



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON APRIL 9, 2025 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. Zoning Code Amendments - Body Art Facilities - CZC 12.12.040, 12.36.040, new 12.55.260, 12.62.040, and 12.62.060 - Legislative Decision (Discussion Item only)
Discussion regarding a future consideration of amendments to various provisions of the Centerville Zoning Code establishing a new definition for body art facilities and establishing such use in various commercial and industrial zones of the City - Includes review and discussion of city code research of other jurisdictions.
2. Zoning Code Amendments - Planned Unit Development and Planned Development Overlay Zone - CMC 15.06 and CZC 12.41 (Discussion Item only)
Discussion regarding a future consideration of amendments to provisions of the Centerville Municipal Code for Planned Unit Developments and to provisions of the Centerville Zoning Code for Planned Development Overlay (PDO) Zones - Includes review and discussion of code amendments and next steps.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval - March 12, 2025
Consideration of Planning Commission Meeting Minutes for March 12, 2025

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

**Jennifer Robison
Centerville City Recorder**

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/9/2025

Item No. 1.

Title: Zoning Code Amendments - Body Art Facilities - CZC 12.12.040, 12.36.040, new 12.55.260, 12.62.040, and 12.62.060 - Legislative Decision (Discussion Item only)

Initiated By: City Council

Staff Representative: Michael Eggett, Lisa Romney, City Attorney

SUBJECT:

Discussion regarding a future consideration of amendments to various provisions of the Centerville Zoning Code establishing a new definition for body art facilities and establishing such use in various commercial and industrial zones of the City - Includes review and discussion of city code research of other jurisdictions.

RECOMMENDATION:

There are no recommendations at this time. Staff would like to review the city code research of other jurisdictions and discuss next steps in this matter.

BACKGROUND:

ATTACHMENTS:

1. 3-12-2024 PC Staff Report Zone Text Amend - 12.12.040 & 12.36.040, Body Art Amend, Centerville City 1st Present
2. Ord 2025-04 - body art facilities-[LR Draft]
3. 12.36.040 Table of Uses for Comm Uses updated draft PC - 20250307
4. Centerville Zoning Code 12.21.100 - Conditional Uses
5. Research Key - Body Art City Codes
6. Bountiful City Chapter 3 Definitions
7. Bountiful City Chapter 6 C - Commercial
8. Bountiful City Chapter 7 Downtown
9. Bountiful City Chapter 10 MXD - Mixed-Use Zone
10. Bountiful City Chapter 2 Part 5 Conditional Uses
11. Layton City Code 19.06.020 - Definitions re Tattoo, Body Use
12. Layton City Code 19.06.000 - Land Uses
13. Layton City Code 19.14 - Conditional Use

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT – PLANNING COMMISSION
AGENDA ITEM – FIRST REVIEW OF PROPOSED ZONING TEXT AMENDMENT

PETITIONER:	CENTERVILLE CITY 250 N. Main Street CENTERVILLE, UT 84014
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING DEFINITIONS FOR “BODY ART FACILITIES”, “PERMANENT COSMETICS”, AND “TATTOO ESTABLISHMENT” in CZC 12.12.040; AMEND THE TABLE OF USES FOR COMMERCIAL USES in CZC 12.36.040; ADD NEW SECTION CZC 12.55.260 “BODY ART FACILITIES AND PERMANENT COSMETICS”; and OTHER ASSOCIATED AMENDMENTS WITHIN CZC 12.62.040 and 12.62.060
RECOMMENDATION:	NO RECOMMENDATION AT THIS TIME (1st REVIEW OF PROPOSED LANGUAGE)

BACKGROUND

On February 18th, 2025, a public hearing was held before the City Council regarding a request by applicant, Nicole Hutchins, to amend the Centerville Zoning Ordinance by suggesting a proposed new addition to the “Definitions” section of the Centerville Zoning Code and amending language within sections of the Table of Uses for Commercial Uses as found in *CZC 12.12.040 and 12.36.040*. Further, prior to that meeting and following the previous review of this matter with the City Council back on November 6th, 2025, City staff (under the direction of the City Council) provided suggested revisions to the applicant’s proposed zoning code text amendment language. Following the February 18th public hearing on this matter, the City Council discussed the request

at length with City staff and the applicant. At the conclusion of the discussion, the City Council approved a motion (3-2 vote) to deny the application due to concerns with location of the applicant's business on Main Street, hard to differentiate definitions of "Fine Line Tattoos" versus any other tattoos, and other administrative and logistical concerns associated with the applicant's request.

During the discussion and following the Council's decision, City staff was directed to evaluate the City's risk relative to this matter and the current status that no tattoo establishments/body art facilities are currently allowed in any zones within the City. Further, staff were directed to work on new language regarding this concern, identify potential locations for this type of use within the Table of Uses for Commercial Uses (*CZC 12.36.040*), and then bring proposed new language forward to the Planning Commission. There was a concern that there should be a zone identified in the City Zoning Codes for a tattoo establishment/body art facility somewhere within the City. Additionally, the City Council noted throughout their deliberation that there wasn't necessarily a concern with the idea of establishing a zoning area to allow for a tattoo establishment/body art facility somewhere that makes the most sense within the City, but the applicant's requested location would not be best suited for a consideration of this proposed use.

The newly proposed language amendments to sections of the City Zoning Code are as follows (see attached proposed Ordinance No. 2025-04 for more):

- (1) amend *CZC 12.12.040* by adding the definition of "Body Art Facilities", amending the definition of "Permanent Cosmetics" to establish more clarity with the definition and clearly differentiate permanent cosmetics from body art facilities, amend "Personal Care Service" to be consistent with other proposed changes, and removing the definition of "Tattoo Establishment";
- (2) amend *CZC 12.36.040 Table of Uses for Commercial Uses* by adding "Body Art Facilities" as conditional/permitted uses in identified potential zones and removing "Tattoo Establishment" from the table;
- (3) enact new zoning code language for the regulation and administration of body art facilities and permanent cosmetics to be set as *CZC 12.55.260*;
- (4) amend *CZC 12.62.040* regarding identified permitted uses and prohibited uses for home occupation uses associated with body art facilities and permanent cosmetics; and
- (5) amend *CZC 12.62.060 Conditional Use Permit Required* to further clarify that permanent cosmetics and body art facilities do not qualify for home occupation business operations and uses in the City under *CZC 12.62.040*.

A public hearing will need to be advertised for this proposed zoning code text amendment request. A public hearing notice will also need to be posted in accordance with State and City Code requirements, should this proposed zoning code text amendment proceed forward to public hearing and consideration.

STAFF ANALYSIS AND COMMENTS

CZC 12.21.080(e) provides four factors to consider when reviewing a Zoning Code or Zoning Map Amendment Application. Only the first factor applies to Zoning Code Text Amendments. Factor number one considers “whether the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives, and policies of the General Plan”. There is a section of the General Plan that are applicable to this request, as this proposed zoning code amendment is associated with commercial development areas within the City.

Commercial development standards are referenced “Part 12-430 Commercial and Industrial Development” of the current City General Plan. A copy of this section of the General Plan has been included in the packet for this item review.

Potential applicable broad guidance for evaluation of this proposed amendment is found in the section that follows:

12-430-1. NEED FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT. Communities are composed primarily of the residents who live in them. These residents need a variety of services to provide the things common to residential lifestyles. Such local services as grocery shopping, medical, banking, automotive, and a host of other needs can be serviced by local commercial developments.

Residents of communities also need a variety of municipal and government services: schools, water, sewers, road construction and maintenance, and police and fire protection are the most common. These services are generally paid for through local taxes such as property and sales taxes. Many studies have shown that residential properties alone generally do not generate the amount of revenue needed to sustain these necessary municipal services. Much of the needed revenue for high quality services comes from commercial and industrial property assessments. Sales tax from local commercial establishments is also an important component in local revenues.

To assist in the provision of revenues for high quality local services, and to provide needed personal and business services, Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community.

There is not a more direct application of the General Plan to the requested proposed zoning code text amendments. Please also note that the General Plan is currently going through a

comprehensive update process that may impact these types of commercial development guidance in the future.

The next step in evaluating this request is to review the established nature of the existing zoning codes found within *CZC 12.12.040*, *12.36.040*, and other associated codes. At this time there is no definition for “Body Art Facilities” within the City. The term “Body Art Facilities” is more in alignment with State Code and Davis County Health Department nomenclature for these activities. Additionally, the term “Body Art Facilities” is not found on the current *Table of Uses for Commercial Uses*. Further, the other associated proposed code amendments clearly are not reflected within the current version of the City Zoning Code. To that point, the existing definition of each of these terms is as follows:

Permanent Cosmetics: A cosmetic treatment involving the controlled insertion of pigment into the skin as a means of producing designs that resemble makeup such as eyebrows and eye lining and other natural enhancing colors to the face, lips, and eyelids and hairline. Permanent cosmetic is solely for enhancing facial features that are already present or to provide artificial eyebrows for those who have lost them as a consequence of old age disease, chemotherapy, genetic disturbance and to disguise scars and skin conditions. It may be referred to as "Semi -Permanent" because occasional touch ups are required.

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, permanent cosmetics, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes Tattoo Establishment.

Tattoo Establishment: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingrainning an indelible pigment, dye, or ink in the skin, or instruction for such a practice. The term excludes Permanent Cosmetics.

This all being said, there could be a potential constitutional concern in respect to the distinction of establishing an identified zoning code location within the City Zoning Code. For this purpose, this matter is being brought to the attention of the Planning Commission for further deliberation, discussion, and direction to the City staff. City legal and city staff are of the opinion that these concerns should be discussed and evaluated to make sure we are making potential zoning code

decisions that are in the best legal interests of the City. City staff plans to provide a more formal recommendation regarding this matter at a later date when this zoning code text amendment proposal may come to the Planning Commission for formal consideration in the future.

POSSIBLE MOTIONS

There are no motions to consider in this matter at this time. However, staff desires to receive consensus direction to be provided by the Planning Commission to City staff, so that staff knows how to proceed moving forward relative to this zoning code text amendment matter.

ORDINANCE NO. 2025-04

AN ORDINANCE AMENDING SECTION 12.12.040 (DEFINITIONS) OF THE CENTERVILLE ZONING CODE TO ADD A NEW DEFINITION FOR BODY ART FACILITY, AMENDING THE DEFINITIONS FOR PERMANENT COSMETICS AND PERSONAL CARE SERVICES, ELIMINATING THE DEFINITION OF TATTOO ESTABLISHMENT, AMENDING SECTION 12.36.040 REGARDING TABLE OF USES FOR COMMERCIAL USES, AND ENACTING SECTION 12.55.260 REGARDING BODY ART FACILITIES AND RELATED FACILITIES

WHEREAS, the City Council directed Staff to prepare Zoning Code Amendments to define body art facilities and to allow such uses in various zones of the City; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Code regarding body art facilities are in the best interest of the City and the public to allow such uses within the City, as more particularly provided herein; and

WHEREAS, the proposed amendments to the Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 12.12.040 of the Centerville Zoning Code regarding Definitions is hereby amended as follows:

12.12.040 Definitions

* * *

Body Art Facility: "Body art facility" means a facility where an individual practices or instructs: (a) body piercing; or (b) tattooing. This term excludes Permanent Cosmetics (as defined herein) and Ear Piercing (as defined in Utah Code § 26B-7-401). Body Art Facility shall not include any of the following activities which are expressly prohibited: branding, scarification, or any practices that are considered medical procedures by a State medical board.

* * *

Permanent Cosmetics: A permanent or semi-permanent ~~A~~-cosmetic treatment involving the controlled insertion of pigment into ~~the skin as a means of producing designs that resemble makeup such as eyebrows and eye lining and other natural enhancing colors to~~ the eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. Permanent cosmetics does not include any medical procedure performed by an individual licensed under the Utah Medical Practices Act as set forth in Title 58, Chapter 67 of the Utah Code, or licensed under the Utah Osteopathic Medical Practices Act as set forth in Title 58, Chapter 8 of the Utah Code.

~~face, lips, and eyelids and hairline. Permanent cosmetic is solely for enhancing facial features that are already present or to provide artificial eyebrows for those who have lost them as a consequence of old age disease, chemotherapy, genetic disturbance and to disguise scars and skin conditions. It may be referred to as "Semi-Permanent" because occasional touch-ups are required.~~

* * *

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, permanent cosmetics, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. ~~The term excludes Tattoo Establishment.~~

* * *

~~**Tattoo Establishment:** Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice.~~

Section 2. Amendment. Section 12.36.040 of the Centerville Zoning Code regarding Table of Uses for Commercial Uses is hereby amended to add body art facility to the list of uses and designating various zones in which such use is permitted or conditional, and eliminating tattoo establishments from the Table of Uses, as more particularly set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. Enactment. Section 12.55.260 of the Centerville Zoning Code regarding Body Art Facilities and Related Facilities is hereby enacted to read in its entirety as follows.

12.55.260 Body Art Facilities and Permanent Cosmetics.

Body Art Facilities and Permanent Cosmetics, as defined in CZC 12.12.040, are regulated activities governed by County and State laws, ordinances, and regulations, including, but not limited to, Utah Code § 26B-7-402 authorizing the State Department of Health and Human Services to promulgate minimum rules of sanitation for body art facilities, and the Davis County Body Art Regulations adopted by the Davis County Board of Health regulating body art and body art facilities within Davis County. Any such facilities permitted herein shall be subject to City, County, and State standards, regulations, and permitting requirements.

Section 4. Amendment. Section 12.62.040 of the Centerville Zoning Code regarding Permitted Uses for Home Occupations is hereby amended to read in its entirety as set forth as follows.

12.62.040 Permitted Use

- (a) Permitted Use. Permitted home occupation uses listed in Subsection (b) may be established as a home occupation in an agricultural or residential zone as a permitted use subject to the development standards of CZC 12.62.050.

(b) Permitted Uses. The uses set forth below shall be allowed as permitted home occupation uses in any agricultural or residential zone:

- (1) Family child care facility;
- (2) Medical service (excluding medical procedures under Utah law);
- (3) Personal care service (excluding permanent cosmetics);
- (4) Personal instruction service; and
- (5) Office, general.

(c) Prohibited Uses. The uses set forth below shall be prohibited as home occupation uses:

- (1) Kennel; ~~and~~
- (2) Stable;
- (2)(3) Body art facility.

HISTORY

Adopted by Ord. 2016-20 on 7/15/2016

Amended by Ord. 2018-05 on 2/20/2018

Amended by Ord. 2019-08 on 5/7/2019

Section 5. Amendment. Section 12.62.060 of the Centerville Zoning Code regarding Conditional Uses for Home Occupations is hereby amended to read in its entirety as follows.

12.62.060 Conditional Use Permit Required

A use not listed in CZC 12.62.040 may be established as a home occupation in an agricultural or residential zone subject to the issuance of a conditional use permit pursuant to the requirements of CZC 12.21.100 and the development standards of CZC 12.62.070, excluding permanent cosmetics and prohibited uses set forth in CZC 12.62.040.

Section 6. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 7. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 8. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 18th DAY OF MARCH, 2025.**

ATTEST:

CENTERVILLE CITY

Jennifer Robison, City Recorder

By: _____
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hayman	_____	_____	_____
Councilmember Hirst	_____	_____	_____
Councilmember Mecham	_____	_____	_____
Councilmember Plummer	_____	_____	_____
Councilmember Summerhays	_____	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the Utah Code § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing Ordinance was duly passed by the City Council and published or posted as required by law.

JENNIFER ROBISON, City Recorder

DATE: _____

RECORDED this ____ day of _____, 2025.

PUBLISHED OR POSTED this ____ of _____, 2025.

Exhibit A

CZC 12.36 (Table of Uses)

Commercial Uses	Zones														
	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Agricultural sales and service	N	P	N	N	N	N	N	N	N	N	C	P	C	P	P
Bail bond service	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Bank or financial institution	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Bed and breakfast	C	N	N	N	N	N	N	N	N	C	P	P	N	N	N
Body Art Facility	N	N	N	N	N	N	N	N	N	N	N	N (C in the C-VH-PDO of Legacy Apts and Legacy Crossing?)	N	C(?)	C(?)
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Car wash	N	N	N	N	N	N	N	N	N	N	C	P	N	P	P
Catering, General	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Convalescent care facility	N	N	N	C	P	N	N	N	N	P	P	P	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N	C	C	P	C	C	C
Family child care facility	See CZC 12.62 (Home Occupations).														
Family group child care facility	See CZC 12.62 (Home Occupations).														
Garden Center	C	P	N	N	N	N	N	N	N	C	P	P	C	C	C
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Gasoline service station	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Hotel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N
Kennel	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Mortuary	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N

Motel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N
Office, general	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Outdoor Nursery/Grower's Outlet	N	C	N	N	N	N	N	N	N	C	C	C	C	C	C
Parking garage	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Parking lot	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Personal care service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Personal instruction service	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N
Printing and copying, limited	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Printing, general	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Produce stand	P	P	N	N	N	N	N	N	N	C	C	C	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N
Recreation and entertainment, outdoor	N	N	N	N	N	C	C	C	C	N	C	C	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	N	N	N	N	C	P	P
Repair service	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Research service	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Restaurant, fast-food	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N	P	P	C	P	N	N
Retail, specialty	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Secondhand store	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Shopping center	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Temporary trailer	See CZC 12.56 (Temporary Uses).														
Towing and Impound Yards	N	N	N	N	N	N	N	N	N	N	N	C ¹	N	P	P
Transportation service	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P

Replace
w/Body Art
and Remove
From Table
of Uses

Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N	N	C	P	C	C	P
Vehicle rental or sale, new, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Vehicle rental or sale, used, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N	N	N	C	N	P	P
Vehicle repair, limited	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Veterinary service	C	P	N	N	N	N	N	N	N	N	C	C	N	P	P
Warehouse, self-service storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See CZC 12.67 (Wireless Telecommunications Facilities).														

Towing and Impound Yards shall only be allowed along the Frontage Road between South Marketplace Drive to the southern Centerville City limit.

HISTORY
 Adopted by Ord. 2016-20 on 7/15/2016
 Amended by Ord. 2017-27 on 11/8/2017
 Amended by Ord. 2018-06 on 2/20/2018

12.21.100 Conditional Use Permit

- (a) Purpose. This Section sets forth procedures for considering and approving conditional use permits.
- (b) Authority. The Planning Commission is authorized to issue conditional use permits as provided in this Section.
- (c) Initiation. A property owner may request a conditional use permit as provided in this Section. An agent of a property owner shall provide a notarized authorization.
- (d) Procedure. An application for a conditional use permit shall be considered and processed as provided in this Section.
 - (1) A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Zoning Administrator along with any fees and deposits set forth in the City Fee Schedule. The application shall include at least the following information:
 - (A) The name, address, email and telephone number of the applicant and the applicant's agent, if any;
 - (B) The address and parcel identification of the subject property;
 - (C) The zone, zone boundaries and present use of the subject property;
 - (D) A description of the proposed conditional use;
 - (E) A plot plan showing the following:
 - (i) Applicant's name;
 - (ii) Site address;
 - (iii) Property boundaries and dimensions;
 - (iv) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (v) Adjoining property lines and uses within 100 feet of the subject property.
 - (F) Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;
 - (G) A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection (e);
 - (H) Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonably deem necessary for proper consideration and determination of whether the application meets the requirements of this Section and applicable provisions of the Zoning Code.
 - (2) After the application is determined to be complete in accordance with CZC 12.21.040(e), the Zoning Administrator shall prepare a staff report analyzing the application.
 - (3) The Planning Commission shall schedule and hold a public hearing on the proposed conditional use permit application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CZC 12.21.050. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (e).

- (4) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Any conditions of approval shall be limited to conditions needed to conform the conditional use permit to approval standards.
 - (5) After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - (6) A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- (e) Approval Standards. The following standards shall apply to the issuance of a conditional use permit.
- (1) A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Title.
 - (2) Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
 - (3) No conditional use permit shall be authorized unless the evidence presented establishes:
 - (A) The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - (B) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - (C) The proposed use will comply with regulations and conditions specified in this Title for such use; and
 - (D) The proposed use will comply with applicable provisions of the General Plan.
 - (4) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection can be met.
 - (5) The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - (A) The suitability of the specific property for the proposed use;
 - (B) The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
 - (C) Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

- (D) The economic impact of the proposed facility or use on the surrounding area;
 - (E) The aesthetic impact of the proposed facility or use on the surrounding area;
 - (F) The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
 - (G) The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
 - (H) The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
 - (I) The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
 - (J) The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.
- (f) Appeal. Any person adversely affected by a final decision of the Planning Commission regarding the transfer, issuance, revocation or denial of a conditional use permit may appeal that decision to the Board of Adjustment as provided in CZC 12.21.200.
- (g) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other applicable provisions of the Centerville Municipal Code.
- (1) A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 - (2) Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- (h) Amendment. The procedure for amending a conditional use permit shall be the same as the original procedure set forth in this Section.
- (i) Revocation. A conditional use permit may be revoked as provided in CZC 12.23.070.
- (1) In addition to the grounds set forth in CZC 12.23.070, any of the following shall be grounds for revocation of a conditional use permit:
 - (A) The use for which a permit was granted has ceased for one year or more;
 - (B) The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use;
 - (C) The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
 - (D) The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 - (2) No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

- (j) Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within 180 days after approval, is not substantially completed within two years, or is abandoned.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Body Art Concept - Code Research Summary

Cities with Ordinances for Body Art/Tattoos

- Bountiful City, Layton City

Cities without Ordinances for Body Art/Tattoos

- Farmington, Kaysville, North Salt Lake, West Bountiful, Woods Cross

BOUNTIFUL CITY CODES

Bountiful City Ordinances for Body Art Tattoos

- BMC Title 14, Chapter 3 “Definitions”
- BMC Title 14, Chapter 6 “Commercial Zone (C)”
- BMC Title 14, Chapter 7 “Downtown Zone (DN)”
- BMC Title 14, Chapter 10 “Mixed Use Zone (MXD)”

Bountiful City Ordinances for Conditional Uses Standards

- BMC Title 14, Chapter 2, Part 5 “Conditional Uses”

Bountiful City Land Use Map

- <https://bountifulut.mapgeo.io/datasets/properties?abuttersDistance=120&latlng=40.871744%2C-111.854639&panel=themes&themes=%5B%22zoning%22%5D&zoom=13>

LAYTON CITY CODES

Layton City Ordinances for Body Art Tattoos

- LMC 19.02.020 “Definitions”
- LMC 19.06.000 “Table of Land Use Regulations”

Layton City Ordinances for Conditional use Standards

- LMC 19.14 “Conditional Uses”

Layton City Land Use Map

- <https://www.laytoncity.org/arcgisportal109/apps/experiencebuilder/experience/?id=f4f1c69bf5b048e98eb397416215f8bb>

CHAPTER 3

DEFINITIONS

14-3-101 PURPOSE

14-3-102 DEFINITIONS

14-3-101 PURPOSE

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Code. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word building shall include the word structure; the words used or occupied shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word shall is mandatory and not directory and the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word lot includes the words plot or parcel. Words which are not included herein, but are defined in the International Building Code, shall have the meaning as defined within said International Building Code.

14-3-102 DEFINITIONS

1. ABANDONED VEHICLE: Any motor vehicle left on public property or private property in such an inoperative, dismantled, wrecked, or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded. A reasonable conclusion that any motor vehicle is "abandoned" includes, but is not limited to, consideration of the amount of time the motor vehicle has been resting in the same place; the state of the motor vehicle's mechanical condition; the state of the motor vehicle's registration and licensing; information provided by the owner of the motor vehicle; and, information provided by surrounding property owners.
2. ABANDONED SIGN: A sign, sign frame, sign pole, or any part of a sign structure which remains on a property which has been vacant or which remains unused for a period of time in excess of 45 days, or which carries no message.
3. ACCESSORY USE or STRUCTURE: A use or structure that:
 - a. is clearly incidental to and customarily found in connection with a principal building or use;
 - b. is subordinate to and serves a principal building or use;
 - c. is subordinate in area, extent, or purpose to the principal building or principal use served;
 - d. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
 - e. is located on the same lot as the principal building or principal use served.
4. ACCESSORY DWELLING UNIT: A self-contained dwelling unit within an owner-occupied single-family residence or in a detached accessory structure located on an owner-occupied property. See Section 14-14-124.

5. ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty-four (24) hours per day.
6. ADVERTISING OR BUSINESS SIGN: A sign which directs attention to a business use, product, commodity, or service.
7. AGENT OF OWNER: Any person with written authority to act for the property owner.
8. A-FRAME SIGN: A freestanding, temporary, and/or movable device constructed of two (2) separate panels and/or sign faces hinged at the top.
9. AISLE SPACE: The area located between or behind off-street parking stalls where traffic circulation and access to the parking stalls is provided.
10. ALTERATION: Any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
11. ALTERATION (Sign): Changing or rearranging any structural part or design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another, including sign face, enclosure, lighting, coloring, copy (except on reader board or changeable copy signs), or graphics.
12. AMUSEMENT DEVICE: Any machine or device whether mechanically or electronically operated, for the purpose of amusement or skill and for the play of which a fee is charged. The term does not include ride machines designed primarily for the amusement of children, or vending machines in which are not incorporated features of chance or skill.
13. ANIMATED SIGN: A sign which
 - a. involves actual motion or rotation of any part of the sign itself by mechanical, electrical, or artificial means, or
 - b. is designed to be moved or is moved by the wind or other natural means, or
 - c. displays motion or the appearance of motion, animation, motion-picture type movement, movement of still images across a screen, flashing or intermittent lighting, color changes, copy changes, changing lighting intensity, or messages through a sequence of progressive changes in lighting; or
 - d. contains an electronic message center, reader board or panel.
14. ANIMATION: Simulated movement of shapes, text and other illustrations.
15. APARTMENT: A room or suite of rooms designated and intended for living and sleeping purposes and used as a dwelling unit.
16. APPEAL OF A FINAL DECISION: A written request made to the appropriate appeal authority, including all required fees, forms, signatures, and exhibits, submitted within the statutory appeal period.

17. **APPEAL PERIOD:** The statutory time frame in which an appeal of a final decision shall be submitted, commencing at the moment the successful vote to approve or deny a land use petition is made by the land use authority.
18. **ARCADE:** Any business catering, though not exclusively, to minors, maintaining four or more amusement devices.
19. **AREA:** The aggregate of the maximum horizontal cross section within given boundaries.
20. **ARTS AND CRAFTS SHOW:** The display and sale of painting, sculpture, handcrafts, and similar objects.
21. **ASSISTED LIVING FACILITY:** Commonly referred to as "residential care", "assisted living" or "personal care community". A residential facility with common area in which services are available to residents who may still live independently within the facility itself. Help is generally offered in day-to-day tasks such as taking medicine, bathing, dressing, using the bathroom, getting to appointments, or preparing meals. A variety of services and amenities such as dining room service, group outings, and recreational and social programs are usually available.
22. **AUTOMOBILE BODY OR FENDER SHOP:** A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
23. **AUTOMOBILE LAUNDRY OR AUTOMATIC CAR WASH:** A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
24. **AUTOMOBILE REPAIR GARAGE:** A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1 1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.
25. **AUTOMOBILE REPAIR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor or generator service, muffler shop, but not including body or fender work or painting.
26. **AUTOMOBILE SERVICE CENTER:** A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting, or upholstery.
27. **AUTOMOBILE SERVICE STATION:** A place where gasoline, or any other motor fuel or lubricating oil or greases for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, or vehicle or trailer sales or rental. This definition shall include self-service, mini-market, and live-in service as accessory uses.

28. AUTOMOBILE TIRE SERVICE CENTER: A place which sells, repairs, and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.
29. AUTOMOBILE OR TRUCK PAINT SHOP: A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.
30. AUTOMOBILE OR TRAILER SALES AREA: An open area used for display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
31. AUTOMOBILE WRECKING YARD: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.
32. AVERAGE GRADE: (See "GRADE PLANE")
33. AVERAGE SLOPE: The words "average slope" shall mean and be determined by the use of the following formula:

$$S = \frac{.00229 (I) (L)}{A}$$

S = Average slope of the entire subdivision or lot, as the case may be, before development or construction.

A = Total area in the subdivision or lot, in acres.

L = Sum of the length of all contour lines, in feet.

I = Contour interval in feet.

34. AWNING: A roof-like structure constructed of fabric, metal, or other material that extends outward with supports extending back to the building, providing a functional protective shield.
35. AWNING OR CANOPY SIGN: A sign painted on, printed on, or otherwise attached to the surface of an awning (see also "ELECTRIC AWNING SIGN").
36. BACKLIGHTING: Illumination positioned inside or behind a sign face such as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer.
37. BANNER: A sign made of fabric or any non-rigid material with no enclosing framework.
38. BASEMENT: Any floor level below the first story in a building, except that a floor level in a building have only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
39. BEACON: Any light with one or more beams directed into the sky or directed at one or more points not on the same parcel of land as the light source; also, any light with one or more beams that rotate or move.

40. BEAUTY SALON/PARLOR: An establishment in which hairdressing, makeup, and similar cosmetic treatments are carried out professionally, including permanent makeup/cosmetics. This does not include body art/tattooing.
41. BED AND BREAKFAST INN: (see also "HOTEL")
42. BEDROOM: A room in a dwelling unit designed, marketed and likely to function primarily for sleeping purposes, separable from other rooms by a door.
43. BEGINNING OF CONSTRUCTION: The time of first excavation for construction.
44. BILLBOARD, OUTDOOR ADVERTISING, and/or OFF-PREMISES SIGN: Any sign which advertises or directs attention to a business, commodity, or service, that is conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
45. BLADE SIGN: (see also "GROUND SIGN")
46. BLOCK FACE: All property fronting upon one side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, City Boundary, public park or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.
47. BOARDER: A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who resides on the premises with the operator, shall not be considered to be a boarder.
48. BOARDING HOUSE: A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective, or other similar services to the occupants.
49. BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
50. BUFFERING DEVICE: A specific application of a wall, fence, landscaping, or any other permitted device to mitigate the impact of another structure or use.
51. BUILDABLE AREA, (BUILDING ENVELOPE): The portion of a lot remaining after required yards have been provided, except that in the Residential Foothill Zone (R-F) land with an average grade or slope exceeding thirty percent (30%) shall not be considered buildable area.
52. BUILDABLE LAND, (USABLE LAND): Any portion of a property that is not encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include a portion of a property that is less than thirty percent (30%) slope.

53. **BUILDING:**
- a. A permanently located structure for the shelter, housing, or enclosure of any person, animal, article, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building. The term building shall not include any form of vehicle, even though immobilized. Where this Chapter requires, or where special authority granted pursuant to this Chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding and enclosed on all sides.
 - b. The act of altering an existing structure or existing terrain. It includes excavating, modifying, or in any way altering unimproved ground for any purposes.
54. **BUILDING, ATTACHED:** A building or buildings connected by any two of the following: a common wall, a continuous wall, a continuous foundation, or a continuous roof line. Walls or fences, patios, porches, terraces or other roofed accessory uses open on at least two (2) sides shall not constitute an attached building.
55. **BUILDING DIRECTORY SIGN:** A pedestrian scale sign which displays the tenant names within a multi-tenant project.
56. **BUILDING FACE, (FACADE):** The vertical portion of any exterior wall of a building including windows, doors, parapet, and mansard, but not including a flat or pitched roof. In a multi-tenant building this shall be defined only as the portion of the exterior wall that directly corresponds to the unit for which the sign is intended.
57. **BUILDING FOOTPRINT:** The portion of a parcel covered by a building or structure at the surface level, measured on a horizontal plane.
58. **BUILDING, HEIGHT OF:** The vertical distance from the grade plane to the highest point of the roof. (See Figures 3-1 and 3-2 at the end of this Chapter)
59. **BUILDING LINE:** A line parallel to the front lot line and at a distance therefrom equal to the required depth of front yard for the zone in which the lot is located and extending across the whole width of the lot.
60. **BUILDING MARKER or HISTORICAL MARKER:** Any marker indicating the name of a building and its construction date, which may or may not include incidental information about its construction or history, and which is embedded or otherwise permanently affixed to the building. Such a marker shall not be defined as a sign.
61. **BUILDING, PRINCIPAL OR MAIN:** The principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this Code shall be construed as constituting a principal building.
62. **BUILDING, PUBLIC:** A public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the state of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the

structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this Title includes:

- a. Properties owned by the state of Utah or the United States government which are outside of the jurisdiction of the city zoning authority as provided under Title 10, Chapter 9a, Section 304, Utah Code Annotated, 1953, as amended; and
 - b. The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States Constitution.
- 63. CANDELA: A measure for luminous intensity established by The International System of Units.
 - 64. CANOPY: A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and support extending to the ground directly under the canopy.
 - 65. CARPORT: A covered automobile parking space enclosed on not more than two sides by walls or doors. For the purposes of this Code, a carport shall be subject to all the regulations prescribed for a private garage.
 - 66. CENTER LINE OF STREET: That line designated as Center Line in any street in the City by the records of the City Engineer.
 - 67. CHANGEABLE COPY SIGN: A sign with information or content which can be changed or rearranged by manual or electric, electro-mechanical, or electronic means. A sign, or portion thereof, on which the message changes more than one (1) time each twenty four (24) hours shall be considered an animated sign and not a changeable copy sign for purposes of this Code.
 - 68. CHURCH: A building or buildings maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.
 - 69. CITY COUNCIL: The duly elected City Council of Bountiful City.
 - 70. CLEARANCE (of a sign): The smallest vertical distance between the grade of the adjacent street, highway, sidewalk or street curb and the lowest point on any sign, including framework and embellishments, extending over that grade.
 - 71. CLINIC, DENTAL OR MEDICAL: A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and a pharmacy, but it shall not include in-patient care.
 - 72. COLLECTOR STREET: An existing or proposed street which is at least sixty (60) feet wide and which is of considerable continuity, and which serves or is intended to serve as the principal traffic way between large separated areas or districts, and which is the means of access to the major street system.
 - 73. COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

- 74. **COMMERCIAL SATELLITE ANTENNA:** The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which exceeds three (3) feet in diameter.
- 75. **COMMERCIAL STORAGE FACILITY:** A building or facility having one or more tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.
- 76. **CONDITIONAL USE:** A use of land for which a Conditional Use Permit is required pursuant to this Code.
- 77. **CONDOMINIUM:** A residential structure consisting of two (2) or more units, each under individual ownership, subject to Section 57-8-1, Utah Code Annotate, 1953, as amended.
- 78. **CONSTRUCTION:** On-site erection, fabrication, installation, alteration, reconstruction, demolition, or removal of any structure, facility, or addition thereto, including all related activities, such as clearing of land, earth moving, excavation, fill, paving, drainage, and landscaping. Also includes the placement, installation, or relocation onto a property of any structure fabricated off-site.
- 79. **CONSTRUCTION SIGN:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- 80. **CONTINUING CARE RETIREMENT COMMUNITY (CCRC):** A residential facility that provides different levels of care ranging from independent living units to skilled nursing care in an affiliated nursing home, based on the residents' needs. The objective is to allow residents the maximum amount of independence as they age while meeting their changing housing, social, and medical needs. Residents may move from one setting to another, but continue to remain part of the overall development.
- 81. **CONTRACTOR'S LOT:** A fenced, landscaped, illuminated open area used to store, repair, or rebuild heavy duty construction equipment and construction material.
- 82. **COPY:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
- 83. **CORNER BUSINESS:** A building or business fronting onto two public streets.
- 84. **COURT:** A space, open and unobstructed to the sky, located at or above ground level on a lot and bounded on three or more sides by walls or a building.
- 85. **COVENANT:** A written agreement between the Buyer and Seller of a parcel of land, or between Bountiful City and a property owner, to protect the interest of the neighborhood and the community.
- 86. **COVERAGE, LOT:** The percent of the total lot area covered by buildings, structures, and roofed areas.
- 87. **DAY CARE, CHILD:** Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision, (regardless of educational emphasis) to children under fourteen years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child day care.

88. DAY CARE CENTERS (COMMERCIAL): Persons, associations, institutions or agencies, which provide day care for thirteen (13) or more children and/or educational opportunities for children for periods of more than four (4) hours in any one day.
89. DEVELOPMENT SITE: The area within the perimeter of a subdivision or a planned unit development, or in the absence of such, the area within the perimeter of a tract, lot, or parcel of land.
90. DIRECTIONAL SIGN: An on-premises sign for traffic direction or for designation of, or direction to, any building or location.
91. DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
- a. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;
 - b. A physical or mental impairment includes the following:
 - i. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - ii. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
 - iii. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.
92. DISMANTLED VEHICLE: Any motor vehicle partially or wholly disassembled.
93. DISSOLVE: An image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with gradual appearance and legibility of the subsequent image.
94. DOMESTIC EMPLOYEE OR HELP: A person who lives as part of the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefore, working within or around the house where they live performing household, maintenance, child care or similar duties in behalf of the family owning said house. No person and no family member of any person who pays rent for himself or his family shall be deemed the domestic employee or help of the person to whom such rent is paid. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees,

whether attached, unattached, or within the single family residence structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic employees must meet all of the requirements applicable to any other dwelling unit in the zone.

95. DOMESTIC STAFF: Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
96. DOUBLE-FACED SIGN: A single sign structure with two sign faces, essentially back-to-back, but which are parallel (no greater than 1 foot apart) or diverge from a common edge by an angle not greater than 30 degrees.
97. DRIVE-APPROACH (see also "CURB-CUT" or "DRIVE-ACCESS"): The portion of a right-of-way located between the outside edge of a street travel-way and an adjacent property and which is used or designated for vehicular passage.
98. DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.
99. DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.
100. DWELLING, SINGLE FAMILY: A building arranged, designed, and intended to be occupied by one (1) family, the structure having only one (1) dwelling unit.
101. DWELLING, TWO-FAMILY: A building arranged, designed, and intended to be occupied by two (2) families, the structure having only two (2) dwelling units.
102. DWELLING, MULTIPLE FAMILY: A building arranged, designed, and intended to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.
103. DWELLING, UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units unless a second kitchen has been approved pursuant to Section 14-4-120 of this title.
104. EASEMENT, PRIVATE UTILITY: A legal interest in land for the stated purpose of access to or placement of utilities serving a specific property or individual.
105. EASEMENT, PUBLIC UTILITY (P.U.E.): A legal interest in land for the stated purpose of access to or placement of utilities serving the general public.
106. ELECTRONIC MESSAGE CENTER (see also "ELECTRONIC READER BOARD" or "ELECTRIC PANEL"): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means, but does not include a digital electronic gasoline price sign that shows numbers only, and does not flash, change colors, show pictures, video or words, or exceed the brightness allowed for electronic message centers.
107. ELDERLY HOUSING: A general term for the different types of age restricted residential developments and facilities allowed under the Federal Fair Housing Act, which include: Senior living units, independent living facility, assisted living facility, nursing home, and continuing care retirement community.

- 108. ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
- 109. ELECTRIC AWNING SIGN: An awning sign which is internally illuminated or “back lit”.
- 110. ELECTRONIC MESSAGE CENTER (see also “ELECTRONIC READER BOARD” or “ELECTRONIC PANEL”): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means.
- 111. FACE OF A SIGN: The area of a sign on which the copy is placed.
- 112. FADE: Means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.
- 113. FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.
- 114. FENCE, PERFORATED (NONSOLID or OPEN STYLE): A fence that is at least seventy-five percent (75%) open which does not present a visual barrier/hazard for pedestrians or drivers.
- 115. FENCE, SOLID: A solid, rigid fence or wall of wood, metal, fiberglass, or masonry, being no more than ten percent (10%) open.
- 116. FINAL DECISION: A successful motion made by the City Council, Planning Commission, or Administrative Committee to approve or deny a land-use item, effective the moment the vote is taken.
- 117. FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- 118. FLAG LOT: A building lot whose access to a public road is through a section of property that is longer than the minimum required front yard setback, and narrower than the minimum required lot width.
- 119. FLASHING SIGN: (see “ANIMATED SIGN”)
- 120. FLAT SIGN (see also “WALL SIGN”): Any sign erected parallel to and attached to an exterior wall of a building with messages or copy on one side only
- 121. FLOODLIGHTED SIGN: Any sign made legible in the absence of daylight by devices which reflect or project light upon it.
- 122. FLOOR AREA: The sum of the areas of one or several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior face of walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Code, or any such floor space intended and designed for accessory heating and

ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

123. FOOTCANDLE: An English unit of measurement for luminance, which is equal to one lumen, incident upon an area of one foot.
124. FREESTANDING SIGN (see also "POLE SIGN"): Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
125. FRONTAGE: The length of the property line of any one premises along a public right-of-way on which it borders.
126. FUNERAL HOME AND/OR MORTUARY: An establishment where the activities necessary for the care and custody of the dead, including refrigeration, embalming; cremation; other necessary care; viewings; wakes; funerals; and other rites and ceremonies consistent with the proper final disposition of the dead, are conducted.
127. GARAGE AND/OR YARD SALE: An occasional sale conducted by a property owner at the owner's place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.
128. GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, designed and/or used primarily for the shelter or storage of vehicles owned and/or operated by the occupants of the principal building, and in which no business for profit is conducted.
129. GARAGE, PUBLIC: Any premises, except those described as private garages, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation repairs, or kept for remuneration, hire, or sale.
130. GARAGE, REPAIR: A structure or portion thereof other than a private garage, use for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by Conditional Use Permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.
131. REGULATORY SIGN: A temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility as authorized by the City Engineer or Planning Director.
132. GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk measured as follows:
 - a. For buildings abutting one street only, the elevation of the sidewalk at the center of that wall abutting the street.
 - b. For buildings abutting more than one street, the average of elevations of the sidewalk at the centers of all walls abutting streets.

- c. For buildings having no walls abutting a street, the average level of the ground adjacent to the exterior walls of the building measured at a line parallel to the wall within six (6) feet of the wall.
133. **GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.
134. **GROUND SIGN** (see also “BLADE SIGN”): A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.
135. **GUEST:** Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.
136. **HANGING SIGN:** A sign which hangs from the eve of a roof or from an approved architectural feature of a building.
137. **HARD SURFACE:** A dust-free paved surface intended for vehicular use, made of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the City Engineer.
138. **HARDSCAPE:** Sidewalks, urban trails, plazas, and other pedestrian-oriented non-vegetative landscaping elements.
139. **HEIGHT OF ANTENNA:** The distance upward from the base of the antenna to the uppermost portion of the antenna. Said distance being measured at a time when said antenna is extended to its greatest height.
140. **HEIGHT OF WALLS AND FENCES:** Such height shall be measured from the highest of the two grades adjacent to the wall or fence, except when the wall or fence is adjacent to an alley or street right-of-way which has a higher grade than that on the adjacent site. For such conditions, the height of the wall or fence shall be measured from the top of the curb or the crown of the alley or street where there is no curb.
141. **HISTORIC BUILDINGS:** Any building listed on the Nation Register of Historic Places, or on the Utah State Register of Historic Sites.
142. **HOME OCCUPATION:** Any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling unit, and for which a home occupation business license has been issued by Bountiful City.
143. **HOSPITAL:** An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such

as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.

- 144. HOTEL (includes "MOTELS" and "BED AND BREAKFAST"): A building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation.
- 145. HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and/or kept for company or pleasure, not for profit. Household pets shall not include chickens, ducks or geese or other domestic farm variety animals nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this Code.
- 146. ILLUMINANCE: The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.
- 147. ILLUMINATED SIGN: Any sign which has characters, letters, logos, figures, designs, or outlines illuminated by internal or external lights, luminous tubes, neon, or similar devices.
- 148. ILLUMINATION, EXTERNAL: Lighting which is mounted so as to illuminate a sign from a remote position or from outside of the sign structure.
- 149. ILLUMINATION, INTERNAL: Lighting which is mounted inside or behind a sign.
- 150. IMAGE: The display of text, numbers or the likeness of an object or living thing of any time on an EMC.
- 151. IMAGE DISPLAY DURATION: Means the period of time that an image remains static.
- 152. IMAGE TRANSITION DURATION: Means the period of time in which one image changes to another on an electronic message center.
- 153. IMPERVIOUS MATERIAL: Any surface material which does not allow for the natural percolation of water into the soil, including but not limited to roofs, concrete patios, hard surface such as concrete or asphalt driveways, tennis and play courts of concrete or similar material.
- 154. INCIDENTAL SIGN: Any sign of two (2) square feet or less.
- 155. INDEPENDENT LIVING FACILITY: An age restricted residential facility with common area, which may be comprised of houses, townhouses, or stacked units. A-la-carte services such as housekeeping, meals, recreational programs, etc., are provided based on the desires of the occupants. Some incidental medical services may be provided. Residents typically do not require assistance with everyday tasks.
- 156. INFLATABLE OR INFLATED SIGN: Any advertising device which is supported by heated or forced air, or lighter-than-air gases.
- 157. INOPERATIVE VEHICLE: Any motor vehicle that cannot be moved under its own power.
- 158. INTEGRAL ROOF SIGN: Any sign erected or constructed as an integral or essentially integral part of a roof structure of any design, such that no part of the

sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

- 159. INTERIOR SIGN: Any sign located within a building so as to be visible only from within the building in which the sign is located.
- 160. JUNK: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.
- 161. KENNEL: A place where three (3) or more dogs of four (4) months of age or older are kept.
- 162. KITCHEN: Any room and/or other place used, or intended or designed to be used for cooking or the preparation of food that is at a minimum comprised of a set of fixed cooking facilities other than hot plates or other portable cooking units.
- 163. LANDSCAPING: The addition of lawns, trees, plants, and other natural decorative features to land. Permeable parking surfaces are not considered landscaping.
- 164. LOGO: An image or design which serves to represent a business or company's identity.
- 165. LOT: A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a recorded subdivision; or a parcel of real property defined by metes and bounds, containing not less than the minimum area and width required in the zone in which it is located (see Figure 3-4).
- 166. LOT AREA: The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.
- 167. LOT, CORNER: A lot situated at the intersection of two streets; or a lot located on a street which does not continue in a straight line and where the angle of departure from the straight line exceeds forty-five (45) degrees (see Figure 3-4).
- 168. LOT, DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines (see Figure 3-4).
- 169. LOT, FLAG: A lot shaped in such a manner as to resemble a flag on a pole where access from the main portion of the lot (the flag) to the public street is by a narrow private right-of-way (the pole), (see Figure 3-4).
- 170. LOT, FRONTAGE: Lot width measured at the required front setback line. When a lot has more than one street lot line, lot frontage shall be measured, and the minimum frontage required by this Code shall be provided, at each such line (see Figure 3-4).
- 171. LOT, INTERIOR: A lot other than a corner lot (see Figure 3-4).
- 172. LOT LINE, FRONT: A line separating an interior lot from a street. For corner lots, the lot owner may elect any street lot line as the front lot line unless otherwise established by a plat or covenant (see Figure 3-3).
- 173. LOT LINE, REAR: The line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or gore-shaped lot, it shall be a straight line ten (10) feet in length which is parallel to the front lot line

or its chord and intercepts the two side lot line at points most distant from the front lot line (see Figure 3-3).

- 174. LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line (see Figure 3-3).
- 175. LOT, STORAGE: A hard surfaced, dust free, landscaped open area, not a street, used to store new or used (not damaged or dismantled), machinery, tools, boats, motor vehicles or trailers, and building materials.
- 176. LOT, SUBSTANDARD: A lot or parcel that has less than the required minimum area or width as established by the district in which it is located and provided that such lot or parcel was legally recorded in a deed or plat on the effective date of this Code.
- 177. LOT, VACANT (UNDEVELOPED): A platted lot or parcel of land upon which no structure exists.
- 178. LOT, WIDTH: The horizontal distance between the side lot lines and measured at the required front yard setback line (see Figure 3-3).
- 179. LOW MAINTENANCE: Materials which do not require frequent replacement, painting, or refurbishing as a result of exposure to the elements.
- 180. LOW PROFILE SIGN: (see "MONUMENT SIGN")
- 181. LUMINANCE: A photometric measure of the luminous intensity per unit area of light traveling in a given direction.
- 182. MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- 183. MAJOR STREET: An existing or proposed street which serves or is intended to serve as a major traffic way, and is so designated on the Master Street Plan.
- 184. MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- 185. MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee.
- 186. MASTER STREET PLAN: The map and documentation which has been approved by the Bountiful Planning Commission and the Bountiful City Council as a plan for the development of the major and collector street system of the City.
- 187. MINOR SATELLITE ANTENNA: The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which is three (3) feet in diameter or less.
- 188. MINOR STREET: An existing or proposed street which is fifty four (54) feet wide or less, is supplementary to a collector street, is of limited continuity, and which serves or is intended to serve the local needs of a neighborhood.
- 189. MOBILE HOME: A vehicular, portable structure built on a chassis and intended to be drawn by a motor vehicle, designed to be used with or without a permanent foundation when connected to utilities and which meets the Department of

Housing and Urban Development (HUD) Federal construction and safety standards for mobile homes and is used for permanent or semi-permanent housing or human occupancy, or as an office, a classroom, a laboratory or for processing, manufacturing, retail sales.

190. MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.
191. MODULAR HOME: A home or other building of new construction which has been assembled fully or in substantial part, upon another site or in a factory and moved to the site where it is to be placed upon a permanent foundation in compliance with the provisions of the International Building Code.
192. MONUMENT SIGN (see also "LOW PROFILE SIGN"): Any on-premises or identification sign incorporated into some form of landscape scheme or planter box.
193. MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.
194. MOVABLE SIGN: (see "PORTABLE SIGN")
195. MULTIPLE-FACED SIGN: A sign containing two (2) or more faces, not necessarily in back-to-back configuration.
196. NATURAL VEGETATION: This term includes orchards, trees, shrubs, lawns, grass, and perennial growth.
197. NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the City Engineer.
198. NIT: A unit of measurement for luminance, which is equal to one candela per square meter, (nit = 1 cd/m²).
199. NONCOMPLYING SITE: A site that legally existed before its current land use designation; and because of one or more subsequent land use code changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
200. NONCOMPLYING STRUCTURE: A structure that legally existed before its current land use designation; and because of one or more subsequent land use code changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
201. NONCONFORMING SIGN: A sign or sign structure that legally existed before its current land use (zoning) designation; and because of subsequent changes to the land use code, does not conform to the regulations that now govern the use of the sign.
202. NONCONFORMING LOT: A parcel that legally existed before its current land use (zoning) designation. Shown continuously on the records of the Davis County Recorder as an independently existing piece of property and because of one (1) or more subsequent land use code changes does not conform to the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

203. NONCONFORMING USE: A use of land that legally existed before its current land use designation that has been maintained continuously since the time the land use code governing the land changed; and because of one or more subsequent land use code changes, does not conform to the regulations that now govern the use of the land.
204. NONCONFORMITY: Is a general term to collectively describe a noncomplying structure, noncomplying site, nonconforming lot, nonconforming sign, nonconforming use, and/or any other item that legally existed before the current land use (zoning) designation of the property where the said item is located, and that, because of subsequent land use code changes does not conform to the regulations that now govern the use of the land.
205. NON-PLANAR: Any object that has more than two substantial surfaces; including a sphere, cube, pyramid, freeform, sculpture, or similar shape.
206. NONRESIDENTIAL TREATMENT FACILITY: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
207. NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
208. OFFICES: A building, room, or department wherein a business or service for others is transacted, but does not include the storage or sale of merchandise on the premises.
209. OFF-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development, located on another parcel of property and not on the site intended for such residential development.
210. OFF-PREMISES DIRECTIONAL SIGN: A sign which provides directional assistance to access an establishment on a site other than the parcel on which the sign is located.
211. OFF-PREMISES SIGN: A sign which pertains to the use of a premises and/or property other than the property on which it is located.
212. ON-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development and located on the parcel of property intended for such residential development.
213. ON-PREMISES SIGN: A sign which pertains to the use of the premises and/or property on which it is located.
214. OPEN SPACE, REQUIRED: The area reserved in parks, courts, playgrounds, swimming pools, and other similar open areas to meet the density requirements.
215. OPEN SPACE, USABLE: Any portion of a lot or building which meets all the following conditions:

- a. The space shall be open to the sky or shall be open to view on at least two sides.
 - b. The space shall be readily accessible by foot traffic from dwelling units to which it is accessory.
 - c. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the Building Official to assure reasonable safe usage by children and/or adults.
 - d. The space shall not be provided in any required front or side yard, parking area, or driveway space.
216. OPEN-STYLE FENCE: A fence that is at least seventy-five (75) percent open and which does not create a visual hazard for pedestrians and drivers.
217. OTHER NONCONFORMITY: A circumstance governed by this Title other than a noncomplying structure, nonconforming lot, nonconforming sign, or nonconforming use that legally existed before the current land use (zoning) designation of the lot where the nonconformity is located, and because of subsequent land use code changes does not conform to the regulations that now govern the use of the land.
218. OUTDOOR DISPLAY: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.
219. PACKAGE AGENCY (STATE LIQUOR STORE): Any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.
220. PARKING LOT: A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, non-inspected, or unlicensed automobiles is prohibited except on lots approved for such purposes.
221. PARKING SPACE: A hard surface, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of not less than nine (9) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle. Permeable parking surfaces as allowed in Section 14-4-110 of this Title also parking spaces.
222. PARK STRIP: That part of public property which lies between the curb and sidewalk.
223. PAWN BROKER: A person who owns and/or operates a pawnshop, and as further defined by State Law.
224. PAWNSHOP: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional sales of personal property, or the purchase or sale of personal property, and as further defined by State Law.
225. PEDESTAL SIGN: A movable sign supported by a column or columns and a base.

226. PENNANT: Any lightweight plastic, fabric, or other material, with or without a message, suspended from a rope, wire, or string, designed to move in the wind.
227. PERMANENT MAKE UP AND COSMETICS: A cosmetic tattooing procedure in which pigments are applied to the skin using a needle or similar tool to enhance natural facial and body features, including but not limited to eyebrow shaping including microblading, eyeliner, lip liner and coloring, micro pigmentation, scalp pigmentation, scar camouflage, etc.
228. PERMEABLE PARKING SURFACE: A parking surface that allows water to pass through to underlying soils. Surfacing materials should generally consist of a well graded mixture of crushed rock and sand which is free from organic materials, or any other reasonable substitute as determined by the City Engineer. Generally, acceptable materials should comply with the gradation requirements for Group Classifications A1, A3, A-2-4, or A-2-5 of the American Association of State Highway and Transportation Officials (AASHTO) Soil Classification System with a maximum particle size of 1.5". Permeable Parking Surfaces must be constructed with a minimum compacted thickness of four (4) inches and be maintained such that it is free of plants and organic material.
229. PERMITTED USE: A use or occupancy of a building or a use of land which is allowed in the respective districts in this Code without specific approval of the Planning Commission but which complies with provisions of the district in which the use is to be conducted.
230. PERSON: A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.
231. PLANER: Having the characteristics of a flat surface or plane; including an object with not more than two identical, flat, parallel surfaces facing opposite directions.
232. PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses.
233. PLANNING COMMISSION: The Planning Commission of the City of Bountiful as duly appointed by the provisions of State Law and this Code.
234. PLAZA: An area open to the public on a controlled basis and used for recreation activities and relaxation. Plazas are paved areas which contain a number of substantial amenities, such as seating, drinking and ornamental fountains, art, trees and landscaping.
235. PRESCHOOL: An educational facility operated on a residential premise, regularly providing an educational program of instruction for not more than twelve (12) children, including the operator's natural, adopted, or foster children less than six (6) years of age, at any one time. Class shall include not more than twelve (12) children for more than four (4) hours a day and shall be operated between the hours of eight (8) a.m. and six (6) p.m. Instructors shall be licensed by the State of Utah and provide at least thirty-five (35) square feet of interior floor area and at least one hundred (100) square feet of secured outdoor play area per child. Such use shall be defined as a home occupation, conditional use for purposes of this Code and be in compliance with all city codes and regulations of such.
236. POLE SIGN: (see "FREESTANDING SIGN")

237. PORTABLE READER BOARD OR TRAILER SIGN: A reader board sign which is mounted on a portable framework or trailer and intended for temporary use.
238. PORTABLE SIGN (see also “Movable Sign”): Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frames; menu and sandwich board signs; balloons or other inflatable figures used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
239. PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio, or television signals from a transmitter or a transmitter relay located in planetary orbit.
240. PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
241. PROMOTIONAL EVENTS: Includes carnivals, craft shows, mechanical and animal rides, or the display and/or sale of merchandise or product that are not typically sold or serviced on the site.
242. PROMOTIONAL SIGNAGE: Temporary devices such as banners, streamers, flags, balloons, pennants, trailer signs, and inflated signs.
243. PROPERTY: A lot or parcel of land together with all structures located thereon.
244. PROTECTIVE HOUSING FACILITY: A facility either: a) operated, licensed, or contracted by a governmental entity, or b) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: 1) abused or neglected children awaiting placement of foster care; 2) pregnant or parenting teens; 3) victims of sexual abuse; or 4) victims of domestic abuse.
245. PUBLIC: That which is under the ownership or control of the United States Government, the State of Utah or any subdivision thereof, Davis County, or the City of Bountiful (or any departments or agencies thereof).
246. PUBLIC OR PRIVATE ASSEMBLY/EVENT SPACE: A business that provides for a fee, indoor and/or outdoor facilities for gatherings, such as weddings, receptions, meetings, parties, ceremonies, or similar activities.
247. PUBLIC UTILITY EASEMENT: The area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.
248. READER BOARD SIGN: (see “CHANGEABLE COPY SIGN”)
249. REASONABLE ACCOMMODATION: A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:
- a. Reasonable: A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.

- b. Necessary: The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
 - c. Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.
- 250. RECORD OF IMPAIRMENT: Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- 251. RECREATIONAL VEHICLE PARK: Any area where one or more travel trailer lots are rented for a relatively short term of occupancy to users of such items as travel trailers, tents, motor homes, etc.
- 252. REGARDED AS HAVING AN IMPAIRMENT: A person is regarded as having an impairment when:
 - a. The person has a physical or mental impairment that does not substantially limit one (1) or more major life activities but is treated by another person as having such a limitation;
 - b. The person has a physical or mental impairment that substantially limits one (1) or more major life activities only as a result of the attitudes of others towards such an impairment; or
 - c. The person has none of the impairments defined in this section but is treated by another person as having such an impairment.
- 253. REHABILITATION/TREATMENT FACILITY: A facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
- 254. RELATED: Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.
- 255. RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.
- 256. RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:
 - a. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;

- b. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Title 26, Chapter 21, Section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.
- 257. RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS: A single-family or multiple-family dwelling that meets the requirements of Sections 10-9-601 through 604, Utah Code Annotated, 1953, as amended, and the provisions of this Code.
- 258. RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:
 - a. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, licensure of programs and facilities; or
 - b. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, health care facilities licensing and inspection act.
- 259. RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Code.
- 260. RETAIL WAREHOUSE SALE: The sale of products or merchandise to the general public by a manufacturing business established on a site which does not operate a retail outlet as a normal element of its business operation.
- 261. RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.
- 262. RETIREMENT HOME or RETIREMENT FACILITY: A residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping, and sanitation. For purposes of calculating density, three (3) beds shall constitute one (1) dwelling unit.
- 263. ROOF SIGN: Any sign erected or constructed on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 264. ROOF, HIGHEST POINT: The coping or parapet on a flat roof, the deck of a mansard roof, or the mean level between the eaves and the ridge for a gable, hip, or gambrel roof.
- 265. ROTATING SIGN: (see "Animated Sign")
- 266. SCINTILLATE or SCINTILLATING: Light flashes, light sparkling, light starbursts, light twinkling, light pulsating, or any other image transition effect or animation in which an image instantly and repeatedly changes.
- 267. SCREENING DEVICE: A specific application of a wall or fence to conceal areas used for refuse, mechanical equipment, parking, service or loading bays or lanes,

multi-family habitation, and commercial and industrial activities from adjacent residential districts or from street views.

- 268. SCULPTURED SIGN: A free-form or three-dimensional sign which has a depth greater than two (2) feet.
- 269. SEASONAL USE: A specific type of temporary use that reoccurs each year for a definite period of time and which occupies the same location and configuration.
- 270. SECONDHAND MERCHANDISE: The purchase, exchange, or sale of used or previously owned personal property, including precious metals, and as further defined by State Law.
- 271. SECONDHAND MERCHANDISE DEALER: An owner or operator of a business that deals in secondhand merchandise, and as further defined by State Law.
- 272. SENIOR LIVING UNIT: Commonly referred to as “senior apartments,” “senior condominiums,” or “retirement community.” An age restricted residential development where residents live independently and do not require assistance with day-to-day activities.
- 273. SEPARATION: The horizontal distance between signs measured parallel with the street or curb.
- 274. SETBACK: The shortest horizontal distance between the property line of a lot and the structure or part thereof.
- 275. SETBACK (sign): The horizontal distance between a property line and the closest edge of the sign structure.
- 276. SHELTER FOR THE HOMELESS: Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary, or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.
- 277. SHELTERED WORKSHOP: An onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.
- 278. SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- 279. SIGN AREA: The total area of all faces and decorative elements of a sign or sign structure, excluding the minimum frame and supports. The exception is that for area calculation purposes, the sign area of a double-faced sign shall be the total area of all face and decorative elements on only one side of the structure. For signs which do not have defined display areas or are irregular in shape, the sign area shall be the area of the smallest rectangle or square which will frame the display.
- 280. SIGN CONSTRUCTION: The materials, architecture, assembly, and installation of a sign.
- 281. SIGN DESIGN: The form, features, colors, and overall appearance of a sign structure.

- 282. SIGN HEIGHT: The vertical distance measured from the highest point of the sign to the grade of the adjacent street, curb, or sidewalk, or the crown of the street where there is no curb or sidewalk.
- 283. SIGN LOCATION: The position on a property where a sign is to be placed.
- 284. SIGN MAINTENANCE: The maintenance of a sign in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the care, good appearance, and safety of said sign. Sign maintenance does not imply that a sign may be altered in any way without a sign permit.
- 285. SIGN SETBACK: The horizontal distance between a property line and the closest edge of a sign structure.
- 286. SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences or other features of existing or proposed construction or land use.
- 287. SNIPE SIGN: A sign for which a permit has not been issued and which is attached to a public utility fixture or other outdoor structure located within a public right-of-way or easement, or located on public property.
- 288. SOFTSCAPE: Landscaping consisting of living plants and organic materials. Permeable parking surfaces are not considered landscaping.
- 289. STATIC: Having no motion of any type or form.
- 290. STORAGE CONTAINER (see also "CARGO CONTAINER" or "FREIGHT CONTAINER"): A pre-manufactured receptacle or vessel that is or appears to be designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities.
- 291. STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.
- 292. STORY, FIRST: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.
- 293. STREET: A publicly dedicated thoroughfare which affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

- 294. STREET, ARTERIAL - MAJOR AND MINOR: A street providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.
- 295. STREET, COLLECTOR - MAJOR AND MINOR: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property.
- 296. STREET, LOCAL: A street providing for direct access to abutting land, and for local traffic movements.
- 297. STREET, PRIVATE: A thoroughfare which is designated for private travel and is in private or public agency ownership over which access is legally denied to the public.
- 298. STREET, PUBLIC: A thoroughfare which is in public ownership and designated for public travel.
- 299. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.
- 300. STRUCTURAL ALTERATION: Any change, addition, or modification in construction of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
- 301. SUBDIVIDER: The party owning the land that is to be subdivided, or its agent, whether it is an individual, corporation of any form, partnership, or other form of operation.
- 302. SWAP MEET: The retail sale or exchange of new, handcrafted, or second-hand items conducted by a sponsor for not more than forty-eight (48) hours; includes flea markets.
- 303. SWIMMING POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, which is designed for swimming, wading or bathing. Hot tubs with hard covers and a capacity of less than one thousand (1,000) gallons are not included in this definition.
- 304. TATTOO PARLOR/BODY ART ESTABLISHMENT: A facility offering services such as tattooing, body piercing, or other body modification procedures in a sterile environment.
- 305. TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted or fixed to the ground.
- 306. TEMPORARY CARNIVALS AND FAIRS: A specific type of temporary use that includes the provision of mechanical and animal rides, games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities outdoors or in a tent or other temporary structure.
- 307. TEMPORARY SALES ACTIVITIES: A specific type of temporary use that includes the sale of products outside of, but in close proximity to, a building by a permanent occupant of a site and includes sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and similar sales.

308. **TEMPORARY SALES OFFICE:** A specific type of temporary use that includes a model home or unit within a subdivision, apartment complex, or planned unit development which serves as an office for the sale or lease of property in that subdivision, apartment complex or planned unit development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.
309. **TEMPORARY USE:** A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.
310. **THRIFT STORE:** A retail operation that deals in secondhand merchandise that is exempt from the provisions of the "Pawnshop and Secondhand Merchandise Transaction Information Act," set forth in Utah Code 13-32a-101, et seq., and as amended.
311. **TOWN-HOUSE** (see also "TOWN-HOME" or "ROW-HOUSE"): A series of three or more single-family dwelling units designed and constructed with at least two-stories of above ground habitable space, and which are attached horizontally at the foundation, roof, and side wall in a linear arrangement, and which have a private ground level entrance and a totally exposed front and rear wall to be used for access, light, and ventilation.
312. **TRADE OR VOCATIONAL SCHOOL:** A post high school educational or vocational training facility.
313. **TRANSITIONAL HOUSING FACILITY:** A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.
314. **TRAVEL TRAILER:** A vehicle, other than a motor vehicle, which is designed or used for temporary human occupancy and for travel or recreational purposes.
315. **UNBUILDABLE LAND (UNUSABLE LAND):** Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.
316. **UNINHABITABLE** (see also "Unlivable"): A structure or property that is determined to be unfit, unsafe, or unhealthy to reside in or occupy due to dilapidation, structural damage, fire damage, exposed wires, sanitation issues, etc.
317. **UNREGISTERED VEHICLE:** Any motor vehicle not currently registered and licensed in accordance with Utah State law.
318. **UNSIGHTLY:** Blighted condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling,

cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

- 319. USE: The purpose for which a parcel or building is designed, arranged or intended or for which it is occupied or maintained.
- 320. USE, PRINCIPAL: The principal use of land or structures, as distinguished from a secondary or accessory use.
- 321. UTILITIES: Gas, culinary water, irrigation water, sewer, storm drain, electric power, and telephone lines, including all poles, wires, pipes, boxes, guy wires and bracing associated therewith.
- 322. VARIANCE: A waiver or modification of the requirements of a land use code as applied to a parcel of property, as set forth in this Title and State Law.
- 323. VEHICLE PART(S): Any items that can be attached to or included as part of or within any motor vehicle.
- 324. VICINITY PLAN: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.
- 325. VIDEO: Simulated movement created by the display of a series of images, creating the illusion of continuous movement.
- 326. WALL OR FENCE: Any structure or device used for confinement, prevention of intrusion, boundary identification, or screening of an activity.
- 327. WALL SIGN: Any sign mounted flush against the facade of a building, painted on a building facade, or that is painted in such a way that it gives the visual appearance of being painted on a wall or building facade but not having a frame or separation from the wall or building facade.
- 328. WIND SIGN: A sign inflated by, or displayed by wind or air.
- 329. WINDOW SIGN: A sign attached to interior or exterior of either a window or door, or located within a building so as to be visible through a window or door from the outside of the building.
- 330. WRECKED VEHICLE: Any motor vehicle damaged to such an extent that it cannot be lawfully operated upon a highway.
- 331. XERISCAPE: A type of landscaping that employs a mix of drought tolerant plants and organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not considered xeriscape. Parking areas are not considered landscaping.
- 332. YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Code.
- 333. YARD, FRONT: A space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly

to the street), the area from the front of the building to the property line shall also be considered a Front Yard.

- 334. YARD, REAR: A space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the back of the building to the property line shall also be considered a Rear Yard.
- 335. YARD, SIDE: A space in the same lot with a building, between the side lot line of the building and the side lot line and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area adjacent to the ends/sides of the building do not become the Side Yard.
- 336. ZERO LOT LINE DEVELOPMENT: Single-family dwellings arranged on lots with one side wall of the building located on the property line.

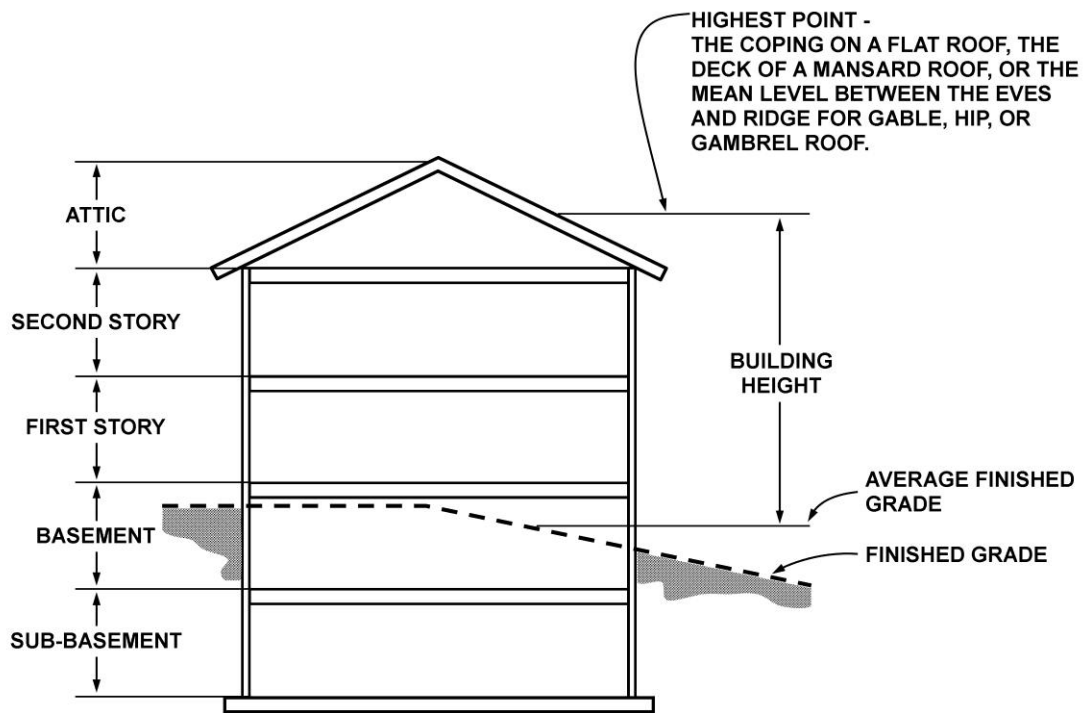
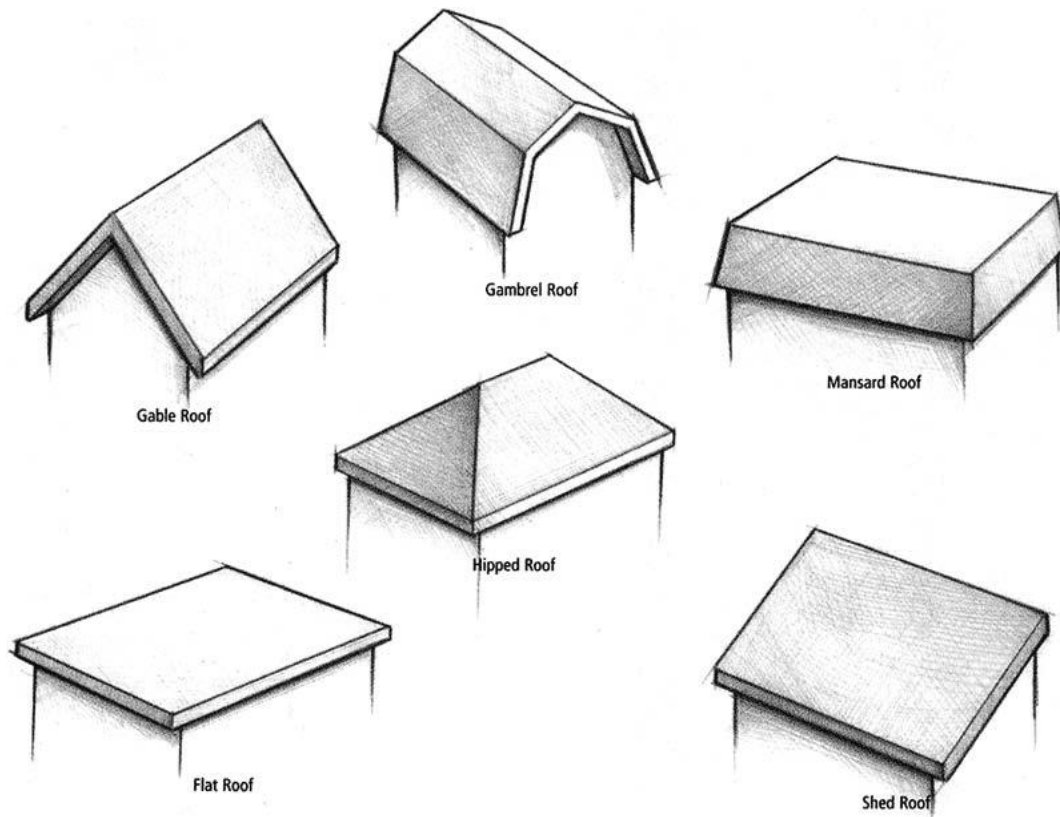


FIGURE 3-1



**FIGURE 3-2
ROOF TYPES**

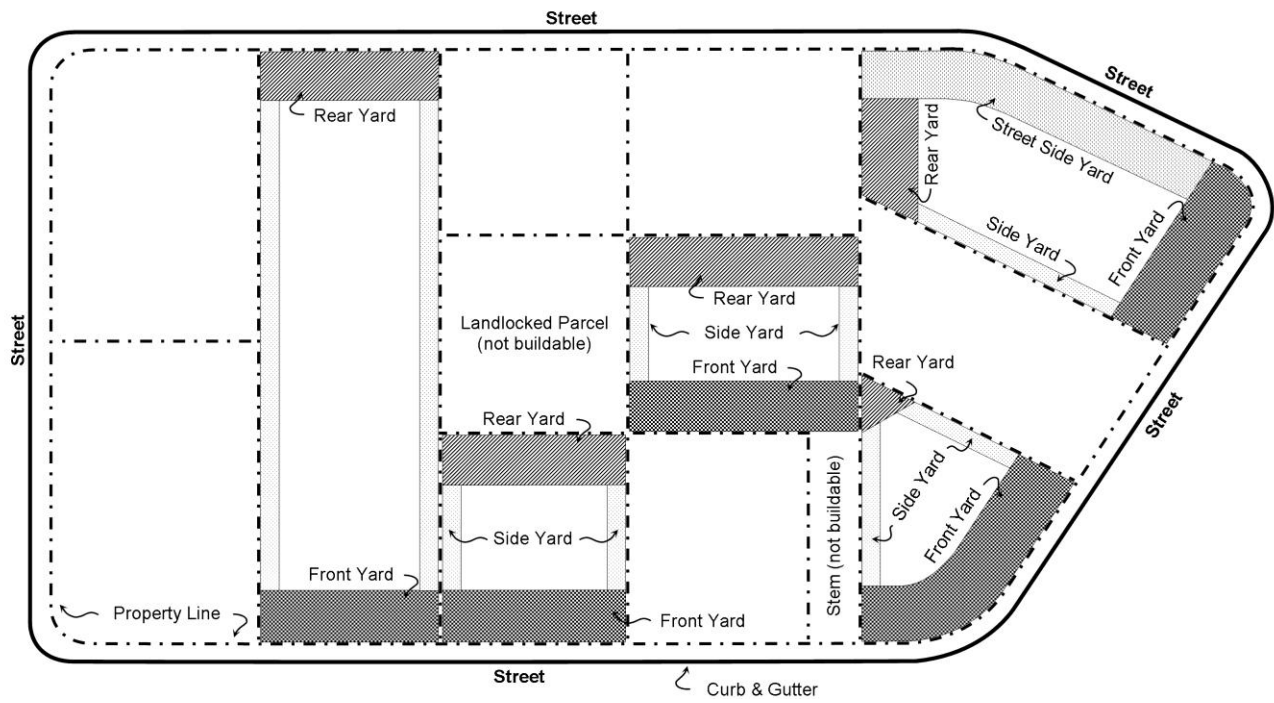


FIGURE 3-3

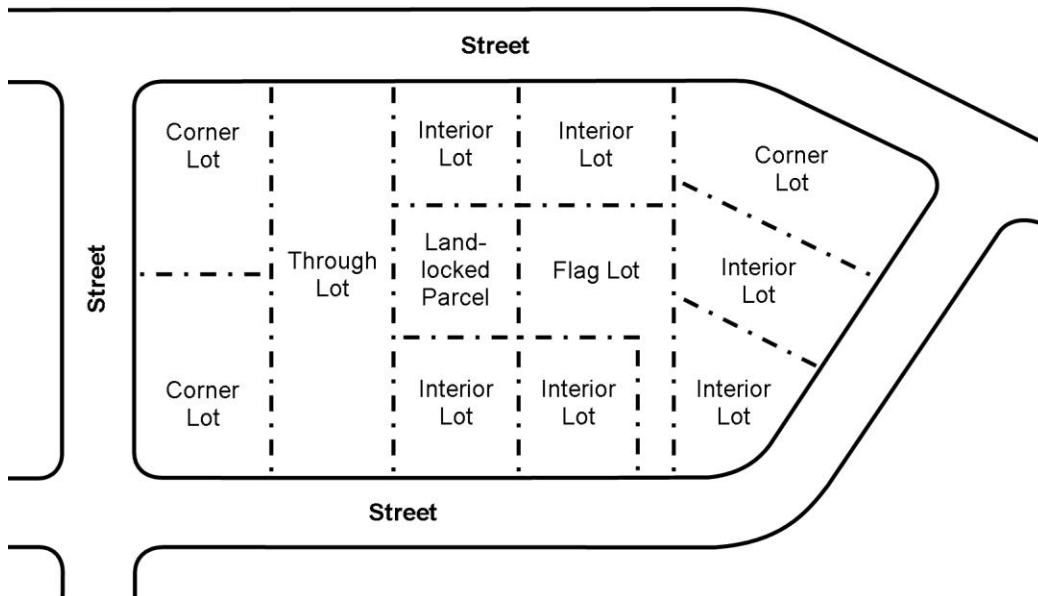


FIGURE 3-4

CHAPTER 6

(C) COMMERCIAL ZONE

14-6-101	PURPOSE AND OBJECTIVES
14-6-102	AREA OF ZONE
14-6-103	PERMITTED, CONDITIONAL, AND PROHIBITED USES
14-6-104	MINIMUM LOT STANDARDS
14-6-105	YARD REQUIREMENTS
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14-6-107	BUILDING HEIGHT
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14-6-101 PURPOSE AND OBJECTIVES

The Commercial Zone (C) is established to provide areas dedicated primarily to retail, office, and service related uses. Within the Commercial zone are various subzones with individual criteria that have been created to address specific needs pertinent to the areas these subzones encompass.

- A. The Heavy Commercial (C-H) subzone is intended for uses which involve heavy automobile and semi-truck traffic, and/or that are regional in nature. Areas zoned C-H should be near or immediately adjacent to major arterials. Typical uses in the C-H subzone include: Big-box retail, light manufacturing, planned commercial developments, office towers, automobile repair and service, outside storage yards and office/warehouse buildings.
- B. The General Commercial (C-G) subzone is intended for uses which involve medium automobile and semi-truck traffic, and/or that are sub-regional in nature. Areas zoned C-G should be near or immediately adjacent to major collector streets. Typical uses in the C-G subzone include: Small retail centers, supermarkets, restaurants, offices and general services.
- C. The Neighborhood Commercial (C-N) subzone is intended for uses which involve light vehicle traffic and/or that are local in nature. Areas zoned C-N should be near or immediately adjacent to collector roads.

14-6-102 AREA OF ZONE

Each area of commercial zoning shall meet the following minimum size:

Table 14-14-102

<u>Subzone</u>	<u>Min. Zone Area (Acres)</u>
C-H	3.0
C-G	2.0
C-N	0.5

14-6-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

Subject to the provisions and restrictions of this Title, the following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Commercial zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-6-103

<u>Use</u>	<u>C-H</u>	<u>C-G</u>	<u>C-N</u>
Assisted Living Center	N	N	N
ATV and Snowmobile Sales w/o Outside Storage and/or Display	P	C	N
ATV and Snowmobile Sales with Outside Display	P	N	N
Bail Bonds	C	N	N
Banks, Credit Unions	P	P	N
Bar, Tavern, Drinking Establishment	C	N	N
Beauty Services, Permanent Makeup and Cosmetics	P	P	P
Bottling, Canning, Food Production	P	C	N
Building/Construction Materials and Supplies w/ Outside Storage	C	C	N
Building/Construction Materials and Supplies w/o Outside Storage	P	C	N
Check Cashing, Title Loans	P	C	N
Construction Services w/ Outside Storage	C	N	N
Construction Services w/o Outside Storage	P	C	N
Convenience Stores	P	C	C
Dry Cleaner, Laundry Service	P	C	C
Fast Food Restaurant w/ or w/o Drive-up	P	C	N
Feed Lots, Animal Rendering, Animal Raising	N	N	N
Fire Arm/Shooting Range – Indoor	C	C	N
Fire Arm/Shooting Range – Outdoor	N	N	N
Food Preparation, Bakery	P	P	C
Funeral Parlor, Cemeteries, and Crematory Services	P	C	N
Gasoline Sales	P	P	C
General Retail w/ Outside Storage	C	C	N
General Retail w/o Outside Storage	P	P	C
Grocery Store	P	P	C
Hotels (Interior room access)	P	C	N
Industrial Manufacturing	N	N	N
Kennels, Animal Boarding	N	N	N
Laundromat (Self-operated)	P	P	C
Mail Order/Online Distribution Office w/ Onsite Indoor	P	C	N

Use	C-H	C-G	C-N
Storage			
Mail Order/Online Distribution Office w/ Onsite Outdoor Storage	C	N	N
Medical/Dental Laboratory	P	C	N
Medical/Dental Office	P	P	C
Millwork, Cabinetry	P	C	C
Motels (Drive-up/exterior room access)	N	N	N
Motorized Recreation	C	N	N
Municipal Facility	P	P	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P	P	C
Pawnshop, Secondhand Merchandise,	C	N	N
Personal Services	P	P	C
Professional Services	P	P	C
Public/Private Assembly	P	P	C
Residential	N	N	N
Restaurant	P	P	C
Security Services	P	N	N
Self Storage Units or Warehouse w/o Office	N	N	N
Sexually Oriented Business, Escort Service	C	N	N
Small Engine/Appliance Repair	P	P	N
Tailor, Seamstress, Shoe Repair	P	P	C
Tattoo Parlor/Body Art Establishment	C	C	N
Telecommunication Facility not on City Property	C	C	C
Telecommunication Facility on City property	P	P	P
Thrift Store	P	C	C
Tutoring, Dance, Preschool, Daycare	P	P	C
Vehicle Part Sales	P	P	N
Vehicle Repair	P	N	N
Vehicle Sales	P	N	N
Vehicle Salvage/Wrecking	N	N	N
Vehicle Service and Wash	P	C	N
Vehicle Storage – Indoor	P	P	C
Vehicle Storage – Outdoor	C	N	N
Warehouse w/ Office	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting – indoor	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting - Outdoor	C	N	N

Accessory uses and structures are permitted in the Commercial Zone provided they are incidental to and do not substantially alter the character of the permitted principal use of the structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. Accessory structures such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the (C) Zone.

- B. Storage of materials used for the construction of a building, including a contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

14-6-104 MINIMUM LOT STANDARDS

The minimum area and street frontage for any lot or parcel in the Commercial Zone shall be as follows:

Table 14-6-104

<u>Subzone</u>	<u>Min. Lot Size (Acres)</u>	<u>Min. Frontage and Width</u>
C-H	0.50	50
C-G	0.50	50
C-N	0.25	70

A corner lot shall meet the minimum frontage and width requirements along both streets.

14-6-105 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the (C) Zone, except that the minimum front, rear, and side yards listed below shall be increased by one foot (1') for each foot in height the structure extends above thirty-five (35) feet, or the portion of the building extending above thirty-five (35) feet may be set back the equivalent horizontal distance. An interior side or rear yard setback may be reduced during the site plan approval process if the land use authority determines that there is no need for a landscape buffer along that portion of the site, and that the public interest is better served by reducing the setback. However, no setback may be less than required by the International Building Code.

- A. Front and Street Yards. Any lot or parcel within the (C) Zone shall have a minimum building setback of twenty (20) feet from any front property line and/or any property line abutting a public street.
- B. Side Yard. Except as provided otherwise in this chapter, any lot or parcel of land in the (C) Zone shall have a minimum building setback of ten (10) feet from a side property line.
- C. Rear Yard. Except as provided otherwise in this chapter, any lot or parcel of land in the (C) Zone shall have a minimum building setback of ten (10) feet from a rear property line.
- D. Yard Abutting Residential Lots. Where property in the (C) Zone abuts a residential lot or parcel, the minimum building setback shall be twenty (20) feet on the abutting side.
- E. Accessory Structure. Each accessory structure shall meet all of the setback requirements of principal structures on the same lot or parcel. An accessory structure that does not require a building permit, as per the International Building Code, may be located in a side or rear setback area only if all of the following conditions are met:
1. The accessory structure is not within a front or street yard setback and is located more than ten (10) feet from any main building on the same or adjacent property.

2. The accessory structure has no openings on the side which is contiguous with the property line, and the walls of said structure which are adjacent to the property line have a fire retardant rating as specified by the IBC.
3. The accessory structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.

14-6-106 PROJECTIONS INTO YARDS

- A. The following items may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
 1. Fences and walls in conformance with this Title.
 2. Landscape elements, including: trees, shrubs, and other plants.
 3. Necessary appurtenances for utility service as long as they are attached to a permitted structure and do not protrude more than two (2) feet into a required setback.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required driveway or pedestrian access:
 - Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 - Stairways, balconies, door stoops, fire escapes and awnings.
 - Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 - A covered entry or porch used for the protection of pedestrians entering or leaving a structure provided said structure is not more than one (1) story in height and is entirely open on at least three (3) sides.

14-6-107 STRUCTURE HEIGHT

No building or structure in the (C) Zone shall exceed forty-five (45) feet in height as measured at the average grade. Chimneys, flagpoles, church towers and similar accessory elements not used for human occupancy are excluded in determining height; however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.

14-6-108 DISTANCE BETWEEN STRUCTURES

The minimum separation between structures shall be ten (10) feet or as required by the International Building Code, whichever is greater. This separation may be reduced through the site plan approval process, except that it shall never be less than distance required by the IBC.

14-6-109 LANDSCAPING

The following landscaping provisions shall apply in the (C) Zone in addition to other requirements of this Title.

1. The minimum amount of landscaping required within each subzone shall be as follows:

Table 14-14-109

<u>Subzone</u>	<u>Min. Percent Landscaping</u>
C-H	15%
C-G	15%
C-N	25%

2. Required landscaping shall be located onsite and shall not include required landscaping within a public right-of-way or any other location not within the property boundaries.
3. All landscaping shall be sprinkled and planted with substantial live plant material for the purpose of buffering, screening, and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
4. A minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
5. A minimum ten (10) feet wide landscape buffer shall be established adjacent to all residential properties.
6. All parking, loading, and drive areas shall have a minimum five (5) feet wide landscape buffer when located adjacent to a side or rear property line, except as noted for buffering between residential uses.
7. Parking areas shall be landscaped as set forth in this Title.
8. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other non-vegetative material are not allowed in the parkstrip area between the curb and sidewalk. Xeriscaping is permitted in accordance with the *Landscaping and Fencing* chapter of this Title.
9. Any area that is not landscaped shall be improved consistent with uses permitted in the (C) zone.

14-6-110 PARKING, LOADING, AND ACCESS

Each lot or parcel in the (C) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this Code.

14-6-111 SITE PLAN APPROVAL

Site plan approval shall be required for any new construction or change in use in the (C) Zone.

14-6-112 OTHER REQUIREMENTS

- A. Signs. Each sign erected in the (C) Zone shall conform to the sign provisions of this Title.
- B. Uses Within Buildings. Each use permitted in the (C) Zone shall be conducted entirely within a fully enclosed building. The exception is that a permitted use may include the outdoor display of merchandise for sale only if all of the following conditions are met:
1. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic.
 2. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.
 3. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. No hazardous and/or flammable materials (such as antifreeze, kerosene, poisons, pesticides and other similar items) may be displayed outdoors.
 4. The aggregate outdoor display area shall not exceed twenty-five percent (25%) of the linear frontage of the store front or ten (10) linear feet, whichever is greater. Businesses located on a corner shall be considered as having two (2) store fronts.
 5. No outdoor display shall exceed six (6) feet in height.
 6. A maximum of fifty percent (50%) of the aggregate outdoor display area may be located in any required landscaping.
 7. Items shall be displayed outdoors only during the hours when the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
 8. Additional signs, beyond those normally allowed for the subject business, shall not be allowed as part of the outdoor display and sales area.
 9. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed fourteen (14) days provided such special displays do not create parking, access or traffic hazards.
- C. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area.

Each development in the (C) Zone shall have adequate on-site, screened refuse containers maintained in a location approved as part of the site plan.

14-6-113 SEXUALLY ORIENTED BUSINESSES

- A. Sexually oriented businesses, as defined in the Bountiful City Code, shall be allowed only as a conditional use and only in the Heavy Commercial (C-H) subzone provided that all of the following criteria are met:
1. The sexually oriented business may not be operated within six hundred (600) feet of a church, synagogue or regular place of religious worship, a public or private elementary or secondary school, or the boundary of a public park, a licensed day-care center, an existing entertainment business that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption, or another sexually oriented business.
 2. For the purpose of this Code, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of religious worship, a public or private elementary or secondary school, or the boundary of a public park, a licensed day-care center, an existing entertainment business that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption.
 3. The sexually oriented business shall apply for and meet all of the criteria for a sexually oriented businesses license and shall continuously maintain current such business license.
- B. It is unlawful for any sexually oriented business to deliver any services whatsoever off premises from the business location in the heavy commercial zone. No delivery or products, maid service, or any other personal service, may be rendered in any other zone, or to any other location in the heavy commercial zone.

CHAPTER 7

DN – DOWNTOWN

14-7-101	PURPOSE AND OBJECTIVES
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14-7-103	PERMITTED, CONDITIONAL, AND PROHIBITED USES
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14-7-101 PURPOSE AND OBJECTIVES

The Downtown (DN) Mixed Use Zone is established to provide a district primarily for the preservation of the mixed use character of the commercial and residential uses in and adjacent to the Main Street downtown area, consistent with the provisions of the adopted Bountiful Historic Downtown Plan.

14-7-102 AREA OF ZONE

Each area of Downtown zoning shall be at least four (4) acres in size.

14-7-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

The following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Downtown zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited. Properties fronting on 100 West or 100 East shall be limited to the residential uses allowed in the (DN) zone.

Table 14-7-103

<u>Use</u>	<u>DN</u>
Detached Accessory Dwelling Unit	C
Internal Accessory Dwelling Unit	P
Assisted Living Center	C
Bail Bonds	N
Banks, Credit Unions	P
Bar, Tavern, Drinking Establishment	N
Beauty Services, Permanent Makeup and Cosmetics	P
Bottling, Canning, Food Production	C

Use	DN
Building/Construction Materials and Supplies w/ outside storage	N
Building/Construction Materials and Supplies w/o outside storage	C
Check Cashing, Title Loans	N
Construction Services w/ outside storage	N
Construction Services w/o outside storage	C
Convenience Stores	C
Dry Cleaner, Laundry Service	P
Fast Food Restaurant w/ drive-thru window	N
Fast Food Restaurant w/ pick-up	C
Fast Food Restaurant w/o drive-thru	P
Feed Lots, Animal Rendering, Animal Raising	N
Fire Arm/Shooting Range – Indoor	N
Fire Arm/Shooting Range – Outdoor	N
Food Preparation, Bakery	C
Funeral Parlor, Cemeteries, and Crematory Services	C
Gasoline Sales	N
General retail w/ outside storage	N
General retail w/o outside storage	P
Grocery Store	P
Hotels (Interior rooms)	P
Industrial Manufacturing	N
Kennels, Animal Boarding	N
Laundromat (Self-operated)	P
Mail Order/Online Distribution office w/ onsite storage	C
Medical/Dental Laboratory	N
Medical/Dental Office	P
Millwork, Cabinetry	P
Motels (Drive-up/exterior rooms)	N
Motorized Recreation	N
Multi-Family Residential – Stand alone, with frontage on Main Street	N
Multi-Family Residential – Stand alone without frontage on Main Street	C
Multi-Family Residential w/ Commercial Use on ground floor (Mixed-Use)	C
Municipal Facility	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P
Pawnshop, Secondhand Merchandise	N
Personal Services	P
Private Schools	C
Professional Services	P
Public/Private Assembly	C
Restaurant	P

Use	DN
Security Services	C
Self-Storage Units or Warehouse w/o Office	N
Sexually Oriented Business, Escort Service	N
Single-Family Dwelling	P
Single-Family Dwelling - property fronting on Main Street	N
Two-Family Dwelling	C
Two-Family Dwelling – property fronting on Main Street	N
Small engine/appliance repair	C
Tailor, Seamstress, Shoe repair	P
Tattoo Parlor, Body Art Establishment	N
Tutoring, Dance, Preschool, Daycare	P
Vehicle Part Sales	N
Vehicle Repair	N
Vehicle Sales	N
Vehicle Salvage/Wrecking	N
Vehicle Service and Wash	N
Vehicle Storage – Indoor	C
Warehouse w/ office	N
Welding, Autobody, Machine Shop, Fiberglass, Painting	N

Accessory uses and structures shall be permitted in the Downtown Zone provided that they are incidental to and do not substantially alter the character of the permitted principal use of a main structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. Accessory structures such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the (DN) Zone.
- B. Storage of materials used for the construction of a building, including a contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

14-7-104 MINIMUM LOT STANDARDS

The minimum area and street frontage for any lot or parcel in the Downtown Zone shall be as follows:

Table 14-7-104

<u>Use</u>	<u>Min. Lot Size</u>	<u>Min. Frontage and Width</u>
Commercial	8,000	50
Mixed-Use	8,000	50
Single Family	8,000	70
Two-Family and Multi-Family	10,000	50

- A. Lots with more than one (1) street frontage shall meet the minimum requirements along all frontages.
- B. An existing lot or parcel that does not meet the minimum requirements shall be considered a non-complying lot, and all proposed development on such lot or parcel requiring site plan review shall follow the process for non-complying sites and structures.

