussion: (1) a list of definitions of words used throughout the development approval process, (2) a table identifying who approves the various elements of a proposed development and when that approval is obtained.

City code outlines all the proposed project elements that must be approved prior to construction work beginning on the project and when in the approval process those elements should be reviewed/considered. The table provided below acts as a summary of staff's review of the approval process in city code.

There are two (2) main elements that must be approved prior to someone developing their land – (1) a plat and (2) a development plan, hereafter referred to as "the plan". The plat creates a buildable lot, and the development plan will include the following

items depending on the land use type: public improvement plans, architectural design, landscape plan, lighting plan, and site plan.

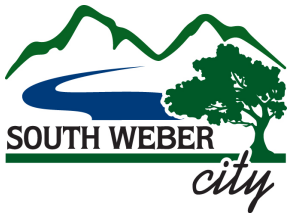
City Council's authority lies with establishing the General Plan, zoning for the property, and the plat. Planning Commission, as the land use authority, is tasked with all aspects of the development plan except the improvement plan. Staff is tasked with verifying a complete submission is received and the public improvement plan.

Definitions – grouped by concept

- **General Plan** – text and maps used to guide the community's future nature and development
- **Legislative Decision** – the adoption, amendment, or repeal of a regulation, rule, policy, code, ordinance, or zone and requires only a statement of policy reason as support for the decision
- **Administrative Decision** – applies existing law and must have evidence in record to support the decision
- **Ordinance** – a type of authoritative law, rule, or regulation made by the city government
- **Zone** – a land use category with specific restrictions on use and development established by ordinance
- **Rezone** – assign land to a different category or restriction on use and development
- **Permitted Use** – an allowed land use within a zoned area that is permitted without conditions
- **Conditional Use** – an allowed land use within a zoned area that is permitted but can include additional regulations to mitigate detrimental impacts to surrounding properties if those conditions have been established in code
- **Conditional Use Permit** – a permit given by the Planning Commission or City Council outlining the specific conditions for a property to follow to engage in a conditional land use
- **Development Agreement** – a mutually-agreed to contract between the city and a developer which can be either legislative or administrative depending on the type of provisions included
- **Parcel** – the smallest, separately segregated unit of land having an owner
- **Building Lot or "Lot"** – a specific piece of land of any size that has been approved for building thereon
- **Subdivision** – the act of creating one or more lots from a parcel of land
- **Plat** – a map, drawn to scale, showing the lot lines of a subdivision, with reference to surrounding properties, and information regarding easements and public utilities designation
- **Recording of Plat** – the act of Davis County to officially make property line changes on County records, which must be done after project approval but prior to receiving a building permit
- **Development Plan or "The Plan"** – the full set of plans for developing a property that typically includes the following individual plan components: site plan, architectural plan, landscape plan and lighting plan
- **Site Plan** – a set of drawings which shows existing and proposed conditions, buildings, and infrastructure for a given area, typically an area which is to be modified.
- **Architectural Review** – Planning Commission's review of the developer-submitted architectural drawings and renderings for consistency with the purposes and objectives of city code Title 10 chapter 12
- **Design Standards** – a set of rules related to the aesthetic and construction standards of a project
- **Public Improvement Plan or "Improvement Plan"** – a set of construction drawings for the utilities that will become publicly owned upon project completion, typically including but not limited to water, sewer, and storm drain
- **City Standards** – adopted by ordinance, the document outlining all public improvements' sizing and design requirements

- **Planned Unit Development (PUD)** – a conditional use that can be applied to a development to spread density across multiple zoning types, facilitate open space designation, and when conditions are met within the code allows for bonus density to be granted at the discretion of the City Council

Approval Authority in the Stages of Development		
Project Item	Legislative Approval	Administrative Approval
GENERAL PLANNING		
General Plan (Requires a Public Hearing)	City Council	
Zoning Ordinance (Public Hearing)	City Council	
CONCEPT/SKETCH		
Review Concept Plan		Staff
Review Sketch Plan (Vested with complete application)		Staff
PRELIMINARY		
Recommend Rezone (Public Hearing) (when applicable)	Planning Commission	
Recommend Development Agreement (Public Hearing) (when applicable)	Planning Commission	
Approve Preliminary Plat (Public Hearing)		Planning Commission
Review & Provide Feedback on elements of the Plan including Site Plan, Architectural Design, Landscape Plan, and Lighting Plan		Planning Commission
Recommend Commercial Conditional Use Permit (Approve Residential) (Public Hearing)		Planning Commission
Approve Preliminary Improvement Plan		Staff
Verify Storm Drain Calculations		Staff
Verify Traffic Study		Staff
Verify Covenants, Conditions, and Restrictions (when applicable)		Staff
Verify Outside Entity Approvals (e.g., RMP, UDOT, secondary water company, Army Corps, etc.)		Staff
Separate Fencing Plan (when applicable)		Staff
Verify Geotechnical Reports		Staff
Assign Addresses		Staff
FINAL		
Approve Final Improvement Plan		Staff
Recommend Final Plat		Planning Commission
Approve the Plan including Site Plan, Architectural Design, Landscape Plan, and Lighting Plan		Planning Commission
Approve Rezone	City Council	
Approve Development Agreement (when applicable)	City Council	
Approve Final Plat		City Council
Approve Commercial Conditional Use Permit		City Council



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

November 29, 2022

PREPARED BY

David Larson

City Manager

Trevor Cahoon

Community Services Dir

ITEM TYPE

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ATTACHMENTS

None

PRIOR DISCUSSION DATES

None

AGENDA ITEM

Land Use Code Change Recommendation Process

PURPOSE

Discuss and clarify the preferred land use code change recommendation process

RECOMMENDATION

NA

BACKGROUND

The City Council is the legislative authority in the City and the only body to establish or alter city code, including all land use regulations. Planning Commission is the land use authority as established by state law and city code. Staff assists both bodies in their respective roles.

Individuals from all three entities may run across sections of city code related to land use that they feel should be considered by the City Council for amendment. What is the proper process for recommending land use code changes to the City Council for their consideration?

ANALYSIS

Below are a few questions for the Council and Planning Commission's consideration and discussion/direction:

- What is the proper process for land use code changes to be recommended to the City Council?
- When the Planning Commission recognizes a section of code they feel should be reviewed, do they take that up themselves with staff's assistance, direct the code committee to workshop it and bring it back to them, or do something else?
- Should all land use code recommendations go through the code committee?
- Should representatives on the code committee be changed periodically?