



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

December 12, 2023

PREPARED BY

Trevor Cahoon
Community Services Dir.

ITEM TYPE

Addendum

ATTACHMENTS

N/A

PRIOR DISCUSSION DATES

N/A

AGENDA ITEM

Ordinance 2023-17: Adopt City Code Title 2 Chapter 3 Impact Fees, Amend Multiple Sections of Title 10 Zoning Regulations, Replace Title 11 Subdivision Regulations and Amend Development, Design, and Construction Standards

PURPOSE

Addendum to Title 11 Amendments

RECOMMENDATION

South Weber City's legal council Jayme Blakesley did a thorough review of the ordinance as requested by the City Council in the November 28, 2023 meeting. In his review Blakesley recommends the following amendments to the drafted ordinance:

There are minor grammar and language updates to provide clarity.

11.01.04 Definitions:

Removal of two definitions as they are more process driven than true definitions:

- Administrative Land Use Authority Review
- Applicant Response to Review

11.02.07 Public Hearings:

The recommended language from the planning commission is vague in its application of Public Hearings. Staff would recommend having a more definitive process. The recommendation from Staff would be to only hold public hearings for items that are required by state law. The only exception would be to continue holding public hearings on conditional uses.

The Planning Commission shall hold public hearings for the general plan, zoning map changes, and any other Land Use Ordinances, applications, and amendments for which a public hearing is required by statute. See, Utah Code Annotated 10-9a-103, 10-9a-404, 10-9a-502, 10-9a-503, 10-9a-602, and 10-9a-608. A public hearing shall not be held for administrative decisions except for conditional use applications.

11.03 Concept Plan:

State code allows the developer to request a concept meeting that is outside the scope of subdivision review but does not allow the City to require such provision. Updated language makes that clearer in City Code.

1. **Purpose.** *Prior to submitting a formal application, a prospective Applicant may request a meeting with city staff to obtain initial feedback and information. This meeting shall be optional, non-binding, and considered separate from and independent of the required Subdivision approval review cycles.*

11.04 Preliminary Plat and Improvement Plans:

Further clarification was made on when an application is considered complete. We updated the language to show when it won't be complete rather than when it will be considered complete.

3. **Complete Application.** *An application shall not be considered complete, and the first review cycle shall not begin, unless and until the Applicant has submitted the following items:*

11.05 Final Plat and Improvement Plans:

Better delineating when the final review cycle begins and including the preliminary approval by the Planning Commission as a requirement.

1. **Complete Application.** An application shall not be considered complete, and the review cycle shall not begin, unless and until the following items are submitted:
 - a. Preliminary approval by the Planning Commission.

BACKGROUND

N/A

ANALYSIS

N/A

Title 11 Subdivision Regulations 11.01 through 11.05 Redline

TITLE 11

SUBDIVISION REGULATIONS

11.01 GENERAL PROVISIONS

11.01.01 TITLE: This Title shall be entitled as the SUBDIVISION ORDINANCE OF SOUTH WEBER CITY, UTAH, and may be so cited.

11.01.02 Purpose

Promote the health, safety, convenience, and general welfare of the inhabitants of the City in the matter of Subdivisions or matters affected by Subdivisions through provisions designed to:

1. To promote the health, safety, convenience, and general welfare of the residents of the City;
2. To ensure the efficient and orderly subdivision and development of land within the City;
3. To prevent the uncontrolled division and development of real property, which may be done without considering the rights and best interests of adjoining property owners and the City as a whole;
4. To avoid subdivisions and developments that:
 - a. Do not comply with the City general plan or ordinances,
 - b. Cannot be adequately served by existing utilities or public services,
 - c. May prove to be dangerous or unsafe due to design, natural or man-made hazards existing prior to or created by the subdivision and development,
 - d. May cause an undue burden on existing traffic or transportation services, or
 - e. May require the future expenditure of public funds to correct problems caused by the subdivision and development;
5. To provide design standards for public improvements, facilities, and utilities to provide for reasonable access to public rights-of-way, parks, trails, or open spaces, to provide for the dedication of land and streets deemed necessary for the proper development of the subdivision, and to provide for easements or rights-of-way that are necessary to service the properties created by the subdivision.