14-7-105 YARD REQUIREMENTS

A lot or parcel with a single family or two family dwelling shall conform to the minimum setbacks of the R-4 subzone. All other uses, including multi-family and mixed-use, shall meet the following requirements:

- A. Front and Street Setbacks.
 - 1. Along 100 West and 100 East any building shall have a minimum building setback of 20 feet and a maximum setback of twenty-five (25) feet from any front property line and/or any property line abutting a public street.
 - 2. Along Main Street any building shall be located within ten (10) feet of the street property line. Plazas, outdoor eating areas, and other pedestrian oriented site amenities, including but not limited to, seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians, shall be considered part of the building for setback purposes, as determined by the approving Land Use Authority.
 - 3. Along 500 South, 400 South, 300 South, 200 South, 100 South, 100 North, 200 North, or 300 North and 400 North any building shall be setback at least ten (10) feet and not more than twenty (20) feet from the street property line. When any building faces Main Street, the streetside yard shall be located within ten (10) feet of the street property line.
 - 4. Along Center Street, any building shall be setback at least five (5) feet and not more than ten (10) feet from the street property line.
- B. Side Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from an interior side property line. Any lot or parcel that fronts onto Main Street shall have no interior side yard setback except as required by the International Building Code.
- C. Rear Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from a rear property line.

- D. Yard Abutting Residential Lots. Where property abuts an existing single family residential zone, the minimum building setback shall be ten (10) feet on the abutting side.
- E. Accessory Structures. An accessory structure shall meet all of the setback requirements of a principal structure. An accessory structure that does not require a building permit, according to the International Building Code (IBC), may be located in a side or rear setback area only if all of the following conditions are met:
1. The accessory structure is not within a front or street yard setback and is located more than ten (10) feet from any main building on the same or adjacent property.
 2. The accessory structure has no openings on the side which is contiguous with the property line, and the walls of said building which are adjacent to the property line have a fire retardant rating as specified by the IBC.
 3. The accessory structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.
 4. A non-flammable carport, open on all sides with a roof structure, shall have a minimum rear and side yard setback of five (5) feet from structural posts and one (1) foot from the roof to the property line, and shall not be placed in the front yard setback of the main structure.
- F. Residential Uses. It is the requirement of Bountiful City that multiple family developments reflect a sense of proportion. Proportion requires that the development be designed in such a manner that each unit receives a reasonable and approximately proportionate share of the open space, landscaping, and other benefits of the site. Locating units in such a way that benefits of the site fall primarily to one unit or a few units, and not to others, is prohibited. Depending upon topography, property dimensions and site configuration, it is possible that this requirement may affect the number of units that can be physically located on a lot or parcel. The Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement, and may modify yard setback requirements by up to twenty (20) percent subject to a finding that such modification will benefit all units more equally than would be possible if the standard requirement was applied.

14-7-106 PROJECTIONS INTO YARDS

- A. The following structures may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
1. A fence or wall in conformance with this Code.
 2. Landscape elements, including: trees, shrubs and other plants.

3. Necessary appurtenances for utility service as long as they are attached to a permitted structure and do not protrude more than two (2) feet into a required setback.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required driveway or pedestrian access:
1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
 2. Stairways, balconies, door stoops, fire escapes and awnings
 3. Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 4. A covered entry or porch used for the protection of pedestrians entering or leaving a building, provided said structure is not more than one story in height and is entirely open on at least three (3) sides.
- C. Buildings that front onto Main Street and that are built within ten (10) feet of the front property line may have canopies with business identification sign area if the following criteria are met:
1. The canopy may protrude a maximum of six feet (6') into the Main Street right-of-way, over areas of sidewalk.
 2. The canopy shall not come within seven feet (7') of any parking stall, drive lane, or other portion of the right-of-way used for vehicle access.
 3. The total combined length of the canopy or canopies shall not exceed two thirds (2/3) of the building width.
 4. The maximum height of the canopy shall not exceed five feet (5').
 5. Off-premise signs are expressly prohibited.
 6. Canopy sign copy area shall be a maximum of thirty-two (32) sq. ft. per property.

14-7-107 STRUCTURE HEIGHT

Any lot or parcel with a single family dwelling shall conform to the maximum height requirements of the R-4 subzone. All other uses shall comply with the following height standards:

- A. Buildings located within 50 feet of the street property line on 100 West and 100 East shall not exceed 35 feet in height as measured at the average grade.
- B. Buildings located between 50 and 200 feet from the street property line on 100 West and 100 East shall not exceed 45 feet in height as measured at the average grade.

- C. Buildings located at least 200 feet from 100 West and 100 East street property line shall not exceed 55 feet in height measured at the average grade.
- D. Maximum height for public and quasi-public buildings shall be approved through the site plan approval process by the land use authority.
- E. Chimneys, flagpoles, towers, steeples and similar accessory and architectural elements not used for human occupancy are excluded in determining height; however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.
- F. In no case shall the area covered by roof mounted equipment exceed twenty percent (20%) of the roof area. Roof mounted equipment shall be setback from the edge of the roof a minimum of 1 foot for every foot of height. If mechanical equipment is located within roofed and enclosed structures, these structures shall not exceed the maximum height for the zone whether or not these areas are designed for human occupancy.

14-7-108 DISTANCE BETWEEN STRUCTURES

A lot or parcel with a single family or two family dwelling shall conform to the minimum building separation requirements of the R-4 subzone. For all other uses, the minimum separation between structures shall be as required by the International Building Code.

14-7-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE

- A. A lot or parcel with a single family or two family dwelling shall follow the lot coverage requirements of the R-4 subzone. All others, including multi-family and mixed-use developments, shall conform to the following criteria, in addition to any other requirements of this Title:
 - 1. All landscaping shall be sprinkled and planted with substantial live plant material for the purpose of buffering, screening and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
 - 2. With the exception of properties fronting on Main Street a minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
 - 3. A minimum ten (10) feet wide landscape buffer shall be established adjacent to a residential property.
 - 4. Parking, loading, and drive areas shall have a minimum five (5) feet wide landscape buffer when located adjacent to a side or rear property line, except for landscape buffering required between residential uses.

5. Parking areas shall be landscaped as set forth in this Code.
 6. Approved landscaping must cover a minimum of ten (10) percent of the development site exclusive of any parkstrips in a public right-of-way. In addition to the minimum 10 percent required for all development, mixed-use and multi-family uses shall provide an additional 50 square feet of landscaping per residential unit.
 7. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, rocks, gravel, and other non-vegetative material is not allowed in the parkstrip area between the curb and sidewalk.
- B. During the site plan approval process, the City may require more or less landscaping consistent with the provisions of the adopted Historic Downtown Plan.

14-7-110 PARKING, LOADING, AND ACCESS

- A. Each lot or parcel in the (DN) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this Code. In addition to the standards of Chapter 18 of the Land Use Code, the following shall apply to properties in the DN Zoning district.
1. Off street parking is not permitted in the front setback area and/or between the street and building. Parking shall be located to the side or rear of the building.
 2. Parking for buildings fronting on Main Street shall be located completely behind the principal structure.
 3. Required guest parking stalls shall be located in dedicated off-street parking spaces. Driveways and areas located in front of garage doors (for example in townhome style developments) shall not be used to satisfy minimum guest parking requirements.

14-7-111 SITE PLAN APPROVAL

Except for single family dwellings, site plan approval shall be required for any development in the (DN) Zone as set forth in this Title.

14-7-112 OTHER REQUIREMENTS

- A. Signs. Any sign erected in the (DN) Zone shall conform to the sign provisions of this Title. Single family and two family dwellings shall conform to the criteria for the R-4 subzone, and multi-family uses shall conform to the criteria for the RM-13 subzone. All others shall conform to the criteria for the DN zone. Pole signs shall not be permitted.

- B. Uses Within Buildings. Any commercial use permitted in the (DN) Zone shall be conducted entirely within a fully enclosed building, except as provided in subsections 1 and 2 below.
1. Outdoor Display of merchandise for sale in the downtown area. Businesses located in buildings in the (DN) Zone that have setbacks less than three (3) feet from the public right-of-way may display in the public right-of-way, subject to the following terms and conditions:
 - a. Any display of merchandise on the sidewalk may not exceed three (3) feet into the public right-of-way from the property line of the business, except during the annual “Sidewalk Days” celebration. There may be no display of merchandise in the planter boxes in the public right-of-way.
 - b. During the winter months, a display may not impede snow removal from the sidewalk.
 - c. The display shall not exceed twenty-five percent (25%) of the width of the lot, parcel, or business. However, businesses with less than forty (40) feet of width may have a display not to exceed ten (10) feet in width.
 - d. Only merchandise sold inside the business may be displayed outside.
 - e. No outdoor display shall exceed six (6) feet in height.
 - f. Each display shall be taken down at the end of each business day. The merchant shall be solely responsible for items displayed.
 - g. Each display shall not create a hazard, sight distance, or other problem to pedestrians on the sidewalk or to drivers on the street.
 - h. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign or device.
 2. Any business not listed in subsection 1 may include the outdoor display of merchandise for sale only if all of the following conditions are met:
 - a. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic.
 - b. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.

- c. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. No hazardous and/or flammable materials (such as antifreeze, kerosene, poisons, pesticides and other similar items) may be displayed outdoors.
- d. The aggregate outdoor display area shall not exceed twenty-five (25) percent of the linear frontage of the store front or 10 linear feet, whichever is greater. A business located on a corner shall be considered as having two (2) store fronts.
- e. No outdoor display shall exceed six (6) feet in height.
- f. A maximum of fifty (50) percent of the aggregate outdoor display area may be located in any required landscaping.
- g. Items shall be displayed outdoors only during the hours that the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
- h. Additional signs, beyond those allowed by this Title, shall not be allowed as part of the outdoor display and sales area.
- i. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed fourteen (14) days provided such special displays do not create parking, access, or traffic hazards.

C. Structure Design and Materials.

Any structure, except for single and two family dwellings, shall meet the minimum design criteria as set forth in this Title. In addition, the following shall apply.

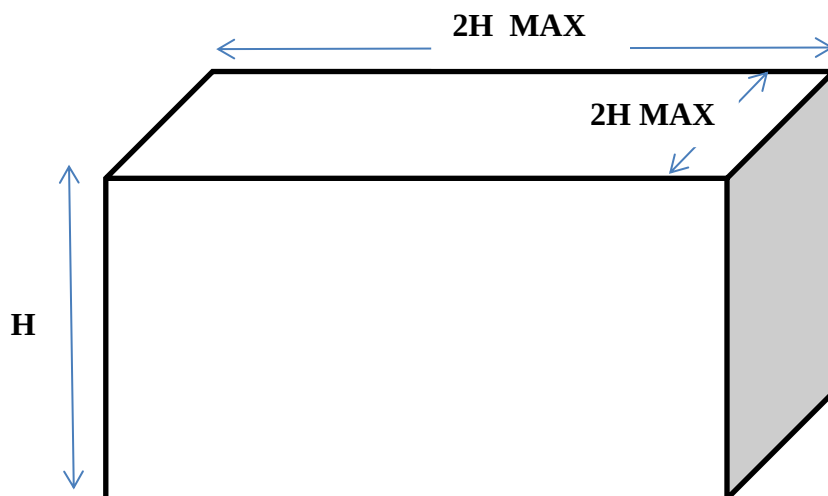
- 1. Exteriors shall be maintenance free wall material such as high quality brick, natural stone, weather resistance stucco or masonite type material, or non-wood siding. Stucco, masonite or siding may not exceed fifty (50) percent of the exterior.
- 2. Each residential unit shall have some private outdoor space in the form of a balcony or patio.
- 3. The primary entrance of a building must be oriented to face a street, public plaza or approved pedestrian-way. Ground floor residential units located adjacent to the street shall have the primary entrance oriented toward the street.
- 4. Primary entrance design shall consist of at least two (2) of the following design elements, or a comparable substitute, at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street.

- a. Architectural details such as arches, friezes, tile work, canopies or awnings
 - b. Integral planters or wing walls that incorporate landscape or seating.
 - c. Recessed entrances that include a minimum step back of two feet (2') from the primary facade and that include glass on the sidewalls.
- 5. All buildings must meet the ground with some form of base element or detailing to visually connect the building to the landscape. The base element may be smooth concrete (architectural grade), masonry or stone.
- 6. Blank walls shall be prohibited on street-facing facades. At least 50 percent of the width of a new or reconstructed first story building wall facing a street shall be devoted to pedestrian entrances, display windows or windows affording views into retail, office, restaurant, or lobby space. All development shall provide ground floor windows on the building facade and adjacent to a public or private street. Darkly tinted windows and mirrored windows are prohibited as ground floor windows.
- 7. To preclude large expanses of uninterrupted building surfaces, exterior elevations shall incorporate design features such as offsets, balconies, projections, or similar elements along each face of the building facing a public right-of-way or public plaza. Along the vertical face of the structure, offsets shall occur at a minimum of every 25 feet by providing any two of the following:
 - a. Recesses (elevated decks, patios, entrances, etc.) with a minimum depth of four (4) feet, or
 - b. Extensions (elevated decks, patios, entrances, floor area, etc.) with a minimum depth of four (4) feet, or
 - c. Offsets or breaks in roof elevations of three (3) or more feet in height.
- 8. Buildings with parking located on the ground floor within the footprint of the structure shall incorporate design features into street facing facades that are consistent with the remainder of the building design and that are pedestrian oriented. Features shall include elements typical of a front façade, including doors, false windows, planters, and/or architectural details providing articulation. False windows shall be integrated into the framing of the building and shall not consist of surface mounted features such as tacked on display cases. Required venting for parking areas, including louvered openings, shall not be located along a street facing façade.
- 9. Ground Floor Use Requirement: For buildings located at least 200 feet from 100 West and 100 East the ground floor story of structures located adjacent to the street shall be built to accommodate an allowed commercial, institutional, or

public use. Required ground floor use shall be located along and oriented toward street frontages and shall be a minimum horizontal depth of 25 feet as measured from the front face of the building. With the exception of buildings fronting on Main Street, residential uses may be permitted within the required area in lieu of the required use, if the ground floor is designed so that it can be converted to an allowed commercial use in the future. To accommodate this conversion, the shell space of the ground floor shall be built to an occupancy standard required by the adopted Building Code that can accommodate conversion of the interior of the space to a future permitted commercial use. The following additional requirements shall apply to the ground floor space if used for residential uses:

- a. The shell space shall be at least twelve feet (12') in height measured from floor deck to floor deck;
 - b. Each ground floor unit shall have a direct entrance from the sidewalk to the unit;
 - c. Each ground floor unit shall be ADA accessible; and
 - d. Each ground floor unit shall include a porch, patio, stoop or other entrance feature that is a minimum depth of at least five feet (5').
10. The overall width or depth of a mixed use or multi-family residential building shall not exceed twice the maximum building height allowed. In cases where two building height standards apply based on setbacks, the 2:1 ratio shall be calculated from the highest possible height allowed for the building. See Figure 14-7-112-C.

Figure 14-7-112-C



- D. Neighborhood Compatibility. Each structure, except for existing single and two family dwellings, shall be designed consistent with the adopted Historic Downtown Bountiful

Master Plan, particularly with regard to building height, architecture, landscaping and building mass.

- E. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. With the exception of single family and two family dwellings, each development in the (DN) Zone shall be required to have adequate, on-site, screened refuse containers maintained in a location approved as part of the site plan.
- F. Walls and Fences. Any wall or fence erected around a commercial development or mixed use development shall comply with the requirements of the (C-G) zone. Any multi-family development shall comply with the requirements for the RM-13 subzone. Any single family and two family developments shall comply with the provisions of the R-4 subzone.

14-7-120 PERMITTED ADJUSTMENTS TO REQUIRED PARKING

- A. Downtown Parking District Defined.

The Downtown Parking District consists of those properties located within the (DN) Zone.

- B. Proximity of Parking to Use.

Required parking spaces for residential uses must be located on site. Required parking spaces for nonresidential uses must be located on site or in parking areas within five hundred feet (500') of the development site property boundary. Off-site nonresidential parking is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the parking area will be large enough for the anticipated demands of both uses; and
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

- C. Joint Use Parking.

Joint use of required parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 2. The location and number of parking spaces that are being shared;
 3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- D. No parking calculation which includes the parking areas owned by the Bountiful Redevelopment Agency gives any right of possession, any real estate interest or contract right or right of way on any Redevelopment Agency property.

CHAPTER 10

(MXD) MIXED-USE ZONE

14-10-101	PURPOSE
14-10-102	ZONE/PROJECT EVALUATION
14-10-103	SITE CHARACTERISTICS
14-10-104	SUB-ZONE STANDARDS
14-10-105a	PERMITTED USES
14-10-105b	PROHIBITED USES
14-10-106	DEVELOPMENT PLAN
14-10-107	DEFAULT SETBACKS AND HEIGHT LIMITATIONS
14-10-108	DEVELOPMENT CHARACTERISTICS
14-10-109	DEVELOPMENT PROCEDURES

14-10-101 PURPOSE.

The purpose of the Mixed-Use (MXD) zoning classification is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers "live, work, and play" opportunities within convenient walking distance of each other.

14-10-102 ZONE/PROJECT EVALUATION

All proposals to include a property within an MXD zone, and all development proposals within an existing MXD zone, shall at a minimum be evaluated based on their compatibility with:

1. The Bountiful City General Plan
2. The Bountiful City Code and Zoning Code
3. The purpose and characteristics of the MXD Zone
4. Sound planning practices
5. Surrounding land-uses
6. All other City-approved studies

The City may deny any zone map amendment or development proposal that does not comply with any of these criteria.

14-10-103 SITE CHARACTERISTICS

The typical site zoned MXD shall encompass at least five (5) acres; however, smaller projects that demonstrate outstanding characteristics may also be considered. Sites zoned MXD should be adjacent to major automobile and public transit corridors and should have direct access to both.

14-10-104 SUB-ZONE STANDARDS

Each sub-zone shall have an emphasis toward a particular category of land-use. Percentages are based on the total square footage of floor area within a project and include areas within a structure (floors of a building) and open spaces or public areas on the surface of the land (sidewalks, parks, etc.).

MXD-R	50% - 75% sq. ft. in residential uses
MXD-C	50% - 75% sq. ft. in commercial uses
MXD-PO	50% - 75% sq. ft. in professional office uses
MXD-PF	50% - 75% sq. ft. in public facilities
MXD-E	50% - 75% sq. ft. in entertainment/hotel uses
MXD-M	No one category of uses may exceed 33% of the total sq. ft.

14-10-105a PERMITTED USES

Underlined uses may not be located on individual pad sites or parcels. They must be part of a larger building or physically connected and integrated into the complex. Residential uses may not exceed twenty five percent (25%) of the total project floor area, except as indicated by the sub-zone designation.

Residential

Multi-family - minimum one (1) covered space per unit. Underground and/or structured parking recommended; carports are not permitted without specific City Council approval.

Office

Professional offices
Banks and credit unions
Medical clinics
Artist studios

Commercial

Convenience stores – without fuel sales
Grocery stores – maximum 50,000 square feet per tenant
Retail – maximum 50,000 square feet per tenant/floor, no single tenant to exceed 100,000 square feet total across multiple floors
Personal services and improvements
Health Clubs
Beauty Services, Permanent Makeup and Cosmetics

Institutional/Public

Medical clinics
Colleges/Universities/Educational Services
Museums
Open space/Park
Convention center/Assembly/Auditorium
Government offices
Places of worship
Municipal Facilities

Hotel/Entertainment

Hotels – Rooms off interior corridors (no motor lodges)
Recreation – Indoor/Outdoor
Restaurants and private clubs – without drive-up window
Fast-food restaurant
Movie Theaters - Indoor
Convention center/Assembly/Auditorium

14-10-105b PROHIBITED USES

Motor lodges (drive-up motel units)
Pawn shops
Check cashing/Title loan stores
Sexually oriented businesses
Tattoo parlors/Body Art Establishments
Self-storage units

14-10-106 DEVELOPMENT PLAN

1. The property owner (or his agent) shall prepare and submit a proposed Development Plan for the subject property.
2. The Development Plan guides all development within a particular project and at a minimum shall include a site plan, a pedestrian connection/trails plan, conceptual building elevations and design schemes, streetscape and building setback diagrams, a current survey and legal description, plus any other information typically required for site plan approval.
3. The general categories and uses to be established within a mixed-use project shall be specified and enumerated in the Development Plan. The approved Development Plan shall be considered an integral part of the zoning regulations for the area represented. Substantial variation between the Development Plan and the Final Site Plan would require review and recommendation from the Planning Commission and approval from the City Council. A substantial variation is any addition, modification, or alteration to a building or site plan that exceeds twenty percent (20%) of the gross floor area, site acreage or exterior building surface or any change in use greater than five percent (5%)

of the total project floor area. All modifications must meet the minimum standards required by this Code.

14-10-107 DEFAULT SETBACKS AND HEIGHT LIMITATIONS

The location, height and separation between buildings shall be established as part of the Development Plan. Unless otherwise stated in the Development Plan, the default standards shall be as follows:

Minimum building setback	30 feet
Maximum building setback	50 feet
Minimum building separation	20 feet
Maximum building separation	40 feet
Minimum building height	20 feet
Maximum building height	35 feet

14-10-108 DEVELOPMENT CHARACTERISTICS

1. Uses may be mixed within a building or within an overall development, or both. However, the City encourages mixing uses within a building as much as possible. Furthermore, the subdividing of land for stand alone parcels is discouraged, and the City may deny the subdivision of land within the MXD zone if the Planning Commission or City Council determines that the subdivision is contrary to the purpose and intent of this Code.
2. Developments within an MXD zone shall exhibit urban characteristics such as:
 - A. Wide sidewalks
 - B. Street trees and street furniture
 - C. Community gathering spaces
 - D. Shared parking
 - E. Integrated public transit (where available and/or anticipated)
 - F. Diverse and distinctive design features
3. All developments shall provide at least fifteen (15) percent of the gross floor area or fifteen (15) percent of the gross site area, whichever is greater, as open space. Open space shall typically include the following elements: cultivated landscaping, plazas, parks, urban trails/sidewalks, wetlands/indigenous landscaping, and community recreation space. A maximum of fifty (50) percent of all open space may be hard surfaced. Streets, parking lots, driveways and private yards are not considered open space.

4. All lighting and signs shall be pedestrian scale, with a maximum sign height of twenty (20) feet. Lights or signs on building facades may be higher than the twenty (20) feet maximum. Sign standards shall be the same as for the Downtown (DN) zone, although for buildings larger than those normally allowed in the Downtown (DN) zone, the City may approve larger scale lighting and/or signs proportional to the size of the buildings approved. Projects ten (10) acres or larger with at least one hundred thousand (100,000) sq. ft. of non-residential uses may have one pole sign per frontage on an arterial street, evaluated using the standards for pole signs in the CH zone. The pole or structural support element of the sign may exceed the maximum pole width allowed if the structure itself incorporates specific site design elements, at the discretion of the approving body.
5. Parking requirements shall be determined per existing City standards for each use. However, parking requirements may be reduced if it can be shown that shared parking is a viable alternative. The City reserves the right to dictate the amount of parking and/or the location of parking spaces within a project to achieve the objectives of this Code.
6. Site plans shall clearly indicate the mixture of land uses within the project area and the percentage of the overall site that each use occupies. Furthermore, site plans shall indicate the amount of parking prorated to each use and shall illustrate how public transit, (where available and/or anticipated), is to be integrated into the site.
7. An additional site plan shall illustrate pedestrian movement throughout the project area, with trail hierarchies established based on levels of pedestrian use. The purpose of this plan is to demonstrate how effectively uses are mixed, and to determine the efficiency of the site layout. The plan shall provide convenient and attractive pedestrian connections through the mixing of land uses and quality design practices.

14-10-109 DEVELOPMENT PROCEDURES

Upon approval of the Development Plan and zone change to MXD, all uses allowed in the development shall be processed as if they were permitted uses.

CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 5 - CONDITIONAL USES

14-2-501	PURPOSE OF CONDITIONAL USE PROVISIONS
14-2-502	PERMIT REQUIRED
14-2-503	APPLICATION
14-2-504	FEE
14-2-505	PUBLIC COMMENT AND NOTICE
14-2-506	DETERMINATION
14-2-507	INSPECTION
14-2-508	REVOCATION
14-2-509	TIME LIMIT
14-2-510	RE-APPLICATION AFTER DENIAL OR REVOCATION
14-2-511	CONTINUING EFFECT

14-2-501 PURPOSE OF CONDITIONAL USE PROVISIONS

Certain uses which necessitate special conditions in order to make them compatible with permitted uses within a zone designation, are classified as conditional uses and require approval of a Conditional Use Permit.

14-2-502 PERMIT REQUIRED

A Conditional Use Permit shall be required for any use listed as a conditional use in any zoning designation and/or as set forth elsewhere in this Title. A Conditional Use Permit may be revoked upon failure of the original applicant or any successor, owner, or occupant to comply with conditions precedent to the original approval of the permit, or as otherwise provided in the Bountiful City Code.

14-2-503 APPLICATION

- A. Conditional Use Permit application shall be filed with the Planning Department as provided in this Title. Conditional uses shall be heard and decided by the Planning Commission or the Administrative Committee as set forth in this Title.
- B. Applications for Conditional Use Permits shall be accompanied by: maps, drawings, statements, reports, studies, or other documents, as required by the approval body and/or City staff. If applicable, the applicant shall also provide mailing addresses of all of the property owners within three hundred (300) feet of the subject property, per current County records, printed on self-adhesive labels.

14-2-504 FEE

The applications for any Conditional Use Permit shall be accompanied by an appropriate fee set by the City Council.

14-2-505 PUBLIC COMMENT AND NOTICE

- A. Any request for a conditional use permit shall be heard and decided by the Planning Commission unless the item falls within a category designated for Administrative Committee review. When considering the request, the Planning Commission or Administrative Committee shall hold a public hearing to review the request and other concerns, and then take appropriate action upon the request.
- B. The noticing requirement for a Conditional Use Permit heard by the Planning Commission shall be as follows:
 - 1. Sent to all property owners within a three hundred (300) feet radius around the subject property at least fourteen (14) days prior to the meeting.
 - 2. Posted with notification signage on the subject property by the applicant/agent. The signage shall be provided to the applicant/agent by the City and shall be posted by the applicant/agent ten (10) days in advance of the scheduled meeting.
- C. The noticing requirement for a conditional use permit request heard by the Administrative Committee shall be the same as required for any public hearing held by the Administrative Committee, as set forth in 14-2-104.

14-2-506 DETERMINATION

- A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.
- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.
- C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:
 - 1. The location of the proposed use in relationship to other existing uses in the general vicinity.
 - 2. The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;
 - 3. The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.
- D. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.

14-2-507 INSPECTION

Following the issuance of a Conditional Use Permit, the Planning Department shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the Planning Commission. Representatives of the Planning Department shall inspect the project to insure that all required improvements meet the conditions of the Conditional Use Permit and this Code before a certificate of occupancy is issued by the Engineering Department and before an application for permanent power for the property may be approved by the Bountiful City Power Department.

14-2-508 REVOCATION

- A. Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a Conditional Use Permit, the Planning Department shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the Planning Department:
 - 1. May place the complaint on the agenda of a regularly scheduled meeting of the approving body, provided that the permittee shall have at least fourteen (14) days notice of the meeting.
- B. Permittee shall be given written notice by personal service or by certified mail of the exact nature of the complaint and the date and time of the hearing before the Land Use Authority. An informal hearing may be conducted to determine the current status of the Conditional Use Permit prior to any public hearing, without notification to surrounding owners.
- C. The Land Use Authority, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, may modify or rescind any condition or requirement of the Conditional Use Permit as it deems necessary, or may take no action and dismiss the complaint.
- D. If, after review at the informal hearing the Land Use Authority finds that evidence of failure to comply with the provisions of the Conditional Use Permit is substantial enough to consider revocation; it shall schedule a formal hearing for purposes of considering revocation of the Conditional Use Permit. The notice for the revocation hearing shall be the same noticing procedure used for considering a new petition.
- E. The Land Use Authority, after hearing final evidence and testimony on the status of the Conditional Use Permit, may revoke the Conditional Use Permit or modify the conditions as deemed necessary.
- F. Any permittee aggrieved by an order may appeal such decision as set forth in 14-2-108.

14-2-509 TIME LIMIT

- A. A temporary Conditional Use Permit for a use which is incidental or directly related to an intended permanent use or is intended to become a permanent use may be issued by the Administrative Committee for a period of six (6) months. This permit may be renewed by the Planning Department for a total of three (3) successive six (6) month periods

allowing a total of two (2) years for the temporary Conditional Use Permit. Where hardship or unusual circumstances exist, the Administrative Committee may extend the temporary permit for one (1) additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary Conditional Use Permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

1. Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the Administrative Committee. The Administrative Committee may extend the time period for the temporary structure up to one (1) additional year providing that the Planning Commission and City Council have granted final site plan approval and construction has commenced.
 2. Temporary structures shall be removed from the property upon occupancy of the permanent structure. Any pre-manufactured structure which meets all building code regulations and which is part of the approved site plan, and any construction trailer which is removed at the end of construction, shall be exempt from this regulation.
- B. Bountiful City does not issue temporary Conditional Use Occupancy Permits, and any document purporting to be a temporary conditional use occupancy permit is void.
- C. Unless there is substantial action under a Conditional Use Permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The Bountiful City Planning Director may grant a maximum extension of six (6) months, when deemed in the public interest. Substantial action under this section shall mean:
1. For new construction or a remodel, at least twenty five percent (25%) of the proposed construction has been completed
 2. For a use located in an existing or completed structure, at least twenty five percent (25%) of the approved area is continuously occupied and utilized for the conditional use.

14-2-510 RE-APPLICATION AFTER DENIAL OR REVOCATION

It is unlawful to apply or reapply for a Conditional Use Permit within one (1) year of the date of denial or revocation of a Conditional Use Permit regarding any parcel of property or any portion thereof.

14-2-511 CONTINUING EFFECT

- A. A Conditional Use Permit applies to a specific parcel of property, or portion of a parcel of property, and may not be transferred to another parcel of property.
- B. A Conditional Use Permit for the operation of a business does not run with the land unless the approving body specifies otherwise. A Conditional Use Permit for the

construction of improvements to a property will run with the land unless the Planning Commission sets conditions that limit it to a specific individual and/or for a finite period of time. If any aspect of the conditional use becomes a legal nonconforming element due to a later amendment to this Ordinance, the provisions of Part 4 of this Chapter relating to nonconformities shall apply.



19.02.020 Definitions

"Accessory Agricultural Uses": Agriculture and farm industry accessory uses intended to draw customers and participation of the general public, and provide a means of diversifying a farm's income by broadening its offerings and adding value to its products. Accessory uses may include commercial activities such as; retail purchases, overnight accommodations, reception/event centers, concerts, events, restaurants, and bakeries. Produce stands and u-pick operations used to sell farmer-direct goods, recreational activities and educational events that are seasonal, such as; corn mazes, hay rides, farm tours, petting zoos, etc., are not considered as accessory agriculture uses, and are permitted agricultural or farm industry uses.

"Accessory Building": See Building, Accessory.

"Accessory, Dwelling Unit": An Accessory Dwelling Unit, or ADU, is a dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is subordinate to a primary dwelling unit, and is located on that same lot/parcel as the primary dwelling unit.

"Accessory Dwelling Unit, Internal": An internal accessory dwelling unit is an accessory dwelling unit found within the footprint of a primary dwelling at the time the internal accessory dwelling unit is created. These include a basement converted into a separate living space or a portion of an existing primary dwelling that is converted into separate living space.

"Accessory Dwelling Unit, Attached": An attached accessory dwelling unit is an addition to the primary residence that creates a separate living space that can be accessed from the inside of the primary dwelling and may have a separate exterior entrance.

"Accessory Dwelling Unit Detached": A stand-alone structure that includes an ADU separate from the primary dwelling. A detached ADU can be built as an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage. It can only be within the side yard or rear yard area of the primary dwelling.

"Accessory Structure": See Structure, Accessory.

"Accessory Use": A use that (a) is clearly incidental to and customarily found in connection with a principal or main use; (b) is subordinate to and serves a principal or main use; (c) is subordinate in extent, area, or purpose to the principal or main use; (d) is located on the same lot as the principal or main use; and (e) contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use. Home occupations shall be considered an accessory use.

"Agriculture": Farming activity including the tilling of the soil, raising of crops, horticulture, aquaculture and agri-tourism which includes direct sale of products, and public access to activities related directly to products grown or produced on the agricultural land. Agriculture also includes farm animal keeping as outlined in Chapter 19.06 of Layton Municipal Code.

"Altered, Structurally": Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

"Altered": Any change in the construction of, or addition to, a building which would permit an increase in capacity, or a change of use.

"Amusement, Commercial/Indoor": Any place of amusement conducted wholly within a completely enclosed building.

"Amusement, Commercial/Outdoor": Any place of amusement not conducted wholly within a completely enclosed building.

"Antenna": Means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

"Apiary": An area where one or more colonies of honeybees are kept.

"Architectural and Integral Part": Any portions of, appendage to, or part of the general building layout of a main use planned for and/or constructed within the buildable area of a lot; and which is a functional part thereof; and which may be a structural part of or a detached accessory structure separated from the main building by a court not less than six feet in width; and which is of the same general design or style and comparable in excellence of quality and construction to the main building.

"Assisted Living": A residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons, most typically providing separate living quarters for residents, and centralized services such as dining, housekeeping, social and physical activities, medication administration, and communal transportation.

"Athletic, Tennis, or Racquet Club": An establishment providing facilities for physical development, exercise, sports, or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

"Auto Repair, Major": A building or premises used for the repair of any passenger auto, pick-up truck, semi-tractor, recreational vehicle, or similar vehicles where the repair includes, but is not limited to, the rebuilding of engines, transmissions, or differentials.

"Auto Wrecking, Salvage Yard": See also Junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zoning district.

"Average Slope": Shall mean and be determined by the use of the following formula: $S=0.00229(I)(L)/A$:

1. S =Average slope of the entire subdivision or lot, as the case may be, before development or construction
2. I =Contour interval in feet
3. L = Sum of the length of all contour lines, in feet
4. A =Total area in the subdivision or lot, in acres
5. 0.00229=Constant which converts square feet into acres
6. Where there is a dramatically different landform characteristic in the topography of any one site, the site may be divided into several distinct areas and the average slope calculated separately at the discretion of the City Engineer and Community Economic Development Director.

"Bank or Financial Institution": Means an organization involved in deposit banking, finance, investment, mortgages, trusts, and the like. Typical uses include commercial banks, credit unions, finance companies, and savings institutions (under State Law Title 7-23-103.1 and 7-24-305 exempt businesses).

"Basement House": A one-story dwelling of which 90% or more of the floor area is below the finished grade.

"Basement, Walk-out": That portion of a building located partly underground and having an exterior door, where the finished ground at the exterior door is lower than the finished main floor.

"Basketball Standard or Court": A basketball standard is any erected device which houses a basketball hoop and accompanying backboard. A basketball court is an accessory area designated for the sport of basketball that has at least one basketball standard.

"Bed and Breakfast": A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for pay or compensation on a temporary basis.

"Bee": The common honeybee, *Apis Mellifera* species, at any stage of development, but not including the African honeybee, *Apis Mellifera Scutellata* species, or any hybrid thereof.

"Beekeeping Equipment": Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

"Big Box Retail": Any single retail store with a gross main floor area of over 80,000 square feet.

"Boardinghouse, Rooming House": A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for pay or compensation of any kind for three or more persons.

"Body and Paint Shop": Means buildings or portions thereof used for the purposes of collision service such as body, frame, and fender straightening, and pointing of motor vehicles where all repairs are performed within a completely enclosed building.

"Buildable Area": That portion of a building lot not included within any required yard or open space upon which a main building may be located. Buildable areas must be defined on subdivision plats in areas of 30% slope or less. Buildable area does not include any area of an "A Zone" (100 year flood area) as defined in FEMA's Federal Insurance Relief Map of Layton City.

"Building": Any structure having a roof supported by columns or walls, intended or used for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind.

"Building, Accessory": A building that (a) is clearly incidental to and customarily found in connection with a principal or main building; (b) is subordinate to and serves a principal or main building; (c) is subordinate in area, extent, or purpose to the principal or main building served; (d) is located on the same lot as the principal or main building served; and (e) contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building.

"Building, Attached": Means an addition to the main structure that is tied together with a common roof line and access to the addition is obtainable from inside the main structure.

"Building, Detached": A freestanding building with open space on all four sides.

"Building Height": The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs. (See Diagram [A-1](#))

"Building Inspector": The individual(s) appointed by Layton City to enforce the provisions of the building code.

"Building Lot": See Lot, Building.

"Building, Main": The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot. This also includes all of the appendages to a principal building constructed as an architectural and integral part thereof.

"Building Official": The Layton City Building Official.

"Building, Public": A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah, or any of its subdivisions including county and municipality in connection with a public use. It shall not be construed to mean buildings for use as warehouses, public garages, and equipment sheds.

"Bus Shelter": Means a shelter located at a designated bus stop accepted as such by the Utah Department of Transportation, used to aid in the loading and unloading of passengers for the convenience of passengers of public transportation systems. Said shelters also will include off-premise signage attached to the shelter.

"Cannabis Production": means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as those terms are defined in §441a of Utah Code (as amended).

"Carport": A private garage not completely enclosed by walls or doors.

"Cemetery": Means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

"Charter Schools": A charter school includes an operating charter school; a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, of the Utah Code. The Utah Charter School Act; and an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

"Child-Care, Center": A child care facility which regularly provides custodial care for six or more children during the part of any day.

"Child-Care, Home": A child care facility operated on a residential premises.

"Church or Temple": A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

"Clinic, Dental and Medical": A building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions including a dental or medical laboratory. Clinic does not include inpatient care or operating rooms for major surgery.

"Club, Athletic, Tennis, or Racquet": See Athletic, Tennis, or Racquet Club.

"College": An independent institution of higher learning offering a course of general study.

"Colony": Honeybees, as defined in this Section, in any hive including queens, workers, or drones.

"Commercial Vehicle": A motor vehicle, trailer, or semi-tractor/trailer used or maintained for business, compensation, or profit, to transport passengers or property, that has a manufacturers gross weight of 10,001 or more pounds.

"Community Center": A building facility that may include outdoor amenity areas for community members to gather for a variety of purposes, such as group activities, social support, recreational programs, public information, training, youth support and child care.

"Community Location": means a public or private kindergarten, elementary, middle, junior, or high school; a licensed child-care facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; or a public arcade.

"Community Use": The uses which have the primary purpose of serving the educational, recreational, religious, or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries, and other similar uses. This definition shall not include such uses as detention facilities, half-way houses, alcohol rehabilitation centers, and other similar uses.

"Conditional Use": A use that is not authorized as a permitted use in a particular zoning district, but which use may be allowed, allowed with conditions, or denied based on compliance with standards and criteria set forth in the zoning ordinance for those uses.

"Condominium": The ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the "Condominium Ownership Act" of the State of Utah.

"Construction Staff": A body of City staff made up of the City Engineer, Public Works Director, Fire Chief, Planning Director, and Building Official or their designates.

"Contractor Storage Yard": A facility and/or outside area dedicated to the storage or keeping of materials, construction/heavy equipment, business/commercial vehicles, construction forms, and other items related to construction practices, which are in active use by building/construction contractors, craftsmen, and tradesmen.

"Convenience Store": A building which contains less than 5,000 square feet and is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food, and non-food products.

"Corner Lot": See Lot, Corner.

"Dairy": A farming operation for the production of milk in commercial quantities and which is regularly inspected by the State Department of Agriculture or its cooperating agencies. It includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.

"Dairy Processing Plant": A commercial establishment for the manufacture, processing, or distribution of dairy products.

"Day-Care, Center": See Child-Care, Center.

"Day-Care, Home": See Child-Care, Home.

"Dealership": A business specializing in the sale of any number of new and/or used vehicles, where vehicle sales is the primary purpose of the business.

"Dealership, Small": A business specializing in the sale of a limited number of new and/or used vehicles. A small dealership may be accessory to a related business on the same property and under the same ownership.

"Deferred Deposit Lender": Means a business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to effect a debit from that person's account using an electronic payment, and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction, and agrees not to cash the check or process the debit until a specific date.

"Domestic Animals": Animals accustomed to living in or about the habitation of a human, including but not limited to: cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, and cattle.

"Dwelling": Any building or portion thereof which is designed for residential purposes except hotels, apartment hotels, boardinghouses, rooming houses, tourist courts, and mobile homes when not connected to public utilities. A mobile home will be considered a dwelling when it is connected to public utilities and the occupants thereof take meals and sleep within the confines of the mobile home.

"Dwelling, Multiple Unit": A building containing three or more dwelling units.

"Dwelling, Single Family Detached": A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

"Dwelling, Single Family Attached": A dwelling sharing a common wall or walls, but located on an individual lot.

"Dwelling, Two Family": Two dwellings sharing a common wall or walls and located on one lot.

"Dwelling Unit": A single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking, and sanitation.

"E-commerce Retail & Fulfillment": A commercial use providing storefront area for customer reception, shopping, product showroom, consultation and/or online order placement, and a rear warehouse storage area to inventory retail products for fulfillment of E-commerce/online or storefront customer orders.

"Elderly Apartment": Multi-family dwelling units occupied by elderly persons. In the case of double occupancy of a unit, only one resident is required to be at least 62 years of age. The housing must be self-contained and physically accessible to elderly citizens. The housing may include limited medical, recreational, and commercial services if such services are limited to residents and their guests.

"Elderly Person": A person who is 62 years of age or older.

"Family": Any number of individuals, related by blood, marriage, or adoption, and domestic servants for such family, or a group of not more than five persons who are not so related, living together as a single nonprofit housekeeping unit doing their own cooking.

"Family Food Production": The production of food through gardening or horticulture, for the sole use of the family occupying the premises. The raising of animals or fowl is not included in this definition.

"Farm Animals": The keeping of animals and fowl such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for pleasure. The density allowed in various zones is contained in Chapter 6 of this Title.

"Farm Industry": The keeping and raising of farm animals and/or fowl for domestic or commercial use such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses, and accessory uses thereto.

"Fast Food Eating Establishment": Any establishment where foods or beverages are prepared for consumption and consumption occurs in either the building, on the premises, or within a motor vehicle parked thereon, or off-premises and whose operation includes one or more of the following characteristics:

1. food or beverages are served to the occupants of a motor vehicle while seated therein (e.g., drive-through window or drive-in); and
2. food and beverages are usually served over a general service counter for the customer to carry to a seating area within the restaurant, to a motor vehicle, or off-premises.

"FEMA": An acronym for the Federal Emergency Management Agency.

"Flag Lot": See Lot, Flag.

"Flood Plain": Any land area subject to being inundated by water from any source. Flood plain areas are generally defined as, "Zone A" (100 year flood area) areas as defined in FEMA's Federal Insurance relief map of Layton City.

"Floor Area": The sum of the gross horizontal area of several floors of the building or buildings, measured from the exterior faces of the exterior walls.

"Flyway Barrier": A solid wall, fence, dense vegetation or a combination thereof which modifies the bee flight pattern.

"Foothill Area": That area within Layton City lying east of Fairfield Road.

"Foster Home": A dwelling unit where minor children, not related by blood, marriage or adoption, are cared for and furnished board and room with or without compensation on a continuing basis.

"Fraternal & Benevolent Society": A chartered, nonprofit social club or lodge with or without dining facilities and cocktail lounges composing a branch of a fraternal order, or society such as Elks, Masons, American Legion, Eagles, Optimists, Odd Fellows, Kiwanis, Rotary, and other similar nonprofit fellowship organizations which are open only to members and their duly authorized guests.

"Front Yard": See Yard, Front.

"Frontage": Means the distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access. State or federal highways, to which no access is allowed, shall not be considered as frontage. For purposes of this Title neither temporary turn-arounds nor dead ends of roadways shall be used as frontage.

"Fur Farm": The raising of any animal for the purpose of producing pelts to be sold commercially, or the raising of breeding stock for such commercial fur pelts, including, but not exclusive of otters, fox, mink, rabbit, lynx, and chinchilla.

"Garage, Private": An attached or detached building accessory to a dwelling on the premises designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this Title applicable to main buildings.

"Garage, Public": A building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring, or selling of motor-driven vehicles.

"Garage, Yard Sale": Sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises. Garage sales are not to occur more than four days annually.

"Gasoline, Retail": A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

"Grade, Finished Surface": The average level of the finished surface of the ground adjacent to the front setback line of a building or structure; and, on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building. Where a lot has no frontage on a public street, the average level of the finished ground surface adjacent to and measured along all exterior walls shall be the finished surface grade.

"Hard Surface": A drivable surface that is constructed of concrete, asphalt, driveway pavers, or compacted road base. All such areas are to be maintained in a dust and weed free condition and shall be capable of supporting the weight of the vehicles utilizing the surface above the soil.

"Heavy Equipment Rental/Sales, Repair, and Storage": The use of any building, land area, or portion thereof, for the display, sale, lease/rental, and repair of heavy construction or farm equipment, including but not limited to: cranes, earthmoving/grading equipment, dump trucks, and tractors.

"Hive": A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

"Home for the Elderly": A service providing ambulatory care for more than eight elderly persons.

"Home Occupation": A nonresidential activity, conducted entirely within a dwelling unit, which is clearly incidental and accessory to the use of the dwelling for residential purposes. (See Section 19.06.030 of the Layton Municipal Code.)

"Homeless Shelter": a facility that is or is proposed to be located within the City; provides or is proposed to provide temporary shelter to homeless individuals; and has or is proposed to have the capacity to provide temporary shelter to homeless individuals; and has or is proposed to have the capacity to provide temporary shelter to at least 50 individuals per night.

"Horses for Private Use": Horses kept and maintained as an accessory use to a dwelling for the pleasure and use of the occupants thereof, and not to be used for commercial purposes.

"Hospital": An institution licensed by the State of Utah providing inpatient health services for human beings for inpatients, and primarily medical or surgical care of the sick or injured, and such other services and accessory uses as normally provided for its administration and operation.

"Hotel": A building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both, and where no provision is made for cooking in the guest rooms, and in which commercial services may be provided for guests.

"Household Pets": Animals and fowl which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants, but not raised or kept for commercial purposes, or for food.

"Impervious Surface": Any surface which prevents, delays, hinders or alters the natural absorption of water into the soil, or that causes water to run off the surface in greater quantities or faster than natural conditions. Examples of impervious surfaces include but are not limited to structures, concrete or asphalt, walkways, decks, patios, driveways, parking lots, sports courts, pools, and/or other similar surfaces.

"Indoor Commercial Amusement": A commercial business providing for active indoor entertainment and recreational activities such as roller skating, bowling, trampoline park, arcade games, contest games, climbing gym, laser tag, dancing, or similar.

"Industrial": See Manufacturing.

"Inpatient Medical Facility": An inpatient medical facility is a building with onsite doctors, nurses and/or licensed professionals and support staff, which is 10,000 square feet or smaller in size, which includes treatments that require overnight stays that do not exceed seven days. Inpatient medical facilities do not include hospitals or similar uses.

"Inspector, Building": See Building Inspector.

"Interior Lot": See Lot, Interior.

"Junk": Any scrap, waste, reclaimable material, or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal, or other use or disposition. Junk includes, but is not limited to, tires, furniture, tools, paper, rags, plastics, cordage, scrap iron, or other metal, glass, building materials, machinery, and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

"Junk Dealer": Any person engaged in acquiring, buying old metals, glass, rags, paper, or other junk for the purpose of trading or reselling in substantially the same form is declared to be a "Junk Dealer." Junk Dealers may only be located in a fixed location, in a junkyard and are only allowed in those zones designated for a junk yard.

"Junkyard": See also Auto Wrecking, Salvage Yard. An open area where junk or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. An automobile wrecking yard or a salvage yard is also considered a junkyard. The use of buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the buildings and there is no outside storage.

"Kennel, Boarding": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals and are kept daily or overnight for a fee.

"Kennel, Daily Boarding": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals, and are kept daily with no overnight boarding for a fee.

"Kennel, Extended Care": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals, and are kept or groomed, daily and/or overnight for a fee, as a home occupation by the members of the family living in the home.

"Kennel, Private": A lot/parcel on which the total number of dogs or cats or combination thereof that are at least four months old, exceeds the number permitted by Davis County Utah Code entitled Title 6, Animals.

"Land Use Authority": The body established as the final approval authority for land use decisions as established in Section 19.01.135 – Designation of Land Use Authority.

"Landscaping": The installation of living plant materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs, and trees) planted directly on the property and kept free from all hard surfaces. The use of water (i.e., pools, fountains, falls, and streams) and sculptures are also included as landscape design materials.

"Lattice Tower": Means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

"Light Commercial Flex Manufacturing": Indoor manufacturing processes that may utilize electronic or automated machines (such as 3D printers, laser cutters, copiers/printers, engraver or embroidery machines) and hand-powered machines and instruments (such as presses, rolling machines, bending machines) to assemble, alter, convert, fabricate, finish process or treat products or components for wholesale or direct sale. An accessory retail storefront area may be included to sell manufactured goods to the general public.

"Lot, Building": A parcel of land which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zoning district in which it is located, and having frontage on a public or approved private street. Said street shall be extended the full required frontage of the lot and improvements installed as required by the City. No lot shall utilize any part of the temporary end or dead end of a street for frontage.

"Lot, Corner": A building lot situated within a corner created by the intersecting lines of a street or streets. (See Diagram [A-3](#).)

"Lot Depth for Inside Lots": The distance from the front lot line and rear lot line as measured from the center line. (See Diagram [A-3](#).)

"Lot Depth for Multi-Frontage and Corner Lots": The horizontal distance between opposite boundaries of the lot measured along the centerline thereof. (See Diagram [A-3](#).)

"Lot, Flag": An "L" shaped lot comprised of a staff portion contiguous with the flag portion thereof, the minimum width of the staff being 30' and the maximum length determined by the Layton City Fire Department. (See Diagrams [A-2](#), [A-3](#).)

"Lot, Inside Gore-Shaped": A lot where lot lines converge towards the rear and the rear lot line width is less than half the required width for the applicable zoning district.

"Lot, Interior": Any building lot other than a corner lot.

"Lot Line, Front": Any street right-of-way line of record or established by use, which forms one or more boundaries of a lot.

"Lot Line, Front, for Flag Lot": The front lot line of a flag lot shall be determined to be the lot line nearest to a dedicated public street and at the end of the staff.

"Lot Line, Rear, for Corner Lots": That interior lot line which has been designated as the rear lot line determined by the direction the house faces.

"Lot Line, Rear, for Interior Lots": The interior line lying opposite of the front lot line.

"Lot Line, Side, for Corner Lot": All interior lot lines for multi-frontage lots; for other corner lots, that interior lot line which has been designated as the side lot line by the lot owner. (See Diagram [A-3](#).)

"Lot Line, Side, for Interior Lots": Those interior lines lying opposite each other, running between the front and rear lot lines, or in the case of a multi-frontage lot, those interior lines which run between the two front lot lines. (See Diagram [A-3](#).)

"Lot, Multi-Frontage": Any building lot, the centerline of which intersects two front lot lines and which has no rear lot line. (See Diagrams [A-1](#), [A-3](#).)

"Lot, Double Frontage": Any building lot which has both the front and rear yard line bounded by a street. This does not normally include corner lots.

"Lot Width for Corner Lots": The width of the lot as measured along both street frontages at the required setback.

"Lot Width for Interior Lots": The horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback.

"Main Building": See Building, Main.

"Manufactured Home": A home or other building of new construction without attached axles or wheels which has been assembled fully, or in part, upon another site, or in a "factory," and moved to the site upon which it is to be permanently assembled by truck, timber, dolly, or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the Uniform Building Code.

"Manufacturing": The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product. This word is used interchangeably with "Industrial" throughout Title 19 of the Layton Municipal Code.

"Manufacturing/Industrial Services": The assembling, altering, converting, fabricating, finishing, processing, or treatment of products or components for wholesale or direct sale, that occurs primarily indoors, with the use of automated or hand-operated machines and instruments.

"Masonry": Stucco, brick, or rock.

"Mobile Home": A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Electrical Code.

"Mobile Home Park": A parcel of land, not less than ten acres, designed to accommodate 25 or more mobile homes in a planned environment, with all public utilities available, for the purpose of permanent or long term residential dwelling.

"Mobile Home Park Service Building": A permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for mobile home occupants.

"Mono-Pole Tower": Means an antenna or series of individual antennas mounted on a single cylindrical pole. Also includes associated equipment.

"Mortuary/Funeral Home": Means a building or part thereof used for human funeral services. Such building may contain space and facilities for:

1. embalming and the performance of other services used in the preparation of the dead for burial;
2. the performance of autopsies and other surgical procedures;
3. the storage of caskets, funeral urns, and other related funeral supplies; and
4. the storage of funeral vehicles, but shall not include facilities for cremation.

Where a mortuary/funeral home is allowed, a funeral chapel and assembly area shall also be allowed.

"Motel": A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

"Multiple Family Dwelling": See Dwelling, Multiple Family.

"Natural Waterways": Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the City Council or as shown on the City Master Drainage Plan or as designated by FEMA in which no structure or building construction or placement is permitted.

"Nonconforming Building Lot": A parcel of land of record that was lawfully subdivided and in compliance with all laws at the time of division, and which no longer meets the minimum requirements for a building lot in the zoning district in which it is located because of a subsequent amendment to the applicable zoning ordinance.

"Nonconforming Building or Structure": A building or structure or portion thereof, lawfully constructed which does not conform to all the height, area setback, and yard regulations prescribed in the zoning district in which it is located. This term shall also include any existing building or structure which is rendered nonconforming by virtue of annexation or subsequent amendment to this Code.

"Nonconforming Use": Any existing use of a building or land which was lawful at its inception and has continued without interruption but does not now conform with the use regulations of the zoning district in which it is situated, or for which a conditional or special use permit is required but has not been issued. The term also includes any existing use of a building or land which is rendered nonconforming by a subsequent amendment to this Title.

"Nonresident": A person whose primary residence is outside a home associated with a home occupation business.

"Non-View Obstructing": A fence, wall, or hedge in which no more than 25% of the plane formed by the wall or hedge obstructs view excluding two feet in height above finished grade.

"Nursing Home": Any residential development providing dwelling units with common dining, recreation, and medical or nursing facilities for elderly persons or people with physical disabilities. A nursing home must: (a) be licensed and staffed for skilled care; (b) contain common kitchen and dining facilities; (c) have call button monitoring systems; (d) have on-premise physical therapy; and (e) have on-premise personal services, library, educational, social, and available transportation.

"Office and Indoor Storage": A commercial office and/or showroom space with a rear indoor warehouse area for storage of inventory, materials and equipment, used to provide off-site services by contractors, technicians, cleaning services, installation or repair.

"Office, Business": A place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed, or sold.

"Open Space": An open, landscaped area which is unoccupied and unobstructed by buildings or hard surfaces such as concrete or asphalt, except that such open space may be traversed by necessary sidewalks and access rights-of-way.

"Parking Lot": An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

"Parking Space, Off Street": The space within a building, lot, or parking lot but not within any portion of any public street right-of-way, for the temporary parking of one vehicle.

"Payday Loan Business": means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.

"Permanent Cosmetics" : means a semi-permanent application of pigments under the skin for areas of the body such as the eyebrows, eyelids, lips, and/or other parts of the body for beauty marks, hair imitation, lash enhancement, or for medical purposes. The cosmetic implantation technique deposits pigment in between the epidermis and dermis. Permanent cosmetics include permanent makeup, micro-pigmentation, micro-pigment implantation, micro blading, dermagraphics.

"Person with a Disability": A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned or coordinated to allow the person to function in, and contribute to, a residential neighborhood.

"Personal Services": Establishments primarily involved in providing personal grooming and related services. This definition includes, but is not limited to, barbershops, beauty parlors, tailors, etc., but does not include laundries or dry cleaners.

"Pet": A domesticated animal kept for pleasure rather than utility, including but not limited to: birds, cats, dogs, fish, hamsters, mice, and other animals associated with a human environment.

"Pet Cemetery": Land dedicated for cemetery purposes, which is used or intended to be used for the burial of deceased pets. A Pet Cemetery may include a pet funeral home, or pet crematorium, or both if such home or facility are located and operated within the boundaries of the pet cemetery and accessory to the pet cemetery. Pet Cemetery does not include the interment of a pet upon the property of the pet owner.

"Pet Crematorium": A building or facility containing apparatus for the cremation of deceased pets.

"Pet Day Care": A service where animals typically considered as household pets are left by their owners for a short term period of time for the general purpose of individual care/supervision, or supervised interaction in groups of other animals, which is provided by a licensed business or individual for a fee. Pet Day Care does not include the overnight boarding (kenneling) of animals.

"Pet Funeral Home": A place used for funeral services for deceased pets. Such place may include space and facilities for display of deceased animals and rituals connected therewith before burial or cremation; the sale and/or storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and facilities for animal cremation.

"Pet Grooming": A service where animals typically considered as household pets are bathed, clipped or combed for the purpose of enhancing their aesthetic value or health, or both, by a licensed business or individual for a fee. Pet Grooming may also include any self-service pet washing business or establishment where the customer/owner washes their individual household pet(s) for a fee.

"Pet Services, Indoor": A use totally within an enclosed building for services provided to animals typically considered as household pets. Such uses may include one or more of the following: pet grooming, pet day care, veterinary clinic, indoor play facilities, indoor training facilities, and similar pet services. Areas for outdoor pet activities (i.e. play and training facilities) shall not be permitted. Pet Services, Indoor may also include the occasional hosting of a private humane society/animal welfare organization's adoption event, the retail sales of pet care supplies, and boarding (kenneling) services as an accessory use.

"Pet Services, Indoor/Outdoor": A use that includes services provided to animals typically considered as household pets. Such uses may include one or more of the following: pet grooming, pet day care, veterinary clinic, play and training facilities, dog parks, and similar pet services. Pet Services, Indoor/Outdoor may also include the occasional hosting of a private humane society/animal welfare organization's adoption event, the retail sales of pet care supplies, and boarding (kenneling) services as an accessory use.

"Planned Residential Unit Development (PRUD)": A residential development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as specified in Chapter 19.08 of the Layton Municipal Code.

"Planning Director": For purposes of this ordinance the terms Planning Director and Community and Economic Development Director shall mean the Layton City Community and Economic Development Director or designated person.

"Plot Plan": A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets, and as further described in Chapter 19.13 of the Layton Municipal Code.

"Pre-School, Center": See Child-Care, Center.

"Pre-School, Home": An educational facility operated on a residential premises, regularly providing an educational program for not more than 12 children (including the operator's natural, adopted, or foster children under six years of age) at any one time.

"Primary Dwelling": A primary dwelling is a building that provides housing as its primary purpose. It is located on its own lot or parcel and is zoned primarily for residential use.

"Primary Residence": The dwelling unit to property owner occupies as their permanent residence.

"Public Building": See Building, Public.

"Radio/Telecommunications Tower": A structure intended for transmitting or receiving television, radio, or telephone communications which is primarily supported by its own foundation.

"Rear Yard": See Yard, Rear.

"Recyclable/Salvage Yards": Shall mean a facility that collects, stores, and resells materials. Such materials include metals, glass, regulated substances, plastics, and other materials collected for recovery and re-use.

"Residential Density": The average number of dwelling units on one acre of land in a given area. Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks, and local shopping facilities, into the total number of dwelling units in said area.

"Residential Facility for Elderly Persons": A single family or multiple family dwelling unit that is or is not a business and offers primary care for any number of non-related elderly persons and may include limited medical, recreational, and commercial services, if such services are limited to residents and their guests.

"Residential Facility for Persons with a Disability - Large": Any facility for 13 or more unrelated persons with a disability, exclusive of staff, and licensed by the State of Utah, that provides 24 hour staff supervision to persons requiring substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, treatment and other essential daily living activities, and may also include transitional services that aid in strengthening the social, physical, and behavioral skills necessary to live independently in the community.

"Residential Facility for Person with a Disability – Small": Any facility for 12 or fewer unrelated persons with a disability, exclusive of staff, and licensed by the State of Utah, that provides 24 hour staff supervision to persons requiring substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, treatment and other essential daily living activities, and may also include transitional services that aid in strengthening the social, physical, and behavioral skills necessary to live independently in the community.

"Residential Zone": All residential and agricultural zoning districts.

"Restaurant":

1. Any establishment which provides as a principal use, foods and beverages prepared for consumption within the establishment and whose operation includes both of the following characteristics:
 - a. customers are provided with an individual menu and are served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and
 - b. the food and beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. A restaurant employee clears the table of trash.
2. Notwithstanding the above, a cafeteria where food and beverages are:
 - a. generally consumed within the establishment; and
 - b. served on non-disposable plates or containers with non-disposable utensils shall be included in this definition.
3. A restaurant may provide take-out service, provided such service is clearly not the principal business of the restaurant and the take-out function is totally conducted inside of the building.

"Retail Sales and Commercial Services": Nonresidential uses that include retail stores and shops for the sale of goods and merchandise, food services and/or commercial spaces to provide services to the general public for personal, business or household consumption.

"Retail Tobacco Specialty Business": a commercial establishment in which: the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment; 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or the retail space features of self-service display for tobacco products.

"Reverse Vending Machine": An unmanned machine which weighs and returns market value, in currency, for recyclable materials.

"Road, Private": A thoroughfare, held in private ownership and controlled by one or more persons, firms, or corporations, and used or held for use primarily as a means of access to adjoining properties.

"Road, Public": See Street, Public.

"Roof Mounted Antenna": Means an antenna or series of individual antennas mounted on a flat or pitched roof of a building or structure. Also includes associated equipment.

"Satellite Dish": An antenna intended to receive signals from satellites and other sources.

"School, Commercial": An establishment for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately and do not offer a complete educational curriculum.

"School, College, University, Private or Quasi-Public": A school operated by a private or quasi-public organization, or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a for-profit or nonprofit organization. This definition shall not include commercial schools.

"School, Public": An educational facility operated by a school district or other public agency of the State of Utah.

"Secondary Residential Unit": A living unit subordinate and accessory to the main nonresidential structure with living space found within or detached from the main structure designed for occupants that care and maintain the main use or structure.

"Self-Service Display": a display of a cigarette, tobacco, or an electronic cigarette to which the public has access without the intervention of a retailer or retailer's employee. **"Self-Storage Facility":** A building, structure, or part thereof containing compartmentalized storage areas of varying sizes, which may be leased/rented on an individual basis and made accessible to individuals, businesses, or organizations for the storage of personal property and business/household goods.

"Service Station": A building or premises used for the sale of gasoline and oil products including the servicing of motor vehicles and the retail sale and installation of tires, replacement parts, and accessories in and upon such vehicles; but not including paint, body and frame repair, or rebuilding of engines, transmissions, or differentials. Such premises may also include the sale of food products in an area not exceeding 200 square feet.

"Setback": The shortest horizontal distance permitted in each zoning district, as set forth in the Layton City zoning ordinance, between the boundary lines of a lot and the building, structure or part thereof.

"Side Yard": See Yard, Side.

"Similar Businesses": Means any other business that offers deferred deposit loans, title loans, and payday loans.

"Single Family Dwelling": See Dwelling, Single Family (Detached or Attached).

"Skateboard Ramp (Private)": An outdoor structure designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

"Solid Waste": Any discarded material that does not flow under stress.

"Stable, Private": A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Stable, Public": A stable other than a private stable.

"Storage, Above Ground Fuel": The keeping of a tank partly or wholly above ground, that has a capacity over 1,200 gallons.

"Storage, Outdoor": The keeping of any personal property, equipment, materials, products, junk, trash, or building materials that is not entirely contained within a structure that is completely enclosed by walls and a roof.

"Story": That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor or next ceiling above.

"Story, Half": A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

"Street, Arterial, Major, and Minor": A street which serves the major movement of traffic in Layton City, connecting to high-use areas and limited-access highways such as I-15 and Highway 89. For purposes of this Title arterial streets are identified in the Transportation Master Plan.

"Street, Collector, Major, and Minor": A street which provides for movement between arterial and local streets and direct access to abutting property.

"Street, Local": A street which provides for direct access to abutting land and for local traffic movement.

"Street, Public": Any tract of land which is an existing state, county, or municipal roadway, or is shown on a plat duly filed and recorded in the office of the County Recorder, or has been accepted by the City Council as part of a development project, and is for public use for the purpose of providing the following:

1. a thoroughfare for public use, designed primarily for vehicular travel;
2. the principal means of access to abutting properties;
3. for the installation of public utility service lines and/or pipes; and
4. drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally.

Such lands shall not be construed to be a public street, except for access, until the roadway has been stabilized or otherwise improved according to the accepted street construction standards of the municipality.

Where a public thoroughfare existed prior to the adoption of the Title codified herein, which fulfills all the requirements for a public street except for the required width, this thoroughfare may be classified as a public street for the purpose of establishing building lots fronting thereon; provided, that the depth of that portion of each intended building lot needed to complete the required width for a public street, as determined by Development Staff, is dedicated to public use.

"Structure": That which is framed, erected, constructed, or placed upon the ground; but not including fences which are six feet or less in height.

"Structure, Accessory": A subordinate structure detached from, but located on the same lot as the principal or main structure, the use of which is incidental and accessory to that of the principal or main structure.

"Swimming Pool": Any pool placed for swimming or bathing, any part of which is above or below ground and has a capacity of 2,500 gallons or more or has a depth of 24" or more.

"Swap Meets": A location where the owner or lessee rents, lends, or leases portions of the premises to persons for use as an open market place to barter, exchange, or sell goods. A flea market shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

"Tattooing": means the application of permanently depositing pigments, not required for medical purposes, into the human skin by the use of a needle or other implement for the purposes of creating a mark, design, word(s), branding, scarification, and/or body art placed on the skin. The implantation technique deposits color pigment below the epidermis and into the dermis.

"Tavern": Any business establishment operating under a private club or on-premise beer license.

"Telecommunication Facility": Means an unmanned structure which consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

"Temple": See Church.

"Title Loan Business": Means an establishment providing short term loans to individuals in exchange for the title of a motor vehicle, mobile home, or motorboat as collateral.

"Tobacco Product": any cigar, cigarette, or electronic cigarette as those terms are defined in § 76-10-101 of Utah Code (as amended); a tobacco product as that term is defined in §59-14-102 of Utah Code (as amended), including chewing tobacco; any substitute for a tobacco product, including flavoring or additives to tobacco; and tobacco paraphernalia, as that term is defined in §76-10-104.1 of Utah Code (as amended)

"Travel Vehicle": A trailer, camper, or motor home designed or used for sleeping by persons while traveling, but not intended as a permanent dwelling, and not constructed for permanent attachment to public utilities.

"Truck and/or Trailer Rental": Every rented motor vehicle, except semi trailers, designed and used to carry property. The truck and/or trailer have either single rear axles and single rear wheels or single rear axles and dual rear wheels; in addition, tandem wheeled trailers.

"University": An institution of higher learning made up of an undergraduate division which confers bachelors degrees and a graduate division which comprises a graduate school and professional schools.

"Variance": A variation of, or deviation from the regulations or standards adopted by ordinance, which the Board of Zoning Adjustment is permitted to grant.

"Vehicle": Any motored mode of transportation used to transport people or goods for purposes of recreation, commerce or travel, having no fewer than two wheels, except in cases of watercraft and weighing no less than 125 pounds. Hitched trailers and fifth wheels shall also be considered "vehicles."

"Veterinary Clinic": Any building, or portion thereof, designed or used for veterinary examination, observation, and treatment of domestic animals, including euthanization of domestic animals.

"Wall Mounted Antenna": Means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. Also includes associated equipment.

"Warehouse and Distribution": An enclosed building used for the storage, wholesale sales, and distribution of manufactured equipment, products, and supplies.

"Waste Transfer Station": Shall mean a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. A waste transfer station facility may also include processes for solid waste management including the recovery, processing and sorting for recycling and reutilization by a public or commercial recycling or energy recovery facility. The term shall not include junkyards or salvage yards.

"Yard": A space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Title.

"Yard, Corner Side": On a corner lot/parcel, the corner side yard is determined by the placement of the primary dwelling on the lot or parcel. The corner side yard extends the length of the property between the front setback line and the rear property line, and between the street side property line and corner side setback line. (See Diagram [A-2](#)).

"Yard, Front": Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot or parcel.

"Yard, Front Area": The area between the front foundation line of the primary dwelling and front property line extending the full width of the lot or parcel. In situations where the foundation line is not a straight line, the front yard area shall follow the course of the foundation line of the primary dwelling (See Diagram [A-2](#)).

"Yard, Rear": A yard between the rear lot line and the setback line of a main building, extending across the full width of inside lots and for corner lots a yard between the rear lot line and the setback line of the building and extending between the side lot line and the front yard lying opposite thereto. (See Diagrams [A-2](#), [A-3](#).)

"Yard, Sale": See Garage Sale.

"Yard, Side": Any yard between the side lot line and the setback line of a main building, extending from the front yard to the rear yard. (See Diagrams [A-2](#), [A-3](#).)

"Yard, Street Side": On corner lots, the yard determined by the owner to be the side yard on the street and running from the front setback line to the rear property line.

"Zero Lot Line Development": Single family dwellings arranged on lots with one side wall of the building located on the property line. (See Diagram [A-5](#).)

"Zoning Administrator": The Community and Economic Development Director shall be the Zoning Administrator, who is the administrative officer charged with enforcement of the Code provisions involving or related to land use planning, zoning, development, signs, and subdivisions. See also Section 2.31.010.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

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

Ord. No. 98-80, Amended, 12/17/1998

Ord. No. 98-83, Amended, 12/17/1998

Ord. No. 99-12, Amended, 3/18/1999

Ord. No. 00-03, Amended, 2/17/2000

Ord. No. 01-39, Amended, 9/6/2001

Ord. No. 01-41, Amended, 10/4/2001

Ord. No. 01-47, Amended, 10/4/2001

Ord. No. 02-18, Amended, 3/21/2002

Ord. No. 03-41, Amended, 10/2/2003

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. 05-14, Amended, 4/7/2005

Ord. No. 06-56, Amended, 12/7/2006

Ord. No. 08-38, Amended, 7/17/2008

Ord. No. 08-41, Amended, 10/2/2008

Ord. No. 09-10, Amended, 6/4/2009

Ord. No. 09-09, Amended, 7/16/2009

Ord. No. 09-20, Amended, 11/5/2009

Ord. No. 11-03, Amended, 3/3/2011

Ord. No. 11-23, Amended, 9/15/2011

Ord. No. 12-16, Amended, 5/17/2012

Ord. No. 14-08, Amended, 6/19/2014

Ord. No. 14-30, Amended, 12/18/2014

Ord. No. 15-17, Amended, 9/17/2015

Ord. No. 16-35, Amended, 7/7/2016

Ord. No. [17-13](#), Amended, 6/15/2017

Ord. No. [17-21](#), Amended, 7/20/2017

Ord. No. [18-12](#), Amended, 5/3/2018

Ord. No. [18-23](#), Amended, 6/21/2018

Ord. No. [19-24](#), Amended, 9/5/2019

Ord. No. [19-37](#), Amended, 11/21/2019

Ord. No. [20-38](#), Amended, 11/19/2020

Ord. No. [20-40](#), Amended, 12/17/2020

Ord. No. [21-23](#), Amended 9/16/2021

Ord. No. [23-02](#), Amended 1/5/2023

Ord. No. [23-08](#), Amended 5/18/2023

Ord. No. [24-03](#), Amended 1/18/2024

Ord. No. [24-02](#), Amended 2/1/2024

Ord. No. [24-10](#), Amended 5/2/2024

Ord. No. [25-01](#), Amended 2/6/2025

Ongoing amendment history can be viewed by clicking on the gavel in the top right corner.



19.06.000 Tables 6-1, 6-2 And 6-3

[Tables 6-1, 6-2 and 6-3](#), updated 2/6/2025

TABLE OF LAND USE REGULATIONS

TABLE 6-1 (Columns A Through R-H) and TABLE 6-2 (Columns A-2 Through MU-TOD)

RESIDENTIAL/DOMESTIC

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Accessory Farm Bldg.	P	C										P										
Accessory Dwelling Unit (ADU)	P	P	P	P	P																	
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	C	P
Boarding/Rooming House	C							C	C	C												C
Dormitory								C	C	C								C				
Dwelling, Multiple Unit								P	P	P											P	P
Dwelling, 2 Unit							P	P	P	P	P										C	C
Dwelling, 1 Unit Attached (SF-A)	p ¹	p ¹	p ¹	p ¹	p ¹		P	P	P	P	P										P	P
Dwelling, 1 Unit Detached (SF-D)	P	P	P	P	P		P	P	P	P	P										C	C
Fraternity/Sorority House								C	C	C								C				
Household Pets	P	P	P	P	P	P	P	P	P	P	P										P	P
Mobile Home Park						C																
Off-Street Parking Inc. To Main Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Secondary Residential Unit														P	P	P	P	P	P	P	P	P
Model Homes	P	P	P	P	P	P	P	P	P	P	P											

Temporary Sales Office	P	P	P	P	P	P	P	P	P	P	P										P	P
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1. SF-A units are only permitted if approved through a PRUD Overlay rezoning and concept plan public review process (see Chapter 19.08 Planned Residential Unit Development (PRUD) Overlay Zone).

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

INSTITUTIONAL/CIVIC AND SPECIAL SERVICE

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Airport, Heliport																			C	C		
Assisted Living								C	C	C	C		P	P	P	P	P	P			P	P
Cemetery; Pet Cemetery; Mausoleum	C	C	C	C	C	C	C	C	C	C				C								
Charter School	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Church/Temple/Rectory	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C
College or University	C	C	C	C	C	C	C	C	C	C	C		C	C			C					
Commercial School													C	C	P	P	P	P			P	P
Community Center								C	C	C			P	P	P	P	P	P			P	P
Community Use	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	P	P	C	C
Convent, Monastery or Other Dwelling Group for Religious Community	C	C						C	C	C	C			C	C	C	C	C			C	C
Day Care Center								C	C	C	C		P	P	P	P	P	P			P	P
Foster Home	C	C					C	C	C	C	C					C						
Fraternal/Benevolent Society										C					C	P	P	C				
Halfway House or Similar Facility for Alcoholic, Narcotic, Psychiatric, Patients, or Felons and Delinquents																	C	C				
Home for Elderly, Elder Apartment							C	C	C	C	C			P	P	P					P	P
Hospital (Acute Care)										C			C	C		C	C	C			C	

Religious or Philanthropic Institution	C	C	C	C	C	C	C	C	C	C	C		C	P	P	P	P	P			P	P
Library, Art Gallery, Museum													C	P	P	P	P	P			P	P
Nursing Home								C	C	C			P	P	P	P	P	P			P	P
Park, Playground, Fairground	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C
Private/Quasi-Public School	C	C	C	C	C	C	C	C	C	C	C		C	C							C	
Private Country Club	C	C						C	C	C			C	C	C	C	C	C	C		C	C
Public Administration Offices	C	C	C	C	C	C	C	C	C	C	C		P	P	P	P	P	P	P	P	P	P
Public School	C	C	C	C	C	C	C	C	C	C	C		C	C							C	
Residential Facility for Elderly	C	C	C	C	C	C	P	P	P	P	P										C	
Residential Facility for Persons w/a Disability - Large							C	P	P	P	P										C	C
Residential Facility for Persons w/a Disability - Small	P	P	P	P	P	P	P	P	P	P	P										C	C

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

UTILITY RELATED SERVICES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Commercial Radio or TV Trans. Station													C			P	P	C	P	P		
Electric Power Plant																	C	C	P	P		
Electric Substation	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	P	C	P	P	C	C
Fire Station	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	P	P	P	P	C	C
Gas Metering & Transmission Station	C	C	C	C	C	C	C	C	C	C		C	P	C	P	P	P	P	P	P	C	C
Local Utility Distribution Line	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

Radio, TV, or Microwave Tower	C											C	C	C	C	C	P	P	P	P	C	C
Railroad Tracks & R.O.W	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C		C	C
Sewage/Water Pumping/Control Station	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Telecommunications Facility at Community Uses	C	C	C	C	C	C	C	C	C	C		C							P	P		
Telecommunications Antenna, Roof Mounted at Community Uses	C	C	C	C	C	C	C	C	C	C		C					P	P	P	P		
Telecommunications, Antenna, Wall Mounted at Community Uses	C	C	C	C	C	C	C	C	C	C		C					P			P		
Telephone Business Office													P	C	C	P	P	P	P	P	C	C
Telephone Switching, Relay & Transmission Equipment	C	C	C	C	C	C	C	C	C	C		C	C	C	C	P	P	P	P	P		
Public/Private Utility, Other Than Listed	C											C	P	C	C	P	P	P	P	P	C	C
Utility Shops, Storage Yards & Bldgs.																	C	C	P	P		C
Water Treatment Plant	C	C										C			C	P	P	C	P	P	C	C
Water Wells, Reservoir, or Storage Tank	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	P	P		

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

RECREATIONAL USES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Indoor Commercial Amusement															P	P	P	P	P		L ³	L ³
Outdoor Limited Comm. Amusement													C		C	C	C	C	C	C	C	C
Outdoor Commercial Amusement															C	C	C	C	C	C		

Athletic/Tennis/Swim Club											C			C		P	P	P	C			C	C
Golf Course	C	C	C	C	C	C	C	C	C	C			C						C	C			
Theater, Indoor																	P	P	P	C		C	C
Theater, Live													C		C	P	P	P				C	C
Theater, Outdoor																		C	C	C			

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

AGRICULTURE AND RELATED USES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Accessory Agricultural Uses	P																					
Agriculture	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P
Animal Keeping	P	P										P							P	P		
Beekeeping	P	P	P	P	P							P								P		
Breeding or Raising of Animals for Food or Sale	P											P								P		
Crop Production Sale	P	P										P		P	P	P	P	P	P	P	P	P
Dairy	P	C										P								P		
Family Food Production	P	P										P							P	P		
Farm Industry, or Ranch	C	C										P								P		
Fur Farm	C											C								P		
Home Use Orchard	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P		

Commercial Use Orchard	P	P										P		P	P	P	P	P	P	P	P	P	P	P
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P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

AUTOMOBILE RELATED USES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Major Auto Repair																	C	C	P	P		
Car Wash															C	P	P	C	C	C		
Commercial Parking Structure, Auto Only													C				C	C			C	C
Dealership																	C	C		C		
Dealership, Small																	P	P	P	P		
Gasoline Sales (Wholesale)																	C	C	C	C		
Gasoline Retail (No Repairs)															C	P	P	P	P	P	C	
Gasoline, Petroleum Products Storage																	C	C	C	C		
Muffler or Brake Shop																C	C	P	P	P		
New & Reconditioned Auto Parts, Indoor															C	P	P	P	P	P		
Paint and Body Shop																C	C	C	C	C		
Seat Cover or Upholstery																P	P	P	P	P		
Service Station, Minor Repairs															C	P	P	P	P	P		
Storage of Autos, Travel Trailers																			C	C		
Tire Sales																P	P	P	P	P		
Tire Recapping and Retreading Shop																	C	C	P	P		

P = PERMITTED C = CONDITIONAL L# = Permitted with Specific Limitation(s) (See Table 6-3)

INDUSTRIAL AND RELATED USES

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[illegible]

P = PERMITTED

C = CONDITIONAL

L# = Permitted with Specific Limitation(s) (See Table 6-3)

RETAIL AND RELATED USES

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Bank, Credit Union, or Savings & Loan w/ Drive Through													C	C	P	P	P	P			C ²	C ²
Barber or Beauty Shop													P	C	P	P	P	P	P		P	P
Big Box Retail																C	C	C				
Convenience Store															C	C	C	C	C	C	C ²	C ²
E-commerce Retail & Fulfillment													P		P	P	P	P	L ⁴	L ⁴	L ²	L ²
Fast Food Eating Establishment													P ² L ⁴		P	P	P	P	L ⁴	L ⁴	p ²	p ²
Furniture/Appliance Store															C	C	P	P	P	P	C	C
Garden Shop & Plant Sales, Nursery	C														C	P	P	C			C	C
Grocery Store																P	P	P	P		P	P

Kennels, Boarding												C	C	C	C	P	P		
Kennels, Daily Boarding & Extended Care	C																		
Kennels, Private	C	C																	
Laboratory, Medical or Dental									P	P	P	P	P	P	P	L ⁴	L ⁴	P	P
Laundry/Laundromat										P	P	P	P	P	P	L ⁴	L ⁴	P	P
Locksmith or Key Shop										P	P	P	P	P	P	P	P	L ²	L ²
Mortuary									C	C	P			C				C	
Music Store										P	P	P	P	P	P	L ⁴	L ⁴	L ³	L ³
Office, Professional, or General Business									P	P	P	P	P	P	P	P	P	P	P
Package Liquor Store										C	P	P	P	P				C	C
Pawn Shop											C	P	C						
Pet Services, Indoor	C									C	C	C	C	P	P				
Pet Services, Indoor/Outdoor	C									C	C	C	C	P	P				
Pet Shop, Small Animals, Birds & Fish										P	P	P	P	L ⁴	L ⁴	L ³	L ³		
Reception Center							C		C	C	C	P	P	P				C	C
Repair for TV, Radio, Appliance or Similar														P	P	P			
Restaurant									L ⁴		P	P	P	P	L ⁴	L ⁴	P	P	
Retail Sales and Commercial Services									L ⁴		P	P	P	P	L ⁴	L ⁴	p ²	p ²	
Retail Tobacco Specialty Business														C					
Studio - Art, Photo									P	P	P	P	P	P	L ⁴	L ⁴	L ²	L ²	
Studio - Health, Exercise, Dance, Music, Drama, or Similar									P	P	P	P	P	P	L ⁴	L ⁴	L ³	L ³	
Studio - Decorate & Display									P	P	P	P	P	P	L ⁴	L ⁴	L ²	L ²	
Swap Meets													C	C	C	C			
Tavern, Bar, Private Club w/ Alcohol Sales													C	C				C	C

Office and Indoor Storage												L ¹		L ²	L ²	L ²	L ¹	P	P		L ²	
Permanent Cosmetics												P	C	P	P	P	P	P		P	P	
Pre-School												C	C	C	P	P	P	P	P	P	P	
Railroad or Bus Passenger Station												C			C	C	C	P	P	C	C	
Railroad Team Tracks, Freight Depot or Docks												C				C	C	P	P			
Seasonal Outdoor Vendor														P	P	P	P					
Single Event														P	P	P	P			P	P	
Snow Shack														P	P	P	P			P	P	
Street Vendor*																P	P			P	P	
Tattooing																	C					
Tent Vendor**														P	P	P	P			P	P	
Trailer or Mobile Home Sales																P	P	P	P			
Transfer Storage Terminal																C	C	P	P			
Travel Trailer Park															C	P	P	C			C	

2. Drive-throughs in the MU, MU-TOD and B-RP zones are only permitted on the rear or side of a building.
(See Sections 19.25.060(5) and 19.26.060(5))

P = PERMITTED C = CONDITIONAL L# = Permitted with Specific Limitation(s) (See Table 6-3)

*Special requirements for businesses in this zone are available in 19.21.040

**Special provisions for locations of each type of Tent Vendor are available in 19.21.050

***Special requirements for businesses in these zones are available in 19.21.045

HISTORY

Ord. No. [17-21](#), Amended, 7/20/2017

Ord. No. [17-39](#), Amended, 12/7/2017

Ord. No. [18-08](#), Amended, 3/1/2018

Ord. No. [18-12](#), Amended, 5/3/2018

Ord. No. [18-23](#), Amended, 6/21/2018

Ord. No. [19-39](#), Amended, 11/7/2019

Ord. No. [19-37](#), Amended, 11/21/2019

Ord. No. [19-38](#), Amended, 11/21/2019

Ord. No. [20-38](#), Amended, 11/29/2020

TABLE 6-3

TABLE OF LAND USE LIMITATIONS

L ¹	Land use limited to an interior building area of no more than 15,000 s.f.
L ²	Land use limited to an interior building area of no more than 6,000 s.f.
L ³	Use not permitted directly below multi-family residential uses in MU and MU-TOD zoning districts
L ⁴	Uses are subject to the standards and limitations provided in Section 19.06.170
L ⁵	Uses are subject to the standards and limitations provided in Section 19.26.020

HISTORY

Ord. No. [20-38](#), Enacted, 11/19/2020

Ord. No. [21-23](#), Amended 9/16/2021

Ord. No. [23-02](#), Amended 1/5/2023

Ord. No. [24-10](#), Amended 5/2/2024

Ord. No. [25-01](#), Amended 2/6/2025



19.14 Conditional Uses

19.14.010 Purpose



To allow the proper integration into Layton or uses, which may be suitable only in certain locations in the City, and only if such uses are designed or laid out on the site in a particular manner.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

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

Ord. No. 04-69, Recodified, 12/16/2004

19.14.020 Conditional Use Permit

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations or elsewhere in this Title. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

1. **Application.** 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 use procedure.** The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review (see Chapter 19.13), for those conditional uses which require such a review, and sufficient to demonstrate that the general and specific requirements of this Title will be met by the construction and operation of the proposed building, structure, or use. In considering an application for a conditional use permit, the Land Use Authority as defined in Section 19.01.135 shall give due regard to the nature and condition of adjacent uses and structures.
 - a. A conditional use shall be approved if reasonable conditions are proposed or can be imposed, to mitigate the reasonable anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - b. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied.

The granting of a conditional use permit shall not exempt the application from other relevant provisions of this or other ordinances of the City of Layton.

3. **Fee.** The application for any conditional use permit shall be accompanied by the appropriate fee as authorized in the City's [Consolidated Fee Schedule](#).

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

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

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

Ord. No. [24-03](#), Amended 1/18/2024

Ongoing ordinance history can be viewed by clicking the gavel in the top right corner.

19.14.030 Notification Of A Conditional Use

At least 10 days prior to the Land Use Authority meeting during which the conditional use will be considered a Notice Sign shall be posted a minimum of one sign on each street frontage of the subject property stating the proposed conditional use, and the date, time and location of the Land Use Authority meeting in which the conditional use will be considered. The applicant shall be notified of the date, time and location of the public meeting and of any final action on a pending application.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

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

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

Ord. No. [20-20](#), Amended, 6/18/2020

19.14.040 Appeals Of Decision

Any person shall have the right to appeal the decision of the Land Use Authority to the Land Use Appeal Authority. Such appeal shall be applied for within 30 days from the date of the decision of the Land Use Authority. Upon receipt of such appeal, the Land Use Appeal Authority shall respond within 45 days. Failure by the Land Use Appeal Authority to respond shall be deemed to be an approval of the appeal.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

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

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.050 Inspection

Following the issuance of a conditional use permit by the Land Use Authority, the application for a building permit or certificate of occupancy may be approved in compliance with the conditional use permit.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 04-69, Recodified, 12/16/2004
Ord. No. [17-13](#), Amended, 6/15/2017

19.14.060 Time Limit

Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of one year of its issuance, the conditional use permit shall expire. The Zoning Administrator may grant a maximum extension of six months under exceptional circumstances. If the conditional use permit expires, a reapplication shall not be submitted for the same purpose for a minimum period of 12 months.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997
Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 04-69, Recodified, 12/16/2004
Ord. No. [17-13](#), Amended, 6/15/2017

19.14.070 Temporary; Conditional Uses

A conditional use permit for temporary business buildings may be issued by the Land Use Authority only as indicated in Subsection (1) below. The conditional use permit shall be valid for a period of one year or as further qualified in Subsection (1) below. The Zoning Administrator may grant a maximum of two extensions of six months each to the conditional use permit so long as all other provisions of this Section are complied with and any associated building permit remains valid.

1. Temporary business buildings in any zoning district that are used during construction of the permanent structure may be allowed if granted a conditional use by the Land Use Authority, and if the following conditions have been met:
 - a. The building permit for the permanent structure has been issued.
 - b. Temporary structures must be completely skirted.
 - c. Temporary structures shall comply with the setbacks for the zoning district.
 - d. Temporary structures must be located outside of all clear view areas as defined in Section 19.16.080.
 - e. The temporary structure will be removed from the premises within 14 days of occupancy of the permanent structure.
 - f. In the case of temporary sales offices in residential zoning districts the sales office must be removed 14 days after occupancy of the model home or six months after approval for the temporary sales office if the model home is not completed.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997
Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 97-73, Amended, 11/20/1997

Ord. No. 99-18, Amended, 3/18/1999

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. 11-09, Amended, 3/17/2011

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.075 Revocation Of Conditional Use Permit

1. A conditional use permit may be revoked by the Land use Authority upon failure of compliance with the conditions precedent to the original approval of the permit or for any violation of this Title occurring on the site for which the conditional use permit was approved. Prior to the revocation of a conditional use permit, the Land Use Authority shall convene a meeting. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the meeting. An appeal of the decision to revoke a conditional use permit shall be filed, in writing, with the Land Use Appeal Authority within 30 days from the date of revocation.

HISTORY

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.080 Determination And Considerations

The Land Use Authority may allow a conditional use to be located in any zoning district in which the particular use is allowed as a conditional use by this Title. In authorizing any conditional use, the Land Use Authority shall impose such requirements and conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards provided in this Chapter or elsewhere in this Title necessary for the protection of adjacent properties and the public welfare. An applicant for the conditional use shall establish that the proposed use:

1. At the specified location, is in harmony with the general intent and purpose of the Layton City General Plan and the applicable zoning district regulations;
2. Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;
3. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
4. Conditions imposed by the Land Use Authority shall be based upon options described in this Chapter or any special conditions or requirements as may be specified elsewhere in this Title.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

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

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.090 Standards For Conditions

Applicants for conditional use permits shall meet all specific requirements made in this Title. In addition, the Land Use Authority may establish reasonable conditions as outlined herein to mitigate the reasonable anticipated detrimental effects of the proposed use. More specifically, the Land Use Authority may require:

1. **Conditions relating to compliance with the intent of the comprehensive plan and characteristics of the zoning district.**
 - a. The placement of conditional uses only in specific areas of a zoning district, e.g., along an arterial or collector street.
 - b. The removal of structures, debris, or plant materials incompatible with the desired characteristics of the zoning district.
 - c. The screening of yards or other areas as protection from obnoxious land uses and activities.
 - d. Landscaping to insure compatibility with the intended neighboring land uses.
 - e. Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
 - f. The relocation of proposed or existing structures as necessary to provide for street widening or street placement within the area under application, as provided in the Layton City General Plan, adequate sight distances for general safety, groundwater control, or similar issues.
 - g. Modification to allowed population density and intensity of land use where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare.
 - h. Other improvements which serve the property and which may mitigate, in part or in whole, reasonably anticipated detrimental effects of the proposed use.
 - i. Other improvements which serve the property in question and which may compensate, in part or in whole, possible adverse impacts to the district from the proposed conditional use.
2. **Conditions relating to safety for persons and property.**
 - a. Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
 - b. The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
 - c. Increased setback distances from lot lines where the Land Use Authority determines it to be necessary to insure public safety and to insure compatibility with the intended characteristics of the zoning district as outlined in this Title, or where the lot abuts an arterial or collector street.
 - d. Appropriate design, construction, and location of structures, buildings, and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and/or location of use due to special site conditions, including but not limited to, geologically hazardous areas, flood plains, fault zones, and landslide areas other than may be required by the sensitive lands overlay development regulations.
 - e. Limitations and control of the number, location, color, size, height, lighting, and landscaping of signs and structures in relation to the creation of traffic hazards.
 - f. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
 - g. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.
3. **Conditions relating to health and sanitation.**

- a. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the City.
 - b. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the City.
 - c. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the zoning district and to provide for an orderly development of land in Layton.
4. **Conditions relating to environmental concerns.**
- a. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife, and plant life.
 - b. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise.
 - c. The planting of ground cover or other surfacing to prevent dust and erosion.
 - d. Restructuring of the land and planting of the same as directed by the Land Use Authority when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured and re-vegetated.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

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

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

19.14.100 Conditions Relating To Specific Types Of Uses

All uses listed in this Section shall be required to meet all standards provided in this Chapter. Where there is a conflict between another provision and the provisions of this Section, the more specific requirement shall apply.

1. **Mobile Home Parks and Travel Vehicle Parks** - See Chapter 19.11 of the Layton Municipal Code.
2. **Wireless Telecommunication equipment.** Wireless Telecommunication equipment may be allowed with the following requirements:
 - a. **Wall mounted antennas.** mounted antennas are conditional uses in residential zoning districts at institutional uses. Wall mounted antennas must comply with the following criteria:
 - i. Wall mounted antennas shall not extend above the roof line of the building more than four feet.
 - ii. Antennas and all associated equipment shall be painted to match the color of the building or surrounding area.
 - iii. Wall mounted antennas may have a maximum area of 40 square feet per each side of the building. The area is determined by drawing straight lines around the outermost portions of the antennas until enclosed.
 - iv. All equipment associated with the use (excluding the antenna) must be screened by a view obstructing structure.
 - v. If the associated equipment is located on the ground it must be appropriately landscaped.

