

Layton City
ORDINANCE 24-03

REVIEW PROCESS FOR LAND USE APPLCIATIONS

AN ORDINANCE TO ADD A NEW CHAPTER TO TITLE 19 “ZONING”, CHAPTER 19.03 ENTITLED “LAND USE APPLICATION REQUIREMENTS AND REVIEW PROCESS”, TO AMEND REQUIREMENTS FOR PROCESSING LAND USE APPLICATIONS AND ESTABLISH COMPLIANCE AND CONSISTENCY WITH UTAH STATE CODE 10-9A-604.2; AND AMEND VARIOUS SECTIONS OF TITLE 18, “LAND USE DEVELOPMENT” AND TITLE 19 “ZONING”, RELATED TO CONSISTENCY FOR THE LAND USE APPLICATION PROCESS.

WHEREAS, Layton City is proposing to modify the requirements for how preliminary and final subdivision plat applications for single-family, two-family, and townhomes are reviewed and processed to comply with Utah State Code 10-9a-604.2; and

WHEREAS, Layton City is also proposing to modify requirements for how all land use applications are reviewed and processed to maintain consistency across land use applications; and

WHEREAS, the City Council has reviewed the Planning Commission’s recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council has determined that these amendments are rationally based, reasonable, and consistent with the intent of the City’s General Plan, which is in furtherance of the general health, safety, and welfare of the citizenry.

NOW THEREFORE, be it ordained by the City Council of Layton City, UT as follows:

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "18.01.070 " is hereby amended as follows.

Row	Type Of Plat	Review Body	Recommending Body	Land Use Authority	Appeal Authority
Row	PRUD_ <u>Subdivision</u>				

Row	- Rezone w/Concept Plan	Development Staff	Planning Commission	City Council	District Court
Row	- Concept Plan (w/existing PRUD zoning)	Development Staff	Development Staff	Planning Commission	Hearing Officer
Row	- Preliminary Plat	DRC, Development Staff	Planning Development Commission Staff	City Planning Council Commi ssion	Hearing Officer
Row	- Final Plat	Development Staff	Development Staff	Community and Economic Development Director	Hearing Officer
Row	Sensitive Lands <u>Subdivision</u>				
Row	- Concept	Staff, 3rd Party Geotech	Planning Commission	City Council	Hearing Officer
Row	- Preliminary Plat	Staff, 3rd Party Geotech	Planning Commission	City Council	Hearing Officer
Row	- Final Plat	Development Staff	Planning Commission	City Council	Hearing Officer
Row	<u>Standard Subdivision (A subdivision without a rezone, PRUD overlay, or sensitive lands)</u>				
Row	Preliminary Plat	Development Staff	Development Staff	Planning Commission	Hearing Officer

Row	Final Plat	Development Staff	Development Staff	Community and Economic Development Director	Hearing Officer

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SECTION 3: Amendment. Section "18.10.010 Requirements For Vacating Or Amending Plat" is hereby amended as follows.

18.10.010 Requirements For Vacating Or Amending Plat

1. The Development Staff review for vacating or amending a plat shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein.

- a. Subject to ordinance, ... in a subdivision plat.
- b. If a petition ... under Subsection (2) if:

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- c. The Planning Commission ... Authority takes final action.
- d. The Planning Commission ... agreement with the applicant.

~~1~~**2.** Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this Section.

~~2~~**3.** Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

- a. the name and ... in the entire plat;
- b. the name and ... altered, or amended; and

...

SECTION 4: Amendment. Section "18.12.010 " is hereby amended as follows.

1. Any subdivider desiring approval of the Land Use Authority as defined in Section 18.01.070 for a subdivision shall file in a form as designated by the Land Use Authority a preliminary plat thereof with the Community and Economic Development Department not less than three weeks prior to the Planning Commission meeting at which first consideration of the subdivision is to be given.

2. Pre-Application Meeting.

a. An applicant may request a pre-application meeting with the Development Staff prior to the submittal of the application.

b. If/when an applicant requests a pre-application meeting the City shall, within 15 business days after the request (excluding City observed holidays), schedule the meeting to review the concept

plan and give initial feedback.

HISTORY

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SECTION 5: Amendment. Section "18.12.020 " is hereby amended as follows.

~~Immediately upon filing, the plat shall be checked by the development staff for conformity with the requirements of Section 18.12060. If it does not conform, it shall be returned to the subdivider with a statement of the reasons for its rejection.~~ 1. Upon filing a complete preliminary plat application, the Development Staff shall evaluate the application to verify all required documentation detailed herein has been submitted and filled out correctly. If the application is missing required documents and/or is not filled out correctly Development Staff shall notify the applicant within a reasonable time period that the application is incomplete and has not been accepted for review. Staff shall provide the applicant with all required corrections to complete the application.

2. The acceptance of an application for review does not mean that the application or the plans are compliant with code and/or development standards.

3. Incomplete or partial applications shall not be accepted for review.

4. If an application is accepted for review and later determined to be incomplete, the applicant shall be required to submit all documentation required for a complete submittal.

5. A complete list of all required documentation for a preliminary plat application shall be included with the application, located on the City's website, in the Development Guidelines and Design Standards, and at the Community & Economic Development Department.

HISTORY

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SECTION 6: Repeal. Section "18.12.021 Repealed" is hereby repealed.

18.12.021 ~~Utility Plan Required~~Repealed

~~Prior to the approval of a preliminary plat, the subdivider shall submit to the City Engineer, a utility plan for the proposed subdivision. The plan shall show the location of all electrical, natural gas, telephone, culinary water, irrigation, cable television lines presently located or proposed to be located in, or running to the subdivided property. The utility plan shall indicate the approval or disapproval of each of the above utilities and a signature of an agent or employee of the company authorized to review and approve such plans.~~

HISTORY

~~Ord. No. 97-35, Recodified, 6/19/1997~~

~~Ord. No. 99-54, Enacted, 11/4/1999~~

SECTION 7: Repeal. Section "18.12.022 Repealed" is hereby repealed.

18.12.022 ~~Street Lights~~Repealed

~~The subdivider or land developer shall pay a street light system fee and the City shall install all public street light systems within any subdivision. The developer shall install all street lights in a private subdivision or on private streets and drives. Street light systems shall meet Layton City's current design standards as outlined in the Development Guidelines and Design Standards. The amount of the street light system fee is based upon the adopted Layton City Consolidated Fee Schedule.~~

~~HISTORY~~

~~Ord. No. 11-02, Enacted, 2/17/2011~~

~~Ord. No. 20-31, Amended, 12/17/2020~~

SECTION 8: Amendment. Section "18.12.030 Requirements" is hereby amended as follows.

18.12.030 ~~Distribution~~Requirements

~~If it conforms, the Community and Economic Development Department forward a notice preliminary plat/or utility plan to each following:~~

- ~~- City Engineer~~
- ~~- Fire Department~~
- ~~- City Planner~~
- ~~- Parks Recreation Department~~
- ~~- City Attorney~~
- ~~- Natural Gas Company~~
- ~~- Electric Service Company~~
- ~~- Telephone Company~~
- ~~- Secondary Water or Irrigation Company (if relevant)~~
- ~~Cable Companies~~
- ~~- Davis County Flood Control (if relevant)~~
- ~~- Fiber Optic companies~~
- ~~- Small Cell companies~~

~~Each department may submit comments on the plat and utility plan to the Community and Economic Development Department within ten business days.~~

1. The preliminary plat shall include:

a. lot configuration and dimension. Lots shall comply with requirements as defined in Chapter 18.32;

b. block lengths shall comply with requirements defined in Chapter 18.28;

c. streets shall comply with requirements defined in 18.24;

d. easements shall comply with requirements defined in 18.25;

e. buildable area for each lot;

f. landscape buffers;

g. tabulation of the number of units and density requested;

h. north point, scale, and date;

i. name of the proposed subdivision;

j. names of the property owners and names of the owners of the land immediately adjoining the land to be subdivided;

k. boundary lines of the subdivision;

l. location, width, and other dimensions of all existing or previously platted streets, including intersections, and other important features such as railroad lines, natural watercourses, irrigation ditches and other structures, exceptional topography, and buildings within the subdivision or within 200' of the boundary thereof;

m. square footage and acreage of each lot indicated.