11.01.03 Scope

1. This Title is designed to inform the Subdivider and public of the requirements and conditions necessary to obtain approval of a Subdivision. Because each parcel of real property has unique site/situational characteristics (whether natural or man-made), there may be some aspects of subdivision development that cannot easily be articulated. For this reason, it is not possible to cover every possible contingency. Therefore, the Administrative Land Use Authority has the authority to impose reasonable conditions for the subdivision and development in addition to those expressly required, provided that:
 - a. The conditions are not arbitrary or capricious;
 - b. The conditions do not conflict with any local, state, federal law.

- 2. This Title shall apply to lots or parcels where public rights of way are dedicated, and public improvements and infrastructure are installed regardless of whether the land is subdivided.

11.01.04 Definitions – Process Related

Administrative Land Use Authority. The appointed board, consisting of the City Manager and/or City Planner, Public Works Director, City Engineer, and others as assigned, are responsible for reviewing applications and land use decisions arising from subdivision applications. The Planning Commission shall be the Administrative Land Use Authority for the approval of the Preliminary Plat only. The process is administered and overseen by the City Planner or designee. The City Council shall be the Administrative Land Use Authority for the approval of vacating a street, right of way, or easement only.

~~Administrative Land Use Authority Review. The Administrative Land Use Authority shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.~~

Commented [LG1]: Not really a definition.

Applicant or Subdivider or Developer. A person or persons making an application to create a subdivision.

~~Applicant Response to Review. The Applicant shall submit revised plans along with a written explanation in response to the Administrative Land Use Authority’s review comments identifying and explaining their revisions and reasons for declining to make revisions (if any). Each explanation shall be specific and include citations to ordinances, standards, or specifications. If the Applicant fails to address a review comment in the response, the review cycle is not complete and subsequent review cycle may not begin until all comments are addressed.~~

Commented [LG2]: Not really a definition.

City: South Weber City, Utah

City Engineer: The city engineer of South Weber City or any individual or firm retained or designated by South Weber City as the city engineer for the purpose of performing engineering duties.

City Planner: The director of the Community Development department of South Weber City.

Complete Application. A Subdivision Application shall be considered complete as defined in each Application Section.

County: Davis County, Utah

Development, Design, and Construction Standards: The Public Works Standards referred to in this Title and adopted by Title 9-7-1.

Geological Hazard. The restrictions and requirements of the review cycle do not apply to the review of subdivision applications affecting property within identified geological hazard areas (property identified to be within the city’s “Sensitive Lands” – see Title 10-14).

Improvements: All infrastructure improvements, such as water, sewer, storm drain, land drain, secondary water, curbs, gutters, sidewalk, grading, streetlights, paving, landscaping, fencing, electric power, natural gas, communication lines, and all other elements required by this Title and the Public Works Standards.

Planning Commission: The South Weber City Planning Commission.

Review Cycle. There shall be no more than four (4) total review cycles. A review cycle shall be considered complete when:

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1. Complete Application is submitted to the Administrative Land Use Authority;
2. The Administrative Land Use Authority Review is complete;
3. The Applicant Response to Review is complete; and
4. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.

Review Cycle, Exceptions.

1. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
2. Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
3. Other Land Use Applications. The Review Cycle as defined in this Title applies only to single family, townhome, and twin-home land use applications. Review times and cycles may vary for multifamily, commercial, industrial, institutional, and other non-residential land use applications.

Subdivision Improvement Plans. Civil engineering and design plans associated with required infrastructure and City owned/operated utilities required for a Subdivision.

Subdivision Ordinance Review. A review to verify that an application for a Subdivision meets the criteria of the applicable City Ordinance(s). The Administrative Land Use Authority shall notify the Applicant in writing of the deficiency in the application and the right to appeal the determination to a designated Appeal Authority as stated in Title 10-4.