- b. **Roof mounted antennas.** Roof mounted antennas are conditional in residential zoning districts at institutional uses. The following provisions and any applicable provisions in Subsection (a) above shall apply to roof mounted antennas:
 - i. Roof mounted antennas can only be mounted on structures with flat roofs. Exceptions may be granted by staff with the following stipulations:
 - 1. The tower will be mounted on the roof of a building such that the building will obstruct the view of the antenna from the front of the building.
 - 2. The antenna will be less visible from ground level than the typical antenna mounted on a flat roof.
 - ii. Roof mounted antennas must be setback from the building edge one foot for every one foot of antenna height to a maximum of 15'.
- c. **Mono-pole structures.** Mono-pole towers may be allowed as conditional uses in residential zoning districts at community uses. Any applicable criteria in Subsections (a) and (b) as well as the following criteria shall apply to mono-pole structures:
 - i. All towers must be of a mono-pole construction. No lattice constructed towers of any kind shall be allowed.
 - ii. All towers must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for colocation and that the structure has been constructed to allow for this.
 - iii. No tower may be located within a one mile radius to another tower unless grid documentation is supplied by an independent consultant stating that co-location will create an unreasonable hardship. Evidence of an unreasonable hardship shall be provided by an independent engineering study provided to the City at cost to the applicant.
 - iv. Co-location on an existing mono-pole structure is a permitted use and is handled administratively.
 - v. The agent must supply the City with a letter stating that if technology renders the tower obsolete and the tower is vacated, that the agent will remove the tower, all apparatus associated with it, the top three feet of the footing, and restore the site to its original condition within 90 days of the vacation of the tower.
- d. The additional following criteria may be addressed for approval of electronic communication equipment in residential zoning districts at community uses:
 - i. Whether co-location of the antenna on existing structures in the same vicinity such as: towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., is feasible without impacting neighboring uses.
 - ii. The location of the antenna in relation to existing vegetation, topography, buildings, residential uses, and zoning districts.
 - iii. Whether there are any negative impacts associated with the use that must be mitigated through screening, height limits, or specifying construction materials and colors, etc.
- 3. **Bus shelters.** Bus shelters located in the public right-of-way shall comply with all requirements listed in Section 19.05.070 (if applicable) as well as the following:
 - a. Require review and approval by the City Engineer.

- b. The applicant shall notify the abutting property owner by certified letter of the proposed shelter location, advertising, and provide an opportunity for comment. A copy of the certified letter shall be provided to the City by the applicant.
 - c. If the bus shelter is located in a state or county right-of-way the applicant must also receive a permit from the State or county for the erection of the bus shelter.
 - d. If sidewalk is removed in order to locate the bus shelter, the sidewalk shall be replaced by the applicant and meandered around the shelter so that there is a minimum of three feet from the closest portion of the walk to the closest portion of the shelter. The meander shall start a minimum of ten feet on either side of the shelter. Proposed sidewalk alignment shall be submitted with the application.
 - e. The applicant shall acquire from the adjacent property owner an access easement in situations where the public sidewalk enters onto private property.
 - f. There shall be a minimum setback of four feet from the face of the curb to the nearest portion of the shelter.
4. **Elderly apartment.** Each elderly apartment shall meet all state and federal codes and have the following minimum requirements:
- a. Non-skid bathtubs.
 - b. Handicap accessible doorways.
 - c. Bath facilities designed to accommodate wheelchairs.
 - d. Grab bars in showers, tubs, and near toilets.
 - e. Central heating and cooling.
 - f. Lever type door handles and water faucets.
 - g. Electrical receptacles to be at least 24" above floor level.
 - h. No stairs within apartments, and elevator access for more than one-story dwelling buildings.
 - i. Emergency signals in each apartment to a 24 hour manned facility.
 - j. Elderly households shall be limited to three persons per dwelling unit.
5. **Kennels.**
- a. **Kennels, private.**
 - i. Minimum lot size of one acre required.
 - ii. The animals must be owned by the property owner or occupants, except at times of breeding.
 - iii. Outdoor pens shall be located in the rear yard and shall not be closer than 100' to any neighbors dwelling and ten feet from any side or rear property line.
 - iv. In addition to other conditions imposed to mitigate the impact of this use, the Land Use Authority may restrict the location of any pens and the number of dogs and/or cats allowed on the site.
 - v. All kennels will comply with the Davis County Health Department's regulations and Davis County Animal Control's regulations.
 - b. **Daily Boarding Kennels.**
 - i. In a residential zoning district daily boarding kennels will be a conditional use and are only permitted as a home occupation. The boarding operation shall comply with the following regulations and all provisions of the home occupation regulations, except that a boarding kennel shall be exempt from the limitation on the use of space in and outside the home.
 - ii. Must be located in the A (agriculture) zoning district.

- iii. Outdoor pens shall be located in the rear yard and shall not be closer than 100' to any neighbors dwelling and ten feet from any side or rear property line.
 - iv. In addition to other conditions imposed to mitigate the impact of this use, the Land Use Authority may restrict the location of any pens and the number of dogs and/or cats allowed on the site.
 - v. The number of dogs and/or cats will be limited to eight including the owner's own dogs and/or cats.
 - vi. Hours of operation will be limited to 7:00 a.m. to 7:00 p.m.
 - vii. All kennels will comply with the Davis County Health Department's regulations and Davis County Animal Control's regulations.
- c. **Extended Care Kennels.** In the A (agricultural) zoning district, an extended care kennel will be a conditional use and only permitted as a home occupation. The home occupation does not allow employees, and the operation shall comply with the following regulations.
 - i. Must be located in the A (agricultural) zoning district with a minimum of one acre of property.
 - ii. Must be located in the Accident Potential Zone (APZ) easement overlay area as described, defined, and regulated in this Code and in Utah Code Sections 63M-6-201, et. seq. also known as the Utah Military Base Easements Act.
 - iii. The number of dogs and/or cats, at any one time, for day care or boarding, shall be limited to 20, including the owner's dogs and/or cats. The number of dogs and/or cats, at any one time, for grooming, shall be limited to three. This use shall allow for day care, grooming, and boarding services only. Obedience, or other similar classes, and the selling of pets are not allowed under these provisions.
 - iv. An extended care kennel will comply with the Davis County Health Department regulations and Davis County Animal Control regulations.
 - v. Outdoor pens shall be located in the rear yard area and shall not be closer than 100' to any neighbors dwelling and ten feet from any side or rear property line.
 - vi. There shall be a minimum of 100 square feet of yard space provided for each animal kept within the extended care kennel. Said space shall be secured by a six foot solid vinyl fence or chain link fence with vinyl slats, which is adequately secured at the bottom with a concrete mow strip to prevent animals from exiting under it. Any area or use within the yard area determined to be a hazard to animals shall be secured from access and shall not be counted in the required yard space. A site plan of the parcel being used and the neighboring properties, including dwellings, shall be reviewed and approved by the City staff.
 - vii. Must be located along an arterial street as defined in the Layton City Master Street Plan.
 - viii. The dogs and/or cats shall be boarded indoors between the hours of 9:00 p.m. and 7:00 a.m. to avoid noise disturbances during the quiet ambient noise times. The enclosures shall have electricity and a heating source.
 - ix. All dogs or cats kept or groomed at the extended care kennel shall have a current rabies vaccination.
- d. **Kennels, Boarding**
 - i. Boarding kennels shall be a conditional use in the CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), CP-3 (Planned Regional Commercial), and C-H (Planned Highway Commercial) zoning districts, and a permitted use in the M-1 (Light Manufacturing/Industrial) and M-2 (Heavy Manufacturing/Industrial) zoning districts.

- ii. Boarding kennels shall comply with all Davis County Animal Control and Davis County Health Department regulations.
 - iii. Animals shall be treated humanely and no conditions shall be maintained or permitted that are, or could be, injurious to the animal.
 - iv. Animals which are kept or boarded shall be current on all required vaccinations.
 - v. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, and shall be constructed and maintained to prevent the escape of any animal.
 - vi. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be maintained in a clean and sanitary condition and shall be designed and constructed with materials which are easily cleaned. Additionally, all buildings, rooms, animal enclosures, cages, kennels, and runs shall be properly designed and ventilated to prevent/remove animal odors.
 - vii. All buildings, and rooms used for boarding shall be enhanced with building materials, including sufficient insulation and glass thickness, to dampen or eliminate noises associated with the animals being boarded within. The sound attenuation of these buildings and rooms shall be sufficient to eliminate noises associated with boarded animals from inside any occupied residential or commercial building.
 - viii. There shall be no outdoor boarding of any animal.
 - ix. Outdoor animal enclosures used as exercise yards and runs associated with a boarding kennel shall be secured by a six foot solid vinyl, masonry block, or comparable fence material.
 - x. Boarding kennels with outdoor animal enclosures shall keep animals indoors between the hours of 9:00 p.m. and 7:00 a.m. Building doors and windows which lead to outdoor animal enclosures shall remain closed after entering or exiting the outdoor space to limit noise from escaping the building's interior.
 - xi. Where existing residential and commercial uses are located within 200' of a boarding kennel, the number of animals in outdoor animal enclosures, exercise yards, and runs at any one time shall be limited to one animal for every 300 square feet of enclosed area, and enclosed areas shall not exceed a maximum of 2,400 square feet.
 - xii. Animal waste and runoff generated by the cleaning of outdoor animal enclosures, exercise yards, and runs shall be contained on the subject property. If disposal is by a sanitary sewage system, it shall comply with all applicable City, County, and State regulations.
 - xiii. Outdoor animal enclosures, exercise yards and runs shall be located at least 75' from any residential uses, and from existing commercial outdoor patio areas used for eating, reception, entertainment, or other similar uses.
 - xiv. Animals may be walked outdoors at any time on a leash for exercise and relief provided that only three animals, per accompanied employee, may be outside at a time. Any solid animal waste shall be disposed of promptly and in a sanitary manner.
6. **Commercial uses in manufacturing zoning districts.** Retail sales shall be allowed in the M-2 zoning district as a conditional use, but shall be limited to the retail sale of goods manufactured and/or distributed by the same business, as long as:
- a. The retail sale is confined to a floor area within the tenant space not exceeding 40% of the total floor area used by the business; and
 - b. The remaining floor area is not open to the public and is not used for commercial uses; and

- c. The subject parcel has frontage on an arterial street with the main entrance to the business facing the arterial street.
- 7. **Cemetery/Mortuary/Funeral Home.** The provision of mortuary/funeral home services in appropriate locations is an important land use objective of the City. The purpose of this Section is to ensure appropriate locations for these type of facilities and preserve the character of surrounding neighborhoods.
A mortuary/funeral home on a cemetery site in the A (agriculture) zoning district may be allowed if granted a conditional use permit by the Land Use Authority and if the following conditions have been met:
 - a. **Height, setback, and lot requirements.** A mortuary/funeral home shall comply; with the height, setback, and lot requirements of the zoning district in which it is located. A mortuary/funeral home on a cemetery site in the A (agriculture) zoning district shall have a minimum of a 100' front yard setback to insure that the building is integrated into the cemetery site.
 - b. **Lighting.** Lighting shall comply with Section 19.06.050 of this Title.
 - c. **Parking.** A minimum of one space for each 40 square feet of floor area in assembly rooms.
 - d. **Landscaping and Fencing.** Transitional landscaping and fencing shall be provided in accordance with Section 19.16.040 of this Title and Table 16-1 entitled "Landscaping/Fencing Matrix."
- 8. **Recyclable/Salvage Yards.** No land or building devoted to these types of uses shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element, in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises.

State agency notification. The Community and Economic Development Director shall confirm that the Environmental Health Services Section of the State Health Division is informed of applications where a recyclable/salvage yard may pose a potential risk.

As part of a performance standards review the use shall include in the application a description of the proposed machinery, products, and processes to be located at the site.

Layton City, and other governmental agencies, are authorized to monitor the use as needed, and conduct investigations of any purported violation of environmental, criminal, or performance laws or standards. Monitoring of the use would include problems with crime, noise, odors, vibration, or glare. For purposes of determining the existence of a nuisance, the measurement of noise, odors, contamination, vibration, or glare shall be taken at the property line.

Recyclable/Salvage yards shall be subjected to the following restrictions.

- a. No recyclable/salvage yard shall be located within 1000' feet of:
 - i. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
 - ii. A public or private educational facility including, but not limited to, child day-care facilities, nursery schools, pre-schools, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. Schools include the school grounds.
 - iii. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City Park and Recreation authorities.

b. No recyclable/salvage yards shall be located within 600' of:

- i. A boundary of a residential district as defined in the Layton City zoning code; or;
 - ii. The property line of a lot devoted to a residential use as defined in the Layton City zoning code.
- The following conditions shall apply to recyclable/salvage yards.
- 1. In the heavy manufacturing zone a recyclable/salvage yard shall be a conditional use and are not permitted in any other type of zoning district.
 - 2. Persons who utilize the recyclable/salvage yard shall provide photo identification to the owners of the establishment who will make a copy of the identification and keep on file with the business.
 - 3. Said use shall not be located in water protection zone areas as defined by Table 20-1 in Chapter 19.20 of this Title and entitled "Drinking Water Source Protection Zones."
 - 4. The material to be collected shall be screened from public view. A minimum eight foot high fence is required around the storage area and includes having a canopy over stacked material. The material cannot be stacked higher than the eight foot fence.
 - 5. The material being stored is screened to prevent a view of the material from a commuter rail train as per Section 19.06.110(5). Other screening devices will be required through landscaping.
 - 6. The material may be required to be stored in an enclosed building if other screening devices are not workable.
 - 7. The deposit or storage of toxic chemicals, radioactive materials, or metals such as freon and mercury shall be prohibited.
 - 8. A background check for current and proposed employees is required as noted in Section 5.04.040.

9. **Title loan, payday loan, deferred deposit lending, and similar businesses.** Title loan, payday loan, deferred deposit lending, and similar businesses shall be located and maintained in accordance with the following standards and conditions:

- a. Title loan, payday loan, deferred deposit lending, and similar businesses shall only be allowed as a conditional use in areas zoned CP-2 (planned community commercial) or C-H (planned highway commercial).
- b. Title loan, payday loan, deferred deposit lending, and similar businesses shall not be located within one thousand five hundred feet (1,500') of another title loan, payday loan, deferred deposit lending, and similar business within or outside of Layton City boundaries. The distance shall be measured in a straight line from the main entrance of the establishments.
- c. Title loan, payday loan, deferred deposit lending, and similar businesses shall be limited to one title loan, payday loan, deferred deposit lending, and similar business per 10,000 in Layton City population. The total population figures shall be based on the U.S. Census Bureau's report for Layton City.
- d. The following shall only apply to title loan, payday loan, deferred deposit lending, and similar businesses that had an active business license before February 3, 2011, in Layton City.
 - i. **Termination of business license.** If any title loan, payday loan, deferred deposit lending or similar business fails to renew its Layton City Business License or vacates the premises, then the business and use is deemed terminated. All title loan, payday loan, deferred deposit lending, and similar businesses that do not meet the zoning and separation requirements shall be considered nonconforming and will be subject to the provisions of Section 19.15.030 of the Layton Municipal Code.

- ii. **Relocation of existing business.** Any title loan, payday loan, deferred deposit lending, and similar business existing before February 3, 2011, shall be allowed to relocate to a new site that meets the zoning and separation requirements outlined in this ordinance. The nonconforming status of the prior site is deemed to have been terminated.

10. **Retail tobacco specialty businesses.** Retail tobacco specialty businesses shall be located and maintained in accordance with the following standards and conditions:

- a. Retail tobacco specialty businesses shall only be allowed as a conditional use in areas zoned C-H (planned highway commercial).
- b. Retail tobacco specialty businesses shall not be located within 600' of another retail tobacco specialty business within or outside of Layton City boundaries. The distance shall be measured in a straight line from the main entrance of the establishments.
- c. Retail tobacco specialty businesses shall not be located within 1,000' of a community location.
- d. Retail tobacco specialty businesses shall not be located within 600' of property used or zoned for agricultural use, or residential use.
- e. The proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, or agricultural or residential use, without regard to intervening structures or zoning districts.
- f. Any retail tobacco specialty business that had an active business license before November 17, 2011, in Layton City maintains the right to operate as a nonconforming use.
- g. **Termination of business.** If any retail tobacco specialty business fails to renew its Layton City Business License, vacates the premises, or suspends the sale of tobacco products for more than 60 consecutive days, then the business and use is deemed terminated. All retail tobacco specialty businesses that do not meet the zoning and separation requirements shall be considered nonconforming and will be subject to the provisions of Section 19.15.030 of Layton Municipal Code.
- h. **Relocation of existing business.** Any retail tobacco specialty business existing before November 17, 2011, shall be allowed to relocate to a new site that meets the zoning and separation requirements outlined in this ordinance. The nonconforming status of the prior site is deemed to have been terminated.

11. **Pet Services.** All pet services shall comply with the following requirements:

a. **Pet Services, Indoor.**

i. General requirements.

- 1. Indoor pet services shall be a permitted use in the M-1 (Light Manufacturing/Industrial), and M-2 (Heavy Manufacturing/Industrial) zoning districts, and a conditional use in the A (Agriculture), CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), CP-3 (Planned Regional Commercial), and C-H (Planned Highway Commercial) zoning districts.
- 2. Indoor pet services shall comply with all applicable City, Davis County Animal Control, and Davis County Health Department regulations.
- 3. All animals shall be treated humanely. No conditions shall be maintained or permitted in the premises or on the property that are, or could be, injurious to the animal.

4. All buildings and rooms shall be enhanced with building materials, including sufficient insulation and glass thickness, to dampen or eliminate noises associated with the animals contained within. The sound attenuation of buildings and rooms shall be sufficient to eliminate noises associated with the animals from inside any occupied residential or commercial building.
5. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, and shall be constructed and maintained to prevent the escape of any animal.
6. All buildings, rooms, animal enclosures, cages, kennels, and runs shall be maintained in a clean and sanitary condition; shall be designed and constructed with materials which are easily cleaned; and shall be properly designed and ventilated to prevent/remove animal odors.
7. Areas for outdoor pet activities (i.e. play/training facilities) shall not be permitted.
8. Animals may be walked outdoors at any time on a leash for exercise and relief provide that only three animals, per accompanied employee, may be outside at a time. Any solid animal waste shall be disposed of promptly in an appropriate and sanitary manner.

ii. Pet day care, indoor play/training facilities, and boarding kennels requirements.

1. Pet day care, indoor play/training facilities, boarding kennels, and similar activities/operations shall require animals to be current on all required vaccinations.
2. Boarding (kenneling) may be provided only as an accessory use. There shall be no outdoor boarding of any animal. Outdoor animal enclosures used as exercise yards and runs which are associated with a boarding kennel shall not be allowed.

iii. Veterinary clinic requirements.

1. Veterinary clinics shall not dispose of dead animals (cremation or otherwise) on-site. Euthanized or otherwise dead animals shall be stored in freezers until removed from the site.

iv. A (Agriculture) zoning district requirements.

1. New buildings and facilities shall reflect an agricultural architectural style and form that is consistent with the area's rural character and existing agricultural buildings.
2. Outdoor lighting shall be screened by shields/hoods to prevent glare onto adjacent properties.

b. Pet Services, Indoor/Outdoor:

i. General requirements.

1. Indoor/outdoor pet services shall be a permitted use in the M-1 (Light Manufacturing/Industrial), and M-2 (Heavy Manufacturing/Industrial) zoning districts, and a conditional use in the A (Agriculture), CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), CP-3 (Planned Regional Commercial), and C-H (Planned Highway Commercial) zoning districts.
2. Indoor/outdoor pet services shall meet all requirements of 19.14.100 (11.a.) with the exception that areas for outdoor pet activities (i.e. play/training facilities, and outdoor animal enclosures used as exercise yards and runs) may be allowed.

ii. Outdoor play/training facilities, exercise yards and runs.

1. Indoor/outdoor pet service operations with outdoor animal enclosures used as outdoor play/training facilities, exercise yards and runs shall be separated from any offsite residential used or zoned property at the property line by a six foot solid vinyl, masonry block, or comparable fence.
2. A minimum 25' landscape buffer shall be provided between adjoining property boundary lines and any outdoor animal enclosure. No pets or animals shall be allowed within the landscape buffer. The landscape buffer shall be planted, manicured, and maintained with evergreen trees and large shrubs. Evergreen trees shall be planted no further than 20' apart, and planted at a minimum of six feet in height at the time of planting, with the potential to grow to at least a 25' canopy diameter in width. Large shrubs shall be planted between evergreen trees to fill in the void spaces along the fence lines.
3. Primary outdoor animal enclosures shall be constructed with a minimum six foot tall transparent fence. Fencing shall be maintained to prevent the escape of any animal.
4. Operations with outdoor animal enclosures shall keep animals indoors between the hours of 9:00 p.m. and 7:00 a.m. Building doors and windows which lead to outdoor animal enclosures shall remain closed after entering or exiting the outdoor space to limit noise from escaping the building's interior.
5. Where existing residential and commercial uses are located within 200' of an outdoor animal enclosure the number of animals shall be limited to one animal for every 300 square feet of enclosed area.
6. Outdoor animal enclosures shall be located at least 75' from any residential uses, and from existing commercial outdoor patio areas used for eating, reception, entertainment, or other similar uses.
7. Exterior play/training structures shall be located appropriately to prevent the escape of any animal, and shall be securely fastened/anchored to protect animals from injury.

12. Pet Cemetery: All pet cemeteries shall comply with the following requirements:

a. General requirements.

- i. Pet cemeteries shall be a conditional use in the A (Agriculture), R (Residential), and P-B (Professional Business) zoning districts.
- ii. Pet cemeteries shall be separated from any off-site residential used or zoned property at the property line by a six foot solid vinyl, masonry block, or comparable fence.
- iii. All graves or burial lots shall be set back a minimum of 30' from any property line or street right-of-way.

b. Pet crematorium. All pet crematoriums shall comply with the following requirements:

- i. Pet crematoriums shall be used for the preparation and cremation of pets only.
- ii. The crematorium shall not be used for the disposal of any waste materials, including medical/industrial waste.
- iii. Pet crematoriums shall emit no visible emissions or odors.
- iv. Pet crematoriums shall comply with all applicable City, County, and State regulations, and shall receive all necessary approvals from applicable State and Federal agencies.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-29, Amended, 5/15/1997

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 98-80, Amended, 12/17/1998
Ord. No. 99-12, Amended, 3/18/1999
Ord. No. 01-18, Amended, 4/19/2001
Ord. No. 01-41, Amended, 10/4/2001
Ord. No. 02-18, Amended, 3/21/2002
Ord. No. 03-49, Amended, 11/6/2003
Ord. No. 03-49, Amended, 11/20/2003
Ord. No. 04-69, Recodified, 12/16/2004
Ord. No. 06-56, Amended, 12/7/2006
Ord. No. 09-20, Amended, 11/5/2009
Ord. No. 11-03, Amended, 3/17/2011
Ord. No. 12-16, Amended, 5/17/2012
Ord. No. 13-08, Amended, 4/18/2013
Ord. No. [17-13](#), Amended, 6/15/2017
Ord. No. [18-08](#), Amended, 3/20/2018
Ord. No. [18-23](#), Amended, 6/21/2018

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/9/2025

Item No. 2.

Title: Zoning Code Amendments - Planned Unit Development and Planned Development Overlay Zone - CMC 15.06 and CZC 12.41 (Discussion Item only)

Initiated By: Sydney DeWees, Assistant Planner

Staff Representative: Mike Eggett, Community Development Director, Sydney DeWees, Assistant Planner

SUBJECT:

Discussion regarding a future consideration of amendments to provisions of the Centerville Municipal Code for Planned Unit Developments and to provisions of the Centerville Zoning Code for Planned Development Overlay (PDO) Zones - Includes review and discussion of code amendments and next steps.

RECOMMENDATION:

There are no recommendations at this time. Staff would like to review the previous City development practices and City Codes, and then discuss next steps in this matter.

BACKGROUND:

ATTACHMENTS:

1. Current PUD Code - CMC 15.06
2. CZC 12.41 PDO Zone - Current
3. Comparison Page
4. Comparison PUD
5. Bountiful_12.20.604
6. Cottonwood Heights_19.78
7. Farmington_11.27
8. Fruitheightscity_10
9. Kaysville_17.34
10. Lehi_17
11. North Salt Lake_13.6
12. Saratoga Springs_19.07
13. Woods Cross NonResidential_11.15.10
14. 07-14-2021 PC Staff Report The Lane Conceptual Site Plan Conceptual Subdivision
15. 10-13-2021 PC Staff Report The Lane Final Site Plan Preliminary Subdivision
16. 11.18.2021 Civil Plans - TheLaneV11
17. 2022.01.06_CW The Lane, LLC_Declaration

18. 12-14-16 PC Staff Report Cottage on the Corner Conceptual Site Plan & Conceptual Subdivision
19. 04-26-17 Cottage on the Corner Final Site, CUP and ReZone
20. 02-13-19 PC Staff Report Cottages on the Corner Prelim Subdivision & Final Subdivision Request
21. 09-23-15 PC Staff Report Porter Walton Townhomes Prelim Sub
22. 10-28-15 PC Staff Report Porter Walton Townhomes Final Sub
23. 12-10-14 PC Staff Report Porter_Walton Senior Living Concept Plan
24. Porter Walton Park
25. 08-08-18 PC Staff Report Sheffield Downs Rezone to R-M 2nd Report
26. 10-24-18 PC Staff Report Sheffield Downs Preliminary Sub
27. 12-12-18 PC Staff Report Sheffield Downs Final Subdivision
28. 3.28.25 Update- PORTER LANE ESTATES
29. 1.31.25 - Landscape Plan

15.06 Requirements For PUD And Non-Residential Subdivisions

15.06.010 Planned Unit Development

15.06.020 Non-Residential Subdivision Requirements

15.06.010 Planned Unit Development

- (a) Design Standards. The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the General Plan and design standards recommended by the subdivision plat approving authority. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.
- (b) Provisions for Common Open Space. The subdivider of a cluster subdivision or PUD shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A project must meet the requirements of the Zoning Code, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the project, surrounding residents, and the general public. The subdivision plat approving authority may place additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.
- (c) Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the subdivider at the request of the subdivision plat approving authority, shall be required to file with the City, an acceptable bond, or other agreement, in a form satisfactory to the City Attorney guaranteeing such completion within two years after such filing. Upon completion of the improvements for which a bond or other agreement has been filed, the subdivider shall call for inspection by the City Engineer, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or security therefore shall be released. If the bonds or security are not released, refusal to release and reasons therefore shall be given the subdivider in writing.
- (d) Continuation of Common Open Space. As assurance of continuation of common open space used in accordance with the plans approved by the subdivision plat approving authority, the subdivider shall grant to the City, an "Open Space Easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open.
- (e) Maintenance of the Common Open Space. In order to insure maintenance of the common open space and other improvements where so required, the subdivider, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a homeowners or property owners association. By proper covenants running with the land and through the articles of incorporation and by laws of the association, it shall among other things, be provided:
 - (1) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guarantees, successors, and assigns.
 - (2) That the common open space restrictions shall be permanent and not just for a period of years.
 - (3) That the association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.

- (4) That all lot, unit, or homeowners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.
- (5) That any assessment levied by the association may become a lien on the real property of any lot, unit, or homeowner which may be foreclosed and the property sold.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2024-01](#) on 1/16/2024

15.06.020 Non-Residential Subdivision Requirements

- (a) The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the General Plan and the Zoning Code.
- (b) In addition to the principles and standards in this Title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the subdivision plat approving authority that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (1) Proposed commercial, industrial or manufacturing parcels shall be suitable in area and dimensions to the types of commercial, industrial or manufacturing development anticipated, and to the requirements of the Zoning Code.
 - (2) Street rights of way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
 - (3) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2024-01](#) on 1/16/2024

12.41 Planned Development Overlay Zone

12.41.010 Purpose

12.41.020 Scope

12.41.030 Definitions

12.41.040 Minimum Area Of Zone

12.41.050 Use In Combination With Underlying Zone

12.41.060 Uses Allowed

12.41.070 Variations From Development Standards

12.41.074 Development Agreements For Planned Development Overlay Zones

12.41.080 Planned Development Overlay Zone Approval

12.41.090 Density

12.41.100 Development Standards

12.41.110 Protection Of Common Areas

12.41.120 Development Implementation

12.41.010 Purpose

The Planned Development Overlay (PDO) Zone allows residential, commercial, industrial, and mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations. To achieve these purposes, this Chapter requires a planned development to be designed and approved as an integrated project that implements goals of the General Plan, has an overall architectural design theme, and allows a variety of uses to be established in a mutually compatible manner.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.020 Scope

The requirements of this Chapter shall apply to any planned development within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville Municipal Code, or other laws except to the extent such provisions are altered by the requirements of this Chapter.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.030 Definitions

Certain words and phrases in this Chapter are defined in CZC 12.12 (Definitions).

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.040 Minimum Area Of Zone

The PDO Zone shall be utilized only for projects consisting of at least five contiguous acres; provided, however, projects for single-family dwellings shall not have a minimum zone area requirement.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.050 Use In Combination With Underlying Zone

The PDO Zone may be used in combination with any residential, commercial, or industrial zone, subject to the requirements of this Chapter.

- (a) Provisions Supplementary. The provisions of the PDO Zone shall be supplementary to the provisions of the underlying zone with which it is combined and shall not be applied to any land area as an independent zone.
- (b) Zone Designation. The PDO Zone designation shall be shown on the Zoning Map in parentheses as a suffix to the zone designation with which it is combined. For example, if the PDO Zone were being combined with the Residential Medium (R-M) Zone, it would be designated on the Zoning Map as R-M(PDO).

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.060 Uses Allowed

Uses allowed in a PDO Zone shall be as set forth below. Any use which is a conditional use in the underlying zone shall be subject to the issuance of a conditional use permit as set forth in CZC 12.21.100.

- (a) Residential Planned Developments. Planned developments to be established on land designated for residential land use in the General Plan shall be considered "residential planned developments." Any use permitted in the underlying zone as shown in the Table of Uses in CZC 12.36 (Table of Uses) and the following additional uses shall be permitted in a residential planned development
 - (1) Multiple-family dwellings as provided in CZC 12.41.100; and
 - (2) Any commercial use that:
 - (A) Will serve residents of the planned development,
 - (B) Is designed and located to protect the character of the planned development and surrounding land uses; and
 - (C) Does not occupy more than 40 square feet per dwelling unit in the planned development.
- (b) Commercial Planned Developments. Planned developments to be established on land designated for commercial land use in the General Plan and zoned commercial shall be considered "commercial planned developments." Any use permitted in the underlying zone as shown on the Table of Uses in CZC 12.36 (Table of Uses) shall be permitted in a commercial planned development provided:
 - (1) Such use is specifically authorized as part of a site plan approved pursuant to the provisions of this Chapter;
 - (2) Such use is designed as an integral element of the planned development, including building and landscape design, which is consistent with design elements of the development and the provisions of this Chapter;
 - (3) Residential uses within a commercial planned development shall only be permitted within a mixed commercial/residential development;
 - (4) Mixed commercial/residential developments within a commercial planned development shall be predominantly commercial development with a supplemental residential

component of such commercial development, except as otherwise allowed in Subsection (6);

- (5) The maximum overall residential density for residential uses within a commercial planned development shall be subject to the specific stipulations allowed by the underlying zone and/or designation assigned by the General Plan or Zoning Code; provided, in no event shall the residential density exceed 15 units per acre when calculating the entire commercial planned development or 25 units per acre when calculating the residential area only, whichever is less.
- (6) Notwithstanding the general commercial planned use allowances listed in this Section, the following specific area allowances may be considered in a commercial planned development.
 - (A) West Centerville Neighborhood Parrish-Legacy Gateway Corridor District. The Parrish-Legacy Gateway Corridor District shall be subject to the maximum allowable residential density as listed in the General Plan and/or as set forth in Subsection (5). When a predominant commercial use development is not being proposed, a contributing commercial use component must still be provided. However, the specific mixed ratio of commercial use to residential use shall be defined with the concept plan submitted for the PDO designation. The proposed commercial uses must achieve a combination of the following for residents living in the West Centerville Neighborhood:
 - (i) Provide opportunity for food service or local service type retail commercial services;
 - (ii) Provide opportunity for personal care and/or instructional type services;
 - (iii) Provide opportunity for medical care or health type services;
 - (iv) Provide opportunity for adult or child care type services; or
 - (v) Provide other types of commercial uses deemed appropriate for servicing the local residents.

(c) Industrial Planned Developments. Planned developments to be established on land designated for industrial land use in the General Plan and zoned industrial shall be considered "industrial planned developments." Any industrial use shown on the Table of Uses in CZC 12.36 (Table of Uses) shall be permitted in an industrial planned development provided the proposed uses and the project's design and layout accomplish the following:

- (1) Uses are specifically authorized as part of a site plan approved pursuant to the provision of the Chapter.
- (2) Uses and buildings are designed as an integral element of the planned development, including building and landscape design which is consistent with design elements of the development.
- (3) Proposed lots or parcels are suitable in area and dimensions to the types of land uses anticipated.
- (4) Street design, rights-of-way and pavements are adequate to accommodate the type and volume of traffic anticipated.
- (5) The project's design adequately provides the expected type and volume of needed utility services.

- (d) Accessory Uses. Accessory uses within a planned development shall be governed by the underlying zone unless specific exceptions are made thereto as part of the Planned Development Overlay rezone approval.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.070 Variations From Development Standards

Variations from applicable land use development standards and requirements set forth in the General Plan, Zoning Code, Subdivision Ordinance, or Municipal Code may be approved by the City Council as part of a legislative land use decision to rezone property to the Planned Development Overlay Zone or in an associated development agreement as provided in Section 12.41.074. Variations from development standards may include, but are not limited to, building heights, parking requirements, setbacks, landscaping, density, and permitted or conditional uses. Any variations approved as part of a rezone to the Planned Development Overlay Zone must be specifically described in the rezone ordinance or associated development agreement with reference to subject matter and code reference and shall not be assumed by omission or conflict with associated development plans or drawings. If a variation is not specifically described as required herein, it shall not be considered an approved or authorized variation from City standards and requirements. The City Council is not authorized to approve as part of a Planned Development Overlay any variations from applicable State law, Construction Codes, or other public health and safety regulations. Variations from applicable land use development standards considered as part of a legislative land use decision to rezone property to the Planned Development Overlay Zone or in an associated development agreement shall be within the City's sole discretion. The decision to amend or enter into a development agreement is also within the City's sole discretion.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2024-15](#) on 10/1/2024

12.41.074 Development Agreements For Planned Development Overlay Zones

The City is authorized by State law to enter into a development agreement with the developer or property owner of a development project containing any term the City considers necessary or appropriate to accomplish the purpose of this Zoning Code and the Utah Land Use Development and Management Act, as more particularly provided in Utah Code § 10-9a-532. In accordance with this authority, the City may require the developer or property owner of a planned development project to enter into a development agreement with the City as a condition of the legislative approval of a Planned Development Overlay Zone. Any development agreement entered into in association with a planned development under the Planned Development Overlay Zone that allows a use or development of land that applicable land use regulations would otherwise prohibit must be approved in accordance with the same procedures for enacting a land use regulation under Utah Code § 10-9a-502, including review and recommendation from the Planning Commission and a public hearing. Any development agreement for a Planned Development Overlay Zone may not limit the City's authority in the future to enact a land use regulation or to take any action allowed under Utah Code § 10-8-84 regarding public health and safety. Any development agreement for a Planned Development Overlay Zone shall contain a provision limiting the City's liability to specific performance. This Section shall apply to any new development agreement entered into by the City in association with a planned development in a Planned Development Overlay Zone and to any amendment of any existing development agreement previously entered into by the City in association with a planned development in a Planned Development Overlay Zone.

HISTORY

Adopted by Ord. [2024-15](#) on 10/1/2024

12.41.080 Planned Development Overlay Zone Approval

- (a) Approval Procedure. Land shall be placed in a PDO Zone pursuant to a Zoning Map amendment as set forth in CZC 12.21.080 of this Title. The following shall be submitted in conjunction with an application for a Zoning Map amendment:
- (1) An Existing Conditions Inventory as required by CZC 12.50; and
 - (2) A conceptual site plan as provided in CZC 12.21.110.
- (b) Approval Criteria. Submittal of an application for a PDO Zone does not guarantee that the zone or a conceptual site plan will be approved. A Zoning Map amendment and conceptual site plan may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds:
- (1) The proposed PDO Zone and associated conceptual site plan:
 - (A) Does not conflict with any applicable policy of the General Plan;
 - (B) Meets the purpose and intent of this Chapter as set forth in CZC 12.41.010;
 - (C) Allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations;
 - (D) Meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by this Chapter;
 - (E) Meets the density limitations of the General Plan; and
 - (F) If a residential density bonus is authorized, provides superior site design and increased amenities, as provided in CZC 12.41.080(c), which ameliorate the potential impact of increased density; and
 - (2) The applicant has:
 - (A) Sufficient control over the property to be developed to ensure development will occur as approved;
 - (B) The financial capability to carry out the planned development project; and
 - (C) The capability to start construction within one year of final plan approval.
- (c) Imposition of Conditions. In order to make findings necessary to approve a PDO Zone, conditions of approval may be imposed on a conceptual site plan to assure the planned development will:
- (1) Accomplish the purpose of this Chapter;
 - (2) Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
 - (3) Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this Chapter and as shown on an approved conceptual site plan for the planned development.
- (d) Site Plan Approval. Within 12 months after approval of a PDO Zone and a corresponding conceptual site plan, and before the issuance of any building permit, an applicant shall obtain approval of final site plan pursuant to CZC 12.21.110.

- (1) A planned development may be constructed in phases as shown on an approved conceptual site plan. In such case, a final site plan shall be submitted for each phase in accordance with the provisions of this Section. A complete application for each phase shall be submitted within one year from the previous phase approval.
 - (2) Upon request and for good cause, the Planning Commission may extend for 12 months for one time only the period for filing a final site plan. If this time requirement is not met, the conceptual site plan approval shall be deemed revoked. If no final site plan has been submitted or developed, the property may be rezoned to remove the PDO Zone. A request for extension must be submitted before expiration of the time to file a final site plan.
- (e) Subdivision Requirements. An application for subdivision approval may proceed concurrently with an application for a planned development. Compliance with the requirements of this Chapter does not exempt any applicant from meeting the requirements of CMC 15 (Subdivisions) except as may be modified pursuant to the provisions of this Chapter.
- (f) Construction Limitations. Upon approval of a final site plan for a planned development, construction shall proceed in accordance with approved plans and specifications, and in conformity with any conditions associated with preliminary plan or site plan approval. No permit shall be issued for any proposed building, structure or use within a planned development unless such building, structure or use accords with the approved preliminary plan and final site plan and with any conditions imposed in conjunction with such approvals.
- (g) Amendments. Amendments to approved plans and specifications shall be obtained by following the procedure required for preliminary plan approval.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.090 Density

- (a) Base Density. Base density for a residential planned development shall be determined as set forth in Subsection (b). Provided, however, that base density shall not exceed the density permitted in the underlying zone in which the planned development will be situated.
- (b) Base Density Calculation. Base density shall be determined by calculating the number of dwelling units that could be developed on lots in a conventional subdivision under the provisions of the underlying zone where the planned development will be located (referred to as the "yield plan").
- (1) The yield plan shall be prepared as a conceptual plan based on Centerville Municipal Code requirements that pertain to a conventional subdivision and shall reflect the dimensional (lot area, frontage, width, setbacks, etc.) and other standards of the underlying zone in which the proposed planned development will be located.
 - (2) The yield plan shall consider information shown on an Existing Conditions Inventory prepared for the subject property and shall demonstrate that any sensitive lands identified thereon can be successfully included within open space areas or as part of lots without disturbing the health or safety of City residents. At least one-half of the minimum area required for each lot shall be exclusive of wetlands, floodplains, and slopes exceeding 20%.
 - (3) The yield plan shall be drawn to scale, but need not be based on a field survey. Each yield plan shall, however, exhibit a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of

wetlands, floodplains, steep slopes, existing easements and other encumbrances on the property identified by the natural resource inventory and the requirements of this Title, CMC 15 (Subdivisions), and any other regulatory requirements applicable to the property.

- (4) The Zoning Administrator shall review the yield and shall determine whether the plan accurately reflects the requirements of this Subsection. If not, the Zoning Administrator may amend the yield plan as needed to achieve conformance with the provisions of this Subsection.

(c) Density Bonus. The City Council, after receiving a recommendation from the Planning Commission, may authorize a density bonus of up to 20% above the base density for a residential planned development. The purpose of a density bonus is to provide an incentive to an applicant to provide amenities that are not required by this Chapter or the applicable underlying zone, and which otherwise would not be provided. Provided, however, that base density plus any density bonus shall not exceed the applicable density limitation of the General Plan.

- (1) The basis for granting a density bonus shall be included in the findings required to approve a planned development set forth in CZC 12.41.080(b).
- (2) A density bonus may be authorized based upon any one or more of the following factors. The maximum density bonus granted for any one factor shall not exceed the percentage indicated.

(A) Enhanced overall design theme (up to 5%);

- (i) Landscaping is designed and installed along all streets of the development according to a theme which provides overall design unity;
- (ii) Theme lighting is used throughout the development for street lighting, walkway lighting, parking areas, entrances, and building exteriors;
- (iii) Perimeter fencing is used throughout the project that matches building design, such as, masonry columns or piers using the same brick or stone as the buildings; and
- (iv) Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong design theme for the development and are utilized in highly visible locations.

(B) Improved building design (up to 5%);

- (i) 75% of the exterior of each dwelling, exclusive of windows or doors, consists of brick or stone;
- (ii) Roofs of main buildings are clad with wood shake, tile, or slate shingles; and
- (iii) Required parking is provided within a garage.

(C) Improved energy efficiency (up to 5%);

- (i) Dwellings and main buildings have insulation greater than R-19 in walls and R-38 in ceilings; and
- (ii) Dwellings and main buildings are designed with an active or passive solar feature, including, but not limited to, solar water heaters, trombe walls, and earth insulation of building walls.

(D) Parking upgrades (up to 5%);

- (i) Parking lots are screened from public view by means of increased berming or landscaping around the parking lot perimeter;
- (ii) Parking lots have landscaped islands beyond the minimum required by this Title;
- (iii) Additional and/or larger trees that will shade 50% of the parking area upon tree maturation; and
- (iv) Provision of screened recreational vehicle parking areas.

(E) Provision of usable open space (up to 5%);

- (i) Open space is integrated into the entire development and is connected to developed areas by a system of trails and walkways; and
- (ii) Storm water detention facilities are designed, landscaped, and used for multiple purposes that are consistent with the overall design of the planned development and which reduce the perception of the area as a stormwater detention pond.

(F) Provision of recreational facilities (up to 5%);

- (i) The planned development includes recreational amenities primarily for the use by residents of the development, including swimming pools, sports courts, spas, barbeque and picnic facilities;
- (ii) Development of one or more common buildings used for meetings, indoor recreation, day care, or other common uses; and
- (iii) Dedication and improvement of land for a publicly accessible park or trail system, subject to acceptance by the City.

(G) Increased landscaping (up to 5%);

- (i) Planting more than the minimum number of trees, shrubs, and other landscaping required by this Title; and
- (ii) Use of landscaping to soften the appearance of wood or masonry fences and walls.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.100 Development Standards

The development standards set forth in this Section shall apply to any planned development and shall prevail over any contrary base zone standards established in this Title.

- (a) Access. Access to a planned development should be from interior streets rather than directly from adjoining perimeter streets.
- (b) Building Height. Building height shall be governed by the requirements of the underlying zone.
- (c) Common Areas.

- (1) Areas intended for public use shall be freely accessible from streets and/or other common areas that have unrestricted entry. Areas intended for restricted use shall be interspersed within the planned development so as to convey a sense of openness.
 - (A) Residential development may not totally exclude open space from fronting on streets at appropriate intervals.
 - (B) Residential planned developments shall have the open space required by CZC 12.51.070(g). At least one-half of the required open space shall be common area and up to one-half of the required open space may be in limited common area.
- (2) Common areas shall include all jointly used recreation areas and related landscaping provided for the use and/or visual enjoyment of the residents of the project. Common recreation areas shall be located and improved so they may be readily accessed and used by residents of the dwelling units they are intended to serve. Where necessary, walls or landscaping may be required to protect the privacy of adjoining residents.
- (3) Common areas may include:
 - (A) Natural areas of undisturbed vegetation of areas replanted with vegetation after development.
 - (i) Use and maintenance shall be limited to removal of litter and accumulated plant material.
 - (ii) Natural waterways shall be maintained as free flowing and devoid of debris.
 - (iii) Stream channels shall conform to City stormwater management requirements and be maintained so as not to alter flood plain levels.
 - (B) Agricultural uses where conditions are suitable for agricultural production. Minimum areas for agricultural use designation shall be five acres.
 - (C) Garden plots for use by residents.
 - (D) Greenways, including pedestrian ways, bike paths and equestrian trails linking residential areas with other open space uses.
 - (E) Recreation areas designed for specific recreational activities such as children's play areas, playing fields, tennis courts, and similar facilities.
 - (F) Stormwater control and management areas used in conjunction with other allowed uses as described in this Section.

(d) Distance Between Buildings. No requirement, except as provided in the Construction Codes.

(e) Lot Area and Width. A planned development shall not be subject to the lot width and lot area requirements of the underlying zone in which the development is located. The area and widths of lots shall be shown on an approved subdivision plan.

(f) Required Improvements.

- (1) All streets shall be dedicated public streets constructed as required by City Standards and Specifications.
- (2) Sidewalks shall be installed along both sides of all streets except where alternate pedestrian ways are provided as part of an approved conceptual site plan.
- (3) Stormwater shall be controlled and managed according to a plan approved by the City.

- (4) Water and sewer systems shall be provided in accordance with standards of CMC 15 (Subdivisions).
 - (5) Irrigation water, street signs, street lighting, fencing, and any other required improvements shall be provided in accordance with City Standards and Specifications.
 - (6) Other utilities and improvements shall be provided and installed in accordance with City Standards and Specifications and other applicable specifications.
- (g) Required Yards. The yard and setback requirements of the underlying zone shall not apply, but shall be as shown on an approved site plan.
- (h) Residential Use Types. Residential use types within a planned development shall be shown on an approved site plan and may include one or more of the following:
- (1) Single-family detached dwelling located on a privately owned lot which is not attached to another dwelling unit and has a private yard on all four sides of the dwelling.
 - (2) Single-family dwelling located on or within less than five feet of a lot line and which is shown as such on an approved site plan. Windows, doors, and other similar openings shall be prohibited in the dwelling wall located on or adjacent to a lot line. When a single-family dwelling is placed on a lot line, an easement shall be provided which allows the dwelling owner to enter the adjoining property in order to maintain the dwelling.
 - (3) Townhouse dwelling units where each unit has its own front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other dwelling unit by one or more common walls.
 - (4) Residential Planned Developments with garden apartments and multiple-family dwellings; provided, no more than 12 units are located in a single building.
 - (5) Mixed commercial/residential planned developments with garden apartments and multiple-family dwellings; provided, the applicable gross or net densities are maintained as set forth in the General Plan and/or Zoning Code with a maximum height for any building limited to four stories and 45 feet.
- (i) Tract Perimeter Setback and Buffer Requirements. Structures within any PDO shall be situated so as to maintain a minimum setback from any perimeter property line equivalent to the rear yard or side yard setback(s) of the underlying zone of the PDO depending upon the orientation of such structures (e.g. rear yard adjacent to rear yard, or side yard adjacent to side yard). If such orientation cannot be determined due to the absence of adjacent development, then the minimum rear yard setback for the underlying zone shall be used. Except for single-family dwelling structures, a 30 foot landscape buffer shall be provided for every lot or parcel within the PDO that adjoins land used or zoned for a single-family dwelling. Such buffer shall meet the landscaping standards set forth in CZC 12.51 (Landscaping and Screening).
- (j) Walls and Fences. Walls and fences may be required around the perimeter of a planned development where the development abuts an adjacent zone.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.110 Protection Of Common Areas

- (a) Maintenance Of Common Areas. If common areas are provided within a planned development, adequate guarantees shall be provided to protect such common areas from future development. No certificate of occupancy shall be issued for any structure in a planned development until all

required guarantees have been submitted to and approved by the City. The developer of a planned development may elect any of the following to preserve common areas.

- (1) A fee simple donation of any portion of common area land may be made to the City so long as the City agrees to accept such donation. Upon receipt of such donation the City may impose a conservation easement on such land.
- (2) Common areas and facilities may be controlled by a condominium association as provided in the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-1, et seq. All common area land and facilities shall be held as a "common element."
- (3) Common area land and facilities may be owned by a homeowners' association, subject to applicable provisions of State law. The developer shall provide the City with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities. The proposed association shall be established by the owner or applicant and shall be operating (with a financial subsidy from the developer if necessary) before the sale of any dwelling units in the planned development. The association documents shall include the following provisions:
 - (A) Membership in the Association shall be mandatory for each owner and its grantees, successors and assigns.
 - (B) Restrictions concerning common open space and/or facilities shall run with the land and not for a period of years.
 - (C) The Association shall be responsible for the maintenance of all common open space and/or facilities, liability insurance on all common open spaces and/or facilities and paying general property taxes on all common open spaces and/or facilities.
 - (D) In the event the Association does not maintain private common open space areas and facilities as shown on an approved site plan, the City may perform any required maintenance and may thereafter recover all costs incident to performing the required maintenance from the Association and/or each of its members.
 - (E) Members of the Association shall pay their pro rata share of costs of upkeep, maintenance, and operation of common open space and/or facilities and/or improvements not dedicated to the City. The association bylaws shall confer legal authority on the association to place a lien on the real property of any member whose dues become delinquent. The bylaws shall also provide that such delinquent dues and all accrued interest shall be paid before the lien may be removed.
 - (F) Written notice to all association members and to the City shall be provided no less than 60 days prior to any proposed transfer of any common area land or facility, or the assumption of maintenance for common area land or facility. No such transfer shall be effective unless approved by the City, which approval shall not be unreasonably withheld so long as it is consistent with the provisions of this Chapter and applicable law.
- (4) Fee simple title of common area land or conservation easements may be transferred to a private non-profit conservation organization or to Davis County.
- (5) The City may, but shall not be required to, accept easements for public use of any portion of common area land or facilities. Such land shall be subject to a satisfactory maintenance agreement between the developer and the City.

(b) Protective Covenants. A declaration of building use restrictions (protective covenants) shall be required for each planned development and phase thereof. The declaration in original form bearing appropriate signatures and certifications shall be submitted to the City for approval, which approval shall not be unreasonably withheld. Such protective covenants shall include provisions that:

- (1) An architectural control committee shall approve plans for all buildings proposed for erection, placement, or alteration within the planned development. The City may require that building permit applications show evidence that the architectural control committee has approved each building plan.
- (2) No person, firm or entity shall change, modify or amend any of the conditions of a recorded declaration of building use restrictions for a planned development without first obtaining City approval. No change shall be approved which would be contrary to the requirements of this Chapter or an approved planned development plan.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.41.120 Development Implementation

- (a) Intent. The PDO Zone designation is intended to be utilized for the development of the subject property in accordance with the terms and conditions of the PDO Zone and the approved development plan for the property.
- (b) Preliminary Subdivision Plat. Rezoning of any property to a PDO Zone shall be subject to and conditioned upon submission of a complete application for site plan and preliminary subdivision plat for the project within one year from the effective date of rezoning.
- (c) Final Subdivision Plat. Rezoning of any property to a PDO Zone is further subject to submission, approval, and recording of a final subdivision plat within one year from the effective date of approval of the preliminary subdivision plat(s) and/or site plan approval, as applicable.
- (d) Substantial Construction. Substantial construction shall be commenced within one year from the date of final plat recording.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

City	Link	City	Code	Definition
Centerville	15.06 Requirements For PUD And Non-Residential Subdivisions	Centerville	15.06	None
Bountiful	Bountiful City Planning and Zoning (in subdivisions)	Bountiful	14.20.604	232. Definitions: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses.
Cottonwood Heights	Cottonwood Heights : Municipal Code	Cottonwood Heights	19.78	A “planned unit development” means an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly. A PUD shall be wholly planned as a single entity or in approved stages to provide for residential uses and common open space.
Farmington	CHAPTER 27 PLANNED UNIT DEVELOPMENT (PUD)	Farmington	11.27	A planned unit development is a large scale, predominantly residential development in which the regulations (except street construction standards) of the underlying zone are waived to allow flexibility and innovation in site and building design in accordance with a PUD Master Plan approved by the Planning Commission and City Council. Accessory nonresidential uses may be included in the development, as determined by the Planning Commission, to provide a necessary service to the residents of the development.
Fruit Heights City	Municipal Code Fruit Heights City, UT - Official Website(under chapter 10)	Fruit Heights City	10	The Purpose of the planned residential unit development (PRUD) overlay designation is to encourage imaginative and efficient utilization of land by providing greater flexibility in location of building on the land, consolidation of open space and cluster of developments. These provisions are intended to

				create attractive and desirable environment within residential areas of the city.
Kaysville	Kaysville : City Code	Kaysville	17.34	The purpose of the Planned Residential Unit Development is to encourage a better living environment through greater flexibility of design that is not possible solely through the application of the standard zoning requirements; to encourage diversification in the relationship of residential uses and structures to their sites; to permit a more flexible development of such sites; to preserve meaningful open space, conservation areas, and sensitive lands such as wetlands, steep slopes, and unique vegetation; to preserve character, and assure greater compatibility of new construction with the existing neighborhood; to encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development. New construction in already developed areas should, to the greatest extent possible, maintain the established mass, scale, height, width, and form of the surrounding buildings.
Lehi	Development Code - Lehi City	Lehi	17	A Planned Unit Development is intended to be an "overlay district" in that the proposed use shall be consistent with the zoning district in which it is proposed as to the requirements of density, use and purpose, except that single family attached housing may be permitted in traditional single family residential zones to allow for preservation of sensitive lands or agricultural areas, or for transitioning housing types when adjacent to differing land use
North Salt Lake	13-6-1: PLANNED UNIT DEVELOPMENTS;	North Salt Lake	13.6	The purpose of planned unit development (PUD) is to permit flexibility in land use regulations and for the consolidation of

	SPECIAL REQUIREMENTS:			open spaces by clustering dwelling units, in order to preserve natural features, allow a variety of land uses, provide meaningful and usable open spaces, and to make efficient use of essential infrastructure and public facilities. The application of planned unit development concept is intended to encourage neighborhoods, housing, design, open space and facilities compatible with the present living environment in the City as described by the General Plan, while at the same time ensuring compliance with practices which will assure the health, safety and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project. In exchange for the additional services provided by the developer in a planned unit development, this chapter will allow for increased intensity of buildings and more flexible uses of the land.
Woods Cross	Municipal Code - Woods Cross City, Utah	Woods Cross	11.15	None (two types)

City	Zones allowed	Conjunction with	Types of Development	Do they have Development Agreements?	Do they have PDO?
Centerville	All	Subdivisions (Preliminary and Final Plats)	Any but references “desired residential character”. But does not specifically say types of development	No	Yes

Bountiful	• Single family • Multi- Family • Commercial • Professional Office • Hospital • Mixed Use • Down Town NOT IN: • Industrial	None indicated	Any	No	Yes but “reserved”
Cottonwood Heights	All zones that conditionally allow for PUD: • Forestry Zone, • Single family • Multifamily NOT IN: • Mixed Use Zones • Neighborhood Commercial Zones, Reginal Commercial • Public Facilities • Office and Research Zones	Conditional Use Permit Any applications needed (site plan or subdivision)	Any	Yes. Following planning commission approval, but before final approval is granted, a development agreement between the owner and the city incorporating conditions and special provisions imposed by the planning commission may be required. Such agreement shall be in the form required by the city attorney and may require approval of the city council.	No, not in the way Centerville uses it

Farmington	• Agriculture • All Suburban • Single family • Multi family • Business Park • Business residential • Commercial • Mixed Use • Original Townsite Residential (single family only) • Business (single family only) NOT IN: • Industrial • Highway commercial • All transit • Office Mixed Use • All Recreational	Own application that can be included during the review of any applications needed for the project (site plan or subdivision)	• multi-family • commercial • other non-residential uses • single-family developments	Yes. Allowed for subdivisions and site plans which will effect the PUD application	No, not in the way Centerville uses it
Fruit Heights City	• Residential NOT IN: • Non-residential areas	Rezone with site plan Conditional Use	• Single family • Multi- Family	No	No
Kaysville	• Residential • Agriculture	Rezone with subdivision	• Single family • Multi- Family	Yes	No, not in the way Centerville uses it

	NOT IN:				
Lehi	- Residential - Commercial - Agriculture	Rezone with subdivision	- Single family - Multi- Family - Mixed Use with at least 75% residential	Yes	No, not in the way Centerville uses it
North Salt Lake	All zones	Own application (similar to Subdivision) Rezone for request greater than outline in their code.	- Recreational - Hotel - Office - Single Family - Multifamily - Commercial	Yes	No, not in the way Centerville uses it
Woods Cross	Non-Residential: - All Industrial - All Commercial Residential: Not stated but implied in all zones that residential development is permitted	Part of Subdivision review	Non-Residential: - Commercial - Industrial - Mixed Use Residential: - Single Family - Multifamily	Yes	No

City	Variances Given	Minimum development size	Maintenance
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Centerville	None outlined	Not outlined	subdivider, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a homeowners or property owners association.(runs with land)
Bountiful	Not outlined	Not outlined	Not outlined
Cottonwood Heights	• minimum setbacks • minimum offset • minimum lot size • minimum lot area per structure • maximum height of structures • density	Standard: +5 acres Minor: +3 acres	Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by: ranting to a party approved by the city a permanent open space easement on or over the common open space to guarantee that such space remains perpetually in recreational use, with ownership and maintenance being the responsibility of the owner or an owner's association organized in a manner reasonably satisfactory to the city Compliance with the provisions of the Condominium Ownership Act (UTAH CODE ANN. §57-8-101, et seq.), as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities; or Dedication of the land as a public park or parkway system, provided that the city council, in its sole discretion and following recommendation by the planning commission, accepts the land as viable open space for public recreation.
Farmington	• Lot Area • Width Yard • Height Coverage • Density • Open space requirements • Parking • Streets (city council approval)	+5 acres in AA, A, AE, LS and S Zones 2.5 acres in LR, R and R-2 1.5 acres in R-4 and R-8	prior to the conveyance of any unit, applicant must submit declaration of covenants, conditions and restrictions relating to the project. Include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. (run with land)
Fruit Heights City	• Landscaping • Lot area	+2 Acres	Home Owners association, grant city a Public Open Space Easement on the open space (Run with land)

	• Yard area • Setbacks • Density (given more based on criteria) • Lighting • Height • Access		
Kaysville	• Fencing. • Landscaping for screening and/or aesthetics. • Building placement, height and mass. • Building design, such as number of stories, exterior building materials and placement of windows on corner lots and second levels. • Reduction in density. • Grading.	Not outlined	Homeowners Association shall be created concurrent with the recording of the final plat. By proper covenants running with the land and through the declaration, and bylaws of said Association, which declaration and bylaws shall be recorded in the office of the Davis County Recorder. The City will agree to maintain the conveyed open space as well as keep it perpetually open.
Lehi	• Lot size • Setbacks	+10 acers (city council can approve smaller	The maintenance of all private parks and open space areas shall be ensured by the developer and owner by establishing a private homeowners association, property management

	• PUE for individual lots • Landscaping • Housing types	for infill projects)	agency or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners. Ownership and tax liability of private parks and open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the Planned Unit Development approval.
North Salt Lake	• Density • Height • Setbacks • Streets • Building separation • Parking • Mixed Usages • Landscaping • Arrangement of structures	No minimums, decided by Planning Commission	Dedication: Dedication of the land to the City as a public park or parkway system, including a certificate of title insurance; or Easement: Granting to the City a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the City Council; or Granting to the City a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, to be maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the developer in an amount satisfactory to the City Council; or by Condominium Ownership Act: Complying with the provisions of the Condominium Ownership Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.
Woods Cross	None outlined	None outlines	The developer, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a home or property owners' association. (run with land)

City	Synopsis
Centerville	
Bountiful	Lacking and would not look to this for guidance.
Cottonwood Heights	- They have a section that says “ This chapter does not guaranty a property owner the right to create a planned unit development (“<i>PUD</i>”). Instead, approval of a PUD is a privilege to be earned and is not an absolute right available simply through compliance with the minimum standards established in this chapter. Because each PUD is unique, every PUD shall be evaluated relevant to the individual circumstances present at each individual location.” – I like this -They have a section that says “If a conflict exists between this chapter and other provisions of this code, the provisions of this chapter shall control; provided, however, that the provisions of this chapter shall not permit a greater density of residential units or uses different from those specified in the regulations or the zoning district under which the development is proposed.” -I like that they have a standard and minor PUD -
Farmington	-Any proposal for a planned unit development in areas smaller than those cited above, may be approved based upon the specific conditions related to the site upon which the development is proposed. -
Fruit Heights City	
Kaysville	
Lehi	-They state “A Planned Unit Development is intended to be an "overlay district"” Two different items in the code exist PUD (density variation) PRD (design variation).
North Salt Lake	Has a list of criteria that it must meet. Allowed for delineation from the criteria but the city council has to approve of it and there is an additional application for a “rezone”
Woods Cross	Very similar to ours, lacking. Would not look to this for guidance.

Link	City	Code Reference
15.06 Requirements For PUD And Non-Residential Subdivisions	Centerville	15.06
Bountiful City Planning and Zoning (in subdivisions)	Bountiful	12.20.604
Cottonwood Heights : Municipal Code	Cottonwood Heights	19.78
CHAPTER 27 PLANNED UNIT DEVELOPMENT (PUD)	Farmington	11.27

[Municipal Code | Fruit Heights City, UT - Official Website\(under chapter 10\)](#)

Fruit Heights City

10

[Kaysville : City Code](#)

Kaysville

17.34

Development Code - Lehi City	Lehi	17
13-6-1: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:	North Salt Lake	13.6
Municipal Code - Woods Cross City, Utah	Woods Cross	11.15.10

Definition

None

an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly. A PUD shall be wholly planned as a single entity or in approved stages to provide for residential uses and common open space.

a large scale, predominantly residential development in which the regulations (except street construction standards) of the underlying zone are waived to allow flexibility and innovation in site and building design in accordance with a PUD Master Plan approved by the Planning Commission and City Council. Accessory nonresidential uses may be included in the development, as determined by the Planning Commission, to provide a necessary service to the residents of the development.

The purpose of the planned residential unit development (PRUD) overlay designation is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and the clustering of dwelling units. These provisions are intended to create attractive and desirable environments within the residential areas of the city.

to encourage a better living environment through greater flexibility of design that is not possible solely through the application of the standard zoning requirements; to encourage diversification in the relationship of residential uses and structures to their sites; to permit a more flexible development of such sites; to preserve meaningful open space, conservation areas, and sensitive lands such as wetlands, steep slopes, and unique vegetation; to preserve character, and assure greater compatibility of new construction with the existing neighborhood; to encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development. New construction in already developed areas should, to the greatest extent possible, maintain the established mass, scale, height, width, and form of the surrounding buildings.

Zones Allowd	Type of Development
?	
All zones	All but stacked multifamily in: single family, commercial, professional office, hospital, mixed-use, or downtown zones
All zones that conditionally allow for PUD: Forestry Zone, Foothills Residential Zones ALL, Rural Residential Zones ALL, Residential Single family ALL, Residential Multi Family ALL, Residential Office... NOT IN: Mixed Use Zones, Neighborhood Commercial Zones, Reginal Comercial, Public Facilites, Office and Research Zones	Residential and Mixed use
All Agriculture, Large Suburban, Suburban, All residential, Business Park, Business Residential, commercial, neighborhood mixed use, commercial mixed use, and Business (ONLY single family), Original Townsite Residential (ONLY single family).... Not in: Comerical Highway, Comerical Recreation, Transit mixed use, residential mixed use, General mixed use, office mixed use, light manufacturing and business, Open space	All but in OTR and B locations can only be single-family residential

Only in residential zones

Residential

agricultural and residential

open space subdivisions, private street subdivisions,
flag lot subdivisions, or a combination

In Conjunction With

Maintenance

Subdivison Plat

property owners association

Conditional Use Permit

owner or an owner's association organized in a manner reasonably satisfactory to the city or...Compliance with the provisions of the Condominium Ownership Act (UTAH CODE ANN. §57-8-101, et seq.), as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities

Site Plan, can be done with subdivision but not required

the subdivider, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a homeowners or property owners association

Site plan, can be done with
subdivision, Conditinal Use Permit

Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created, before final plan approval can be granted.
Granting the city a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation or agricultural use, with ownership and maintenance being the responsibility of a homeowners' association.

site plan or subdivision plat

Homeowners Association shall be created concurrent with the recording of the final plat. By proper covenants running with the land and through the declaration, and bylaws of said Association, which declaration and bylaws shall be recorded in the office of the Davis County Recorder, it shall, among other things be provided that:
Membership in the Association shall be mandatory for each lot purchaser, their guarantees, successors and assigns.
The common facilities restrictions shall be permanent and not just for a period of years.
The Association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining all common facilities.
All lot owners shall pa] their prorated share of the costs of upkeep, maintenance, and operation.
Any assessment levied by the Association may become a lien on the real property of any lot owner.
In the event the Homeowners Association does not maintain the common facilities and improvements as proposed and indicated at the time of subdivision, the City may, at its option after appropriate notice given to the Homeowners Association and property owners, do or contract to have done the required maintenance, maintain liability insurance and pay general property taxes, and recover the costs incident thereto by means of a lien against the involved properties of the members of the Homeowners Association.

Common Open Space: Provisions/ improvements

none

~Minimum open space requirement for any PUD is 20% ~not be allowed as open space:Land occupied by private structures. Private or semi-private land. Public streets or rights-of-way.
~Linear Parks can be approved by Planning Commission
~Compliance with the provisions of the Condominium Ownership Act (UTAH CODE ANN. §57-8-101, et seq.) ~well-designed pedestrian sidewalk system including enhanced intersection treatments, such as textured paving, to highlight pedestrian crossings.
~structures and open spaces within the PUD in a manner that assures that adjacent properties will not be materially, adversely affected ~not be at or over its traffic capacity at the time the development ~internal, paved street system according to city standards, with an approved pedestrian element
~dedicate and improve property which is reasonably anticipated to be used to expand public roads adjacent to the development

~Table of open space area based on PUD area
~All streets in a planned unit development shall be a dedicated public street built to Farmington City standards unless otherwise approved by the City Council ~Off street parking spaces shall be provided as required ~ covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development.

Not less than forty percent (40%) of the gross area of the planned development shall be retained in permanent common open space, parks or playgrounds. Land devoted to vehicular streets or roads, parking and driveways shall not be included in computations of open space, park or playground areas.

Block size, building height, and lot coverage regulations shall be determined by approval of the development plan and shall not vary from the normal standard of the underlying zone by more than 20%. No building shall be closer than twenty feet (20') to any street improvement. All dwellings shall have a minimum rear yard of fifteen feet (15') and a minimum of ten feet (10') between buildings.

General PUD: Provisions/ improvements

none

~Planning commission reviews: Layout, consideration of adjacent property owners, efficient land use, compensation for density increase, hazards ~Standards that need to be met: Min areas, base density, Lot configuration, Number of dwelling units, open space,

Off street parking shall be required, with a minimum of two parking spaces per dwelling unit. In addition, visitor parking spaces shall be provided at a ratio of one-half (½) space per dwelling unit. Decorative landscaping shall be provided along perimeter boundaries, and adjacent to residential buildings in the planned development. Solid screen fencing at least six feet (6') in height may be required on the perimeter of the planned development by the city, as appropriate, to protect the character of adjacent properties. A planned development shall have direct access to a residential street as defined and adopted by the city. Private roads not less than twenty seven feet (27') wide can be approved. Private streets will meet city design standards. Public streets must meet the minimum residential street standards. Modifications may include the deletion of park strips and sidewalks, as determined by the city. Dead end streets or cul-de-sacs shall not exceed six hundred feet (600'). The city may require more than one entrance to the planned development, depending upon the size and location of the development.

Common Open Space: Continuation

none

space remains perpetually in recreational use

Permanent Protection: require the preservation, maintenance and ownership of open space utilizing, at the City's option, one of the following methods 1. Dedication of the land as a public park or parkway system; 2. Granting to Farmington City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a homeowners' association 3. Utah Condominium Ownership Act of 1963, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities

Public Open Space is dedicated to the city via easmnt

Acerage Min

None: require 2 lots/ parcels & Refers to PDO minimums for multifamily in: single family, commercial, professional office, hospital, mixed-use, or downtown zones. Not given PDO (Stated Reserved)

Standard PUD: 5 Acres Minor... PUD: 3 acres

~5 acres in AA, A, AE, LS and S Zones

~2.5 acres in LR, R and R-2 Zone

~1.5 acres in R-4 and R-8 Zones

2 acres

Design Requirments

none

- ~Through establishment of acceptable design guidelines for each individual PUD
- ~Patters of development
- ~Preservation of Trees
- ~Protection from Soil Erosion
- ~Protection from inconsistan residential develooment patterns

none

none

Approval Process

1. preliminary review: Planning Commission- preliminary approval City Council. 2. Final Review Planning Commission- final approval City Council

1. preliminary review: Planning Commission- preliminary approval Planning Commission. 2. Final Review Planning Commission- final approval Planning Commission

1. preliminary review: Planning Commission- preliminary approval City Council. 2. Final Review Planning Commission- final approval Planning Commission

1. Preliminary Plan- Plannign Commission review and recomndation.
City council review and approval

2. Final Plan- Plannign
Commission review and recomndation. City council review and
approval

Agreements

none

Following planning commission approval, but before final approval is granted, a development agreement between the owner and the city incorporating conditions and special provisions imposed by the planning commission may be required. Such agreement shall be in the form required by the city attorney and may require approval of the city council.

none

none

Fees

NO additional

1. Pre application meeting = \$150..... 2. Site Plan review CUP = \$1000 base with additions of PUD: \$100 per dwelling unit, Multi-family residential: \$25 per dwelling unit, Commercial: \$35 per 1,000 sf gross floor area, and Office: \$35 per 1,000 sf gross floor area 3. Noticing Fee of \$150 for each meeting

~Preliminary = \$250...Final = \$500 and \$ 45 per lot	~single-
family residential PUDs, or boundary adjustments related to a single- family detached residential PUD equal to or less than one acre in size, any provision of this chapter may be waived by the City upon a vote of not less than four (4) members of the City Council	meeting
comission meeting	~\$25.00 for every planning
meeting	~\$25.00 for every city council

Preliminary reiew additinally- \$200, Final reiew additinally- \$300, if over 5
acers, \$10 per sq ft

Additional Notes

pretty basic, smaller than our section

" This chapter does not guaranty a property owner the right to create a planned unit development ("PUD"). Instead, approval of a PUD is a privilege to be earned and is not an absolute right available simply through compliance with the minimum standards established in this chapter. Because each PUD is unique, every PUD shall be evaluated relevant to the individual circumstances present at each individual location. ~Provisions needs to be met, flexible but have design standards that are limiting ~Common Open Space is the total area of land and water within the external boundary of a PUD designated and intended for use and enjoyment as open areas, and not improved with a building, structure, street/road or parking area, except for recreational structures. Common open spaces of a PUD shall not include individual lots and yards located between buildings and parking areas. ~calls out no increased density

~Allows for increased density of up to 20% base zone
~Call out "Smaller planned unit developments are encouraged in the older historical parts of the City in order to use lot interiors where unique conditions may exist." this shows that PUD should be used at multiple levels, not just for big developments
~Allow for open space to be waived based on set conditions: historic preservation, transfer of development rights, moderate income housing

Density scale is set at the permitted amount per code but increased density is allowed based on criteria. 15% for recreation, 10% to protect sensitive lands, 10% for pedestrian paths, Up to 10% for open space, 10% for street scene renderings,

Allow for residential units in common open space.

CHAPTER 20

SUBDIVISIONS

PART 1	GENERAL PROVISIONS
PART 2	SUBDIVISION APPROVAL PROCEDURE
PART 3	SUBDIVISION IMPROVEMENT REQUIREMENTS
PART 4	AMENDING OR VACATING A SUBDIVISION PLAT
PART 5	COMMERCIAL, CONDOMINIUM, AND PUD PLATS

PART 1 GENERAL PROVISIONS

14-20-101	GENERAL PROVISIONS
14-20-102	APPLICABILITY OF THIS TITLE
14-20-103	DEFINITIONS

14-20-101 GENERAL PROVISIONS

- A. The underlying purpose and intent of this Subdivision Ordinance is to promote the health, safety, convenience, good order, aesthetics and general welfare of the present and future inhabitants of the City. Any proposed subdivision and its ultimate use shall be in the best interest of the public and shall be in harmony with good neighborhood development of the area concerned and of the City as a whole.
- B. In cases where unusual topographical or other exceptional conditions exist, variations from this Subdivision Ordinance may be made by the City Council, after recommendation from the City Planning Commission.
- C. The most recent copy of the Bountiful Street Master Plan, as approved by the Bountiful City Council, is hereby adopted by reference as a part of this ordinance. No subdivision that conflicts with the Bountiful Street Master Plan shall be approved by the City unless the subdivision or the Plan is amended in such a manner that they are brought into harmony.
- D. It is unlawful to:
 - 1. Record in the office of the Davis County Recorder a subdivision plat which includes land wholly or partially located within the city limits of Bountiful prior to its having obtained final approval from the City Council and being fully executed as required herein;
 - 2. Record a deed or other instrument dividing or subdividing, or purporting to divide or subdivide, land within Bountiful City when the division or subdivision of land has not been approved by Bountiful City in accordance with the Bountiful Land Use Ordinance.

3. Sell lots contained within a subdivision prior to the time it is recorded in the office of the Davis County Recorder; or
4. Represent to another that a subdivision is either recorded with the Davis County Recorder or approved by the Bountiful City Council when it is not recorded or approved; or
5. Violate any of the provisions of this Subdivision Ordinance.

14-20-102 APPLICABILITY OF THIS TITLE

- A. Unless exempted from subdivision requirements by State law, this Subdivision Ordinance applies to any property that is divided or proposed to be divided into two or more lots which are located wholly or partially within the city limits of Bountiful, Utah.
- B. No person shall subdivide property except in compliance with this chapter, Bountiful City zoning ordinances, and any other applicable law.

14-20-103 DEFINITIONS

- A. The definitions of terms set forth in the Utah Municipal Land Use Development and Management Act (§10-9a-101, et seq, of the Utah Code) are hereby adopted.
- B. See Chapter 3 of this Title for the following definitions:

SUBDIVIDER
PROPERTY
MASTER STREET PLAN
MAJOR STREET
COLLECTOR STREET
MINOR STREET
UTILITIES
PUBLIC UTILITY EASEMENT
TOWN-HOUSE
AVERAGE SLOPE

PART 2 SUBDIVISION APPROVAL PROCEDURE

14-20-201	APPROVAL WITHIN THE RESIDENTIAL FOOTHILL SUBZONE
14-20-202	SUBMISSION OF A PRELIMINARY PLAT
14-20-203.1	SUBDIVISION PLAT APPROVAL PROCEDURE FOR ONE-FAMILY, TWO-FAMILY, AND TOWNHOME DEVELOPMENTS
14-20-203.2	SUBDIVISION PLAT APPROVAL PROCEDURE FOR ALL OTHER DEVELOPMENTS
14-20-204	SUBMISSION OF FINAL SUBDIVISION PLAT

14-20-201 APPROVAL WITHIN THE RESIDENTIAL FOOTHILL ZONE

Subdivisions which are proposed within the Residential Foothill Subzone of the City must comply with the approval requirements of the Bountiful Land Use Ordinance. Such subdivisions must also comply with other requirements stated therein for preliminary and final approval, in addition to the requirements set forth in this Subdivision Ordinance.

14-20-202 SUBMISSION OF A PRELIMINARY PLAT

- A. The subdivider of a proposed subdivision shall submit to the Planning Department a preliminary subdivision plan containing the following information:
1. The name and address of the subdivider and the engineer or surveyor preparing the plat.
 2. The proposed name of the subdivision.
 3. The legal description of the proposed subdivision.
 4. A scaled drawing (not smaller than one hundred (100) feet to one (1) inch) of the subdivision, illustrating the boundaries, lot lines, streets, easements, all areas to be dedicated to the public, and other important features to be contained within the subdivision, with sufficient information to locate accurately the property shown in the plan.
 5. The location, width, and other dimensions of all existing or platted streets, and other important features actually existing within the subdivision, such as water courses, buildings, power lines, storm drains, water and sewer lines, exceptional topography and any other notable features.
 6. Existing sanitary sewers, storm drains, water supply mains and culverts within the subdivision, if any, shall be shown on the plat.
 7. A north point and date.
 8. The plat shall show existing and proposed contours of the entire proposed development at two (2)-foot intervals for average slopes less than ten percent (10%) grade, and five (5)-foot intervals for averages slopes over ten percent (10%) grade.

9. For developments in the Residential Foothill Subzone, the subdivider shall submit a plat or detail drawings of each lot, drawn at a scale no greater than 1"=10', with contours at two (2) foot intervals, showing precisely for each lot the following:
 - (i) The "usable land" as defined in this Title, and
 - (ii) The "minimum building pad" as defined in this Title.
 10. All information required by §10-9a-603 of the Utah State Code.
- B. The subdivision plat shall be furnished to the City by the subdivider in such a number of copies as the City Engineer shall reasonably require.
 - C. If the subdivision being submitted is only one phase of a larger development, then the entire intended subdivision shall be submitted to the City. It shall illustrate the total subdivision intended, including the street system envisioned for the entire area.
 - D. For subdivisions where the average slope of the existing predeveloped topography exceeds fifteen percent (15%), the applicant shall submit a geotechnical report which identifies any known, mapped, or potential natural hazards including, but not limited to: surface fault rupture, slope stability, liquefaction, debris flow, or rock fall.

14-20-203.1 SUBDIVISION PLAT APPROVAL PROCEDURE FOR ONE-FAMILY, TWO-FAMILY, AND TOWNHOME DEVELOPMENTS

- A. The approval process for subdivisions shall consist of preliminary review by the City Staff and the Planning Commission. Final review and approval shall be made by City Staff.
- B. Upon receipt of a preliminary subdivision application, City Staff shall review it for compliance with this ordinance. City review process shall be subject to limitations outlined in State code. When all requirements have been met, the Planning Department shall schedule the proposed subdivision for consideration of preliminary approval by the Planning Commission. The Planning Commission shall hold a public hearing. The City Engineer and City Planner shall make a recommendation to the Planning Commission for preliminary approval, for approval with stated conditions, or for disapproval for stated reasons.
- C. The City Planner shall distribute copies of the preliminary plan of the proposed subdivision to the Departments of the City, and other entities as required by State law for their review and recommendations.
- D. The Planning Commission shall review the preliminary subdivision and approve it, approve it with stated conditions, or disapprove it with stated reasons.

14-20-203.2 SUBDIVISION PLAT APPROVAL PROCEDURE FOR ALL OTHER DEVELOPMENTS

- A. The approval process for subdivisions shall consist of review by the City Staff,-preliminary review by the Planning Commission, and preliminary approval by the City Council, and final review by the Planning Commission and final approval by the City Council.
- B. Upon receipt of a preliminary subdivision application, the City Staff shall review it for compliance with this ordinance. The City review process shall be subject to limitations outlined in State code. When all requirements have been met, the Planning Department shall schedule the proposed subdivision for consideration of preliminary approval by the Planning Commission. The City Engineer and City Planner shall make a recommendation to the Planning Commission for preliminary approval, for approval with stated conditions, or for disapproval for stated reasons.
- C. The City Planner shall distribute copies of the preliminary plan of the proposed subdivision to the Departments of the City, and other entities as required by State law for their review and recommendations.
- D. The Planning Commission shall review the subdivision and make a recommendation to the City Council for preliminary approval, approval with stated conditions, or for disapproval for stated reasons.
- E. The City Council shall review the subdivision for preliminary approval and shall approve it, approve it with stated conditions, or disapprove it with stated reasons.

14-20-204 SUBMISSION OF FINAL SUBDIVISION PLAT

- A. After receiving preliminary approval, the subdivider shall prepare and submit to the City Engineer a final subdivision plat, and in such a number of copies or document types (printed or electronic) as the City Engineer shall reasonably require.
- B. A final subdivision plat shall meet the following requirements:
 - 1. It shall consist of a sheet of approved tracing linen or Mylar, to the outside or trim line dimension of twenty-four (24) by thirty-six (36) inches, or such dimensions as required by Davis County Recorder's Office.
 - 2. The borderline of the plan shall be drawn in heavy lines, leaving a space of at least one-half inch margin on all four sides.
 - 3. The top of the drawing must face either north or west, whichever best accommodates the drawing.
 - 4. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black India drawing ink.
 - 5. The plat shall be made to a scale large enough to clearly show all detail, and in any case not smaller than one hundred feet to the inch.
 - 6. Workmanship on the drawings shall be neat, clean-cut and readable.
 - 7. The plat shall contain all of the information and signature blocks required in this ordinance.
- C. A final subdivision plat shall contain the following information:
 - 1. The proposed name of the subdivision.
 - 2. The legal description of the proposed subdivision.
 - 3. A scaled drawing (not smaller than one hundred (100) feet to one inch) of the subdivision, illustrating the boundaries, lot lines, streets, easements, usable land and minimum building pad locations, when required, all areas to be dedicated to the public, and other important features to be contained within the subdivision, with sufficient information to locate accurately the property shown in the plat.
 - 4. A north point and date.
 - 5. Signature blocks for every owner of an interest in the property, utilities supervisors, the City Planning Director (who shall sign for the Planning

Commission), the City Engineer, the City Attorney, and the Mayor and City Recorder. All signatures by owners or other holders of interest in the property shall be notarized, in the following or similar language: "This instrument was acknowledged before me this (date) by (person acknowledging, title or representative, capacity, if any)."

6. An owner's dedication to the public of all public ways and rights given in the subdivision, in the following or similar language: "We, the undersigned owners of the above-described land, having caused the same to be subdivided into lots and streets to be known as _____ subdivision, do hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant to the City that the same are free of all encumbrances that could interfere with their use as herein dedicated."
 7. A consent to dedication signed by all other holders of an interest in the property, including trust deed holders, in the following or similar language: "We, the undersigned holders of a trust deed on the above-described land, which is dated _____ and recorded at Book _____ on Page _____ of the records of Davis County, do hereby consent to the creation of this subdivision, and do hereby consent to the Owner's Dedication stated on this plat, and do hereby join in the dedication to the perpetual use of the public all parcels shown as intended for public use."
 8. A Certificate of Survey from a registered land surveyor.
 9. For subdivisions within the Residential Foothill Zone:
 - (i) A statement on the face of the plat by the subdivider certifying to the City and to the public that all lots within the subdivision contain a minimum building pad as defined in the Bountiful City Code, and
 - (ii) A statement on the face of the plat that slopes of thirty percent (30%) or greater are not usable and may not be disturbed, excavated or used for construction.
 10. A six (6) inch by three (3) inch space in the lower right corner of the drawing for recording information.
- D. In order to obtain final approval, the subdivider must:
1. Submit a subdivision plat as described herein;
 2. Comply with any stated conditions attached to the preliminary approval;
 3. Submit to the City a reliable title report reflecting the exact legal description of the proposed subdivision, and stating all matters of record affecting title to that land;

4. Submit finished engineering construction drawing for all site improvements including, but not limited to, streets, sewer, water, irrigation, storm drainage, erosion and landscaping.
5. Pay all required fees as shall be required by resolution of the City Council.

E. Final Subdivision Plat Approval Process

1. For one-family, two-family, and townhome development plats: After receiving from the subdivider the information necessary for final approval, the City Staff shall review it for compliance with this ordinance. When all requirements have been met, the City Engineer and City Planner shall approve the Final plans.
2. For all other development plats:
 - a. After receiving from the subdivider the information necessary for final approval, the City Staff shall review it for compliance with this ordinance. When all requirements have been met, the City shall schedule the proposed subdivision for consideration of final approval by the Planning Commission. The City Engineer shall make a recommendation to the Planning Commission for final approval, for approval with stated conditions, or for disapproval for stated reasons.
 - b. The Planning Commission shall review the subdivision and make a recommendation to the City Council for final approval, approval with stated conditions, or for disapproval for stated reasons. These are recommendations only to the City Council, which may adopt, reject, or modify any recommendation from the Planning Commission.
 - c. The City Council shall review the subdivision for final approval, and shall approve, approve with stated conditions, or disapprove with stated reasons.

- F. No conditionally approved subdivision shall be recorded at the office of the Davis County Recorder until all the conditions upon which approval was granted, which are intended to be accomplished prior to recording, have been fulfilled.
- G. Unless a subdivision shall receive final approval from the City within one (1) year after obtaining preliminary approval, the preliminary approval shall expire. The subdivision must thereafter be re-submitted as if it had never previously been considered.
- H. A subdivision which has been granted final approval by the City must be delivered to the office of the Davis County Recorder for recording within one (1) year of the date of approval unless extended by the corresponding Land Use Authority as specified in section E above, for good cause shown, for an additional period of time of up to one (1) year, at the request of the applicant. If it is not so delivered within one (1) year or within any additional period of time approved by the City, the approval shall expire. The subdivision must thereafter be re-submitted as if it had never previously been considered.

PART 3 SUBDIVISION IMPROVEMENT REQUIREMENTS

14-20-301 RELATION TO ADJOINING STREET SYSTEM

14-20-306 LENGTH AND WIDTH OF BLOCKS

14-20-307 LOTS

14-20-308 IMPROVEMENTS

14-20-310 NATURAL HAZARDS

14-20-311 NATURAL VEGETATION

14-20-312 UTILITIES

14-20-301 RELATION TO ADJOINING STREET SYSTEM

- A. All subdivisions must be in compliance with the Master Street Plan.
- B. The arrangement of streets in new subdivisions shall provide for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), and shall be constructed to the standards set forth in Title 6, Public Works and Property.

14-20-306 LENGTH AND WIDTH OF BLOCKS

The maximum length of blocks shall be eight hundred (800) feet, and the width shall be sufficient to allow two tier lots where physically possible.

14-20-307 LOTS

- A. The meaning of the term “Lot” is set forth in Chapter 3, *Definitions*, of this Title.
- B. Any lot, regardless of how it is created, shall meet all of the following:
 - 1. The arrangement, design and shape of a lot shall provide a satisfactory site for building a structure, shall be properly related to topography, and shall conform to the requirements of this Title.
 - 2. A lot shall be generally rectangular in shape and shall not contain peculiarly or irregularly shaped elongations, except where dictated by existing, physical constraints of the land.
 - 3. A lot shall conform to the minimum requirements of the Bountiful City Land Use Ordinance for the zone in which it is located.
 - 4. Each lot shall abut a public street meeting the minimum requirements of Bountiful City. Interior lots having frontage on two streets are prohibited. An approved planned unit development is exempt from these provisions.
 - 5. Any remnant of land remaining after subdividing shall be added to an approved, adjacent lot, rather than becoming an outstanding parcel of land.

6. A lot shall not be created by any means that does not meet the minimum requirements for a building lot according to the provisions of this Title.

14-20-308 IMPROVEMENTS

- A. The owner of any land and his agent shall be required to install or guarantee the installation of all public improvements as set forth in Title 6 *Public Works and Property*.

14-20-310 NATURAL HAZARDS

Construction of permanent structures shall not be permitted in areas subject to hazards such as floods, landslides, etc.

14-20-311 NATURAL VEGETATION AND GRADING

No property shall be grubbed, cleared, or otherwise disturbed except in accordance with an approved landscaping permit, excavation permit, or building permit. Natural vegetation shall be removed only when absolutely necessary for the construction of buildings, streets, and filled areas. A landscaping permit, excavation permit, or building permit shall not be issued until the final plans for development are approved by the Land Use Authority.

14-20-312 UTILITIES

All utilities shall be placed underground.

PART 4 AMENDING OR VACATING A SUBDIVISION PLAT

14-20-501 AMENDING OR VACATING A RECORDED SUBDIVISION, PLANNED UNIT DEVELOPMENT, OR CONDOMINIUM PLAT

14-20-502 NOTICE REQUIREMENTS

14-20-501 AMENDING OR VACATING A RECORDED SUBDIVISION, PLANNED UNIT DEVELOPMENT, OR CONDOMINIUM PLAT

- A. No subdivision, planned unit development or condominium plat which has been recorded with the Davis County Recorder according to law may be altered, amended or vacated, in whole or in part, until the proposed alteration, amendment or vacation has been approved by the City and executed by the appropriate City officials.
- B. Submittal Requirements: Anyone proposing to amend or vacate a recorded subdivision, planned unit development or condominium shall submit an application to the City including the following:
 - 1. A petition, which may be in letter form, stating that an amendment, vacation, or other alteration to an existing subdivision, planned unit development or condominium is being requested. The petition shall include the following information:
 - (i) The name and address of all owners of record of the land contained in the entire original plat;
 - (ii) The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered or amended, whether in or out of the original subdivision;
 - (iii) The signature of each of those owners who consents to the petition; and
 - (iv) Any other information that may be required by State or City law.
 - 2. A plat showing the proposed amendment or vacation, which shall:
 - (i) Be titled as an amended plat of the original subdivision;
 - (ii) Describe and illustrate all proposed changes;
 - (iii) Show a tie in to the unchanged portion of the original plat;
 - (iv) Contain all necessary signature blocks, including one (1) for every owner of property who has any interest in the land being amended or vacated; and

- (v) Such other information or items as shall reasonably be required by the City.
- 3. A reliable title report reflecting the exact description of the land being amended or vacated, and stating all matters of record affecting title to that land.
- C. Subdivision Plat Amendment Procedure shall follow the process for new subdivisions (See 14-20-203.1, 14-20-203.2, and 14-20-204).
- D. The hearing concerning the proposed amendment or vacation shall be considered upon the criteria set forth in the Utah Code and in City ordinances.

14-20-502 NOTICE REQUIREMENTS

Notice of the proposed amendment or vacation shall be given as provided by State law

PART 5 COMMERCIAL, CONDOMINIUM, AND PUD PLATS

14-20-601 MINIMUM NUMBER OF UNITS

14-20-602 ESTABLISHMENT OF PROPERTY OWNERS ASSOCIATION

14-20-603 CONDOMINIUM SUBDIVISION PLAT

14-20-604 PUD SUBDIVISION PLAT

14-20-605 COMMERCIAL SUBDIVISION PLAT

14-20-601 MINIMUM NUMBER OF UNITS

Any condominium or planned unit development (PUD) subdivision shall have a minimum of two (2) legal units or lots.

14-20-602 ESTABLISHMENT OF PROPERTY OWNERS ASSOCIATION

It is the duty of the owners who sign a commercial, condominium, or PUD subdivision plat to establish a property owners association responsible for the maintenance and ownership of any common area and any shared easement area, and to record all necessary documents to effectuate such property owners association with the Davis County Recorder.

14-20-603 CONDOMINIUM SUBDIVISION PLAT

Any legally existing multi-family development that meets the minimum requirements of this Chapter may be platted as a condominium development. One (1) or more single-family detached dwellings shall not be platted as a condominium development.

14-20-604 PUD SUBDIVISION PLAT

- A. Any legally existing multi-family development that meets the minimum requirements of this Chapter and that does not have vertically stacked units may be platted as a PUD development regardless of whether or not it was developed under current or previous iterations of the Planned Development Overlay Zone.
- B. Any legally existing development, except for multi-family developments, located within a single-family, commercial, professional office, hospital, mixed-use, or downtown zone may be platted as a PUD development only if the development meets the minimum requirements of this Chapter and the minimum size requirements of the current iteration of the Planned Development Overlay Zone.

14-20-605 COMMERCIAL SUBDIVISION PLAT

Any legally existing, non-residential development may be subdivided in conformance with the requirements of the zone in which it is located. A lot within a development in a Commercial Zone (C), or within a Professional Office Zone (PO), may meet the minimum public street frontage requirement through a cross-access easement or dedicated common area, if all of the following criteria are met:

- A. Any proposed lot, and any cross-access easement or dedicated common area providing the minimum required frontage for said lot, shall be located within the same plat or within an

existing, recorded plat from another phase of the same development. Furthermore, the proposed easement or access shall be recorded on the plat, shall specifically state that it is for the benefit of said lot, and shall be acknowledged by all signatories.

- B. The cross-access easement or dedicated common area shall be at least twenty-four feet wide, free of obstructions, and shall meet all the requirements of this Title regarding vehicle and pedestrian access.
- C. No cross-access agreement over or with a property outside of a development or subdivision can satisfy the minimum frontage requirements of this Title.
- D. Each lot within a meets and bounds subdivision shall be required to have the minimum frontage along a public street

19.78 Planned Unit Development

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19.78.010 Purpose

It is the intent of this chapter to provide for innovative residential developments having harmony of design and variety of function by providing for greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of zoning district regulations.

19.78.020 Scope Of Approval

This chapter does not guaranty a property owner the right to create a planned unit development (“PUD”). Instead, approval of a PUD is a privilege to be earned and is not an absolute right available simply through compliance with the minimum standards established in this chapter. Because each PUD is unique, every PUD shall be evaluated relevant to the individual circumstances present at each individual location. The planning commission may impose any reasonable condition that will mitigate or eliminate detrimental impacts caused by a proposed PUD. It is not intended that the planning commission will grant the maximum exception to underlying zoning regulations in the case of every PUD application; instead, such maximum will be available only in the most meritorious situations, in order to induce or reward efforts to achieve the highest levels of positive contribution under the design, open space and other community-enhancement aspects of this chapter. All applications under this chapter shall be considered a conditional use and subject to Chapter 19.84, “Conditional Uses.”

19.78.030 Planned Unit Development Defined

A “planned unit development” means an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly. A PUD shall be wholly planned as a single entity or in approved stages to provide for residential uses and common open space. A PUD shall meet the following goals:

A. Architectural control:

1. Through establishment of acceptable design guidelines for each individual PUD.

B. Patterns of development:

1. A creative approach to the use of the land and related physical development.
2. An efficient use of land resulting in smaller networks of utilities and streets and thereby greater amounts of open land.
3. A built environment of stable character in harmony with surrounding development.
4. A more desirable environment, including increased open spaces, architectural consistency throughout the development, and character which fits in with the goals of the community, than would be possible through the strict application of other sections of this title.