2. Additional Plan Details:

a. location width and other dimensions of proposed public and private streets, compliant with criteria outlined in 18.24.020;

b. location of walkways, easements, parks, and other open spaces or lots with proper labeling of the spaces proposed to be dedicated to the public;

c. estimate of the slopes of proposed streets;

d. separation of intersections which are not to exceed 800';

e. all plans shall be completed by a design professional and/or professional engineer/surveyor and drawn to a standard scale large enough to clearly show all details, in no case smaller than one inch to 100';

f. cross-section of proposed public and private streets and the width thereof;

g. all public and private streets shall be compliant with Layton City Municipal Code 18.24;

h. a legal description of the land included in the subdivision, which is tied to a found Davis County Section Monument, which description shall run to and include the land to the centerline of existing streets;

i. when the plat submitted only covers a portion of a sub-divider's track, the preliminary plat shall include a sketch showing the location of the proposed subdivision in relation to the larger track. Such sketch shall show the prospective future street system for the adjacent areas;

j. landscaping plan for common areas and landscape buffers along Arterial and Collector Streets as required in Chapter 19.16.

HISTORY

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SECTION 9: Repeal. Section "18.12.031 Repealed" is hereby repealed.

18.12.031 ~~Laterals Required~~ Repealed

~~The utility plan shall show, and the subdivider shall be required to place, all laterals to all lots within the subdivided parcel, prior to covering the trench.~~

HISTORY

~~Ord. No. 97-35, Recodified, 6/19/1997~~

~~Ord. No. 99-54, Amended, 11/4/1999~~

SECTION 10: Repeal. Section "18.12.032 Repealed" is hereby repealed.

18.12.032 ~~Dry Lines Required~~Repealed

~~The subdivider shall provide dry lines for the installation of sewer and water pipes, cable, wire, or other similar utilities, and shall stub laterals for such utilities to each parcel of property within the subdivision. In lieu of providing a dry line, the subdivider may provide the City Engineer with a signed utility plan, showing that no service will be required at those locations where dry lines would otherwise be required.~~

HISTORY

~~Ord. No. 97-35, Recodified, 6/19/1997~~

~~Ord. No. 99-54, Enacted, 11/4/1999~~

SECTION 11: Amendment. Section "18.12.040 Grading And Drainage Plan" is hereby amended as follows.

18.12.040 ~~Engineer's Grading Inspection~~And Drainage Plan

~~Upon receipt of the preliminary plats, the City Engineer shall review the returned plats, make an on-site inspection of the land proposed to be subdivided, and shall attach a written report of the inspection and review of the plats when they are returned to the Community and Economic Development Department.~~

1. Grading and Drainage Plans shall meet the engineering standards outlined in Development Guidelines and Design Standards 1.04 and 1.06.

2. Plans shall include:

a. existing and proposed contour lines at three-foot intervals;

b. slopes of each lot and buildable area; and

c. location of cuts and fills in more than three feet.

HISTORY

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SECTION 12: Amendment. Section "18.12.050 Utility Plan Required" is hereby amended as follows.

18.12.050 ~~Approval; Utility Disapproval~~Plan Required

~~1. Upon a determination of conformity, pursuant to Section 18.12.020, the plat shall be considered by the Land Use Authority at the next meeting for which the filing deadline has been met. Unless agreed upon by the applicant, and absent any extenuating circumstances, the Land Use Authority shall, within 30 days of the first meeting at which the Land Use Authority gives consideration to the preliminary plat, decide whether to approve, disapprove, or approve on specific conditions. If the plat is approved on specified conditions, such shall be stated in writing, and the writing shall be signed by the subdivider (personally and not be an agent).~~

Prior to the approval of a preliminary plat, the subdivider shall submit to the City Engineer, a utility plan for the proposed subdivision. The plat shall show the location of all electrical, natural gas, telephone, outside agency culinary water, irrigation, cable television, and fiber lines presently located or proposed to be located in, or running to the subdivided property. The utility plan shall indicate the approval or disapproval of each of the above utilities and a signature of an agent or employee of the company authorized to review and approve such plans.

2. The utility plan shall show existing sanitary sewers, storm drainage systems, culinary and secondary water supply mains, land drain systems, irrigation systems, and culverts within the subdivision or within 100' of the boundary thereof.

~~2. Preliminary plats being reviewed under Section 19.07.070, Sensitive Lands Development Regulations, shall be considered by the Recommending Body and to decide whether to forward their approval, disapproval, or approval with specific conditions to the Land Use Authority.~~

3. The utility plan shall show a proposed method of handling sanitary sewers, culinary water, land drains, irrigation, storm drains, and secondary water (if applicable) within the subdivision, and the interconnection of such systems with the major street plan and the City storm drainage system.

~~3. Preliminary plats, whether original or amended, and final plats, regarding the same project, are not to be considered for approval during the same, single meeting of the Land Use Authority.~~

a. The utility plan shall include a written approval of the proposal for handling irrigation or wastewater from the irrigation or ditch company or other right-of-way holder through whose ditch or facilities wastewater or irrigation water will flow, in accordance with the requirements of Section 18.36.090. Such statement, sketch, and written approval shall be deemed to be a part of the preliminary plat.

HISTORY

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SECTION 13: Amendment. Section "18.12.060 Street Lights" is hereby amended as follows.

18.12.060 ~~Requirements~~Street Lights

The subdivider or land developer shall pay a street light system fee and the City shall install all public street light systems within any subdivision . The developer shall install all street lights in a private subdivision or on private streets and drives. Street light systems shall meet Layton City's current design standards as outlined in the Development Guidelines and Design

Standards. The amount of the street light system fee is based upon the adopted Layton City Consolidated Fee Schedule.

~~preliminary plat shall:~~

- ~~1. contain five sets of drawings;~~
- ~~2. be drawn to scale large enough to clearly show all details, in no case smaller than one inch to 100';~~
- ~~3. show north point, scale, and date;~~
- ~~4. show the name of the proposed subdivision;~~
- ~~5. show the names, addresses, and phone numbers of the subdivider, and of the engineer or surveyor for the subdivision, and show the names of owners of the land immediately adjoining the land to be subdivided;~~
- ~~6. have existing proposed contour lines at three-foot intervals;~~
- ~~7. show slope of each lot and buildable area;~~
- ~~8. show the location of cuts and fills in excess of three feet;~~
- ~~9. show the boundary lines of the subdivision;~~
- ~~10. show the location, width, and other dimensions of all existing or previously platted streets, including intersections, and other important features such as railroad lines, natural watercourses, irrigation ditches and other structures, exceptional topography and buildings within the subdivision or within 200' of the boundary thereof;~~
- ~~11. show existing sanitary sewers, storm drainage systems, culinary and secondary water supply mains, land drain systems, irrigation systems, and culverts within the subdivision or within 100' of the boundary thereof;~~
- ~~12. show the location width and other dimensions of proposed ; alleys, walkways, easements, parks, other open spaces or lots with proper labeling of the spaces proposed to be dedicated to the public;~~
- ~~13. show an estimate of the slopes of proposed streets;~~
- ~~14. show a cross-section of proposed streets and the width thereof and the location of sidewalks;~~
- ~~15. show the separation of intersections which are not to exceed 800';~~
- ~~16. show such additional information may be necessary to locate accurately the property shown on the plat;~~
- ~~17. include a legal description of the land included in the subdivision, which is tied to a found Davis County Section Monument, which description shall run to and include the land to the centerline of existing streets;~~
- ~~18. show the square footage and the acreage each lot indicated;~~
- ~~19. show proposed method of handling sanitary sewers, culinary water, land drains, irrigation, storm drains, and secondary water (if applicable) within the subdivision, and the interconnection of such systems with the major plan and the City storm drainage ;~~
- ~~20. show where the plat submitted covers only a part of the subdivider's tract, a sketch showing the location of the proposed subdivision in relation to the larger tract. Such sketch shall show the prospective future street system for the adjacent areas;~~
- ~~21. show written approval of the proposal for handling irrigation or wastewater from the irrigation or ditch company or other right-of-way holder through whose ditch or facilities wastewater~~