Subdivision Plan Review. A review of the Applicant's Subdivision improvement plans and other aspects of the Subdivision application to verify that the application complies with all ordinances and applicable standards and specifications, including the current Public Works Standards for Development, Design, and Construction.

11.01.05 Validity

If any section, subsection, sentence, clause, or phrase of this Title is, for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Title.

11.02 ADMINISTRATION

11.02.01 Final Platting and Recording Required

1. **Terms.** Any division of real property within the City is subject to the terms of this Title. The division of real property includes the sale, gift, transfer, conveyances, split, or other division that results in changing the boundaries or legal descriptions of a given parcel of real property and results in the creation of a new parcel of real property.

2. **Unlawful Subdivision.** No land which is located wholly or in part in South Weber City may be subdivided, the plat be filed and recorded in the County Recorder’s Office, nor lots be sold unless such Subdivision has been created pursuant to and in accordance with the provisions of this ordinance.
 - a. **Exception.** Joining a lot or lots to an existing parcel does not constitute a Subdivision nor does it require a Subdivision plat amendment.
3. **Final Plat Approval.** Lots shall not be transferred or sold, nor shall a building permit be issued for a structure thereon, until the final plan of a Subdivision is approved, and the final plat is recorded in accordance with this Title and the provisions of state [statutelaw](#), and until the improvements and infrastructure required in connection with the Subdivision have been constructed or guaranteed as provided herein.
4. **Sales of Land Parcels.** No person shall sell or exchange or offer to sell or exchange any parcel of land which is in any part of a Subdivision or a larger tract of land or offer for a recordation in the County Recorder’s Office, any deed conveying such a parcel of land or any interest therein, unless such Subdivision has been created pursuant to, and in accordance with, the provisions of this Title.
5. **Building Permits.** Building permits shall not be issued prior to approval and recordation of the final plat.

11.02.02 Work to be Done by Registered Professional

All plans must be prepared and stamped by licensed and/or certified professionals in the State of Utah including, but not limited to, architects, landscape architects, land planners, engineers, surveyors, geotechnical engineers, transportation engineers or other professionals as deemed necessary by the City.

11.02.03 Approval Procedure

1. **Approval Process.** The approval process for a Subdivision shall be in sequential order consisting of no more than four (4) review cycles:
 - a. Concept Plan (optional)
 - b. Preliminary Plat Review
 - c. Preliminary Improvement Plan Review
 - d. Final Plat and Improvement Plan Review
2. **Expiration.** Each Subdivision application review cycle shall be valid for a period of not more than one (1) year. At the request of the Subdivider, the Administrative Land Use Authority may grant up to two (2) six-month (6) extensions if substantial progress has been demonstrated by the Applicant. Expired applications shall be deemed null and void and require the Subdivider to start the Subdivision approval process over.

11.02.04 Phasing

Subdivisions may be done in phases. Each phase shall follow the Approval Procedure as outlined in 11.02.03.

1. The Preliminary Plat shall include all ground anticipated to be subdivided. The phases shall be shown as part of the Preliminary Plat and submitted with the Preliminary Plat.
2. Development shall be organized such that the phases will be contiguous, and the required improvements and infrastructure will be continuous as deemed feasible and desirable by the Administrative Land Use Authority.
3. Less desirable or expensive aspects of the Subdivision should not be delayed to the final phases of development.
4. The Administrative Land Use Authority may require a pro-rated portion of the improvements and infrastructure be developed, or guaranteed in escrow, in earlier phases.
5. Where it is prudent to install improvements and infrastructure that extend into the next phase, such work may be done when it is shown on the plans and approved accordingly.

11.02.05 Rezone of Property

If rezoning the property is required, the Applicant must first obtain rezone approval as required in City Code, prior to subdividing.

11.02.06 Development Agreements

Any Development Agreement (~~either administrative or legislative~~) proposed by the Applicant, or the City shall be approved prior to subdividing.