C. Preservation of:

1. Trees.
2. The goals and objectives of the city's general plan.
3. Outstanding natural topography.
4. Geologic features.

D. Protection from:

1. Soil erosion.
2. Inconsistent residential development patterns.

19.78.040 Conflicts

If a conflict exists between this chapter and other provisions of this code, the provisions of this chapter shall control; provided, however, that the provisions of this chapter shall not permit a greater density of residential units or uses different from those specified in the regulations or the zoning district under which the development is proposed.

19.78.050 Pre-Application

- A. *Pre-application conference.* Prior to submittal of an application for a PUD, the intended applicant shall request a meeting with the city's development review commission ("DRC") through the city planning director. The purpose of the meeting will be to allow the applicant to present a general concept plan for the proposed development and to receive feedback from the DRC prior to filing of the PUD application.
- B. The general concept plan shall include the following information and plans:
 1. Written letters of intent from the landowner(s) showing their intent to develop the land as proposed.
 2. Sketch concept plans showing the land use, design, intended densities, street and lot arrangement, proposed relationship to neighboring land uses and tentative lot sizes.
 3. Traffic access and circulation proposals.
 4. An architectural concept of the structures in the proposed development.
 5. A landscape concept showing tentative open space areas and relativity to the development and pedestrian movement.
 6. Tentative proposals regarding storm drainage, street improvements, sewage disposal and water supply.

19.78.060 Permit; Application Process

- A. PUDs may be allowed by planning commission approval only in any zoning district where a planned unit development is listed as a conditional use. Approval of a PUD shall consist of two parts:
1. Preliminary approval subject to the public hearing provisions of this title; and
 2. Final approval based on construction drawings and specifications in general accord with that granted preliminary approval.
- B. An approved PUD shall consist of a final approval letter and a final approved site plan from the planning department, all of which shall occur subsequent to planning commission approval of the PUD under Chapter 19.84, "Conditional Uses." Notwithstanding anything to the contrary in this chapter, conditional approval of a PUD shall not be granted unless the PUD meets the use, density and other limitations of the zoning district in which it is to be located. Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the city's subdivision ordinance under Title 12 of this code, except such modifications thereof as are specifically authorized by the planning commission as part of its conditional use approval of the PUD.

19.78.070 Minimum Acreage Required

- A. Standard PUD. The minimum area of contiguous property required for a standard PUD shall be five (5) acres.
- B. Minor PUD.
1. The minimum area of contiguous property required for a minor PUD shall be three (3) acres.
 2. Net density calculations for a minor PUD shall exclude private rights-of-way and private streets.

19.78.080 Development Ownership

A PUD shall be in single, partnership, LLC or corporate ownership, or under option to purchase by an individual or a legal entity at the time of application, or the application shall be filed jointly by all owners of the property.

19.78.090 Net Density

- A. Net density--Standard PUD.
1. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and private roads/lanes and associated recreational facilities within the area; the result being the number of total residential units per net residential acre of land. Net density calculations in a standard PUD shall exclude public rights-of-way and public streets.
- B. Minor PUD:

1. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space, as approved by the planning commission, and associated recreational facilities within the area; the result being the number of total residential units per net residential acre of land. Net density calculations for minor PUDs shall exclude both public and private rights-of-way and streets.

19.78.100 Design Criteria

In return for greater flexibility in site design requirements, PUDs shall deliver exceptional quality community designs that: (i) preserve critical environmental resources, (ii) provide high quality community amenities, (iii) incorporate creative design in the layout of buildings and circulation, and (iv) provide greater efficiency in the layout and provisions of roads, utilities and other infrastructure.

Design criteria shall be used as the principle tool in evaluating the merits of a proposed PUD. The planning commission and the city's architectural review committee ("ARC") shall use the following criteria, in addition to any other applicable sections or chapters of this title, to hold PUDs to higher architectural standards than standard residential developments. The burden shall be on the applicant to demonstrate that the proposed development plans comply with each of the following criteria:

- A. Conformance to the general plan and overlay zones. The proposed development plan shall conform to applicable elements of the city's general plan, any applicable overlay zones, specific area master plans and city goals and policies.
- B. Compatibility with surrounding development. Proposed uses, activities, overall PUD layout and design as well as densities shall have a compatible, efficient and functional interrelationship with surrounding uses and activities, and shall not adversely affect the sustainability of the surrounding area.
- C. Environmental design. Site plan, building design and open space provisions shall be designed to produce a development that is responsive and sensitive to natural features and the aesthetic quality of the community. Site planning and design shall minimize any required cut or fill to afford maximum protection of natural landforms and features. Natural features and/or geologic hazards that may affect the property on which the PUD is proposed shall be identified and mitigation measures established. Building design shall maximize preservation of vegetation and landforms, enhance drainage and minimize soil erosion. Developments must consider, where appropriate, contain designs for foot traffic and pedestrian movement in and among PUDs through sidewalks, trails, foot bridges and hiking paths.
- D. Architectural standards. An architectural design plan that ensures architectural consistency in the proposed development, architectural character and preservation or improvement of the visual character of the city shall be provided and, upon approval, shall form part of the plan. Architectural character is based upon the suitability of a building for its purposes, the appropriate use of materials and upon principles of harmony and proportion of the building with other proposed buildings and surrounding land uses. Buildings or other improvements shall be compatible with the orientation, directional emphases, shape, volume, massing, proportion, rhythm, scale and materials of the contextual setting and streetscape of the site.
- E. Architectural elements, designs, concepts, building styles and materials shall be subject to review by the ARC to ensure consistency with the purposes and provisions of the PUD ordinance, overlay zones, specific area master plans and the general plan.

19.78.110 Bulk And Massing Requirements

The normal massing requirements for minimum setbacks, minimum offset, minimum lot size, minimum lot area per structure, maximum height of structures and lot coverage may vary from the underlying zoning regulations as authorized by the planning commission to foster a creative approach to the use of the land and related physical development. Planning commission approval is required for any variation from the normal bulk and massing standards of this title. Before the planning commission may reduce any bulk or massing requirements, the applicant must show by clear and convincing evidence that the variation will not jeopardize any significant public interest.

19.78.120 Open Space

- A. Common open spaces shall be defined for the purposes of this section as the total area of land and water within the external boundary of a PUD designated and intended for use and enjoyment as open areas, and not improved with a building, structure, street/road or parking area, except for recreational structures. Common open spaces of a PUD shall not include individual lots and yards located between buildings and parking areas. Common open spaces within a PUD are subject to the following requirements:
- B. Percentage required for open space.
 - 1. Minimum open space requirement for any PUD is 20%
- C. The following lands may not be allowed as open space:
 - 1. Land occupied by private structures.
 - 2. Private or semi-private land.
 - 3. Public streets or rights-of-way.
- D. Linear parks.
 - 1. With planning commission approval, linear parks may be allowed for up to 60% of the open space requirement if a public park is not located within 1/3 mile (as one walks) from the PUD.
 - 2. With planning commission approval, linear parks may be allowed for up to 90% of the open space requirement if a public park is located within 1/3 mile (as one walks) from the PUD.
 - 3. Linear parks shall be designed and used for recreational purposes in order to qualify for open space.
- E. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
 - 1. Granting to a party approved by the city a permanent open space easement on or over the common open space to guarantee that such space remains perpetually in recreational use, with ownership and maintenance being the responsibility of the owner or an owner's association organized in a manner reasonably satisfactory to the city; or
 - 2. Compliance with the provisions of the Condominium Ownership Act (UTAH CODE ANN. §57-8-101, et seq.), as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities; or
 - 3. Dedication of the land as a public park or parkway system, provided that the city council, in its sole discretion and following recommendation by the planning commission, accepts the land as viable open space for public recreation.

19.78.130 Pedestrian Movement

- A. Pedestrian movement within a PUD shall be accomplished through a consistent and well-designed pedestrian sidewalk system including enhanced intersection treatments, such as textured paving, to highlight pedestrian crossings.
- B. Pedestrian systems approved by the planning commission shall be provided in all PUDs. Construction of such facilities shall be consistent with the city's standards and specifications.

19.78.140 Effect On Adjacent Properties

- A. The planning commission shall require arrangement of structures and open spaces within the PUD in a manner that assures that adjacent properties will not be materially, adversely affected.
- B. Density of dwelling units per acre shall be no more than the number allowed in the zone in which the PUD is located.

19.78.150 Access Standards

- A. All PUDs shall be served by a public street, which shall not be at or over its traffic capacity at the time the development is approved, including the traffic projections which can be attributed to the proposed development.
- B. All PUDs shall be served by an internal, paved street system according to city standards, with an approved pedestrian element.
- C. All PUDs shall dedicate and improve property which is reasonably anticipated to be used to expand public roads adjacent to the development.

19.78.160 Supplementary PUD Regulations

- A. Upon final approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the planning commission to its approval.
- B. Amendments to approved plans and specifications for a PUD shall be approved by the planning commission and a new set of approved plans will be issued by staff to address any approved amendments.
- C. The city's building official or any other city department shall not issue any permit for any proposed building, structure, activity or use within the PUD which is contrary to the approved development plan.
- D. The director shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.
- E. The maximum length of a cul-de-sac is 600 feet. For PUDs, this section modifies and overrides the regulation of the length of cul-de-sacs contained in Section 14.12.080 of this code.
- F. Gates. With planning commission approval, gates shall be allowed in accordance with the regulations contained in Titles 12 and 14 of this code. In addition, a PUD application requesting a gated entry shall provide ample room, on private property, for turnarounds for vehicles which do not gain access through the gated entry. Section 14.12.130 of this code shall also apply to this section.
- G. Fencing.

1. Fencing in a PUD shall be limited to back yards or side yards for corner lots/private areas of property which are not expressly open for use by the entire PUD, and for the perimeter of the PUD. Fencing, especially entryway fencing, shall be kept to a minimum or completely eliminated in order to accomplish a feeling of engagement with the public street and to prevent alienation of one residential development from another, or to provide consistency throughout the community.
2. Fences in a PUD shall not exceed a maximum height of six (6) feet unless express approval from the planning commission is obtained. In no case shall the planning commission approve any fence or wall which is inconsistent with the provisions of Section 19.76.340 of this title.

H. Monument entry sign.

1. One monument entry sign at main entry point of the PUD may be allowed per planning commission approval.
 2. Signable area. An entry monument sign shall be no greater than 6 feet in height, and shall display no more than 36 square feet of signable area, shall be for the express purpose of identifying the PUD neighborhood, and shall not display any advertisements.
 3. Setback. The minimum setback for any entry monument sign shall be 36 inches from the public right-of-way, and shall not encroach into any clear view areas, as described in Chapter 19.76 of this code.
- I. Refuse collection. A PUD shall provide for its own refuse collection through a private provider, and shall not use public rights-of-way for refuse container storage or for trash pick up by the private disposal service.

19.78.170 Scope Of Planning Commission Action; Appeals

- A. It is the intent of this chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The planning commission shall require the applicant to engage such a qualified designer or design team.
- B. The planning commission may deny an application for a PUD.
- C. In approving an application, the planning commission may attach such conditions as it deems necessary to secure compliance with the purposes set forth in this title and to mitigate any impacts that a PUD may impose on the surrounding people and properties.
- D. The action of the planning commission may be appealed to the city's appeals hearing officer or other appeal authority under Chapter 19.92 of this title.

19.78.180 Rules And Regulations

The planning commission may from time to time, by resolution, adopt and amend regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.

CHAPTER 27

PLANNED UNIT DEVELOPMENT (PUD)

SECTION:

11-27-010: Purpose

11-27-020: Definition

11-27-030: Combination With Residential Zones

11-27-040: Designation On The Official Map

11-27-050: Preapplication Conference

11-27-060: Preliminary PUD Master Plan

11-27-070: Preliminary PUD Master Plan Review By Planning Commission

11-27-080: City Council Action On Preliminary PUD Master Plan

11-27-090: Final PUD Master Plan

11-27-100: Final PUD Master Plan Review By Planning Commission

11-27-110: Final PUD Master Plan Review By The City Council (Rep. by Ord. 2020-04, 2-18-2020)

11-27-120: Standards And Requirements

11-27-130: Permanent Protection Of Planned Unit Development Open Space

11-27-140: Performance Bond And Guarantee Of Improvements

11-27-150: Covenants And Restrictions

11-27-155: Waiver

11-27-160: Time Limit

11-27-010: PURPOSE:

The intent of this chapter is to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. This chapter is also intended to promote better design of residential developments through the use of design professionals. It is further intended that a planned unit development will provide for more open space, more public amenities, and the preservation of natural features such as floodplains and steep slopes that would not be possible under traditional development techniques. This chapter, however, will not allow flexibility in the design and construction of streets. All streets in planned unit developments whether private or dedicated public streets shall conform to the minimum improvement requirements of the subdivision standards, except for parking areas in apartment complexes. (Ord. 2018-05, 1-18-2018)

11-27-020: DEFINITION:

A planned unit development is a large scale, predominantly residential development in which the regulations (except street construction standards) of the underlying zone are waived to allow flexibility and innovation in site and building design in accordance with a PUD Master Plan approved by the Planning Commission and City Council. Accessory nonresidential uses may be included in the development, as determined by the Planning Commission, to provide a necessary service to the residents of the development. (Ord. 2018-05, 1-18-2018)

11-27-030: COMBINATION WITH RESIDENTIAL ZONES:

A planned unit development shall be considered only in the AA, A, AE, LS, S, LR, R, R-2, R-4, R-8, BP, BR, C, OTR (single-family residential only), NMU, CMU and B (single-family residential only) Zones. The provisions of this chapter shall prevail in cases of conflict between this chapter and other chapters (the provisions of the foothill ordinance shall be more restrictive than this chapter). (Ord. 2018-05, 1-18-2018)

11-27-040: DESIGNATION ON THE OFFICIAL MAP:

A planned unit development designation shall be used in combination with existing zones as designated above and not applied to a land area independently. The planned unit development designation (PUD) shall become a suffix to the zone with which it is combined; for example, R-8 (PUD). Approval of the planned unit development shall be accomplished in the same manner as other amendments to the official zoning map in compliance with chapter 6 of this title. (Ord. 2018-05, 1-18-2018)

11-27-050: PREAPPLICATION CONFERENCE:

To obtain information and an interpretation of this chapter and other provision in this title that pertain to planned unit developments, each applicant shall confer with the City Planner and other Farmington City staff members as appropriate in a PUD concept plan preapplication conference before a preliminary PUD Master Plan is submitted. The submission of general outlines of the proposal, sketch plans and other conceptual documents are appropriate at this time. The City Planner shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to assist the applicant in the preparation of a preliminary PUD Master Plan. These comments and recommendations must be considered as guidance and as assistance to the applicant pending official action by Farmington City on the submitted preliminary PUD Master Plan. (Ord. 2018-05, 1-18-2018)

11-27-060: PRELIMINARY PUD MASTER PLAN:

All applications for approval by Farmington City of a preliminary PUD Master Plan, shall include seven (7) copies, and one electronic copy, of the proposed preliminary PUD Master Plan.

A. Applications for preliminary PUD Master Plan shall contain the following written documents:

1. Legal Description: A legal description of the total site proposed for development, including a statement of present and proposed ownership.
2. Development Schedule: A development schedule indicating the approximate date when construction of the planned unit development or stages of the planned unit development can be expected to begin and be completed.
3. Site Plan, Maps: Site plan and supporting maps:
 - a. Topographic maps of the site, including contour intervals of no greater than two feet (2'). This map should include existing conditions such as a drainage channel, floodplain, other unique natural features and natural vegetation coverage.
 - b. General location of all dwellings in the planned unit development.
 - c. Proposed circulation system.
 - d. An existing and proposed utility system plan, including sanitary sewers, culinary water, stormwater and easements for electricity, natural gas and telephone, etc. This plan should also indicate from which point the utilities will be extended.
 - e. The proposed treatment of the perimeter of the planned unit development, including materials and techniques used such as berms, planting screens, fences and walls unless otherwise approved by the City as part of the Preliminary PUD Master Plan.
4. Elevations: Preliminary elevations, including building heights and appropriate perspectives of all building types proposed within the planned unit development, to clearly show the nature, building materials, design and layout of the development site.
5. Control Of Property Evidenced: Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan.
6. Additional Information: Other materials data and studies as may be required by either the City Planner or the Planning Commission. The applicant may ask for a preliminary Planning Commission review as an

agenda item to assist in establishing the type, need and extent for specific materials, data or studies. These may include, but not be limited to, the following:

- a. An economic feasibility study or market analysis showing the need or basis for the planned unit development.
- b. Seismic, special topographic and soils studies.
- c. Other studies identified as being necessary because of the uniqueness of the proposed planned unit development site or its general surroundings.

B. Applications for preliminary PUD Master Plan which include multi-family, commercial, other non-residential uses, and single-family developments which provide open space, shall contain the following additional written documents:

1. Tabulations: A tabulation of the following: total number, by type, of dwelling units; total acreage of the site and the percentages thereof to be designated for various uses, i.e., parking, open space, streets, commercial, residential, etc.; gross and net dwelling unit densities and an estimate of the project population; anticipated number of employees, proposed lot coverage ratio of buildings and structures.

2. Site Plan, Maps: Site plan and supporting maps:

a. Proposed and parking areas, including streets, pedestrian pathways, ingress and egress and recreational vehicle storage areas and proposed outdoor lighting.

b. Parks, common open spaces, semiprivate open spaces, playgrounds, school sites and other public and private recreational facilities and improvements proposed for the planned unit development.

c. A landscaping plan indicating the general type, location and treatment of trees, shrubs, ground covers and plan materials used for private and common open spaces and a preliminary layout of the sprinkling system. The retention of healthy existing trees and other vegetation is strongly encouraged.

3. Location of any proposed signs. (Ord. 2018-05, 1-18-2018; amd. Ord. 2021-01, 1-19-2021; Ord. 2024-21, 4-9-2024)

11-27-070: PRELIMINARY PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:

The Planning Commission shall review the application for approval of a planned unit development designation and the preliminary PUD Master Plan at a public hearing. The Planning Commission shall either recommend the City Council approve the application and plan as presented, recommend the City Council approve it subject to certain conditions, table the application pending receipt of required materials, data, studies and information, or recommend the City Council disapprove it. Any recommendation for approval of the preliminary PUD Master Plan shall be made only after the Planning Commission makes the following findings:

A. Layout: The proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed planned unit development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed planned unit development and as a means of its integration into its surroundings.

B. Consideration Of Adjacent Property: The proposed planned unit development will create no detriment to property adjacent to the planned unit development and to this end the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements for the adjacent zone apply on the periphery of the planned unit development.

C. Efficient Use Of Land: The proposed planned unit development will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.

D. Compensation For Increased Density: The increased density allowed within the planned unit development will be compensated by better site design and by the provision of increased amenities, common open space and recreational facilities. To ensure this requirement is achieved, site plans and other plans should be prepared by design professionals.

E. Hazards Not Increased; Recommendations: Any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety or general welfare of the residents of the proposed planned unit development. Based on its action on the preliminary PUD Master Plan, the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the preliminary PUD Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.

F. The Planning Commission, at its sole discretion, may delegate future review and consideration of the Final PUD Master Plan to the Planning Department. (Ord. 2018-05, 1-18-2018; amd. Ord. 2024-21, 4-9-2024)

11-27-080: CITY COUNCIL ACTION ON PRELIMINARY PUD MASTER PLAN:

The City Council shall review the application for a planned unit development designation to be added as a suffix to an underlying zone. The City Council shall also review and take action on the preliminary PUD Master Plan at a public hearing in accordance with chapter 6 of this title. (Ord. 2018-05, 1-18-2018)

11-27-090: FINAL PUD MASTER PLAN:

A. Submittal: Following the public hearing on a preliminary PUD Master Plan and prior to designation of a planned unit development, in combination with an underlying zone, seven (7) copies, and one electronic copy, of the final PUD Master Plan shall be submitted to the City Planner. Any failure to submit a final PUD Master Plan on the proposed planned unit development or any portion thereof within one year of the approval of the planned unit development designation and the preliminary PUD Master Plan shall terminate all proceedings and render the proposed planned unit development null and void.

B. City Planner Review: The City Planner shall review the final PUD Master Plan to assure that it is in compliance with the requirements of this chapter. The Planning Commission shall not place any final PUD Master Plan on the Planning Commission agenda until all items required have been submitted or are omitted for good cause. The final PUD Master Plan will allow the Planning Commission to review all the information required for the preliminary PUD Master Plan in its finalized, detailed form. The final plan shall not vary substantially from the previously approved preliminary PUD Master Plan. The final PUD Master Plan shall be deemed in substantial compliance with the preliminary PUD Master Plan; provided, that:

1. The lot areas do not vary by more than ten percent (10%);
2. A reduction of the area designated for common open space is no more than five percent (5%);
3. An increase in the floor area proposed for nonresidential uses is no more than five percent (5%);
4. An increase in the ground coverage ratio by all buildings is no more than five percent (5%).

C. Variation From Preliminary Plan: If it is determined that the final PUD Master Plan does vary substantially from the preliminary PUD Master Plan, the applicant must repeat the procedure outlined in sections 11-27-060 and 11-27-080 of this chapter before further action shall be taken on the final PUD Master Plan. The applicant may be required to pay additional fees, as determined by the City Manager, for the repeated procedures required.

D. Required Information: The final PUD Master Plan shall contain all of the site plans and maps required for the preliminary PUD Master Plan in a finalized format. Specifically it shall contain the following:

1. Tabulations of all dwelling units to be constructed by types and number of bedrooms per unit (if multi-family);
2. Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of common spaces and special use areas, detailed circulation pattern;
3. Dimensioned parking layout and traffic circulation pattern, including streets, location of individual parking stalls and all areas of ingress and egress and outdoor lighting;
4. Final exterior design for all building types, presented as exterior perspectives or exterior elevations;
5. Detailed engineering plans or final subdivision plat showing site grading, street improvements, drainage and public utility location;
6. Detailed landscaping plans with a legend showing the types and sizes of all planting materials and their locations, decorative materials, recreation equipment, sprinkler or irrigation systems and any recreation related

outdoor lighting;

7. The fully executed declaration of covenants, conditions and restrictions, together with open space easements and other bonds, guarantees or agreements as required by this chapter or as deemed necessary by the Planning Commission and/or the City Attorney. (Ord. 2018-05, 1-18-2018)

11-27-100: FINAL PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:

The Planning Commission shall review the submitted final PUD Master Plan and may approve or disapprove it. The Planning Commission may approve the Final PUD Master Plan if they find that the proposed planned unit development meets all of the requirements of this chapter, that it is in substantial compliance with the approved Preliminary PUD Master Plan and that it meets the objectives and purposes of this chapter. The Planning Commission may apply conditions with the approval of the final PUD Master Plan that will ensure that the proposed PUD meets with the objectives of this chapter, subject to, but not limited to, the following:

A. Building Permit: No building permit for any portion of the proposed planned unit development shall be issued until the final PUD Master Plan has been approved and all necessary subdivision ordinance requirements have been met. Building permits may be issued in accordance with the approved Final PUD Master Plan even though the yard requirements, building heights, minimum lot sizes, etc., differ from the requirements of the underlying zone in which the development is proposed.

B. Permanent Protection: Permanent protection of planned unit development open space, performance bonds, guarantee of improvements, covenants and restrictions. All provisions pertaining to the requirements cited in this chapter shall be met as required in the approved conditions of the planned unit development prior to Planning Commission final approval in which the development is proposed.

C. Phased Development: Development plans for an approved preliminary PUD Master Plan may be submitted in phases provided each phase can exist as a separate unit capable of independently meeting all the requirements and objectives of this chapter. If the planned unit development is developed in phases, the required open space and approved recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given development phase, unless it is determined that a greater amount of open space and recreation facilities must be provided in order to assure that these spaces and facilities can function properly.

D. Fees: All final plans shall be accompanied by the appropriate fee, as specified from time to time by the City Council. (Ord. 2020-04, 2-18-2020)

11-27-110: FINAL PUD MASTER PLAN REVIEW BY THE CITY COUNCIL:

(Rep. by Ord. 2020-04, 2-18-2020)

11-27-120: STANDARDS AND REQUIREMENTS:

A. Minimum Area: The minimum area for a planned unit development shall be five (5) acres in AA, A, AE, LS and S Zones, two and one-half ($2\frac{1}{2}$) acres in LR, R and R-2 Zones, and one and one-half ($1\frac{1}{2}$) acres in R-4 and R-8 Zones. Any proposal for a planned unit development in areas smaller than those cited above, may be approved based upon the specific conditions related to the site upon which the development is proposed. Smaller planned unit developments are encouraged in the older historical parts of the City in order to use lot interiors where unique conditions may exist.

B. Base Density: The base density of the planned unit development shall be determined by the development of a yield plan, as defined in section 11-2-020 of this title, applying subdivision yield plan dimension standards set forth in chapter 12 of this title and related requirements of the underlying zone.

C. Lot Area, Width, Yard, Height, Coverage: Lot area, width, yard, height and coverage regulations shall be determined by approval of the preliminary PUD Master Plan.

D. Number Of Dwelling Units: The number of dwelling units in each building shall not exceed the number permitted in the zone when the underlying zone is R-4 or R-8. When the underlying zone is R-8, the maximum dwelling units in each building may be increased to twelve (12) units; provided, that the maximum allowable density of the R-8 Zone is not exceeded.

E. Adjacent Yard, Height Requirements May Apply: The Planning Commission may require that yard and height requirements of adjacent zones be applied to the periphery of the planned unit development.

F. Low Intensity: To assure that adjacent properties will not be adversely affected, the Planning Commission may require, where feasible, buildings and uses of lowest intensity be situated on the periphery of the planned unit development.

G. Open Space:

1. Requirements: Every planned unit development shall provide usable common open space, accessible to all lots or units, of not less than ten percent (10%) of the net area (gross area less constrained or sensitive lands), in single-family planned unit developments (see chart below) and thirty percent (30%) in multi- family planned unit developments. (Open space requirements in a mixed single-family, multi-family planned unit development shall be computed as a weighted average.) No streets, driveways, parking areas, yard areas typically used for individual structures or areas with slopes greater than thirty percent (30%), wetlands or other constrained lands may be included in the computation of the required open space unless the City determines that certain constrained, i.e., rock outcroppings, etc., qualify as unimproved open space in order to enhance the character and function of open space with the development. Playgrounds, parks, swimming pools and related amenities, tennis courts and similar bona fide recreation buildings and facilities and railway system land may be considered part of the usable common open space.

SINGLE FAMILY - ALL ZONES

Open Space And Character Incentive Multiplier

<i>Required Open Space (Net Area)</i>	<i>Open Space Increase (Net Area)</i>	<i>Total Open Space</i>	<i>Open Space Incentive Multiplier</i>	<i>Design/ Character Incentive Multiplier</i>	<i>Total Incentive Multiplier Allowed</i>
If improved					
10 %	0 - 10 %	20 %	0 - 20 %	0 - 5 %	20 %
If unimproved					
10 %	0 - 5 %	15 %	0 - 10 %	0 - 5 %	15 %

2. Alternatives To Open Space: The City, as a legislative action concurrent with the consideration of a PUD and at its sole discretion, may enact one or all of the following alternatives in lieu of the required open space set forth herein:

a. Historic Preservation: The City, at its sole discretion, may consider preservation of an on site building or structure eligible, or that may be eligible, for the National Register of Historic Places in lieu of the ten percent (10%) open space.

b. Transfer Of Development Right (TDR): A TDR lot may replace all or a portion of the ten percent (10%) open space requirement consistent with the standards contained elsewhere in this title.

c. Waiver: The City may waive all or a portion of the ten percent (10%) open space requirement consistent with the standards set forth in this chapter. Any development receiving a waiver shall not qualify for a density bonus.

d. Moderate Income Housing: Developers may provide or set aside dwelling units equal in number to at least ten percent (10%) of the total number of dwelling units approved for the development for moderate income housing subject to entering into an agreement with the City; unless, at the sole discretion of, and by agreement with the City, the developer provides:

- (1) A fee in lieu thereof determined in consideration of factors set forth in Section 11-28-270 of this Title; or
- (2) Some other public benefit; or
- (3) A combination of 1 and 2 above.

H. Increase In Residential Density: Residential density may be increased up to a maximum of twenty percent (20%) above that allowed in the underlying single-family zone, at the discretion of the City. The density will be determined during the preliminary PUD Master Plan review stage.

1. Common Open Space Increase: An increase of usable common open space in addition to the open space requirements cited in subsection G of this section, may allow the following density increases:

a. Improved: Improved open space is usable common open space that is highly accessible to all residents of the planned unit development; that is devoted to planting, patios, walkway, and recreational areas; that provides recreational facilities such as swimming pool, tennis court, clubhouse, playground, etc.; that is of such dimension to be functionally usable (on any section of improved open space shall not be less than 6,000 square feet nor less than 30 feet in its smallest dimension); and that is of a finished grade of twelve percent (12%) or less.

b. Unimproved: Unimproved open space is common open space that generally allows for the preservation of the planned unit development's natural amenities such as rock outcrops, trees, ravines, ponds, drainage channels, etc. All or part of unimproved open space is generally left in a natural state and its use is restricted to more passive recreation, such as hiking trails or creation of access to scenic vistas and natural sites.

2. Multi-Family Planned Unit Developments: A density bonus is not allowed in multi-family planned unit developments by increasing open space. Economies in construction and an increase in open space may be achieved by increasing the number of units per structure as provided in subsection D of this section.

3. Siting Variation: Character, identity and architectural and siting variation incorporated in a single-family planned unit development shall be considered cause for density increases not to exceed five percent (5%). When combined with open space density bonuses, the total density increase shall not exceed twenty five percent (25%). The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase the Planning Commission and City Council approve. Such variations may include, but are not limited to, the following:

a. Landscaping: Landscaping; streetscape; open spaces and plazas, use of existing landscaping and natural features; pedestrianway treatments; treatment of recreational areas and provision of various recreation apparatus (a maximum increase of 2 percent).

b. Siting: Siting; visual focal points; use of existing physical features such as topography; view; sun orientation; circulation patterns; physical environment; variation in building setbacks; and clustering of building groups (a maximum increase of 1 percent).

c. Design Features: Design features; street sections; architectural styles; harmonious use of materials; parking areas broken by landscape features; and varied use of house types (a maximum increase of 2 percent).

I. Utilities: All dwelling units shall be served by public sewer and public water. All utilities within the planned unit development shall be placed underground.

J. Off Street Parking: Off street parking spaces shall be provided as required in chapter 32 of this title.

K. Dedicated Streets: All streets in a planned unit development shall be a dedicated public street built to Farmington City standards unless otherwise approved by the City Council. (Ord. 2018-05, 1-18-2018; amd. Ord. 2021-20, 8-3-2021)

11-27-130: PERMANENT PROTECTION OF PLANNED UNIT DEVELOPMENT OPEN SPACE:

A. Methods: The Farmington City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance and ownership of open space utilizing, at the City's option, one of the following methods:

1. Dedication of the land as a public park or parkway system;

2. Granting to Farmington City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a homeowners' association established with articles and bylaws which are satisfactory to Farmington City; or

3. Complying with the provision of the Utah Condominium Ownership Act of 1963, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of

common areas and facilities. Recreation uses and facilities may be developed within the common open space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the planned unit development.

B. Failure To Maintain: If the second or third methods, as set forth above, are utilized to maintain the open spaces, but the organization established fails to maintain the open space in reasonable order and condition, the City may, at its option, do or contract to have done the required maintenance and shall assess ratably the open spaces and individually owned properties with the planned unit development. Such assessment shall be a lien against property and shall be filed with the Davis County Recorder, or the City may bring suit to collect the maintenance fees, together with reasonable attorney fees and costs. (Ord. 2018-05, 1-18-2018)

11-27-140: PERFORMANCE BOND AND GUARANTEE OF IMPROVEMENTS:

In order to ensure that the planned unit development will be constructed to completion in an acceptable manner, the developer shall guarantee the improvements. The performance bond or guarantee agreement shall be prepared by the City Attorney, and signed by the developer of the planned unit development. The developer shall deposit in escrow with a bank or lending institution, a sum of money equal to one hundred twenty percent (120%) of cost of improvements as estimated by the City Engineer. (The City Engineer may obtain estimates from licensed professionals for improvements that the City Engineer is not qualified to value, e.g., landscaping in the improved common area.) The estimated costs shall cover the construction and installation of all required landscaping, parking and street improvements, including paving, curbs, gutter, sidewalks, water and sewer lines, parks, playgrounds, recreation facilities and other amenities shown on the final PUD Master Plan approved by the City Council. (Ord. 2018-05, 1-18-2018)

11-27-150: COVENANTS AND RESTRICTIONS:

The applicant for any planned unit development which is being developed as a condominium project under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall, prior to the conveyance of any unit, submit to the City a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final PUD Master Plan and shall be recorded to run with the land. Said covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, as a minimum, contain the following:

A. Association, Corporation: The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.

B. Management Committee: The establishment of a Management Committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

C. Meetings: The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.

D. Collection Of Expenses: The manner of collection from unit owners for their share of common expenses, and the method of assessment.

E. Voting: Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.

F. Amendments: The method and procedure by which the declaration may be amended. (Ord. 2018-05, 1-18-2018)

11-27-155: WAIVER:

Subject to the provisions set forth herein, for single-family residential PUDs, or boundary adjustments related to a single-family detached residential PUD equal to or less than one acre in size, any provision of this chapter may be waived by the City upon a vote of not less than four (4) members of the City Council. Such waiver(s) shall be granted by ordinance and only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this chapter. Any waiver of the required minimum conservation

land dedication shall require comparable compensation, off site improvements, amenities or other consideration of comparable size, quality and/or value. (Ord. 2018-05, 1-18-2018)

11-27-160: TIME LIMIT:

Unless there is substantial action leading toward completion of a planned unit development or an approved phase thereof within a period of twelve (12) months from the date of approval, as determined by the City Council, such approval shall expire, unless, after reconsideration of the progress of the project, an extension is approved. (Ord. 2018-05, 1-18-2018)

CHAPTER 10

OVERLAY ZONES

**ARTICLE B. PLANNED RESIDENTIAL UNIT
DEVELOPMENT OVERLAY DESIGNATION (PRUD)**

SECTION:

- 10-10B-1: Purpose
- 10-10B-2: Designation
- 10-10B-3: Review Procedure
- 10-10B-4: Requirements And Standards
- 10-10B-5: Guarantees And Covenants

10-10B-1: **PURPOSE:** The purpose of the planned residential unit development (PRUD) overlay designation is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and the clustering of dwelling units. These provisions are intended to create attractive and desirable environments within the residential areas of the city. (Ord. 2005-02, 2-15-2005)

10-10B-2: **DESIGNATION:**

- A. Combination With Residential Zones: The PRUD shall be approved as a conditional use only. The PRUD shall be used only in combination with existing residential zones. Property to which the PRUD has been applied shall be developed only in accordance with an approved final development plan.
- B. Designation On Official Zoning Map: The PRUD designation shall become a suffix to the designation of the zone with which it is combined and shall be shown on the official zoning map in parenthesis. For example, if the PRUD were being combined with the residential R-1-12 zone, it would be designated on the official zoning map as "R-1-12 (PRUD)".

- C. Minimum Acreage: The minimum land area eligible for a PRUD shall be two (2) acres. (Ord. 2005-02, 2-15-2005)

10-10B-3: REVIEW PROCEDURE:

- A. Expert Review: The city, in reviewing PRUD applications, may employ the services of a planning and design expert of their own choosing. The cost of the expert review shall be paid by the developer.
- B. Application Fee: Pay applicable application fees at city office.
- C. Conceptual Plan Approval: Concurrent with any request to rezone property to the PRUD overlay designation, a conceptual PRUD plan shall be submitted to, and reviewed by, the planning commission and city council. The planning commission shall review the rezone and conceptual PRUD plan request and forward a recommendation to the city council. The city council shall hold a public hearing to review the proposed rezone and conceptual PRUD plan request. In reviewing a conceptual plan, the city should consider the items listed in subsection E of this section. The conceptual plan will include the following:
 1. A preliminary title report and legal description of the property.
 2. Evidence to show ownership or authority to act on owner's behalf.
 3. Location of all dwelling units and the proposed density of the project.
 4. Contour lines.
 5. Street configuration and cross sections.
 6. Location of any cuts and fills.
 7. Existing utilities and locations of all proposed utilities.
- D. Preliminary Planned Development Plan: All applications for a PRUD shall be accompanied by a preliminary plan of development. The plan shall follow the requirements of the subdivision ordinance in addition to the following:

1. A tabulation of the total acreage of the site, and the percentages thereof to be designated for various uses, i.e., parking, residential units, open space, streets, etc.
2. Proposed circulation patterns, including private and public streets and pedestrian paths.
3. Parks, common open spaces, playgrounds, and other public or private recreation facilities and improvements proposed within the planned development.
4. General location of all dwellings and other structures in the planned development, and an indication of the proposed density (units per acre).
5. A preliminary landscaping plan showing what areas are to be landscaped and what general types of plants and materials will be used.
6. Preliminary elevations or perspectives of all building types, including materials of construction proposed within the development.
7. A draft of the declaration of covenants, conditions and restrictions.
8. Other relevant materials as may be required by the city.

E. Preliminary Plan Review: The planning commission shall review the application for a PRUD. The planning commission, based upon its review for compliance with the provisions of this title, may recommend to the city council approval, denial or approval subject to compliance with such modifications or conditions as may be deemed necessary to carry out the purposes of this title. The planning commission shall recommend approval upon making the following findings:

1. The proposed development will provide a pleasant and attractive living environment.
2. The proposed development will create a logical buffer to adjacent properties in which it is located; and that it will be in harmony with the character of existing development in the area.
3. The planned development will provide efficient use of the land, and minimize the impact on sensitive lands by preserving the character of natural features and open spaces.

4. The densities allowed within the proposed planned development will be compensated by better site design and by the provision of increased amenities.
 5. Variations allowed in this section which differ from the development standards of the underlying zone will not increase hazards to the health, safety or general welfare of the residents of the proposed planned development or of adjacent areas.
- F. City Council Approval: The city council shall review and approve or deny the preliminary plan for the PRUD.
- G. Final Development Plans: Upon approval of the preliminary plan for the PRUD by the city council, final plans for the proposed planned development shall be submitted to the city, who shall schedule the application for consideration by the planning commission. Final planned development plans shall follow the outline of the subdivision ordinance, in addition to the following:
1. Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of common open spaces and special use areas, detailed circulation patterns, including proposed ownership and typical cross sections of streets.
 2. Final exterior designs for all buildings, presented as exterior perspectives or exterior elevations.
 3. Detailed landscaping plans showing the types and sizes of all plant materials and their locations, decorative materials, recreation equipment, special effects, and sprinkler or irrigation system plans.
 4. Dimensioned parking layout showing location of individual parking stalls and all areas of ingress and egress.
 5. Detailed engineering plans for site grading, street improvements, drainage and public utilities. Also submission of engineering feasibility reports, if required by the city engineer.
 6. Fully executed declaration of covenants, conditions and restrictions, together with open space easements and other bonds, guarantees or agreements as required herein or as deemed necessary by the city.

7. A total construction schedule, including a time schedule for the completion of landscaping, parking, street improvements and other improvements and amenities.

H. Final Plan Review: The planning commission shall review the submitted final plan for compliance with the requirements and standards of the city. The planning commission shall recommend approval of the final plan to the city council only after it has found:

1. The proposed planned development meets all the requirements and standards of the PRUD requirements and the subdivision ordinance.

2. The proposed development is in substantial compliance with the approved preliminary plan.

3. The proposed development fully meets the objectives and purposes of the PRUD regulations.

4. The developer has provided the guarantees and covenants required by the city.

I. City Council Approval: The city council shall review, change, and approve or deny the final plan.

J. Building Permit: No building permit for any portion of the planned development shall be issued until the final plan has been approved by the city council and all necessary subdivision ordinance requirements have been met.

K. Phased Final Plans: Final plans for an approved preliminary plan may be submitted in phases, provided each such phase can exist as a separate unit capable of independently meeting all of the requirements and standards as set forth by the city.

L. Fees: Applications for planned development approval shall be accompanied by the appropriate fee, as specified from time to time by the city council. (Ord. 2005-02, 2-15-2005)

10-10B-4: **REQUIREMENTS AND STANDARDS:** A planned residential unit development established under the provisions of this article shall conform to the following requirements and standards:

A. Dwellings: Dwelling units in PRUD zones may be clustered in common wall construction. Dwelling structure layout and design is subject to review and approval of the city. Permitted uses shall also include recreational facilities and structures when approved as part of the final development plan. No minimum lot size is required; however, every dwelling unit shall have direct access to a common street, court, walkway or other area dedicated to common use.

B. Density:

1. The base density of a PRUD shall be based on the density of the underlying zone as outlined below.

2. If the PRUD is combined with the R-3 zone, the density will not exceed the total numbers outlined in chapter 10 article E of this title and depicted on the high density map of the general plan. The overall density will be determined by the site plan as approved by the city.

3. Each zoning district shall adhere to the following base and maximum densities:

Zone	Base Density/ Per Acre	Maximum Density
R-1-8	4.3	6.5
R-1-10	3.5	5.5
R-1-12	3.0	4.5
A-1	1	1.5
R-3	See chapter 10, article E of this title	

4. The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. The city council, upon recommendation of the planning commission, may determine the density bonus upon the city council's acceptance of the design options, as set forth below. In no case shall the maximum density bonus exceed the numbers shown in the graph in subsection B3 of this section.

a. Up to fifteen percent (15%) increase for the creation of significant recreation or site amenities, i.e., pool, playground, clubhouse, picnic areas, water features, etc.

b. Up to ten percent (10%) increase for developments which are designed to protect or preserve sensitive environmental areas, such as existing trees, floodplains, river ways, wetlands or other natural features. These areas must be open to the general public to qualify.

c. Up to ten percent (10%) increase for pedestrian, bicycle and/or walking paths open to the general public which are separated from vehicular traffic, both within and outside the project.

d. One percent (1%) for each one percent (1%) increase in open space above the minimum open space requirement, up to ten percent (10%).

e. Developments which incorporate a streetscape design, including street trees, decorative lighting, landscaped entries and/or additional landscaped buffers are eligible for up to a ten percent (10%) increase.

- C. Building Location: The location of dwellings and permitted structures shall be established upon review of the site plan by the city. Dwellings shall maintain setbacks equal to that of the underlying zone along the perimeter of the PRUD. Exceptions to this requirement may include buffering against permanent open space and must be approved by the city.
- D. Height: The maximum height of buildings within a planned development shall not exceed thirty five feet (35'). Developments located in the R-3 zone shall not exceed three (3) stories.
- E. Concessions And Services: Concessions and services providing for the convenience of the residents of the planned development shall be located in one of the main buildings, or if located in a separate building, the building shall be so located and designed as to be a part of the residential character of the development, having the same outside appearance as the other structures in the development. No advertising signs or promotion of the said concessions or services shall be made by any method to any persons other than those living in the development.
- F. Open Space: Not less than forty percent (40%) of the gross area of the planned development shall be retained in permanent common

open space, parks or playgrounds. Land devoted to vehicular streets or roads, parking and driveways shall not be included in computations of open space, park or playground areas.

- G. Utilities: All dwelling units shall be served by public sewer and by a public water supply, including secondary water. All utilities within the planned development shall be placed underground, including telephone, electrical and television cables.
- H. Parking: Off street parking shall be required, with a minimum of two (2) parking spaces per dwelling unit. In addition, visitor parking spaces shall be provided at a ratio of one-half ($\frac{1}{2}$) space per dwelling unit. Driveways may be used to meet visitor parking regulations. The city maintains the right to require additional visitor parking where it feels the project has not adequately addressed the issue. All parking shall be provided within the boundaries of the planned development. Each parking space shall have minimum dimensions of nine feet by twenty feet (9' x 20') and shall be exclusive of turnarounds, and other maneuvering areas. Parking structures shall be designed to be compatible with the character and architecture of the planned development.
- I. Landscaping: Decorative landscaping shall be provided along perimeter boundaries, and adjacent to residential buildings in the planned development. Solid screen fencing at least six feet (6') in height may be required on the perimeter of the planned development by the city, as appropriate, to protect the character of adjacent properties. Fencing should be architecturally designed brick, block, wrought iron, vinyl or structured wood fences. Natural vegetation or agricultural land may take the place of decorative landscaping where the city sees fit. Landscaped areas must be maintained.
- J. Access: A planned development shall have direct access to a residential street as defined and adopted by the city. Private roads not less than twenty seven feet (27') wide can be approved. Private streets will meet city design standards. Public streets must meet the minimum residential street standards. Modifications may include the deletion of park strips and sidewalks, as determined by the city. Dead end streets or cul-de-sacs shall not exceed six hundred feet (600'). The city may require more than one entrance to the planned development, depending upon the size and location of the development.
- K. Architectural And Design Review: The city shall review and approve the overall architectural character of the PRUD to determine its

compatibility with the neighborhood and overall community. Considerations will be made for the use of permanent materials in the design, such as brick or stone, and the appropriate proportion of these permanent materials in combination with stucco or other similar materials. The city may review and specify appropriate building exterior materials and colors. Overall design and layout of the PRUD shall be subject to the review and approval of the city.

- L. Construction Of Amenities And Landscaping: The city shall require that an appropriate portion of the planned amenities and overall common landscaping be constructed in each phase of the proposed project. The portion so determined shall be included in the bond amount for that phase to be constructed. (Ord. 2005-02, 2-15-2005)

10-10B-5: GUARANTEES AND COVENANTS: Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created, before final plan approval can be granted.

- A. Open Space Guarantees: The city shall require the preservation, maintenance and ownership of all open space through one, or a combination of the following:

1. Dedication of the land as a public park or parkway system.
2. Dedication of the land as permanent open space on the recorded plat.
3. Granting the city a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation or agricultural use, with ownership and maintenance being the responsibility of a homeowners' association.
4. Through compliance with the provisions of the condominium ownership act, as outlined in Utah Code Annotated title 57, which provides for the payment of common expenses for the upkeep of common areas and facilities.
5. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PRUD plan, the city may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.

B. Performance Guarantee: In order to ensure that the planned development will be constructed to completion in an acceptable manner, the applicant shall post performance guarantees as outlined in the subdivision ordinance. The letter of credit or escrow account shall include the completion of off site improvements, including, among other things, landscaping, sprinkling or irrigation systems, drives, storm drains, street surfacing, parking areas, sidewalks, curbs and gutters.

C. Covenants, Conditions And Restrictions:

1. The applicant for any planned development shall, prior to the conveyance of any unit, submit to the planning commission a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. Said covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and shall specify who is responsible for said maintenance within said development. Said document shall, as a minimum, contain the following:

a. The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the development.

b. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

c. The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.

d. The manner of collection from unit owners for their share of common expenses, and the method of assessment.

e. The establishment of an initial reserve fund for the association or corporation, to adequately cover maintenance and operation expenses until such time as the association or corporation is fully operational and self-sustaining.

f. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.

g. The method and procedure by which the declaration may be amended.

2. The declaration required herein, and amendments, and any instrument affecting the property or any unit therein, shall be approved by the city attorney and by the planning commission and recorded with the county recorder. (Ord. 2005-02, 2-15-2005)

Chapter 34 PRUD Planned Residential Unit Development

17-34-1 Purpose

17-34-2 Planned Residential Unit Development Defined

17-34-3 Planned Residential Unit Development Overlay Zone

17-34-4 Zone Flexibility

17-34-5 Additional Criteria

17-34-6 Planned Residential Unit Development

17-34-7 Common Open Space Subdivision

17-34-8 Private Street Subdivision

17-34-9 (Reserved)

17-34-1 Purpose

The purpose of the Planned Residential Unit Development is to encourage a better living environment through greater flexibility of design that is not possible solely through the application of the standard zoning requirements; to encourage diversification in the relationship of residential uses and structures to their sites; to permit a more flexible development of such sites; to preserve meaningful open space, conservation areas, and sensitive lands such as wetlands, steep slopes, and unique vegetation; to preserve character, and assure greater compatibility of new construction with the existing neighborhood; to encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development. New construction in already developed areas should, to the greatest extent possible, maintain the established mass, scale, height, width, and form of the surrounding buildings.

17-34-2 Planned Residential Unit Development Defined

Planned Residential Unit Developments are either common open space subdivisions, private street subdivisions, flag lot subdivisions, or a combination.

17-34-3 Planned Residential Unit Development Overlay Zone

The Planned Residential Unit Development overlay zone may be allowed in the agricultural and residential districts after review and approval of the subdivision and development agreement as applicable. Application for a Planned Residential Unit Development does not guarantee the applicant nor the property owner the right to exercise the provisions of this Chapter.

17-34-4 Zone Flexibility

The Planned Residential Unit Development overlay zone shall be used in combination with existing conventional zones. The Planning Commission and City Council may, in the process of approving conceptual, preliminary, or final Planned Residential Unit Development plans, approve variations from applicable development standards in the underlying zone within limits as outlined by this chapter.

HISTORY

Amended by Ord. [21-05-02](#) on 5/6/2021

17-34-5 Additional Criteria

1. In considering the application for Planned Residential Unit Development overlay zone, the following shall be evaluated:
 - a. A comprehensive and harmonious arrangement of buildings, circulation ways, parking and development amenities.

- b. The relationship to existing and proposed land uses and circulation plans of the community, and avoidance of any disrupting element in the neighborhood.
- c. Housing Types.
- d. Impacts of the roads, lanes or driveways on adjacent properties.
- e. Impacts on the privacy of adjacent properties.
- f. Buildings shall reflect similar exterior quality to surrounding properties, in terms of exterior materials and design, or be set back and buffered from adjacent uses as approved.
- g. Every effort shall be made, by creative site planning, to preserve substantial trees and shrubs on the development site.

2. These may be mitigated by imposing conditions such as:

- a. Fencing.
- b. Landscaping for screening and/or aesthetics.
- c. Building placement, height and mass.
- d. Building design, such as number of stories, exterior building materials and placement of windows on corner lots and second levels.
- e. Reduction in density.
- f. Grading.

HISTORY

Amended by Ord. [21-05-02](#) on 5/6/2021

17-34-6 Planned Residential Unit Development

1. **Pre-application conference.** A meeting with City staff may be held in order to provide a preliminary understanding of issues, zone requirements, undevelopable areas, and infrastructure demands. If a pre-application conference is desired, conceptual designs shall be provided by the applicant including sufficient information to evaluate projects, areas to be preserved, and street and lot layout. Building elevation and landscape plans may be required as part of the review and approval process.
2. **Overlay zone and preliminary subdivision plat.** After the pre-application conference, an amendment to use the Planned Residential Unit Development overlay zone and a preliminary plat may be applied for in compliance with the standards and procedures found in this Title and the Subdivision Ordinance.
3. **Final subdivision plat.** After a preliminary plat is approved, a final plat may be applied for using the standards and procedures found in KCC Title 19 Subdivisions. The final plat, at the discretion of the City Council, may be accompanied by a development agreement that when approved by the City Council shall be recorded to run with the land. After the final plat is approved, the overlay zone may be approved.

HISTORY

Amended by Ord. [24-01-03](#) on 1/18/2024

17-34-7 Common Open Space Subdivision

1. Development requirements.

- a. The number of dwelling units allowed in a common open space subdivision is determined by dividing the total area of all the land within the common open space subdivision by the minimum land area required for one dwelling unit in the underlying zone as indicated in the following table. The number of units determined by this calculation cannot be exceeded.

Underlying Zone	Land Area Per Dwelling Unit (in square feet)
A-5	210,000
A-1	40,000
R-A	21,780
R-T	8,000
R-1-20	20,000
R-1-14	14,000
R-1-LD	21,780
R-1-10	10,000
R-1-8	8,000
R-1-6	6,000
R-D	2,800
R-2	4,000
R-4	3,000
R-M	2,800

2. The following development standards indicate the maximum extent to which variation from the normal development standards of the underlying zone may be altered.

- a.
- b. Block size, building height, and lot coverage regulations shall be determined by approval of the development plan and shall not vary from the normal standard of the underlying zone by more than 20%.
- c. No building shall be closer than twenty feet (20') to any street improvement. All dwellings shall have a minimum rear yard of fifteen feet (15') and a minimum of ten feet (10') between buildings.
- d.

3. Common Open Space Requirements

- a. If any lot in the Common Open Space Subdivision is smaller than the minimum lot size allowed in the underlying zoning district, common open space, usable and accessible by all owners of the lots or units shall be provided and designated on the plat. Usable open space shall be considered improved space such as a garden, park, clubhouse, pool,

trail, playground, or similar improvement determined acceptable by the City Council based on the size of the development.

- b. The minimum common open space required shall be determined by dividing the minimum lot size allowed in the underlying zoning district by the average lot size in the plat and then multiplying the result (quotient) by ten percent (10%), then multiplying the product by the total area of the subdivision. No streets, driveways, or residential parking areas may be included as part of the required common open space. A maximum of 30% of the required common open space may include natural areas. The remaining common open space must be designed, improved or landscaped to quality as usable open space. Any open space that is not common open space cannot be used to fulfill the open space requirements.
- c. A Neighborhood Open Space Easement on and over the common open space shall be granted to Kaysville City, concurrent with recording of the final plat. The easement will provide that the common open space remains open. The easement shall allow for landscape maintenance and construction of recreational structures as long as not more than thirty percent (30%) of the open space is covered by such structures.
- d. An easement on and over the common facilities shall be platted and granted to every owner of property in the subdivision.
- e. All common facilities shall be improved as set forth in KCC Title 19 Subdivisions.
- f. To assure maintenance of the common facilities, a Homeowners Association shall be created concurrent with the recording of the final plat. By proper covenants running with the land and through the declaration, and bylaws of said Association, which declaration and bylaws shall be recorded in the office of the Davis County Recorder, it shall, among other things be provided that:
 - i. Membership in the Association shall be mandatory for each lot purchaser, their guaranties, successors and assigns.
 - ii. The common facilities restrictions shall be permanent and not just for a period of years.
 - iii. The Association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining all common facilities.
 - iv. All lot owners shall pay their prorated share of the costs of upkeep, maintenance, and operation.
 - v. Any assessment levied by the Association may become a lien on the real property of any lot owner.
 - vi. In the event the Homeowners Association does not maintain the common facilities and improvements as proposed and indicated at the time of subdivision, the City may, at its option after appropriate notice given to the Homeowners Association and property owners, do or contract to have done the required maintenance, maintain liability insurance and pay general property taxes, and recover the costs incident thereto by means of a lien against the involved properties of the members of the Homeowners Association.
- g. General public open space may be required by the City, where the benefit of the open space to the community at large is such that general public access is desirable. In such open space, the developer will provide any necessary improvements and convey the property to the City. The City will agree to maintain the conveyed open space as well as keep it perpetually open. Conveyed open space shall be exempt from the easement

requirements of items (g) (h) and (j) above. The general public open space is part of the development for the purposes of density and open space calculations.

Acceptable Uses. Subject to the review and approval of the Planning Commission, uses acceptable in a common open space subdivision shall be those uses which are permitted in the zoning district in which the common open space subdivision is located; provided that for the purpose of this section, single family attached dwellings such as townhouses and row houses or zero lot line homes, shall be considered single family dwellings and may be acceptable in a common open space subdivision approved in a single family zoning district.

Conceptual Plans. The application shall be accompanied by conceptual plans and documents showing:

1. Development density, coverage, and open space characteristics.
2. Vehicular and pedestrian circulation including trail systems, parking, and public uses.
3. A description of architectural elevations and floor plans demonstrating the general design, character, and exterior building materials of the proposed structures.
4. Conceptual landscape plan, showing amenities, fencing and screening which demonstrates how the common open space will benefit the development.
5. Conceptual grading and drainage.
6. Streets and lots.
7. Identification signs or entrance features.
8. Area lighting.
9. Such other pertinent information as may be required by the Planning Commission.

Preliminary Subdivision Plat. The preliminary subdivision plat shall be accompanied by supplementary information including:

1. Topographic maps of the entire site, including contour intervals no greater than two feet (2').
2. A tabulation of the total acreage of the site and the percentages thereof to be designated for various uses, i.e., parking, residential units, open space, streets, etc.
3. Proposed circulation pattern including private driveways, public and private streets, pedestrian and bicycle paths and trail systems.
4. Parks, common open spaces, playgrounds, school sites, churches, and other public or private recreation facilities and improvements proposed within the common open space subdivision.
5. General location of all dwellings and other structures.
6. Proposed location of parking, ingress and egress.
7. A landscaping plan prepared by a licensed landscape architect may be required to ensure that the quality of open space justifies the Planned Residential Unit Development overlay zoning designation. The landscaping plan shall include, at a minimum, the following information:
 - a. The locations and dimensions of all existing and proposed structures (when feasible), property lines, easements, right-of-ways and/or driveways.

- b. The plant names, locations, qualities and sizes of all existing and proposed plants. Drought tolerant designs are encouraged.
 - c. Existing and proposed grading of the site indicating contours at two feet (2') intervals.
 - d. Existing and proposed fencing or screening and identification of the fencing material.
 - e. Any proposed tot lots, pavilions, picnic areas, benches and other site furniture, club houses or other amenities.
 - f. An inventory of landscaped areas, turf grass areas and plant species along with the estimated cost of all the improvements.
- 8. Preliminary elevations or perspectives for building types proposed within the development, except in the case of custom homes.
 - 9. A preliminary utility plan showing the manner in which adequate sewage disposal, storm drainage, and water services are to be provided, including the point from which said services are to be extended or connected.
 - 10. The size, location, design, and nature of signs, if any, and the intensity and direction or area of flood lighting.
 - 11. A copy of the proposed restrictive covenants.
 - 12. Such other pertinent information as may be required by the Planning Commission.

Final Subdivision Plat. The final subdivision plat may be accompanied by a development agreement incorporating the commitments and conditions defined for this development agreement through the review process. The development agreement may incorporate exhibits showing the general site plan and any architectural drawings provided within the review process. Upon approval of the City, the development agreement shall be recorded at the office of the Davis County Recorder and shall run with the land.

HISTORY

Amended by Ord. [20-05-03](#) on 5/7/2020

Amended by Ord. [21-05-02](#) on 5/6/2021

Amended by Ord. [24-01-03](#) on 1/18/2024

17-34-8 Private Street Subdivision

1. Development Requirements.

- a. All lots within private street subdivisions shall comply with all requirements of the zone district. Yards abutting private streets shall be measured from the nearest private street easement line.
- b. Private street improvements shall include curb. streets are defined as that area within the private street easement.
- c. An easement on and over all private street improvements shall be platted and granted to every owner of property in the subdivision.
- d. All private streets shall be improved as set forth in KCC Title 19 Subdivisions.
- e. To assure maintenance of the private streets, a Homeowners Association shall be created concurrent with the recording of the final plat. By proper covenants running with the land and through the declaration and bylaws of said Association, which declaration

and bylaws shall be recorded in the office of the Davis County Recorder, it shall, among other things, be provided that:

- i. Membership in the Association shall be mandatory for each lot purchaser, their guaranties, successors and assigns.
 - ii. The private street restrictions shall be permanent and not just for a period of years.
 - iii. The association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining all private streets.
 - iv. All lot owners shall pay their prorated share of the costs of upkeep, maintenance, and operation.
 - v. Any assessment levied by the Association may become a lien on the real property of any lot owner.
 - vi. In the event the Homeowners Association does not maintain the private streets and improvements as proposed and indicated at the time of subdivision, the City may, at its option after appropriate notice given to the Homeowners Association and property owners, do or contract to have done the required maintenance, maintain liability insurance and pay general property taxes, and recover the costs incident thereto by means of a lien against the involved properties of the members of the Homeowners Association.
2. The following development standards indicate the maximum extent to which variation from the development standards of the underlying zone may be altered upon specific approval of the City Council.
- a. No building shall be closer than twenty feet (20') to any street improvement.
3. **Acceptable Uses.** Subject to the review and approval of the Planning Commission, uses acceptable in a private street subdivision shall be those uses which are permitted in the zoning district in which the private street subdivision is located.

HISTORY

Amended by Ord. [21-05-02](#) on 5/6/2021

Amended by Ord. [24-01-03](#) on 1/18/2024

17-34-9 (Reserved)

HISTORY

Amended by Ord. [18-8-3 - Flag Lot Subdivision](#) on 8/16/2018

Amended by Ord. [21-05-02](#) on 5/6/2021

CHAPTER 17**PLANNED UNIT DEVELOPMENTS***(Amended 08/14/18; 07/28/20)*

- Section 17.010. Purpose and Intent.
- Section 17.020. Approval Process.
- Section 17.030. Application Requirements.
- Section 17.040. Development Standards.
- Section 17.050. Guarantees.
- Section 17.060. Amendments to an Approved
Planned Unit Development.

Section 17.010. Purpose and Intent.*(Amended 2/27/01, 11/14/17)*

A. A Planned Unit Development may be allowed at the discretion of the Planning Commission and City Council in any zoning district by complying with the provisions of this Chapter. No permit shall be issued for a Planned Unit Development unless and until the following requirements have been met. The intent of allowing Planned Unit Developments in certain districts within the city is:

1. to encourage the construction of affordable housing units within the City under conditions and requirements that will ensure development of residential environments of sustained desirability and stability;
2. to permit development of housing and commercial projects within residential or commercial districts which are characterized by a harmonious grouping of attractive buildings situated on spacious surroundings and landscaped with well kept lawns, trees and shrubs;
3. to allow more flexibility in the location of buildings on the land, the grouping of open spaces and the number of dwelling units in one building; and
4. to improve the overall quality of the built environment, maintain property values, and enhance the image of Lehi City and the character of its major corridors that serve as primary access into and through the City.

B. A Planned Unit Development is intended to be an "overlay district" in that the proposed use shall be consistent with the zoning district in which it is proposed as to the requirements of density, use and purpose, except that single family attached housing

may be permitted in traditional single family residential zones to allow for preservation of sensitive lands or agricultural areas, or for transitioning housing types when adjacent to differing land uses.

Section 17.020. Approval Process.*(Amended 2/27/01; 08/13/02)*

A. Planned Unit Development (PUD) projects are to be reviewed in a three-step process: Concept Plan, Preliminary Plat, and Final Plat.

1. Concept Plan. The Concept Plan gives the applicant, staff, Planning Commission and City Council an opportunity to discuss the project in the conceptual stage. The applicant can use the Concept Plan meetings to receive direction on project layout as well as discuss the procedure for approval, specifications, and requirements that may be required for layout of streets, drainage, water, sewerage, fire protection, and similar matters prior to the preparation of a more detailed preliminary subdivision plat. Overall density of the proposed PUD will be discussed as part of the Concept Plan; however, the total density of the PUD shall be established as part of the preliminary plat approval. Sections 11.010 – 11.040 of the Development Code identify the requirements for Concept Plan.

2. Preliminary Plat. The Preliminary Plat examines items such as density, including the number, type, and location of all dwelling units and other associated structures, parking, impact on surrounding areas, adequacy of services, project amenities, and plan for service improvements, consistent with the preliminary subdivision requirements of this Code. Preliminary approval shall only be granted when there is a reasonable certainty that the PUD will fulfill all requirements of this Code for subdivision approval. The preliminary application requirements for a PUD are those identified for a preliminary subdivision plat as identified in Section 11.070.

3. Final Plat. Review of the final plat is an administrative and technical matter. The applicant shall submit the detailed and technical information necessary to demonstrate that all City standards, requirements, and conditions have been met. Approval shall only be granted if the final plat is in conformance with the preliminary approval and the requirements of the City for final subdivision plat approval as identified in Section 11.120 have been met.

B. The City Council may require a subdivision or residential project to be processed as a Planned Unit Development if the subdivision or residential project includes contiguously owned property larger than ten acres, contains more than 25 lots or residential units, or is located adjacent to a master planned arterial or collector road.

Section 17.030. Application Requirements.

In addition to the requirements for a preliminary and final subdivision plat and preliminary and final site plan, whichever is applicable, as contained in this Code and the Lehi City Design Standards and Public Improvements Specifications, a Planned Unit Development application shall provide the following information:

1. preliminary architectural drawings and elevations of all dwellings, structures, and other buildings;
2. site plans of sufficient detail showing all buildings, structures, parking areas, and open space areas, and identifying the locations of all buildings, structures, roadways, and other private and public improvements;
3. tables showing the total number of acres in the proposed development and percentage designated for each of the proposed types of uses including off-street parking, streets, parks, playgrounds, schools, and churches; and
4. tabulations of the overall density for all residential and nonresidential uses and any other data that the reviewing bodies may require.

Section 17.040. Development Standards.

(Amended 4/11/00; 2/27/01; 08/13/02; 11/18/03; 12/08/15; 03/31/20; 06/23/20; 09/08/20; 02/08/22; 02/22/22; 08/23/22)

All Planned Unit Developments shall conform to the following standards and requirements:

A. Qualifying Districts. Planned Unit Developments may be allowed at the discretion of the Planning Commission and City Council in all agricultural and residential districts within the City. To ensure that PUD projects are able to achieve the purposes stated in Section 17.010, and to ensure that projects are large enough to support a private homeowners association, property management agency, or corporation responsible for maintenance of open space, all Planned Unit Developments shall have a minimum area requirement of ten acres. Exceptions may be allowed for infill projects at the discretion of the Planning Commission and City Council. However,

it is still the burden and responsibility of the applicant to demonstrate that the purposes of this chapter can be met, and that the adequate guarantees can be made for the maintenance of all required open space and common areas. For the purposes of this section, an infill project is defined as the development, or re-development within an existing developed area where street networks, utilities and other infrastructure are already present as opposed to starting with raw land in a relatively undeveloped or pristine area.

B. Ownership. The area proposed for the Planned Unit Development shall be in one ownership, or if in several ownerships, the application for the permit shall be filed jointly by all of the owners of the property included in the plan.

C. Designer/Engineer. The plan for the Planned Unit Development shall be prepared by a designer, architect or civil engineer licensed to practice in the state of Utah.

D. Density. The overall project may not exceed the density allowed by the underlying zoning district plus any additional density bonus allowed at the discretion of the Planning Commission and City Council.

E. Calculation of Density. The number of dwelling units allowed in a Planned Unit Development is to be calculated in the following manner.

1. The following areas shall be subtracted from the gross site area to determine net usable area:

- (a) areas of steep slopes, wetlands, or areas below the high water level of Utah Lake as defined in Section 12.060-K of this Code;
- (b) the area of any perennial channels, measured from top of bank to top of bank of the flow channel;
- (c) existing public streets, or any areas of additional right of way required to comply with the Lehi City Master Transportation Plan; and
- (d) areas to be set aside for public buildings or institutional uses such as churches and schools.

2. Net usable site area is multiplied by the density allowed by the underlying zoning district as established in Table 05-040-A to identify the maximum number of allowed units.

3. Density for areas in the 100-year flood plain as shown on the FEMA Flood Insurance Rate

Maps shall be calculated at a rate of one unit per five acres regardless of the density allowed by the underlying zone.

4. If the Planned Unit Development is located in more than one zoning district, the total allowed number of units shall be calculated by adding the number of units allowed by each zoning district. However, the dwelling units may be placed without regard to district boundaries, provided the total units do not exceed that allowed by the underlying zoning districts.

F. Density Bonus Amenities: The list below represents items for which a density bonus may be granted subject to Planning Commission and City Council approval. Other items not included in this list may warrant a density bonus on a case by case basis.

1. Active Recreation: master planned trails, swimming pools, sports courts, tennis courts, pickleball courts, splash pads, clubhouse, trails, pedestrian bridges, and other similar amenities beyond those required.

2. Pedestrian and Bicycle Enhancements: raised planters, bulb-outs or curb extensions, pedestrian plazas, additional bike lanes or facilities not already required.

3. Additional Open Space: beyond the required 10 percent.

4. Improvements to Master Planned Infrastructure: master planned roads, utilities, trails, property for civic buildings, or other similar items.

G. Lot Sizes. The dwellings may be situated in one building or buildings may be clustered. Individual lot sizes may be reduced below the requirements of the zone in which the development is located. The remaining land not within individual lots shall be set aside for parks, playgrounds, open space or other open areas. Setbacks may be reduced but shall be sufficient to allow for the installation of all required public utilities and required driveway lengths in Table 05.030A. No permanent structure shall be allowed in the public utility easement space. Public utility easements shall be free and clear of building footings, foundation walls, window wells, or any other permanent structure that does not meet utility clearance requirements. All buildings and structures shall maintain a minimum five-foot setback from any public utility easement, water line easement,

sewer easement, storm drain easement, power easement, detention easement, or any other utility easement in order to ensure property utility clearances are maintained.

H. Required Open Space. For all Planned Unit Developments, not less than twenty percent of the gross area of the project site shall be set aside for the use of the occupants for parks, playgrounds, open space or other open areas. All areas required for vehicular access, parking areas, and land which is otherwise required to comply with the minimum yard requirements around buildings, shall not be included in computing the area required for parks, playgrounds or other open space areas.

I. Open Space Design.

1. The required open space shall be landscaped with sod and irrigation sprinklers and a minimum 25% of the proposed open space shall be water-wise landscaped as defined in Chapter 39 of this Code.

2. Trees shall be provided within the open space at a rate of ten trees per acre of provided open space. Deciduous trees shall be a minimum 2" caliper and coniferous trees shall be a minimum six feet in height.

3. Detention and retention basins shall not be counted toward meeting the minimum open space requirement. Open space design and location issues shall be kept separate and independent of drainage issues.

4. Area(s) under existing power transmission lines included in the required open space shall be given half credit toward open space acreage.

5. Area(s) in existing wetlands may be given full credit toward open space acreage requirement. A minimum of 10% of the proposed open space shall be designated as useable open space, which may include, but is not limited to, boardwalks, trails, playgrounds, and parks.

J. Location of Open Space. The location of open space conserved through a Planned Unit Development shall be consistent with the policies contained in the General Plan Parks, Open Space and Recreational Facilities Element. Required open space areas shall be well planned, walkable, and connected, not a collection of remnants. Where possible, units shall front onto the open space(s). Yard areas within lots shall not be counted toward meeting the

minimum open space requirement.

K. Open Space Adjacent to Major Roads. Where a Planned Unit Development is required for projects adjacent to a master planned arterial or limited access collector road, the area between the property line/ROW line and the required decorative fence shall be enlarged and landscaped as part of the required open space. The enlarged parkway area shall be counted towards meeting the minimum open space requirement and shall include decorative fencing, street tree plantings and other applicable improvements required in the Lehi City Design Standards and Public Improvement Specifications Manual. The landscaped area may also include shrubs, rocks, flowerbeds and ground cover. Maintenance of the landscaped parkway shall be insured by the developer and owner by means of a property management agency or by establishing a private association or corporation responsible for such maintenance, which shall levy the cost thereof as an assessment on the property owners within the Planned Unit Development.

L. Utilities. All buildings shall be served by public sewer and water systems and shall conform to the requirements of the Lehi City Design Standards and Public Improvement Specifications.

M. Compatibility. Wherever the Planned Unit Development site shares a common property line with a lower density residential or agricultural district, then for that portion of the Planned Unit Development site the setback requirements of the adjacent or contiguous zoning district shall apply. For example, if the rear yards of units in a PUD share a common property line with a lower density residential district, then the rear yard of the PUD units shall be the same as the required rear yards of the adjacent lower density district.

N. Landscaping. All areas not covered by buildings, or by off-street car parking areas or driveways, shall be planted in lawn, trees and shrubs, or otherwise landscaped and maintained in accordance with an approved landscape plan. All required front yard and side yard areas which are adjacent to a public street shall not be used for automobile parking areas, except for permitted driveways, but shall be landscaped and maintained with lawns, trees and shrubs, or other landscape materials.

O. Design Standards and Conditions. Design standards and conditions of development approval in addition to those required by the underlying zoning district may be required as conditions of approval, by

the Reviewing Departments, Planning Commission and City Council when deemed necessary to ensure that a Planned Unit Development will be compatible with adjoining or nearby uses.

P. Parking. Developments shall provide adequate parking based on the requirements of Table 37.070. Including, developments with single-family detached units on lots with less than 50' of frontage shall provide guest parking at a rate of one space for every three dwelling units.

Section 17.050. Guarantees. (Amended 2/27/01)

A. Adequate guarantees, acceptable to the City, shall be provided for the permanent preservation and maintenance of park, playground, and other open space areas.

B. The city may require the developer and owner to furnish and record protective covenants, which will guarantee the preservation and maintenance of all park, playground and other open space areas or the city may require the creation of a corporation or homeowners association granting beneficial rights to the open space to all owners or occupants of land within the Planned Unit Development.

C. The developer and owner shall develop and maintain all park, playground and other open space areas, unless part of, or all of these areas are contiguous to and made part of an existing City-maintained park.

D. In the case of private reservations, all park and open space areas shall be protected against any future building development by conveying to the City as part of the condition for project approval, an open space easement over such open areas, restricting the area against any future building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the residents. Building or uses for noncommercial, recreational or cultural purposes, compatible with the open space objectives, may be permitted only with the express approval of the City, and the receipt of all necessary approvals, licenses and permits.

E. The maintenance of all private parks and open space areas shall be ensured by the developer and owner by establishing a private homeowners association, property management agency or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property

owners within the Planned Unit Development. Ownership and tax liability of private parks and open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the Planned Unit Development approval.

Section 17.060. Amendments to an Approved Planned Unit Development.

Amendments to an approved Planned Unit Development may be permitted by following the procedures required for the original approval and upon the filing of a petition with the City by at least two-thirds or more of the property owners within the Planned Unit Development area.

13-6-1: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:

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

B. The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations. The City may apply the flexibility of the planned unit development regulations, when the development, through its design and establishment, will provide benefits that may include, but are not necessarily limited to the following:

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

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

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

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

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

- a. A description of the land to be developed;
- b. An identification of the title provision from which the modification is requested;
- c. A description of the peculiar physical conditions pertaining to the land in question and which do not pertain to other lands in the general area;
- d. A description of the hardships which will accrue to the detriment of the property owner if the requested modification is not granted;
- e. A nonrefundable modification review fee, where established and payable to the City, in accordance with the Comprehensive Fee Schedule as adopted by resolution of the City Council.

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

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

4. Decision Of City Council: The City Council may approve the requested modification upon making a finding based upon the record submitted that the issuance of the modification will not be detrimental to the interest of the public safety, health or welfare, the proposed development substantially complies with the City General Plan and adopted Zoning Ordinance, and the proposed modification will result in improved overall development design.

5. Records Maintained: A record of all correspondence, recommendations, submissions and official action regarding all design modifications applications shall be maintained permanently by the City as a public record.

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

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

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

2. The density allowed in a residential PUD shall be determined by calculating the net developable area of the development divided by the minimum land area required per dwelling unit within the zone district. Net developable area is defined as the total development parcel less the area required for private or public road rights of ways and including the required adjacent pedestrian walkways and park strips.

H. Development Standards:

1. Area: No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development.

2. Arrangement Of Structures:

a. Open Space: The Planning Commission shall require such arrangements of structures to consolidate and maximize usable open spaces for the enjoyment and convenience of future tenants of the development. Care shall be taken to assure that adjacent properties will not be adversely affected.

b. Perimeter Setback: All structures within a PUD shall be setback from the perimeter boundary of the development a minimum of fifteen feet (15').

c. Increased Perimeter Setback Relative To Structure Height: The perimeter setback shall be a minimum of twenty-five feet (25') for structures with greater than two (2) stories adjacent to a property line shared with single or two family dwellings or single and two family zones. An additional five feet (5') shall be required for each story above three (3) stories.

d. Front Setback (Street): All front facades of buildings which face a private or public street right of way shall be setback a minimum distance of twenty feet (20') from the edge of the right of way, including any required sidewalk and park strip.

e. Front Setback (Other): All front facades of buildings which face a perimeter development boundary or other physical feature or barrier, such as a retaining wall greater than four feet (4') in height, shall be setback from the perimeter boundary or wall a minimum distance of twenty-five feet (25').

f. Building Separation (Front Facade(s)): Residential structures which front a courtyard or other shared common open space have a minimum building separation of thirty feet (30'). Front porches, patios, awnings, or above ground decks may extend into the separation distance up to five feet (5'). Fenced limited common area may extend up to ten feet (10') into the separation distance. Pedestrian walkways within the front separation shall be a minimum of five feet (5') in width.

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

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

i. Building Separation Increased Relative To Structure Height: The required building separation increased by a minimum of five feet (5') for each story above the second story. The Planning Commission may reduce the required additional separation for facades which face a street or alley.

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

3. Street And Alley Widths In Townhome Or Multi-family Subdivisions:

a. Public Streets: Public streets shall be designed and constructed to meet the minimum width standards as established for the designated street type.

b. Private Street/Alley Width: The minimum street right of way width for a private street shall be twenty-six feet (26') with a minimum of twenty-two feet (22') of pavement.

c. Alley Width: One-way single loaded alleys (one side only) may be reduced in right of way width to twenty-four feet (24') with a minimum of twenty feet (20') of pavement. One-way alleys which do not provide direct access to a unit's driveway or garage may be reduced to fifteen feet (15') of pavement in those areas.

d. Town Center Street Design: All public streets within the Town Center shall have the following improvements:

(1) Increased park strip and sidewalk width as shown on the adopted cross sections within the Town Center Master Plan.

(2) Street trees in accordance with Title 7, Chapter 9, Community Forestry.

(3) Street amenities as in accordance with the Town Center Master Plan and as provided in the adopted Standards and Specifications Manual for tree grates, planter box, seating, and street lights.

e. Improvements To Existing Public Streets: Existing public streets which do not meet the adopted standards and designated street type in relation to the approved cross section design, shall be required to be improved as part of the development including right of way dedication. Where planned right of way improvements for widening or narrowing of the street right of way the City, at its sole discretion and as recommended by the City Engineer, may choose to delay installation of the improvements in the following circumstances:

(1) Installation of the improvements would not be practical because the roadway design has not been completed by the City and the location or elevations of curb and gutter are unknown or the development and the required improvements are located in the middle of a block and would significantly affect the functionality of the storm water system or other utilities;

(2) The proposed improvements are shown on the City's adopted Capital Facilities Plan for future installation within five (5) years; and

(3) The City Engineer recommends to the Planning Commission that the developer be allowed pay to the City a fee in lieu of installation, which fee shall be equivalent to the projected and estimated construction cost of the improvement. Said fee will be held in trust by the City and used for the construction of the improvement required with the larger capital improvement for the project.

f. The minimum width shall be increased when required by the Fire Marshal to meet the minimum standards of the International Fire Code or when required by the City Engineer to meet minimum turning radius requirements.

g. Private streets or alleys adjacent to a perimeter property boundary shall be required to have a minimum eight foot (8') landscape buffer between the private street/alley and the abutting property line.

4. Parking:

a. Parking Design: All parking facilities shall be designed in accordance with Title 10, Chapter 6, Off Street Parking Facilities, unless specifically modified by this section.

b. Driveways, Residential: Where individual residential units have driveways provided or are required by the Planning Commission, the minimum driveway length shall be twenty-two feet (22').

c. Parking, Multi-Family Residential:

(1) A minimum of one (1) covered parking space per unit shall be provided for the exclusive use of the residents of said unit and shall be provided for the use of tenants and included within the terms of any lease agreement.

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

Unit Type	Parking
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Studio/1 bedroom	1.5
2 bedroom	2.0
3 or greater bedroom	2.5

d. **Parking, Non-Residential:** The minimum parking required shall be established based upon the proposed uses as outlined in Section 10-6-5, Minimum Off Street Parking Stall Requirements for Specific Uses.

e. **Shared Parking:** Where multiple uses will share parking facilities, the total required parking may be reduced by determining the minimum requirement for the highest use time period based upon the following schedule:

Use Category	Weekdays			Weekends		
	12:00 am-8:00 am	8:00 am-6:00 pm	6:00 pm-12:00 am	12:00 am-9:00 am	9:00 am-6:00 pm	6:00 pm-12:00 am
Use Category	Weekdays			Weekends		
	12:00 am-8:00 am	8:00 am-6:00 pm	6:00 pm-12:00 am	12:00 am-9:00 am	9:00 am-6:00 pm	6:00 pm-12:00 am
Entertainment/Recreation	5%	20%	100%	5%	50%	100%
Hotel	100%	65%	100%	100%	65%	100%
Office	5%	100%	5%	0%	5%	0%
Residential	100%	50%	80%	100%	75%	75%
Restaurant	25%	80%	100%	35%	70%	100%
Retail/Service	0%	100%	80%	0%	100%	60%

f. **Bike parking or storage facilities** shall be provided at the rate of one (1) bike for every twenty (20) vehicle parking spaces in visible and sheltered locations near entrance doors.

g. **Electric vehicle charging (level 2 or greater)** shall be provided for all developments with twenty or more units at a rate of two (2) charging stations per twenty (20) vehicles.

h. **Additional Modification Of Parking Requirements:** As outlined in Section E above, the City Council may approve parking less the required minimum established in this section when supported by a parking study from a qualified professional, demonstrating that due to the nature of the development, proximity to transit, off site shared parking facilities, or other unique circumstances, the reduced parking requirement is sufficient to meet the needs of the future tenants. The City Council may require as a condition of modification, a development agreement, covenant or other guarantee outlining parking management practices required for the development.

5. Public/Community Spaces:

a. **Outdoor spaces** such as plazas, patios, courtyards, window shopping areas, and pedestrian ways intended to provide outdoor dining shall be designed to offer attractive and inviting pedestrian scale features, spaces and amenities.

b. **Entrances and parking lots** shall be configured to be functional and inviting with walkways conveniently tied to logical destinations.

c. **Bus stops and drop-off/pick-up points** shall be considered as integral parts of the configuration.

d. Pedestrian ways shall contain design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls and other architectural elements that define circulation ways and outdoor spaces.

e. Developments which do not provide thru street access or developments with ten (10) or more dwelling units shall be provided with common trash removal in the form of community dumpsters. Developments which provide individual garbage collection from each unit shall provide designated areas for the placement of individual trash and recycling containers at each unit's private street access.

6. Pedestrian Access And Building On Cross Slopes:

a. Buildings fronting on a public or private street shall be constructed with pedestrian entry doors a minimum of six inches (6") and a maximum of thirty-six inches (36") above the finished curb height of the adjacent street.

b. Commercial, office, or other retail shall provide pedestrian entrances at a rate of one (1) entrance for every thirty feet (30') of facade. The Planning Commission may reduce this requirement based upon the projected ground floor use for larger retail storefronts and slope of the road.

c. Cross Slopes: all structures shall be stepped in elevation on cross slopes as shown in the figure below:



7. Outdoor storage, trash collection and loading areas:

a. Loading areas and outdoor storage areas shall be screened, recessed, or enclosed when visible from adjoining properties and/or public streets.

b. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one (1) building is located on a site and the buildings are not more than forty feet (40') apart, or on those sides of buildings that do not have customer entrances.

c. Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from adjacent properties or public right-of-way.

d. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within thirty-five feet (35') of any public street, public sidewalk or internal pedestrian way.

e. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials shall be of similar color and quality of the principal materials of the building and landscape.

8. Additional Design Considerations:

- a. Lot area, width, yard, height and coverage requirements shall be determined by approval of the preliminary design plan.
- b. Where feasible, buildings or landscaping shall not prohibit the free flow of air or direct exposure to sunlight, specifically in regard to solar heating or cooling structures by solar energy systems.
- c. The development will be planned so as to provide solar access to all of the residential units, unless waived by the Planning Commission.

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

I. Preservation, Improvement, Maintenance And Ownership: Preservation, maintenance and ownership of required open spaces within development shall be accomplished by:

1. Improvement of open spaces shall be designed, installed, and maintained in accordance with Title 10, Chapter 22, Water Efficient Landscaped Standards.

2. Dedication: Dedication of the land to the City as a public park or parkway system, including a certificate of title insurance; or

3. Easement:

a. Granting to the City a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the City Council; or

b. Granting to the City a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, to be maintained from the proceeds of a Perpetual Maintenance Trust Fund established by the developer in an amount satisfactory to the City Council; or by

c. Condominium Ownership Act: Complying with the provisions of the Condominium Ownership Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

4. The developer shall provide the following:

a. Adequate and reasonable guarantees as determined by the Planning Commission for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities and landscaping resulting from the application of these regulations.

b. The developer shall record against the property a declaration of covenants, conditions, restrictions, and easements (CCRs) which shall provide for an owner's association (HOA or other entity) responsible for the maintenance of all common areas and private infrastructure.

c. The declaration shall provide provisions for the creation of an initial operating budget, as well future yearly budgets, long term reserves, annual maintenance, and required payments of dues and fees by lot owners of the PUD for both yearly maintenance and long range reserve projects or maintenance.

d. The developer shall implement any reasonable steps in the creation of the appropriate accounts and funding sources for the HOA yearly operations and maintenance costs prior to occupancy of any units in the PUD. The developer shall ensure that said accounts are funded in a manner to cover ongoing maintenance costs during construction of all HOA common facilities and

units, so long as the developer remains the declarant in control of the HOA to the extent that the HOA is not self-sustaining.

e. The declaration shall require a reinvestment fee, or other mechanism as permitted by law, for the purposes of funding the HOA in perpetuity. The reinvestment fee shall apply to all closings within the HOA in perpetuity, including initial closings from the developer to a buyer and all subsequent closings. The reinvestment fee shall be used to fund the reserve and operating funds of the HOA.

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

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

J. The City and the Developer may enter into a formal Development Agreement when specific PUD performance standards are imposed or deviation in design standards have been approved. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. Ord. 2024-01, 1-16-2024)

Chapter 19.07. Planned Unit Development (PUD).

Sections:

- [19.07.01. Purpose.](#)
- [19.07.02. PUD Definition and Design Compatibility.](#)
- [19.07.03. General PUD Standards.](#)
- [19.07.04. Underlying Zones.](#)
- [19.07.05. Permitted and Conditional Uses.](#)
- [19.07.06. Application of PUD Overlay Zone Provisions to Underlying Zone Provisions.](#)
- [19.07.07. Variations from Development Standards.](#)
- [19.07.08. Streets and Circulation.](#)
- [19.07.09. PUD Plan Approval.](#)
- [19.07.10. Phased Developments.](#)
- [19.07.11. Expiration of Approval.](#)

19.07.01. Purpose.

1. In General.

- a. The purpose of the Planned Unit Development (“PUD”) Overlay zone is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of structures on the land, the consolidation of open spaces, and the clustering of dwellings.
- b. These provisions are intended to create more attractive and more desirable environments within residential and mixed use areas.
- c. A PUD development is intended to allow for diversification in the relationship of various uses and structures to their sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects within the City of Saratoga Springs.

2. Discontinuation of PUDs.

- a. Effective July 18, 2013, it is the intent of the City Council to discontinue the granting of Planned Unit Developments or the Planned Unit Development Overlay Zone.
- b. This Chapter shall remain a part of the Land Development Code solely for the purpose of governing properties that have vested rights to develop as PUDs in the PUD Overlay Zone. Such vested properties shall only include:
 - i. (a) properties granted PUD status in a development agreement that has not expired;
 - ii. (b) properties with a recorded plat; and
 - iii. (c) properties developed as a PUD.
- c. City Staff is directed to remove the PUD Overlay Zone, in accordance with state law, from the official Zoning Map except for those properties listed as vested. Also, if a development agreement expires and the property owner has not recorded a plat on all or a portion of his or her property, the City Council will rezone the property to remove the PUD Overlay Zone.

(Ord. 13-16, Ord. 11-9)

19.07.02. PUD Definition and Design Compatibility.

1. **Definition.** A PUD is a master planned, architecturally-designed development for which the regulations of the underlying zone, in which the development is situated, may be modified to allow flexibility and initiation in site and structure design and location. A PUD may only be developed if the property has already been vested in accordance with 19.07.01 above.
2. **Design Standards.** A PUD development shall be planned with a common architectural design theme that provides variety with architectural compatibility, rather than an aggregation of individual, unrelated structures located on separate, unrelated lots. Mixed uses (multi-family and single family) are encouraged and allowed and shall still provide integrated architectural designs and styles

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.07.03. General PUD Standards.

1. Substantial compliance with the overlay zone regulations and other provisions of this Chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantage of large scale Site Planning for residential and related purposes.
2. Even if property has already been vested with a PUD overlay rezone as provided in 19.07.01 above, submitting an application for PUD approval does not guarantee the property owner the right to exercise the provisions of this Chapter. PUDs shall be recommended for approval by the City Council only if, in their judgment, the proposed PUD fully meets the intent, purposes, and requirements of the Land Development Code.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.07.04. Underlying zones.

1. The PUD Overlay Zone provides an additional layer of land use provisions in addition to those in the underlying zone. In the event of a conflict with the provisions of the underlying zone or other chapters or sections of this Title, the provisions of this Chapter shall take precedence regardless of which provision is more restrictive.
2. The PUD provisions shall be used in combination with existing conventional zones as designated in the City Code. The PUD Overlay Zone is not an independent zone exclusive of the underlying zone. The underlying zone provisions shall apply except when in conflict with this Chapter. Property which is vested with a PUD Overlay Zone shall be developed only in conformance with an approved PUD plan.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.07.05. Permitted and Conditional Uses.

1. Uses permitted in PUD project areas shall be limited to those listed as permitted uses in the provisions of the underlying zone with which the PUD zone has been combined, except that single family and multi-family residential developments are permitted.

2. Permitted uses in a PUD shall also include private recreational facilities for the exclusive use of the occupants of the PUD and their guests, when approved as part of the final PUD plan.

(Ord. 13-16, Ord. 11-9)

19.07.06. Application of PUD Overlay Zone Provisions to Underlying Zone Provisions.

1. In a vested PUD Overlay Zone, variations from the development standards of the underlying zone may be permitted by the City Council provided the variations meet the requirements of this Chapter and are specifically adopted by the City Council as part of the approved PUD plans. Variations, however, shall not include changes in the uses allowed by the zone with which the PUD has been combined.
2. The City Council may, in the process of approving preliminary or final PUD plans, approve variations from the minimum standards of the underlying zone, including minimum densities, lot sizes, setbacks, and open space requirements where there is sufficient evidence that the variations will not adversely affect neighboring property and where the standards of this Chapter are met.
3. Variations to the underlying zone requirements may not be greater than 25 percent except for density bonuses, which are established in each zone under Chapter 19.04. For instance, a required 20 foot front setback may not be reduced to less than 15 feet.
4. Setbacks.
 - a. Subject to 19.07.06.3, variations of setbacks from the underlying zone regulations shall be compensated by providing additional open space in other appropriate areas of the development, shall be in keeping with accepted land use planning principles, and shall only be approved as part of a PUD application duly approved by the City Council.
 - b. Notwithstanding Subsection (a), no structure within a PUD may be closer than twenty feet to the peripheral property line of the entire development. The area within the twenty feet may be used as a buffer strip to be counted toward base open space requirements so long as it meets the definition of open space in Chapter 19.02 and the requirements for “base open space” in Subsection 19.07.07.7 below. If such buffer strip does not meet the definition of “base open space,” then it may be counted towards a density bonus so long as it meets the requirements of this Chapter and is granted in the discretion of the City Council.
5. Base Density. The base density of a PUD shall be based on the density of the underlying zone. If the PUD is located in more than one residential zone, the total number of dwellings for the PUD is calculated by adding up the number of dwellings allowed by each zone, with the applicable density bonus. However, the dwellings in such projects may be placed without regard to zone boundaries.

6. When topography would dictate a lower density than the base residential density of the underlying zone, a density analysis, specific to the site, shall determine the base density for the PUD.
7. Density Bonus and Incentives. The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. The maximum density bonus allowed is established with each zone. The City Council may determine the density bonus, up to the maximum allowed, upon its acceptance of the design options, as set forth in the following two tables:

Table 1 – Single and Family Residential Projects

Density Bonus	Required Design Option
Up to 20 percent	Creation of significant recreation or site amenities, e.g., pool, playground, club house, picnic areas, water features, etc.
Up to 5 percent	Additional pedestrian, bicycle, or other recreational trails that are separated from vehicular traffic, both within and outside the project.
Up to 5 percent	The provision of providing exterior fencing including architecturally designed wrought iron fences, vinyl, structural wood fences, or masonry fences, or, additional landscape buffers with the enhanced width and landscaping specifications.

Table 2 – Multi-family Residential and Mixed Use Projects

Density Bonus	Required Design Option
Up to 10 percent	Creation of significant recreation or site amenities, e.g., pool, playground, club house, picnic areas, water features, etc.
Up to 5 percent	Additional pedestrian, bicycle, or other recreational trails which are separated from vehicular traffic, both within and outside the project.
Up to 10 percent	Providing additional landscape buffers with the enhanced width and landscaping specifications.

7. Open Space. PUDs shall provide contiguous open space for use-in-common of residents and occupants of such development and members of the public (“base open space”). Said base open space shall be consistent with the definition of open space as found in Chapter 19.02 of this code and shall comprise, at a minimum, thirty percent of the project area. The required base open space shall not include areas that are occupied by structures, parking areas, or streets, nor shall it include areas that are separated by such areas. Credit towards meeting minimum open space requirements may be given for sensitive lands as defined in Chapter 19.02. However, no more than fifty percent of the required base open space area shall be comprised of sensitive lands.