~~or irrigation water will flow, in accordance with the requirements of Section 18.36.090. Such statement, sketch, and written approval shall be deemed to be a part of the preliminary plat;~~

~~22. show written approval by the fee simple owner(s) in the affidavit which gives the subdivider the authority to act for and in behalf of the fee simple owner to make all decisions on any requirements set by the Land Use Authority;~~

~~23 submit two paper copies or one PDF copy of the geotechnical report;~~

~~24. submit a preliminary title report;~~

~~a. submit a letter from Davis County Flood Control for approval of alteration of streams or discharge into streams;~~

~~b. submit written approval from adjacent property owner(s) agreeing to grant an easement for utility line extension if the line crosses private property;~~

~~c. show boundaries of the flood plain as defined by FEMA and include the map number;~~

~~d. include a landscaping plan for landscape buffer along arterial street where required; and~~

~~e. include a street lighting plan as provided by the City Engineering Department.~~

HISTORY

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SECTION 14: Amendment. Section "18.12.070 Laterals Required" is hereby amended as follows.

18.12.070 ~~Expiration~~Laterals Of Preliminary ApprovalRequired

The utility plan shall show, and the subdivider shall be required to place, all laterals to all lots within the subdivided parcel, prior to covering the trench.

~~All approvals, conditions, and agreements regarding a preliminary plat shall expire one (1) year from the date of preliminary plat approval, by the Land Use Authority, if required, whichever is later, unless:~~

~~1. The respective final plat, or a phase thereof, has been approved; or~~

~~2. The respective final plat, or a phase thereof, has been submitted to the City, is scheduled for review, and it complies with the City Code and the preliminary plat approval and requirements. If done by phases, the developer must continually file for the approval of at least one (1) phase within one (1) year of the most recent plat or phase approval. Said filing must comply with the City Code and the preliminary plat approval and requirements.~~

HISTORY

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SECTION 15: Amendment. Section "18.12.080 Dry Lines Required" is hereby amended as follows.

18.12.080 ~~Agricultural~~Dry Operations;Lines ~~Notice~~ Required

The subdivider shall provide dry lines for the installation of sewer and water pipes, cable, wire, or other similar utilities, and shall stub laterals for such utilities to each parcel of property within the subdivision. In lieu of providing a dry line, the subdivider may provide the City Engineer with a signed utility plan, showing that no service will be required at those locations where dry lines would otherwise be required.

~~1. For any new subdivision development, located in whole or in part within three hundred feet (300') of the boundary of an agricultural operation, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:~~

~~Agriculture Operation Area~~

~~This property is located in the vicinity of an established agriculture operation in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the area in which the agricultural operation is being carried on. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.~~

~~2. For the purpose of this Section, "Agricultural Operation" shall mean any facility for the production, for commercial purposes, of crops, livestock, poultry, livestock products, or poultry products, where such operation is consistent with federal, state, and City laws and regulations, including zoning ordinances.~~

~~HISTORY~~

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SECTION 16: Enactment. Section "18.12.090 Engineer's Inspection" is hereby enacted as follows.

Upon receipt of the preliminary plats, the City Engineer shall review the returned plats, make an on-site inspection of the land proposed to be subdivided, and shall attach a written report of the inspection and review of the plats when they are returned to the Community and Economic Development Department.

SECTION 17: Amendment. Section "18.12.100 Approval; Disapproval" is hereby amended as follows.

1. Upon a determination of conformity, pursuant to Section 18.12.020, and after completion of Development Staff reviews as outlined in Chapter 19.03 the plat shall be considered by the Land Use Authority. Unless agreed upon by the applicant, and absent any extenuating circumstances, the Land Use Authority shall, within 30 days of the first meeting at which the Land Use Authority gives consideration to the preliminary plat, decide whether to approve, disapprove, or approve on specific conditions. If the plat is approved on specified conditions, such shall be stated in writing, and the writing shall be signed by the subdivider (personally and not be an agent).

2. A preliminary plat for an area that contains sensitive lands shall comply with the sensitive land requirements as outlined in Section 19.07.

3. Preliminary plats, whether original or amended, and final plats, regarding the same project, are not to be considered for approval during the same, single meeting of the Land Use Authority, unless authorized by the City Engineer and Community Development Director.

SECTION 18: Amendment. Section "18.12.110 Expiration Of Preliminary Approval" is hereby amended as follows.

1. All approvals, conditions, and agreements regarding a preliminary plat shall expire one year from the date of preliminary plat approval, unless:

2. the respective final plat, or a phase thereof, has been approved; or

3. the respective final plat, or a phase thereof, has been submitted to the City, is scheduled for review, and it complies with the City Code and the preliminary plat approval and requirements.

4. If done by phases, the developer must continually file for the approval of at least one phase within one year of the most recent plat or phase approval. Said filing must comply with the City Code and the preliminary plat approval and requirements.

SECTION 19: Enactment. Section "18.12.120 Agricultural Operations; Notice Required" is hereby enacted as follows.

For any new subdivision development, located in whole or in part within 300' of the boundary of an agricultural operation, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:

Agriculture Operation Area

An agriculture operations note shall be added to the plat when a development borders an agriculturally zoned property. The note shall include the following language:

This property is located in the vicinity of an established agriculture operation in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the area in which the agricultural operation is being carried on. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

For the purpose of this Section, "Agricultural Operation" shall mean any facility for the production, for commercial purposes, of crops, livestock, poultry, livestock products, or poultry products, where such operation is consistent with federal, state, and City laws and regulations, including zoning ordinances.

SECTION 20: Amendment. Section "18.12.130 Appeal for Single-Family, Two-Family, and Townhome Preliminary Plat" is hereby amended as follows.

1. A dispute arising from single-family, two-family, and townhome subdivision improvement plans shall be processed in accordance with U.C.A. §10-9a-604.2(8).

SECTION 21: Amendment. Section "18.16.010 Submittal Requirements" is hereby amended as follows.

18.16.010 ~~Approval~~Submittal Procedure~~Requirements~~

1. Any subdivider desiring approval of the Land Use Authority as defined in Section 18.01.070 for a subdivision shall file in a form as designated by the Land Use Authority a final plat thereof with the Community and Economic Development Department.

~~At any time after approval of the preliminary plat but not later than one year thereafter, the subdivider may file the final subdivision plat for approval by the Land Use Authority as defined in Section 18.01.070. The plat shall be filed in a form as designated by the Land Use Authority with a current Title Report prepared within 90 days of filing. After filing, the Community and Economic Development Department will submit the plat to the City Engineer, Fire Department, Legal Department and Community and Economic Development Department for approval and checking by staff. If staff finds that it meets the requirements of the City, the staff shall approve and submit it to the Land Use Authority for final approval. If the Land Use Authority makes a finding of Fact of Substantive Change, then the Plat shall be returned to the previous approval authority for reconsideration of approval. Substantive Change is defined as an increase in the number of lots or units, changes that are not consistent with the Design Review Committee (DRC) approvals, or changes to the development agreement. For subdivisions containing Sensitive Lands PRUDs, the final plat shall be submitted to the Land Use Authority for~~

2. Only complete applications shall be accepted and processed for review.

3. Final plat review and approval shall include all the following review steps in order listed:

- a. final plat application and all required documents;
- b. pre-mylar review;
- c. mylar review;
- d. mylar approval signatures; and
- e. plat recording with County Recorder's office.

~~4. Upon approval~~ Upon approval by the Land Use Authority, the City Engineer, City Attorney, Planning Commission Chair and the Mayor shall sign the mylar plat following which the Plat shall be signed and attested by the City Recorder. If the final plat is rejected by any of the foregoing officers or agencies of the City, it shall be returned to the subdivider with a written statement of the reasons for the rejection.