11.02.07 Public Hearings

The Planning Commission shall hold public hearings for the general plan, zoning map changes, and any other Land Use Ordinances, applications, and amendments ~~as for which a public hearing is required by statute. See, Utah Code Annotated 10-9a-103, 10-9a-404, 10-9a-502, 10-9a-503, 10-9a-602, and 10-9a-608, and as otherwise required. A public hearing shall not be held for administrative decisions except for conditional use applications. The Planning Commission may hold public hearings for preliminary plat applications, but such public hearings are not required.~~

11.02.08 Application Requirements and Review Process

Notwithstanding the specific requirements outlined in this Section for each Application, all proposed Subdivisions shall show compliance with all applicable laws and standards. Poorly drawn, incomplete, or illegible drawings shall be cause for denial. The Administrative Land Use Authority may waive certain informational and design requirements when they clearly do not apply and are irrelevant to a proposed Subdivision and shall state such waiver as part of the review cycle.

11.03 CONCEPT PLAN

1. **Purpose.** ~~Prior to submitting a formal application, a prospective Applicant may request a meeting with the Administrative Land Use Authority city staff to obtain initial feedback and information prior to making a formal preliminary application for a Subdivision. This meeting shall be optional, non-binding, and considered separate from and independent of the required Subdivision approval review cycles. It is highly recommended that the Applicant participate in this optional Review Cycle.~~

~~2. **Application Required.** To provide a basic framework of the proposed Subdivision, the Applicant shall submit the required application to the Administrative Land Use Authority.~~

~~3. **Fees.** There are no fees associated with this type of application.~~

~~4. **Time Frame.** Within fifteen (15) business days after the receipt of the completed application, the Applicant shall be placed on the agenda of the next regularly scheduled meeting of the Administrative Land Use Authority for discussion.~~

11.04 PRELIMINARY PLAT AND IMPROVEMENT PLANS

1. **Purpose.** For the Administrative Land Use Authority to complete an initial Subdivision Ordinance Review and an initial Subdivision Plan Review.
2. **Application Required.** The Applicant shall submit the required Preliminary Subdivision Plat Application for review and approval by the Administrative Land Use Authority.
 - a. **Exception.** When a proposed Subdivision does not involve the development of new public infrastructure, an exception may be granted by the City Engineer to waive, in writing, the need for the review of the Preliminary Improvement Plans.
3. **Complete Application.** An application shall not be considered complete and the first review cycle shall not begin unless and until begin the first review cycle when the Applicant has submitted the following items ~~are submitted~~:
 - a. A completed Preliminary Subdivision Plat Application as provided by the City.
 - b. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations (see 11.07.01.4).
 - c. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - d. Current Davis County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
 - e. A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
 - f. Will serve letters from all applicable service providers.
 - g. A digital copy of the preliminary plat as outlined in the Public Works Standards.
 - h. A digital copy of the preliminary improvement plans to include at a minimum the following:
 - i. Grading and drainage plan.
 - A. Storm Drain calculations
 - B. Low Impact Design (LID) analysis and Water Quality Report
 - ii. Utility plan.
- i. Payment of fees as stated in the City's current adopted Fee Schedule.

4. Time Frame.

- a. **Location is Not Within 100 Feet of Water Conveyance Facility.** Within fifteen (15) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.
 - i. After the Applicant's complete Response is received the Applicant will be placed on the agenda of the next regularly scheduled meeting of the Planning Commission for approval. The Planning Commission shall review the subdivision ~~for conformance relative~~ to the general plan and the provisions of this Title.
 - ii. Approval from the Planning Commission shall complete the Review Cycle.
- b. **Location is Within 100 Feet of Water Conveyance Facility.** Within twenty (20) calendar days after the receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - i. Within fifteen (15) business days after the twenty (20) calendar days comment period, whether comments are received from the Water Conveyance Facility Owner(s) or not, the Applicant shall receive written comments from the Administrative Land Use Authority. Total time frame shall not exceed forty (40) calendar days.
 - ii. After the Applicant's complete Response is received the Applicant will be placed on the agenda of the next regularly scheduled meeting of the Planning Commission for approval.
 - iii. Approval from the Planning Commission shall complete the Review Cycle.
- c. **Water Conveyance Facility.** Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. *See State Code 73-1-15.5-1b.*