- a. The required base open space areas shall be contiguous, not a collection of remnants. Such areas shall include:
 - i. areas with natural features worthy of preservation, which may not be buildable, such as canyons or slopes, ridge lines, wetlands, stream or creek corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas. This may be included in the peripheral buffer strip; and
 - ii. significant agricultural lands worthy of preservation for continued agricultural use.
- b. No structure within a PUD may be closer than twenty feet to the peripheral property line of the development. The area within the twenty feet may be used as a buffer strip to be counted toward open space requirements, or in private lots.
- c. The base open space requirement may be reduced to a minimum of twenty-five percent at the discretion of the City Council if it is determined that reducing the base open space requirement:
 - i. will result in a more attractive development;
 - ii. will allow for larger or better designed lots or multi-family developments;
 - iii. will result in more or better open space facilities and amenities; or
 - iv. will better utilize the property covered by the PUD. The basis or criteria to reduce open space may not also be used to justify a density bonus.
- d. The following criteria shall be considered when granting a density bonus for additional open space:
 - i. whether the open space is held in common via public ownership or by a homeowner's association with a permanent open space easement;
 - ii. whether the open space is large enough for the use of all residents of the project or the general public. Such spaces shall include improvements such as playgrounds, pathways, pavilions, play courts, ball fields, or informal spaces which encourage the use and enjoyment of the open space. Such areas may include lands, which are buildable, such as prominent ridgelines, views and vistas, and areas of significant native vegetation; or
 - iii. whether the open space improves or makes more accessible agricultural lands such as equestrian facilities, stables, etc. for the use of area residents.
- e. The City Council shall require the preservation, maintenance, and ownership of all open space through one, or a combination of, the following:
 - i. dedication of the land as a public park or parkway system;
 - ii. dedication of the land as permanent open space on the recorded plat;
 - iii. granting the City a permanent open space easement on the open spaces to guarantee that the open space remains perpetually in public use, with ownership and maintenance being the responsibility of a homeowner's association; or
 - iv. through compliance with the provisions of the Condominium Ownership Act as outlined in Title 57 of the Utah Code, which provides for the payment of common expenses for the upkeep of common areas and facilities.
- f. In the event the common open space and other facilities are not maintained under Subsection e. in a manner consistent with the approved final PUD plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.

- g. Any changes in use, or arrangement of lots, blocks, and building tracts, or any changes in the provision or type of open space must be submitted for review and approval by the City Council.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.07.07. Variations from Development Standards.

Subject to 19.07.06.3, the City Council may, in the process of approving preliminary or final PUD plans, approve variations from applicable development standards in the underlying zone only if it finds that all of the following conditions are met:

1. that the granting of the variation will not adversely affect the rights of adjacent landowners or residents;
2. that the variation desired will not adversely affect the public health, safety, or general welfare; and
3. that the granting of the variation will not be opposed to the general spirit and intent of this Chapter or the Land Use Element of the General Plan.

(Ord. 13-16, Ord. 11-9)

19.07.08. Streets and Circulation.

1. The design of public and private streets, including sidewalks and all appurtenances, within a PUD shall follow City ordinances, policies, and standards.
2. All private streets within a PUD shall be dedicated as public utility easements and all underground improvements shall be constructed per the City of Saratoga Springs ordinances, policies, and standards.
3. Points of primary vehicular access to a PUD shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Points of intersection between internal and external circulation systems shall be so arranged that both systems function in a safe and efficient manner.
4. The required off-street parking shall be distributed throughout the PUD and provide reasonable access to all residential structures within the project.

(Ord. 13-16, Ord. 11-9)

19.07.09. PUD Plan Approval.

PUD is reviewed in a three-step process: 1) concept plan review, 2) preliminary plat review, and 3) final plat review.

1. Concept Plan Review.

- a. Concept PUD plan review examines the PUD Concept Plan with respect to such

items as density, including: the number, type, and location of dwellings; parking and circulation; adequacy of services; and the impact of the proposed PUD on surrounding areas.

- b. A concept PUD plan shall be submitted to, and reviewed by, the Development Review Committee, the Planning Commission, and City Council. The City Council shall review the conceptual PUD plan request and forward their comments, if any, to the applicant. The City Council shall not take any action on the Concept Plan review. The Council's comments shall not be binding, but shall only be used for information in the preparation of the preliminary PUD plat application.
- c. The Concept Plan shall also comply with the submittal requirements contained in Chapter 19.13.

2. Preliminary PUD Plat Review.

- a. Subsequent to the Conceptual plan review by the DRC, Planning Commission, and City Council, an application for Preliminary PUD Plat review shall be prepared. The submittal requirements for a Preliminary Plat review are contained in Chapter 19.12.03. In addition, the following items shall be submitted with the Preliminary plat:
 - i. a plan document that contains written descriptions of how the proposed project complies with the provisions of this Chapter, including a description of the terms of the proposed project relating to densities, density bonuses, clustering, preservation of open space, etc.; and
 - ii. architectural plans that demonstrate continuity and uniform architectural themes, features and styles for all structures within the project, including types of materials to be used.
- b. All building elevation plans shall be reviewed by the Development Review Committee ("DRC") prior to review by the Planning Commission. The DRC shall review architectural styles, themes, and materials and shall make a recommendation to the Planning Commission regarding architectural styles, themes, and materials.
- c. The Preliminary PUD Plat submittal, when complete, will be forwarded to the Planning Commission (following the process outlined in Chapter 19.13) and recommendation. The Planning Commission will either recommend approval, approval with conditions, or denial of the application to the City Council. The Planning Commission may also table the application if it finds that the application materials are incomplete or request more information or clarification from the applicant, the Development Review Committee, or City Attorney regarding the proposed project.
- d. Following the Planning Commission's action, the application shall be forwarded to the City Council for action. The City Council shall approve, approve with conditions, or deny the application. The City Council may also table action on the application if it finds that the application materials are incomplete or request more information or clarification relative to any portion of the application.

3. Final PUD Plat Review.

- a. Final PUD Plat applications may be prepared in compliance with the action of the City Council on any preliminary plat application. In preparing applications, applicants shall comply with the submittal requirements of Chapter 19.12.03. In addition, applicants shall meet any conditions set forth in the preliminary approval.

- b. When complete, final plats shall be reviewed by the City Council if inconsistent with the preliminary plat approval. Final plats consistent with the preliminary plat approval shall be approved by the Planning Director.
- c. If determined to be the land use authority, the City Council shall approve, approve with conditions, or deny the application. The City Council may also table action on the application if it finds that the application materials are incomplete or request more information or clarification relative to any portion of the application.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.07.10. Phased Developments.

If the construction of various portions of the final development plan is proposed to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwellings intended to be developed during any stage of construction. A Phasing Plan, including size and order of each phase, funding mechanism, and responsible parties, shall be approved by the City Council. Separate phases may exceed the overall density of the zone only if the approved overall plan does not exceed the maximum allowable density of the zone. Each phasing plan shall have the written approval of all property owners.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.07.11. Expiration of Approval.

Failure to submit a final plat application within two years of the approval of the preliminary plat approval shall render the preliminary plat null and void.

(Ord. 16-01, Ord. 13-16, Ord. 12-9, Ord. 11-9)

CHAPTER 11-15: REQUIREMENTS FOR PUD AND NON-RESIDENTIAL SUBDIVISIONS

11-15-010. Planned Unit Developments.

11-15-020. Non-Residential Subdivision Requirements.

11-15-010. Planned Unit Developments.

(a) Design Standards. The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the Woods Cross General Plan that has been adopted by the City Council, and design standards recommended by the Planning Commission and approved by the City Council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.

(b) Provisions for Common Open Space. The developer of a cluster subdivision or PUD shall submit plans of landscaping and improvements for the common open space. The developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A project must meet the requirements of the Zoning Ordinance, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the project, surrounding residents, and the general public.

The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

(c) Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the developer at the request of the City Council, shall be required to file with the City Council an acceptable bond, or other agreement, in a form satisfactory to the City Attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or other agreement has been filed, the developer shall call for inspection by the City Engineer, such inspection to be made within fourteen (14) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or security therefor shall be released. If the bonds or security are not released, refusal to release and reasons therefor shall be given the developer in writing.

(d) Continuation of Common Open Space. As assurance of continuation of common open space use in accordance with the plans approved by the Planning Commission, the developer shall grant to the City an "Open Space Easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open.

(e) Maintenance of the Common Open Space. In order to ensure maintenance of the common open space and other improvements where so required, the developer, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a home or property owners' association. By proper covenants running with the land and through the articles of incorporation and by-laws of the association it shall among other things, be provided:

(1) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guarantees, successors, and assigns.

(2) That the common open space restrictions shall be permanent and not just for a period of years.

(3) That the association be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.

(4) That all lot, unit, or home owners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.

(5) That any assessment levied by the association may become a lien on the real property of any lot, unit, or homeowner which may be foreclosed and the property sold.

11-15-020. Non-Residential Subdivision Requirements.

(a) The street and lot layout of a non-residential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the Woods Cross City General Plan and the Zoning Ordinances of the City.

(b) In addition to the principles and standards in this Ordinance which are appropriate to the planning of all subdivisions, the developer shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated, and to the requirements of the Zoning Ordinance.

(2) Street rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

(3) Additional requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.

(4) Additional requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.

(5) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

PROJECT: THE LANE

PROPERTY OWNER: MARLEY BELL LC, & ALLISON BELL

APPLICANT: CW URBAN
c/o ZACH SWENSON
1222 LEGACY CROSSING BLVD
CENTERVILLE, UT 84014
(zach at builtbycw dot com)

PROPERTY LOCATION: 644 WEST 400 SOUTH

PARCEL SIZE: 2.04 ACRES

ZONING DISTRICT: RESIDENTIAL-MEDIUM (R-M)

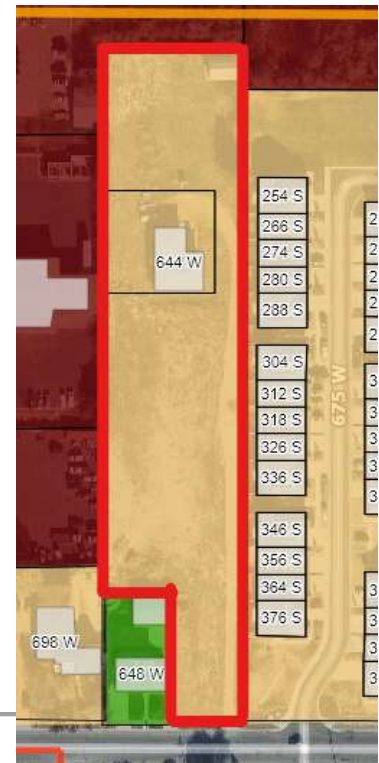
APPLICATION: CONCEPTUAL SITE PLAN & CONCEPTUAL
SUBDIVISION

BACKGROUND

The applicant's company is under contract to purchase the properties at 644 West 400 South, parcels 03-001-0178 and 03-001-0179. The parcels are situated between Porter Walton Townhomes and the Commercial-Very High Zone on South Frontage Road. The applicant is proposing twelve, single-family lots on the 2.04 acres, with a private lane to access the lots.

CONCEPTUAL SITE PLAN REVIEW

Centerville Zoning Code (CZC) 12.21.110 sets forth procedures for approving a site plan application. "Such procedures are intended to



provide for orderly, harmonious, safe and functionally efficient development consistent with the priorities, values, and guidelines found in various elements of the General Plan and this Title.” CZC 12.21.110 requires Planning Commission review of conceptual site plans. “After due consideration, the Planning Commission shall accept, accept with conditions, or reject the application pursuant to the standards set forth herein. Any conditions of acceptance shall be limited to conditions needed to conform the conceptual site plan to approval standards and ordinance requirements.”

General Plan Review

The property is located in the Southwest Neighborhood (2). “The area from approximately 500 West to the commercial area on the Frontage Road between Porter Lane and the southern City boundary line may be appropriately developed in low or medium density residential.”

“If developed as medium density residential, the use of Planned Unit developments is desirable and preferred to adequately buffer such developments from both commercial and single-family developments in the area...Care must be taken to buffer homes in this area from other uses that may locate in the area.” 12-480-3

Staff Response: This project meets the preferred residential type. Recent updates to CZC 12.51 Landscaping and Screening no longer requires buffering between medium intensity residential zones and low intensity residential zones (such as the Agricultural-Low property to the southwest). The burden of buffering the commercial zone is placed on the commercial properties.

CZC 12.30.020(b) states “the purpose of the R-M Zone is to permit well-designed townhomes, two-family dwellings, and condominiums at densities of four to six units per acre that are appropriately buffered from and compatible with surrounding land uses. Single-family dwellings are also permitted in the R-M Zone.”

CZC 12.32.055 Addition Development Standards for R-M and R-H Zones

- (a) Architectural Design Standards. All primary buildings within the R-M and R-H Zones shall be designed by a licensed, professional architect and all drawings submitted for approval or permit shall bear the architect’s stamp for the State of Utah.

Staff Response: As yet, stamped architectural drawings have not been submitted. Staff finds this can be provided at the Final Site Plan stage.

- (b) Exterior Design Standards. All sides of primary buildings within the R-M and R-H Zones shall receive design consideration with particular attention given to areas exposed to public view.

Staff Response: Utah Code 10-9a-534, effective May 28, 2021, now prohibits municipalities from regulating design elements for single-family dwellings. Since this project consists of single-family dwellings these regulations of Centerville Ordinance will not be reviewed or required as part of the approval process. However, municipalities may regulate the massing of buildings. This project meets CZC12.32.055 (b) by only providing single-family dwellings.

- (c) Landscaping and Open Space. All residential developments within the R-M and R-H Zones, except for single-family developments, shall comply with the landscaping regulations of CZC 12.51 (Landscaping and Screening).

Staff Response: As the project consists of single-family dwellings, the landscaping regulations of CZC 12.51 do not apply. Each dwelling is provided with private landscaping space. The common landscaping space is at the entryway which is proposed to have eight trees.

- (d) Use of Public and Private Roadways. All dwellings within residential developments in R-M and R-H Zones shall be accessed from a public roadway, unless otherwise approved as part of a planned development or condominium (See, CZC 12.55.150). Approved access from a private right-of-way shall meet the following standards:
- (1) Access to and from a public street may be in the form of private right-of-way or a driveway, as defined or required by this Title.
 - (2) Two points of ingress/egress from a public right-of-way shall be established for any development greater than 20 dwellings, irrespective of the allowed gross density.
 - (3) When a private right-of-way is utilized, the private right-of-way pavement (i.e. travel lanes) shall be at least 27-feet and the constructed cross-section with curb and gutter of the roadway shall be built to City Specifications.
 - (4) Access using a private right-of-way shall be constructed with a sufficient width to provide on-street parking for visitors at a ratio of at least 0.5 stalls per dwelling.
 - (5) A sidewalk system shall be provided on both sides of any private right-of-way.
 - (6) A private right-of-way shall be perpetually maintained by the developer or an owner's association. Such perpetual care and maintenance obligations shall be addressed with covenant, conditions, and restrictions, for the development approved by the City and recorded against the property.
 - (7) A private right-of-way design shall also comply with all applicable Fire Code regulations.

Staff Response: The subdivision will be accessed by a 27-foot wide private lane. There is only one point of ingress and egress, with a hammerhead turn around to comply with Fire Code regulations. There are five-foot wide sidewalks on both sides of the street, and the eastern curb will be a no parking zone. Fifteen on-street parking spaces will be available on the western side of the private lane, meeting

the requirement of 0.5 visitor stalls per dwelling (only 6 stalls required). The street, curb, and gutters will need to be to City Specifications.

- (e) Residential Development Style Limitations for R-M Zone. The residential development style for residential development within the R-M Zone shall be limited to single-family dwellings, twin homes, duplexes, or townhomes in tri-plex, four-plex, and six-plex formats that mimic a typical neighborhood style street on public or private roadways (as described in Subsection (d)).

Staff Response: The proposed site plan and subdivision meet the development style limitation above.

CZC 12.32.300 Development Standards in Residential Zones

Standard	Requirement/Limit	Proposal	Compliance
Distance between buildings	6 feet	18'/24'	YES
Maximum height, main building	35 feet	29'	YES
Minimum Parcel Area	10,000 square feet	2.04 acres	YES
Minimum Frontage	60 feet	70.35'	YES
Minimum width	60 feet	70.35' + 70'	YES
Front Yard Setback	25 feet	133'	YES
Rear Yard Setback	20 feet	20'	YES
Interior Side Yard Setback	8 feet, Minimum total width of both: 18 feet	10' West 10' East	YES
Gross density, maximum, permitted	6 units per acre	5.88 units per acre	YES
Hard surfacing, maximum total of lot or parcel	60%	57%	YES

CZC 12.52 Off-Street Parking and Loading

Two parking spaces are required per dwelling. The applicant has indicated there are two spaces in each garage, with an additional two spaces per dwelling in each driveway. Forty-eight off-street spaces are provided, with only 24 spaces required.

CZC 12.54.100 Signage

All signage requires separate permits and must be approved by the Zoning Administrator as part of the sign permit application. However, the final site plan needs to indicate the location of any wall or monument signage, which must meet the requirements found in Section 12.54 of the Zoning Ordinance.

Staff Response: Subdivision style entry signs have not been depicted.

Planning Staff Recommendations – Conceptual Site Plan - Administrative Decision

I hereby make a motion for the Centerville Planning Commission to ACCEPT the Conceptual Site Plan for The Lane, located at approximately 644 West 400 South, with the following directives:

1. A Final Site Plan shall be submitted as outlined in CZC 12.21.110(e).
2. Provide stamped architectural plans at Final Site Plan application.
3. If the applicant desires to have signage for the project, this shall be indicated on the Final Site Plan and meet the requirements found CZC 12.54.

Suggested Reasons for Action (findings):

- a. The Conceptual Site Plan submittal has adequately shown how the property may be developed [CZC 12.21.110(d) (2)].
- b. The development appears to satisfy the goals and objectives found within the Centerville City General Plan [12-480-3].

CONCEPTUAL SUBDIVISION REVIEW

Section 15.02 of the Centerville Municipal Code (CMC) outlines the Subdivision process and the review and acceptance of Conceptual Subdivision Submittals (Concept Plans). The Planning Commission is the authority to review and approve or deny the Concept Plan, but may refer the Concept Plan to the City Council for its review and approval or rejection.

CMC 15.05 General Requirements for All Subdivisions

CMC 15.05.060 lists the Utilities that are required for each subdivision. The applicant has provided ‘utility provider sheets’ for each of the required utility services. Each utility provider has affirmed that they can service the proposed subdivision. During a Staff meeting, the Drainage and Water Supervisors reviewed the proposed drainage system on site and requested additional information on the location of drainage overflow, and if the applicant has acquired the 15-foot drainage easement to the Northwest of the property.

In addition, City-approved streetlights ‘shall be provided at all street intersections’ and every 500 feet. The submittal does not show streetlights.

Ten-foot Utility Easements have been provided on each boundary line, fulfilling the requirements for Public Utility Easements.

Staff Response: Street lighting and further drainage information is necessary to prove compliance with applicable City Ordinance.

CMC 15.06.010 Planned Unit Development

The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in "...harmony with the intent of the General Plan and design standards recommended by the Planning Commission and approved by the City Council..."

Staff Response: The development seems to predominantly comply with the R-M Zone Development Standards; staff deems that this policy standard has been satisfied.

CMC 15.06.010(b) Provisions for Common Open Space

"...A project must meet the requirements of the Zoning Code, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the project, surrounding residents, and the general public..."

Staff Response: The development appears to comply with the expected R-M Zone Development Standards.

CMC 15.06.010(c, d, & e) Guarantee, Continuation, & Maintenance of Common Open Space

These three requirements address the bonding, installation, and perpetual continuation of the required and provided open space of the development.

Staff Response: As part of the final subdivision process, the applicant will be required to prepare the dedication, development, and continued maintenance of the property with the creation of an Owner's Association.

Planning Staff Recommendation – Conceptual Subdivision – Administrative Decision

I hereby make a motion for the Planning Commission to accept the Conceptual Subdivision Plan for The Lane, located at 644 West 400 South, with the following directives:

1. A Preliminary Subdivision Application shall be prepared in accordance with CMC 15.03.030.
2. The applicant shall obtain Final Site Plan Approval prior to or in conjunction with a Preliminary Subdivision submittal to ensure that the Site's development layout is finalized.
3. The applicant shall provide street light information at Preliminary Submittal.
4. The applicant shall provide proof of drainage compliant with applicable City Ordinance.

Suggested Reasons for Action (Findings):

- a. The conceptual subdivision is in harmony with the Centerville City General Plan, Section 12-480-3.
- b. The proposed Conceptual Subdivision submittal, with the directives given, meets the requirements for a conceptual subdivision acceptance listed in CMC 15.02.050 and ensures an adequate review of the requirements for Planned Unit Development listed in CMC 15.06.010.
- c. The proposed conceptual subdivision plan, with the directives given, appears to be capable of satisfying the applicable Development Standards for the R-M Zone.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232**

**STAFF REPORT
AGENDA: ITEMS 1 & 2**

PROPERTY OWNER: CW THE LANE, LLC

APPLICANT: ZACH SWENSEN
1222 LEGACY CROSSING BLVC, 6
CENTERVILLE, UT 84014
(zach at builtbycw dot com)

PROPERTY LOCATION: 644 WEST 400 SOUTH

PARCELS: 03-001-0178 & 03-001-0179

PARCEL SIZE: 2.04 ACRES

ZONING DISTRICT: RESIDENTIAL-MEDIUM

APPLICATION: FINAL SITE PLAN & PRELIMINARY
SUBDIVISION

BACKGROUND

The proposal consists of 12 single-family units on a parcel along Porter Lane. On July 14, 2021, the applicant received Conceptual Site Plan approval from the Centerville Planning Commission. The following directives were connected with the Conceptual Site Plan approval.

1. A Final Site Plan shall be submitted as outlined in CZC 12.21.110(e).
2. Provide stamped architectural plans at Final Site Plan application.
3. If the applicant desires to have signage for the project, this shall be indicated on the Final Site Plan and meet the requirements found CZC 12.54.
4. The applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.

The applicant has completed the first three directives, but not the fourth. Staff recommends carrying the fourth directive on to future approvals.

CODE REQUIREMENTS

CZC 12.21.110(f) lays for the conditions of approval for the Final Site Plan.

1. A Final Site Plan shall conform to its associated conceptual site plan.
2. The entire site shall be developed at one time unless a phased development plan is approved by the approving authority.
3. A site plan shall conform to applicable standards set forth in this Title and other applicable provisions of the Centerville Municipal Code. Conditions may be imposed as necessary to achieve compliance with applicable code requirements.

Staff Response: There have been a few adjustments between the Conceptual Site Plan and the Final Site Plan submittal. The following items have been modified:

- a. Lot 7 building has been shifted north slightly, and is no longer in compliance with the 20-foot rear yard requirement.
- b. The units on the eastern side have been shifted slightly east to decrease the side yard setback to eight feet, which conforms to the zoning ordinance.
- c. Units have been made slightly larger.

The dwelling on Lot 7 will need to be shifted south in order to comply with CZC 12.32.300. However, the adjustment of the eastern setback is in compliance with code and Staff believes it substantially conforms to the conceptual plan.

Drainage

Staff have worked extensively with the applicant in order to determine if there is adequate storm drainage on the site. The property owners have recorded an access and utility easement with Truck World to connect to City infrastructure through the Truck World site. Lisa Romney, City Attorney, has explained the need for a more rigorous access and utility easement than provided. “Due to the topography of the site for The Lane, drainage out to the property’s frontage with Porter Lane is not financially feasible. In order to drain the project out to Frontage Road, the developer of The Lane must obtain a permanent drainage and access easement from Truck World. The developer of The Lane, in coordination with Truck World, must install and maintain adequate private drainage facilities and improvements to drain storm water from both The Lane and Truck World out to the public storm drain system located in Frontage Road.”

Staff Response: Applicant shall provide adequate private drainage facilities and improvements to drain to the Frontage Road. The Lane and Truck World are in negotiations to provide such facilities.

Streets

Per the City Engineer and CZC 12.32.055(d)(3) “When a private right-of-way is utilized, the private right-of-way pavement (i.e. travel lanes) shall be at least 27-feet and the constructed cross-section with curb and gutter of the roadway shall be built to City Specifications.” The current proposal includes the gutters in order to get to the 27 feet, which was not noticed by Staff on the previous approval. The City Engineer and City Attorney have indicated that the gutter should not be counted towards the 27-feet of pavement.

Staff Response: The current road width does not meet City Standards and will need to be widened to meet the required 27-feet of travel lane, i.e. pavement.

PLANNING STAFF RECOMMENDATIONS

I hereby make a motion to TABLE the Final Site Plan for The Lane Subdivision at 644 West 400 South (Porter Lane), parcels 03-001-0178 & 03-001-0179 with the following conditions:

1. The applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.
2. The dwelling on Lot 7 shall be adjusted to conform to the 20-foot rear yard setback from the north property line.
3. The applicant shall provide drawings that show the required improvements on the ACC Auto Site (aka Truck World) site needed for The Lane Subdivision drainage.

PRELIMINARY SUBDIVISION REVIEW**BACKGROUND**

The applicant received acceptance of the Conceptual Subdivision (Plat) from the Planning Commission on July 14, 2021 in conjunction with the Conceptual Site Plan approval. City Staff have been meeting with the applicant and team to receive additional information.

CODE REQUIREMENTS

Per CMC 15.03.040 the Planning Commission shall hold a public hearing and review the Preliminary Subdivision submittal (see attachments on NovusAgenda) “for compliance with the standards and criteria set forth in this Title and all other ordinances of the City, including but not limited to the Zoning Code, General Plan, Master Street Plan, and applicable Construction Codes.”

GENERAL REQUIREMENTS FOR ALL SUBDIVISION – CMC 15.05

Layout Section 15.05.010 & Lots Section 15.05.020

The proposed subdivision consists of 12 single family lots. There are no undevelopable lots created by this Subdivision. As the Subdivision is a Planned Unit Development, the individual lots do not need to conform to R-M size requirements, as the entire lot conforms to Residential-Medium Zone requirements.

CMC 15.05.030 Streets and Related Improvements

The proposed internal sidewalks connect to 400 South (Porter Lane) at both sides of the private lane. “The City Council may, for good cause, after receiving a recommendation from the Planning Commission, modify or waive the requirement for sidewalks on streets.”

Staff Response: As is, the proposal meets this requirement. However, as stated in the Final Site Plan review, the pavement (or asphalt) width is not the required 27 feet. The road will need to be widened to come into compliance.

CMC 15.05.050 Drainage

Item c: “The storm water drainage system for subdivider’s subdivision shall be connected to an approved off site storm drain or facility acceptable to the City.” As mentioned in the Final Site Plan review, the City Attorney and City Engineer are requiring easements and plans that show facilities that connect to the City storm drain system. And that the drainage of the Truck World site can accept and deal with the overflow from The Lane Subdivision.

CMC 15.05.060 Utilities

All utility provider sheets have been submitted as part of the application. The applicant has incorporated the utility company reviews into their designs. Centerville Deuel Creek Irrigation District has provided the following requirements:

1. Install four-inch submain and metered services to all lots and common spaces, 14 each.
2. All work to comply with CDCID construction specifications.
3. Remove existing service.

CMC 15.03.030 Preliminary Plat

CMC 15.03.030(y)(6): “If the proposed project is located within 100 feet of a critical flood area as defined by Davis County (which includes Deuel, Parrish, Barnard and Ricks Creek stream channels), the subdivider shall obtain and submit a Davis County Development and Construction permit and provide any required stream channel easements or restricted build areas.”

Staff Response: This documentation has not been submitted with the Preliminary Subdivision.

PLANNING STAFF RECOMMENDATION

I hereby make a motion to APPROVE the Preliminary Plat (Subdivision) for The Lane Subdivision at approximately 644 West 400 South (Porter Lane) parcels 03-001-0178 & 03-001-0179 with the following conditions:

1. Receive approval of drainage plan from City Engineer and City Drainage Specialist
2. Obtain and submit a Davis County Development and Construction permit and provide any required stream channel easements or restricted build areas.
3. The applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.
4. A Final Subdivision Application and Plat shall be submitted in accordance of CMC 15.04 of the Subdivision Ordinance, with Licensed Architect's signature and seal.
5. The Final Subdivision Submittal shall also provide the applicable subdivision infrastructure construction plans for the subdivision in accordance with CMC 15.04.104.
6. In accordance with the City's addressing system, the final plat shall depict the address of each dwelling and be deemed acceptable by the City's Public Works Director.

Suggested Reasons for Action:

- a. *The Planning Commission finds that Preliminary Subdivision Plans are substantially consistent with the previous Conceptual Plan Acceptance.*
- b. *The Planning Commission finds that the Preliminary Subdivision Submittal, with the conditions imposed, complies with the applicable regulations of the Subdivision Ordinance.*
- c. *The Planning Commission finds that the Preliminary Subdivision Submittal, with the conditions imposed, complies with the applicable regulations of the City's Zoning Ordinance, regarding lot development within the R-M Zone.*

Project Narratives/Revision

- 1. 6/10/21 TH – PRELIMINARY SUBMITTAL FOR FIRST REVIEW.
- 2. 8/12/21 TH – FIRST SUBMITTAL FOR CITY REVIEW.
- 3. 9/9/21 TH – UPDATE LAYOUT TO SLAB ON GRADE.
- 4. 9/27/21 TH – UPDATE PER CLIENT REQUEST.
- 5. 10/08/21 TH – UPDATE PER CITY COMMENTS.
- 6. 10/21/21 TH – UPDATE PER CITY COMMENTS.

AGENCY CONTACTS:

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Phone: (801) 295-3477

SEWER DISTRICT:
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1800 West 1200 North
West Bountiful, UT 84087
Phone: (801) 295-3469

POWER COMPANY:
Rocky Mountain Power
Customer Service Line
Phone: (801) 546-1235

TELEPHONE COMPANY:
Century Link
Customer Service Line
Phone: (801) 603-6000

FIRE DEPARTMENT:
South Davis Metro Fire Department
343 South Main Street
Centerville, UT 84014
Phone: (801) 677-2400

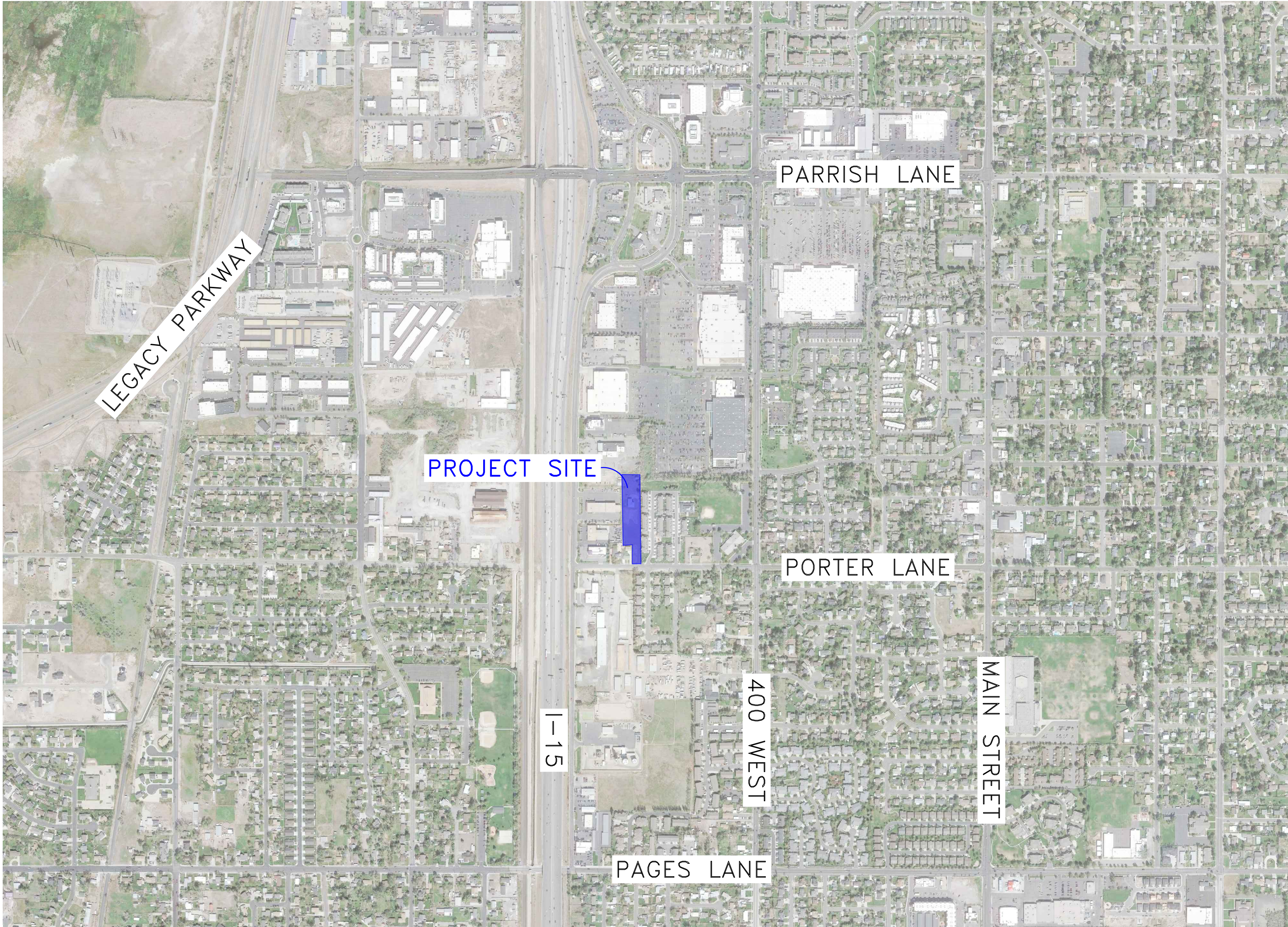
GAS SERVICE:
Dominion Energy
1140 West 200 South
Salt Lake City, UT 84104
Contact: Don Newman
Phone: (801) 323-5517

BENCHMARK

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND MONUMENTS LOCATED AT THE WITNESS CORNER TO THE NORTHWEST CORNER AND THE NORTH QUARTER CORNER TO SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AS SHOWN ON THIS SUBDIVISION PLAT.

The Lane
Civil Construction Set

LOCATED IN THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 2 NORTH,
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
CENTERVILLE CITY, DAVIS COUNTY, UTAH
AUGUST, 2021



Vicinity Map

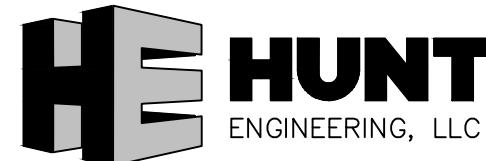
SCALE: 1" = 500'



DEVELOPER:
C.W.
URBAN

Zach Swenson
1222 Legacy Crossing Blvd #6
Centerville Utah 84014
PH: (801) 744-2489

ENGINEERING:



Hunt Engineering
Thomas Hunt, PE
6619 Willow Creek Rd
Mountain Green, UT 80450
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SURVEYOR:

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 - Sheet 2 - Notes & Legend Sheet
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 - Sheet 6 - Private Road Plan & Profile
 - Sheet 7 - Private Road Plan & Profile
 - Sheet 8 - Street Light Exhibit
 - Sheet 9 - Civil Details
 - Sheet 9.1 - Civil Details
 - Sheet 10 - SWPPP Exhibit
 - Sheet 11 - SWPPP Details
 - Sheet 12 - Landscape Plan
- PLAT



Notice To Contractors:

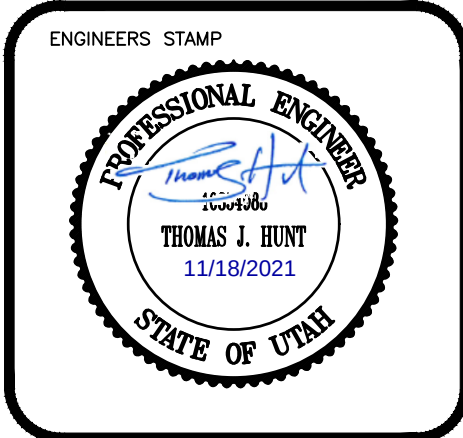
THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM AVAILABLE INFORMATION PROVIDED BY THE SURVEYOR OR CITY PRODUCED DOCUMENTS. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR. SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE, IF ANY CONFLICT/DISCREPENCIES ARISE, PLEASE CONTACT THE ENGINEER OF RECORD IMMEDIATELY. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE PRECAUTIONARY MEASURES TO PROTECT ANY UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS.



The Lane
700 West Porter Lane
Centerville, UT

Cover Sheet

SDSD Comments	10/21
Revisions	Date



PROJECT INFO.	
Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

SHEET	12
1	SHEETS

THIS PROJECT IS LOCATED IN THE FEMA FLOOD ZONE X.

GENERAL NOTES

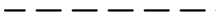
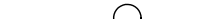
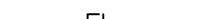
- 1.0 COMPLIANCE
- 1.1 ALL WORK TO CONFORM TO GOVERNING MUNICIPALITY’S STANDARDS, SPECIFICATIONS AND REQUIREMENTS.
- 1.2 ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THESE CONTRACT DOCUMENTS AND THE MOST RECENT, ADOPTED EDITIONS OF THE FOLOWING:
- INTERNATIONAL BUILDING CODES (IBC)
 - INTERNATIONAL PLUMBING CODES
 - STATE DRINKING WATER REGULATIONS
 - APWA MANUAL OF STANDARD PLANS AND SPECIFICATIONS
 - ADA ACCESSIBILITY GUIDELINES.
- 1.3 ALL CONSTRUCTION SHALL BE AS SHOWN ON THESE PLANS, ANY REVISIONS MUST HAVE PRIOR WRITTEN APPROVAL.
- 2.0 PERMITTING AND INSPECTIONS
- 2.1 PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING SURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED THOROUGHLY REVIEWED PLANS AND OTHER DOCUMENTS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
- 2.2 CONTRACTOR IS RESPONSIBLE FOR SCHEDULING AND NOTIFYING ARCHITECT/ENGINEER OR INSPECTING AUTHORITY 48 HOURS IN ADVANCE OF COVERING UP ANY PHASE OF CONSTRUCTION REQUIRING OBSERVATION.
- 2.3 ANY WORK IN THE PUBLIC RIGHT-OF-WAY WILL REQUIRE PERMITS FROM THE APPROPRIATE CITY, COUNTY OR STATE AGENCY CONTROLLING THE ROAD AND WITH APPROPRIATE INSPECTIONS.
- 3.0 COORDINATION AND VERIFICATION
- 3.1 ALL DIMENSIONS, GRADES & UTILITY DESIGNS SHOWN ON THE PLANS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO THE DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS, IF NOT VERIFIED AND NOTIFICATION OF CONFLICTS HAVE NOT BEEN BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER.
- 3.2 CONTRACTOR MUST VERIFY ALL EXISTING CONDITIONS BEFORE BIDDING AND BRING UP ANY QUESTIONS BEFOREHAND. NO ALLOWANCE WILL BE MADE FOR DISCREPANCIES OR OMISSIONS THAT CAN BE EASILY OBSERVED.
- 3.3 CONTRACTOR TO COORDINATE WITH ALL OTHER DISCIPLINES, INCLUDING BUT NOT LIMITED TO:
- LANDSCAPE PLANS
 - SITE ELECTRICAL PLANS AND ELECTRICAL SERVICE TO THE BUILDING(S)
 - FIRE PROTECTION
 - ARCHITECTURAL SITE PLANS
 - ACCESSIBLE ROUTES
 - ETC.
- 3.4 CONTRACTOR IS TO COORDINATE LOCATION OF NEW TELEPHONE SERVICE, GAS SERVICE, CABLE, ETC. TO BUILDING WITH THE APPROPRIATE UTILITY COMPANY. FOR TELEPHONE, CONTRACTOR TO FURNISH CONDUIT, PLYWOOD BACKBOARD, AND GROUND WIRE, AS REQUIRED.
- 4.0 SAFETY AND PROTECTION
- 4.1 CONTRACTOR IS SOLELY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION.
- 4.2 CONTRACTOR IS RESPONSIBLE FOR THE SAFETY OF THE PROJECT AND SHALL MEET ALL OSHA REQUIREMENTS.
- 4.3 CONTRACTOR IS RESPONSIBLE FOR CONFORMING TO LOCAL AND FEDERAL CODES GOVERNING SHORING AND BRACING OF EXCAVATIONS AND TRENCHES, AND FOR THE PROTECTION OR WORKERS AND PUBLIC.
- 4.4 CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO PROTECT ALL EXISTING PUBLIC AND PRIVATE PROPERTY, ROADWAYS, AND UTILITY IMPROVEMENTS. DAMAGE TO EXISTING IMPROVEMENTS CAUSED BY THE CONTRACTOR MUST BE REPAIRED BY THE CONTRACTOR AT HIS/HER EXPENSE TO THE SATISFACTION OF THE OWNER OF SAID IMPROVEMENTS.
- 4.5 CONTRACTOR IS REQUIRED TO KEEP ALL CONSTRUCTION ACTIVITIES WITHIN THE APPROVED PROJECT LIMITS. THIS INCLUDES, BUT IS NOT LIMITED TO, VEHICLE AND EQUIPMENT STAGING, MATERIAL STORAGE AND LIMITS OF TRENCH EXCAVATION.
- 4.6 IT IS THE CONTRACTOR’S RESPONSIBILITY TO OBTAIN PERMISSION AND/OR EASEMENTS FROM THE APPROPRIATE GOVERNMENT AGENCY AND/OR INDIVIDUAL PROPERTY OWNER(S) FOR WORK OR STAGING OUTSIDE OF THE PROJECT LIMITS.
- 4.7 CONTRACTOR SHALL PROVIDE BARRICADES, SIGNS, FLASHERS, OTHER EQUIPMENT AND FLAG PERSONS NECESSARY TO INSURE THE SAFETY OF WORKERS AND VISITORS. ALL CONSTRUCTION SIGNING, BARRICADING, AND TRAFFIC DELINEATION SHALL CONFORM TO THE “MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES”, LATEST EDITION.
- 4.8 CONTRACTOR SHALL COMPLY WITH LOCAL NOISE ORDINANCE STANDARDS.
- 4.9 CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL ACCORDING TO GOVERNING AGENCY STANDARDS.
- 4.10 CONTRACTOR SHALL TAKE ALL NECESSARY AND PROPER PRECAUTIONS TO PROTECT ADJACENT PROPERTIES FROM ANY AND ALL DAMAGE THAT MAY OCCUR FROM STORM WATER RUNOFF AND/OR DEPOSITION OF DEBRIS RESULTING FROM ANY AND ALL WORK IN CONNECTION WITH CONSTRUCTION. SUBMIT A STORM WATER POLLUTION PREVENTION PLAN, IF REQUIRED.
- 4.11 WORK IN PUBLIC STREETS, ONCE BEGUN, SHALL BE PROSECUTED TO COMPLETION WITHOUT DELAY AS TO PROVIDE MINIMUM INCONVENIENCE TO ADJACENT PROPERTY OWNERS AND TO THE TRAVELING PUBLIC.
- 4.12 CONTRACTOR SHALL PROVIDE ALL NECESSARY HORIZONTAL AND VERTICAL TRANSITIONS BETWEEN NEW CONSTRUCTION AND EXISTING SURFACES TO PROVIDE FOR PROPER DRAINAGE AND FOR INGRESS AND EGRESS TO NEW CONSTRUCTION.
- 4.13 NATURAL VEGETATION AND SOIL COVER SHALL NOT BE DISTURBED PRIOR TO ACTUAL CONSTRUCTION OF A REQUIRED FACILITY OR IMPROVEMENT. MASS CLEARING OF THE SITE IN ANTICIPATION OF CONSTRUCTION SHALL BE AVOIDED. CONSTRUCTION TRAFFIC SHALL BE LIMITED TO ONE APPROACH TO THE SITE. THE APPROACH SHALL BE DESIGNATED BY THE OWNER OR GOVERNING AGENCY.
- 4.14 THE CONTRACTOR SHALL TAKE REASONABLE MEASURES TO PROTECT EXISTING IMPROVEMENTS FROM DAMAGE AND ALL SUCH IMPROVEMENTS DAMAGED BY THE CONTRACTOR’S OPERATION SHALL BE REPAIRED OR RECONSTRUCTED TO THE ENGINEER/OWNER’S SATISFACTION AT THE EXPENSE OF THE CONTRACTOR.
- 5.0 MATERIALS
- 5.1 SITE CONCRETE SHALL BE A MINIMUM 6.5 BAG MIX, 4000 P.S.I. @ 28 DAYS, 4” MAXIMUM SLUMP WITH 5 + OR –1% AIR ENTRAINMENT, UNLESS SPECIFIED OTHERWISE. SEE SPECIFICATION:
- SLABS–ON–GRADE WILL BE TYPICALLY SCORED (1/4 THE DEPTH) AT INTERVALS NOT TO EXCEED THEIR WIDTH OR 12 TIMES THEIR DEPTH, WHICHEVER IS LESS. SCORING WILL BE PLACED TO PREVENT RANDOM CRACKING. FULL DEPTH EXPANSION JOINTS WILL BE PLACED AGAINST ANY OBJECT DEEMED TO BE FIXED, CHANGES IN DIRECTION AND AT EQUAL INTERVALS NOT TO EXCEED 50 FEET.
 - CONCRETE WATERWAYS, CURBWALLS, MOWSTRIPS, CURB AND GUTTER, ETC. WILL TYPICALLY BE SCORED 1/4 THE DEPTH AT INTERVALS NOT TO EXCEED 10 FEET AND HAVE FULL DEPTH EXPANSION JOINTS AT EQUAL SPACING NOT TO EXCEED 50 FEET.
 - UNLESS OTHERWISE NOTED, ALL SLABS–ON–GRADE WILL HAVE A MINIMUM 8” TURNED–DOWN EDGE TO HELP CONTROL FROST HEAVE.
 - UNLESS OTHERWISE NOTED, ALL ON–GRADE CONCRETE WILL BE PLACED ON A MINIMUM 4” GRAVEL BASE OVER A WELL COMPACTED (90%) MIN. SUBGRADE.
 - ALL EXPOSED SURFACES WILL HAVE A TEXTURED FINISH, RUBBED OR BROOMED. ANY “PLASTERING” OF NEW CONCRETE WILL BE DONE WHILE IT IS STILL “GREEN.”
 - ALL JOINTS (CONTROL, CONSTRUCTION OR EXPANSION JOINTS, ETC.) WILL BE SEALED WITH A ONE PART POLYURETHANE SEALANT.
- 5.2 ASPHALT CONCRETE PAVEMENT SHALL BE A MINIMUM 3” OVER 6” OF COMPACTED (95%) ROAD BASE OVER PROPERLY PREPARED AND COMPACTED (90%) SUBGRADE, UNLESS NOTED OTHERWISE.
- ASPHALT COMPACTION SHALL BE A MINIMUM 96%.
 - SURFACE COARSE SHALL BE 1/2” MINUS. MIX DESIGN TO BE SUBMITTED FOR APPROVAL AT LEAST TWO WEEKS PRIOR TO ANTICIPATED PAVING SCHEDULE.
 - AC PAVEMENT TO BE A 1/4” ABOVE LIP OF ALL GUTTER AFTER COMPACTION.
 - THICKNESS OVER 3” WILL BE LAID IN TWO LIFTS WITH THE FIRST LIFT BEING AN APPROVED 3/4” MINUS DESIGN.

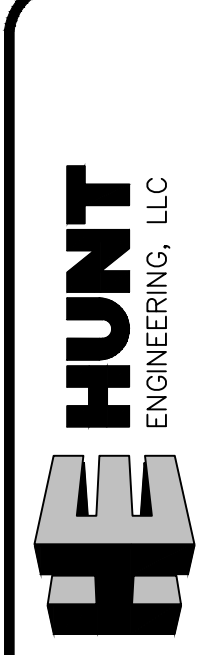
- 6.0 GRADING & SOILS
- 6.1 SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT, WHICH BY REFERENCE ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE, UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS, OR IN THE SPECIFICATIONS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF RECORD OF ANY DISCREPANCY BETWEEN THE SOILS REPORT AND THESE PLANS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING ALL SOFT, YIELDING OR UNSUITABLE MATERIALS AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED IN THE SOILS REPORT.
- 6.2
- 6.3 ALL EXCAVATED OR FILLED AREAS SHALL BE COMPACTED TO 95% OF MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM TEST D–1557, EXCEPT UNDER BUILDING FOUNDATIONS WHERE IT SHALL BE 98% MIN. OF MAXIMUM DENSITY. MOISTURE CONTENT AT TIME OF PLACEMENT SHALL NOT EXCEED 2% ABOVE NOR 3% BELOW OPTIMUM.
- 6.4 CONTRACTOR SHALL SUBMIT A COMPACTION REPORT PREPARED BY A QUALIFIED REGISTERED SOILS ENGINEER, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITH THE BUILDING PAD AREA AND AREAS TO BE PAVED, HAVE BEEN COMPACTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT.
- 6.5 SITE CLEARING SHALL INCLUDE THE LOCATING AND REMOVAL OF ALL UNDERGROUND TANKS, PIPES, VALVES, ETC.
- 6.6 ALL EXISTING VALVES, MANHOLES, ETC. SHALL BE RAISED OR LOWERED TO GRADE AS REQUIRED.
- 7.0 UTILITIES
- 7.1 THE LOCATIONS OF UNDERGROUND FACILITIES SHOWN ON THESE PLANS ARE BASED ON FIELD SURVEYS AND LOCAL UTILITY COMPANY RECORDS. IT SHALL BE THE CONTRACTOR’S FULL RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES EITHER DIRECT OR THROUGH BLUE STAKE TO LOCATE THEIR FACILITIES PRIOR TO STARTING CONSTRUCTION.
- 7.2 CONTRACTOR TO VERIFY BY POTHOLING BOTH THE VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO INSTALLING ANY NEW LINES. NOT ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORK FORCE.
- 7.3 CONTRACTOR MUST START AT LOW END OF ALL NEW GRAVITY UTILITY LINES. MECHANICAL SUB–CONTRACTOR MUST BE PROVIDED CIVIL SITE DRAWINGS FOR COORDINATION AND TO CHECK THE FLOW FROM THE LOWER POINT IN BUILDING TO THE FIELD VERIFIED CONNECTION AT THE EXISTING MAIN. NO EXTRA COMPENSATION IS TO BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO FAILURE TO COMPLY WITH THESE REQUIREMENTS.
- 7.4 CONTRACTOR IS TO VERIFY LOCATION, DEPTH, SIZE, TYPE, AND OUTSIDE DIAMETERS OF UTILITIES IN THE FIELD BY POTHOLING A MINIMUM OF 300 FEET AHEAD. PIPELINE CONSTRUCTION TO AVOID CONFLICTS WITH DESIGNED PIPELINE GRADE AND ALIGNMENT. EXISTING UTILITY INFORMATION SHOWN ON PLANS OR OBTAINED FROM UTILITY COMPANIES OR BLUE STAKED MUST BE ASSIMED AS APPROXIMATE, REQUIRING FIELD VERIFICATION.
- 7.5 CULINARY WATER AND FIRE SERVICE LINES TO BE CONSTRUCTED IN ACCORDANCE WITH LOCAL GOVERNING MUNICIPALITY STANDARDS AND SPECIFICATIONS.
- 7.6 SANITARY SEWER MAINS AND LATERALS TO BE CONSTRUCTED IN ACCORDANCE WITH LOCAL GOVERNING MUNICIPALITY SEWER DISTRICT STANDARDS AND SPECIFICATIONS.
- 7.7 STORM SEWER TO BE CONSTRUCTED IN ACCORDANCE WITH THE GOVERNING MUNICIPALITY STANDARDS AND SPECIFICATIONS.
- 7.8 ALL STORM DRAIN AND IRRIGATION CONDUITS SHALL BE INSTALLED WITH WATER TIGHT JOINTS AND CONNECTIONS.
- 7.9 ALL STORM DRAIN PIPE PENETRATIONS INTO BOXES SHALL BE CONSTRUCTED WITH WATER TIGHT SEALS ON THE OUTSIDE AND GROUTED SMOOTH WITH A NON–SHRINK GROUT ON THE INSIDE. CONDUITS SHALL BE CUT OFF FLUSH WITH THE INSIDE OF THE BOX.
- 7.10 NO CHANGE IN THE DESIGN OF UTILITIES AS SHOWN WILL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN APPROVAL OF THE GOVERNING MUNICIPALITY, OR AUTHORITY HAVING JURISDICTION OVER THAT UTILITY.
- 7.11 ALL STORM DRAIN CONDUITS AND BOXES SHALL BE CLEAN AND FREE OF ROCKS, DIRT, AND CONSTRUCTION DEBRIS PRIOR TO FINAL INSPECTION.
- 8.0 SURVEY CONTROL
- 8.1 CONTRACTOR MUST PROVIDE A REGISTERED LAND SURVEY OR PERSONS UNDER THE SUPERVISION OF A REGISTERED LAND SURVEYOR TO SET STAKES FOR THE ALIGNMENT AND GRADE OF EACH MAIN AND/OR FACILITY AS SHOWN ON THE PLANS. THE STAKES SHALL BE MARKED WITH THE HORIZONTAL LOCATION (STATION) AND VERTICAL LOCATION (GRADE) WITH CUTS AND/OR FILLS TO THE APPROVED GRADE OF THE MAIN AND/OR FACILITY AS SHOWN ON THE PLANS.
- 8.2 THE CONTRACTOR SHALL PROTECT ALL STAKES AND MARKERS FOR VERIFICATION PURPOSES.
- 8.3 CONTRACTOR WILL BE RESPONSIBLE FOR FURNISHING, MAINTAINING, OR RESTORING ALL MONUMENTS AND REFERENCE MARKS WITHIN THE PROJECT SITE.

- 9.0 AMERICAN DISABILITIES ACT
- 9.1 PEDESTRIAN / ADA ROUTES SHALL MEET THE FOLLOWING SPECIFICATIONS:
- ROUTES SHALL HAVE A 2.00% (1:50) MAXIMUM CROSS SLOPE.
 - ROUTES SHALL HAVE A 5.00% (1:20) MAXIMUM RUNNING SLOPE.
 - RAMPS SHALL HAVE A 8.33% (1:12) MAXIMUM RUNNING SLOPE.
- 9.2 ADA PARKING STALLS AND ADJACENT ROUTES SHALL HAVE A 2.00% MAXIMUM SURFACE SLOPE IN ANY DIRECTION.
- 9.3 THE CONTRACTOR SHALL ADHERE TO THE ABOVE SPECIFICATIONS. IN THE EVENT OF A DISCREPANCY IN THE CONSTRUCTION DOCUMENTS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT/ENGINEER PRIOR TO ANY CONSTRUCTION.

- 10.0 EROSION CONTROL
- 10.1 THE CONTRACTOR TO USE BEST MANAGEMENT PRACTICES FOR PROVIDING EROSION CONTROL FOR CONSTRUCTION OF THIS PROJECT. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM TO GOVERNING AGENCIES ORDINANCES AND ALL WORK SHALL BE SUBJECT TO INSPECTION BY THE COUNTIES. ALSO, INSPECTORS WILL HAVE THE RIGHT TO CHANGE THE FACILITIES AS NEEDED.
- 10.2 CONTRACTOR SHALL KEEP THE SITE WATERED TO CONTROL DUST. CONTRACTOR TO LOCATE A NEARBY HYDRANT FOR USE AND TO INSTALL TEMPORARY METER. CONSTRUCTION WATER COST TO BE INCLUDED IN BID.
- 10.3 WHEN GRADING OPERATIONS ARE COMPLETED AND THE DISTURBED GROUND IS LEFT “OPEN” FOR 14 DAYS OR MORE, THE AREA SHALL BE FURROWED PARALLEL TO THE CONTOURS.
- 10.4 THE CONTRACTOR SHALL MODIFY EROSION CONTROL MEASURES TO ACCOMMODATE PROJECT PLANNING.
- 10.5 ALL ACCESS TO PROPERTY WILL BE FROM PUBLIC RIGHT–OF–WAYS. THE CONTRACTOR IS REQUIRED BY STATE AND FEDERAL REGULATIONS TO PREPARE A STORM WATER POLLUTION PREVENTION.

- 11.0 MAINTENANCE
- 11.1 ALL BEST MANAGEMENT PRACTICES (BMP’S) SHOWN ON THIS PLAN MUST BE MAINTAINED AT ALL TIMES UNTIL PROJECT CLOSE–OUT.
- 11.2 THE CONTRACTOR’S RESPONSIBILITY SHALL INCLUDE MAKING BI–WEEKLY CHECKS ON ALL EROSION CONTROL MEASURES TO DETERMINE IF REPAIR OR SEDIMENT REMOVAL IS NECESSARY. CHECKS SHALL BE DOCUMENTED AND COPIES OF THE INSPECTIONS KEPT ON SITE.
- 11.3 SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH RAINFALL. THEY MUST BE REMOVED WHEN THE LEVEL OF DEPOSITION REACHES APPROXIMATELY ONE–HALF THE HEIGHT OF BARRIER.
- 11.4 SEDIMENT TRACKED ONTO PAVED ROADS MUST BE CLEANED UP AS SOON AS PRACTICAL, BUT IN NO CASE LATER THAN THE END OF THE NORMAL WORK DAY. THE CLEAN UP WILL INCLUDE SWEEPING OF THE TRACKED MATERIAL, PICKING IT UP, AND DEPOSITING IT TO A CONTAINED AREA.
- 11.5 ANY EXPOSED SLOPE THAT WILL REMAIN UNTOUCHED FOR LONGER THAN 14 DAYS MUST BE STABILIZED BY ONE OR MORE OF THE FOLLOWING METHODS:
- SPRAYING DISTURBED AREAS WITH A TACKIFIER VIA HYDROSEED
 - TRACKING STRAW PERPENDICULAR TO SLOPES
 - INSTALLING A LIGHT–WEIGHT, TEMPORARY EROSION CONTROL BLANKET

	PROPOSED IRRIGATION		PROPOSED LAND DRAIN
	EXISTING IRRIGATION		PROPOSED LAND DRAIN LATERAL
	EXISTING IRRIGATION REMOVE		EXISTING LAND DRAIN
	BOUNDARY		EXISTING LAND DRAIN REMOVE
	EASEMENT		PROPOSED BUILDING
	EXISTING EASEMENT		EXISTING BUILDING
	RED LINE		EXISTING BUILDING REMOVE
	PROPOSED CURB & GUTTER		PROPOSED WATER
	EXISTING CURB & GUTTER		PROPOSED WATER LATERAL
	EXISTING CURB & GUTTER REMOVE		EXISTING WATER
	LOT		EXISTING WATER REMOVE
	PROPOSED POWER		PROPOSED STORM DRAIN
	EXISTING POWER		EXISTING STORM DRAIN
	EXISTING POWER REMOVE		EXISTING STORM DRAIN REMOVE
	PROPOSED GAS		PROPOSED SECONDARY WATER
	EXISTING GAS		PROPOSED SECONDARY WATER LATERAL
	EXISTING GAS REMOVE		EXISTING SECONDARY WATER
	PROPOSED SEWER		EXISTING SECONDARY WATER REMOVE
	PROPOSED SEWER LATERAL		PROPOSED RETAINING WALL
	EXISTING SEWER		SIGN
	EXISTING SEWER REMOVE		BACK OF SIDEWALK
	PROPOSED FIRE HYDRANT		BOTTOM OF WALL
	EXISTING FIRE HYDRANT		BUILDING
	PROPOSED MANHOLE		CURB AND GUTTER
	EXISTING MANHOLE		CATCH BASIN
	EXISTING CLEAN OUT		CUBIC FOOT
	PROPOSED VALVE		FINISHED FLOOR ELEVATION
	EXISTING VALVE		FINISHED GRADE
	NEW WATER METER		FIRE HYDRANT
	EXISTING WATER METER		FLOW LINE
	PROPOSED CATCH BASIN		GRADE BREAK
	EXISTING CATCH BASIN		INVERT
	PLUG & BLOCK		LINEAR FOOT
	PROPOSED STREET LIGHT		NATURAL GRADE
	EXISTING STREET LIGHT		POWER POLE
	RIGHT–OF–WAY		RIM OF MANHOLE
	TOP BACK OF CURB		TOP OF WALL
	TOP OF ASPHALT		WATER METER
	TOP OF CONCRETE		
	TOP OF PUMP ISLAND		
	TOP OF SIDEWALK		
	EXISTING ASPHALT PAVEMENT		
	EXISTING CONCRETE PAVEMENT		
	PROPOSED ASPHALT PAVEMENT		
	PROPOSED CONCRETE		



HUNT ENGINEERING, LLC

HUNT ENGINEERING, LLC

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Mountain Green, UT 84050

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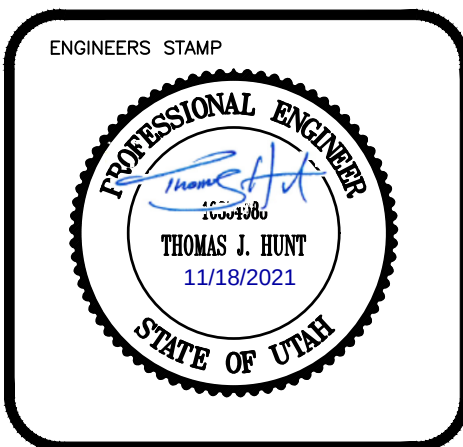
thomas.hunt@hunt-engineering.com

The Lane
700 West Porter Lane
Centerville, UT

Notes & Legend
Sheet

SDSD Comments	10/21
Revisions	Date

ENGINEERS' STAMP



PROJECT INFO.

Engineer:

T. HUNT

Draftsman:

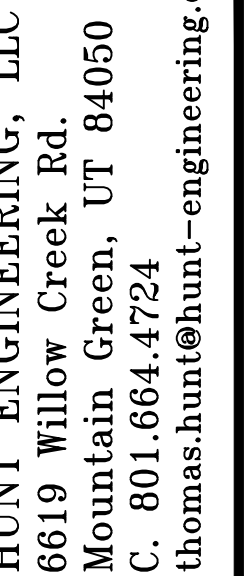
T. HUNT

Start Date:

6/10/2021

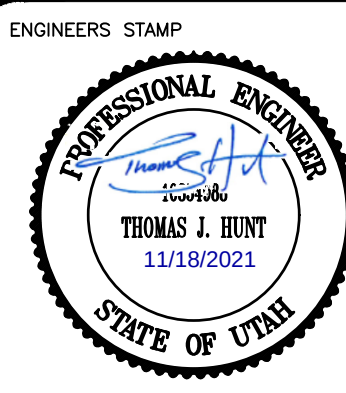
Name:

The Lane



Demolition Plan

SDSD Comments	10/21
Revisions	Date



PROJECT INFO.

Engineer: _____
T. HUNT

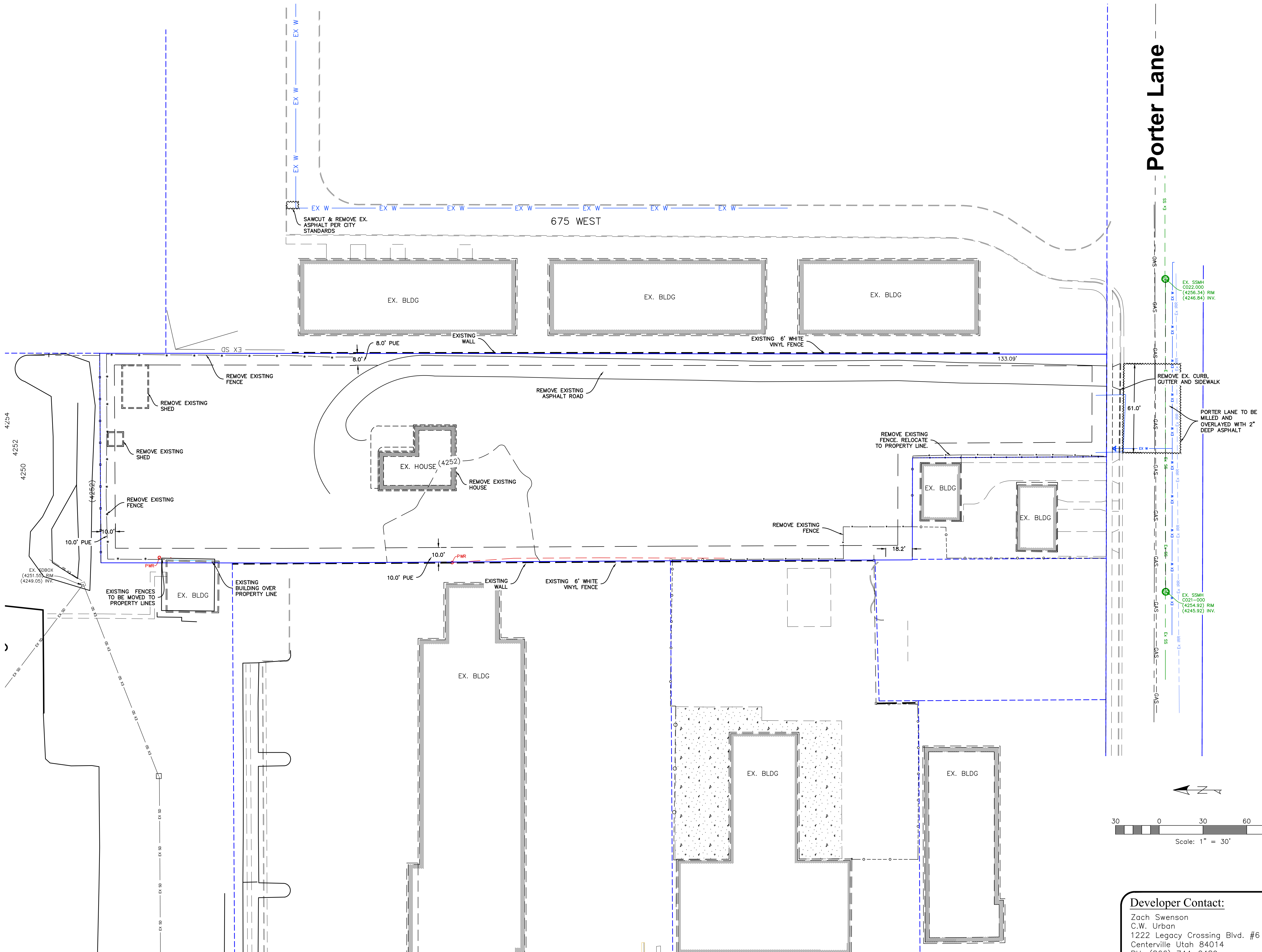
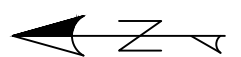
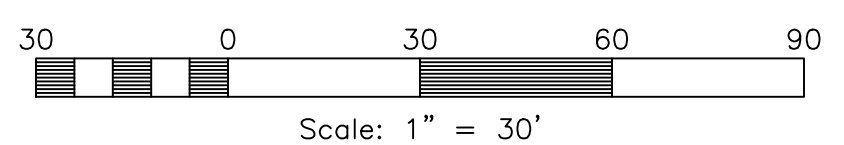
Drafter: _____
T. HUNT

Start Date: _____
6/10/2021

Name: _____
The Lane

SHEET	12
3	SHEETS

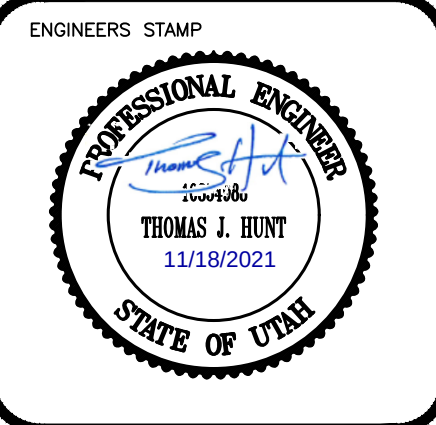
Zach Swenson
C.W. Urban
1222 Legacy Crossing Blvd. #6
Centerville Utah 84014
PH: (866) 744-2489



The Lane
700 West Porter Lane
Centerville, UT

Site Plan

SDSD Comments	10/21
Revisions	Date

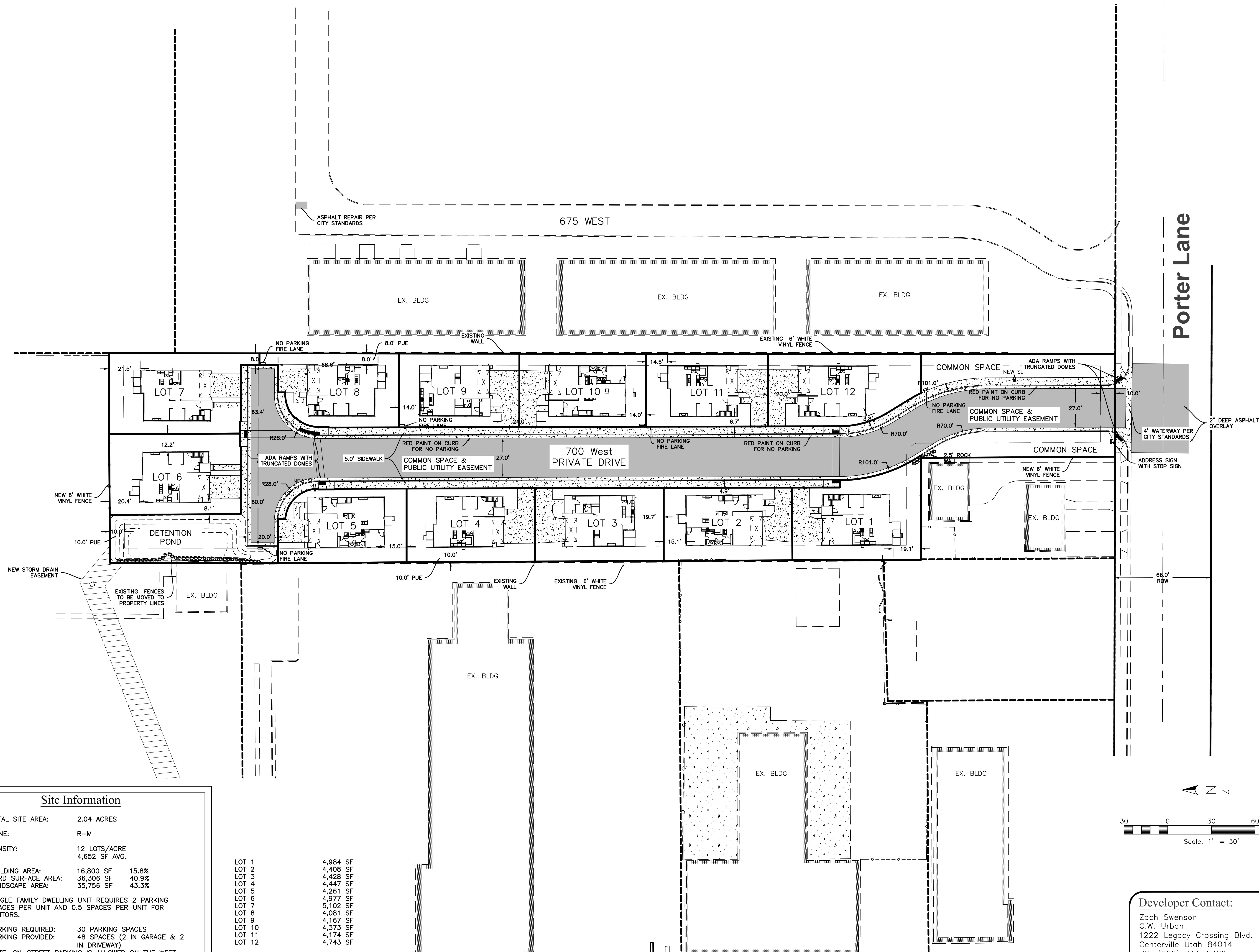


PROJECT INFO.	
Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

SHEET	12
4	SHEETS

Developer Contact:

Zach Swenson
C.W. Urban
1222 Legacy Crossing Blvd. #6
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Site Information

TOTAL SITE AREA: 2.04 ACRES
ZONE: R-M
DENSITY: 12 LOTS/ACRE
4,652 SF AVG.

BUILDING AREA: 16,800 SF 15.8%
HARD SURFACE AREA: 36,306 SF 40.9%
LANDSCAPE AREA: 35,756 SF 43.3%

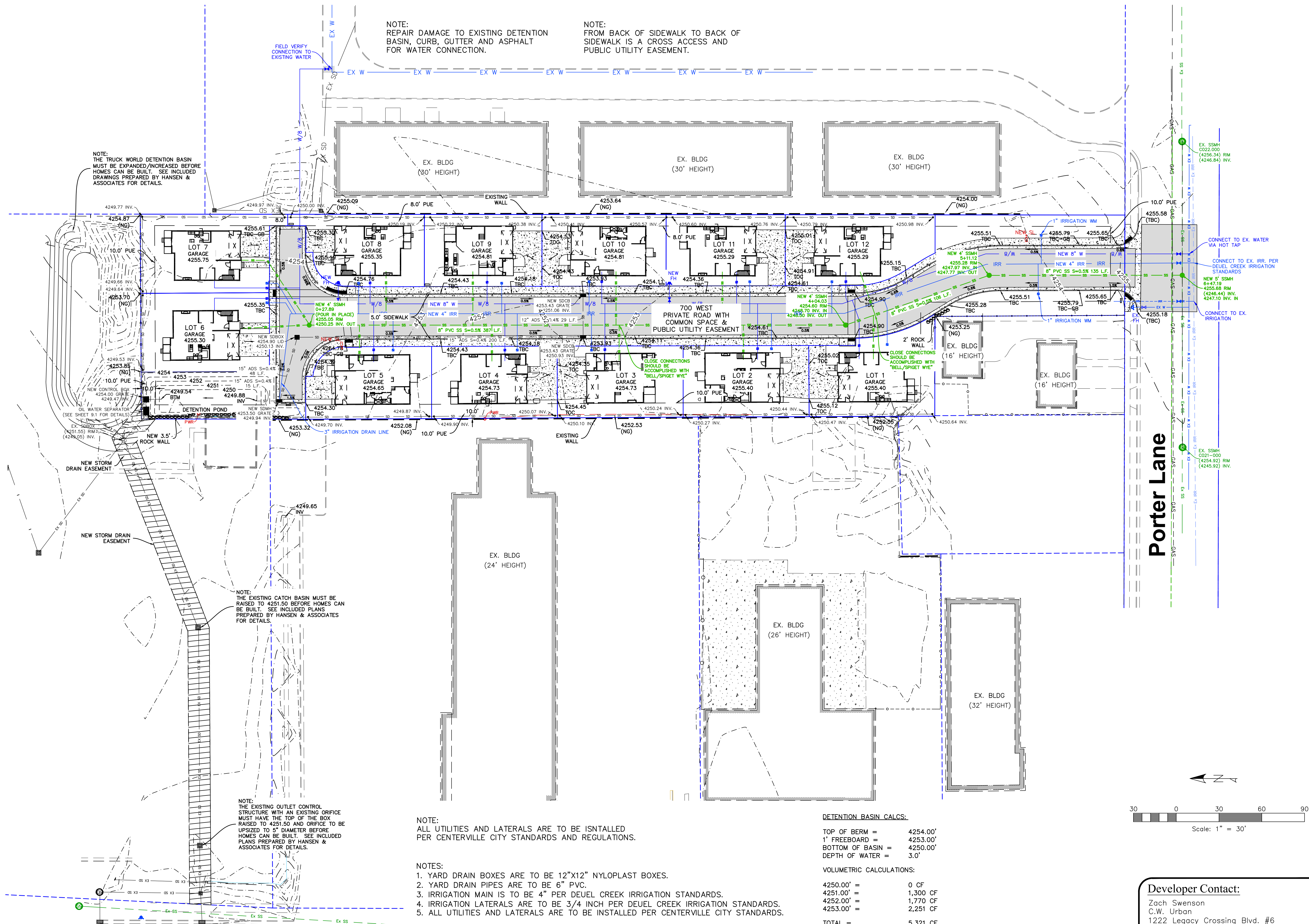
SINGLE FAMILY DWELLING UNIT REQUIRES 2 PARKING SPACES PER UNIT AND 0.5 SPACES PER UNIT FOR VISITORS.

PARKING REQUIRED: 30 PARKING SPACES
PARKING PROVIDED: 48 SPACES (2 IN GARAGE & 2 IN DRIVEWAY)

NOTE: ON-STREET PARKING IS ALLOWED ON THE WEST SIDE OF THE PRIVATE ROADWAY = 15 ADDITIONAL STALLS.

LOT 1	4,984 SF
LOT 2	4,408 SF
LOT 3	4,428 SF
LOT 4	4,447 SF
LOT 5	4,261 SF
LOT 6	4,977 SF
LOT 7	5,102 SF
LOT 8	4,081 SF
LOT 9	4,167 SF
LOT 10	4,373 SF
LOT 11	4,174 SF
LOT 12	4,743 SF

THIS PROJECT IS LOCATED IN THE FEMA FLOOD ZONE X.



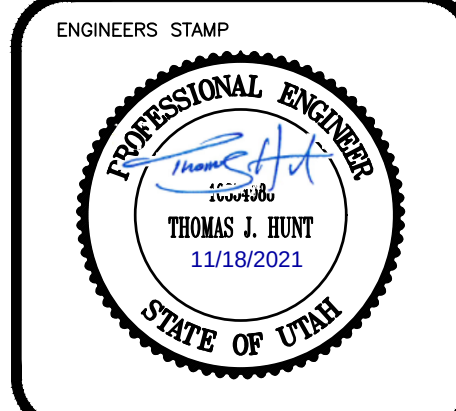
Frontage Rd

Porter Lane

The Lane
700 West Porter Lane
Centerville, UT

Grading & Utility
Plan

SDSD Comments	10/21
Revisions	Date



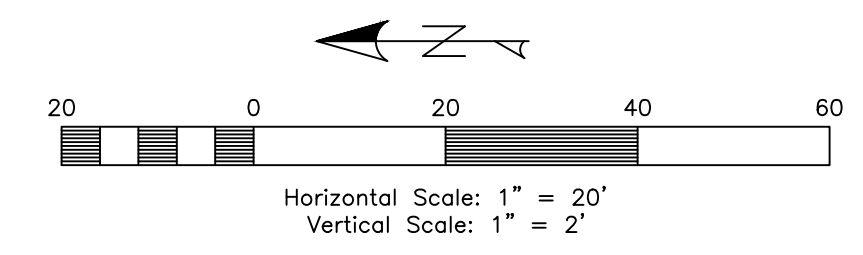
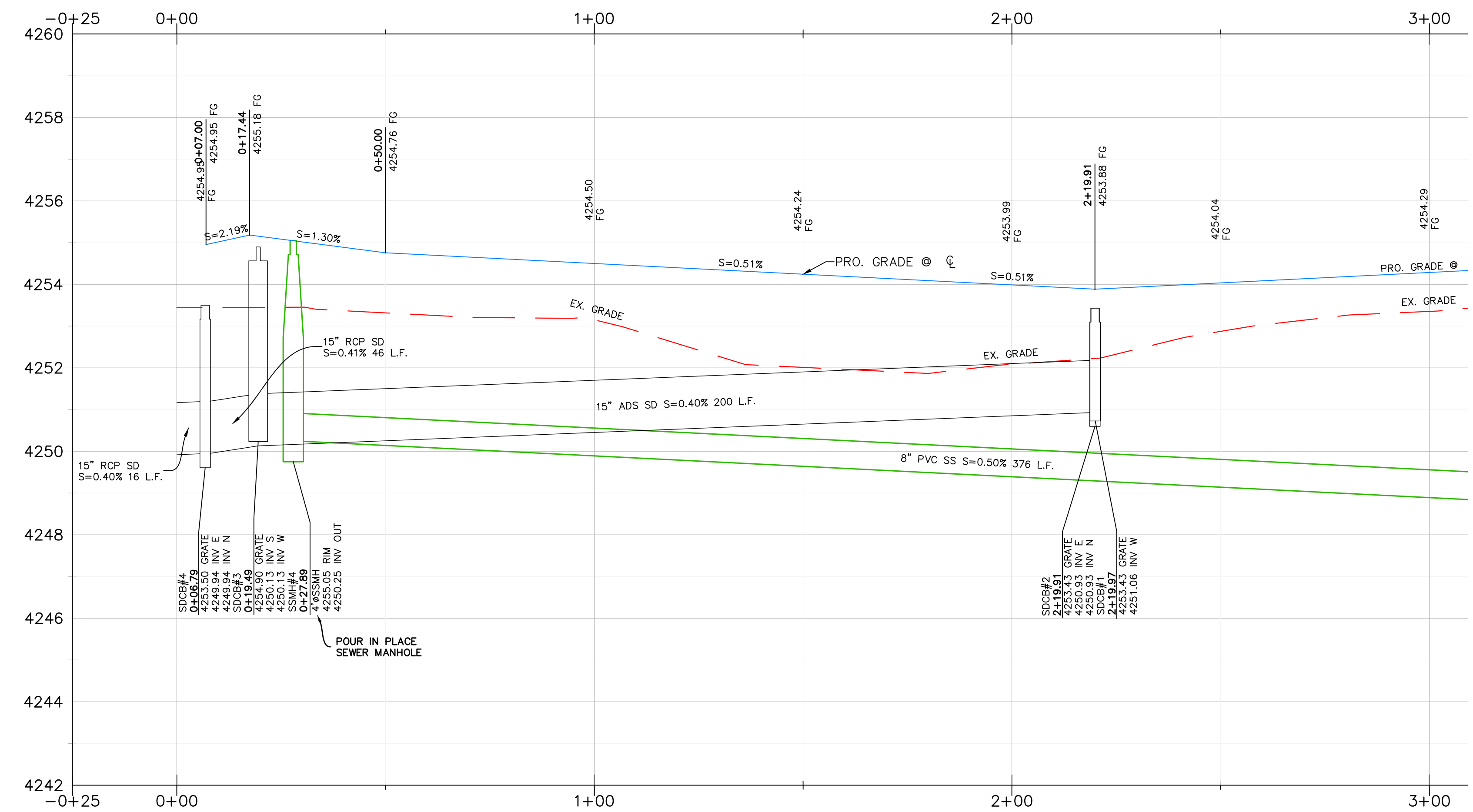
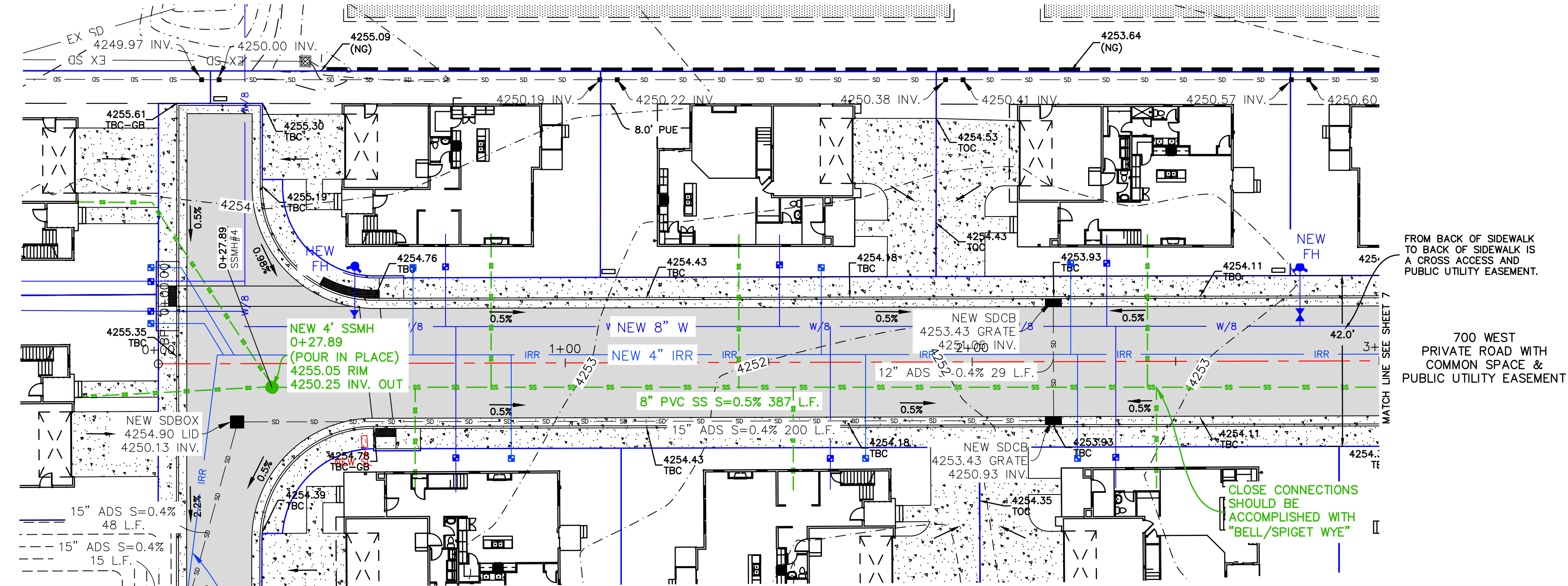
PROJECT INFO.	
Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

Developer Contact:

Zach Swenson
C.W. Urban
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PH: (866) 744-2489

SHEET	12
5	SHEETS

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ENGINEERING, LLC
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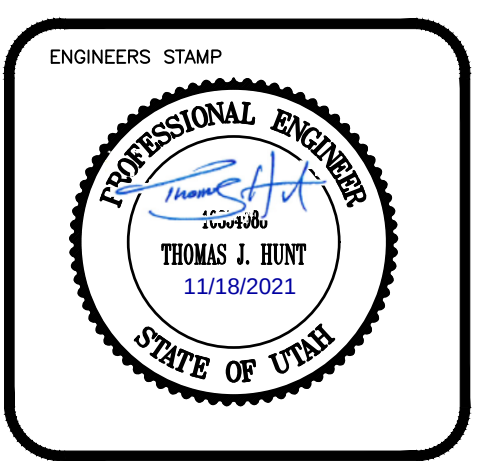
Developer Contact:
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The Lane
700 West Porter Lane
Centerville, UT

700 WEST
Plan & Profile
0+00.00-3+00.00

SDSD Comments	10/21
Revisions	Date



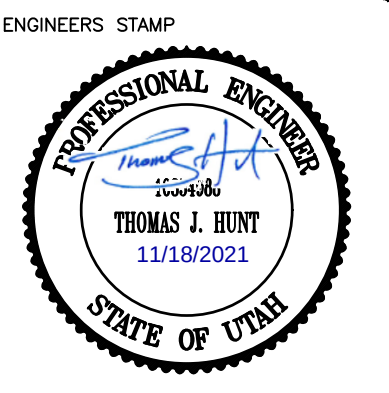
PROJECT INFO.	
Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

SHEET	12
6	SHEETS



**700 WEST
Plan & Profile
3+00.00-6+75.00**

SDSD Comments	10/21
Revisions	Date



PROJECT INFO.