~~5.~~ 25. A person may not submit a subdivision plat to the County Recorder's office for recording unless the plat has been approved by the Land Use Authority. All approvals are entered in writing on

the plat by the designated officers.

~~36.~~ A subdivision plat recorded without the signatures required under this Section is void.

~~47.~~ A transfer of land pursuant to a void plat is voidable.

HISTORY

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SECTION 22: Amendment. Section "18.16.020 Complete Application" is hereby amended as follows.

18.16.020 ~~Recording~~Complete RequiredApplication

~~The final plat when, and only when, it bears all official approvals and required signatures shall filed record in the office of the Davis County Recorder by the City Recorder.~~

1. Upon filing a complete final plat application, the Development Staff shall check the application to verify all required documentation detailed herein has been submitted and filled out correctly. If the application is missing required documents and/or is not filled out correctly the Development Staff shall notify the applicant that the application is incomplete and has not been accepted for review within a reasonable time period. Staff shall provide the applicant with all required corrections to become a complete application.

2. The acceptance of an application for review does not mean that the application or the plans are compliant with code and/or development standards.

3. Incomplete or partial application shall not be accepted for review.

4. If an application is accepted for review and later determined to be an incomplete application, the applicant shall be required to submit all documentation required for a complete submittal.

5. A complete list of all required documentation for a final plat application shall be included with the application located on the City's website and at the Community & Economic Development Department.

HISTORY

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SECTION 23: Repeal. Section "18.16.025 Repealed" is hereby repealed.

18.16.025 ~~Plat Required When Land Is Subdivided; Approval Of Plat; Recording Of Plat~~Repealed

~~1. Unless exempt under Section 18.16.035 or excluded from the definition of subdivision under Chapter 18.04, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat that describes or specifies:~~

~~a. a name or designation of the subdivision that is distinct from any plat already recorded in the Davis County Recorder's office;~~

~~b. the boundaries, course, and dimensions of all the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to~~

~~be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;~~

~~e. the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and~~

~~d. every existing right-of-way and easement grant of record for underground facilities, and for other utility facilities.~~

~~2. Subject to Subsections (3), (4), and (5), if the plat conforms to the City's ordinances and this part and has been approved by the culinary water authority and the sanitary sewer authority, the City shall approve the plat.~~

~~The City may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.~~

~~a. The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate and shall obtain the signature of each individual designated by the City.~~

~~b. The surveyor of the plat shall certify that the surveyor:~~

~~i. holds a license in accordance with Title 58, Chapter 22, Utah Code (as amended), Professional Engineers and Professional Land Surveyors Licensing Act;~~

~~ii. has completed a survey of the property described on the plat in accordance with Section 17-23-17, Utah Code (as amended), and has verified all measurements; and~~

~~iii. has placed monuments as represented on the plat.~~

~~c. As applicable, the owner or operator of the underground and utility facilities shall approve the:~~

~~i. boundary, course, dimensions, and intended use of right-of-way and easement grants of record;~~

~~ii. location of existing underground and utility facilities; and~~

~~iii. condition and restrictions governing the location of the facilities within the right-of-way, and easement grants of record, and utility facilities within the subdivision.~~

~~d. After the plat has been acknowledged, certified, and approved, the City shall record the plat in the Davis County Recorder's office.~~

~~e. The owner shall present a plat for recording and record the applicable Covenants Conditions and Restrictions within the time period designated by ordinance or the plat shall be rendered voidable.~~

HISTORY

~~Ord. No. 07-25, Enacted, 7/5/2007~~

~~Ord. No. 17-13, Amended, 6/15/2017~~

~~Ord. No. 20-31, Amended, 12/17/2020~~

SECTION 24: Amendment. Section "18.16.030 Appeal for Single-Family, Two-Family, and Townhome Subdivision Final Plat" is hereby amended as follows.

18.16.030 ~~Requirements~~ Appeal for Single-Family, Two-Family, and Townhome Subdivision Final Plat

A dispute arising from single-family, two-family, and townhome subdivision improvement plans shall be processed in accordance with U.C.A. §10-9a-604.

~~The final plat shall comply in all respects with the requirements for a preliminary plat and in addition shall:~~

- ~~1. Submit a copy of the dedication plat in a form as designated by the Land Use Authority;~~
- ~~2. Have a boundary narrative which matches the drafted description;~~
- ~~3. Have a boundary description which matches the adjacent properties or parcels;~~
- ~~4. Have a boundary referenced from a found Davis County section corner, and shall follow Davis County recorder requirements;~~
- ~~5. Have a boundary close within approved limits;~~
- ~~6. Have individual lots close with centerline boundary information;~~
- ~~7. Have centerline monuments shown at all intersections, PI (point of intersection), PT (point of tangency), PC (point of curvature);~~
- ~~8. The final mylar is to be drawn on standard grade tracing linen or comparable acceptable sheet and complies with any other Davis County Recorder's office requirements;~~
- ~~9 Be neat, clean-cut, and readable;~~
- ~~10 Be drawn with the top of the plat facing either north or west, whichever accommodates the drawing better;~~
- ~~11 Show the area of each lot;~~
- ~~12 Show the buildable area for each lot for the main structure in residential zones;~~
- ~~13. Show all existing easements;~~
- ~~14. Show all new public utility and drainage easements 2(front, side, and rear lot line8);~~
- ~~15. Show the north arrow and seal;~~
- ~~16. The final mylar is to be drawn with standard, waterproof black ink;~~
- ~~17. Be certified and signed by a registered professional engineer or land surveyor;~~
- ~~18. Have reserved thereon appropriate spaces for dedication, certification, approval, or recording as the case may be, for owners, City Engineer, Planning Commission, City Council, City Attorney, and County Recorder;~~
- ~~19. Be dedicated and signed by each fee simple owner and acknowledged by a notary public;~~
- ~~20. Show the widths, lengths, boundaries, bearings, dimensions, a curve data of centerline of proposed streets, alleys, and easements;~~
- ~~21. Show clearly any lots, blocks, or land areas reserved for any reason within the subdivision;~~
- ~~22. Follow the system approved for numbering lots and blocks;~~
- ~~23. Show lot numbers and conform to phase numbering;~~
- ~~24. Show the finish elevation at all property lot corners and at any grade change points along the lot lines ; and~~

~~25. Provide a preliminary title report prepared within 90 days of filing.~~

HISTORY

...

SECTION 25: **Repeal.** Section "18.16.035 Repealed" is hereby repealed.

18.16.035 ~~Exemptions From Plat Requirements~~ Repealed

~~1. Notwithstanding Sections 18.16.025 and 18.16.010, the Land Use Authority may approve a subdivision of ten (10) lots or less without a plat, by certifying in writing that:~~

~~a. the City has provided notice as required by Sections 18.07.010 and 18.07.020; and~~

~~b. the proposed subdivision:~~

~~i. is not traversed by the mapped lines of a proposed street as shown in the Master Transportation Plan and does not require the dedication of any land or street or other public purposes;~~

~~ii. has been approved by the culinary water authority and the sanitary sewer authority;~~

~~iii. is located in a zoned area; and~~

~~iv. conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance;~~

~~v. does not require the dedication of public utility and drainage easements or municipal easements;~~

~~vi. is not traversed by an existing easement.~~

~~e. Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 18.16.025 if the lot or parcel:~~

~~i. qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;~~

~~ii. meets the minimum size requirement of applicable land use ordinances; and~~

~~iii. is not used and will not be used for any nonagricultural purpose.~~

~~d. The boundaries of each lot or parcel exempted under Subsection (1) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 18.16.010, shall be recorded with the Davis County Recorder.~~

~~e. If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the City may require the lot or parcel to comply with the requirements of Section 18.16.025.~~

~~f. Documents recorded in the Davis County Recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the Land Use Authority grants approval required by Subsection (1) is attached to the document.~~

~~g. The absence of the certificate or written approval required by Subsection (1) does not affect the validity of the recorded document.~~

~~h. A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section 57-3106, Utah Code (as amended).~~

HISTORY

~~Ord. No. 07-25, Enacted, 7/5/2007~~

~~Ord. No. 17-13, Amended, 6/15/2017~~

~~Ord. No. 20-31, Amended, 12/17/2020~~

SECTION 26: Amendment. Section "18.16.040 Recording Required" is hereby amended as follows.