11.05 FINAL PLAT AND IMPROVEMENT PLANS

- 1. **Purpose.** For the Administrative Land Use Authority to complete ~~a final~~ Final Subdivision Plat and Improvement Plans Review.
- 2. **Application Required.** The Applicant shall submit the required Final Subdivision Plat and Improvement Plans Application for review and approval by the Administrative Land Use Authority.
- 3. **Complete Application.** An application shall not be considered complete and the review cycle shall not begin unless and the review cycle when until the following items are submitted:
 - a. Preliminary approval by the Planning Commission.

- ~~a-b.~~ Completion of all requirements from previous Review Cycle.
- ~~b-c.~~ A completed Final Plat and Improvement Plans Application as provided by the City.
- ~~c-d.~~ Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations (see 11.09.01.4).
- ~~d-e.~~ A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- ~~e-f.~~ Proof of tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- ~~f-g.~~ Approval letter from secondary water provider(s).
- ~~g-h.~~ Written approval from other agencies as applicable (e.g., Army Corps of Engineers, Utah Department of Transportation, Davis County Surveyor).
- ~~h-i.~~ A digital copy of the final plat and improvement plans as revised and updated from the previous review cycle.
- ~~i-j.~~ Plan and profile drawings for all existing and proposed infrastructure.
- ~~j-k.~~ Final covenants, conditions, and restrictions (if applicable) which shall be recorded with the final plat.
- ~~k-l.~~ Final agreements (if applicable) executed by all parties.
- ~~l-m.~~ Engineer's Cost Estimate for all improvements and infrastructure that includes quantities, units, and costs for all improvements and infrastructure required.
- ~~m-n.~~ Payment of fees as stated in the City's current adopted Fee Schedule.

4. Signors of Plat

- a. Mayor (as a non-discretionary and ministerial act for the acceptance of land and public improvements that may be proposed for dedication to the City);
- b. City Recorder (attesting the Mayor's signature);
- c. City Planner;
- d. City Engineer;
- e. City Attorney;
- f. Each Landowner on record as described on the plat – Owner's Dedication as shown on the plat and notarized;
- g. A surveyor who prepares the plat shall certify that the surveyor holds a license in accordance with State Code Title 58-22 and has completed a survey of the property, verifying all measurements, or has referenced a record of survey map of the existing property boundaries shown on the plat, and verified the locations of the boundaries and has placed monuments as represented on the plat.

5. **Review Cycle and Approval.** The Administrative Land Use Authority may complete up to three (3) final review cycles, as deemed necessary. After the Applicant has responded to either the

fourth or final review cycle, and the Applicant has complied with each modification requested in the Administrative Land Use Authority's previous review cycle, no additional reviews are required if the Applicant has not materially changed the plan – other than those changes in response to the requested modifications or corrections.

6. **Time Frame.** Within twenty (20) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.

- a. **Appeal of Improvement Plans Approval.** If, on the fourth or final review, the Administrative Land Use Authority fails to respond within the time frame, the Applicant may make a formal request for a decision to approve or deny the final revised set of plans.

Within ten (10) days of this request, the City shall assemble an appeal panel consisting of one (1) licensed engineer designated by the City, one (1) licensed engineer designated by the Applicant, and one (1) licensed engineer agreed upon and designated by the engineers selected by the City and the Applicant. No member of the panel may have any interest in the application that is the subject of the appeal.

The Applicant shall pay fifty percent (50%) of the cost of the appeal review and the City's fee as stated in the current adopted Consolidated Fee Schedule.

The decision by the appeal panel shall be final, subject to a petition being filed within thirty (30) days of the decision in the District Court.

7. **Final Plat Approval – Notice Required.** Within thirty (30) days after approving a final plat, the municipality shall submit an electronic copy of the final approved plat to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency services database.