Engineer: _____
T. HUNT

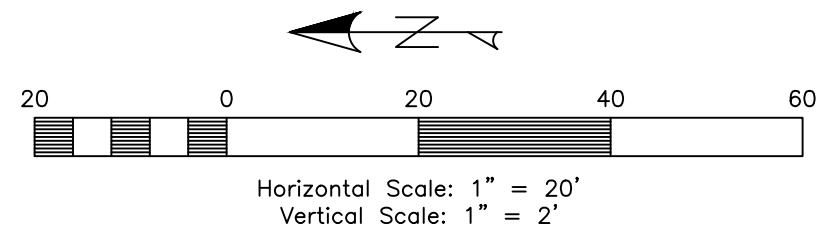
Drafter: _____
T. HUNT

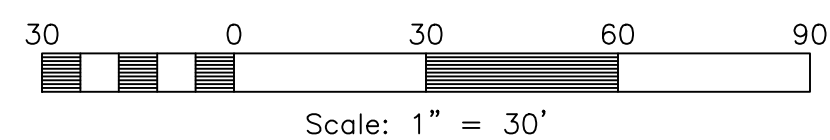
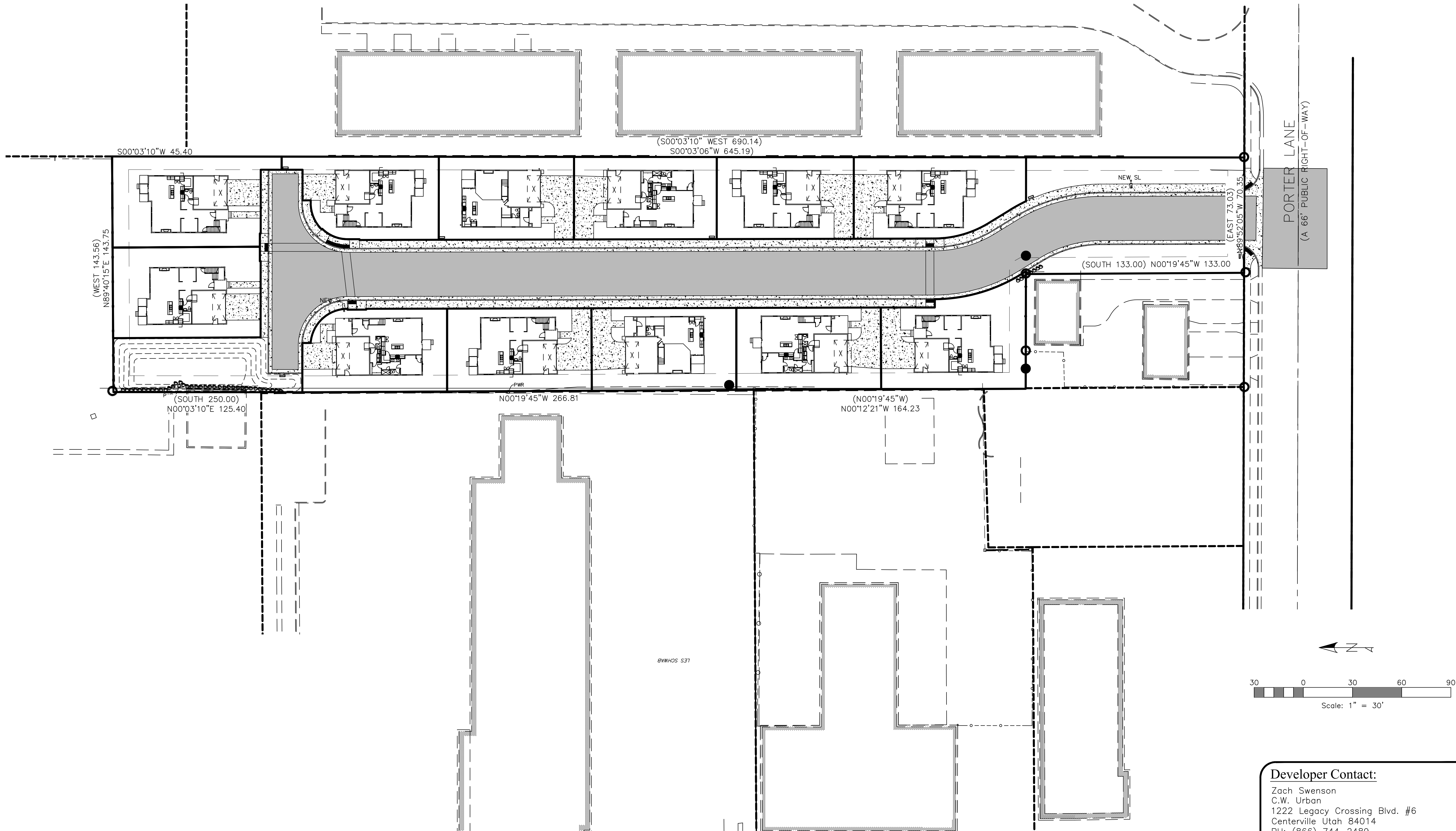
Start Date: _____
6/10/2021

Name: _____
The Lane

SHEET	12
8	SHEETS

Zach Swenson
C.W. Urban
1222 Legacy Crossing Blvd. #6
Centerville Utah 84014
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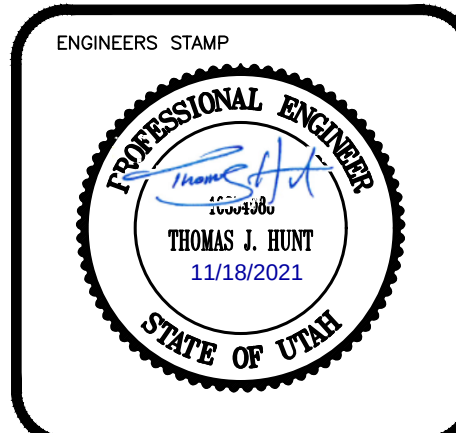
Developer Contact:
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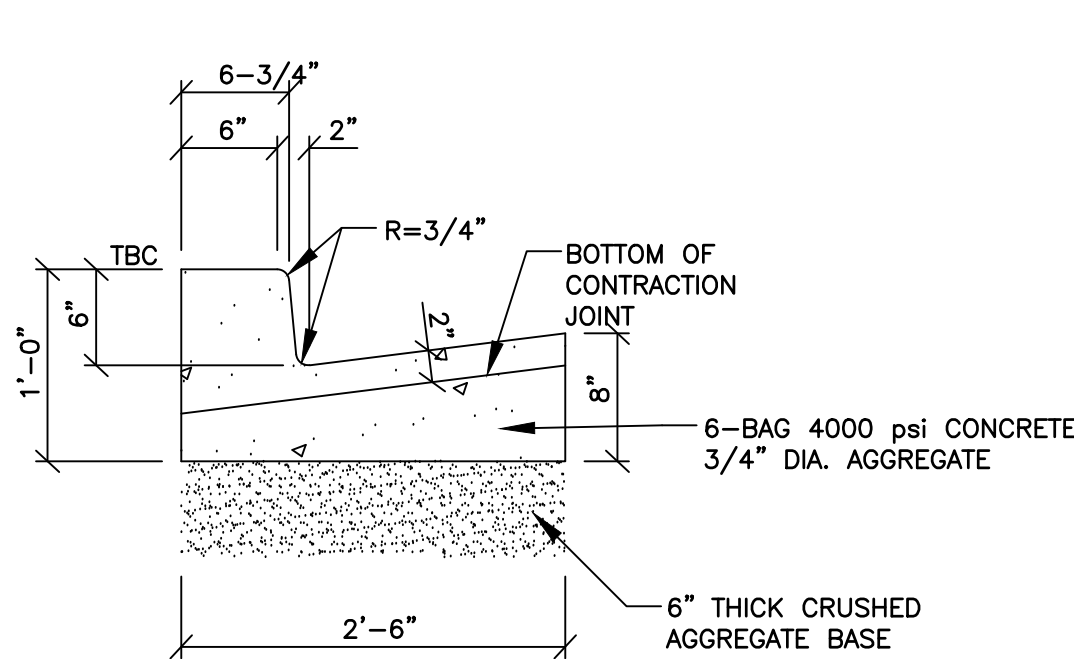
Street Light Exhibit

SDSD Comments	10/21
Revisions	Date

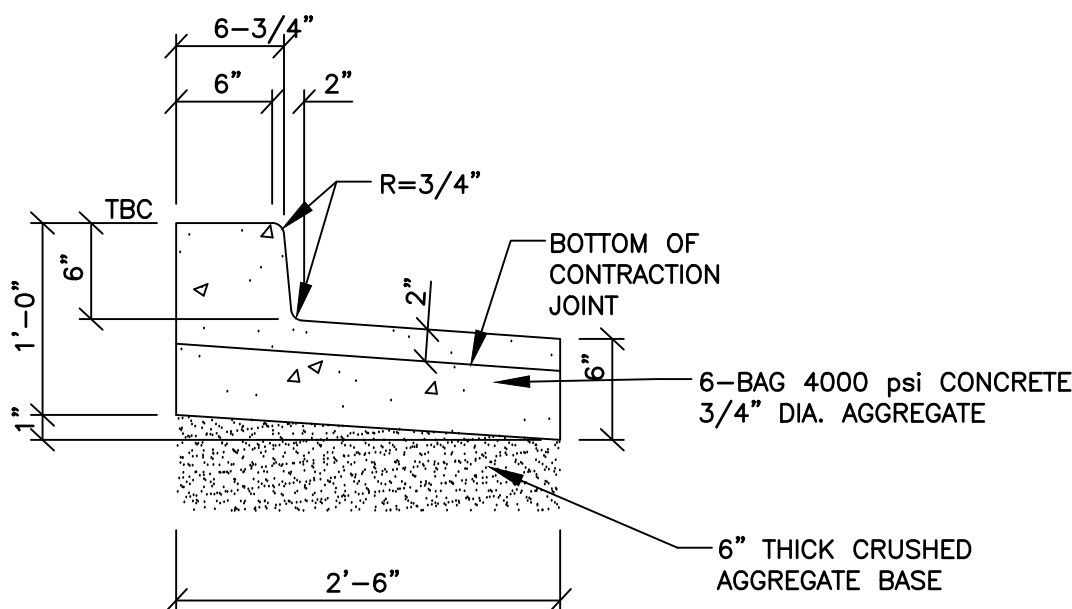


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Engineer:	T. HUNT
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Name:	The Lane

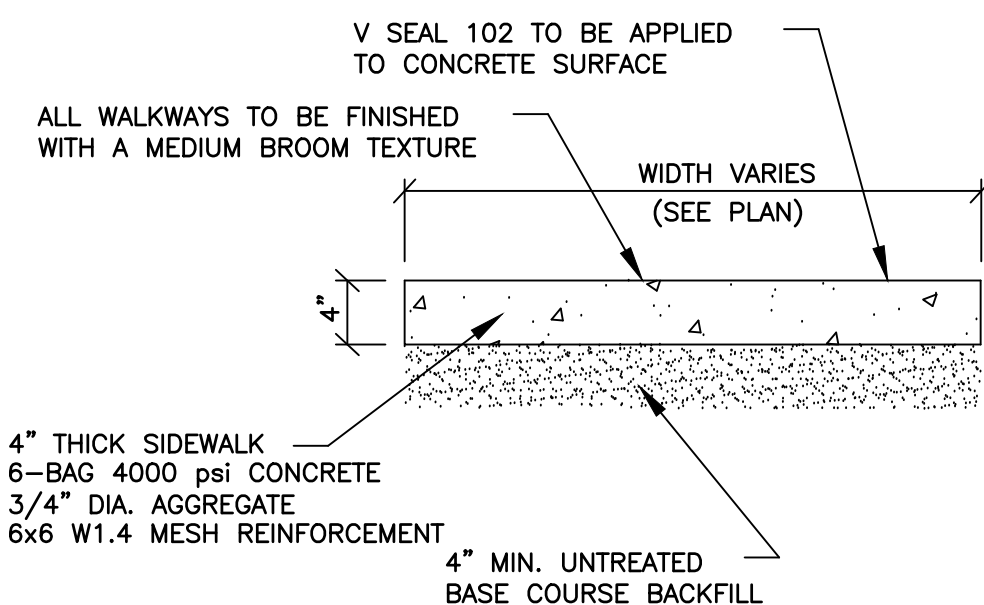
SHEET	12
8	SHEETS



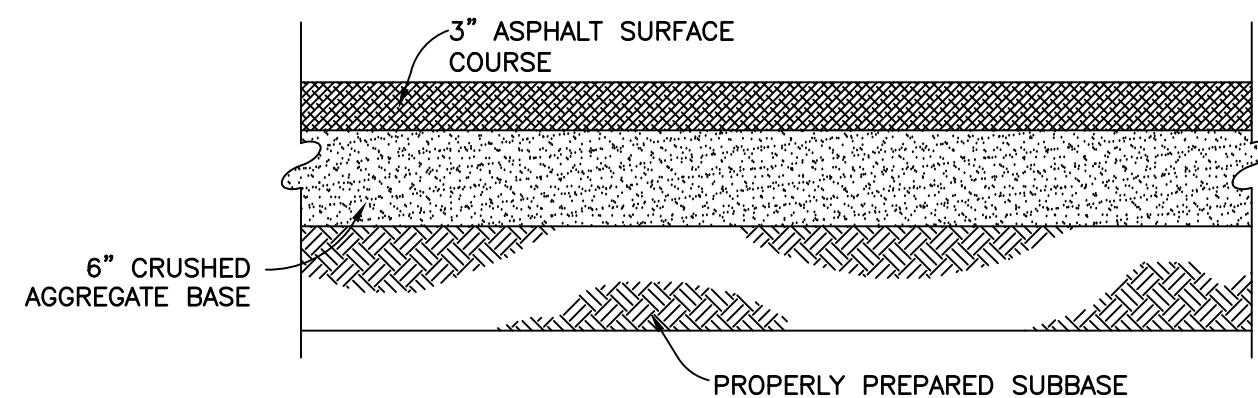
On-Site Curb & Gutter
SCALE: NONE



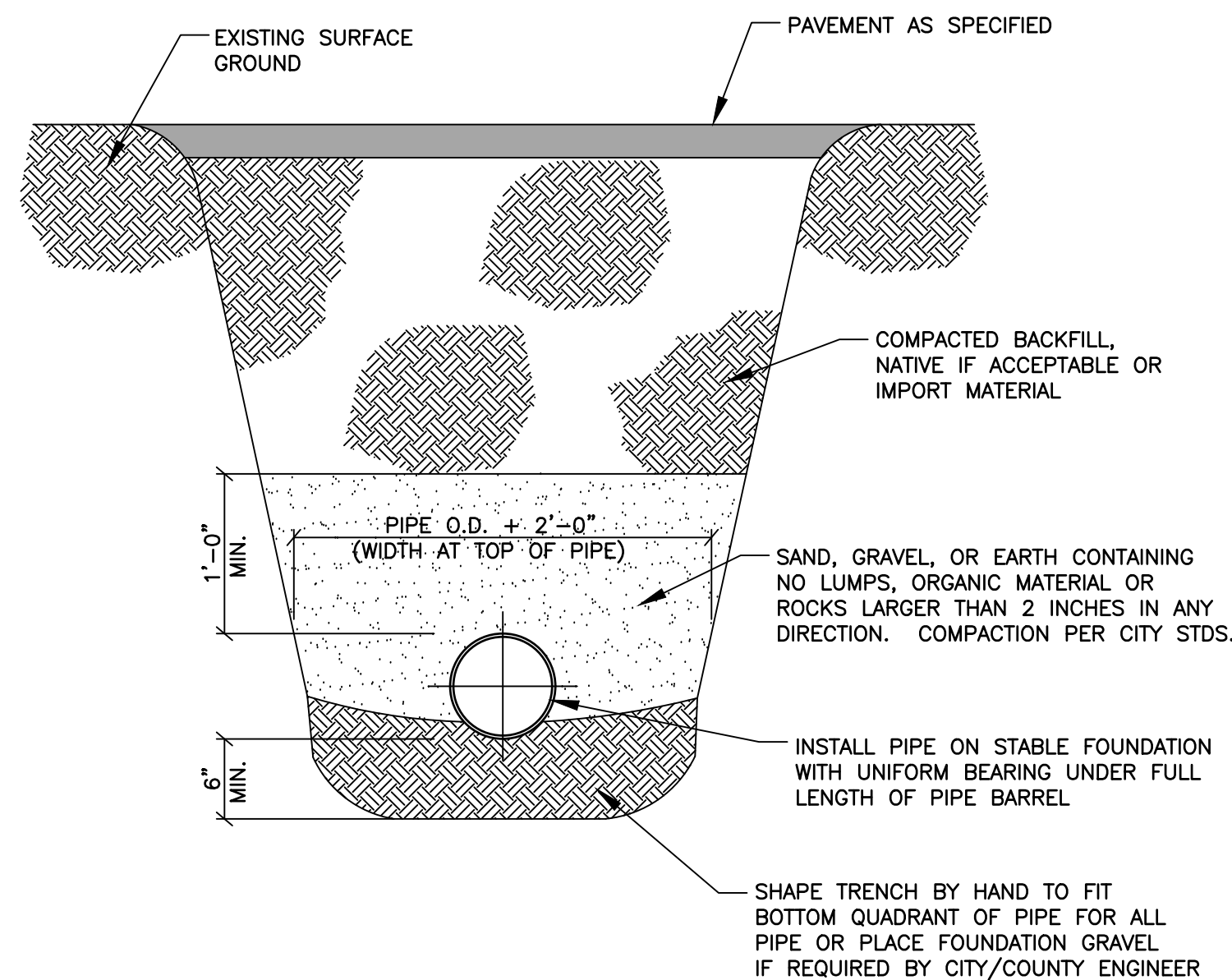
On-Site Outflow Curb & Gutter
SCALE: NONE



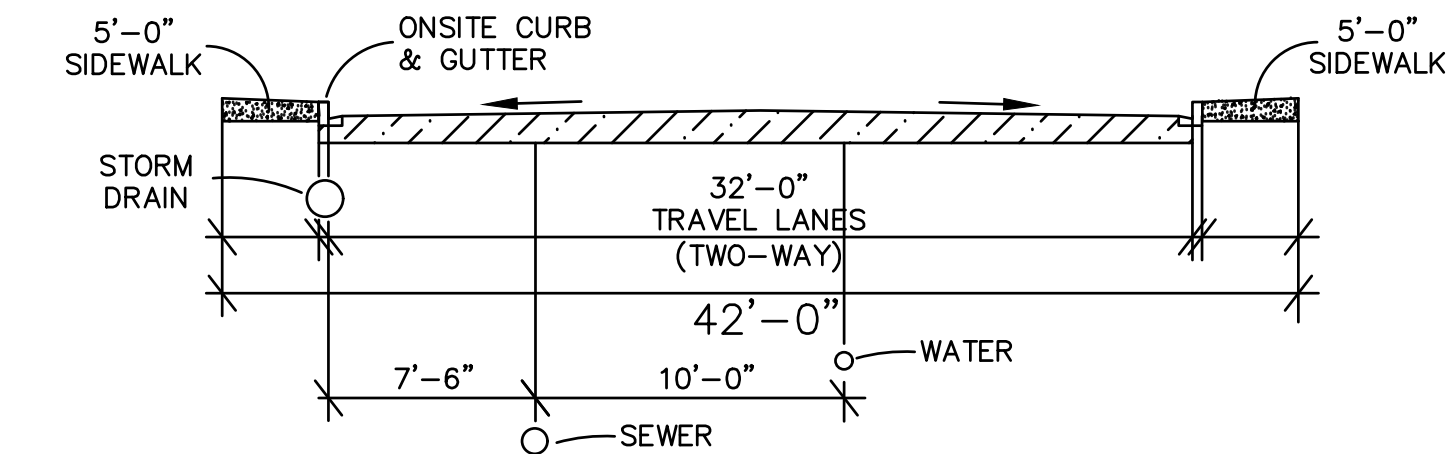
Concrete Walkway
SCALE: NONE



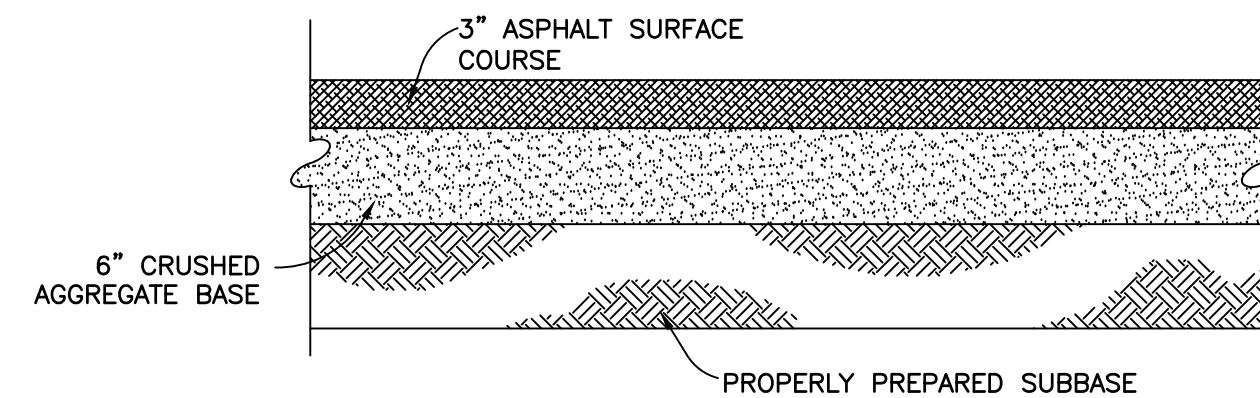
Typical On-Site Asphalt Paving
SCALE: NONE



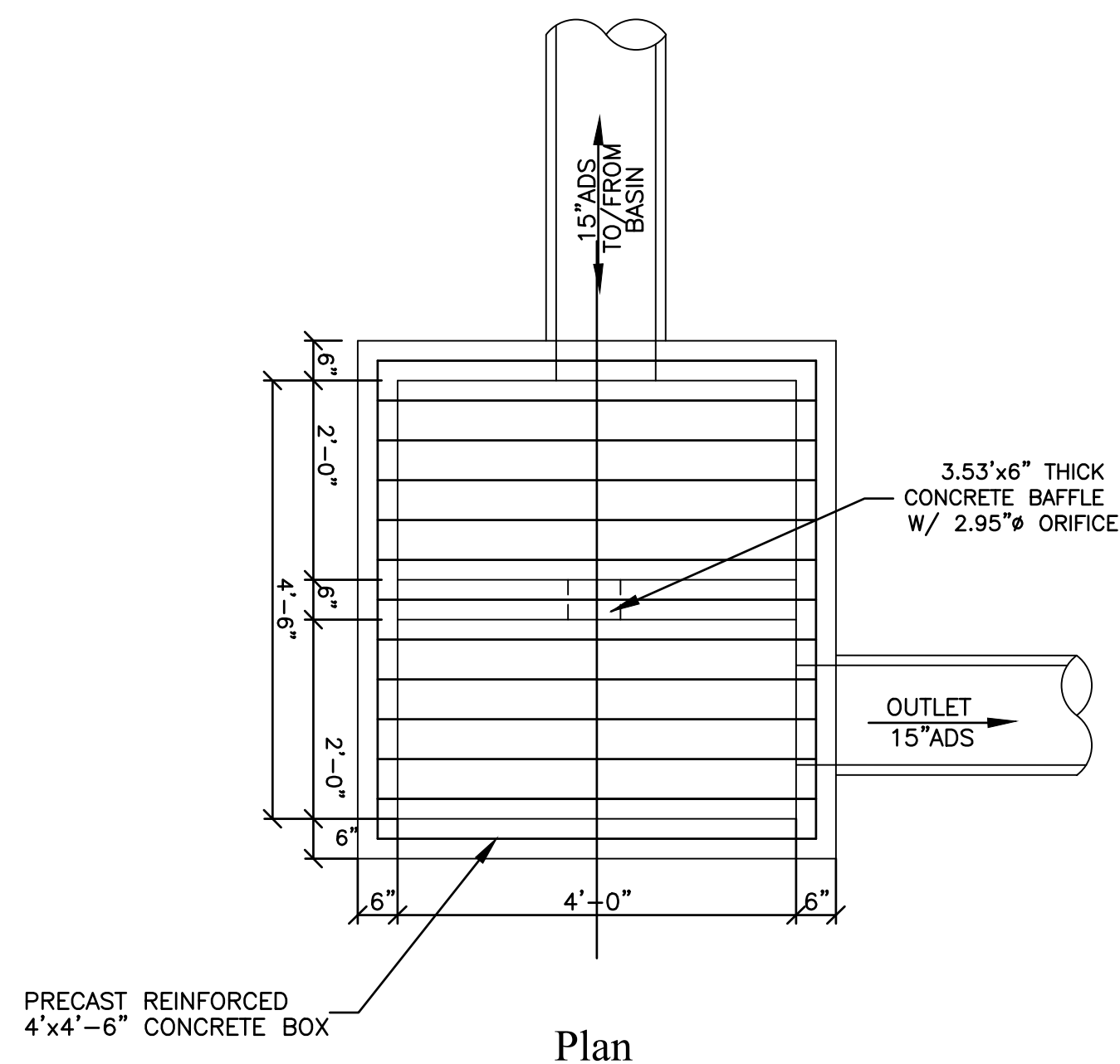
Typical On-Site Pipe Bed Section
SCALE: NONE



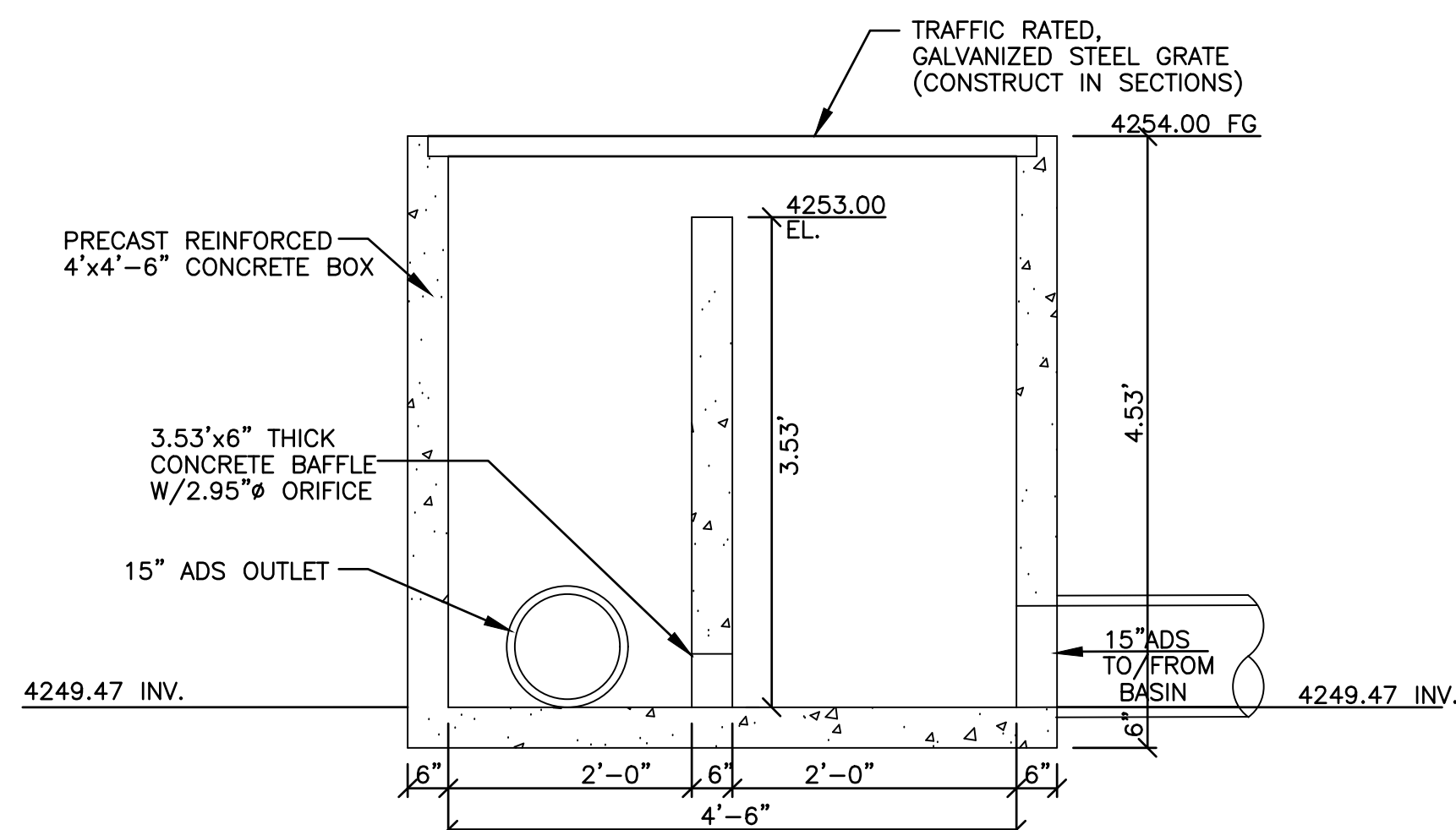
42'-0" PRIVATE ROADWAY SECTION



Private Road Section
SCALE: NONE



Plan



**Section
Control Box Detail**
SCALE: NONE



Storm Runoff Calculations

The Lane
8/24/2021 1:34

The following runoff calculations are based on the Rainfall - Intensity - Duration Frequency Curve for the Centerville, UT area using the Rational Method, using a 50-year storm for Detention. Storm water runoff has been calculated for a fully developed site with a discharge rate of 0.2 cfs/acre. This analysis is done per Centerville City Standards Section 15.05.050 & 16.

The calculations are as follows:

Drainage Area:			
Total Area =	2.04 acre or	88,862 ft ²	
Runoff Coefficients			
Paved Area	36,306	C = 0.85	
Landscaped Area	35,756	C = 0.15	
Roof	16,800	C = 0.90	
Weighted Runoff Coefficient		C = 0.58	

Volume of Run-off for 50-year Storm Event:

C =	0.58						
I =	See Below in/hr						
A =	88862.00 ft ²						
Q(out) =	0.41 ft ³ /s	0.2 cfs/acre					
time (min)	time (sec)	i (in./hr.)	Q (cfs)	Vol. in (cf)	Vol. out (cf)	Difference (cf)	
0	0	0.00	0.00	0	0	0	
5	300	5.75	6.83	2050	122	1928	
10	600	4.37	5.19	3116	245	2871	
15	900	3.61	4.29	3861	367	3494	
30	1800	2.43	2.89	5199	734	4464	
60	3600	1.51	1.79	6461	1469	4992	
120	7200	0.88	1.04	7505	2938	4567	
180	10800	0.62	0.73	7894	4406	3488	
360	21600	0.35	0.41	8908	8813	95	
720	43200	0.22	0.26	11039	17626	-6587	
1440	86400	0.13	0.15	13247	35251	-22005	

Orifice Sizing

Given:	Q =	0.41	cfs
	2g =	64.4	ft/s ²
	H =	3.00	ft
	Cd =	0.62	
	R =	SQRT(Q/pi/(0.7*(64.4*H)*0.5))	for circular openings
	R =	0.12	feet
	D =	1.47	inches
	A =	2.95	inches
		6.82	inches *2
			0.0474 ft *2

SUMMARY:

The required storage volume is	4,992	cubic feet
The provided storage volume is	5,321	cubic feet
Orifice Diameter Size is	2.95	inches

Off-Site StormWater Flows

The storm water from 'The Lane' subdivision will discharge at a reduce rate of 0.2 cfs/acre and into the existing outlet pipe for the Truck World Detention Basin. The additional storm water being added to the system is 0.41 cfs.

Contribution to existing pipe is: 0.41 cfs

Existing Pipe Sizing

Description	Pipe Size	Slope	Cap. (cfs)	Req. Cap.
15" ADS	15	0.37%	3.97	

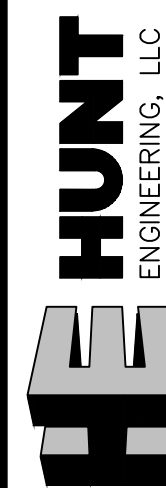
Based on the storm drain analysis performed by Hansen & Associates, dated July 19, 2021, the watershed area that is flowing into the existing detention basin is 1.40 acres. They analyzed the watershed area to have a runoff coefficient of 0.90 and a 1-hour rainfall intensity of 1.07 inches. Using the Rational Method, the existing flow rates into the pipe is:

Q = C*I*A	
C =	0.9
i =	1.07
A =	1.4 acres

Existing storm water flow rate from Truck World:	1.35 cfs
The Lane's stormwater addition:	0.41 cfs

Combined storm water flow is:	1.76 cfs
Existing Pipe Capacity is:	3.97 cfs

NOTICE TO CONTRACTOR:
ON ALL SECTIONS, REFER TO THE SITE SPECIFIC GEOTECHNICAL REPORT, GEOTECHNICAL REPORT PREPARED BY AGEC DATED OCTOBER 6, 2020. THIS REPORT IS TO GOVERN & CONTROL.



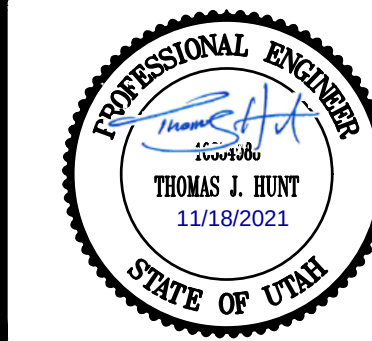
HUNT ENGINEERING, LLC
6619 Willow Creek Rd.
Mountain Green, UT 84050
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thomas.hunt@hunt-engineering.com

The Lane
700 West Porter Lane
Centerville, UT

Civil Details

SDSD Comments	10/21
Revisions	Date

ENGINEERS' STAMP



PROJECT INFO.

Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

Developer Contact:

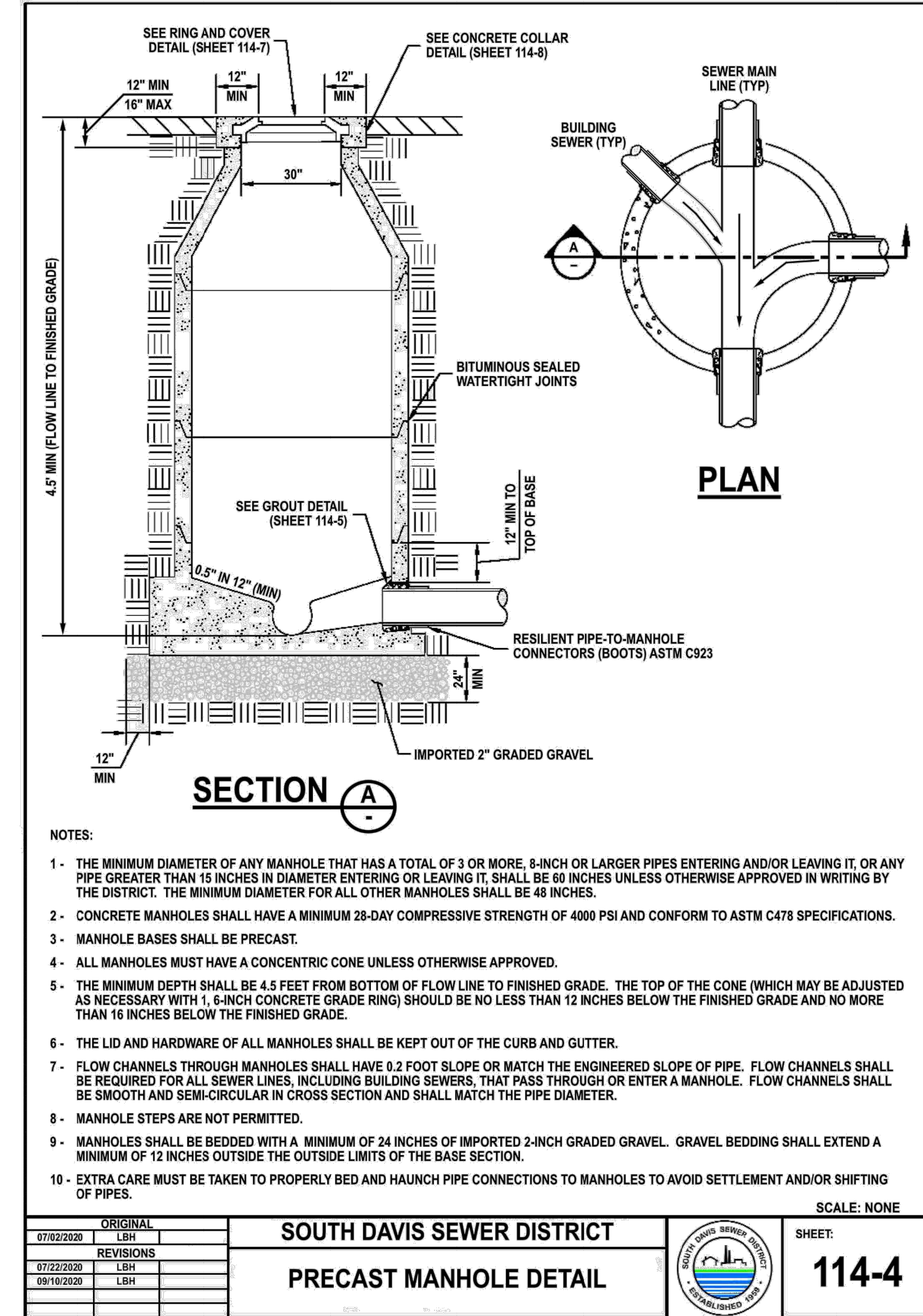
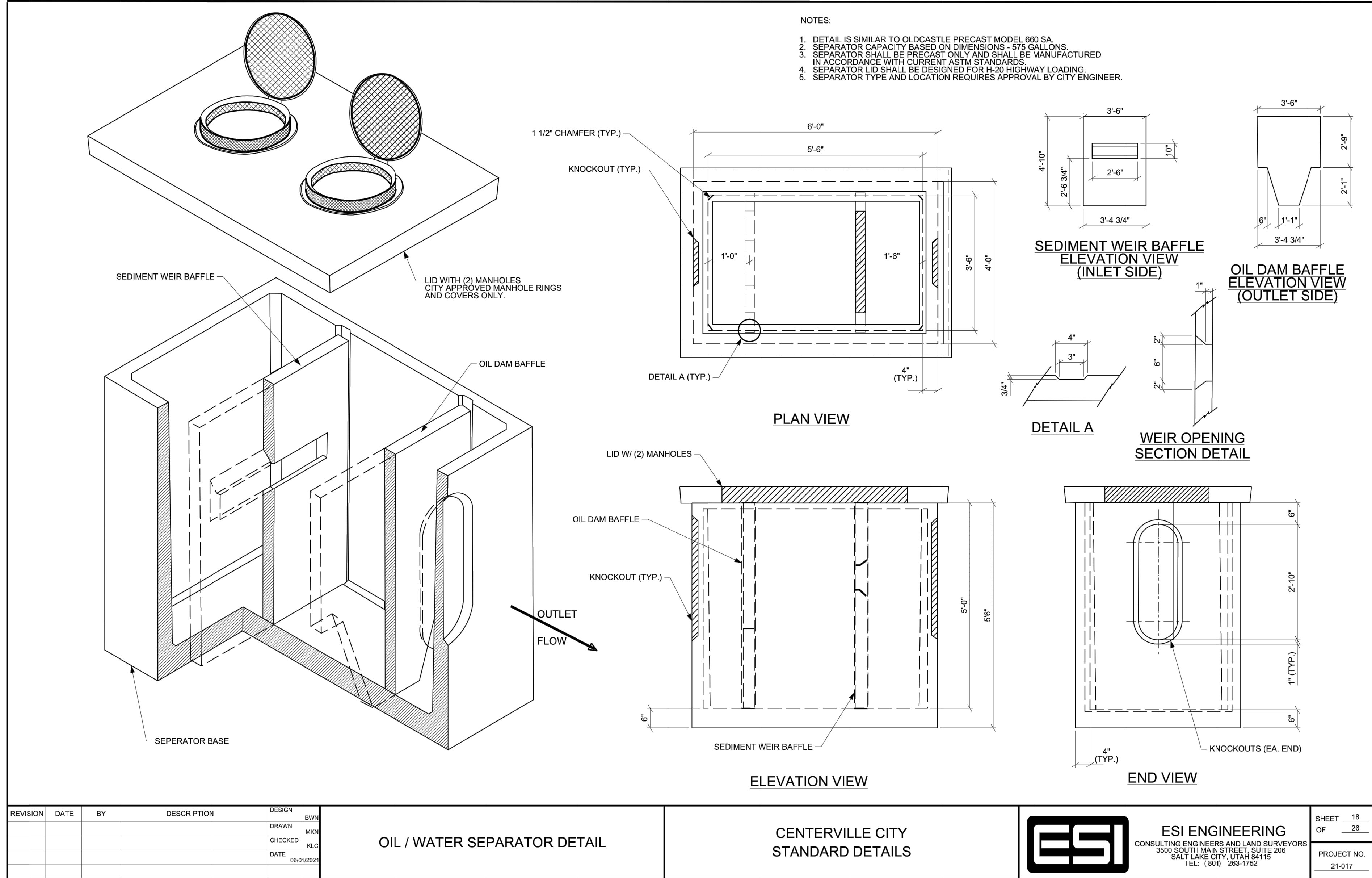
Zach Swenson
C.W. Urban
1222 Legacy Crossing Blvd. #6
Centerville Utah 84014
PH: (866) 744-2489

SHEET

9

12

SHEETS

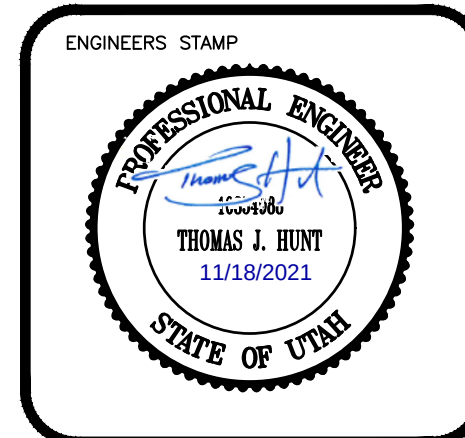


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Civil Details

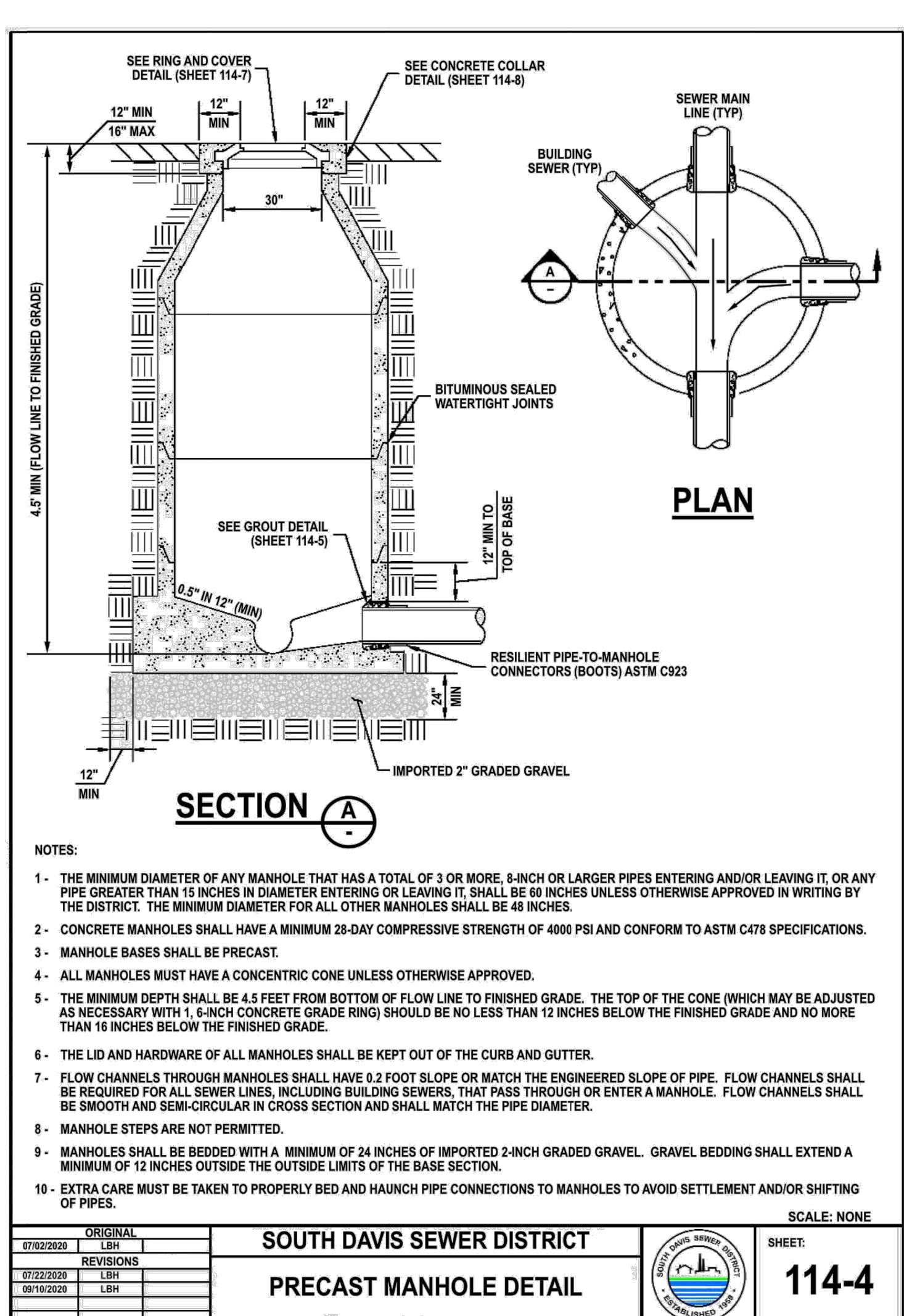
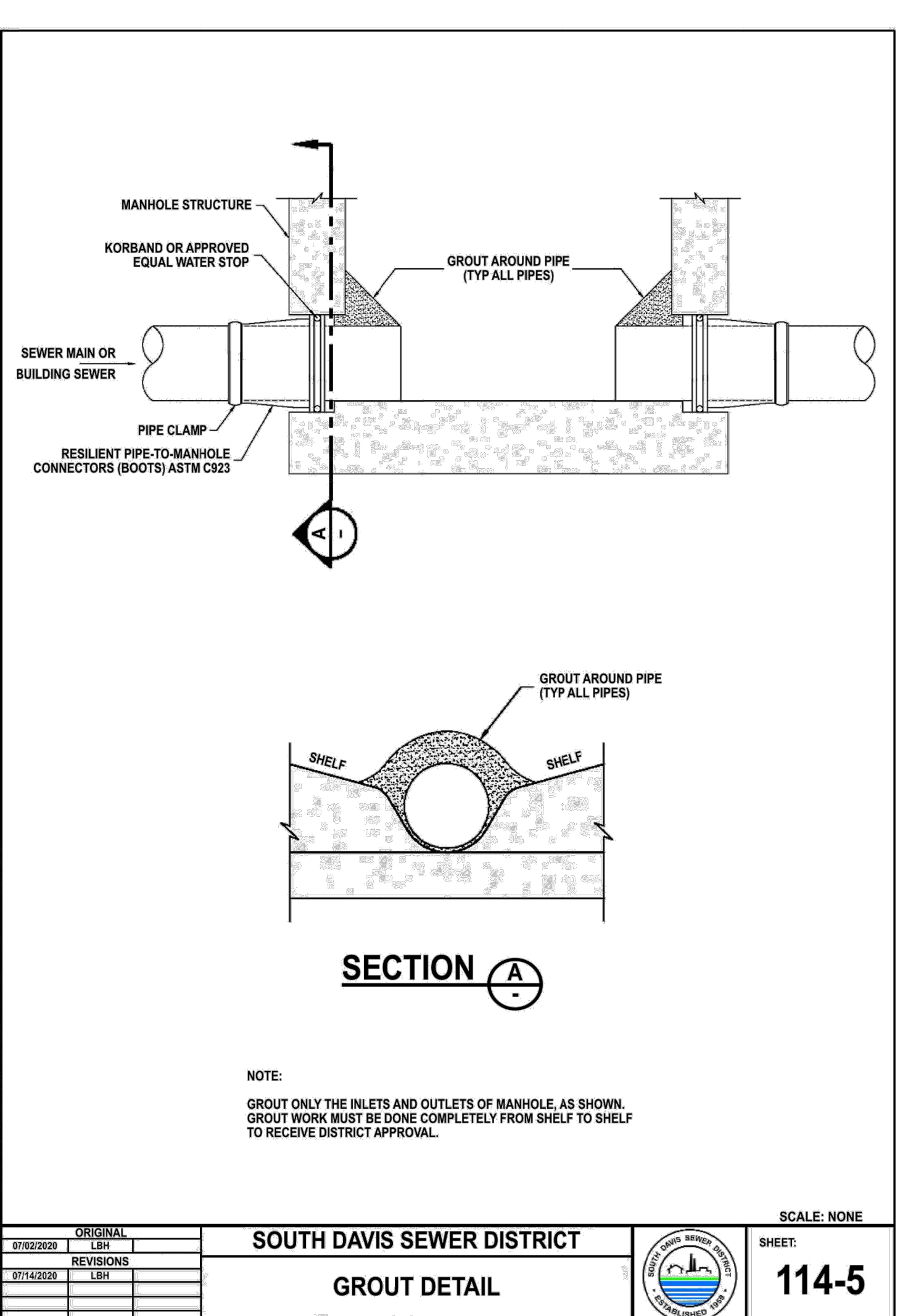
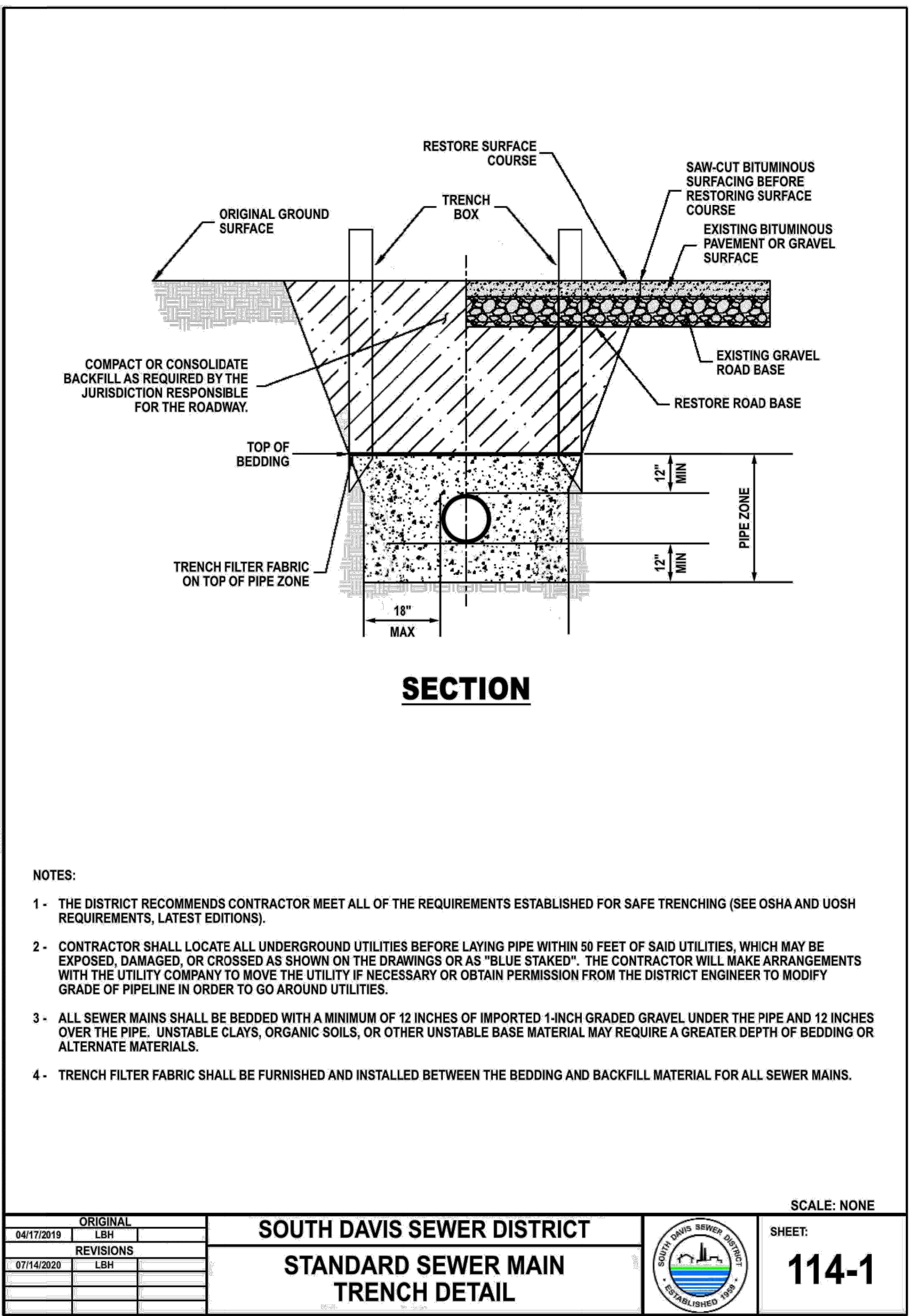
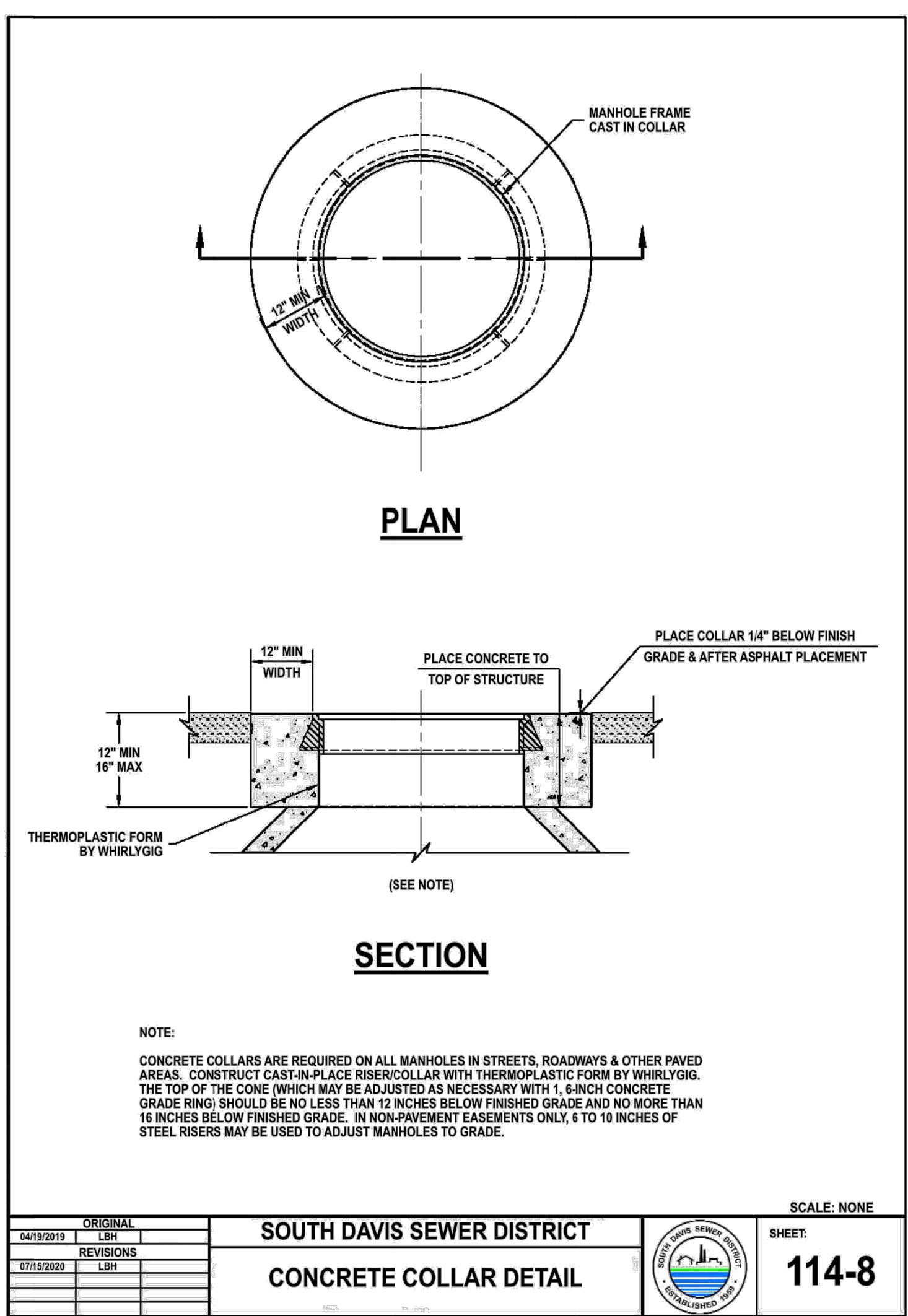
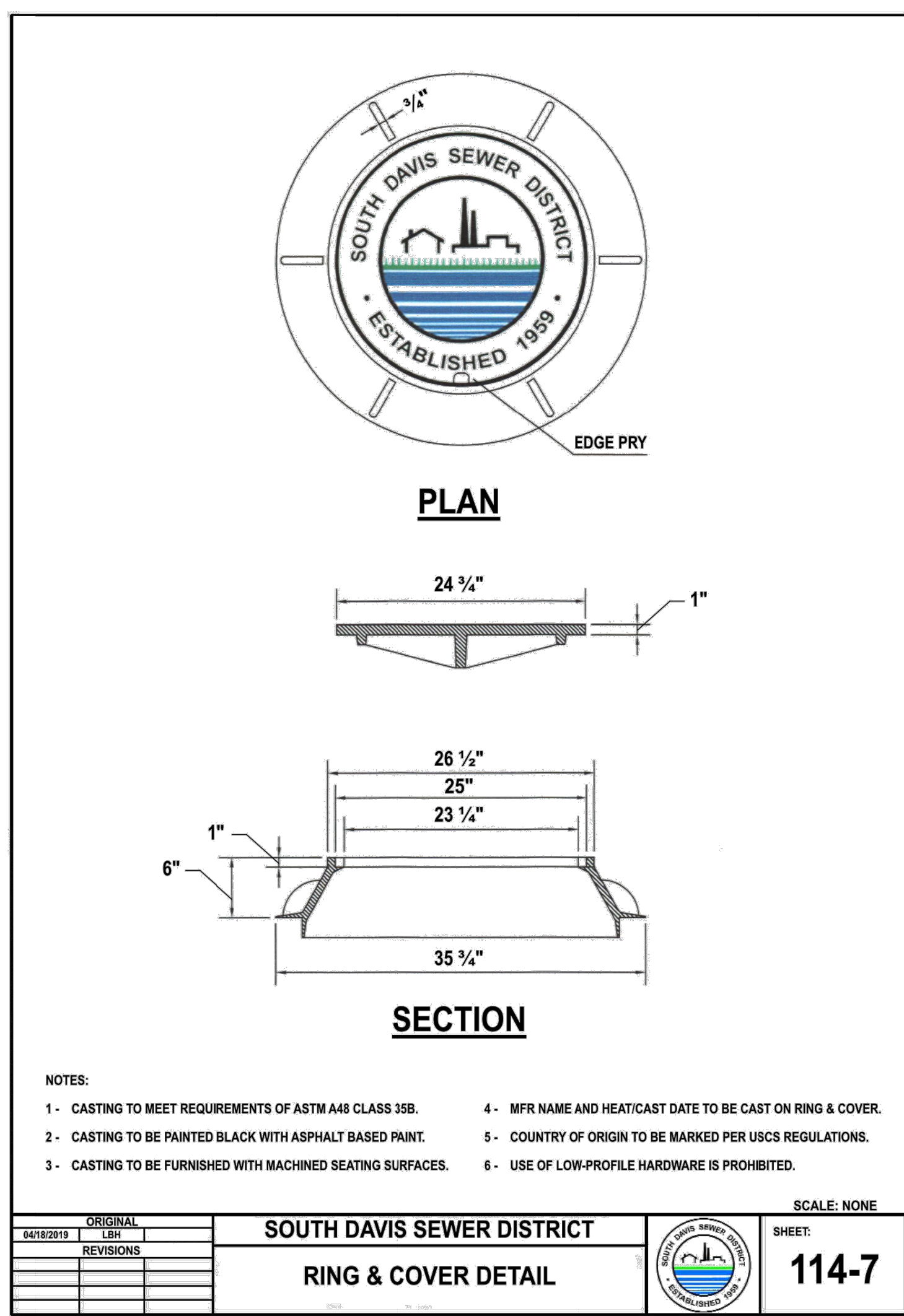
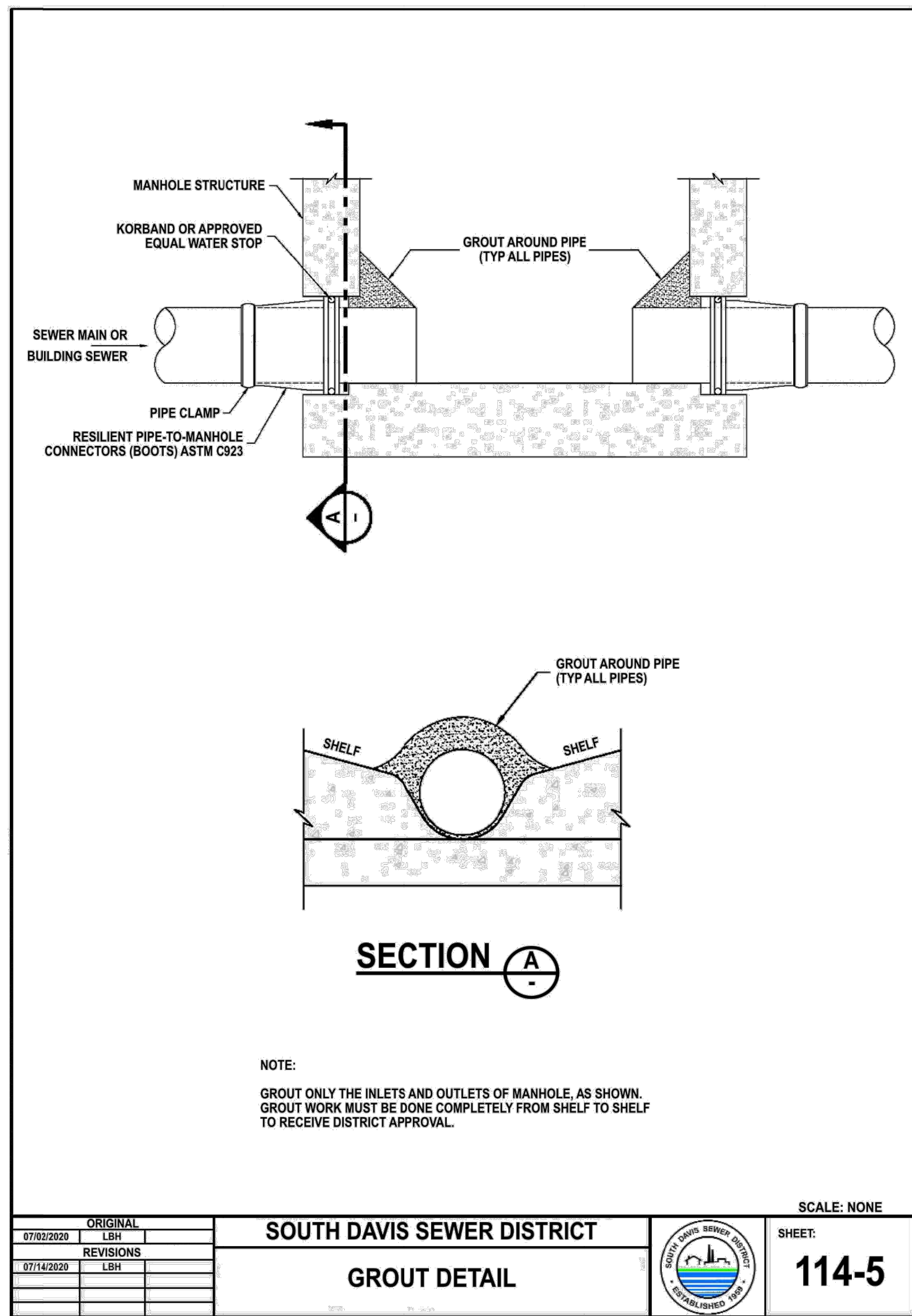
SDSD Comments	10/21
Revisions	Date



PROJECT INFO.
Engineer: T. HUNT
Drafter: T. HUNT
Start Date: 6/10/2021
Name: The Lane

Developer Contact:
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1222 Legacy Crossing Blvd. #6
Centerville Utah 84014
PH: (866) 744-2489

SHEET	12
9.1	SHEETS



Developer Contact:

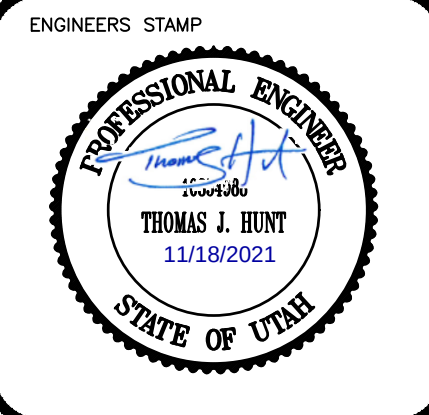
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The Lane
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Civil Details

SDSD Comments	10/21
Revisions	Date



PROJECT INFO.	
Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

SHEET	12
9.2	SHEETS

LOCATED IN THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 2 NORTH,
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
CENTERVILLE CITY, DAVIS COUNTY, UTAH
AUGUST, 2021

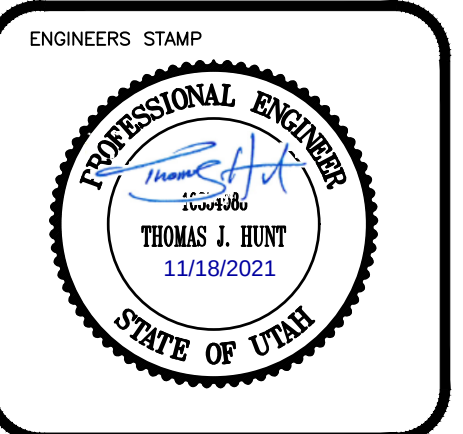
HE HUNT
ENGINEERING, LLC

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The Lane
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Centerville, UT

SWPPP Exhibit

SDSD Comments	10/21
Revisions	Date



PROJECT INFO.

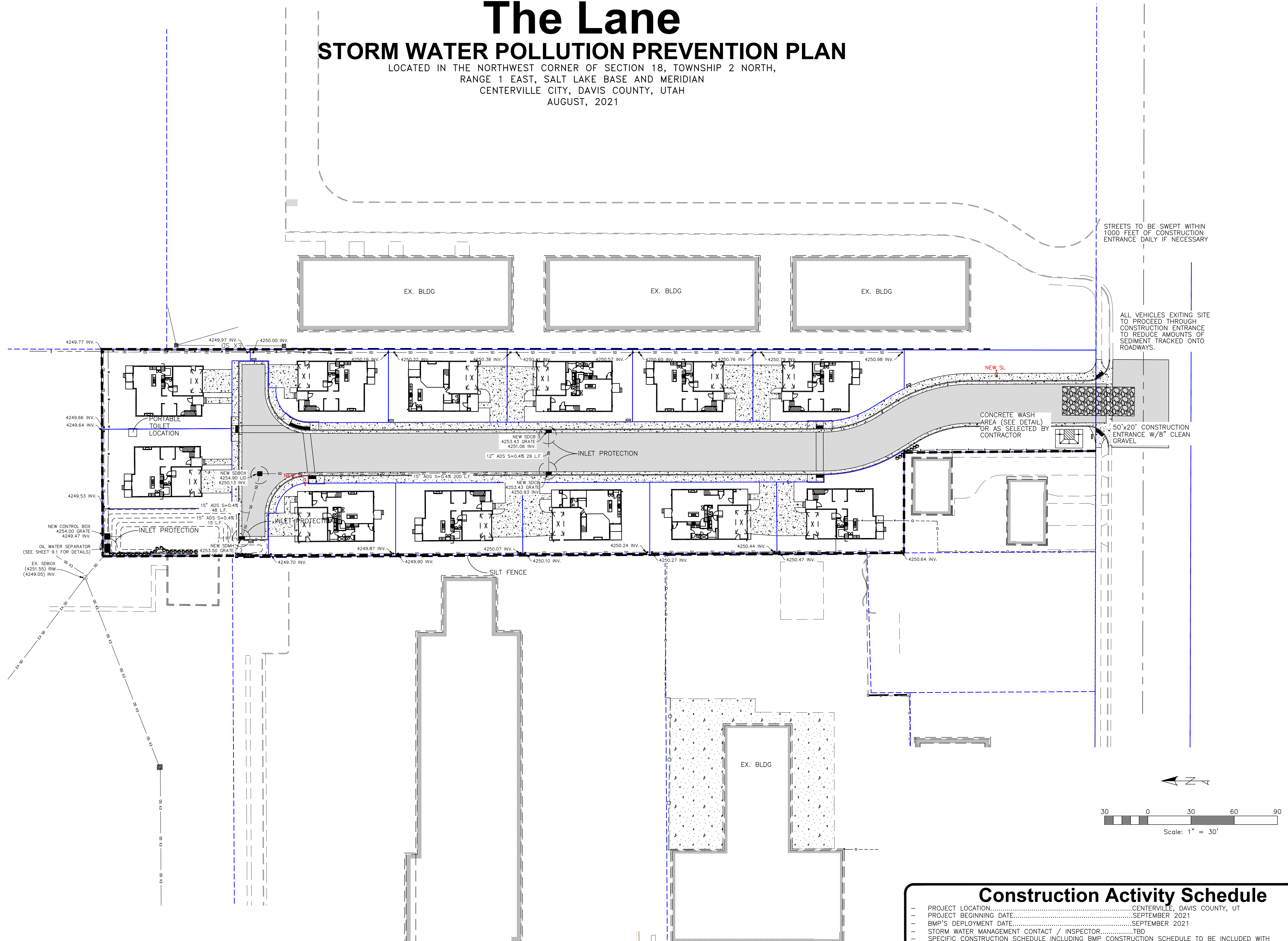
Engineer: T. HUNT

Drafter: T. HUNT

Start Date: 6/10/2021

Name: The Lane

SHEET	12
10	SHEETS

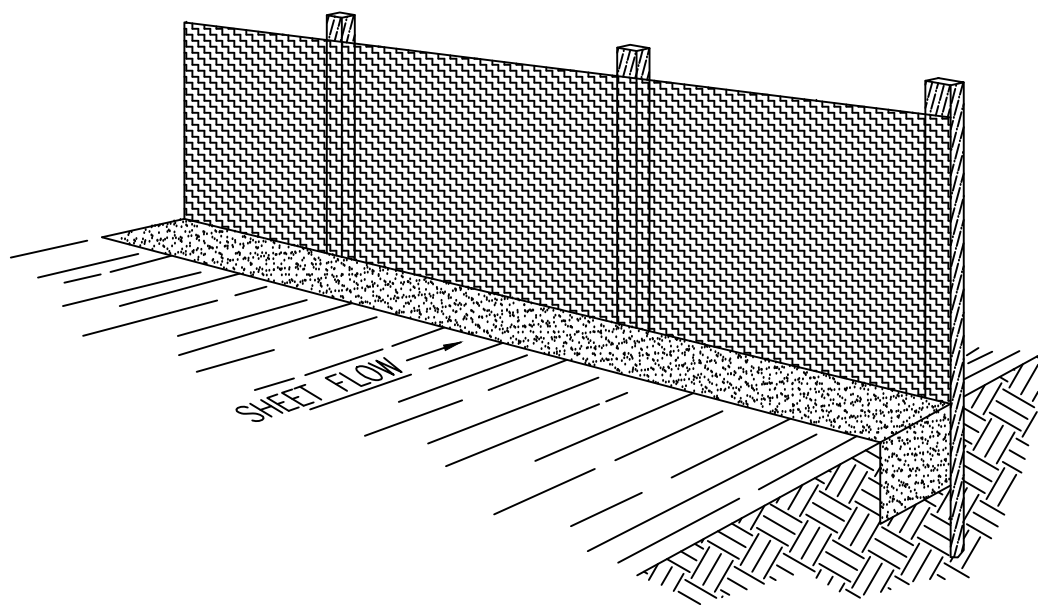


Construction Activity Schedule

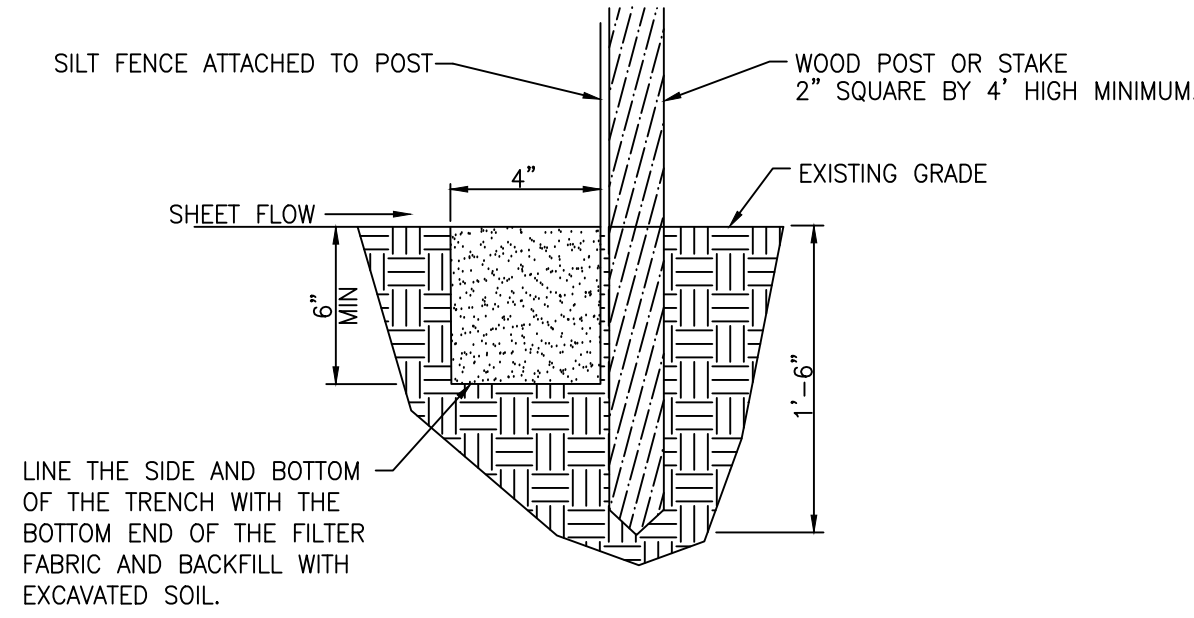
- PROJECT LOCATION.....CENTERVILLE, DAVIS COUNTY, UT
 - PROJECT BEGINNING DATE.....SEPTEMBER 2021
 - BMP'S DEPLOYMENT DATE.....SEPTEMBER 2021
 - STORM WATER MANAGEMENT CONTACT / INSPECTOR.....TBD
 - SPECIFIC CONSTRUCTION SCHEDULE INCLUDING BMP CONSTRUCTION SCHEDULE TO BE INCLUDED WITH SWPPP BY OWNER/DEVELOPER

Notes:

1. AT ALL TIMES DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING AND CONTROLLING EROSION DUE TO WIND AND RUNOFF. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR MAINTAINING EROSION CONTROL FACILITIES SHOWN.
2. THE CONTRACTOR SHALL REMOVE LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORM WATER, FROM THE SITE ON A DAILY BASIS, OR AS A MINIMUM, PRIOR TO ANY ANTICIPATED STORM EVENT; OR OTHERWISE PREVENT SUCH MATERIAL FROM BECOMING A POLLUTANT SOURCE FOR STORM WATER DISCHARGES.
3. CONTRACTOR SHALL USE VEHICLE TRACKING CONTROL AT ALL LOCATIONS WHERE VEHICLE WILL ENTER OR EXIT THE SITE. VEHICLE TRACKING CONTROL FACILITIES, SILT FENCE, AND INLET PROTECTION WILL BE MAINTAINED WHILE CONSTRUCTION IS IN PROGRESS, MOVED WHEN NECESSARY FOR PHASING OF THE WORK, UNTIL ALL WORK IS COMPLETE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING STREETS CLEAN OF DEBRIS FROM TRAFFIC FROM THE SITE. IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, THE CONTRACTOR SHALL REMOVE OFF-SITE ACCUMULATIONS OF SEDIMENT IMMEDIATELY TO MINIMIZE OFF SITE IMPACTS. AT NO TIME SHALL SEDIMENT BE WASHED DOWN UNPROTECTED INLETS INTO THE PUBLIC STORM SEWER SYSTEM.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING DRAINAGE AND EROSION CONTROL FACILITIES AS REQUIRED, AND SHALL REMOVE SEDIMENT FROM SEDIMENT TRAPS OR PONDS WHEN THE DESIGN CAPACITY HAS BEEN REDUCED BY 50%.
6. EXCEPT AS PROVIDED IN (A), (B), AND (C) BELOW, THE CONTRACTOR SHALL INITIATE STABILIZATION MEASURES AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.
(A)WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY TEMPORARILY OR PERMANENTLY CEASES IS PRECLUDED BY SNOW COVER OR FROZEN GROUND CONDITIONS. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.
(B)WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 21 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE A TO BE INITIATED ON THAT PORTION OF THE SITE.
(C) IN ARID AREAS (AREAS WITH AN AVERAGE ANNUAL RAINFALL OF 0-10 INCHES), SEMI-ARID AREAS (AREAS WITH AN AVERAGE ANNUAL RAINFALL OF 10-20 INCHES), AND AREAS EXPERIENCING DROUGHTS WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IS PRECLUDED BY SEASONAL ARID CONDITIONS, STABILIZATION SHALL BE INITIATED AS SOON AS PRACTICABLE.
7. EROSION CONTROL STRUCTURES BELOW SODDED AREAS MAY BE REMOVED ONCE SOD AND FINAL LANDSCAPING IS IN PLACE, EROSION CONTROL STRUCTURES BELOW SEEDED AREAS MUST REMAIN IN PLACE UNTIL THE ENTIRE AREA HAS ESTABLISHED A MATURE COVERING OF HEALTHY VEGETATION. EROSION CONTROL IN PROPOSED PAVED AREAS SHALL REMAIN IN PLACE UNTIL PAVEMENT IS COMPLETE.
8. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE PAVED OR SEEDED PER PLAN.
9. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED DUE TO UNFORSEEN PROBLEMS OR IF THE PLAN DOES NOT FUNCTION AS INTENDED. A REPRESENTATIVE OF THE LOCAL JURISDICTION MAY REQUIRE ADDITIONAL CONTROL DEVICES UPON INSPECTION OF PROPOSED FACILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING ANY NECESSARY CHANGES AND POSTING ANY UPDATES TO THE PLANS AND RECORDING CHANGES IN THE STORMWATER POLLUTION PLAN DOCUMENT.
10. THIS PLAN IS ONLY TO BE USED FOR INSTALLATION OF EROSION CONTROL FACILITIES. DO NOT USE THIS PLAN FOR FINISH GRADING OR STORM SEWER CONSTRUCTION.
11. THE CONTRACTOR SHALL AMEND THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) WHENEVER:
- THERE IS A CHANGE IN DESIGN, CONSTRUCTION OPERATION, OR MAINTENANCE, WHICH HAS A SIGNIFICANT EFFECT ON THE DISCHARGE OF POLLUTANTS TO THE WATERS OF THE STATE AND WHICH HAS NOT OTHERWISE BEEN ADDRESSED IN THE PLAN;
- INSPECTIONS OR INVESTIGATIONS BY SITE OPERATORS, LOCAL, STATE, OR FEDERAL OFFICIALS INDICATE THE SWPPP IS PROVING INEFFECTIVE IN ELIMINATING OR SIGNIFICANTLY MINIMIZING POLLUTANTS FROM SOURCES IDENTIFIED UNDER PART III.D.1 OF THE PERMIT, OR IS OTHERWISE NOT ACHIEVING THE GENERAL OBJECTIVES OF CONTROLLING POLLUTANTS IN STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY; AND
- A NEW CONTRACTOR AND/OR SUBCONTRACTOR WILL IMPLEMENT A MEASURE OF THE SWPPP IN ORDER TO IDENTIFY THEIR ROLE AND RESPONSIBILITY FOR THE SWPPP. AMENDMENTS TO THE PLAN MAY BE REVIEWED BY THE EXECUTIVE SECRETARY (OR AUTHORIZED REPRESENTATIVE) IN THE SAME MANNER AS PART III.B.2 OF THE PERMIT.
12. THE CONTRACTOR SHALL KEEP A RECORD OF THE DATES WHEN MAJOR GRADING ACTIVITIES OCCUR, WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE ON A PORTION OF THE SITE, AND WHEN STABILIZATION MEASURES ARE INITIATED, AND INCLUDE THIS INFORMATION IN THE SWPPP.
13. THE CONTRACTOR SHALL NOTE THAT FLUCTUATIONS OF THE GROUNDWATER TABLE MAY OCCUR DUE TO VARIOUS FACTORS NOT EVIDENT AT THE TIME OF PREPARATION OF THIS PLAN. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY DEWATERING PERMITS REQUIRED FOR THE PROJECT.
14. THE PROJECT SITE IN IN FLOOD ZONE "X" WHICH DENOTES AREAS OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOOD.
15. THERE ARE NO SURFACE WATER FEATURES LOCATED ON THIS SITE.
16. THE TEMPORARY PARKING AND STORAGE AREA SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AREA, EQUIPMENT CLEANING AREA. EMPLOYEES BREAK AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, OFFICE TRAILERS, AND TOILET FACILITIES. THE CONTRACTOR SHALL CONTAIN AND TREAT ALL LEAKS AND SPILLS FROM ANY EQUIPMENT OR FACILITIES.
17. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, ETC.) SHALL BE DISPOSED OF IN A MANNER THAT PREVENTS CONTACT WITH STORM WATER DISCHARGES FROM THE SITE. CONCRETE TRUCK WASHING SHALL BE DONE AT THE LOCATION SHOWN.
18. MAINTAIN ON THE SITE OR HAVE READILY AVAILABLE SUFFICIENT OIL AND GREASE ABSORBING MATERIALS TO CONTAIN AND CLEANUP FUEL OR CHEMICAL SPILLS AND LEAKS.
19. FUGITIVE DUST BLOWING FROM THE SITE SHALL BE CONTROLLED BY SPRAYING WATER ON DRY AREAS OF THE SITE. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS ABSOLUTELY PROHIBITED.
20. NO RUBBISH, TRASH, GARBAGE, OR OTHER SUCH MATERIALS SHALL BE DISCHARGED INTO DRAINAGE DITCHES OR WATERS OF THE STATE.
21. ALL MEASURES PRESENTED IN THE SWPPP SHALL BE INITIATED AS SOON AS PRACTICABLE.
22. IF THE GRAVEL CONSTRUCTION ENTRANCES ARE NOT EFFECTIVE IN REMOVING THE MAJORITY OF DIRT OR MUD FROM THE TIRES OF THE CONSTRUCTION VEHICLES, THEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER THE PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO INTERCEPT THE WASH WATER AND TRAP THE SEDIMENT BEFORE IT IS CARRIED OFF THE SITE.
23. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY.
24. IF SOIL STOCKPILING IS EMPLOYED ON THE SITE, SILT FENCES SHALL BE USED TO HELP CONTAIN THE SEDIMENT.
25. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DISPOSED OF WITHIN 30 DAYS AFTER FINAL STABILIZATION. FINAL STABILIZATION HAS OCCURRED WHEN ALL SOIL DISTURBING ACTIVITIES ARE COMPLETED AND A UNIFORM PERENNIAL VEGETATIVE COVER WITH A DENSITY OF 70% OF THE COVER FOR UNPAVED AREAS AND AREAS NOT COVERED BY PERMANENT STRUCTURES HAS BEEN EMPLOYED.
26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (SILT FENCES, STRAW BALES, ETC.) DUE TO GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT.
27. ALL OFF-SITE CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY. THIS INCLUDES BACKFILLING OF TRENCHES FOR STORM DRAIN CONSTRUCTION AND PLACEMENT OF GRAVEL OR BITUMINOUS PAVING FOR ROAD CONSTRUCTION.
28. THE CONTRACTOR SHALL POST THESE PLANS AND THE SWPPP IN THE JOB TRAILER, LOG ALL CHANGES, AND UPDATE PLANS AND THE SWPPP AS REQUIRED.
29. THE CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES (BMPs) AND CONFORM TO ALL CITY AND STATE REQUIREMENTS FOR EROSION CONTROL AND STORM WATER PROTECTION.
30. IN THE UNLIKELY EVENT THAT A PHASE DOES NOT IMPROVE ACCESS AND/OR AN ACCESS ROAD IS CONSTRUCTED, BEST MANAGEMENT PRACTICES SHALL BE APPLIED IN ANY TEMPORARY OR PERMANENT STRUCTURES OR ACCESS POINTS.
31. THE CONTRACTOR SHALL COMPLETE WEEKLY INSPECTION FORMS FOR THE CITY'S RECORDS, COVERING WEEKLY INSPECTIONS AND MAINTENANCE.
32. EXISTING PERIMETER FENCING TO ACT AS CONSTRUCTION FENCING. IF PERIMETER FENCING IS REMOVED, A CONSTRUCTION SHALL BE INSTALLED UNTIL A NEW FENCE OR WALL IS CONSTRUCTED.



Perspective View



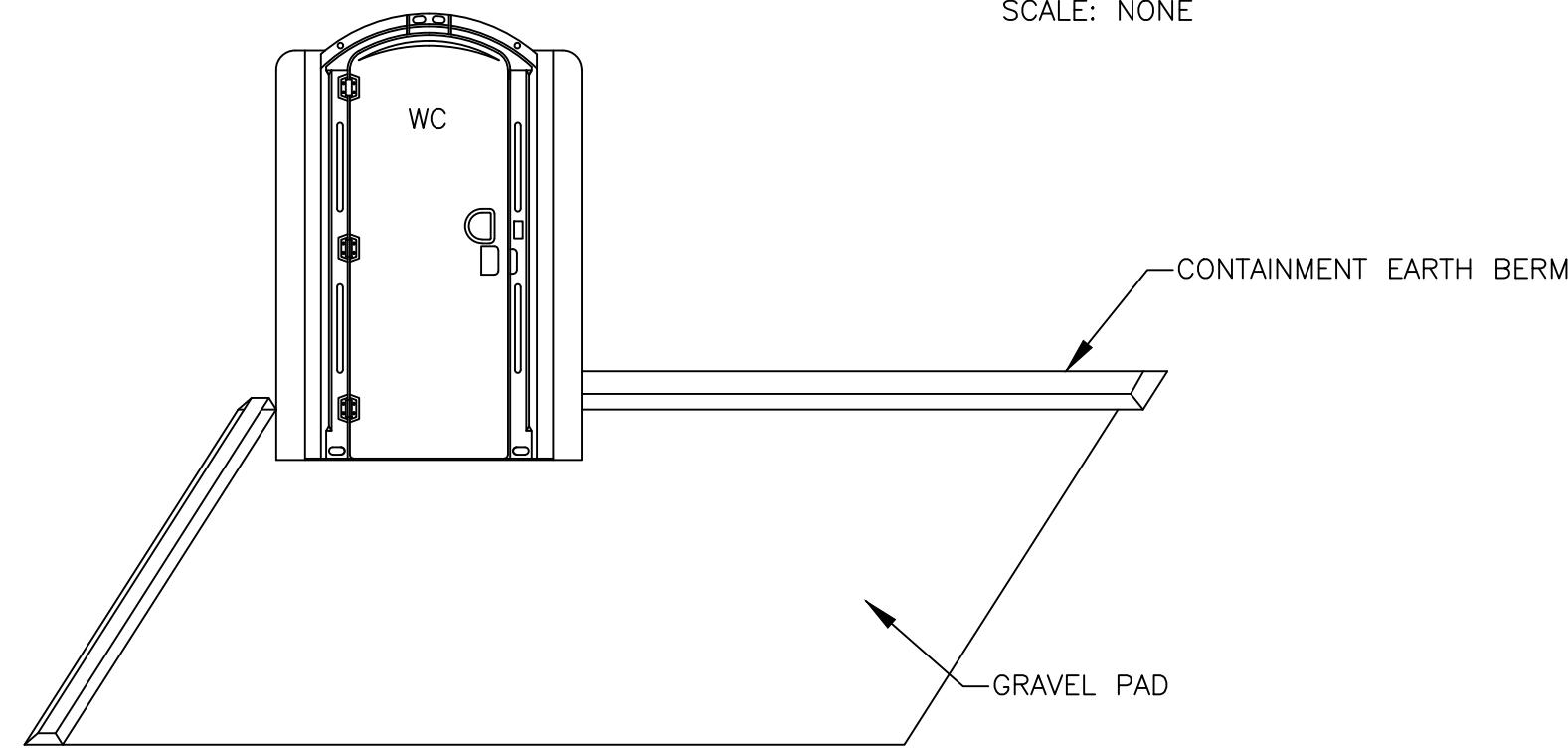
Section

Silt Fence Notes:

1. WHERE POSSIBLE, LAYOUT THE SILT FENCE 5' TO 10' BEYOND THE TOE OF THE SLOPE.
2. ALIGN THE FENCE ALONG THE CONTOUR AS CLOSE AS POSSIBLE.
3. WHEN EXCAVATING THE TRENCH, USE MACHINERY THAT WILL PRODUCE NO MORE THAN THE DESIRED DIMENSIONS.
4. AVOID USING JOINTS ALONG THE FENCE AS MUCH AS POSSIBLE. IF A JOINT IS NECESSARY, SPLICE THE SILT FENCE AT A POST WITH A 6" OVERLAP AND SECURELY FASTEN BOTH ENDS TO THE POST.
5. MAINTAIN A PROPERLY FUNCTIONING SILT FENCE THROUGHOUT THE DURATION OF THE PROJECT OR UNTIL DISTURBED AREAS HAVE BEEN VEGETATED.
6. REMOVE SEDIMENT AS IT ACCUMULATES AND PLACE IT IN A STABLE AREA.
7. WHEN PLACING FENCE ON SLOPES STEEPER THAN 2:1 SEE SWPPP REPORT.