18.16.040 ~~Expiration~~Recording Of Final Approval~~Required~~

The final plat when, and only when, it bears all official approvals and required signatures shall be filed for record in the office of the Davis County Recorder by the City Recorder.

~~All approvals, conditions, and agreements regarding a final plat shall expire one year from the date of final plat approval, granted by the Land Use Authority, unless:~~

- ~~1. A development permit has been issued and is being diligently pursued;~~
- ~~2. A single extension of up to one year has been granted by the Community and Economic Development Director based on good cause shown; or~~
- ~~3. A further extension beyond one year has been granted by the Appeal Authority based on continued good cause shown.~~

HISTORY

...

SECTION 27: Amendment. Section "18.16.050 Plat Required When Land Is Subdivided; Approval Of Plat; Recording Of Plat" is hereby amended as follows.

18.16.050 ~~Agricultural~~Plat Operations~~Required When Land Is Subdivided; Notice~~Approval Required~~Of Plat; Recording Of Plat~~

~~1. For any new subdivision development, located in whole or in part within three hundred feet (300') of the boundary of an agricultural operation, the owner of the development shall provide notice on any plat filed with the County Recorder following notice:~~

Unless exempt under Section 18.16.080 or excluded from the definition of subdivision under Chapter 18.04, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat that describes or specifies:

a. a name or designation of the subdivision that is distinct from any plat already recorded in the Davis County Recorder's office;

b. the boundaries, course, and dimensions of all the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for

dedication for a public purpose;

Agriculture Operation Area

~~This property is located in the vicinity of an established agriculture operation in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the area in which the agricultural operation is being carried on. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.~~

c. the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and

d. every existing right-of-way and easement grant of record for underground facilities, and for other utility facilities.

2. Subject to Subsections (3), (4), and (5), if the plat conforms to the City's ordinances and this part and has been approved by the culinary water authority and the sanitary sewer authority, the City shall approve the plat.

3. The City may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

4. The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate and shall obtain the signature of each individual designated by the City.

25. The surveyor of the plat shall certify that the surveyor:

a. holds a license in accordance with Title 58, Chapter 22, Utah Code (as amended), Professional Engineers and Professional Land Surveyors Licensing Act;

~~For purpose of this Section, "Agricultural Operation" shall mean any facility for production, for commercial purposes, of crops, livestock, poultry, livestock products, or poultry products, where such operation is consistent with federal, state, and City laws and regulations, including zoning ordinances.~~

b. has completed a survey of the property described on the plat in accordance with Section 17-23-17, Utah Code (as amended), and has verified all measurements; and

c. has placed monuments as represented on the plat.

6. As applicable, the owner or operator of the underground and utility facilities shall approve the:

a. boundary, course, dimensions, and intended use of right-of-way and easement grants of record;

b. location of existing underground and utility facilities; and

c. condition and restrictions governing the location of the facilities within the right-of-way, and easement grants of record, and utility facilities within the subdivision.

7. After the plat has been acknowledged, certified, and approved, the City shall record the plat in the Davis County Recorder's office.

8. The owner shall present a plat for recording and record the applicable Covenants Conditions and Restrictions within the time period designated by ordinance or the plat shall be rendered voidable.

HISTORY

...

SECTION 28: Amendment. Section "18.16.060 Requirements" is hereby amended as follows.

18.16.060 ~~Common Area Parcels~~ Requirements

The final plat shall comply in all respects with the requirements for a preliminary plat and in addition shall:

1. ~~A parcel designated as common area on plat recorded in compliance this part may not be separately owned or conveyed independent of the other parcels created by the plat~~ submit a copy of the dedication plat in a form as designated by the Land Use Authority;

2. have a boundary narrative which matches the drafted description;

3. have a boundary description which matches the adjacent properties or parcels;

4. have a boundary referenced from a found Davis County section corner, and shall follow Davis County recorder requirements;

5. have a boundary close within approved limits;

6. have individual lots close with centerline and boundary information;

7. have centerline monuments shown at all intersections, PI (point of intersection), PT (point of tangency), PC (point of curvature);

8. the final mylar is to be drawn on standard grade tracing linen or comparable acceptable sheet and complies with any other Davis County Recorder's office requirements;

9. be neat, clean-cut, and readable;

10. be drawn with the top of the plat facing either north or west, whichever accommodates the drawing better;

11. show the area of each lot;

~~2. The ownership interest in a parcel described in Subsection 1 shall:~~

12. show the buildable area for each lot for the main structure in residential zones;

13. show all existing easements;

14. show all new public utility and drainage easements (front, side, and rear lot line);

15. show the north arrow and scale;

16. the final mylar is to be drawn with standard, waterproof black ink;

17. be certified and signed by a registered professional engineer or land surveyor;

~~for the purposes of assessment, be divided equally among all parcels created by the plat, unless a different division of interest for assessment purposes is indicated on the plat or an accompanying recorded document;~~

18. have reserved thereon appropriate spaces for dedication, certification, approval, or recording as the case may be, for owners, City Engineer, Planning Commission, City Council, City Attorney, and County Recorder;

19. be dedicated and signed by each fee simple owner and acknowledged by a notary public;

20. show the widths, lengths, boundaries, bearings, dimensions, a curve data of centerline of

proposed streets, alleys, and easements;

21. show clearly any lots, blocks, or land areas reserved for any reason within the subdivision;

22. follow the system approved for numbering lots and blocks;

~~b be considered be included in the description of each instrument describing a parcel on the plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.~~

23. show lot numbers and conform to phase numbering;

24. show the finish elevation at all property lot corners and at any grade change points along the lot lines; and

25. provide a preliminary title report prepared within 90 days of filing.

HISTORY

...

SECTION 29: Amendment. Section "18.16.070 Exemptions From Plat Requirements" is hereby amended as follows.

1. Notwithstanding Sections 18.16.010 and 18.16.050, the Land Use Authority may approve a subdivision of ten (10) lots or less without a plat, by certifying in writing that:

a. the City has provided notice as required by Sections 18.07.010 and 18.07.020; and

b. the proposed subdivision:

i. is not traversed by the mapped lines of a proposed street as shown in the Master Transportation Plan and does not require the dedication of any land or street or other public purposes;

ii. has been approved by the culinary water authority and the sanitary sewer authority;

iii. is located in a zoned area; and

iv. conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

v. does not require the dedication of public utility and drainage easements or municipal easements;

vi. is not traversed by an existing easement.

2. Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 18.16.050 if the lot or parcel:

a. qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

b. meets the minimum size requirement of applicable land use ordinances; and

c. is not used and will not be used for any nonagricultural purpose.

3. The boundaries of each lot or parcel exempted under Subsection (1) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 18.16.010, shall be recorded with the Davis County Recorder.

If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the City may require the lot or parcel to comply with the requirements of Section 18.16.060.

a. Documents recorded in the Davis County Recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the Land Use Authority grants approval required by Subsection (1) is attached to the document.

b. The absence of the certificate or written approval required by Subsection (1) does not affect the validity of the recorded document.

c. A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section 57-3106, Utah Code (as amended).

SECTION 30: Enactment. Section "18.16.080 Expiration of Final Approval" is hereby enacted as follows.

All approvals, conditions, and agreements regarding a final plat shall expire one year from the date of final plat approval, granted by the Land Use Authority, unless:

1. A development permit has been issued and is being diligently pursued;

2. A single extension of up to one year has been granted by the Community and Economic Development Director based on good cause shown; or

3. A further extension beyond one year has been granted by the Appeal Authority based on continued good cause shown.

SECTION 31: Enactment. Section "18.16.090 Agricultural Operations; Notice Required" is hereby enacted as follows.