Title 11 Subdivision Regulations 11.01 to 11.05 Clean

ORD 2023-17 Code Titles 2, 10, 11

TITLE 11

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 - d. May cause an undue burden on existing traffic or transportation services, or
 - e. May require the future expenditure of public funds to correct problems caused by the subdivision and development;
5. To provide design standards for public improvements, facilities, and utilities to provide for reasonable access to public rights-of-way, parks, trails, or open spaces, to provide for the dedication of land and streets deemed necessary for the proper development of the subdivision, and to provide for easements or rights-of-way that are necessary to service the properties created by the subdivision.

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County: Davis County, Utah

Development, Design, and Construction Standards: The Public Works Standards referred to in this Title and adopted by Title 9-7-1.

Geological Hazard. The restrictions and requirements of the review cycle do not apply to the review of subdivision applications affecting property within identified geological hazard areas (property identified to be within the city's "Sensitive Lands" – see Title 10-14).

Improvements: All infrastructure improvements, such as water, sewer, storm drain, land drain, secondary water, curbs, gutters, sidewalk, grading, streetlights, paving, landscaping, fencing, electric power, natural gas, communication lines, and all other elements required by this Title and the Public Works Standards.

Planning Commission: The South Weber City Planning Commission.

Review Cycle. There shall be no more than four (4) total review cycles. A review cycle shall be considered complete when:

1. Complete Application is submitted to the Administrative Land Use Authority;
2. The Administrative Land Use Authority Review is complete;
3. The Applicant Response to Review is complete; and
4. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.

Review Cycle, Exceptions.

1. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction

is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.

2. Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
3. Other Land Use Applications. The Review Cycle as defined in this Title applies only to single family, townhome, and twin-home land use applications. Review times and cycles may vary for multifamily, commercial, industrial, institutional, and other non-residential land use applications.

Subdivision Improvement Plans. Civil engineering and design plans associated with required infrastructure and City owned/operated utilities required for a Subdivision.

Subdivision Ordinance Review. A review to verify that an application for a Subdivision meets the criteria of the applicable City Ordinance(s). The Administrative Land Use Authority shall notify the Applicant in writing of the deficiency in the application and the right to appeal the determination to a designated Appeal Authority as stated in Title 10-4.

Subdivision Plan Review. A review of the Applicant's Subdivision improvement plans and other aspects of the Subdivision application to verify that the application complies with all ordinances and applicable standards and specifications, including the current Public Works Standards for Development, Design, and Construction.

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11.02.01 Final Platting and Recording Required

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 - a. **Exception.** Joining a lot or lots to an existing parcel does not constitute a Subdivision nor does it require a Subdivision plat amendment.
3. **Final Plat Approval.** Lots shall not be transferred or sold, nor shall a building permit be issued for a structure thereon, until the final plan of a Subdivision is approved, and the final plat is recorded in accordance with this Title and the provisions of state law, and until the

improvements and infrastructure required in connection with the Subdivision have been constructed or guaranteed as provided herein.

4. **Sales of Land Parcels.** No person shall sell or exchange or offer to sell or exchange any parcel of land which is in any part of a Subdivision or a larger tract of land or offer for a recordation in the County Recorder's Office, any deed conveying such a parcel of land or any interest therein, unless such Subdivision has been created pursuant to, and in accordance with, the provisions of this Title.
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11.02.02 Work to be Done by Registered Professional

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1. **Approval Process.** The approval process for a Subdivision shall be in sequential order consisting of no more than four (4) review cycles:
 - a. Concept Plan (optional)
 - b. Preliminary Plat Review
 - c. Preliminary Improvement Plan Review
 - d. Final Plat and Improvement Plan Review
2. **Expiration.** Each Subdivision application review cycle shall be valid for a period of not more than one (1) year. At the request of the Subdivider, the Administrative Land Use Authority may grant up to two (2) six-month (6) extensions if substantial progress has been demonstrated by the Applicant. Expired applications shall be deemed null and void and require the Subdivider to start the Subdivision approval process over.

11.02.04 Phasing

Subdivisions may be done in phases. Each phase shall follow the Approval Procedure as outlined in 11.02.03.