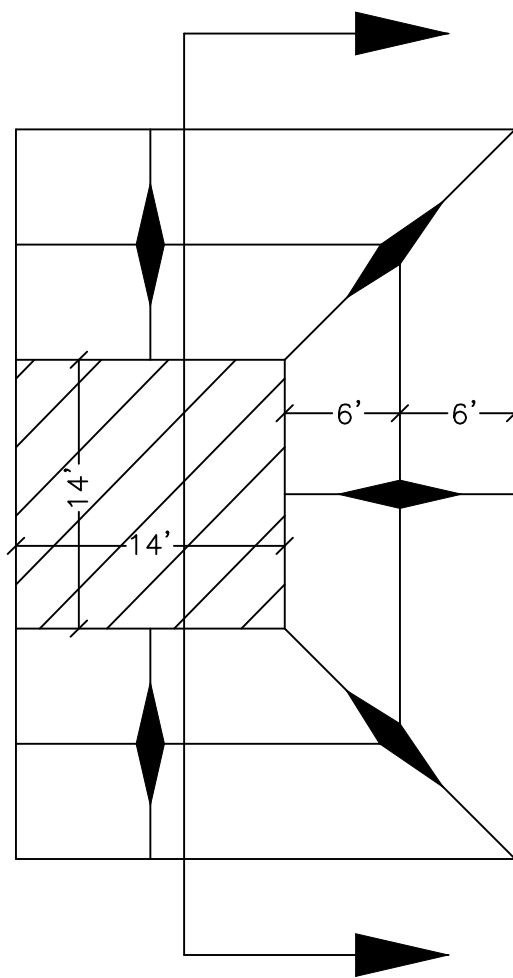
Silt Fence Detail

SCALE: NONE



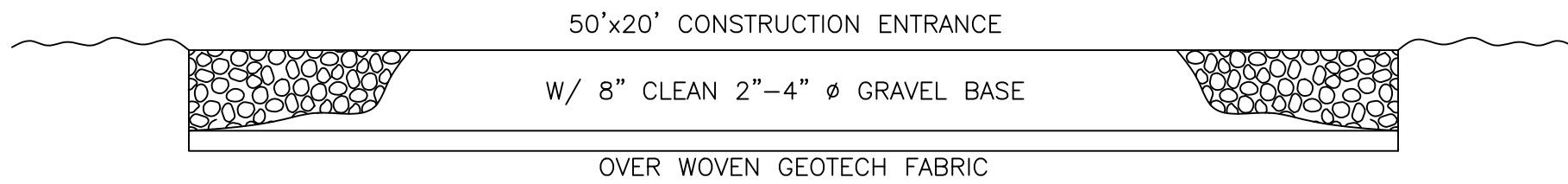
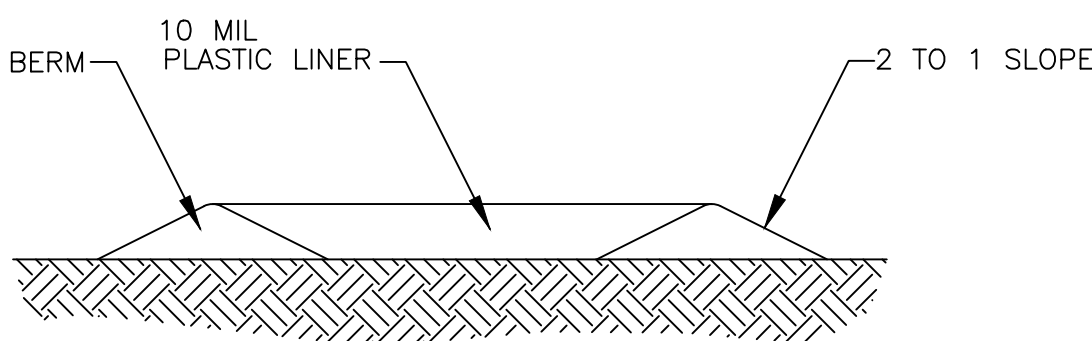
Portable Toilet

SCALE: NONE

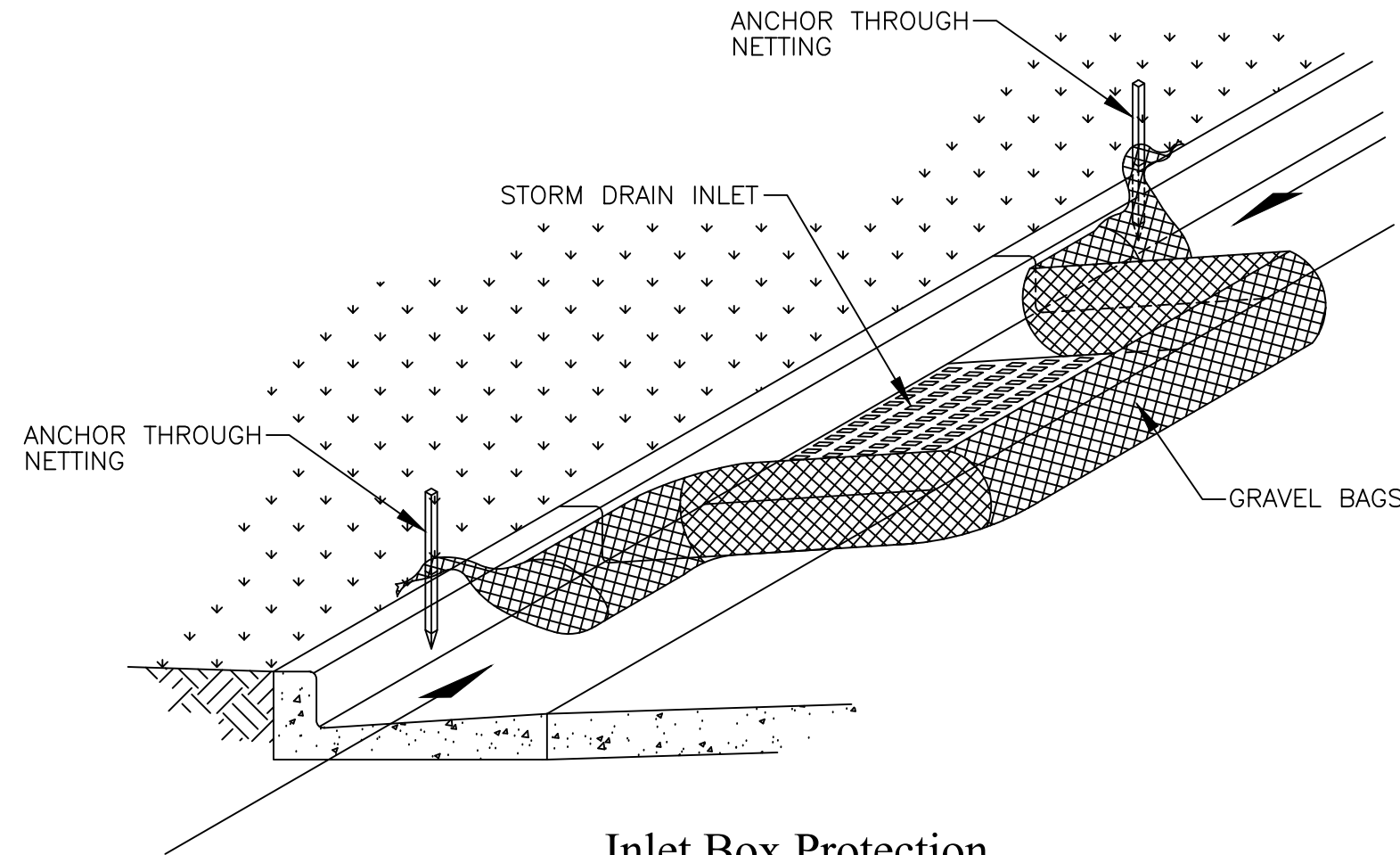


Concrete Washout Area
w/ 10 mil Plastic Liner

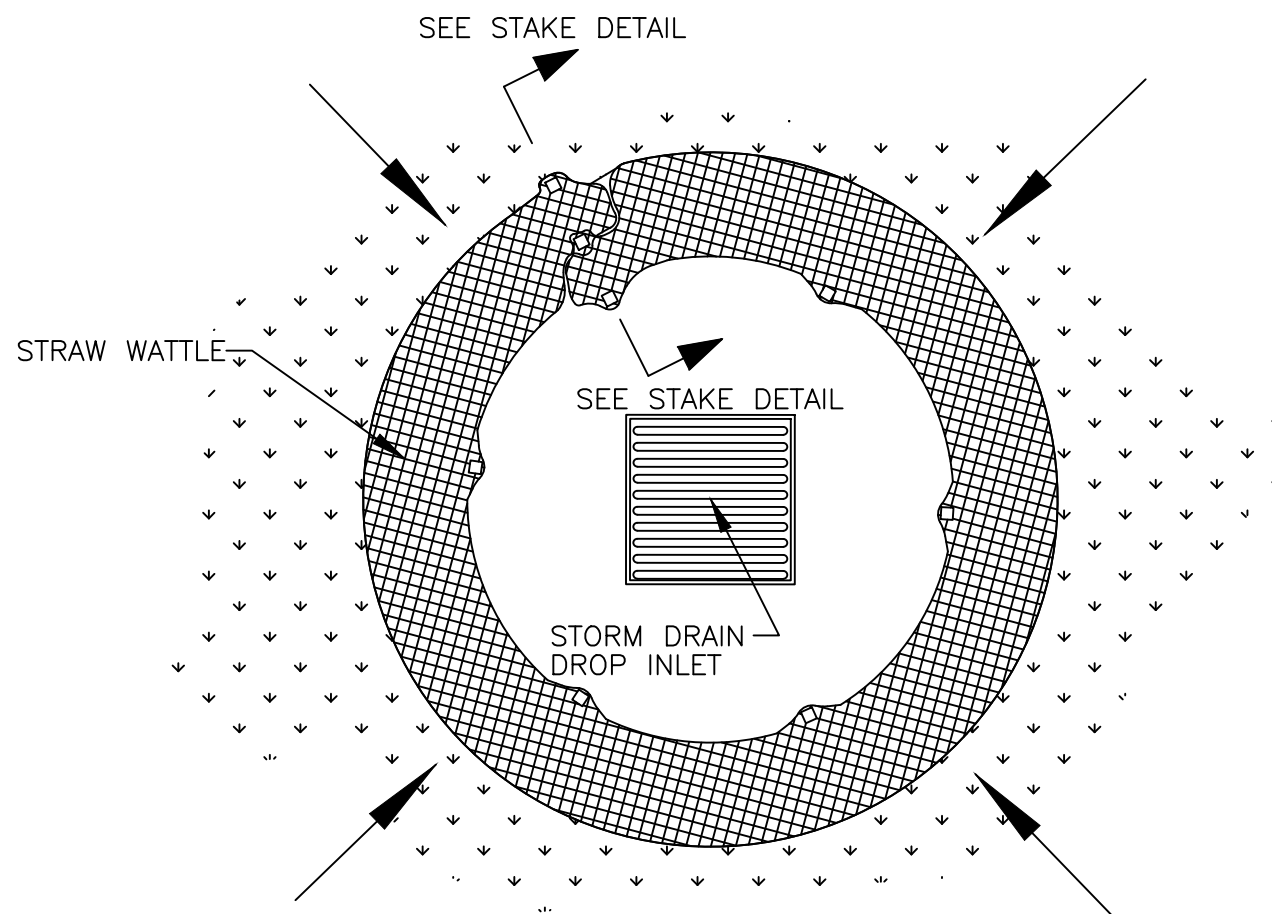
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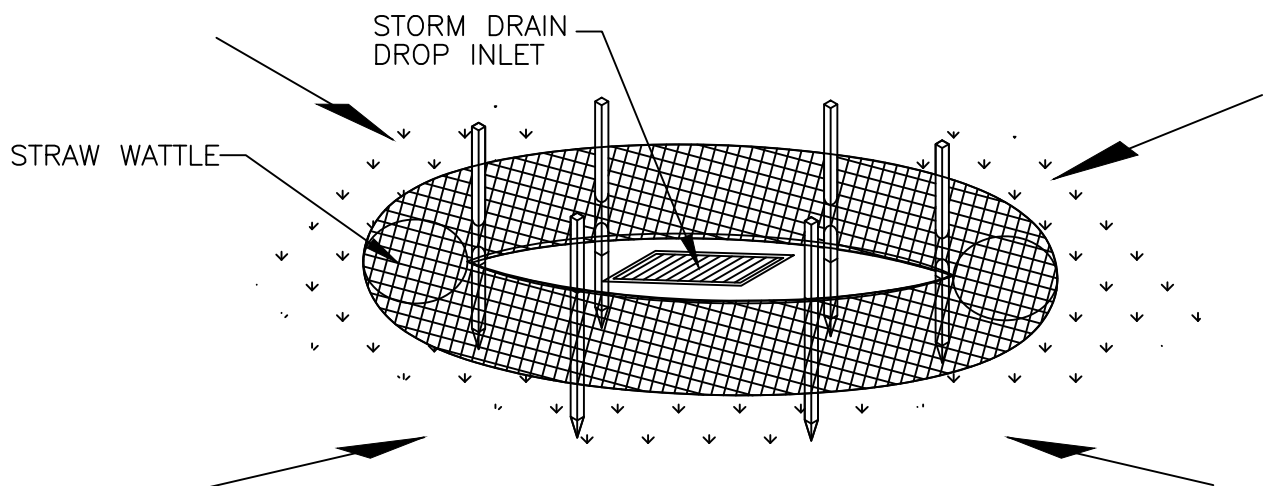
Cross Section 50' x 20' Construction Entrance



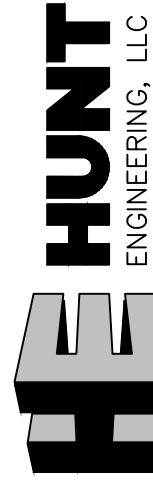
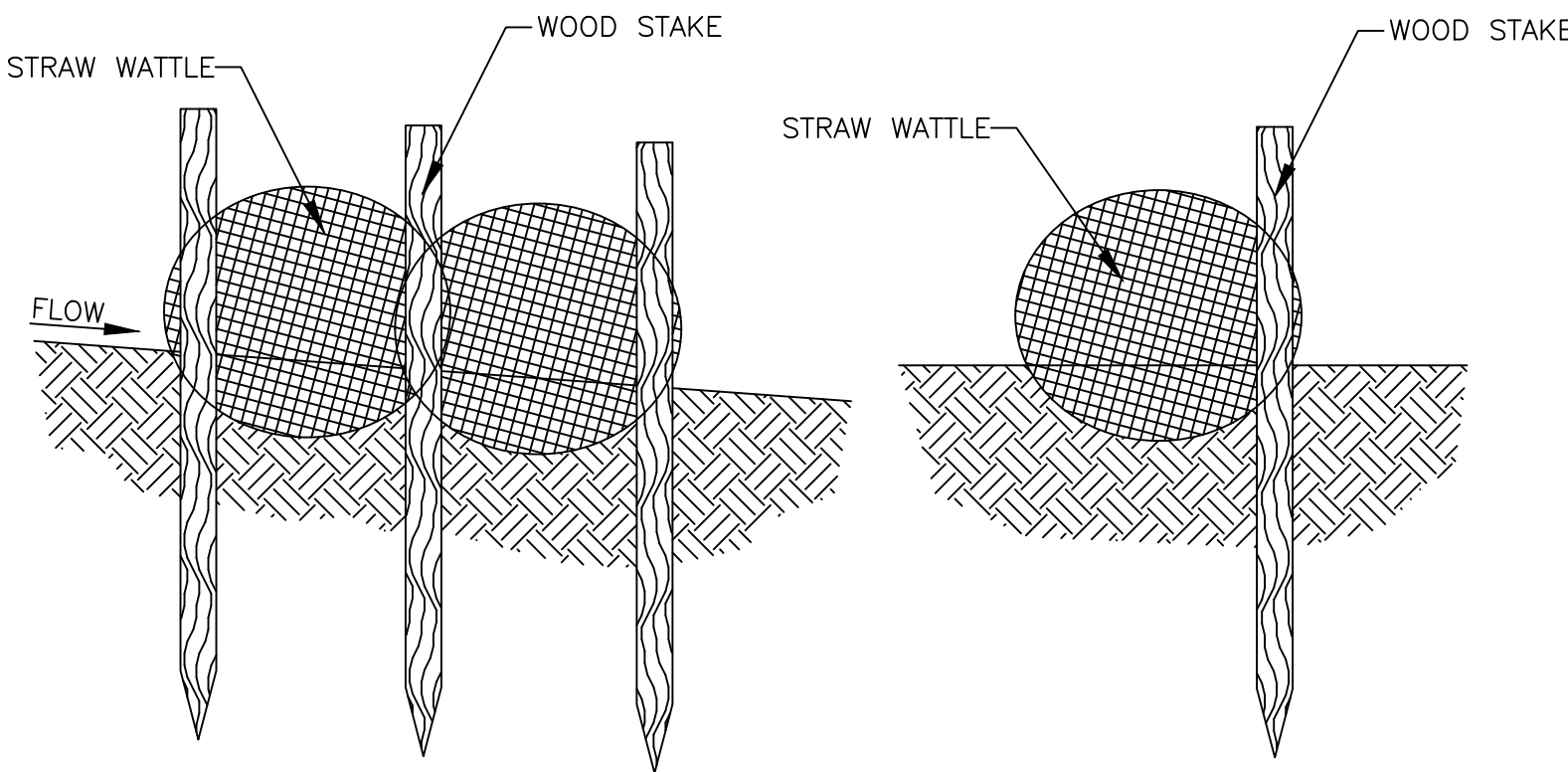
Inlet Box Protection



Plan View



Drop Inlet Protection

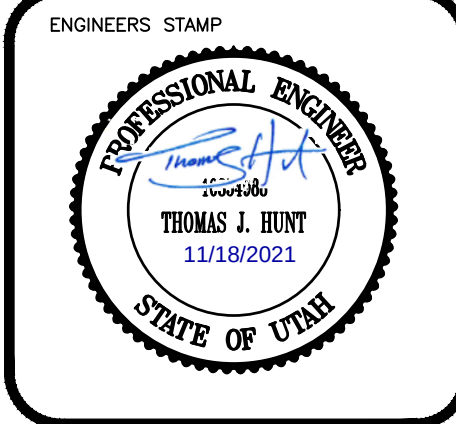


HUNT ENGINEERING, LLC
6619 Willow Creek Rd.
Mountain Green, UT 84050
C. 801.684.4724
thomas.hunt@hunt-engineering.com

The Lane
700 West Porter Lane
Centerville, UT

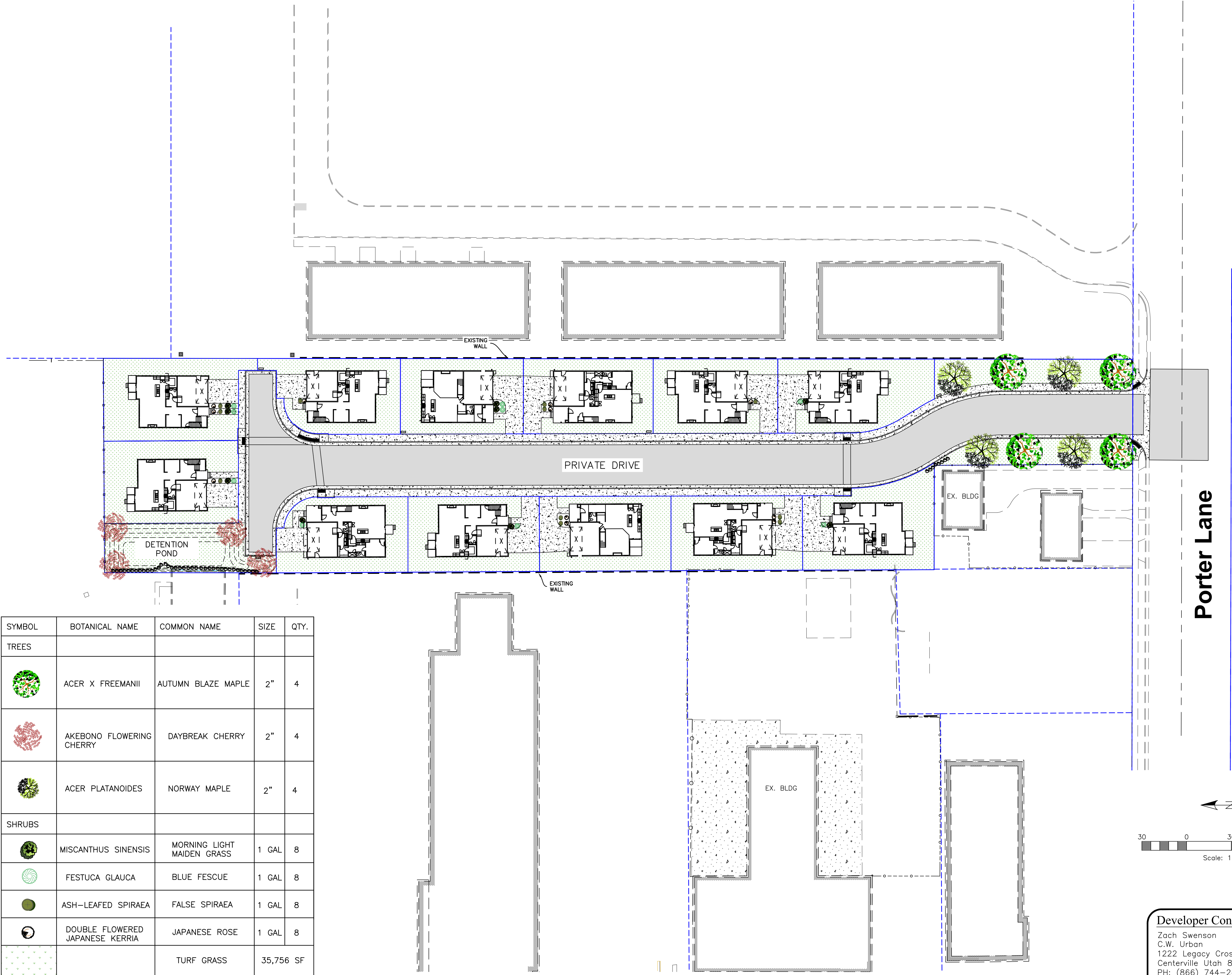
SWPPP Details

SDSD Comments	10/21
Revisions	Date



PROJECT INFO.	
Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

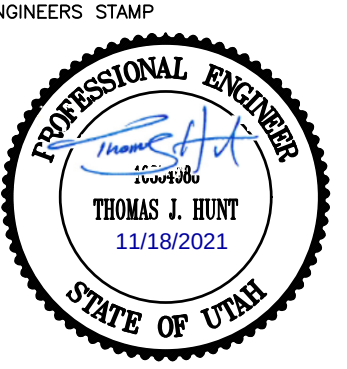
SHEET	12
11	SHEETS



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
TREES				
	ACER X FREEMANII	AUTUMN BLAZE MAPLE	2"	4
	AKEBONO FLOWERING CHERRY	DAYBREAK CHERRY	2"	4
	ACER PLATANOIDES	NORWAY MAPLE	2"	4
SHRUBS				
	MISCANTHUS SINENSIS	MORNING LIGHT MAIDEN GRASS	1 GAL	8
	FESTUCA GLAUCA	BLUE FESCUE	1 GAL	8
	ASH-LEAFED SPIRAEA	FALSE SPIRAEA	1 GAL	8
	DOUBLE FLOWERED JAPANESE KERRIA	JAPANESE ROSE	1 GAL	8
		TURF GRASS	35,756 SF	

SDSD Comments	10/21
Revisions	Date

ENGINEERS STAMP

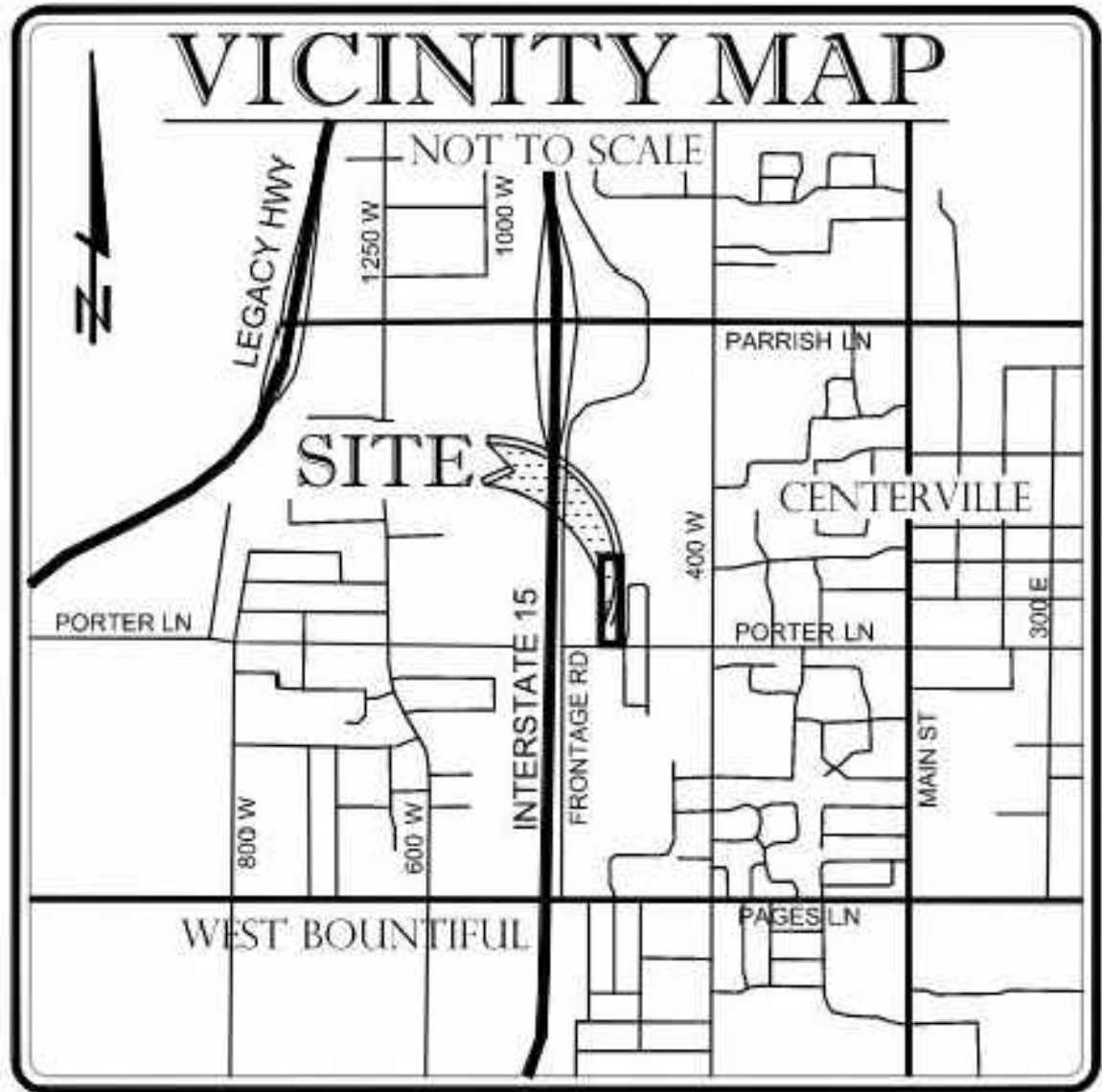


PROJECT INFO.	
Engineer:	T. HUNT
Drafter:	T. HUNT
Start Date:	6/10/2021
Name:	The Lane

Developer Contact:

Zach Swenson
C.W. Urban
1222 Legacy Crossing Blvd. #6
Centerville Utah 84014
PH: (866) 744-2489

SHEET	
12	12
SHEETS	



THE LANE SUBDIVISION PLAT

LOCATED IN THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 2 NORTH,
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
CENTERVILLE CITY, DAVIS COUNTY, UTAH
AUGUST, 2021

FOUND DAVIS COUNTY SURVEYOR
BRASS CAP MONUMENT NORTH
QUARTER CORNER, SECTION 18,
TOWNSHIP 2 NORTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN

LEGEND	
PROPERTY LINE	_____
ROAD CENTERLINE	_____
TIE TO MONUMENT	_____
EASEMENT LINE	_____
SECTION CORNERS	_____
RECORD CALLS	()
COMMON AREA & PUBLIC UTILITY EASEMENT	_____

ADDRESSES	
LOT 1:	
LOT 2:	
LOT 3:	
LOT 4:	
LOT 5:	
LOT 6:	
LOT 7:	
LOT 8:	
LOT 9:	
LOT 10:	
LOT 11:	
LOT 12:	

Parcel Line Table		
Line #	Length	Direction
L1	11.50	N0° 08' 33.36"W
L2	0.50	S88° 50' 35.82"W
L3	5.01	S0° 19' 44.26"E
L4	28.40	S89° 56' 50.00"E
L5	0.50	S0° 51' 10.76"W
L6	8.86	N89° 56' 50.00"W
L7	8.14	N89° 59' 48.28"W
L8	0.51	N0° 00' 11.72"E
L9	12.75	N0° 02' 51.83"E
L10	12.75	N0° 03' 24.88"E
L11	18.69	S89° 57' 26.58"E
L12	4.99	N0° 16' 02.84"W
L13	0.50	N45° 29' 20.23"W
L14	7.18	N0° 08' 33.36"W
L15	0.50	N89° 51' 26.64"E
L16	0.50	N89° 51' 26.64"E

NOTE:
1. ALL COMMON AREA SHALL BE A PUBLIC UTILITY EASEMENT.
2. THE LOWEST FINISHED FLOOR ELEVATION SHALL BE 4252.00.

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	1.65	27.50	3.43	S88° 13' 56"E	1.65
C2	33.59	22.50	85.53	S42° 54' 20"E	30.55
C3	17.15	22.00	44.65	N22° 11' 03"E	16.72
C4	35.36	64.50	31.41	N15° 50' 47"W	34.92
C5	10.98	106.50	5.91	N28° 35' 46"W	10.98
C6	55.14	101.50	31.13	S15° 59' 15"E	54.46
C7	17.91	22.50	45.61	N67° 19' 01"E	17.44

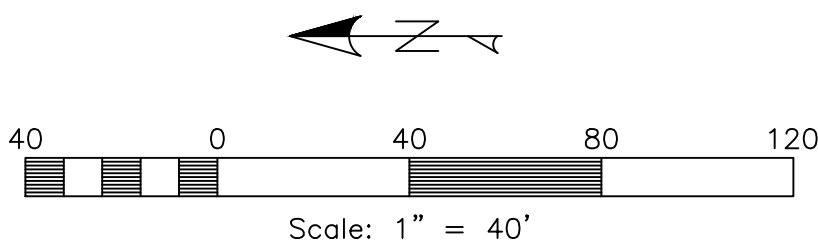
BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY WAS
ESTABLISHED USING FOUND MONUMENTS LOCATED AT THE
WITNESS CORNER TO THE NORTHWEST CORNER AND THE
NORTH QUARTER CORNER TO SECTION 18, TOWNSHIP 2
NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AS
SHOWN ON THIS SUBDIVISION PLAT.

THIS PROJECT IS LOCATED IN
THE FEMA FLOOD ZONE X.

BASEMENT DEPTH TABLE

LOT	MIN. TOP OF FLOOR SLAB ELEVATION	TOP OF FLOOR SLAB DEPTH BELOW TOP BACK OF CURB (FEET)
1	4252.00	3.5'
2	4252.00	3.0'
3	4252.00	2.75'
4	4252.00	2.75'
5	4252.00	3.0'
6	4252.35	2.75'
7	4252.35	3.0'
8	4252.00	3.25'
9	4252.00	2.75'
10	4252.00	2.75'
11	4252.00	3.0'
12	4252.00	3.5'



Dominion Energy

APPROVED THIS _____ DAY OF _____ A.D., 20 ____
BY DOMINION ENERGY.

CHAIRMAN

Rocky Mountain Power

APPROVED THIS _____ DAY OF _____ A.D., 20 ____
BY ROCKY MOUNTAIN POWER.

ROCKY MOUNTAIN POWER

City Engineer's Approval

APPROVED THIS _____ DAY OF _____ A.D., 20 ____
BY CENTERVILLE CITY ENGINEER.

CITY ENGINEER

City Attorney's Approval

APPROVED THIS _____ DAY OF _____ A.D., 20 ____
BY CENTERVILLE CITY ATTORNEY.

CITY ATTORNEY

Planning Commission

APPROVED THIS _____ DAY OF _____ A.D., 20 ____
BY THE CENTERVILLE CITY PLANNING AND ZONING COMMISSION.

CHAIRMAN

City Council Acceptance

APPROVED THIS _____ DAY OF _____ A.D., 20 ____
BY THE CENTERVILLE CITY COUNCIL.

CITY RECORDER

Surveyor's Certificate

I, MICHAEL L. WANGEMANN, DO HEREBY CERTIFY THAT I AM A
PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6431156,
AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER
CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF
THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HERON, AND
HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER
WITH EASEMENTS, HEREAFTER TO BE KNOWN AS: THE LANE SUBDIVISION
AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED
ON THE GROUND AS SHOWN ON THIS PLAT.

DATE: _____ MICHAEL L. WANGEMANN
LICENSE NO. 6431156

Boundary Description

A TRACT OF LAND LOCATED IN THE NORTHWEST CORNER OF SECTION 18,
TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 18, SAID POINT
BEING NORTH 89°40'15" EAST ALONG SAID SECTION LINE 687.29 FEET FROM
THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1
EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH
00°03'10" EAST 125.40 FEET; THENCE NORTH 89°40'15" EAST 143.75 FEET
TO THE WEST LINE OF CENTERVILLE MARKETPLACE SUBDIVISION PHASE 2 AS
RECORDED WITH ENTRY NO. 1378702 IN BOOK 2235 AT PAGE 350 DAVIS
COUNTY RECORDER'S OFFICE; THENCE SOUTH 00°03'10" WEST ALONG THE
WEST LINE 45.40 FEET TO THE NORTHWEST CORNER OF PORTER WALTON
TOWNHOMES P.U.D. AS RECORDED WITH ENTRY NO. 2916378 IN BOOK 6434
AT PAGE 783 DAVIS COUNTY RECORDER'S OFFICE; THENCE SOUTH 00°03'05"
WEST ALONG THE WEST LINE OF SAID PORTER WALTON TOWNHOMES P.U.D.
645.19 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PORTER LANE; THENCE
NORTH 89°52'05" WEST 70.00 FEET; THENCE NORTH 00°12'21" WEST 164.23
FEET; THENCE NORTH 00°19'45" WEST 266.81 FEET TO THE POINT OF
BEGINNING.

CONTAINS 88,895.79 SQ/FT OR 2.04 ACRES

Owners Dedication:

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF
LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND
COMMON SPACE AS SHOWN ON THIS PLAT, AND NAME SAID TRACT:

THE LANE SUBDIVISION

THIS SHALL WARRANT AND DEFEND AND SAVE THE CITY HARMLESS AGAINST
ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS
WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE AND OPERATION
OF STREETS.

THE LANE HOME OWNERS ASSOCIATION WILL MAINTAIN OWNERSHIP OF ALL
OPEN SPACES, INCLUDING THE DETENTION BASIN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUT HANDS THIS
DAY OF _____ A.D. 20 ____.

NAME HERE _____

Corporate Acknowledgement:

STATE OF UTAH
COUNTY OF DAVIS

ON THIS _____ DAY OF _____, IN THE YEAR 20____, PERSONALLY
APPEARED BEFORE ME _____, WHOSE IDENTITY IS PERSONALLY
KNOWN TO ME (OR PROVEN ON THE BASES OF SATISFACTORY EVIDENCE)
AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE
_____ OF _____ AND THAT SAID
DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID *CORPORATION BY
AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS),
AND SAID _____ ACKNOWLEDGED TO ME THAT SAID
*CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL.

(NOTARY SIGNATURE)

NOTES:
1) COMMON SPACE AREA IS OWNED AND MAINTAINED BY THE LANE'S HOME
OWNERS ASSOCIATION (HOA). THE HOA CANNOT MODIFY THE DETENTION
BASIN WITHOUT WRITTEN PERMISSION FROM CENTERVILLE CITY, UT.
2) THE HOA IS RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPING
WITHIN THE COMMON SPACE AREA.
3) THE COMMON SPACE AREA IS PERPETUALLY COMMON AND THERE SHALL
BE NO FUTURE DEVELOPMENTS IN THIS AREA.
4) SNOW REMOVAL ON PARCEL A WILL BE THE RESPONSIBILITY OF THE
HOA.
5) THE COMMON SPACE AREA IS PERMANENTLY RESTRICTED FROM FUTURE
DEVELOPMENT AND SHOWN ON THE SUBDIVISION PLAT AS PERPETUALLY
COMMON.

Davis County Recorder

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORDER AND RECORDED THIS _____ DAY OF _____,
20____. AT _____ IN BOOK _____ PAGE _____

DAVIS COUNTY RECORDER

BY: _____
DEPUTY RECORDER

WHEN RECORDED, RETURN TO:
CW The Lane, LLC
Attn: Legal Department
1222 W. Legacy Crossing Blvd., STE 6
Centerville, UT 84014

Affecting Parcel Number(s): _____

**DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS,
AND RESERVATION OF EASEMENTS FOR
THE LANE**

This DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, AND RESERVATION OF EASEMENTS FOR THE LANE (“**Declaration**”), is made and executed as of the date first written below on the signature page and is effective when recorded in the office of the Davis County Recorder by CW The Lane, LLC (“**Declarant**”).

RECITALS

A. Declarant is the fee title owner of certain real property located in Centerville City, Davis County, Utah as more particularly described on Exhibit A attached hereto (the “**Property**”). The Property has been or will be developed as a single-family development.

B. Declarant hereby desires to establish for the mutual benefit of all future Owners and Occupants of the Project, certain covenants, conditions, restrictions, easements, rights, privileges, assessments, and liens as set forth herein, which shall run with and be a burden upon each Unit within the Project.

C. Declarant hereby establishes and adopts this Declaration of Covenants, Conditions, and Restrictions, and Reservation of Easements to establish a governance structure and standards and procedures for the development, administration, maintenance, and preservation of the Project. By signing this Declaration, Declarant subjects the Property to the Bylaws and terms, covenants, and restrictions contained herein.

D. This Declaration is intended to and shall run with the land and shall be binding upon the Declarant and the Owners and their respective successors and assigns, and any other Person that now, or hereafter, has any legal, equitable, or beneficial interest in any portion of the Project. By taking title to a Unit, an Owner joins in and accepts the intent, purpose, and objectives of the Declaration and agrees to be bound by it, and acknowledges the benefits received from its

existence and from the Declarant's development of the Project and accepts the burdens and responsibilities that accompany these benefits.

E. Capitalized terms in this Declaration are defined in Article 1 herein, or in other sections of this Declaration.

DECLARATION

NOW, THEREFORE, for the reasons recited above and subject to the Restrictions set forth below, the Declarant hereby adopts this Declaration. The Recitals above are incorporated into and made a part of this Declaration.

1. DEFINITIONS

1.1 **"Accessory Structure"** shall mean and refer to any detached, subordinate building or structure incidental to the primary residence constructed on the Lot and shall include any shed, shack, detached garage, or other outbuilding in compliance with Section 9.5 herein.

1.2 **"Act"** shall mean and refer to the Utah Community Association Act codified beginning at §57- 8a-101, Utah Code Annotated ("**Utah Code Ann.**"), as amended.

1.3 **"Allocated Interest"** shall mean and refer to the voting interests in the Association and liability for the Common Expenses which are allocated equally among the Units subject to provisions herein. Each Unit is assigned one equal vote, subject to the limitations on voting set forth in this Declaration and other Governing Documents.

1.4 **"Articles"** shall mean and refer to the Articles of Incorporation for the Association, as amended from time to time.

1.5 **"Assessment"** shall mean and refer to any monetary charge imposed or levied on an Owner by the Association as provided for in this Declaration and shall include, without limitation, regular Assessments, special Assessments, Benefitted Common Area Assessments, and Service Area Assessments.

1.6 **"Association"** shall mean and refer to The Lane Owners Association, Inc., a Utah non-profit corporation, the membership of which shall include and be comprised of each Owner in the Project, and its successors or assigns. The Association shall be incorporated as a Utah nonprofit corporation. Notwithstanding the foregoing, if the Owners are ever organized as another type of entity or if the Owners act as a group without legal organization, "Association" as used in this Declaration shall refer to that entity or group.

Commented [TH1]: NTD: Need to finalize and file for entity.

1.7 **"Benefitted Common Area"** shall mean and refer to any real property and improvements designated by the Declarant in a Supplemental Declaration or Plat or in another recorded instrument (which designation is made in the sole and absolute discretion of the

Declarant) as Benefitted Common Area which is assigned for the purpose of exclusive use and/or the obligation to pay Benefitted Common Area Assessments attributable thereto, to one or more but less than all the Units within the Project and which is or will be conveyed to the Association or as to which the Association will be granted the rights and obligations for primarily the benefit of designated Units within the Project. The Supplemental Declaration, Plat or other recorded instrument establishing the Benefitted Common Area shall identify the Units assigned to that Benefitted Common Area and shall further identify whether the purpose of the Benefitted Common Area is for exclusive use of the Owners and Occupants of the assigned Units and payment of the Benefitted Common Area Assessments, or only for the purposes of paying the Benefitted Common Area Assessments attributable thereto.

1.8 **"Benefitted Common Area Assessments"** shall mean and refer to assessments levied against the Units assigned to a Benefitted Common Area, which may include amounts for reserves for capital repairs and replacements.

1.9 **"Benefitted Common Area Expenses"** shall mean and refer to the estimated and actual expenses which the Association incurs or expects to incur to operate, maintain, repair and replace a particular Benefitted Common Area, which may include amounts for reserves for capital repairs and replacements.

1.10 **"Benefitted Common Area Improvements"** means patios, decks, hot tubs, fixed barbeque equipment (i.e., not readily mobile), playground equipment, basketball standards, trampolines, and other such outdoor improvements that may be placed within the Benefitted Common Area.

1.11 **"Board of Directors"** or **"Board"** shall mean and refer to the body with primary authority to manage the affairs of the Association.

1.12 **"Bylaws"** shall mean and refer to the Bylaws of the Association and all valid amendments and supplements thereto. No amendment to the Bylaws shall be effective until it is recorded. The Bylaws are attached hereto as Exhibit B.

1.13 **"City"** shall mean and refer to Centerville City, a political subdivision of the State of Utah, located in Davis County, Utah.

1.14 **"Claim"** (or collectively, **"Claims"**) means any and all claims, demands, suits, actions, causes of action, counterclaims, judgments, liabilities, losses, damages, costs, and expenses, including, but not limited to, attorney fees and costs.

1.15 **"Common Area and Facilities"** shall mean and refer to the real and personal property for the common use and enjoyment of the Owners not dedicated to the City or property of a designated as Benefitted Common Area, and, specifically, shall include, but not be limited to, the following: (a) all Common Area and Facilities designated as such the Plat and any area(s) designated as open space not dedicated to the City; (b) all utility installations and all equipment

connected with or in any way related to the furnishing of utilities for the common use and for the Common Area; (c) any fence or wall on common property; (d) any roadway, lane, alley or cul-de-sacs within the Project not dedicated to the City or designated as Benefitted Common Area; or (e) and all other parts of the Project necessary or convenient to its existence, maintenance, and safety, or normally in common use, reserved for the exclusive use and enjoyment of the Owners and their respective family members, tenants, guests, and invitees, the and all other parts of the Project outside of the Units not dedicated to the City or the public or which are necessary or convenient to the Project's existence, maintenance, and safety, or normally in common use. In accordance with the Plat, the Common Area and Facilities shall be owned by the Association.

1.16 **"Common Expenses"** shall mean and refer to the actual and estimated costs for: (a) maintenance, management, operation, repair, and replacement of the Common Area and Facilities which is maintained by the Association; (b) management and administration of the Association, including, but not limited to, compensation paid by the Association to managers, accountants, attorneys, consultants, and employees; (c) extermination, security, landscape maintenance, and other services; (d) insurance and bonds required or allowed by this Declaration; (e) the establishment of reserves; (f) other miscellaneous charges incurred by the Association as provided for or allowed in the Act or the Governing Documents; and (g) any other expenses of the Association arising from the operation of the Association and not otherwise defined or precluded by the Governing Documents or any applicable law.

1.17 **"Declarant"** shall mean and refer to CW The Lane, LLC, a Utah limited liability company, and its respective affiliates, successors, and assigns.

1.18 **"Declarant Control Period"** shall mean and refer to the period of time commencing with the recording date of this Declaration and expiring the date the Declarant executes and records a written waiver of its rights to control.

1.19 **"Declarant Related Parties"** shall mean any entity controlling, controlled by, or under common control with Declarant or any entity in which a principal of Declarant has an interest and their respective members, managers, shareholders, officers, directors, partners, co-venturers, committee members, servants, agents, representatives and employees regarding all acts or omissions related to any of the foregoing representative capacities.

1.20 **"Design Guidelines"** shall mean and refer to The Lane Design Guidelines established for the Project herein and/or as a supplemental document hereto, as the same may be amended from time to time.

1.21 **"Design Review Committee"** shall mean and refer to the body responsible for review and approval of home and landscaping plans, construction and installation of the improvements identified therein in conformance with the requirements of the Design Guidelines.

1.22 **"Development Agreement"** shall mean and refer to any Development Agreement that is recorded against the Property.

1.23 **"Director"** shall mean and refer to each individual member of the Board of Directors.

1.24 **"Governing Documents"** shall mean and refer to this Declaration, including the Design Guidelines, the Plat, the Articles, the Bylaws, the Rules, and any other written instrument by which the Declarant or Association may exercise power or manage, maintain, or otherwise affect the Project.

1.25 **"Lender"** shall mean and refer to a holder of a first mortgage or deed of trust on a Unit.

1.26 **"Lot"** shall mean and refer to an individual lot created on the Plat on which a multi-family dwelling is or will be constructed and is included within the definition of Unit below. More than one Lot is referred to herein as "Lots."

1.27 **"Occupant"** shall mean and refer to a Person or Persons, other than an Owner, in possession of, using, or living in a Unit within the Project, including, without limitation, family members, tenants, guests, and invitees of an Owner or an Occupant.

1.28 **"Owner"** shall mean and refer to the Person or Persons who are vested with record title to a Unit, and whose interest in the Unit is held (in whole or in part) in fee simple, according to the records of the Davis County Recorder. The term "Owner" shall not include a mortgagee or trustee or beneficiary under a deed of trust unless and until such party acquires title to a Unit pursuant to foreclosure or any arrangement or proceeding in lieu thereof. The term "Owner" also shall not include the Declarant. More than one Owner is referred to herein as "Owners."

1.29 **"Person"** shall mean and refer to a natural person, corporation, estate, limited liability company, partnership, trustee, association, governmental subdivision or agency, or any other legal entity. More than one Person is referred to herein as "Persons."

1.30 **"Plat"** shall mean and refer to the record of survey map or maps for The Lane and any portions thereof, recorded with the Davis County Recorder, and all recorded amendments and supplements thereto.

1.31 **"Proceeding"** shall mean and refer to a lawsuit, arbitration, mediation, or an administrative or governmental proceeding.

1.32 **"Project"** shall mean and refer to The Lane and all structures and improvements thereon including the Units and the Common Area and Facilities. The Project shall include any additional land made subject to the Declaration at such time the Supplemental Declaration and plat map for the additional land is recorded.

1.33 **"Property"** as previously defined herein, shall include the real property made subject to this Declaration and all easements and rights appurtenant thereto.

1.34 **"Released Persons"** shall mean the following Persons: (i) every director and officer of the Association, (ii) every member of the Design Review Committee, or other committees of the Association, (iii) Declarant and the Declarant Related Parties, and (iv) all employees of the Association.

1.35 **"Restrictions"** shall mean and refer to any one or all of the terms, covenants, conditions, restrictions, easements, rights, privileges, and obligations set forth in the Governing Documents.

1.36 **"Rules"** shall mean and refer to the rules and regulations and policies adopted by the Association.

1.37 **"Service Area"** shall mean and refer to a group of Units designated as a separate Service Area pursuant to this Declaration for the purpose of receiving services or benefits from the Association which are not provided to all Units within the Project. A Service Area may be comprised of more than one type of dwelling and may include noncontiguous Units. A Unit may be assigned to more than one Service Area.

1.38 **"Service Area Assessments"** shall mean and refer to assessments levied against the Units in a particular Service Area to pay for Service Area Expenses.

1.39 **"Service Area Expenses"** shall mean and refer to the estimated and actual expenses which the Association incurs or expects to incur for the benefit of Units within a particular Service Area, which may include amounts for reserves for capital repairs and replacements.

1.40 **"Subdivision"** shall mean and refer to The Lane, including all Units, Common Area and Facilities, and other property within the Project as shown on the Plat covering the entire Property.

1.41 **"Subdivision Improvements"** shall mean and refer to all improvements that have or will be constructed or installed within the Subdivision not part of any Unit that are necessary to provide public road access and/or utility service to the Units, and includes such other and further construction or installations required to comply with any requirement of the Development Agreement.

1.42 **"Supplemental Declaration"** shall mean and refer to any amendment or supplement to this Declaration to annex additional land into the Project and subject such additional land to the covenants, conditions and restrictions contained in the Declaration. A Supplemental Declaration shall also mean and refer to any recorded instrument designating Benefitted Common Area. A Supplemental Declaration may also include Additional Covenants applicable only to the annexed land or Benefitted Common Area or Service Area.

1.43 **“Transfer”** shall mean any of the following: (a) a conveyance, sale, or other transfer of a Lot or Unit as reflected by the recordation of a deed or other instrument in the records of the Davis County Recorder, regardless of whether it is pursuant to the sale of the Unit or not, excluding the grant of an interest in a Lot through a mortgage or deed of trust, (b) the granting of a life estate in a Unit, or (c) if the Unit is owned by a limited liability company, corporation, partnership, or other business entity, the sale or transfer of more than seventy-five percent (75%) of the business entity’s share, stock, membership interests, or partnership interests in a twelve (12) month period.

1.44 **“Unit”** shall mean and refer to a subdivided Unit, within the Subdivision depicted as a separately identified parcel on the Plat or a survey, which may be independently owned and conveyed and is zoned or otherwise intended for development, use, and occupancy as a residential unit. The term "Unit" refers to land, if any, which is part of a Unit, including the Lot, as well as to any structures or other improvements on the Unit. In the case of a building or other structure containing multiple residential dwellings, each dwelling shall be deemed to be a separate Unit. A parcel of land shall be considered a single Unit until a subdivision plat or survey is recorded subdividing it into more than one Unit. The term "Unit" does not include Common Area and Facilities, common property of any Benefitted Common Area, or property dedicated to the City or the public.

2. **THE PROJECT**

2.1. **Binding Effect of Governing Documents.** The Declarant hereby declares and the Association hereby confirms that the Property is part of the Project and Association and that the Project and all of the Units shall be subject to the Restrictions, which Restrictions, to the extent they are included in recorded documents, shall constitute equitable servitudes, covenants, and conditions running with the land and shall be binding upon and inure to the benefit of the Association, the Declarant, and each Owner, including his/her heirs, executors, administrators, personal representatives, successors and assigns. By acquiring any interest in a Unit, such Owner consents to, and agrees to be bound by, each and every Restriction in the Governing Documents.

2.2. **Nature of Project.** The Project shall be consistent with the terms and provisions of the Development Agreement, if any, recorded against the Property.

2.3. **Project Name.** The Project is named “The Project”. Notwithstanding, the name commonly used by the Association or others for the Project may be different than the name identified in this Declaration and on the Plat. The name of the Project may be modified or changed pursuant to a lawful amendment to this Declaration and in accordance with applicable land use management codes.

3. **UNITS, COMMON AREA AND FACILITIES, AND ALLOCATED INTERESTS**

3.1. **The Unit.** The distinct Unit number that identifies the Unit on the Plat may or may not be consistent with the mailing address of the Unit. Each Unit generally consists of all structures on or within the boundary of the Unit, including, but not limited to all interior and exterior walls, wall surfaces, floors, ceilings, roofs, foundations, and fixtures. All pipes, wires, conduits, chutes, flues, ducts, shafts, public utility, water or sewer lines, or any other similar fixtures lying inside the designated vertical boundaries of a Unit or located beyond the vertical boundaries of the Unit but designated and designed to serve only that Unit, shall be part of the Unit.

3.1.1. **Variances between the Plat and As-Built Construction.** The original construction shall be the initial installation of foundations, framing, wallboard, and the like (the “**Original Construction**”) and shall be the controlling dimensions for any Unit. If the Board of Directors determines that the present construction varies from the Original Construction, then the Association, at the expense of the Association or the Owner, may require that the present construction be made to comply with the Original Construction. Nothing herein will excuse an Owner from the need to obtain any variances from any municipality or governmental authority.

3.2. **Allocated Interest of Each Unit in the Votes of the Association.** The Owners of each Unit shall be entitled to vote their Allocated Interest for all matters related to the Association that Owners are permitted or required to vote or approve, subject to the rights reserved to the Declarant during the Declarant Control Period as set forth herein. Each Unit shall have an equal Allocated Interest.

3.3. **Plat.** The Plat and all dimensions, descriptions, and identification of boundaries therein shall be binding on the Project and the Association. If any conflict exists between the Plat and this Declaration, the Plat shall control except to the extent provided for on the Plat or as otherwise provided by the application or controlling law.

4. **ASSOCIATION GOVERNANCE AND ORGANIZATION**

4.1. **Association Organization.** The Association shall be organized as a Utah non-profit corporation and shall serve as the organizational body for all Owners. The Association shall be registered with the Utah Department of Commerce and shall update its registration to keep any required information current as required under the Act.

4.2. **Membership.** Membership in the Association shall at all times be comprised exclusively of the Owners, which membership shall automatically terminate when the Owner ceases to have an ownership interest in a Unit. Upon the Transfer of an ownership interest in a Unit, the new Owner succeeding to such ownership interest shall likewise succeed to such membership in the Association. Membership in the Association is mandatory.

4.3. **Availability of Documents.** Consistent with the requirements of both the Act and the Utah Revised Nonprofit Corporation Act, the Association shall make available to Owners, Lenders, and insurers of Lenders, copies of Association documents, which may be redacted to avoid disclosure of sensitive personal or financial information of any Owner or Association agent.

4.4. **Board of Directors.** The governing body of the Association shall be the Board of Directors selected pursuant to the Bylaws, subject to the provisions herein. Except as otherwise provided in this Declaration, Bylaws, or the Articles, the Board, in all instances except those explicitly reserved to the Owners, shall act on behalf of the Association. During the Declarant Control Period, the Declarant shall have the exclusive right and authority to control, appoint, and/or remove Directors or act as the Board of Directors.

4.5. **Director Qualifications.** Except as otherwise provided herein, to serve on the Board of Directors, a Person must be an Owner current on the payment of Assessments, and, if a natural person, over the age of eighteen (18) years old. No two Directors may reside in the same Unit, be the spouse or significant other of one another, or be business partners if the business is related to their ownership of a Unit(s). Additional Director qualifications may be contained within the Bylaws, as well as the election, number and term limits of Directors. This Section 4.5 shall not be applicable during the Declarant Control Period.

4.6. **Limitation on Authority of Owners, Directors, Officers, and the Board of Directors.** Except as provided in the Governing Documents, neither any individual Director nor any individual Owner shall have authority to or is authorized to act on behalf of the Association except as may be provided by the Act or other applicable law.

5. ASSOCIATION GENERAL RIGHTS AND RESPONSIBILITIES

5.1. **Rights and Responsibilities of the Association.** The Association shall have the rights and responsibilities as set forth in this Section 5 and as reasonably necessary to carry out the terms of the Governing Documents in addition to any others set forth in the Governing Documents or provided by law.

5.2. **Maintenance.** The Association and Owners respective responsibilities pertaining to the Common Areas and Facilities and Units is established on the Maintenance Allocation Table attached hereto as Exhibit C. Nothing in the foregoing provisions of this Section 5.2, however, shall be construed to prevent the Association from taking on obligations of the City pursuant to a written agreement between the City and the Association.

5.3. **Setting and Collecting Assessments; Paying Expenses.** The Association shall establish, collect, and account for Assessments as necessary to operate and maintain the Project consistent with the requirements of the Governing Documents. The Association shall provide for the payment of Association expenses and any expenses related to the Project.

5.4. **Adopting and Enforcing Rules.** The Association may adopt reasonable Rules for the regulation and operation of the Project. If adopted, the Rules shall be consistently and uniformly enforced.

5.5. **Hiring Managers and Delegating Responsibilities.** Subject to the terms and conditions of Section 18.4 below, the Association shall hire a manager to assist the Board of Directors in the management and operation of the Project and may delegate its powers and obligations in the Governing Documents to the manager, employees, or other agents as it deems appropriate; provided, however, that only the Board of Directors shall have the right to approve Association budgets, and regular and special Assessments, and to provide a hearing requested to dispute a fine. Any powers delegated may be revoked by the Board of Directors at any time, with or without cause.

5.6. **Enforcement Rights.** In addition to any other remedies allowed or provided in the Governing Documents for any violation of the Governing Documents, the Association may: (i) impose fines; (ii) collect rents directly from tenants if Owners fail to pay Assessments; (iii) suspend voting rights; (iv) suspend rights to utilize the Common Area and Facilities; and (v) take any other action or seek any other remedy allowed by the Act or other applicable Utah law. The Board of Directors shall uniformly and consistently enforce the Restrictions in the Governing Documents. Additionally, the Board of Directors shall use its business judgment to determine whether to exercise the Association's powers and authority granted herein and/or under the Act.

5.6.1. **Discretion.** The Association may not be required to take enforcement action if, after a fair review and acting in good faith and without conflict of interest, the Board of Directors determines that under the particular circumstances: (i) the Association's legal position does not justify taking any or further enforcement action; (ii) the covenant, restriction, or rule in the Governing Documents is likely to be construed as inconsistent with current law; (iii) a minor or technical violation has or may have occurred and the violation is not material as to a reasonable individual or does not justify expending the Association's resources; or (iv) it is otherwise not in the Association's best interest to pursue and enforcement action, based upon reasonable criteria.

5.7. **Reserve Fund.** Subject to the exemptions found herein, the Association shall maintain a reserve fund and shall obtain and update a reserve analysis as required herein.

5.8. **Establishing Hearing Procedures.** The Board of Directors shall have the authority to create a reasonable hearing process on an as-needed basis for particular matters in case a hearing process is required by law. Any such hearing process shall provide, at a minimum for: (a) at least ten days' notice of the hearing to the affected Owners, and (b) a reasonable time period under the circumstances for the Owner(s) to present his/her/their own testimony, the testimony of others, argument, authority, evidence, and other information the Owner deems relevant to the disputed issue.

5.9. **Annual Meeting.** The Association shall arrange for and conduct an annual meeting of the Owners (except as otherwise allowed by law) as provided for in the Bylaws and shall arrange for and conduct such other meetings of the Association as shall be properly requested pursuant to the Governing Documents or the law.

5.10. **Payoff Information Fees.** An Owner may request payoff information from the Association needed in connection with the financing, refinancing, or Transfer of an Owner's Lot by: (a) providing written notice to the designated manager for the Association requesting the payoff information, which notice must contain (i) the name, telephone number, and address of the person making the request, and (ii) the facsimile number or email address for delivery of the payoff information, and (b) a written consent for the release of the payoff information, which identifies the person requesting the information as a person to whom the payoff information may be released, and signed and dated by the Owner of the Lot for which the payoff information is requested. The Association is specifically authorized to establish a fee to provide payoff information related to the Transfer, refinance, or closing of a Unit. The payoff fee shall be fifty dollars (\$50.00); however, the Board of Directors may increase or decrease the fee amount so long as it is consistent with the Act.

5.11. **Reinvestment Fee Covenant upon Sale or Transfer of Unit.** The Board of Directors, or the Declarant during the Declarant Control Period, may require the transferor/seller or transferee/buyer to pay a fee related to the Transfer of a Unit (a "**Reinvestment Fee**") as provided for in Utah Code Ann. §57-1-46 in an amount to be determined by the Board of Directors, or the Declarant during the Declarant Control Period, and to the extent allowed by law. For purposes of this Section 5.13, a transfer is any change in the ownership of the Unit as reflected in the records of the Davis County Recorder, regardless of whether it is pursuant to the sale of the Unit or not but shall not include (a) any Transfer between the Declarant and any affiliated entity or a builder the Declarant agrees to exempt, as determined solely by the Declarant, (b) an involuntary transfer, such as a transfer as part of a condemnation proceeding or sale in lieu of condemnation, (c) a transfer that results from a court order, (d) a bona fide transfer to a family member of the seller within three degrees of consanguinity who, before the transfer, provides adequate proof of consanguinity, (e) a transfer or change in interest due to death, provided in a will, trust or decree of distribution, or (f) the transfer of a burdened property by a financial institution, except to the extent the reinvestment fee covenant requires a payment of a common interest association's costs directly related to the transfer of the burdened property, not to exceed \$250.00. The amount shall be established by the Board of Directors, or the Declarant during the Declarant Control Period, consistent with Utah Code Ann. §57-1-46 or in the Notice of Reinvestment Fee Covenant. The Association shall not levy or collect a Reinvestment Fee for any Transfer exempted by Utah Code Ann. §57-1-46. The Association shall have authority to record any notice required by law to effectuate this provision. The Association shall have the authority to enact Rules that may include requirements for Owners to provide sales and transfer documents, and other procedural requirements and rules as the Board of Directors deems appropriate to effectuate the terms of this provision in a prompt and reasonable manner.

6. **BUDGET AND ASSESSMENTS**

6.1. **Covenant to Pay Assessments.** The Owner of any Unit, excluding Declarant whose obligations regarding Assessments are set forth below, by accepting a deed for said Unit, whether or not it shall be expressed in the deed, agrees and is deemed to have agreed to pay to the

Association all fees, annual assessments, supplemental assessments, and special assessments as set forth in this Declaration.

6.2. **Budget and Regular Assessment.** The Board of Directors is authorized and required to adopt a budget for the fiscal year prior to the beginning of each fiscal year. The Board of Directors shall use its reasonable discretion to revise the budget from time to time as appropriate. The budget shall include a line item for the amount to be placed into the reserve fund. The Board of Directors shall divide the total budget amount for Common Expenses by the Allocated Interest for each Unit to determine the amount of the regular Assessments to be paid by each Owner. The Board of Directors shall present the adopted budget to the Owners at an annual or special Association meeting. In the event no new budget is prepared and adopted by the Board of Directors, the last adopted budget shall continue until a new budget is adopted.

6.3. **Payment of Assessments.** Unless otherwise established and communicated to each Owner, each Owner shall pay to the Association the Owner's regular Assessment, annually or on such other quarterly or monthly installment as determined by the Board of Directors or the manager. Assessments shall be allocated to Owners based on the Allocated Interest of each Unit unless otherwise communicated to the Owners.

6.4. **Adjustment to the Regular Assessment.** In the event the Board of Directors determines that the estimate of total charges for the current year is, or will become, inadequate to meet all Common Expenses for any reason, it may then revise the budget and each Owner's share of the new budget total based on the Owner's Allocated Interest. Upon notice of the adjustment, and unless modified by the Board of Directors, each Owner thereafter shall pay to the Association the Owner's adjusted regular Assessment.

6.5. **Personal Obligation for Assessment.** Each Owner of a Unit, by acceptance of a deed or other instrument creating the ownership interest required to be an Owner as defined herein, hereby personally covenants and agrees with each other Owner and with the Association to pay to the Association the Assessments as provided for in the Governing Documents, including any Benefitted Common Area Assessments and Service Area Assessments. Any and all Assessments, together with such interest, collection charges, and attorney fees and costs authorized by the Governing Documents, shall be the personal obligation of the Owner of such Unit.

6.6. **Rules Regarding Billing and Collection Procedures.** The Board of Directors shall have the right and responsibility to adopt Rules setting forth procedures applicable to Assessments provided for in this Declaration and for the billing and collection of all Assessments, provided that such procedures are not inconsistent with the provisions herein. Such procedures and policies may include, but are not limited to, the date when Assessment payments are due and late, establishing late fees and collection charges, and establishing interest (per annum or compounded) that may be charged on unpaid balances. The failure of the Association to send a statement to an Owner or an error in any such statement (other than a Certificate of Payment) shall not relieve any Owner of liability for any Assessment or charge under the Governing Documents.

6.7. **Certificate of Payment.** Consistent with the Act, the Association, within ten (10) business days after receipt of written demand, shall furnish to any Owner liable for Assessments or such other Person for whom an Owner has given written permission in a form acceptable to the Association, a written statement or certificate, signed by an officer or authorized agent of the Association, setting forth whether the Assessments relating to a specified Unit have been paid and the amount of delinquency, if any. Each such certificate shall be conclusive in favor of a Person who relies on the written statement in good faith. The Board of Directors is authorized to charge a fee as provided in the Act for issuance of a certificate.

6.8. **Special Assessments.** Subject to any limitations in this Declaration for the particular type of expense, the Association is expressly authorized to set and collect special Assessments, payable as may be determined by the Association (in lump sums or over a period of time), to pay for any Common Expenses. Notwithstanding the wording or terms of any notice of special Assessment, a special Assessment shall be deemed assessed, for all purposes, on the date that the payment for the Assessment is due.

6.9. **Special Assessments to a Particular Unit.** Special Assessments may be levied by the Association against a particular Unit and its Owner for:

(a) Costs incurred in bringing an Owner or Unit into compliance with the provisions of the Governing Documents;

(b) Fines, late fees, collection charges, and interest; and

(c) Attorney fees, costs and other expenses relating to any of the above.

6.10. **Acceptance of Materials or Services.** In the event the Association undertakes to provide materials or services that are not otherwise required in the maintenance of the Project or Benefitted Common Area or in a Service Area, which benefits an individual Unit, and which can be accepted or not by the Unit Owner, such Owner, in accepting such materials or services, agrees that the costs thereof may be a special Assessment pertaining to that Unit, as may be determined by the Board of Directors, in its discretion.

6.11. **Application of Excess Assessments.** In the event the amount budgeted to meet Common Expenses for a particular fiscal year proves to be excessive in light of the actual Common Expenses, the Board of Directors, in its discretion, may determine how to apply such excess reserves. The decision of the Board of Directors shall be binding and conclusive. In addition, the Association shall not be obligated to reduce the amount of Assessments in succeeding years if an excess exists for a prior year.

6.12. **No Offsets.** All Assessments shall be payable at the time and in the amount specified by the Association, and no offsets against such amount shall be permitted for any reason,

including, without limitation, a claim that the Board of Directors is not properly exercising its duties and power, a claim in the nature of offset or that the Association owes the Owner money, or that the Association is not complying with its obligations as provided for in the Governing Documents.

6.13. **How Payments Are Applied.** Unless otherwise provided for in the Rules, all payments for Assessments shall be applied to the earliest charges first. Owners shall have no right to direct the application of their payments on Assessments or to require application of payments in any specific order, to specific charges, or in specific amounts.

6.14. **Declarant's Exemption.** Anything to the contrary notwithstanding, the Declarant shall not be obligated to pay any Assessments on any Units owned by it until such time as the Declarant elects in writing to pay Assessments, and only for so long as the Declarant elects to pay Assessments.

7. EFFECT OF NONPAYMENT AND REMEDIES

7.1. **Late Fees and Interest.** Any Assessment not paid within ten (10) days from the due date thereof shall be subject to a late payment fee in an amount to be determined by the Board of Directors. In addition, all fees and Assessments not paid when due shall bear interest at the rate of eighteen percent (18%) per annum, or at such lesser rate as may be set from time to time by the Board of Directors.

7.2. **Lien for Assessments.** The Association has a lien on a Unit for Assessments and, except as otherwise provided in this Declaration, for fines, fees, charges, and costs associated with collecting an unpaid Assessment, including court costs and reasonable attorney fees, late charges, interest, fines, and any other amount that the Association is entitled to recover under this Declaration, at law, or an administrative or judicial decision. The obligation to pay Assessments hereunder is part of the purchase price of each Unit when sold to an Owner, and an express vendor's lien is hereby retained to secure the payment thereof and is hereby transferred and assigned to the Association. Additionally, Declarant (and each Owner by acceptance of a deed to a Unit) hereby conveys and warrants pursuant to Utah Code Ann. §§57-1-20 and 57-8a-302 to the Association's attorney, as trustee, with power of sale, the Unit and all improvements to the Unit for the purpose of securing payment of Assessments under the terms of this Declaration to secure the payment of Assessments and other amounts owed hereunder. The recording of this Declaration constitutes record notice and perfection of the above-described lien. If an Assessment is payable in installments, the lien will be for the full amount of the Assessment from the time the first installment is due, unless the Association otherwise provides in a notice of Assessment. An unpaid Assessment or fine accrues interest at the rate provided in this Declaration. The lien provided in this Section 7.2 has priority over each other lien and encumbrance on a Unit except: (a) a lien or encumbrance recorded before the Declaration is recorded; (b) a first or second security interest on the Unit secured by a Mortgage that is recorded before a recorded notice of lien by or on behalf of the Association; or (c) a lien for real estate taxes or other governmental Assessments or charges

against the Unit. To evidence any lien hereunder, the Association may prepare a written Notice of Assessment Lien setting forth the amount of the Assessments and other amounts due and owing, the name of the Owner of the Unit subject to such Assessments and other amounts due and owing and a description of such Unit, which shall be signed by an officer of the Association and may be Recorded.

7.3. **Legal Remedies.** The Association may bring an action at law against the Owner personally obligated to pay the same, and may foreclose the lien against such Owner's Unit in the manner provided by the laws of the State of Utah, and in the event a judgment is obtained, such judgment shall include interest on the Assessment and reasonable attorney fees to be fixed by the court, together with the costs of the action. In addition, to enforce the lien, the Association may cause a Unit to be sold through non-judicial foreclosure as though the lien were a deed of trust, in the manner provided by Utah Code Ann. §§57-1-24, 57-1-25, 57-1-26, and 57-1-27 (as amended from time to time) and the Act, or foreclose the lien through a judicial foreclosure in the manner provided by law for the foreclosure of a Mortgage and the Act. Foreclosure or attempted foreclosure or the sale or attempted sale of a Unit by the Association of its lien as addressed in Section 7.2 above shall not be deemed to estop or otherwise preclude the Association from thereafter again foreclosing or attempting to foreclose the Association's lien for any subsequent Assessments, charges, costs or fees, which are not fully paid when due. The Association shall have the power and right to bid on or purchase any Unit at Foreclosure or other legal sale, and to acquire and hold, lease, mortgage, vote the membership votes appurtenant to ownership of such Unit, and to convey or otherwise deal with such Unit. In addition to the other rights and remedies set forth herein, the Association shall have all of the rights and remedies pertaining to enforcement of assessment liens as set forth in, and to be exercised in accordance with, the provisions of the Act, including, without limitation, the provisions in Utah Code §§57-8a-302 and -303, as the same may be amended. The Association may appoint a qualified successor trustee by executing and recording a substitution of trustee form.

7.4. **Association Responsibilities after Foreclosure.** If the Association takes title to a Unit pursuant to a foreclosure (judicial or non-judicial), the Association shall not be bound by any of the provisions related to the Unit that are otherwise applicable to any other Owner, including but not limited to obligations to pay Assessments or maintain the Unit.

8. **DESIGN REVIEW COMMITTEE**

8.1. **Purpose.** In order to create, maintain, and improve the Project as a pleasant and desirable environment, to establish and preserve a harmonious design for the community, to establish procedures for the enforcement of the terms and conditions of this Declaration to protect and promote the value of the Project, the exterior design of all improvements constructed within the Project, landscaping, and changes or alterations to existing use, landscaping, and exterior design and development shall be subject to the prior review and approval of the Design Review Committee.

8.2. **Creation of Design Review Committee.** Except as provided for herein during the Declarant Control Period, the Design Review Committee shall be composed of at least three (3), but not more than five (5) natural persons appointed by the Board of Directors. The Board of Directors may remove a member of the Design Review Committee and appoint a new Design Review Committee member at any time, provided that at all times there shall be a least three (3) persons serving. The Design Review Committee shall enforce the Design Guidelines and shall have and may exercise all the powers, duties and responsibilities set out in this Declaration. The Design Review Committee may hire a secretary or other personnel to perform administrative, clerical, and other functions. The Design Review Committee has exclusive jurisdiction on behalf of the Association regarding: (a) implementation of all provisions of this Section 8; and (b) promulgation of all Design Guidelines pertaining to the development and construction of Improvements within the Project.

8.3. **Submission of Plans Required.** No improvements may be commenced, constructed, erected, placed, maintained or made upon any Unit or within or upon any part of the Project unless and until complete plans and specifications have been submitted to and approved in writing by the Design Review Committee, as applicable, as to compliance with applicable Design Review Guidelines as set forth in Section 8.6 and Section 9.2 below. Two complete sets of plans and specifications must be submitted with each request for approval. In addition to any other applicable requirements per applicable Design Guidelines, any plans and specifications to be submitted must specify, in such detail and form as the Design Review Committee may reasonably require:

- (a) the location upon the Unit or within the Project where the improvement will occur or be placed;
- (b) the dimensions, nature, kind, shape, height, and color scheme of, and all materials to be used in connection with, the improvement;
- (c) appropriate information concerning structural, mechanical, electrical, plumbing, grading, paving, decking and landscaping details;
- (d) intended uses; and
- (e) such other information, plans or specifications as may be requested or required by the Design Review Committee that in the sole opinion of the Design Review Committee is reasonably necessary to fairly and fully evaluate all aspects of the proposed improvements.

8.4. **Design Review Fee.** The operating costs of the Design Review Committee, including the services of its planning consultants, professionals, and other staff, shall be covered through a fee paid to the Design Review Committee by Owners applying for plan review and approval, consistent with §57-8a-109(2) of the Act. The Design Review Committee shall make available to all Owners a current design review fee schedule, which may be modified from time to

time in accordance with the Act. Fees must be paid in full before any review by the Design Review Committee commences and the unused portion thereof, in any, is refundable.

8.5. **Scope of Authority.** Except as otherwise provided in this Declaration, no improvements of any kind or changes in the natural condition of any land within the Project shall be erected, altered or permitted to remain on any Unit or elsewhere in the Project unless complete architectural plans, specifications and a site plan showing the location and orientation for such construction, alteration or landscaping are approved by the Design Review Committee prior to the commencement of any work. Work subject to Design Review Committee approval may include, but is not limited to, the construction of structure, installation of utility line, fence, grading, planting, antennas, satellite dishes, flag poles, any renovation, expansion or refinishing of the exterior of an existing Unit or other structure, excavating, clearing, landscaping or other modification. Notwithstanding the foregoing, any work performed by or on behalf of Declarant to any of the property within the Project including, but not limited to, the construction of Subdivision Improvements and infrastructure, or the initial construction of the Units by the Declarant or plans of a bulk-builder that have been pre-approved by the Declarant, shall not require approval of the Design Review Committee.

8.6. **Design Guidelines.** The Board or the Design Review Committee, subject to Board approval, may, from time to time, effective immediately, adopt, modify, amend and repeal the Design Guidelines applicable to the Project, including Units and any Benefitted Common Area. Such authority includes, but is not limited to, the right to specify:

- (a) specific procedural guidelines for submission of requests for, and plans, specifications and other information and documentation necessary to obtain, Design Review Committee approval, and procedural requirements for the conducting of all activities necessary to accomplish same;
- (b) the amount and manner of payment of any fees or charges reasonably anticipated to cover administrative costs, fees for architectural, engineering, construction, legal or other expert advice or consultation, and all other costs and expenses in connection with review and evaluation of an application;
- (c) specific types of improvements which may be commenced, constructed, erected or maintained upon any Unit or anywhere within the Project;
- (d) a limited number of acceptable exterior materials and finishes that may be utilized in construction or repair of an improvement;
- (e) minimum setbacks;
- (f) the location, height, and extent of fences, walls or other screening devices, walks, decks, patios or courtyards;

(g) the orientation of structures and landscaping with respect to streets, walks, driveways and structures on adjacent properties; and

(h) in general, all requirements reasonably deemed necessary to maximize compliance with the Design Guidelines.

WITHOUT LIMITING THE GENERALITY OF THE PRECEDING SENTENCE, THE DESIGN REVIEW GUIDELINES MAY PROVIDE FOR A FINE OF UP TO \$10,000.00 AGAINST ANY OWNER AND UNIT SUBJECT TO THIS DECLARATION FOR FAILURE TO OBTAIN REQUIRED APPROVAL FROM THE DESIGN REVIEW COMMITTEE OR FOR FAILURE TO COMPLY WITH ANY APPROVAL OF THE DESIGN REVIEW COMMITTEE, OR MAY REQUIRE A SECURITY DEPOSIT TO ASSURE COMPLIANCE WITH APPLICABLE REQUIREMENTS.

8.7. **Design Review Criteria.** The Design Review Committee will evaluate all submitted applications for approval on the individual merits of the particular application, and based on evaluation of the compatibility of the proposed improvement with Project-Wide Standards as of the date of submission of an application and compliance with applicable Governing Documents, including this Declaration and applicable Design Guidelines and other Rules and Regulations. The Design Review Committee must use reasonable efforts to achieve consistency in the approval or disapproval of specific types of improvements. To this end, consideration will be given to (but the Design Review Committee is not bound by) similar applications for architectural approval and the decisions and actions of the Design Review Committee with regard thereto.

8.8. **Disapproval by Design Review Committee.** It is understood and agreed by each Person having or acquiring an interest in the Project that the Design Review Committee will include aesthetic judgment in its decision making process, and approval of submitted plans will not be required simply because the plans satisfy stated objective requirements. The Design Review Committee may disapprove any request for approval for any reasons, including the following: (i) failure to comply with any applicable Design Guidelines; (ii) lack of sufficient information, plans or specifications as reasonably determined by the Design Review Committee to enable the Design Review Committee to fairly and fully evaluate the proposed improvement or the uses thereof; or (iii) failure to include any information, plans or specifications required by applicable Governing Documents, or as may be reasonably requested by the Design Review Committee. In the event of disapproval, the Design Review Committee shall so notify the applicant in writing; and if disapproval is based on lack of sufficient information, plans or specifications, then the Design Review Committee shall also notify applicant of the additional information, plans or specifications required.

8.9. **Submission and Response; Failure of Design Review Committee to Act.**

8.9.1. **Submission.** Applications for Design Review Committee approval are deemed submitted to the Design Review Committee only upon actual receipt. All responses by the Design Review Committee shall be in writing, and are deemed given when delivered to, or

when deposited in the United States mail, postage prepaid and addressed to, the applicant at the address specified in the application or the last known address of the applicant according to the records of the Association. The Design Review Committee has no duty to respond to, and the provisions of this Section do not apply regarding, any application if the Person(s) identified in the application do not appear as members or Owners according to the books and records of the Association unless and until receipt of such confirmation of ownership as is satisfactory in the sole opinion of the Design Review Committee. Lessees/Occupants shall file applications or requests for variance in the name of the Owner, and such Owner shall either appoint the Lessee/Occupant as their agent in a letter to the Design Review Committee or join the application. Where more than one Owner applies for approval, the delivery or mailing of a response to any one of the Owners as aforesaid constitutes notice to all such Owners.

8.9.2. Response and Failure to Respond. Upon receipt by the Design Review Committee of a written request for approval provided for or required by this Declaration, the Design Review Committee shall, within thirty (30) days after receipt of such request for approval, either after review for compliance with the Design Guidelines: (i) approve the plans and specifications as submitted; or (ii) notify the party making such request of any objections thereto (such objections to be specifically stated) and such party may within fifteen (15) days thereafter resubmit its request for approval rectifying any such objections to the Design Review Committee. The Design Review Committee shall then have an additional fifteen (15) days after receipt of said revisions to approve or disapprove same. Failure to give any written notice of disapproval within the periods provided for above shall constitute approval thereof by the Design Review Committee. In the event the Design Review Committee fails to approve, conditionally approve or disapprove an application or fails to request additional information and/or documentation reasonably required within sixty (60) days after receipt of the application, then the application shall be deemed denied.

8.10. Conditions of Approval.

8.10.1. Applicability. Unless expressly waived or modified by the Design Review Committee (or the Board as to variances) in writing, each and every approval or conditional approval of an improvement is subject to all provisions of this Section 8 whether or not stated in the approval or conditional approval.

8.10.2. Commencement and Completion of Work. Approval of an application for an improvement is effective for one (1) year from the date of approval or grant of a variance. If work on an improvement is not commenced within one (1) year after approval or conditional approval or grant of a variance, such approval or grant will become null and void and the Owner must submit a new application and obtain a new approval for the improvement. Prior approval of an improvement shall not bind the Design Review Committee or the Board or require the Design Review Committee or the Board to approve a re-submitted application for the same improvement. Upon commencement, the Owner must diligently prosecute and complete all work as soon thereafter as reasonably possible. The Design Review Committee (or the Board as to variances) is authorized to set specific schedules for completion of a Regulation Modification on a case-by-case basis and/or pursuant to applicable Design Guidelines.

8.10.3. **Compliance With Plans.** All work on an improvement must proceed in strict compliance with: (i) the application and plans and specifications approved by the Design Review Committee (or variance granted by the Board), (ii) any and all conditions stated by the Design Review Committee (or the Board as to variances) in the approval, (iii) any and all applicable governmental laws, rules, regulations, ordinances, and building codes, and (iv) all applicable Governing Documents.

8.10.4. **Permit Requirements.** Each Owner is solely responsible for full compliance with all permitting requirements of all governmental agencies having jurisdiction, and shall apply for and diligently pursue obtaining of all required permits promptly after approval or conditional approval is received. Without limitation of the foregoing, the Design Review Committee may deny approval pending, or conditional approval upon, prior compliance with applicable permitting requirements or upon receipt of certification satisfactory to the Design Review Committee that no such permitting requirements exist.

8.10.5. **Compliance With Laws and Governing Documents.** Each applicant is solely responsible for insuring that (and nothing in the Governing Documents or any written decision of the Design Review Committee (or the Board as to variances) shall be construed as a covenant, representation, guaranty or warranty that) any proposed improvement will be in compliance with applicable governmental laws, ordinances or regulations (including building codes or permit or licensing requirements), or with applicable requirements of the Governing Documents.

8.11. **Inspection Rights.** Upon reasonable notice (oral or written), any member of the Design Review Committee or the Board, or their designated representatives, may enter a Unit without liability for trespass or otherwise for purposes of inspecting work in progress and/or as to completion of any improvements in compliance with the approved plans, specifications, information and documentation for same, and as to compliance with any applicable provisions of the Governing Documents.

8.12. **Records.** The Design Review Committee is not required to maintain records of any of its meetings. The Design Review Committee and the Board, however, will keep and maintain records evidencing their respective final decision(s) regarding all requests for approval and requests for variance for not less than four years. The Design Review Committee will provide copies to Owners upon request.

8.13. **Limitation of Liability.** The Released Parties shall not be liable to any Owner, Occupant, or any other Person for any actions or failure to act or in connection with any approval, conditional approval or disapproval of any application for approval or request for variance, including without limitation, mistakes in judgment, negligence, malfeasance, or nonfeasance. No approval or conditional approval of an application or related plans or specifications and no publication of Design Guidelines may ever be construed as representing or implying that, or as a covenant, representation, warranty or guaranty that, if followed, the improvement will comply with

applicable legal requirements, or as to any matters relating to the health, safety, workmanship, quality or suitability for any purpose of the improvement. The provisions hereof are cumulative of other release, waivers or limitations contained herein.

9. COVENANTS, CONDITIONS, AND RESTRICTIONS

9.1. **Use of Lots.** All Lots within the Project shall be used only for the construction and occupancy of one single-family dwelling, not to exceed two and one-half stories (2 ½) in height, together with a private attached garage for not less than two (2) vehicles and for not more than four (4) vehicles. Subject to review by the Design Review Committee, Lots may also be used for the construction of typical residential amenities such as a family swimming pool. All Lots shall be used, improved, and devoted exclusively for such single-family residential use.

9.2. **Nuisances; Construction Activities.** No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, and no odors or loud noises shall be permitted to arise or emit therefrom, so as to render any such Lot or any portion thereof, or activity thereon, unsanitary, unsightly, offensive, or detrimental to any other Lot in the vicinity thereof or to the occupants of such other Lot. No other nuisance shall be permitted to exist or operate upon any Lot so as to be offensive or detrimental to any other Lot in the vicinity thereof or to its occupants. Normal construction activities and parking in connection therewith shall not be considered a nuisance or otherwise prohibited by this Declaration, but Lots shall be kept in a neat and tidy condition during construction periods, trash and debris shall not be permitted to accumulate, and supplies of brick block, lumber, and other building materials will be stored only in such areas as may be approved by the Design Review Committee. In addition, any construction equipment and building materials stored to kept on any Lot during construction of improvements may be kept only in areas approved by the Design Review Committee, which may also require screening of the storage areas.

9.3. **Garbage and Refuse Disposal.** No Lot shall be used as or maintained as a dumping ground for rubbish, trash, garbage, or other waste and such materials shall not be kept except in covered containers. All trash containers shall be covered and kept screened from view from the street in suitable enclosed areas, except during collection. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. The burning of rubbish, leaves, or trash within the Project is prohibited. Each Lot and its abutting street are to be kept free of trash, weeds, and other refuse by the Lot Owner. No unsightly material or objects are to be stored on any Lot in view of the general public.

9.4. **Signs.** No signs, posters, displays, or other advertising devices of any character shall be erected or maintained on, or shown or displayed to the public view on any Lot without the express written consent of the Design Review Committee; provided, however, that the restrictions of this paragraph shall not apply to any sign or notice seven (7) square feet or smaller in size which states that the premises are for rent or sale. During construction of the residence, builder, or Owner of any Lot may display a sign up to sixteen (16) square feet, provided that the design and construction of said sign complies with the sign design and construction criteria issued by the

Design Review Committee. The Design Review Committee may cause all unauthorized signs to be removed. This Section shall not apply to any signs used by Declarant or its agents in connection with the original development and construction of the Lots.

9.5. **Repair of Improvements.** No improvements on any Lot shall be permitted to fall into disrepair and such improvements shall at all times be kept in good condition and repair and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, then, subject to the approvals required in this Section 9, such building or structure shall be immediately repaired, rebuilt, or shall be demolished.

9.6. **Restriction on Further Subdivision, Property Restrictions, and Rezoning.** Except by the Declarant during the Declarant Control Period, no Lot shall be further subdivided or separated into smaller Lots by any Owner, and portion less than all of any such Lot, or any easement or other interest therein, shall be conveyed or transferred by any Owner, without the prior written approval of the Design Review Committee, which approval must be evidenced on the plat or other instrument creating the subdivision, easement, or other interest. Except by the Declarant during the Declarant Control Period, no further covenants, conditions, restrictions, or easements shall be recorded by any Owner or other person against any Lot without the provisions thereof having been first approved in writing by the Committee and any covenants, conditions, restrictions, or easements recorded without such approval being evidenced thereon shall be null and void. Except by the Declarant during the Declarant Control Period, no application for rezoning of any Lot, and no applications for variances or use permits, shall be filed with any governmental authority unless the proposed use of the Lot has been approved by the Design Review Committee and the proposed use otherwise complies with this Declaration. Notwithstanding the foregoing, nothing herein shall limit the rights reserved by the Declarant.

9.7. **Declarant's Exemption.** Nothing contained in this Declaration shall be construed to prevent the erection or maintenance by Declarant, or its duly authorized agents, of temporary structures, trailers, improvements, or signs necessary or convenient to the development, marketing, or sale of property within the Project.

10. **RIGHT TO USE COMMON AREA AND FACILITIES**

10.1. **Rights and Nonexclusive License to Use Common Area and Facilities.**

10.1.1. Subject to all other terms and conditions of the Governing Documents, each Owner shall have the right and a nonexclusive license for use and enjoyment of the Common Area and Facilities and the right and nonexclusive license for the use and enjoyment of the Benefitted Common Area to which that Owner's Unit has been assigned, if any, subject to any restrictions related to such use. Such rights and nonexclusive license shall be appurtenant to and shall pass with title to the Unit and in no event shall such appurtenant rights be separated therefrom. Authorized Occupants shall have the same access and use rights to the Common Area and Facilities and assigned Benefitted Common Area, if any, as the Owner whose Unit the Occupant is occupying. All such rights shall be subject to any Rules established by the Board of Directors,

from time to time. Additionally, the Association may enter into an agreement with an adjacent property owner authorizing the same to use identified Common Areas.

10.1.2. The Association shall have nonexclusive easements with the right of access over and across each Unit, to make inspections, to prevent or mitigate damage to Common Area and Facilities or Benefitted Common Area, and to maintain, repair, replace or effectuate the restoration of the Common Area and Facilities and any other property or improvements for which the Association is responsible for maintaining, including any Benefitted Common Area or Service Area, which are accessible from such Unit. The Association shall have a nonexclusive right to grant permits, licenses, and easements upon, across, over, under, and through the Common Area and Facilities, Benefitted Common Area, and Service Area for purposes necessary for the proper operation of the Project or for the use of the Common Areas by an adjacent property owner and its guests, tenants, invitees, or other similarly situated individual.

10.1.3. The right to hook-up, tie-in, connect to and utilize the water, power, gas, or other utility lines, valves, pipes, equipment, meters and systems servicing a Unit for the purpose of providing water, power, gas, or other utilities to the Common Area and Facilities or other parts of the Project in common use or necessary or convenient for the maintenance, operation, or management of common property by the Association is reserved to the Declarant and the Association; provided, however, that the Association shall pay the actual cost of the water, power, gas, or other utility service utilized by the Association to the Owner of any such Unit.

10.2. **Limitation on Easement.** Notwithstanding anything to the contrary in foregoing Section 10.1, an Owner's rights and license for the use and enjoyment of the Common Area and Facilities shall be subject to any other limitation in the Governing Documents and the following:

10.2.1. The right of the Association to impose reasonable limitations on the number of Occupants per Owner or guests who at any given time are permitted to use the Common Area and Facilities;

10.2.2. The right of the Association to suspend an Owner's right to the Common Area and Facilities: (i) for any period during which an Assessment on such Owner's Unit remains unpaid; (ii) for a period not exceeding sixty (60) days for any infraction by such Owner of the Governing Documents; and (iii) for successive 60-day periods if any such infraction is not corrected during any prior 60-day suspension period; and

10.2.3. The right of any governmental or quasi-governmental body having jurisdiction over the Project to access and to have rights of ingress and egress over and across any roadway, parking area, or developed open space contained within the Project for purposes of providing police and fire protection, transporting school children and providing other governmental or municipal services.

10.3. **Utilities.** Easements and rights-of-way over, under and through the Project for the installation and maintenance of electrical lines, telephone lines, cable television lines, fiber optics, water lines, gas lines, sanitary sewer lines, drainage facilities, telecommunication fixtures and equipment, utility fixtures and equipment, and such other lines, fixtures, or equipment needed or determined by the Board of Directors to be helpful in serving the Project, the Units, or the Owners are hereby reserved to the Declarant and the Association, together with the right to grant, alter, and transfer the same; provided, however, such easements and rights-of-way shall not unreasonably interfere with the use and enjoyment of the Common Area and Facilities and the Units by the Owners or Occupants. The Association shall have the power to grant and convey, in the name of the Association or for all of the Owners as their attorney-in-fact, to any Person, easements and rights-of-way in, on, over or under the Common Area and Facilities and Units for the purpose of constructing, erecting, operating, or maintaining lines, cables, wires, wireless transmission or reception equipment, conduits, or other devices for electricity, cable television, power, telecommunications, internet, telephone, public sewers, storm water drains and pipes, water systems, irrigation systems, water heating and gas lines or pipes and any other public, quasi-public, or private improvements or facilities. Each Owner, by taking title to a Unit, expressly consents to such easements and rights-of-way and authorizes and appoints the Association as attorney-in-fact for such Owner to execute any and all instruments conveying or creating such easements or rights-of-way. Such Owner and those claiming by, through or under an Owner agree to execute promptly all such documents and instruments and to do such other things as may be necessary or convenient to affect the same at the request of the Association. However, no easement or right of way can be granted pursuant to this Section if it would permanently and materially interfere with the use, occupancy, or enjoyment by any Owner of such Owner's Unit.

10.4. **Easements for Encroachments.** If any portion of the Common Area and Facilities or any Subdivision Improvement encroaches upon any Unit, or if any Unit encroaches upon any other Unit or the Common Area and Facilities as a result of the manner in which the Subdivision Improvements are constructed or due to settling, shifting, alteration, replacement, repair, or restoration by the Declarant or the Association, a valid easement for encroachment, and maintenance of such encroachment, shall exist for the life of the improvement or structure.

10.5. **Views.** Views from a Unit and the Project are not assured or guaranteed in any way. There is no warranty concerning the preservation of any view or view plane from the Project and each Owner and Occupant in such Owner's Unit acknowledges and agrees that there are no view easements or view rights appurtenant to the Unit or the Project.

11. INSURANCE

NOTICE: The Association's insurance policy does not cover the real or personal property or personal liability of the Owners or their Occupants.

11.1. **Insurance Held by Owner.** Each Owner shall be responsible to obtain and maintain any insurance on a residence and any improvements on such Owner's Lot or Unit and

within any Benefitted Common Area, and the fixtures, furniture, furnishings, equipment, and contents within the residence or Unit, and any other personal property of such Owner.

11.2. **Insurance Held by Association.** The Association shall obtain and maintain all insurance policies required by the Act consistent with the terms and conditions of the Act. All premiums for insurance policies held by the Association shall be funded by Assessments. Without limiting the foregoing, the Association shall obtain and maintain: (i) property and liability insurance for all Common Area and Facilities; (ii) Fidelity Insurance (e.g., directors and officers coverage); (iii) other insurance authorized and/or required by the Act that is not the obligation of individual Owners; and (iv) such other insurance policies for casualty or liability as the Board of Directors deems necessary or desirable and with coverages and coverage limits comparable to similarly situated homeowner associations in Davis County.

11.3. **Deductible.** If permitted by the Act, the deductible on any claim made under a policy maintained by the Association shall be allocated among all Owners if the loss affects the Common Area and Facilities or all the Lots in the Project or, if the loss affects or impacts less than all the Lots in the Project, the deductible shall be allocated among the Owners of the affected Lots.

12. DURATION AND AMENDMENT

12.1. **Duration.** This Declaration shall be effective, and the Declaration shall encumber the Property, from the date the Declaration is recorded in the office of the Davis County Recorder and, as amended from time to time, this Declaration shall continue in full force and effect against the Project and the Restrictions shall run with the land in perpetuity, for as long as the law allows unless amended or terminated.

12.2. **Amendment.** During the Declarant Control Period, the Declarant shall have the right to amend this Declaration without the consent of any other Owner. After the Declarant Control Period, this Declaration may be amended by the affirmative vote of not less than sixty-seven percent (67%) of the members of the Association and must also be approved by the Declarant in writing before it can be effective, and such amendment must contain a statement from the Board of Directors certifying that the required vote has taken place. No amendment to this Declaration shall be effective until it is recorded in the office of the Davis County Recorder.

12.3. **Termination.** An agreement to terminate this Declaration and the Restrictions set forth herein, shall require same approval required for an amendment as set forth in Section 12.2 above.

13. EMINENT DOMAIN

13.1. **Taking of a Unit.** If a Unit is taken by eminent domain, or sold under the threat thereof, or if a portion of a Unit is taken by eminent domain, or sold under the threat thereof, leaving the Owner with a remnant that may not practically or lawfully be used for any purpose

permitted by this Declaration, the award shall compensate the Owner for the Owner's Unit and Allocated Interest, regardless of whether any Common Area and Facilities are taken.

13.2. **Taking of Common Area.** If the Common Area and Facilities or Benefitted Common Area, or a portion thereof, is taken by eminent domain, or sold under threat thereof, the Board of Directors shall, as soon as practicable, cause the award to be utilized for the purpose of repairing or restoring that area in the Project adjacent to the taking, and the portion of the award not used for restoration shall be added to the general funds of the Association.

13.3. **Taking of Entire Project.** In the event the Project, in its entirety, is taken by eminent domain, or sold under threat thereof, the Project shall be terminated, and the Board of Directors shall wind down the Association in accordance with applicable law.

13.4. **Priority and Power of Attorney.** Nothing contained in this Section 13 shall entitle an Owner to priority over any Lender under a lien encumbering the Owner's Unit as to any portion of any condemnation award allocated to such Unit. Each Owner hereby appoints the Association as attorney-in-fact for the purpose of negotiations and settlement with the condemning authority for the acquisition of the Common Area and Facilities, or any part thereof.

14. **INTERPRETATION, CONSTRUCTION, AND APPLICATION**

14.1. **Conflicting Provisions.** In the case of any conflict between Utah law and any of the Governing Documents, the order of priority from the highest to the lowest shall be Utah law, the Plat, the Declaration, the Articles, the Bylaws, and then the Rules. If there is a conflict between the Governing Documents and any Additional Covenants (or rules or policies adopted pursuant to any such Additional Covenants), the Governing Documents shall control, except where the Additional Covenants are allowed to differ by the Governing Documents.

14.2. **Interpretation of Declaration and Applicability of the Act.** The Declarant intends that the Project shall be governed by the Act, except where (in compliance with the Act) the Association has included specific provisions in this Declaration that legally vary, supersede, or supplement the Act, in which event such specific provisions of this Declaration that are contrary to the Act shall govern the Project to the extent allowed by the Act. In the case of any conflict between this Declaration and the Act, to the extent the Act does not legally allow this Declaration to contain provisions contrary to the Act, the Act shall control and this Declaration shall be deemed modified accordingly, but only to the extent necessary to come into compliance with the Act.

14.3. **Cumulative Remedies.** All rights, options, and remedies of the Association and the Owners in the Governing Documents are cumulative, and none shall be exclusive of any other, and the Association and the Owners shall have the right to pursue any one or all of such rights, options and remedies or any other remedy or relief that may be provided by law; simultaneously, consecutively, or alternatively.

14.4. **Severability.** Invalidation of any one or a portion of the Restrictions by judgment or court order shall in no way affect any other Restrictions, all of which shall remain in full force and effect.

14.5. **Construction.** The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a plan for the development of a planned unit development and for the maintenance of the Project. The article and section headings have been inserted for convenience only and shall not be considered or referred to in resolving questions of interpretation or construction. References in this Declaration to section numbers herein, unless otherwise expressly provided, are to the article and section in this Declaration. To the extent permitted by law, the provisions of the Governing Documents shall not be interpreted for or against or strictly for or against the Association, any Owner, or any other Person subject to their terms.

14.6. **Applicable Law.** Except as otherwise expressly provided in this Declaration related to Part 4 of the Act, this Association is specifically made subject to the Act and the law as it is constituted and exists at the time this Declaration is recorded. Amendments to the Act after the date of recording of this Declaration shall not be applicable to the Association or the Project unless they are applicable as a matter of law or unless the Association makes those amendments applicable by amendment to the Declaration.

14.7. **Gender and Number.** Whenever the context of the Governing Documents requires, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and the neuter, and vice versa.

14.8. **Effect of Declaration.** This Declaration is made for the purposes set forth in the Recitals herein, and the Association makes no warranties or representations, express or implied, as to the binding effect or enforceability of all or any portion of this Declaration, or as to the compliance of any of these provisions with public laws, ordinances, regulations and the like applicable thereto. The Association shall have no liability whatsoever if any Restriction is determined to be unenforceable in whole or in part for any reason.

14.9. **Notices.** Any notice provided under this Declaration shall be provided in writing and sent or transmitted by one of the following means: (a) personally served, (b) sent by overnight courier by a national delivery service that maintains tracking information, or (c) sent by United States certified mail, return receipt requested, with postage prepaid; addressed to the Owner at the address provided by the Owner to the Association or to the Association at the address of the Association. An Owner may by notice at any time and from time to time designate a different address to which notices shall be sent. Such notices, demands or declarations shall be deemed sufficiently served or delivered for all purposes hereunder when delivered or when delivery is denied if attempted to be delivered at the appropriate address. The Association may provide notice by electronic means, including text message, email, or through the Association's website; provided, however, an Owner, upon written notice to the Association, may require the Association to provide secondary notice to the Owner by First Class United States mail.

The Association shall maintain a list of contact information for Owners of all Lots within the Project. Each Owner, upon becoming an Owner, shall provide the Association with appropriate contact information including mailing address, telephone number, and email address. Each Owner shall update the Association with any changes to contact information. Where written notice to an Owner is required under this Declaration, the Bylaws, or the Restrictions, such notice will be deemed sufficient if it is sent to the mailing address or email address on file with the Association.

In the event that any Owner desires to sell or otherwise Transfer title to the Owner's Unit, such Owner shall give the Association at least seven (7) days prior written notice of the name and address of the purchaser or transferee, the date of such transfer of title, and such other information as the Board may reasonably require. Until such written notice is received by the Association, the transferor shall continue to be jointly and severally responsible for all obligations of the Owner of the Unit hereunder, including payment of Assessments, notwithstanding the Transfer.

15. ATTORNEY FEES AND COSTS

15.1. Legal Costs Associated with Disputes with Owners.

15.1.1. **Owners Liable for Fees Incurred in Dispute.** If the Association utilizes legal counsel to enforce any Restriction after notice to the Owner that the Association intends to enforce the Restriction or after the Owner communicates or demonstrates an intent not to comply with the Restriction, the Association may assess all reasonable attorney fees and costs associated with such enforcement to the Owner, regardless of whether a lawsuit is initiated or not.

15.1.2. **Costs.** The term "costs" as used in this section shall include all costs including copying costs, deposition costs, expert witness fees, investigative costs, service costs, and filing fees paid to courts. "Costs" is specifically defined in this Declaration to be broader and to include costs that are not included in costs, as the term is used in the Utah Rules of Civil Procedure.

15.1.3. **Exception to Owner's Liability for Fees and Costs.** If, related to (i) any dispute with an Owner, (ii) any challenge by an Owner to a position of the Association on a Restriction, or (iii) a request of an Owner for direction on the application of a Restriction, the Association incurs legal fees or costs related to the interpretation and application of a Restriction that the Association could not establish an initial position on without having incurred the fees and costs or that results in a substantial modification to a prior position taken by the Association, then those fees or costs shall not be assessed to any Owner and shall be paid by the Association. This provision shall not apply if a lawsuit is currently pending with regard to the Owner and the issues arise as part of the lawsuit.

16. RESERVES

16.1. **Requirement for Reserves.** Subject to the provisions of this Declaration, the Association shall obtain a reserve analysis and shall maintain a reserve fund for the maintenance, repair, and replacement of the Common Area and Facilities, pursuant to the following provisions:

16.1.1. **Collection.** Reserve funds may be collected as part of regular or special Assessments.

16.1.2. **Amount.** In formulating the Association's annual budget, the Association shall include a reserve fund line item for Common Area and Facilities in an amount the Board of Directors determines, based on the reserve analysis, to be prudent. For purposes of this Section 16, a reserve fund line item means the line item in the Association's annual budget that identifies the amount to be placed into the reserve fund.

16.1.3. **Surplus Monies Applied to Reserves.** The Association may retain surplus Association money as additional reserves rather than refund it to the Owners or credit it to future Assessments.

16.1.4. **Segregation of Reserves.** The Association shall segregate money held for reserves from regular operating and other accounts.

16.1.5. **Reserve Analysis.** The Association shall cause a reserve analysis with an onsite evaluation to be conducted no less frequently than every six (6) years. The Association shall review and, if necessary, update a previously conducted reserve analysis no less frequently than every three (3) years. The Reserve analysis shall include, at a minimum: (i) a list of the components identified in the reserve analysis that will reasonably require reserve funds; (ii) a statement of the probable remaining useful life, as of the date of the reserve analysis, of each component identified in the reserve analysis; (iii) an estimate of the cost to repair, replace, or restore each component identified in the reserve analysis; (iv) an estimate of the total annual contribution to a reserve fund necessary to meet the cost to repair, replace, or restore each component identified in the reserve analysis during the component's useful life and at the end of the component's useful life; and (v) a reserve funding plan that recommends how the Association may fund the annual contribution set forth in the reserve analysis. The reserve analysis and updates shall project a minimum of thirty (30) years into the future. As further provided below, the Association is not required to obtain a reserve analysis during the Declarant Control Period.

16.1.6. **Qualifications for Person Preparing Reserve Analysis.** The reserve analysis shall be prepared by a Person or Persons with (i) experience in current building technologies; (ii) a solid working knowledge of building-cost estimating and life-cycle costing for facilities; and (iii) the tools and knowledge to prepare a report. Preferably, the Person preparing the reserve study shall have the RS (Reserve Specialist) designation available through the Community Association Institute (CAI), the PRA (Professional Reserve Analyst) designation offered through the Association of Professional Reserve Analysts (APRA), or other designations by similar professional associations establishing that the Person has some formal training related to preparing a reserve analysis.

16.1.7. **Summary and Copies of Reserve Analysis.** The Association shall annually post and/or provide Owners a summary of the most recent reserve analysis or update and provide an opportunity for Owners to discuss reserves and to vote on how to fund the reserves and in what amount. The Association shall provide a copy of the complete reserve analysis or update to an Owner who makes a written request for a copy.