For any new subdivision development, located in whole or in part within 300' of the boundary of an agricultural operation, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:

Agriculture Operation Area

An agriculture operations note shall be added to the plat when a development borders an agriculturally zoned property. The note shall include the following language:

This property is located in the vicinity of an established agriculture operation in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the area in which the agricultural operation is being carried on. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

For the purpose of this Section, "Agricultural Operation" shall mean any facility for the production, for commercial purposes, of crops, livestock, poultry, livestock products, or poultry products, where such operation is consistent with federal, state, and City laws and regulations, including zoning ordinances.

SECTION 32: Enactment. Section "18.16.100 Common Area Parcels" is hereby enacted as follows.

1. A parcel designated as common area on a plat recorded in compliance with this part 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. or the purposes of assessment, be divided equally among all parcels created by the plat, unless a different division of interest for assessment purposes is indicated on the plat or an accompanying recorded document; and

b. be considered to be included in the description of each instrument describing a parcel on the plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

SECTION 33: Amendment. Section "18.32.080 " is hereby amended as follows.

1. The Community and Economic Development Director, as designated by the City Council, shall have the administrative authority to approve lot line adjustments within a subdivision. This approval is based on a recorded agreement between owners of adjoining properties adjusting their mutual boundary and no new lot is created and the adjustment does not result in a violation of the applicable zoning ordinance. If none exist, new PU&DEs shall be established along the adjusted lot lines and street frontage. The Development Staff review for a lot line adjustment shall comply with the process and criteria outlined in 19.03 of the Layton Municipal Code.

HISTORY

...

SECTION 34: Amendment. Section "18.36.041 " is hereby amended as follows.

1. Prior to recordation of a final plat, after it has received Land Use Authority approval, the subdivider shall complete all of the public improvements required in the subdivision. At the option of the City, prior to recordation, the subdivider may enter into a performance bond agreement with the City to ~~insure~~ensure completion of all public improvements required to be installed in the subdivision. Also, prior to final plat approval, the City may require a subdivider to bond for the improvements where, in a prior application with the City, the subdivider has failed to comply with state law or the City's subdivision requirements. The bond agreement shall be in a form and contain such provisions as approved by the City Attorney's office. The agreement shall include but not be limited to:

a. The final plat and all data required by Section 18.16. ~~030~~060 which is used by the Public Works Department to compute the cost of the improvements shall be incorporated by reference.

b. The improvements shall ... the agreement is executed.

c. The improvements shall ... specified in Section 18.36.132.

...

SECTION 35: Amendment. Section "19.01.135 " is hereby amended as follows.

The following chart designates ... for land use approvals.

...

Row	Zoning Map Amendment	Development Staff	Planning Commission	City Council	District Court	
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Row	Conditional Use	Development Staff	Development Staff	Planning Commission	Hearing Officer	District Court
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Row	Landscape-Buffer/Fencing-Modifications-and-Waivers	Development-Staff	Development-Staff	Planning-Commission	Hearing-Officer	
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Row	Variance	Development Staff	Development Staff		Hearing Officer	District Court
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Row	Routine and Uncontested Variance	Development Staff	Development Staff	Zoning Administrator	Hearing Officer	District Court
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Row	Development Agreement	Development Staff	Planning Commission	City Council	District Court	
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Row	MU and MU-TOD Development Plan	DRC, Development Staff	Development Staff	Planning Commission	City Council	District Court
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Row	C-TH Preliminary Plan/ Development Plan	DRC, Development Staff	Planning Development Commission Staff	City Planning Council Commission	Hearing Officer	District Court
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Row	C-TH Final Plan	DRC, Development Staff	Development Staff	Zoning Administrator	Hearing Officer	District Court
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HISTORY

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SECTION 36: Amendment. Section "19.02.020 " is hereby amended as follows.

...

"Retail Tobacco Specialty Business": ... for tobacco products.

"Reverse Vending Machine": An ... currency, for recyclable materials.

"Review Cycle": The occurrence of the applicant's submittal of a complete land use application; the City's review of that subdivision land use application; the City's response to that subdivision land use application, in accordance with this section; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

"Road, Private": A thoroughfare, ... access to adjoining properties.

"Road, Public": See Street, Public.

...

SECTION 37: Enactment. Section "19.03.005 Applicable Applications" is hereby enacted as follows.

All land use applications including but not limited to annexation, rezone, preliminary plat, final plat, conditional use, site plan, lot line adjustment, conceptual plans, preliminary plan, final plan, general plan amendment, zoning map amendment, and ordinance amendment; shall follow the requirements and review process outlined herein.

SECTION 38: Enactment. Section "19.03.010 Pre-Application Requirements" is hereby enacted as follows.

1. An applicant may request a pre-application meeting with the City's Development Staff prior to the submittal of the application.

2. If/when an applicant requests a pre-application meeting the City shall, within 15 business days after the request (excluding City observed holidays), schedule the meeting to review to concept plan and give initial feedback.

SECTION 39: Enactment. Section "19.03.020 Complete Application" is hereby enacted as follows.

1. Upon an applicant filling out an application, City Development Staff shall check the application to verify all required documentation have been submitted and filled out correctly.

a. If the application is missing required documents and/or is not filled out correctly staff shall notify the applicant within reasonable time period that the application is incomplete and has not been accepted for review.

b. Staff shall provide the applicant with all required corrections to make a complete application submittal.

2. The acceptance of an application for review does not mean that the application or the plans are compliance with code and/or development standards.

3. Incomplete or partial applications shall not be accepted for review.

4. If an application is accepted for review and later determined to be incomplete, the applicant shall be required to submit all documentation required for a complete submittal.

5. All documents shall be submitted in a digital format, unless otherwise specified and/or as directed by the Development Staff, and/or as outlined in the application.

6. Application and resubmittal fees:

a. Fees shall be processed prior to the distribution and review of the application.

b. Fees shall be based on each submittal/resubmittal as outlined in the consolidated fee schedule.

c. A resubmittal shall include all documents requested by the Development Staff and all documents submitted by the applicant that are associated with the application.

d. If an applicant does not address all staff comments in a resubmittal, the review cycle is not complete, which may result in multiple submittal fees per review cycle. Fees shall be based on the number of times an applicant resubmits their application for compliance as outlined in 19.03.050.

SECTION 40: Enactment. Section "19.03.030 Distribution of Application" is hereby enacted as follows.

1. The Community and Economic Development Department shall forward a notice of application to the applicable reviewing departments/divisions which may include but not limited to:

a. Engineer Division

b. Fire Department

c. Planning Division

d. Parks and Recreation Department

e. Legal Department

SECTION 41: Amendment. Section "19.03.040 Review of Application" is hereby amended as follows.

1. No later than 15 business days for a preliminary plat application and 20 business days for final plats and all other land use applications, (excluding City observed holidays), the Development Staff shall complete a review of the application. Review timeframes shall comply with the following criteria:

a. Review timeframes shall start after the day on which an applicant submits a complete application or on which the application is deemed complete.

b. Review timeframes shall not be applicable to applications for development within identified sensitive land areas, applications for an ordinance amendment, including applications for a PRUD overlay, or a general plan amendment.

2. Upon completion of each review, each department/division shall provide the applicant with review comments and application status.

a. The review comments shall list required corrections, including citations to the general plan, ordinances, standards, and/or specific requirements.

b. Development staff may provide an addendum or correction to review comments for each submittal as long as it complies with the timeframes outlined in 19.03.040(1) and 19.03.050(1).

c. Once an application has a status of approved, approved as corrected, recommendation of approval, or recommendation of approval with changes, from each department/division, the Community Development Department shall schedule the application to be reviewed by any required recommending body and subsequently the Land Use Authority.

d. If Development Staff classify an application submittal as not approved or recommendation of denial the applicant may forgo changes or corrections and request the application be reviewed by any required recommending body and subsequently the Land Use Authority.

e. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

SECTION 42: Amendment. Section "19.03.050 Review of Resubmittal/Updates to an Application" is hereby amended as follows.