1. The Preliminary Plat shall include all ground anticipated to be subdivided. The phases shall be shown as part of the Preliminary Plat and submitted with the Preliminary Plat.
2. Development shall be organized such that the phases will be contiguous, and the required improvements and infrastructure will be continuous as deemed feasible and desirable by the Administrative Land Use Authority.
3. Less desirable or expensive aspects of the Subdivision should not be delayed to the final phases of development.
4. The Administrative Land Use Authority may require a pro-rated portion of the improvements and infrastructure be developed, or guaranteed in escrow, in earlier phases.

5. Where it is prudent to install improvements and infrastructure that extend into the next phase, such work may be done when it is shown on the plans and approved accordingly.

11.02.05 Rezone of Property

If rezoning the property is required, the Applicant must first obtain rezone approval as required in City Code, prior to subdividing.

11.02.06 Development Agreements

Any Development Agreement proposed by the Applicant, or the City shall be approved prior to subdividing.

11.02.07 Public Hearings

The Planning Commission shall hold public hearings for the general plan, zoning map changes, and any other Land Use Ordinances, applications, and amendments for which a public hearing is required by statute. See, Utah Code Annotated 10-9a-103, 10-9a-404, 10-9a-502, 10-9a-503, 10-9a-602, and 10-9a-608. A public hearing shall not be held for administrative decisions except for conditional use applications.

11.02.08 Application Requirements and Review Process

Notwithstanding the specific requirements outlined in this Section for each Application, all proposed Subdivisions shall show compliance with all applicable laws and standards. Poorly drawn, incomplete, or illegible drawings shall be cause for denial. The Administrative Land Use Authority may waive certain informational and design requirements when they clearly do not apply and are irrelevant to a proposed Subdivision and shall state such waiver as part of the review cycle.

11.03 CONCEPT PLAN

1. **Purpose.** Prior to submitting a formal application, a prospective Applicant may request a meeting with city staff to obtain initial feedback and information. This meeting shall be optional, non-binding, and considered separate from and independent of the required Subdivision approval review cycles.

11.04 PRELIMINARY PLAT AND IMPROVEMENT PLANS

1. **Purpose.** For the Administrative Land Use Authority to complete an initial Subdivision Ordinance Review and an initial Subdivision Plan Review.
2. **Application Required.** The Applicant shall submit the required Preliminary Subdivision Plat Application for review and approval by the Administrative Land Use Authority.
 - a. **Exception.** When a proposed Subdivision does not involve the development of new public infrastructure, an exception may be granted by the City Engineer to waive, in writing, the need for the review of the Preliminary Improvement Plans.
3. **Complete Application.** An application shall not be considered complete and the first review cycle shall not begin unless and until the Applicant has submitted the following items:
 - a. A completed Preliminary Subdivision Plat Application as provided by the City.
 - b. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations (see 11.07.01.4).
 - c. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).

- d. Current Davis County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
- e. A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
- f. Will serve letters from all applicable service providers.
- g. A digital copy of the preliminary plat as outlined in the Public Works Standards.
- h. A digital copy of the preliminary improvement plans to include at a minimum the following:
 - i. Grading and drainage plan.
 - A. Storm Drain calculations
 - B. Low Impact Design (LID) analysis and Water Quality Report
 - ii. Utility plan.
- i. Payment of fees as stated in the City's current adopted Fee Schedule.

4. Time Frame.

- a. **Location is Not Within 100 Feet of Water Conveyance Facility.** Within fifteen (15) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.
 - i. After the Applicant's complete Response is received the Applicant will be placed on the agenda of the next regularly scheduled meeting of the Planning Commission for approval. The Planning Commission shall review the subdivision relative to the general plan and the provisions of this Title.
 - ii. Approval from the Planning Commission shall complete the Review Cycle.
- b. **Location is Within 100 Feet of Water Conveyance Facility.** Within twenty (20) calendar days after the receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - i. Within fifteen (15) business days after the twenty (20) calendar days comment period, whether comments are received from the Water Conveyance Facility Owner(s) or not, the Applicant shall receive written comments from the Administrative Land Use Authority. Total time frame shall not exceed forty (40) calendar days.
 - ii. After the Applicant's complete Response is received the Applicant will be placed on the agenda of the next regularly scheduled meeting of the Planning Commission for approval.
 - iii. Approval from the Planning Commission shall complete the Review Cycle.