1. No later than 15 business days for a preliminary plat application resubmittal and 20 business days for final plats and all other land use applications resubmittal (excluding City observed holidays), the Development Staff shall complete a review of the application. Review timeframes shall comply with the following criteria:

a. Review timeframes shall start after the day on which an applicant submits a complete application.

b. Review timeframes shall not be applicable to applications for development within identified sensitive land areas, applications for an ordinance amendment, or a general plan amendment.

2. Once an applicant submits or resubmits corrections for an application, additional documentation shall not be added to the submittal unless requested by the Development Staff.

3. If the applicant wants to change and/or provide updated documents associated with the application process during a review cycle, the review cycle shall start over and the updated documentation will count as an additional submittal, which may result in additional application fees as outlined in the Layton City Fee Schedule. A full submittal shall comply with Layton City Municipal Code 19.03.020 and include all required documentation requested by the Development Staff.

4. A change or correction requested by Development Staff shall comply with U.C.A §10-9a-604.2(5)(d).

5. Resubmittals shall include all documents and plans requested for revisions by the Development Staff and any documents that have been amended by the applicant or new documents provided by the

applicant.

6. Resubmittals shall include the required corrections as outlined in the Development Staff comments and a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances.

7. If the applicant fails to address all review comments and/or does not submit all required changes and/or documents as outlined in the Development Staff review comments, the review cycle shall be classified as not complete.

8. Resubmittals are accepted after each department/division has provided a review memo with the timeframe as outlined in 19.03.040.

9. If the applicant for a single-family, two-family, and/or townhome subdivision does not provide a resubmittal that is compliant with criteria listed in this section within 20 business days (excluding City observed holidays) the Department Staff shall have 35 business days (excluding City observed holidays) to respond to the next resubmittal.

10. Review Cycles:

a. The City may not require more than four review cycles for a preliminary or final plat application that is for a single-family, two-family, and/or townhome subdivision.

b. All other land use applications shall not be limited in the number of review cycles that occur, including by not limited to a rezone and/or conceptual plan for a PRUD subdivision.

c. The review cycles and review timeframes outlined in this chapter shall not be applicable to developments within sensitive land areas.

SECTION 43: Enactment. Section "19.03.060 Application Expiration" is hereby enacted as follows.

All land-use applications shall expire one year from the date on which a complete application or complete resubmittal of an application is accepted by the City. A single extension of up to one year may be granted by the Community and Economic Development Director based on good cause shown.

SECTION 44: Enactment. Chapter "19.03 Land Use Application Requirements and Review Process" is hereby enacted as follows.

SECTION 45: Amendment. Section "19.07.060 " is hereby amended as follows.

Each step should be followed in the order outlined. In addition to the steps outlined below the review of a development within sensitive lands shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein.

1. Meet with Development ... pursuant to this Chapter.

Building permits on single ... intent of this Chapter.

...

SECTION 46: Amendment. Section "19.08.030 " is hereby amended as follows.

- 1. Substantial compliance with ... residential and related purposes.
- 2. Application for the ... of the zoning ordinance.

3. A review of a conceptual, preliminary, or final PRUD development shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as comply with the requirements herein. The limit on numbers of review cycles shall not apply to review of a PRUD regardless of whether the PRUD includes single-family residential, duplexes or townhomes.

HISTORY

...

SECTION 47: Amendment. Section "19.08.130 " is hereby amended as follows.

1. The Development Staff review of a conceptual PRUD plan shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein. Conceptual PRUD plan review examines the PRUD concept plan with respect to such items as density, including the number, type, and location of dwelling units; parking and circulation; adequacy of services; and the impact of the proposed PRUD on surrounding areas.

- 2. Concurrent with any ... 19.17.040 of this Title.
- 3. Conceptual approval and ... Guidelines and Design Standards.

...

- d. Concept building type elevations or perspectives;
- e. Contour lines;
- f. Street configuration, centerline slope, and cross _section;
- g. Location of all cuts and fills;
- h. Existing utilities; and

...

SECTION 48: Amendment. Section "19.09.030 " is hereby amended as follows.

...

- 4. The percentage of ... which are unacceptable; and
- 5. Contents of the ... included in the project.

6. A review of a condominium project shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein.

HISTORY

...

SECTION 49: Amendment. Section "19.13.040 " is hereby amended as follows.

The Development Staff review of a development plan shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein.

Application for remodeling and change of use to a permitted use in an existing structure on a developed site shall be accompanied by and shall comply with the following:

1. Appropriate application form and fee.
2. A site plan ... compliance with municipal codes.

...

- c. All required on-site parking shall be provided.
- d. All landscaping must ... the current City regulations.

e. All approvals, conditions, and agreements shall expire one year from the date of application approval by the Land Use Authority, unless:

i. a development permit has been issued and is being diligently pursued;

ii. a single extension of up to one year has been granted by the Community and Economic Development Director based on good cause shown; or

iii. a further extension beyond one year has been granted by the Appeal Authority based on continued good cause shown.

HISTORY

...

SECTION 50: Amendment. Section "19.13.060 " is hereby amended as follows.

The Development Staff review of a development plan shall comply with the process and criteria outlined in 19.03 on the Layton City Municipal Code as well as the requirements listed herein.

Applications for new construction on an undeveloped site of permitted uses shall be accompanied by the following:

1. appropriate application form and fees;
2. the development plan shall include the following:

...

ii. show waterways and ... the building permit; and

iii. delineate all areas ... as designated by FEMA.

c. ~~a~~A landscape plan shall be submitted consistent with the landscape, fencing and clear view requirements provided in Chapter 19.16.

d. ~~an~~An architectural plan which shall include appropriate drawings of adequate scale showing building materials, exterior elevations, and proposed colors. Garish or bright colors (i.e., orange, bright yellow, or fluorescent colors) should only be used as accents and not the main color. In no case shall such coloring exceed five percent (~~5%~~) of each wall area.

e. ~~include~~Include any other information, exhibits, or models that the applicant deems pertinent.

f. ~~any~~Any other information, plans, or modifications specifically required by the following departments, divisions, or other agencies shall be attached or incorporated in the final development plan:

i. Layton City:

-- Building Inspection Division

...

-- Planning & Zoning Division

-- Legal Department

-- Parks & Recreation Department:

ii. County agencies-;

iii. State agencies-;

iv. Federal and other agencies-;

v. Public Utilities.

g. ~~a~~A traffic impact study may be required by the City, and must be prepared by a registered traffic engineer. The traffic study shall include an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies, and peak home traffic generation and movements.

3. ~~the~~The following design criteria shall be required:

a. all requirements of ... of the following items:

b. dedication and improvements of streets shall be made in accordance with the Master Street Plan, plus any additional right-of-way or fee as may be determined by the City for special circumstances where it is necessary to serve the vehicular and pedestrian needs of proposed development-;

c. a minimum of ten percent of any CP-1, CP-2, CP-3, C-H, and PB commercial site, and 25% of any B-RP commercial site, and 30% of a multiple family residential site shall be landscaped. The landscaped buffer required along public streets by the Layton Municipal Code may be included in computing the percentage of landscaping. Upon request, landscaping requirements may be reduced by the City when, due to the size of the parcel, the amount of landscaping required is unreasonable and cannot be located in useful locations-;

d. landscaping shall be ... service and delivery areas.

e. ~~if~~If more than 50% of the required parking for a development is located between the structure and the public right-of-way, then there shall be a 300 square foot planter area for every 20 parking stalls. Said planter(s) shall be irrigated and have a minimum of two trees and other horticultural plantings. Said planters shall be dispersed throughout the parking area and not combined. This requirement is in addition to the minimum required landscaping for the underlying zoning district.