- c. **Water Conveyance Facility.** Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. *See State Code 73-1-15.5-1b.*

11.05 FINAL PLAT AND IMPROVEMENT PLANS

1. **Purpose.** For the Administrative Land Use Authority to complete Final Subdivision Plat and Improvement Plans Review.
2. **Application Required.** The Applicant shall submit the required Final Subdivision Plat and Improvement Plans Application for review and approval by the Administrative Land Use Authority.
3. **Complete Application.** An application shall not be considered complete and the review cycle shall not begin unless and until the following items are submitted:
 - a. Preliminary approval by the Planning Commission.
 - b. Completion of all requirements from previous Review Cycle.
 - c. A completed Final Plat and Improvement Plans Application as provided by the City.
 - d. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations (see 11.09.01.4).
 - e. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - f. Proof of tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
 - g. Approval letter from secondary water provider(s).
 - h. Written approval from other agencies as applicable (e.g., Army Corps of Engineers, Utah Department of Transportation, Davis County Surveyor).
 - i. A digital copy of the final plat and improvement plans as revised and updated from the previous review cycle.
 - j. Plan and profile drawings for all existing and proposed infrastructure.
 - k. Final covenants, conditions, and restrictions (if applicable) which shall be recorded with the final plat.
 - l. Final agreements (if applicable) executed by all parties.
 - m. Engineer's Cost Estimate for all improvements and infrastructure that includes quantities, units, and costs for all improvements and infrastructure required.
 - n. Payment of fees as stated in the City's current adopted Fee Schedule.
4. **Signors of Plat**

- a. Mayor (as a non-discretionary and ministerial act for the acceptance of land and public improvements that may be proposed for dedication to the City);
 - b. City Recorder (attesting the Mayor's signature);
 - c. City Planner;
 - d. City Engineer;
 - e. City Attorney;
 - f. Each Landowner on record as described on the plat – Owner's Dedication as shown on the plat and notarized;
 - g. A surveyor who prepares the plat shall certify that the surveyor holds a license in accordance with State Code Title 58-22 and has completed a survey of the property, verifying all measurements, or has referenced a record of survey map of the existing property boundaries shown on the plat, and verified the locations of the boundaries and has placed monuments as represented on the plat.
5. **Review Cycle and Approval.** The Administrative Land Use Authority may complete up to three (3) final review cycles, as deemed necessary. After the Applicant has responded to either the fourth or final review cycle, and the Applicant has complied with each modification requested in the Administrative Land Use Authority's previous review cycle, no additional reviews are required if the Applicant has not materially changed the plan – other than those changes in response to the requested modifications or corrections.
6. **Time Frame.** Within twenty (20) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.
- a. **Appeal of Improvement Plans Approval.** If, on the fourth or final review, the Administrative Land Use Authority fails to respond within the time frame, the Applicant may make a formal request for a decision to approve or deny the final revised set of plans.

Within ten (10) days of this request, the City shall assemble an appeal panel consisting of one (1) licensed engineer designated by the City, one (1) licensed engineer designated by the Applicant, and one (1) licensed engineer agreed upon and designated by the engineers selected by the City and the Applicant. No member of the panel may have any interest in the application that is the subject of the appeal.

The Applicant shall pay fifty percent (50%) of the cost of the appeal review and the City's fee as stated in the current adopted Consolidated Fee Schedule.

The decision by the appeal panel shall be final, subject to a petition being filed within thirty (30) days of the decision in the District Court.
7. **Final Plat Approval – Notice Required.** Within thirty (30) days after approving a final plat, the municipality shall submit an electronic copy of the final approved plat to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency services database.