Said requirements shall apply ... excluding any Interstate Highway.

f. ~~for~~For the purpose of buffering and site compatibility with surrounding development, commercial and industrial projects may require additional landscaping and architectural integration. Landscaping percentages and buffer strips may be increased to ensure compatibility. Site compatibility is particularly important when commercial or industrial projects are developed adjacent to residential and professional office zones.

g. ~~fencing~~Fencing may be required depending on the adjacent land use and the applicant's security needs. Where visual barrier fencing containing wood, metal, plastic, or vinyl strips is either

proposed by the applicant or required by the City, such strips shall be properly secured. Screening of any outside storage shall be required if appropriate, with a combination of fencing, walls, live plants, and/or earth berming. Fences shall be constructed so that significant variations in top line, bottom line, and/or height does not occur due to erratic grading of the site.

h. ~~exterior~~Exterior masonry. Masonry will be required on the exterior of all developments. The minimum area (A) of masonry required (measured in square feet) will be determined by multiplying the outside perimeter (P) of the foundation (measured in feet), by four feet as follows:

$$P \times 4 = A$$

The percentage of masonry ... the building facing streets.

i. ~~alternative~~Alternative materials other than masonry may be used with the approval of the Zoning Administrator only upon finding that the proposed building design will create a more attractive project.

j. ~~façade~~Façade and lengths must be varied.

Structures greater than 60' but less than 120' in length must exhibit a prominent shift in the façade(s) predominantly visible from a public street so that no greater than 75% of the length of the building façade appears unbroken. Each shift shall be in the form of either a ten foot change in building ~~façade~~façade alignment or a ten foot change in roofline height, or a combined change in ~~façade~~façade and roofline totaling ten feet. Structures which exceed 120' in length on any ~~façade~~façade shall provide a prominent shift in the mass of the structure at each 120' interval (or less if the developer desires) reflecting a change in the function or scale. The shift shall be the form of either a 15' change in the building ~~façade~~façade alignment or 15' change in roofline. A combination of both the roofline and ~~façade~~façade change is encouraged. To that end, if the combined change occurs at the same location of the building plane a 15' total change will be considered as full compliance.

k. ~~a~~A clearly defined entry with consideration to the following items will be required:

- i. peaked roof forms~~;~~,
- ii. arches~~;~~,
- iii. canopies or porticos~~;~~,
- iv. raised corniced parapets~~;~~,
- v. outdoor patios~~;~~,
- vi. wing walls with integral planters.
- vii. ~~Overhangs~~overhangs,

~~viii~~viii. architectural details which are integrated into the building structure and design.

l. ~~on~~On commercial/industrial buildings where the Zoning Administrator determines that an unreasonable hardship is created by compliance with Subsection 19.13.060(j), any two of the following items may be required on at least 60% of the façade(s) predominantly visible from a public street(s): (An unreasonable hardship is considered to be financial, structural, or topographical.)

- i. arcades~~;~~,
- ii. awnings~~;~~,
- iii. raised or ground level integral planters~~;~~,
- iv. windows~~;~~,
- v. reveals projecting ribs, false columns, etc.

In allowing this option, ... structural, or topographic difficulties.

4. All approvals, conditions, and agreements shall expire one year from the date of application approval by the Land Use Authority, unless:

a. a development permit or building permit if applicable has been issued and is being diligently pursued;

b. a single extension of up to one year has been granted by the Community and Economic Development Director based on good cause shown, or

c. a further extension beyond one year has been granted by the Appeal Authority based on continued good cause shown.

HISTORY

...

SECTION 51: Amendment. Section "19.14.020 " is hereby amended as follows.

A conditional use permit ... approval of the permit.

1. Application. ~~for a~~ A conditional use permit shall be made by the property owner or certified agent thereof to the Community and Economic Development Department. The Development Staff review of a conditional use application shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed therein.

2. Considerations of conditional ... uses and structures.

a. A conditional use ... accordance with applicable standards.

...

SECTION 52: Amendment. Section "19.17.020 Zoning Map And Ordinance Amendment Application Process And Requirements" is hereby amended as follows.

~~19.17.020 Petition~~Zoning For Map Change And Ordinance Amendment Application Process And Requirements

~~Any person desiring to initiate a change in this Title or the zoning map shall submit a petition to the Planning Director explaining the request and the reasons therefor.~~

1. Any person desiring to initiate a change in this Title or the zoning map shall submit a petition to the Community and Economic Development Department explaining the request and the reasons therefore.

2. A petition to change any portion of the zoning map to a multi-family zone, any mixed-use zone, or any zone with a PRUD overlay shall also be accompanied by a conceptual plan. The conceptual plan shall include:

a. the proposed land-uses;

b. conceptual location of all buildings;

c. conceptual pedestrian and vehicular pathways and access;

d. conceptual off-street parking plan;

e. conceptual elevations;

f. conceptual ground floor plans;

g. all plans shall be completed by a design professional and/or professional engineer/surveyor and drawn to a standard scale large enough to clearly show all details, in no case smaller than one inch to 100'; and

h. the concept plan shall meet the development pattern requirements of the general plan and proposed zone.

i. The preliminary plat/plan, final plat, and site plan shall be compliant with the conceptual plan. Substantive changes to any portion of the conceptual plan shall be approved by the Planning Commission.

~~petition shall be accompanied by an amendment petition fee in an amount determined by resolution Council~~

3. The petition shall be accompanied by an amendment petition fee as outlined in the Consolidated Fee Schedule.

4. A review of a zoning map or ordinance amendment application shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein. The limit on numbers of review cycles shall not apply to review of a Zoning Map Amendment or Ordinance amendment regardless of whether the application includes a concurrent application for a subdivision that includes single-family residential, two-family residential, or townhomes.

HISTORY

...

SECTION 53: Amendment. Section "19.24.050 " is hereby amended as follows.

1. A preliminary plan shall be submitted and approved by the Land Use Authority. ~~Said~~ The Development Staff review of a preliminary plan application shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein. Said preliminary plan shall contain the following information:

- a. A complete and ... proceed with development plans;
- b. Topographic maps of ... greater than two feet;

...

SECTION 54: Amendment. Section "19.24.070 " is hereby amended as follows.

1. After the approval of the preliminary plan and prior to the construction of any building or structure, a final plan shall be submitted and approved by the Land Use Authority. ~~Said~~ The Development Staff review of a final plan application shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein. Said plans may be submitted in phases, provided each phase can exist as a separate project capable of independently meeting all of the requirements of this Chapter. The separate development of said phases shall not be detrimental to the overall project nor to the adjacent properties in the event that

the remainder of the project is not completed. Said final plan shall be drawn to scale and shall contain the following information:

- a. All of those ... submission with preliminary plans;
- b. A certified survey ... with adjoining property descriptions;

...

SECTION 55: Amendment. Section "19.25.050 " is hereby amended as follows.

1. The property owner shall prepare and submit a proposed development plan for the subject property for review and approval by the Land Use Authority. The Development Staff review of a development plan shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein.

2. A Design Review ... the mixed-use development plan.
3. The Land Use ... history, planning, and engineering.

...

SECTION 56: Amendment. Section "19.26.050 " is hereby amended as follows.

1. The property owner shall prepare and submit a proposed development plan for the subject property for review and approval by the Land Use Authority. The Development Staff review of a development plan shall comply with the process and criteria outlined in 19.03 of the Layton City Municipal Code as well as the requirements listed herein.

2. A Design Review ... the mixed-use development plan.
3. The Land Use ... history, planning, and engineering.

...

SECTION 57: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 58: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

PASSED AND ADOPTED by Layton City Council this **18th day of January, 2024.**



JOY PETRO, Mayor
Layton City

Attest:



KIMBERLY S READ, City Recorder
Layton City



DARREN CURTIS, Assistant City Attorney
Layton City



CHAD WILKINSON, Community Development Director
Layton City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Zach Bloxham	<u>X</u>	—	—	—
Clint Morris	<u>X</u>	—	—	—
Tyson Roberts	<u>X</u>	—	—	—
Bettina Smith Edmondson	<u>X</u>	—	—	—
Dave Thomas	<u>X</u>	—	—	—



RECORDED this 18th day of January, 2024.

PUBLISHED OR POSTED this 23rd day of January, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Layton City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. Layton City Center
2. Surf 'n Swim Bulletin Board
3. Davis County Library - Layton Branch

on the above referenced dates.



KIMBERLY S READ, City Recorder
Layton City