16.2. **Exceptions for Benefitted Common Area and Service Area Reserves.** The requirements set forth in Subsections 16.1.1 - .7 shall not apply to reserves, if any, for a Benefitted Common Area or Service Area.

17. GENERAL PROVISIONS

17.1. **Enforcement.** The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all Restrictions, including the right to prevent the violation of any such Restrictions and the right to recover damages and other sums for such violation, including, but not limited to attorney fees and costs incurred in conjunction with such enforcement.

17.1.1. Each Owner, by taking title to a Unit, acknowledges and agrees that because a breach of the Governing Documents will result in immediate and irreparable injury to the Association and its other members for which they will not have an adequate remedy at law, the Association, if any such breach shall occur, be attempted, or be threatened, shall be entitled to an order of specific performance and to a temporary and permanent injunction enjoining such breach and to any and all other remedies to which the Association may be entitled pursuant to the Governing Documents or applicable law, without posting bond or furnishing other security and without proving special damages or irreparable injury, together with an award of attorney fees.

17.2. **No Liability of Officers.**

17.2.1. To the fullest extent permitted by applicable law, the Released Person shall not be liable to any Owner, Occupant, the Association, or any other Person for any damage, loss, or prejudice suffered or claimed on account of any decision, approval or disapproval, course of action, act, omission, error or negligence.

Each Owner, Occupant, and other Person having any interest in the Project or entering upon or using any portion of the Project is deemed to acknowledge and accept the following:

(a) None of the Released Persons shall be liable or responsible for, or in any manner be guarantor or insurer of, the health, safety, or welfare of any Owner, Occupant or other Person entering upon or making use of any portion of the Project, including the transmission of any infectious disease or illness. Each Owner, Occupant and other Person assumes all risks associated with the use and enjoyment of the Project, including but not limited to, any recreational facilities upon or within the Project.

(b) None of the Released Persons shall be liable or responsible for any personal injury, illness, or any other loss or damage caused by the presence or malfunction of any utility line, equipment or substation, adjacent to, near, over, or on the Project. Each Owner, Occupant and other Person assumes all risks of personal injury, illness or other loss or damage arising from the presence of malfunction of any utility line, equipment or substation adjacent to, near, over or on the Project.

(c) No provision of this Declaration or any other Governing Document shall be construed or interpreted as creating a duty by any of the Released Persons to protect or further the health, safety or welfare of any Person, even if funds of the Association are used for such a purpose.

17.2.2. To the maximum extent permitted by the Utah Revised Nonprofit Corporation Act (Utah Code Ann. §16-6a-101, et seq.), the Association shall indemnify the Released Persons against all expenses and liabilities actually incurred by such Persons in connection with a proceeding (as defined in Utah Code Ann. §16-6a-102(37)), including but not limited to, attorney fees, witness fees (including expert witness fees), costs, and litigation related expenses, reasonably incurred or imposed upon them in connection with any proceeding to which they may be parties, or in which they may become involved, by reason of their being or having served in those capacities on behalf of the Association (or by reason of having appointed, removed or controlled or failed to control members of the Board or the Design Review Committee), or any settlement of any such proceeding. The Board further may elect to indemnify any agent of the Association. Any Released Person shall be entitled to indemnification whether or not such Person is serving in the specified capacity at the time the expenses are incurred, and the Association shall pay or reimburse reasonable expenses incurred by any such Person who was, is or is threatened to be made a party in a proceeding, in advance of the final disposition of the proceeding, to the maximum extent permitted by Section 16-6a-904 of the Utah Revised Nonprofit Corporation Act (as amended from time to time); provided, however, that payment or reimbursement of expenses pursuant to the procedures set forth in the Utah Revised Nonprofit Corporation Act may be conditioned upon a showing, satisfactory to the Board in its sole discretion, of the financial ability of the Released Person in question to make the repayment referred to in such Section. This right of indemnification shall be in addition to, and not exclusive of, all other rights to which the Released Person to be indemnified may be entitled at law or otherwise.

17.3. **Use of Funds Collected by the Association.** All funds collected by the Association, including, specifically, Assessments and contributions to the Association paid by the Owners, shall be held by the Association in a fiduciary capacity to be expended in their entirety for nonprofit purposes of the Association and for other permitted purposes as set forth in this Declaration. No part of said funds shall inure to the benefit of any Owner other than as a member of the Association or other than as a result of expenditures made for a permitted purpose as set forth in this Declaration.

17.4. **Owner Liability and Indemnification.** Each Owner shall be liable to every other Owner and to the Association for any damage to the Common Area and Facilities that may be sustained by reason of the negligent or intentional act that Owner or any intentional or negligent

act of any Occupant of that Owner's Unit, to the extent such losses and damages are either under the insurance deductible of the Association or not covered by the Association's insurance. Each Owner, by taking title to a Unit, agrees to indemnify each and every other Owner and Occupant in such other Owner's Unit, and to hold such other Persons harmless from, and to defend against, any claim of any Person for personal injury or property damage occurring within that Owner's Unit, except to the extent that: (a) such injury, damage, or claim is covered and defended by the Association's or such other Owner's liability insurance carrier; or (b) the injury or damage occurred by reason of the intentional act of the Association.

17.5. Areas of Owner Responsibility.

17.5.1. Single-Family Unit Maintenance. Each single-family Unit Owner shall have the obligation to provide interior maintenance of their Unit and the Limited Common Areas serving each respective single-family Unit unless such maintenance is otherwise allocated to the Association as set forth herein or by a separate written instrument. Except to the extent that maintenance, repair, and upkeep of the Unit exteriors and/or Lots has been assigned to the Association as part of a Service Area, each single-family Unit Owner shall be responsible for the Lot and Unit exterior maintenance, repair, and upkeep including, without limitation, snow and ice removal. Likewise, each Owner shall be responsible to maintain the landscaping and other improvements within and on the Owner's Lot except to the extent such maintenance has been assigned to the Association as part of a Service Area. If applicable, each Owner of a Lot shall be responsible for the maintenance and upkeep of any landscaped park strip area adjacent to such Owner's Lot in compliance with City ordinances, unless the Association assumes the obligation for maintenance of the park strip through a written instrument.

17.6. Maintenance Allocation Table. A maintenance allocation table is attached here to Exhibit C, and clarifies the maintenance allocation for the Association, single-family Owners, and multi-family Owners. Unless expressly assumed by the Association, all maintenance obligations shall be the responsibility of the Owners. In the event of a conflict between Section 5.2, this Section 17 and Exhibit C, then Exhibit C shall control.

17.7. Benefitted Common Area Improvements. Subject to the terms and conditions of this Declaration, Owners, at their sole cost and expense, may install Benefitted Common Area Improvements within the Benefitted Common Area appurtenant to their respective Unit, in accordance with the following requirements:

17.7.1. The Owner shall submit an application to the Board requesting that a portion of the Common Area and Facilities adjacent to the Unit be converted from Common Area and Facilities to Benefitted Common Area. The application shall include a plan showing the exact location of the Benefitted Common Area and a description of the proposed Benefitted Common Area Improvements to be placed thereon.

17.7.2. The Owner shall be solely responsible for all costs and expenses associated with or relating to such Benefitted Common Area Improvements, including, without limitation, all

costs and expenses of installation, design, permits, insurance, construction, maintenance, repair, and replacement thereof, and the Benefitted Common Area and the Benefitted Common Area Improvements shall otherwise be considered part of the Unit for purposes of maintenance, repair, reconstruction, and insurance.

17.7.3. The Owner shall obtain the required approvals from the Design Review Committee and comply with the requirements of Sections 8 and 9. Without limiting the discretion and authority of the Design Review Committee, the Design Review Committee may withhold approval for installation of Benefitted Common Area Improvements based upon any of the following factors:

(a) The Design Review Committee has reason to believe that the Benefitted Common Area, patio, deck or other supporting structure will not support the size or weight of the Benefitted Common Area Improvements. If the Design Review Committee has such concerns, the Owner may overcome the same and obtain approval if the Owner, at the Owner's sole cost and expense, obtains and submits to the committee a written opinion from a licensed structural engineer providing the Design Review Committee with reasonably satisfactory assurances that the Benefitted Common Area, patio, deck or other supporting structure will structurally support the proposed Benefitted Common Area Improvements;

(b) The proposed Benefitted Common Area Improvements has a color scheme that detracts from and is not reasonably consistent with the appearance and colors of the exteriors of the Units in the Project;

(c) The size of the proposed Benefitted Common Area Improvements is unusually large for the proposed location, such that it detracts from the consistency and aesthetic visual appeal of the Project; or

(d) There is a risk of damage or harm to person or property.

17.7.4. The Owner shall be responsible for ensuring that the Benefitted Common Area on which the proposed Improvement will be located will structurally support the proposed Improvement, and that the proposed Improvement will not jeopardize the structural integrity of the Benefitted Common Area or the Unit.

17.7.5. The Owner shall indemnify, hold harmless, and agree to defend the Released Parties from and against any and all Claims arising from or relating to the installation, use, presence, repair, or removal of the Benefitted Common Area Improvements.

17.7.6. The Owner, at its sole cost and expense, shall obtain and maintain adequate and appropriate insurance coverage relating to the Benefitted Common Area Improvements. The Association shall not have any responsibility to obtain any form of insurance coverage relating to the Benefitted Common Area Improvements.

17.7.7. If the Owner removes the Benefitted Common Area Improvements, the Owner shall be responsible for all costs of removal. The Owner shall restore the Benefitted Common Area or the Unit on which the Benefitted Common Area Improvements were located to its original condition, and shall pay for all costs and expenses relating to such restoration.

17.8. **Variances.** The Board of Directors, at its option and in extenuating circumstances, may grant variances from the Restrictions set forth in Declaration if the Board of Directors determines, in its discretion: (a) either that the Restriction would create an unreasonable hardship or burden on an Owner or Occupant, or that a change of circumstances since the recordation of this Declaration has rendered such Restriction obsolete and unreasonable to enforce; and (b) that the activity permitted under the variance will not have any negative financial effect or any other materially adverse effect on the Owners or Occupants of the Project and is consistent with the Governing Documents. Any such variance shall be unenforceable and without any effect whatsoever unless reduced to writing and signed by every member of the then existing Board of Directors. No variance may be granted that is inconsistent with the Development Agreement, City ordinance, or the Act. No variance may be granted that relates to the payment of Assessments unless, after reasonable investigation under the circumstances, it clearly appears that the Owner is incapable of paying the Assessment and the Unit is being or has been transferred to a new Owner either voluntarily or involuntarily through foreclosure.

17.9. **Consent, Power of Attorney, Waiver.** By acceptance of a deed, lease, or other conveyance of an interest in a Unit, each Owner and Occupant consents to the rights reserved to the Declarant and the Association in this Declaration, including but not limited to, the right to prepare, execute, file, process, and record necessary and appropriate documents and other items to establish and grant easements and to make necessary and appropriate amendments of this Declaration, the Plat and the Bylaws. By such acceptance, each Owner and Occupant agrees to execute all documents and to do all other things as may be necessary or convenient to affect the same. Such acceptance shall be deemed an appointment of the Association, with full right of substitution, as the attorney-in-fact of such Owner or Occupant to execute such documents and to do such things on such Owner's or Occupant's behalf. Such appointment, being coupled with an interest, shall be irrevocable for the specific period of the Association's reserved rights as set forth in this Declaration and shall not be affected by the disability of any such Owner or Occupant.

17.10. **Security.** Neither the Declarant nor the Association, in any way, shall be considered an insurer, guarantor, or provider of security from criminal conduct within or relating to the Project. Neither the Declarant nor the Association shall be liable for any loss or damage by reason of criminal conduct arising, for any reason, including any failure to provide security or any ineffectiveness of security any measures undertaken. Each and every Owner and Occupant in the Project acknowledges that neither the Declarant nor the Association has any duty to any Owner or Occupant related to security or to prevent criminal conduct. By taking title to a Unit and/or residing in the Project, each Owner and Occupant acknowledges and agrees that neither the Declarant nor the Association nor the Board of Directors are insurers of the safety or well-being of Owners or Occupants or any of their personal property as it relates to criminal conduct, and specifically

waives any such claim and assumes all risks for loss or damage to Persons or property resulting from criminal conduct.

17.11. **Reasonable Accommodations.** Notwithstanding anything to the contrary in this Declaration, the Association, upon receipt of a written opinion from its counsel that such action is required, may make or permit reasonable accommodations or modifications to the Project that are otherwise prohibited by the Governing Documents, as required under Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) as amended, to accommodate an Owner or Occupant with a disability (as defined by federal law at the time the accommodation is requested). Reasonable accommodations or modifications may include modifications to a Unit, the Common Area and Facilities, or deviations from provisions of the Governing Documents. Any such modification and accommodation made under this section shall not act as a waiver of the provisions of the Governing Documents with regard to anyone else.

17.12. **No Representations and Warranties and Disclaimers.** EACH OWNER AND OCCUPANT UNDERSTANDS, AGREES, AND ACKNOWLEDGES THROUGH TAKING TITLE OR RESIDING IN THE PROJECT THAT THE ASSOCIATION AND THE BOARD OF DIRECTORS HAVE NOT MADE ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND RELATED TO THE PROJECT AND THAT EACH OWNER OR OCCUPANT HAS NOT RELIED UPON ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, RELATIVE TO THE PROJECT. OWNERS HEREBY ACKNOWLEDGE THAT THEY UNDERSTAND THAT THE PROJECT MAY ADJOIN FUTURE UDOT EXPANSION, FUTURE DEVELOPMENT, AND FARM LAND THAT MAY CAUSE ODORS IN AND AROUND THE PROJECT.

18. **DECLARANT RIGHTS AND CONTROL**

18.1. **Special Declarant Rights.** Notwithstanding any other provisions in the Governing Documents to the contrary, the Declarant shall have the all rights and powers provided for in this Section 18. If any other article in this Declaration contains the words "notwithstanding anything to the contrary," or words of similar import, the article shall all nonetheless be subject to the terms in this Section 18.

18.2. **Right to Appoint the Board of Directors During Declarant Control Period.** The Declarant shall have the right to appoint and remove all Directors during the Declarant Control Period. In the appointment of Directors, the Declarant shall not be bound by any qualifications for Directors in the Governing Documents. The Declarant may elect to have a Board of Directors of fewer than the required number of members until the Declarant Control Period ends. The Declarant may assume (and shall be presumed to have assumed unless Declarant notifies the Association otherwise) the powers of the Board of Directors without appointing Directors pursuant to the rights granted in the Articles to the Declarant.

18.3. **Right to Appoint the Design Review Committee During Declarant Control Period.** The Declarant shall have the right to appoint and remove the member(s) of the Design Review Committee during the Declarant Control Period. In the appointment of the Design Review Committee, the Declarant shall not be bound by any qualifications in the Governing Documents, if any. The Declarant may elect to have a Design Review Committee of fewer than the required number of members until the Declarant Control Period ends. The Declarant may assume (and shall be presumed to have assumed unless Declarant notifies the Association otherwise) the powers of the Design Review Committee without appointing members during the Declarant Control Period.

18.4. **Declarant Retains All Rights and Authority During Declarant Control Period.** During the Declarant Control Period, the Declarant shall retain control, power, and authority over, and all decision-making ability or authority for the Association and/or the Project. During the Declarant Control Period, the Declarant may also assume (and shall be presumed to have assumed unless the Declarant notifies the Association otherwise) the powers and authority of the Design Review Committee without the Board of Directors appointment of Design Review Committee members. During the Declarant Control Period, the Declarant may pre-approve plans and/or waive design review fees for a bulk-lot builder. Notwithstanding anything in this Declaration to the contrary, during the Declarant Control Period, the Declarant shall have the discretion, without obligation, to hire a professional manager to manage the Project during the Declarant Control Period.

18.5. **Easement Rights.** The Declarant shall have and hereby retains an easement for access over, under, across and through the entire Project and may utilize, allow anyone else to utilize, or may grant easements over, under across, and through any easement right reserved to anyone in the Declaration.

18.6. **Right to Amend Plat.** Subject to necessary approvals from any applicable municipality or government agency, during the Declarant Control Period, the Declarant shall have the right to amend, change, supplement, or modify any Plat, subject only to the requirement that the Declarant get approval from any Owner of a Unit that has any boundary modified by the Plat.

18.7. **Reinvestment Fee and Assessment Exemption.** The Declarant shall be exempt from any Reinvestment Fee and Assessments including any regular Assessment, Benefitted Common Area Assessment, Service Area Assessments or Special Assessment.

18.8. **Right to Amend Governing Documents.** Until the expiration of the Declarant Control Period, the Declarant shall have the right to unilaterally amend, revise, and modify this Declaration, any Supplement to the Declaration establishing a Benefitted Common Area or Service Area or Additional Covenants, the Bylaws, the Articles, and the Rules in any way and at any time, including adding, removing, or changing substantive and material provisions, without any additional approvals from anyone including, but not limited to the Owners. Pursuant to §57-8a-217(6) of the Act, the Declarant's promulgation or amendment of any Rules shall be exempted from the Act's rule-making process. Any amendment to the Bylaws or this Declaration shall be effective upon the recordation of the amendment duly executed by an authorized officer of the

Declarant. When recorded, any such amendment shall be binding upon the Project and all Persons having an interest therein including Owners. Without limiting the generality of the foregoing, the Declarant alone may amend or terminate this Declaration prior to the closing of a sale or transfer of any Unit.

18.9. **Right to Designate Benefitted Common Area and Service Area and Modify Prior Designations.** Until the expiration of the Declarant Control Period, the Declarant shall have the unilateral authority and sole right to designate Benefitted Common Area and Service Area and to designate the particular Units assigned to such Benefitted Common Area or Service Area, as the case may be. During the Declarant Control Period, the Declarant shall have the unilateral authority and sole right to modify any previously designated Common Area and Facilities or Service Area and to adjust or modify the assignments of Units respectively thereto.

18.10. **Assignment of Special Declarant Rights.** The Declarant, at any time, may assign, transfer, or share all or some of its control, power, rights, exemptions, authority, or decision-making ability to the Association or any other Person prior to the end of the Declarant Control Period. In the case of the abandonment of the Project by the Declarant, the cessation of business by the Declarant, or the foreclosure of any undeveloped property that is subject to the provisions of this Declaration, the rights of the Declarant as provided for in this Declaration may be exercised by any owner of the undeveloped land within the Project or to be expanded into the Project.

18.11. **No Modification of Declarant Rights.** Any Declarant Rights in the Governing Documents and, specifically, in this Section 18, may not be substantively or procedurally altered during or after the Declarant Control Period without the written consent of the Declarant. Any document or amendment purporting to do so without the proper consent shall be void ab initio.

18.12. **Use of Units and Common Area and Facilities for Sales Activities.** During the Declarant Control Period, the Declarant shall have the right to use any Unit owned by it, and any part of the Common Area and Facilities and any part of any Benefitted Common Area in furtherance of any activities designed to accomplish or facilitate construction, improvement and sale of all Units owned by the Declarant or to be added to the Project, and the construction and improvement of all Common Area and Facilities and Benefitted Common Area as the Declarant, from time to time, may desire. The Declarant shall have the right to maintain one or more sales offices. Such offices may be located on any Unit with the permission of the Owner of that Unit, who may be the Declarant, or in one or more separate structures, trailers, or facilities placed in the Project for the purpose of aiding the Declarant's sales efforts, or any combination of the foregoing. The Declarant shall also have the right to maintain any number and size of promotional, advertising, or directional signs, banners, or similar structures or devices at any place or places in the Project. The Declarant shall also have the right to designate by signs or otherwise any street or other parking as parking for sales only or to otherwise restrict and use any Common Area parking. The Declarant shall have the right from time to time to relocate, move, remove, or add to any of its sales offices, parking restrictions, signs, banners or similar structures or devices.

18.13. **Facilities Open to the Public.** The Declarant shall have the right to establish certain facilities and areas within the Project for the use and enjoyment of the public. Such facilities and areas may include, by way of example, open space, trails, paths, parks and other neighborhood areas conducive to public gatherings. The Declarant may designate such facilities and areas as open to the public at the time the same is made the responsibility of the Association or the Board of Directors may so designate at any time thereafter.

18.14. **Declarant Rights Do Not Impose Obligations.** The Declarant Rights provided for in this Section 18 shall not be construed to impose any obligation, legal or equitable, related to any matter or issue to which they might apply. The Association and each Owner, by taking title to a Unit, waive and disclaim any such duty and affirmatively acknowledge that no such duty exists or should be imposed as a result of the Special Declarant Rights.

18.15. **Declarant Exemption from Statutory Obligations.** Pursuant to §57-8a-217(6) of the Act, Declarant is hereby exempt from the provisions of §57-8a-217 of the Act. Pursuant to §57-8a-211(10) of the Act and elsewhere herein, §57-8a-211(2)-(9) of the Act shall not apply or have any effect during the Declarant Control Period and, as allowed specifically by law, the Declarant shall have no duty whatsoever to obtain a Reserve Analysis or to fund any Reserve Fund during the Declarant Control Period.

18.16. **Authority to Grant Exemptions.** In its sole discretion, Declarant may grant exemptions from any provisions of this Declaration or other Governing Documents to a Person engaged in the construction, development, marketing, or selling of Lots or Units within the Property. This includes, without any limitation, exemption from Assessments, reinvestment fees, Design Guidelines, and so forth.

19. CONFLICT AND LITIGATION AVOIDANCE

NOTICE: Notwithstanding anything in this Declaration to the contrary, this Section 19 shall not limit, supersede or override the Association's legal remedies or cure period(s) set forth in Section 7 of this Declaration related to an Owner's nonpayment of Assessment(s) or other monetary obligations set forth in the Declaration. The Association may immediately exercise any rights under Section 7 of this Declaration and exercise its remedies related to non-payment of Assessments or to enforce the terms and conditions of this Declaration.

19.1. **Statement of Intent.** Every Owner is capable of obtaining an inspection and is permitted to perform any inspection on any Unit that Owner is purchasing or may otherwise be acquiring and on any aspect of the Project. Having had the ability to inspect prior to purchasing a Unit, it therefore is acknowledged that it is unfair and improper thereafter to seek to have the Declarant or any subcontractor performing work in the Project change, upgrade, or add additional work to the Project outside of any express warranty obligation. Moreover, each Owner (by taking title to a Unit) and the Declarant acknowledge and agree that litigation is an undesirable method of resolving certain conflicts in that it is slow, expensive, uncertain, and can often negatively impact the value, sale, and ability to obtain financing for the purchase of a Unit for years, unfairly

prejudicing those Owners who must sell or who want to sell their respective Units during any period when litigation is pending. For this reason, each Owner, by taking title to a Unit, and the Declarant agree and acknowledge that certain disputes simply shall not be pursued, to the extent permitted by law, and that other disputes shall be pursued only through certain specific alternative dispute resolution mechanisms and only after full disclosure, right to cure periods, and knowing approval of the Owners. The intent of this Section 19 is to eliminate, to the extent possible, claims against or involving the Declarant and claims related to the construction of the Subdivision Improvements, the Common Area and Facilities, the Benefitted Common Area and the Units in the Project, and, when and if any such claim is permitted as a matter of law or pursuant to this Declaration, to ensure that every opportunity is made to resolve the claim outside of litigation. This effort shall include, but not be limited to, the right to cure and the requirements for mediation and arbitration.

19.2. **Association Warranties.** The Declarant may, but is not obligated to, provide for certain warranties from contractors or subcontractors to the Association related to the construction of the Project (“**Association Warranties**” or an “**Association Warranty**”). The Association shall have the right, as provided for in any such warranties, to directly enforce and seek performance of these warranties from the contractors or subcontractors who performed the work in the construction of the Project. There is no guarantee or warranty by the Declarant that any warranties will be provided or that the warranties will cover any particular component or aspect of the Project.

19.3. **Owner Warranties.** The Declarant, builder, or contractor may have provided certain warranties to the Owners related to the Unit purchased (“**Owner Warranties**” or an “**Owner Warranty**”). The first Owner of a Unit to whom any warranty is issued or with whom a legal warranty arises, and only that Owner, shall have the right to directly enforce and seek performance from the entity providing such warranty of any terms of the warranty and only consistent with the warranty itself. The Association shall have no right to seek the performance of or take assignment of any rights in any warranties granted to any Owner and the Owner shall have no right to assign any rights of any kind arising under a warranty to the Association.

19.4. **Limitation on Claims.** Any Claims by the Association, the Board or any Owner against Declarant or any building, contractor and/or subcontractor for judicial, arbitral, or administrative relief for acts, errors, omissions, or breach arising out of or related the design or construction of the Common Area and Facilities, the sale of or conveyance of any portion of the Project, or this Declaration or any other agreement, whether based in tort, contract, warranty, strict liability, indemnity, contribution, or other source of law shall be commenced within two (2) years of substantial completion of the Common Area and Facilities. The Association, the Board and the Owners waive all Claims not asserted within this time. This Section is expressly intended to set forth a period of repose enforceable under Section 78B-2-225(9) of the Utah Code and to reduce the periods of limitation and repose prescribed by Section 78B-2-225 of the Utah Code. Also, the Association, the Board and the Owners waive all Claims for consequential damages, including but not limited to lost rents, rental expenses, loss of use, financing, stigma, and loss of reputation. To the extent the Association, the Board and the Owners damages are covered by insurance or a third-party warranty, including but not limited to the Association Warranties or the Owner Warranties,

the Association, the Board and the Owners waive all rights against Declarant and the builders, contractors, subcontractors, designers, consultants, agents, and their employees for damages. The Association, the Board and the Owners agree that that they shall not participate in any class action proceeding and that any Claims shall not be joined or consolidated with the Claims made by any other party, including any other Owner. In the event the Association, the Board or an Owner does participate in any class action or joins or consolidates the Claims with the Claims of any other party, the Association, the Board and the Owner understands that such action is a material default under this Declaration and the Association, the Board or the Owner, as the case may be, shall thereby waive and generally and completely release any and all Claims whatsoever, known or unknown against Declarant and the builders, contractors, subcontractors, designers, consultants, agents, and their employees.

19.5. Waiver of Subrogation and Release. The Association and each Owner waives, and shall cause its insurance carrier to waive, any right to subrogation against the Declarant or any builder or contractor of any portion of the Project. This waiver shall be broadly construed and applied to waive, among other things, any attempt by any insurer of any Owner or of the Association from pursuing or exercising any subrogation rights, whether arising by contract, common law, or otherwise, against the Declarant, a builder, a contractor, or a subcontractor, and their officers, employees, owners, and representatives. To the fullest extent permitted by law, the Association and Owners hereby release Declarant and builder and contractors and subcontractors, their officers, employees, owners, and representatives from any and all liability to the Association and all Owners, and anyone claiming through or under them by way of subrogation or otherwise, for any loss, injury, or damage to property, caused by fire or any other casualty or event, even if such fire or other casualty shall have been caused by the fault or negligence of Declarant, builder, contractor, or subcontractor, their officers, employees, owners, and representatives. The Association and each Owner agrees that all policies of insurance shall contain a clause or endorsement to the effect that this release and waiver of subrogation shall not adversely affect or impair such policies or prejudice the right of the Association or any Owner to recover thereunder. The Association and all Owners shall indemnify and defend the Declarant, the builder, the contractor and any of their officers, employees, owners, or representatives from any Claims barred or released by this provision, including but not limited to any Claim brought under any right of subrogation.

19.6. Waiver of Claims by Owner. Notwithstanding any other provision in this Declaration, except as to an Owner Warranty and to the fullest extent permitted by the law, an Owner shall not and agrees not to commence or maintain any litigation, arbitration, or other action against the Declarant, the builder, the contractor, and/or the subcontractors, or any of their officers, directors, members, employees, or agents for any reason, including but not limited to alleged construction defects, any related damages, or any damages arising therefrom.

19.7. Waiver of Claims by Association. Notwithstanding any other provision in this Declaration, and to the fullest extent permitted by the law, the Association or the Board or any officer of the Association shall not and cannot commence or maintain any litigation, arbitration, or other action against the Declarant, a builder, and/or the contractor or any of their officers,

directors, members, employees, or agents for any reason, including but not limited to for alleged construction defects, any related claims, or any damages arising therefrom other than arising from an Association Warranty.

19.8. **Indemnification and Waivers by Association and Owners.** The Association shall indemnify and defend the Declarant, the builder, and/or the contractor and their officers, directors, members, employees, and agents against any litigation, arbitration, or the assertion of any Claims arising out of any alleged construction defect in or related to the Project and/or any damages arising therefrom, except to the extent covered by an Association Warranty. By purchasing a Unit, the Owner specifically disclaims and releases the Declarant, the builder and/or the contractor from any Claim, known or unknown, related to any defect in the Project not specifically covered by either an Association Warranty or an Owner Warranty, except only as limited by law. The Association and each Owner acknowledges and agrees that the Association Warranties and the Owner Warranties, if provided, and whatever coverage they might provide are the sole remedy of the Association related to any alleged or actual construction defects. In case of any Claims, litigation or legal proceedings asserted or related to any construction defect arising in any Unit, the Owner agrees to defend the Declarant, builder and/or contractor (which shall permit the Declarant, builder, and/or contractor to select counsel and require the Owner to advance all costs and fees related to any such Claim) from any such Claim and to indemnify Declarant, the builder, the contractor, and/or the subcontractors from any liability arising therefrom.

19.9. **Acceptance of Condition.** Subject only to the provisions in the Owner Warranties and any Association Warranties (if any), the Association and the Owners take ownership and possession of the Units, Common Area and Facilities, and Limited Common Area and Benefitted Common Area “AS IS” and “WITH ALL FAULTS” with no warranties of any kind except as otherwise required as a matter of law. The Declarant specifically disclaims, and the Association and any Owner hereby waive, any warranties of merchantability, fitness for a particular use, or of habitability, to the full extent allowed by law.

19.10. **Dispute Resolution.** Declarant, Association, its officers and Directors, and all Owners (each a “**Bound Party**” as used in this Section) agree to encourage the amicable resolution of any disputes, grievances, and Claims regarding the design, initial construction, allegations of latent or patent construction defects, condition, or sale of any part of the Project or any improvements thereon involving any Bound Party without the emotional and financial costs of litigation. Accordingly, each Bound Party covenants and agrees to the following mandatory procedures for resolving all Claims.

19.10.1. If otherwise allowed by law notwithstanding the terms of this Declaration or if allowed in this Declaration, prior to the Association or any Owner (a “**Claimant**”) initiating a Claim or making any demand or commencing any mediation, arbitration, or litigation (any “action”) (other than Claims made solely upon an Association Warranty or an Owner Warranty against a contractor or subcontractor) against the Association (if applicable), a Declarant or any builder, contractor, or subcontractor involved in the original construction of the Project (“**Respondent**”) (the Claimant and Respondent referred to herein being individually referred to as

a “Party” or collectively referred to as the “Parties”) shall notify each Respondent in writing (“Notice”), stating plainly and concisely:

- (a) The nature of the Claim, including the Persons involved and Respondent’s role in the Claim;
- (b) The legal basis of the Claim (i.e. the specific authority out of which the Claim arises);
- (c) A specific breakdown and calculation of any alleged damages;
- (d) A specific description of the Claims along with any supporting opinions, information, or other factual evidence upon which the Claims are based;
- (e) Photographs of any alleged condition, if applicable;
- (f) Samples of any alleged defective conditions or materials;
- (g) All efforts taken to avoid, mitigate, or minimize the Claims or any alleged damages arising therefrom;
- (h) The names, phone numbers, and address of every Person providing factual information, legal or factual analysis, or legal or factual opinions related to the Claims;
- (i) The proposed remedy;
- (j) The fact that Claimant will meet with Respondent to discuss in good faith ways to resolve the Claim; and
- (k) That the Person alleged to be responsible shall have one hundred eighty (180) days to cure or resolve the Claim.

19.10.2. Within sixty (60) days of providing the Notice, the Parties shall make every reasonable effort to meet in person and confer for the purpose of resolving the Claim by good faith negotiation. If requested in writing, accompanied by a copy of the Notice, the Board may appoint a representative to assist the Parties in negotiation.

19.10.3. In the event that the Claim is not resolved within sixty (60) days following the meeting or in a time period as agreed to by the Parties; or if the meeting fails to take place within the time period required above despite good faith efforts, except for any Claim that may be filed by the Association against the Declarant or an affiliate of the Declarant, the Claimant may proceed with a Proceeding against the Respondent following one hundred eighty (180) days of the original Notice, except as may be limited by Section 20 below.

19.10.4. Before initiating any Proceeding for any Claim against the Declarant or an affiliate of Declarant, in addition to the requirements and limitations set forth in Section 19.3 below, the Association shall:

19.10.4.1. Provide full disclosure in writing to all Owners of all material information relating to the Claim, which includes without limitation, a statement describing the nature of the Claim, the manner in which the Claim will be funded and a statement describing any demands, notices, offers to settle or responses to offers to settle made either by the Association or the Declarant or its affiliate, if applicable. The notice will also contain the following information:

(a) a disclosure/statement in bold and upper case type and not less than 22-point font:

The Association is contemplating serious and potentially time-consuming and expensive litigation against the Declarant of this project. This litigation could cost you money in the form of increased assessments and will likely impact the resale value of your unit and your ability to sell your unit while this litigation is pending. This litigation could take years to resolve. You should think seriously about this issue and attend the meeting on this issue.

(b) a budget and detailed breakdown of all costs and legal fees reasonably estimated to be caused by the expected litigation including a breakdown of any costs and fees to be advanced by anyone including any attorney or other representative of the Association under any contingency arrangement, and all those costs and fees to be paid directly by the Association, all of which shall assume the litigation will last five years (unless it is reasonably expected to last longer in which case the longer period shall be used for this estimate) and require a trial on the merits;

(c) a detailed explanation of where any money to be paid by the Association will be obtained including a per Unit breakdown of all costs and fees per year, assuming the litigation will last five years;

(d) a written statement of each Board member indicating that Person's position on the litigation;

(e) a copy of a legal opinion on the likelihood of success of any such litigation or arbitration from an attorney (not compensated on a contingency fee basis) not associated with the attorney or law firm who is anticipated to bring any such action, analyzing the applicable law, Governing Documents, and all relevant and known factual information;

(f) all terms of the agreement between the Association and the attorney or law firm proposed to prosecuting the action including a copy of any engagement letter, contract, or agreement related to that representation; and

(g) a detailed description of the alleged Claims against the Declarant and of all efforts by the Association to resolve those Claims prior to commencing any action, and a statement describing any demands, notices, offers to settle or responses to offers to settle made either by the Association or the Declarant or the builder, contractor or subcontractor, if applicable.

19.10.4.2. Call and hold a special meeting of the Owners to discuss the Claim and disclosures, and provide at least 72 hours' notice to each Bound Party of such meeting, and permit a representative of each Bound Party to attend the special meeting; and

19.10.4.3. Receive approval from at least two-thirds (2/3) of the entire voting interests of the Association, who must be present in person or by proxy at the special meeting, to initiate any Proceeding of the Claim against the Declarant and/or its affiliate, if applicable.

19.10.5. Any post-turnover litigation involving the Bound Parties shall strictly comply with each of the provisions of this Section. The Parties hereby covenant, stipulate, and agree that in the event the Bound Parties fail to satisfy the prerequisites set forth herein, the non-compliant party will indemnify, defend, hold harmless, and exculpate the other Bound Party to the fullest extent permissible by law, and the non-breaching Bound Party shall be entitled to recover any and all attorney fees and costs expended as a result of enforcing this Section, which fees and costs may include, without limitation, pre-litigation attorney fees, costs incurred in connection with investigation of potential Claims, including expert and consultant fees, testing fees, contractor fees, and insurance deductibles. The Bound Parties further covenant, stipulate, and agree that failure to comply with this Section herein will result in damages to Declarant including, without limitation, reputational harm, lost revenues, and loss of business and sales opportunities.

19.10.6. Any provision in this Declaration notwithstanding: (1) other than as set forth in this Section, the Association shall have no power whatsoever to institute, prosecute, maintain, or intervene in any Proceeding; and (2) any institution, prosecution or maintenance of, or intervention in, a Proceeding by the Board without first strictly complying with, and thereafter continuing to comply with, each of the provisions of this Section, shall be unauthorized and ultra vires (i.e., an unauthorized and unlawful act, beyond the scope of authority of the corporation or of the person(s) undertaking such act) as to the Association, and shall subject any Director who voted or acted in any manner to violate or avoid the provisions and/or requirements of this Section to personal liability to the Association for all costs and liabilities incurred by reason of the unauthorized institution, prosecution, or maintenance of, or intervention in, the Proceeding; and (3) this Section may not be amended or deleted at any time without the express prior written approval of: (a) members representing not less than sixty-seven percent (67%) of the total voting power of the Association, (b) not less than seventy-five percent (75%) of the total voting power of the Board, and (c) the Declarant during the Declarant Control Period. Any purported amendment or deletion of this Section or any portion hereof, without all of these express prior written approvals shall be void.

19.10.7. The dispute resolution procedures in this Section are in addition to and are not superseded by those protections provided to the Declarant by the Act, including, but not limited to, §57-8a-228.

19.10.8. The Association, the Board, any officer of the Association, and the Owners agree that any Claims or Actions, the subject matter of any proceeding, and the results of any proceeding, including any settlement, shall be confidential and not disclosed to any other person or entity, including any other Owner, other than (a) in confidence with its own legal, financial, insurance or tax professionals, (b) in necessary communication with appropriate federal, state or local tax authorities, (c) to any person necessary to perform or satisfy the award, or (d) to any other person as may be required to comply with a subpoena, court order or legal process; provided, however, that Declarant shall be afforded a reasonable opportunity after written notice to object to the same. The Association, the Board, the officers of the Association, and the Owners, as the case may be, shall advise any legal, financial, insurance, or tax professional to whom such party discloses any confidential information or information about the Claims and/or Actions and any settlement or award that such information as permitted herein is to be held in confidence.

19.10.9. In addition to the requirements set forth in this Section 19 and Section 20 below, no judicial or administrative proceeding shall be commenced or prosecuted by the Association unless approved by Declarant (if during the Declarant Control Period) and a vote of seventy-five percent (75%) of the Class “A” Members. This Section shall not apply, however, to (a) actions brought by the Association to enforce the provisions of this Declaration (including, without limitation, the foreclosure of liens), (b) the imposition and collection of Assessments as provided herein, (c) proceedings involving challenges to ad valorem taxation, or (d) counterclaims brought by the Association in proceedings instituted against it.

19.10.10. ALL PARTIES HEREBY AGREE TO RESOLVE ANY CLAIM ACCORDING TO THE PROVISIONS OF THIS SECTION AND SUCH PARTIES WAIVE THEIR RESPECTIVE RIGHTS TO PURSUE THE CLAIM IN ANY MANNER OTHER THAN AS PROVIDED IN THIS SECTION.

20. MANDATORY BINDING ARBITRATION FOR MATTERS INVOLVING DECLARANT

In addition to the requirements and procedures set forth in Section 19.2 above, the Association and each Owner is deemed to have accepted and agreed to comply with the terms of this Section.

20.1. Any and all Claims, controversies, breaches, or disputes (each a “**Dispute**”) involving the Declarant or any affiliate of the Declarant, and any Owner or the Association (individually referred to as a “**Party**” or collectively referred to as the “**Parties**”) arising out of or related to this Declaration, the Units, the sale of a Unit, or any transaction related thereto, whether such Dispute is based on contract, tort, statute, or in equity, including, without limitation, any Dispute over: breach of contract, negligent or intentional misrepresentation or fraud,

nondisclosure, breach of any alleged duty of good faith and fair dealing, allegations of latent or patent construction defects, breach of any fiduciary duty, or any other matter arising out of or related to the interpretation of any term or provision of this Declaration, sales agreement, or otherwise, shall be arbitrated pursuant to the Federal Arbitration Act (9 U.S.C. §1, et seq.) (“FAA”) and subject to the procedures set forth in Sections 19.

20.2. Such Dispute shall be submitted to binding arbitration by and pursuant to the rules of the American Arbitration Association (“AAA”), pursuant to its construction arbitration program, or such alternative as mutually agreed by the Parties. If AAA is not available and the Parties involved in the Dispute are unable to agree on another alternative, then either Party may, pursuant to the applicable provisions of the FAA, apply to a court of competent jurisdiction to designate an arbitration service provider, which designation shall be binding upon the Parties. The rules and procedures of such alternative arbitration service in effect at the time the request for arbitration is submitted shall be followed.

20.3. The following are general arbitration provisions:

20.3.1. The matters herein involve and concern interstate commerce and are governed by the provisions of the FAA now in effect and as the same may from time to time be amended, to the exclusion of any different or inconsistent state or local law, ordinance, regulation, or judicial rule. Accordingly, any and all disputes shall be arbitrated – which arbitration shall be mandatory and binding – pursuant to the FAA.

20.3.1.1. To the extent that any state or local law, ordinance, regulation, or judicial rule shall be inconsistent with any provision of the rules of the arbitration service under which the arbitration proceeding shall be conducted, the arbitration service rules shall govern the conduct of the proceeding.

20.3.1.2. This Section 2019.3 shall inure to the benefit of, and be enforceable by, the Declarant, affiliates of the Declarant, subcontractors, agents, vendors, suppliers, design professionals, insurers and any other person whom the Association or Owner contents is responsible for any alleged defect in or to the Project.

20.3.1.3. In the event any dispute is submitted to arbitration, each Party shall bear its own attorney fees and costs (including expert costs) for the arbitration, unless the arbitrator orders otherwise in accordance with the terms of Section 15.

20.3.1.4. The arbitrator shall be authorized to provide all recognized remedies available in law or in equity for any cause of action that is the basis of the arbitration. The decision of the arbitrator shall be final and binding. The Parties expressly agree that an application to confirm, vacate, modify, or correct an award rendered by the arbitrator shall be filed in any court of competent jurisdiction in Davis County.

20.3.1.5. The participation by any party in any judicial proceeding concerning this Section 20.3 or any matter arbitration-able hereunder shall not be asserted or accepted as a reason to delay, to refuse to participate in, or to refuse to enforce this Section 19.3. Attorney fees and costs shall be borne pursuant to Section 3.1.3 above.

20.3.1.6. The fees to initiate the arbitration shall be advanced by the Party bringing the Claim and subsequent fees and costs of the arbitration and/or arbitrator shall be borne equally by the Parties to the arbitration; provided, however, that the fees and costs of the arbitration and/or the arbitrator shall ultimately be borne as determined by the arbitrator.

20.3.1.7. The arbitrator appointed to serve shall be a neutral and impartial individual.

20.3.1.8. If any provision of this Section 20.3 shall be determined to be unenforceable or to have been waived, the remaining provisions shall be deemed to be severable therefrom and enforceable according to their terms.

20.3.1.9. All parties governed by this Declaration acknowledge and agree that they are waiving any rights to have the Disputes described by this Section 20.3 decided in a court or by a jury trial.

20.4. **Landowners.** All Persons owning land that is initially or subsequently incorporated into the Project and who sign the Declaration or any amendment thereto subjecting that land to the Declaration and incorporating it into the Project, shall be afforded the same rights, protections, and litigation avoidance procedures that are provided for the Declarant in this Section 19.

21. HUD APPROVAL

The Declarant and the Association desire that the Project shall become and remain an approved project by the U.S. Department of Housing and Urban Development (“**HUD**”) and the Federal Housing Administration (“**FHA**”). It is acknowledged that the requirements for approval by HUD and FHA may change over time. In the event of any conflict between the terms and conditions of the HUD and/or FHA approval guidelines for the Project, the terms and conditions of this Declaration and the Governing Documents shall be modified to be in compliance with the then existing requirements of FHA and HUD subject to the Act and any applicable laws. In the event of any conflict between the Act (and any applicable laws), the Declaration, and any HUD and/or FHA approval guidelines, the Act (and any applicable laws) shall control and govern. Notwithstanding the above, the Declarant during the Period of Administrative Control or at least sixty-seven percent (67%) of the total voting interest of the Owners at a meeting of the Association may modify this provision whereby the Declaration and other Government Documents shall no longer be subject to the then existing requirements of FHA and HUD.

[CERTIFICATION AND SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed by a duly authorized representative.

DATED as of the ____ day of _____, 2022.

DECLARANT

CW THE LANE, LLC,
a Utah limited liability company

By: _____
Name: _____
Title: _____

STATE OF UTAH)
 §
COUNTY OF DAVIS)

On the ____ day of _____, 2022, personally appeared before me _____ who by me being duly sworn, did say that she/he is the _____ of CW The Lane, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

(Notary Signature)

(Seal)

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

EXHIBIT B
BYLAWS OF
THE LANE OWNERS ASSOCIATION, INC.
(Centerville City, Davis County, Utah)

THESE BYLAWS OF THE LANE OWNERS ASSOCIATION, INC., are effective upon recording in the office of the Davis County Recorder pursuant to the Utah Community Association Act and the Utah Revised Nonprofit Corporation Act (referred to collectively herein as the “**Acts**”).

RECITALS

A. The Association is organized for any and all lawful purposes for which a nonprofit corporation may be organized under the Utah Revised Nonprofit Corporation Act, as amended, subject to the terms and conditions contained in the Declaration of Covenants, Conditions, and Restrictions, and Reservation of Easements for The Lane (the “**Declaration**”) and Articles of Incorporation for The Lane Owners Association, Inc. (the “**Articles**”).

B. These Bylaws are adopted in order to complement the Declaration, to further define the rights of the Association and the Owners, to provide for the ability to effectively govern and operate the Association and the Project, and, to further the Association’s efforts to safely, efficiently, and economically provide a quality living environment.

ARTICLE I
DEFINITIONS

Capitalized terms used herein shall have the same meaning and effect given to such terms in the Declaration except as otherwise provided herein or as may be required by context.

ARTICLE II
APPLICATION

All present and future Owners, Occupants, mortgagees, and any other persons who may use the facilities of the Project in any manner are subject to these Bylaws, the Declaration, and the Rules. The mere acquisition or rental of any of the Units, or the mere act of occupancy or use of any such Units or the Common Area and Facilities will signify that these Bylaws, the Declaration, and the Rules are accepted, ratified, and will be complied with by such persons.

ARTICLE III
MEMBERSHIP IN ASSOCIATION; VOTING; MEETING OF OWNERS

3.1 Membership in Association. Declarant, so long as Declarant owns a Lot, and every Owner of a Lot shall be a member of the Association. Membership shall be appurtenant to ownership of any Lot. Each Lot in the Project shall be entitled to one (1) vote. Membership will begin immediately and automatically upon becoming an Owner and shall terminate immediately and automatically upon ceasing to be an Owner. If a Lot is owned by more than one person, the membership appurtenant to that Lot shall be shared by all such persons in the same proportionate interest and by the same type of tenancy in which title to the Lot is held. Ownership of a Lot within the Project cannot be separated from the Association membership appurtenant thereto, and any devise, conveyance or other disposition of a Lot shall constitute a devise, conveyance or other disposition, respectively, of such Owner's membership in the Association and the rights appurtenant thereto. The foregoing is not intended to include conveyances made solely for the purpose of securing performance of an obligation.

3.2 Voting. Unless otherwise provided for herein, or required by the Declaration, all matters submitted to a vote shall be by a majority vote of all votes cast. Notwithstanding the foregoing, during the Declarant Control Period, Declarant may act in all Association matters with or without a vote of the Owners. To the extent any matters are submitted to a vote of the Owners during the Declarant Control Period, the same shall be approved and implemented if, and only if, the Declarant also approves such matters. After the Declarant Control Period, all matters submitted to a vote of the Association shall be decided by the votes of the Owners. A change in the ownership of a Lot shall be effective for voting purposes from the time the deed or other instrument effecting such change is recorded. Thereafter, the new Owner shall give the Board written notice of such change of ownership and provide satisfactory evidence thereof. The vote for each Lot must be cast as one vote, and fractional votes shall not be allowed. In the event that a Lot is owned by more than one (1) Owner the vote for the Lot shall be cast as such Owners decide among themselves. In the event such Owners are unable to agree among themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter in question. If any Owner casts a vote representing a certain Lot, it will thereafter be conclusively presumed for all purposes that such Owner was acting with the authority and consent of all other Owners of the same Lot unless objection thereto is made at the time the vote is cast. In the event more than one Owner attempts to cast the vote for a particular Lot, the vote for that Lot shall be deemed void and shall not be counted.

3.3 Annual Meeting. During the Declarant Control Period, annual meetings are not required and will only be held in the sole discretion of the Declarant. Thereafter, the annual meeting of the Owners shall be held each year on a day and at a time established by the Board. The purpose of the annual meeting shall be electing Directors and transacting such other business as may come before the meeting. If the election of Directors cannot be held on the day designated for the annual meeting of the Owners, or at any adjournment thereof, the Board shall cause the election to be held either at a special meeting of the Owners to be convened as soon thereafter as may be convenient or at the next annual meeting of the Owners. The Board may from time to time by resolution change the month, date, and time for the annual meeting of the Owners.

3.4 Special Meetings. During the Declarant Control Period, the Declarant shall have the

sole right to call a special meeting. Thereafter, special meetings of the Association may be called at any time by the Board, or upon written request of the Owners who are entitled to vote thirty-three percent (33%) of all of the total votes of the Association. Any written request for a special meeting presented by the Owners shall be delivered to the Board and shall include the original signature of each Owner affirmatively supporting such request along with a complete statement of the purpose of the meeting on each page containing signatures. The Board shall then call, provide notice of, and conduct a special meeting within forty-five (45) days of receipt of the request.

3.5 Notice of Meetings. Written notice of each meeting of the Association shall be given by, or at the direction of, the Secretary / Treasurer or person authorized by the Board to call the meeting, by mailing a copy of such notice, postage prepaid, or by email, text message or other mode of electronic or digital communication, to the extent not prohibited by law, at least fifteen (15) days, and no more than sixty (60) days, before such meeting to each Owner entitled to vote, addressed to the Owner's address, email address, number for text messaging, or other mode of electronic or digital communication last appearing on the books of the Association, or supplied by such Owner to the Association for the purpose of notice. Each Owner shall register with the Association such Owner's current email address, phone number (indicating whether the same is capable of receiving text messages), and mailing address for the purposes of notice hereunder. Such registered email, phone number, and mailing addresses may be changed from time to time by notice in writing to the Association. If no address is registered with the Association, an Owner's Unit shall be deemed to be the Owner's registered address and notice to the Unit address may be made by first-class mail or by posting the meeting notice on the front door. Such notice shall specify the place, day and hour of the meeting, and, the purpose of the meeting. The President of the Association will chair meetings of the Owners. The presence of an Owner at a meeting shall be deemed to waive any objection such Owner has to the form and scope of the notice unless such Owner objects at the outset of the meeting.

3.6 Record Date for Notice Purposes. The Board may designate a record date, which shall not be more than sixty (60) nor less than fifteen (15) days prior to the meeting, for the purpose of determining Owners entitled to notice for any meeting of the Owners. If no record date is designated, the last date on which a notice of the meeting is mailed or delivered shall be deemed to be the record date for determining Owners entitled to notice. The persons or entities appearing in the records of the Association on such record date as the Owner(s) of record of Units in the Project shall be deemed to be the Owners of record entitled to notice of the meeting of the Owners.

3.7 Place of Meetings. The Board may designate any place in Davis County that is reasonably convenient for the Owners as the place of meeting for any annual or special meeting. If no designation is made, or if a special meeting is otherwise called, the place of the meeting shall be held at the office of the Association.

3.8 Quorum. Except for meetings addressing an amendment of these Bylaws, an amendment of the Declaration, or other matters for which the affirmative votes of a certain percentage of Owners is required for approval, the Owners present in person or by proxy at a meeting of the Association shall constitute a quorum. Where a certain percentage of affirmative

votes of Owners is required to approve an action and such action is to be discussed at the meeting, a quorum shall consist of not less than the number of affirmative votes required to approve such action.

3.9 Proxies. At all meetings of the Association, each Owner may vote in person or by proxy. All proxies shall be in writing, signed by the applicable Owner(s) of the Unit(s), and filed with the Secretary / Treasurer or any professional manager the Association chooses to retain. Every proxy shall be revocable and shall automatically cease upon conveyance by the Owner(s) of his or her Lot(s).

3.10 Waiver. All inaccuracies and irregularities in calls or notices of meetings and in the manner of voting, in the form of proxies and the method of ascertaining Owners present, and in the decision and votes of the Board or of the Owners shall be deemed waived if no objection is made either at the meeting or within thirty (30) days of the date of the meeting, or within thirty (30) days of notice of any decision by the Board. The presence of an Owner in person at any meeting of the Owners shall be deemed a waiver of any notice requirements.

3.11 Action Taken Without a Meeting. Owners have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of Owners in accordance with the requirements of Utah Code Ann. §16-6a-707 and any other applicable sections of the Acts. Any action so approved shall have the same effect as though taken at a meeting of the Owners.

ARTICLE IV BOARD; SELECTION; TERM OF OFFICE

4.1 General Powers. The Project and the affairs and business of the Association shall be managed by the Board. The Board may exercise business judgment and all of the powers of the Association, whether derived from the Declaration, the Bylaws, the Articles of Incorporation, or the Acts except such powers that the Declaration, the Bylaws, the Articles of Incorporation and the Acts vest solely in the Owners.

4.2. Number, Selection and Tenure. The Association will be composed of three (3) Directors. Initially, the Board will have three (3) Directors who will be selected by the Declarant. The Declarant shall decide who serves on the Board during the Declarant Control Period and may increase the number of Directors. After the Declarant Control Period, the Board will consist of three (3) Directors. Within ninety (90) days after the end of the Declarant Control Period, the Association shall hold an election at which the Owners shall be entitled to elect all three (3) Directors. Upon such election, the terms of the Directors will be staggered as follows: the two (2) Directors receiving the highest number of votes in such election shall serve for an initial term of three (3) years, and the one (1) Director receiving the next highest number of votes shall serve for an initial term of two (2) years. After the expiration of the initial terms, all Directors shall serve terms of two (2) years. After the Declarant Control Period, the Board may change the number of Directors on the Board by the vote of a majority of Directors. In addition, after the Declarant

Control Period the Owners may change the number of Directors by the vote of a majority of Owners. Notwithstanding the foregoing, there shall always be an odd number of Director slots and the terms of the Directors shall be staggered. Notwithstanding the foregoing, Declarant may, at Declarant's discretion, allow one (1) or more seats on the Board to be filled by an Owner chosen by the Members of the Association at any time during the Declarant Control Period. Such action shall not be deemed as a termination of the Declarant Control Period or a waiver of any of the rights of Declarant as provided herein.

4.3 Removal and Replacement. After the Declarant Control Period, a Director may be removed with or without cause by a majority vote of the other Directors or by a majority vote of the Owners at a meeting of the Owners called for the purpose of voting on removal. If a Director is removed, the remaining Directors (provided there are at least two (2) Directors serving) shall determine a replacement Director to fill the remainder of the term of the removed Director. If the Board cannot determine a replacement, or if there are not two (2) Directors then serving, the Owners shall fill vacancies on the Board at a meeting called for the purpose of filling vacancies.

4.4 Non-Liability of Officials. To the fullest extent permitted by law, none of the following Persons: (i) every Director and officer of the Association, (ii) every member of the Design Review Committee, or other committees of the Association, (iii) Declarant and the Declarant Related Parties, and (iv) all employees of the Association (collectively, the "Released Persons") shall be liable to any Owner, Occupant, the Association or any other Person for any damage, loss or prejudice suffered or claimed on account of any decision, approval or disapproval of plans or specifications (whether or not defective), course of action, act, inaction, omission, error, negligence or the like made in good faith and which the following Persons reasonably believed to be within the scope of their representative duties. Each Owner, Occupant and other Person having any interest in the Project or entering upon or using any portion of the Project is deemed to acknowledge and accept the following:

(a) None of the Released Persons shall be liable or responsible for, or in any manner be guarantor or insurer of, the health, safety, or welfare of any Owner, Occupant or other Person entering upon or making use of any portion of the Project. Each Owner, Occupant and other Person assumes all risks associated with the use and enjoyment of the Project, including but not limited to, any recreational facilities upon or within the Project.

(b) None of the Released Persons shall be liable or responsible for any personal injury, illness or any other loss or damage caused by the presence or malfunction of any utility line, equipment or substation, adjacent to, near, over, or on the Project. Each Owner, Occupant and other Person assumes all risks of personal injury, illness or other loss or damage arising from the presence of malfunction of any utility line, equipment or substation adjacent to, near, over or on the Project.

(c) No provision of these Bylaws or any other Governing Document shall be construed or interpreted as creating a duty by any of the Released Persons to protect or further the health, safety or welfare of any Person, even if funds of the Association are used for such a purpose.

4.5 Indemnification. In the event that any legal claim or action is asserted or commenced against a Director or Officer for actions undertaken in his role as a member of the Board or as an Officer of the Association, whether or not such Director or Officer is still acting in their official capacity, the Association shall indemnify such Director or Officer for losses or claims, and undertake all costs of defense, until and unless a court of competent jurisdiction determines that such Director or Officer acted with willful or wanton misfeasance or with gross negligence. After such determination, the Association is no longer liable for the cost of defense and may recover costs already expended from the Director or Officer who so acted.

ARTICLE V MEETINGS OF THE BOARD OF DIRECTORS

5.1 Regular Meetings. Meetings of the Board shall be held as frequently as the Board deems appropriate, but at least annually, at such place and hour as may be fixed from time to time by resolution of the Board. Should such meeting fall upon a weekend or legal holiday, then that meeting shall be held at the same time on the next day which is not a weekend or legal holiday.

5.2 Special Meetings. Special meetings of the Board shall be held when called by the President of the Association, or by any two (2) Directors, after not less than five (5) days written notice to each Director.

5.3 Open Meetings. After the Declarant Control Period, meetings of the Board shall be open to the Owners or Owners' agents except in cases where the Utah Revised Nonprofit Act permits private meetings. After the Declarant Control Period, any Owner may request notice of all meetings of the Board, in which case the Board shall provide notice of all meetings to such Owner not less than forty-eight (48) hours prior to such meeting.

5.4 Quorum and Voting. A majority of the number of Directors shall constitute a quorum for the transaction of business. During the Declarant Control Period, all matters requiring a vote of the Directors or otherwise submitted to a vote of the Directors shall be approved and implemented if, and only if, the Declarant also approves such matters. After the Declarant Control Period, all matters submitted to a vote of the Directors shall be decided by the votes of the Directors. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board and of the Association.

ARTICLE VI POWERS AND DUTIES OF THE BOARD; APPLICABILITY OF THE ACTS

6.1 Powers. The Board shall have power to:

6.1.1 Adopt and publish Rules and Regulations governing the use of the Common Area and Facilities within the Neighborhood or as shown on the Plat Map or identified in

the Declaration, and the personal conduct of the Owners and their guests thereon, and to establish penalties for the infraction thereof;

6.1.2 Adopt and publish other Rules and Regulations for the management of the Association as are not in conflict with the Acts, the Declaration, or these Bylaws;

6.1.3 As the Board deems necessary, employ a professional manager, or other independent contractors or employees, to carry out the functions of the Association and exercise the powers of the Board which are properly the subject of delegation; and

6.1.4 Exercise for the Association all powers, duties and authority vested in or delegated to the Association by the Acts, the Declaration, or the Articles of Incorporation.

6.2 Duties. It shall be the duty of the Board to:

6.2.1 Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Owners at the annual meeting of the Association, or at any special meeting when such statement is requested in writing by the Owners who are entitled to vote thirty-three percent (33%) of the total votes;

6.2.2 Supervise any professional manager and all Officers, agents and employees of this Association, and to see that their duties are properly performed;

6.2.3 After the Declarant Control Period, do each of the following in the manner set forth in the Declaration:

6.2.3.1 Prepare the budget for the Association as provided in the Declaration and Section 10.1 of these Bylaws; and

6.2.3.2 Fix the amount of the annual assessment assessed against each Lot and fix the amount of any supplemental assessments or special assessments applicable to any Lots;

6.2.4 Send written notice of each annual assessment to every Owner subject thereto at least fifteen (15) and no more than sixty (60) days in advance of each annual assessment period and similar notice for imposition of each supplemental assessment or special assessment;

6.2.5 Foreclose the lien (at the option of the Board) against any Lot for which assessments are not paid in the manner provided for in the Association Act and the Declaration or to bring an action at law (at the option of the Board) against the Owner personally obligated to pay the same;

6.2.6 Issue, or to cause an appropriate Officer to issue, upon demand by any

person, a certificate setting forth whether or not any assessment has been paid and to charge a reasonable fee for the issuance of these certificates;

6.2.7 Procure and maintain insurance as required by the Declaration and the provisions of the Association Act relating to insurance;

6.2.8 Establish a reserve fund and conduct a reserve fund analysis in accordance with the provisions of the Association Act relating to reserve funds;

6.2.9 Cause all Officers or employees having fiscal responsibilities to be bonded, as the Board may deem appropriate; and

6.2.10 Cause the Common Area and Facilities to be properly maintained and managed.

6.3 Legal Action Involving Declarant. Neither the Board nor any other person or entity acting, or purporting to act, on behalf of the Association shall file, commence, or maintain any lawsuits or legal proceedings of any nature against Declarant, the individual managers, owners, members, or officers of Declarant, Declarant's contractors, or any other person or entity involved in the construction of the Units or Units thereon unless and until all of the "MANDATORY DISPUTE RESOLUTION REQUIREMENTS" set forth in the Declaration have been satisfied. Any Claims against Declarant shall comply with all the terms and conditions of the Declaration.

6.4 Applicability of the Community Association Act. The provisions of the Community Association Act shall apply and govern the Association's rights with respect to levying of assessments, collection of assessments, and remedies that apply in the event of non-payment of assessments.

6.5 Applicability of the Utah Revised Nonprofit Act. The provisions of the Utah Revised Nonprofit Act shall apply and govern the operations and dealings of the Association to the extent not otherwise provided in these Bylaws, the Declaration, or the Articles of Incorporation.

ARTICLE VII OFFICERS AND THEIR DUTIES

7.1 Enumeration of Officers. The following positions shall constitute the officers of this Association ("**Officers**"): a President, a Vice-President, a Secretary / Treasurer, and such other Officers as the Board may from time to time by resolution create.

7.2 Selection of Officers. The Declarant shall select the three (3) initial Officers, and the Declarant shall decide who serves as Officers during the Declarant Control Period. After the Declarant Control Period, the Board shall annually, at the next meeting of the Board after the Association's annual meeting, select the Officers. After the Declarant Control Period, all Officers

shall be members of the Board.

7.3 Term. After the Declarant Control Period, the Officers of the Association shall be elected annually by the Board and each shall hold office for one (1) year unless they shall sooner resign, or shall be removed, or are otherwise disqualified to serve.

7.4 Special Appointments. The Board may elect such other Officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

7.5 Resignation and Removal. After the Declarant Control Period, any Officer may be removed from office with or without cause by the Board. Any Officer may resign at any time by giving written notice to the Board, the President or the Secretary / Treasurer. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

7.6 Vacancies. After the Declarant Control Period, a vacancy in any office may be filled by appointment by the Board. The Officer appointed to such vacancy shall serve for the remainder of the term of the Officer he or she replaces.

7.7 Multiple Offices. Members of the Board may be Officers in the Association. No person shall simultaneously hold more than one (1) of any of the offices identified above, except in the case of special Officers created pursuant to Section 7.4, above.

7.8 Duties of Officers. The duties of the Officers are as follows:

7.8.1 President. The President shall preside at all meetings of the Board; shall see that orders and resolutions of the Board are carried out; and shall sign all written contracts or agreements of the Association. The President shall execute any amendments to the Declaration and deliver the same to the Secretary / Treasurer for certification and recordation, provided approval for such amendment has been obtained as provided in the Declaration.

7.8.2 Vice-President. The Vice-President shall act in the place and stead of the President in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him or her by the Board.

7.8.3 Secretary / Treasurer. The Secretary / Treasurer shall record the votes and keep the minutes of all things and proceedings of the Board and of the Owners; serve notice of meetings of the Board and of the Owners; keep appropriate current records showing the Owners of the Association together with their addresses; certify that any amendments to the Declaration have received the required approval and have been executed by the President and shall record the same; and shall perform such other duties as required by the

Board. The Secretary / Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by the Board; shall sign all checks and promissory notes of the Association; keep the Associations book and accounts; and shall assist the Board with the preparation of the annual budget to be presented to the Owners as provided herein.

ARTICLE VIII COMMITTEES

8.1 Committees Authorized. The Board may appoint Committees as it deems appropriate for carrying out the purposes of the Association.

ARTICLE IX BOOKS AND RECORDS

9.1 Open Records. Notwithstanding Section 6.2.1, above, the books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any Owner. The Declaration, the Articles of Incorporation, the Bylaws, and any Rules promulgated by the Board shall be available for inspection by any Owner at the principal office of the Association, where copies may be purchased at a reasonable cost.

ARTICLE X BUDGET AND ASSESSMENTS

10.1 Budget. The Board shall prepare an annual budget showing the estimated expenses of the Association and the anticipated annual assessment for the following year attributable to each Lot. The budget shall be completed and distributed to the Owners on or before December 1 of each year.

10.2 Fiscal Year. The fiscal year of the Association shall begin on January 1 and end on December 31 of every year, except that the first fiscal year shall begin on the date of incorporation.

10.3 Payment of Assessments. As more fully set forth in the Declaration, and subject to the exemptions set forth in the Declaration, each Owner is obligated to pay to the Association all assessments, and the Owner's obligation to pay such assessments is secured by a continuing lien upon the Owner's Lot. Any assessment which is not paid when due is delinquent. If the assessment is not paid on time, then the Board has the authority to establish late fees and collect the same from the delinquent Owner. The Board, in the name of the Association, may bring an action at law against the Owner personally obligated to pay the assessments and late fees or foreclose the lien against the Lot in the manner provided by the Association Act, and interest, costs, and reasonable attorney fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments and late fees provided for herein or provided in the Declaration by nonuse of the Common Area and Facilities or abandonment of his or her Lot.

10.4 Set-up Fee. In addition to the assessments identified in the Declaration, the Association may charge an administrative set-up fee whenever a new Owner takes title to a Lot. The amount of any set-up fee will be determined by the Board in accordance with these Bylaws and may be adjusted by the Board from time to time. The set-up fee will be used to offset the administrative, data entry, and recordkeeping costs associated with the change of ownership from one Owner to another.

ARTICLE XI AMENDMENTS

11.1 Amendment. During the Declarant Control Period, the Declarant shall have the right to amend these Bylaws without the consent of the Association or any Owner. After the Declarant Control Period, these Bylaws may be amended, at a regular or special meeting of the Association, by an affirmative vote, in person or by proxy, of the Owners entitled to cast at least sixty-seven percent (67%) of the total votes of the Association; provided, however, that no amendment to the Bylaws shall be adopted that is inconsistent with or contradicts any provisions of the Declaration unless and until the Declaration is also amended (in accordance with the amendment requirements of the Declaration) to resolve such inconsistency or contradiction. No amendment to these Bylaws shall be effective until they are recorded in the office of the Davis County Recorder.

11.2 Conflict. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

ARTICLE XII MISCELLANEOUS

12.1 Governing Law. These Bylaws shall be governed by, and interpreted in accordance with, the laws of the State of Utah, without regard to conflict of law provisions.

12.2 Severability. If any section, term, or provision of these Bylaws is determined to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining sections, terms, and provisions of this Declaration which shall all remain in full force and effect.

12.3 No Waiver. The failure by the Declarant or the Association to enforce any term or provision of these Bylaws shall not be deemed as a waiver of the right to thereafter enforce such term or provision.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, on the ____ day of _____, 2022, the Incorporator of the Company has executed and adopted these Bylaws.

CW THE LANE, LLC,
a Utah limited liability company

By: _____
Name: _____
Its: _____

STATE OF UTAH)
 §
COUNTY OF DAVIS)

On the ____ day of _____, 2022, personally appeared before me _____ who by me being duly sworn, did say that he/she is the _____ of CW THE LANE, LLC, a Utah limited liability company, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

(Notary Public)

(Seal)

EXHIBIT C

MAINTENANCE ALLOCATION TABLE

Improvement	Owner	Association	Notes
A/C Pad & Unit	X		
Address Numbers	X		Subject to Board approval upon replacement.
Attic	X		
Cable/Satellite TV	X		Subject to Board approval.
Ceiling	X		
Circuit Breakers for Unit	X		
Common Area Amenities		X	
Door and Door Frames (Exterior)	X		Subject to Board approval upon replacement.
Door and Door Frames (Interior)	X		
Door Hardware/Doorbell	X		Subject to Board approval upon replacement.
Drains - Unit and Limited Common Area (Patio/Porch)	X		
Dryer Vent	X		
Electrical Wiring/Panels	X		
Exterior Wall Finishes	X		
Fencing - Project Perimeter	X		
Fencing - Lots and Limited Common Areas	X		Subject to Board/Design Review Committee approval.
Fireplace, Flue, and Vent	X		
Pipes - Cleaning and Repair	X		
Floor coverings	X		
Foundation - Structural	X		
Foundation - Cosmetic	X		
Furnace	X		
Garage Doors - Repair and Replacement	X		Subject to Board/Design Review Committee approval.
Gas Pipes (Meter to Unit interior)	X		
Hose Bib/Faucet/Spigot	X		
Hot Water Heater	X		
Insurance - Property (attached buildings)	N/A	N/A	
Insurance - HO6 Policy	X		
Insurance - Loss Assessment	X		
Insurance - Deductible	X	X	Assess to Owners pro-rata according to losses. HO6

			deductible is Owner's responsibility.
Irrigation Lines/Heads - Common Area (Front Yards)		X	
Landscaping - Common Areas		X	
Landscaping - Owner Maintained Areas/Limited Common Areas	X		
Lights - Exterior (Porch, Driveway, Garage, Wall Pack (Fixtures & Bulbs))	X		
Limited Common Area - Patios, Porches and Decks (Repair and Replacement)	X		
Limited Common Area - Driveways	X		
Mailbox and Stand/Structure	X		
Mailbox Lock and Key	X		
Paint - Exterior Walls and Trim	X		
Paint - Exterior Doors and Garage Doors	X		
Paint - Interior	X		
Patio Slab	X		
Pest Control - Interior	X		
Phone Lines	X		
Playgrounds and Open Space		X	
Plumbing Valves and Pressure Regulators	X		Owner: point of connection/meter to Unit and Association: before point of connection/meter.
Plumbing Main Line	X		Owner: point of connection/meter to Unit and Association: before point of connection/meter.
Plumbing Leak	X		Owner: point of connection/meter to Unit and Association: before point of connection/meter.
Plumbing Cloggage	X		Owner: point of connection/meter to Unit and Association: before point of connection/meter.
Plumbing Interior Pipes	X		Owner: point of connection/meter to Unit and Association: before point of connection/meter.
Rain Gutters - Cleaning, Repair, and Replacement	X		
Rain Gutters - Drains away from Building	X		
Roof Repair and Replacement	X		

Screen Doors	X		Subject to Board/Design Review Committee approval.
Sewer Pipes and Utilities (Single Unit)	X		
Sewer Pipes and Utilities (Serving Multiple Units)		X	Unless otherwise handled by Centerville City or others.
Sidewalks and Paths on Common Areas		X	
Sliding Glass Doors	X		
Snow Removal - Limited Common Areas, Driveways, Porches and Sidewalks on Lots	X		
Snow Removal - Private Roads and Common Area Sidewalks		X	
Storm Drains		X	
Street Lights		X	
Streets - Private		X	
Termites, Pests, Rodents, Insects, etc.	X		
Trash	X		
Vent Covers - Exterior	X		
Wall - Load Bearing Interior Wall	X		
Wall - Partition Interior Wall	X		
Water - Culinary or Owner Maintained Landscaping	X		
Water - Common Areas		X	
Weather Stripping	X		
Windows - Glass, Screens, Frames, Boxes, and Wells	X		Subject to Board/Design Review Committee approval.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 4**

PROPERTY OWNER: SCOTT BALLING
P.O. BOX 805
CENTERVILLE CITY, UT 84014

APPLICANT: SAME AS ABOVE
(jscottballing@gmail.com)

PROPERTY : 323 EAST PAGES LANE
APNs 03-004-0082 & 03-004-0083

ACREAGE: 0.513 NET ACRES & 0.75 GROSS ACRES

ZONING: RESIDENTIAL-MEDIUM (R-M)

APPLICATIONS:

1. CONCEPTUAL SITE PLAN ACCEPTANCE
2. CONCEPTUAL SUBDIVISION ACCEPTANCE

PROPOSED USE: MULTI-FAMILY RESIDENTIAL W/ SIX (6) DWELLINGS

RECOMMENDATIONS:

- a. CONSIDER ACCEPTANCE OF THE CONCEPTUAL SITE PLAN WITH DIRECTIVES
- b. CONSIDER ACCEPTANCE OF THE CONCEPTUAL SUBDIVISION WITH DIRECTIVES

BACKGROUND

As the Planning Commission, may be aware, the City Council recently rezoned the applicant's property from Commercial-High (C-H) to Residential-High (R-M). The applicant now desires to re-develop the property as a multi-family development consisting of six (6) townhomes. review and approval of possibly six (6) townhomes. The applicant is seeking both Conceptual Site and Conceptual Subdivision Acceptances. The first phase of development is to begin constructing the multi-family development by gaining a Final Site Plan approval and during the construction activities convert the site into a Planned Unit Subdivision to allow the opportunity to individually sell each unit in the future.

It should be noted to the Planning Commission that the proposed plan to develop the six (6) townhomes is predicated upon the applicant securing a boundary line adjustment of four (4) feet to the north and one (1) foot to the east to obtain at least 0.8 acres to be eligible to construct the proposed six (6) dwellings. These boundary adjustments are needed to allow the applicant to seek the development an R-M density allowance of up to eight (8) units per acre. Additionally, the properties involved with the boundary adjustments are currently zoned R-L and R-H and the applicant's property is zoned R-M. Therefore, additional zoning changes may be needed to incorporate these tracts into the R-M Zone. Lastly, the residential density proposed requires the issuance of a Conditional Use Permit from the Planning Commission. The applicant will need to submit the request for the CUP density at the time of Final Site Plan submittal. Hence, the Commission will be focusing first of these Concept Plan reviews to provide any directives to the applicant, as he seeks any future official development approvals from the City.

CONCEPTUAL SITE PLAN REVIEW, SECTION 12-12-110(d)

Table of Uses Allowed - Chapter 12-36

According to the Zoning Ordinance - "Table of Uses" multi-family uses are allowed within the Residential-Medium Zone (R-M) Zone. More specifically, the proposed multi-family uses have a permitted density allowance of up to four (4) units per gross acre and a conditional density allowance for up to eight (8) units per gross acre (*see Table 12-36-1*).

From staff's review of the conceptual plan, the total number of dwelling units is six (6) with a density calculation divided by 0.75 acres (gross, not net). This equates to a density of eight (8) units per gross acre (*code rounds to nearest tenth for density*). Thus, the project's overall use density would fall within the conditional use allowances of the R-M Zone.

General Plan - Section 12-480-3

According to Section 12.480.2(a) of the General Plan, states the property location is within Neighborhood 1, Southeast Centerville, which is further divided into other subareas and the subject property is part of the Pages Lane Commercial Area. Additionally, the general goals and policies of the neighborhood plan address the specific areas around Centerville Elementary and Centerville Junior High, but do not specifically address the area around or near J. A. Taylor Elementary. However, in the "Pages Lane Commercial Area" J. A. Taylor Elementary is referenced in relation to the use and development of commercial sites and detrimental impacts of commercial uses on the school are to be avoided. Staff believes that the rezoning of the property to R-M and any subsequent multi-family development could be considered consistent with the policies of this neighborhood plan.

Development Standards

Conceptually, the development, with some alterations, appears to have the potential to satisfy the applicable standards of Table 12-32-1 of the Zoning Ordinance, as summarized below:

R-M Development Standards Table 12-35-1			
Development Standard	Required	Actual	Compliance
Building Standards			
Maximum Height	35 Feet	Likely Less 35' (Two Stories)	To be determined
Distance Between Buildings	6 feet	NA	NA
Lot and Parcel Standards			
Minimum Area	10,000 sq. ft.	0.75 Acres (gross)	Yes
Setbacks			
Front	25 Feet	25 Feet (Pages Lane)	Yes
Street Side Yard	18 Feet	18 Feet (300 East)	
Rear	20 Feet	20 Feet	Yes
Side, Interior	8 Feet	8 Feet (East Lot Line)	Yes
Site Standards			
Landscaping, Non-single Family Projects	40% of Site	35.8 % (8,127 sq. ft.)	Not in Compliance
Open Space Trees & Shrubs Requirement	1 Tree & 2 Shrubs per Dwelling Unit	Trees Shrubs Not Shown	To be determined

Residential-Medium Development Standards*Off-Street Parking - Chapter 12-52*

Table 12-52-1 Off-Street Parking Requirements			
Use	Standard	Provided	Compliance
Multi-family	1.5 spaces per studio or 1 bed, or 2 spaces per 2 bed+	Double Car Garage Per Unit	Yes
		Four (4) Visitor	
Total		16 Parking Stalls	

Landscaping & Screening - Chapter 12-51

The submitted plans indicate the general location of landscaping and a generalized plant detail has been provided. Since the property is greater than one acre, the Ordinance requires a landscape architect prepare a final detailed landscaping design and submit with the final site plan application. These plans must indicate location of all landscaping, types of plantings, total number of plantings and accurate calculations of landscaping percentages and totals.

Required Landscaping Summary Chapter 12-51			
Guidelines	Standard	Required Site Specific	Actual/Compliance
Total Area Landscaping	40%	35.8 % (8,127 sq. ft.)	Not in Compliance
Total Required Trees	1 Tree & 2 Shrubs per Dwelling Unit	Trees Shrubs Not Shown	To be determined
Trees for Street Frontage	1 per 25 linear feet	Trees Not Shown	To be determined
Total Interior Parking Lot Landscaping	10%	12 Garage Parking Provided – None Req'd 4 Visitor Stalls 10% LS Req'd	To be determined For Visitor Parking Lot Area
Total Interior Parking Lot Trees and Shrubs	For every six <i>required</i> stalls: 1 tree		
Total Interior Parking Lot Trees and Shrubs	For every six <i>required</i> stalls: 2 shrubs		
Public Street Landscaping (curb to interior lot)	10 Feet for Local Streets (300 East) 15 Feet for Arterial Streets (Pages Lane)	Local > than 10' is being provided Arterial > than 15' is being provided	Yes

Screening – Section 12-51-110

The Conceptual Site Plan depicts a trash enclosure at the entrance of the development (Pages Lane access). Staff raised a concern to the applicant regarding the accessibility or feasibility of this dumpster area, specifically the concern about backing back out onto Pages Lane. The applicant has provided a letter from the tentative waste company (A-1 Disposal) regarding the suitability of the proposed location of the dumpster. Also, all dumpsters are to be completely screened from view with an opaque six-foot wall or fence. The wall or fence are to be compatible in material and color of the main buildings on the site.

Signage

All signage, which are often used to identify multi-family developments, requires separate permits and must be approved by the Zoning Administrator as part of the sign permit application. However, the final site plan needs to indicate the location of any proposed project monument signage, which must meet the requirements found in Chapter 12-54 of the Zoning Ordinance.

Staff's Conclusion for Conceptual Site Plan

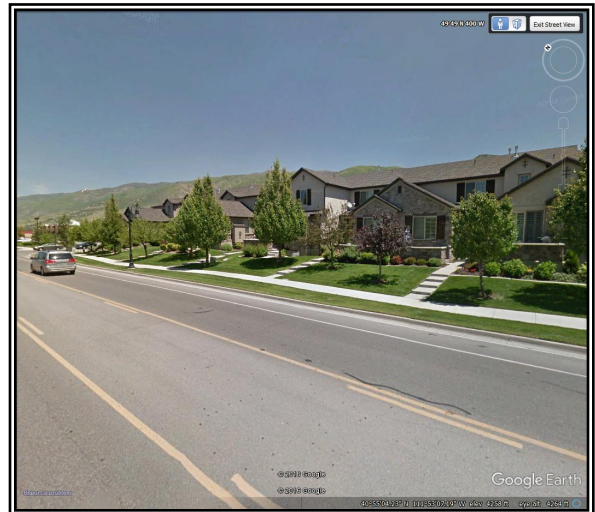
Generally, staff believes that the Conceptual Site Plan submitted depicts how the site could be appropriately developed and with some alterations could be designed to comply with the applicable provisions of the Residential-Medium (R-M) Zone (*see Section 12.21.110.d.5*) and other relevant regulations, as discussed above. Nonetheless, the allowance for the requested residential density for eight (8) units per gross acre (six proposed dwellings) is subject to the additional provisions regarding issuance of a conditional use permit (Section 12.21.100). Thus, there may be other issues related to these CUP criteria that may affect the design and layout of the proposed development.

Conditional Use – Staff's Anticipated Issues or Concerns

Since the proposed density use requires the approval of a conditional use permit (CUP), staff desires to provide an anticipated list of issues to be addressed with the final site plan to determine if there is sufficient evidence to support approval of the CUP. Such issues or concerns are identified as follows:

- Vehicle Maneuverability and Circulation (*see Section 12.21.100.e.5.g & h*) – Staff has identified three (3) issues that ought to be thought through that are related to vehicle circulation. These issues are:
 - Dumpster Location: Although, the submittal provides a letter from A-1 Disposal indicating the feasibility to provide their services, staff is uneasy with the truck backing (existing) onto Pages Lane. Current regulations prohibit a backing pattern exit onto a public street (*see 12.52.100.d*).
 - Angled Parking Layout: Typically, angle and parallel parking is expected to provide one-way exiting lanes (*see 12.52.100.d*). However, the applicant has provided geometric design passenger vehicle turning design depicting the expected radius for exiting the angled parking stall. This expected radius is shown on the proposed conceptual site plan circulation exhibit, which appears to be able to meet this standard.
 - Units 3 & 4, Garage Parking (backing & exit patterns) – The typical backing dimension for 90 degree stalls is 24 feet (*see 12.52.1 & 2, Dimension Table "D"*). Unit 3 will have to back out a much further distance and Unit 4 will have a minimal distance to make the needed two/three-point turn to exit the garages.
- Fire Access, Circulation, and Protection (*see Section 12-21-100. e.5.g & h*) - The final plans need to be reviewed by the South Davis Metro Fire Agency and the Public Works Director to ensure that there is sufficient access, circulation and hydrants; including fire hydrant flow capacity to service the proposed development.

- Utility and Drainage Capability & Capacity (see Section 12-21-100. e.5.g & h) – Such facilities are located in the area of the development. However, the applicant and City Engineer have previously discussed then need to provide some atypical infrastructure to manage storm water. A final design plat will need to be addressed with the City Engineer to determine how to provide for proper site drainage and storm water management.
- Visual Streetscape and Landscaping Design Elements (see Section 12-21-100. e.5.e, h & j) – Staff’s review of the development layout depicts internally central-oriented large building of garages and front doors. The design layout leaves the backsides of the building that would typically be back yard privacy spaces oriented primarily along the streetscape. Aesthetically, these spaces have less architectural design features and back porches often become semi-storage places (e.g. grills, furniture, and excess personal property). Consequently, the quality of the neighborhood appearance commences with less than an archetypal residential presence and then often deteriorates along the streetscape over time. From staff’s view, there are two (2) methods to address this, as follows:
 - Building Façade Orientation – The front yard setback functions as semi-public open space and the “curb-appeal” of the building façade functions as a backdrop for this visual space. Typically, the building’s design places emphasis on the front door elevation. This elevation is typically enhanced with a wainscot, trim, walkways to the front door, windows, etc. The remaining elevations are usually secondary in design. This would likely require a holistic re-design that the applicant may resist.
 - Enhanced Rear Elevation Design – The current plan utilizes only balconies rather than ground level patios (a positive). Other than the balcony areas, the main rear wall of the building uses a singular predominate material, which can give the building a massive dominate appearance. Staff suggests that this wall be redesigned with addition articulation and/or material changes to create not only greater visual interest, but create a sense of identity to each dwelling unit. This would help create a sense of neighborhood identity rather



than a massive building internally divided. Additionally, the landscaping plan ought to create a distinction between the streetscape (e.g. park strip, sidewalk, and a buffer along the sidewalk) versus the rest of the landscaping decorating the yard along 300 East. Staff would suggest a small height decorative landscape walls (segmented) setback about 3-4 feet. This wall would not only create interest, it would create a visual spatial separation between the private backyard space and the streetscape. This would help with enhancing the projects “curb-appeal” that is traditionally done with front yard oriented buildings.

PLANNING STAFF RECOMMENDATION – CONCEPTUAL SITE PLAN

PROPOSED ACTION: I hereby make a motion for the Planning Commission to ***ACCEPT*** the Conceptual Site Plan for “The Cottage on the Corner” Townhomes Project, to be located on property at 325 East Pages Lane, with the following directives:

1. Prior to submittal of a Final Site Plan application, the applicant is to secure the needed lot line adjustments and obtain any needed rezoning of these properties to the R-M Zoning District; If unable, the applicant is to redesign the development to meet the density allowances of the R-M Zone.
2. In conjunction with any Final Site Plan submittal, the applicant is to prepare and submit for a Conditional Use Permit to be considered for any density request that has a dwelling density of 5-8 units per gross acre.
3. As part of the expected Conditional Use Permit review, the CUP submittal is to also address the following:
 - a) The design plan and layout is to address the concerns regarding the needed two/three-point turn to exit the garages for Units 3 & 4.
 - b) The design plan and layout is to be reviewed by the South Davis Metro Fire Agency and the Public Works Director to ensure that there is sufficient access, circulation and hydrants; including fire hydrant flow capacity to service the proposed development.
 - c) The design plan and layout will need to be reviewed by the City Engineer to determine how to provide for proper site drainage and storm water management.
 - d) The design plan and layout is to address the visual streetscape and landscaping design elements that were raised in the staff report for the Conceptual Site Plan acceptance.
4. The applicant is to submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Zoning Ordinance.
5. The final site plan submittal is to also address the following:
 - a. Provide a Landscaping Plan and address the standards of Chapter 12.51. Landscaping & Screening. Additionally, this plan is to address the short-comings listed in the Planning Staff report for the Concept Site Plan acceptance.
 - b. The final site plan is to address the prohibition of vehicles (i.e. dumpster location) backing onto the Public Right-of-Way for exiting.
 - c. The proposed dumpster is to be completely screened from view with an opaque six-foot wall or fence. The wall or fence is to be compatible in material and color of the main buildings on the site.

- d. If any project signs are desired, the desired sign location is to be depicted on the final site plan.

SUGGESTED REASONS FOR THE ACTION:

- a) The conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d) (2)].
- b) The development appears to be consistent with the goals and objectives found within the Centerville City General Plan [Section 12-480-3].
- c) The Conceptual Site Plan that has been submitted depicts how the site could be appropriately developed and with some alterations could be designed to comply with the applicable provisions of the Residential-Medium (R-M) Zone (*see Section 12.21.110.d.5*) and other relevant regulations, as discussed in the Planning Staff Report.

CONCEPTUAL SUBDIVISION PLAN REVIEW

The applicant proposes to subdivide the property and a “planned unit development” (PUD) to allow each townhome to be sold as independent units. Section 15-6-101 of the Subdivision Ordinance outlines the standards for multi-family development relating to PUD subdivisions. These standards are summarized as follows:

- 1) *Design Standards* – PUD Subdivision development is to be consistent with the City’s adopted General Plan. This has been reviewed earlier in this report and staff believes that the zoning of the property to R-M and any subsequent multi-family development could be considered consistent with the policies of this neighborhood plan. Additionally, any PUD subdivision development must be consistent with the design plan (i.e. final site plan and/or CUP) approved by the Planning Commission or the City.
- 2) *Common Open Space* – PUD developments are to include designs for landscaping and open spaces consistent with the Zoning Ordinance provisions. Such elements are to be superior to conventional development in terms of the benefit to residents within and surrounding the development. Staff addressed this issue earlier in the report under the topic of visual streetscape and landscaping design elements. Staff recommended that this be matter addressed with the final site and conditional use permit submittals.
- 3) *Guarantee of Common/Open Space Elements* – This standard allows for the possibility of establishing a financial obligation to guarantee the installation of the elements expected to meet the landscaping and open space design elements. The need for this can be discussed later in any preliminary and final approvals of the proposed project.
- 4) *Continuation of Approved Common/Open Space Elements* – This standard allows for the possibility of platting an open space easement to ensure the future perpetuation of these elements. This could be a concern where there would be sufficient room to add infill development (e.g. underutilized densities) at some later date. The need for this can be discussed later in any preliminary and final approvals of the proposed project.
- 5) *Maintenance of Common/Open Space Elements* - This standard requires that prior to the recording of the PUD subdivision plat, a Home Owners Association (HOA) be

established to ensure the continued maintenance of the common amenities and open spaces.

PLANNING STAFF RECOMMENDATION – CONCEPTUAL SUBDIVISION PLAN

PROPOSED ACTION: I hereby make a motion for the Planning Commission to ***ACCEPT*** the Conceptual Subdivision Plan for “The Cottage on the Corner” Townhomes Project, to be located on property at 325 East Pages Lane, with the following directives:

1. The Conceptual Subdivision Plan acceptance is dependent upon the approval of a Final Site Plan and any applicable CUP approval, as being proposed with the related Conceptual Site Plan acceptance of December 14, 2016.
2. Once the related Final Site Plan and CUP approvals are secured from the City, the applicant shall prepare and submit a Preliminary Subdivision Plat, depicting how the related site plan will be prepared as a Subdivision Plat, coordination of construction plan elements between site plan development and those to be constructed with subdivision development, and the layout and dedication of common, limited common, and private lots or building envelopes.

SUGGESTED REASONS FOR THE ACTION:

- a) The project consists of a multi-family residential development inherently connected to the Final Site Plan and CUP approvals of the R-M Zone.
- b) The PUD subdivision regulations provide for the opportunity to allow the multi-family to be individually sold to the market place through a recorded plat, provided there are mechanisms to have the owners of the development participate in the continued maintenance of common areas and open spaces.
- c) The conceptual subdivision plan must be consistent with the policies of the applicable neighborhood plan
- d) Any PUD subdivision development must be consistent with the design plan (i.e. final site plan and/or CUP) approved by the Planning Commission or the City.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

PROPERTY OWNER: SCOTT BALLING
P.O. BOX 805
CENTERVILLE CITY, UT 84014

APPLICANT: SAME AS ABOVE
(jscottballing@gmail.com)

PROPERTY LOCATION: 323 EAST PAGES LANE
APNs 03-004-0082 & 03-004-0083

PARCEL SIZE: 0.527 NET ACRES & 0.75 GROSS ACRES

ZONING DISTRICT: RESIDENTIAL-MEDIUM (R-M), LOT LINE
ADJUSTMENTS INCORPORATED R-H AND R-L

APPLICATIONS: FINAL SITE PLAN ACCEPTANCE, CONDITIONAL USE
PERMIT, ZONING MAP AMENDMENT FOR
SURROUNDING PROPERTY

STAFF RECOMMENDATION: ACCEPTANCE CONDITIONAL ON CC APPROVAL

BACKGROUND

After a previous rezone from C-H to R-M and Conceptual Site Plan acceptance on this property, the applicant, Scott Balling, has now applied for his Final Site Plan, Conditional Use Permit, and an additional rezone of some newly acquired property from his lot line adjustments. The applicant now desires to develop the property as a multi-family development consisting of six (6) townhomes.



The first phase of development is to begin constructing the multi-family development by gaining a Final Site Plan approval and during the construction activities convert the site into a Planned Unit Subdivision to allow the opportunity to individually sell each unit in the future.

Mr. Balling has acquired some property from his surrounding neighbors, changing the boundaries of his own property in order to achieve the correct density for his project. These boundary adjustments are needed to allow the applicant to seek the development an R-M density allowance of up to eight (8) units per acre. These additional tracts of land are currently in R-L (the LDS Church property) and R-H (Heer apartments) and need to be rezoned to match Balling's own property, R-M.

Lastly, the residential density proposed requires the issuance of a Conditional Use Permit from the Planning Commission for this density allowance.

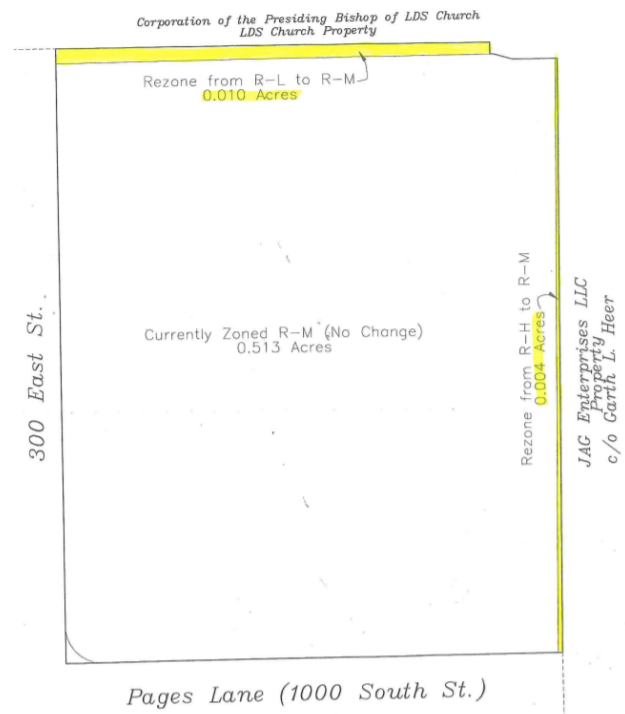
ZONING MAP AMENDMENT APPLICATION

Mr. Balling has adjusted some lot lines from his neighbors in order to reach a density of eight units per acre. With these small changes to his property, he is now at .527 acres net, and .749 Gross acreage (Density is rounded to the nearest tenth). This allows his him up to eight (8) units per acre, which is six (6) units on his lot.

These small tracts of lots are currently in different zones, so they will have to be amended to be incorporated in Mr. Balling's R-M zoned lot.

.010 Acres acquired from LDS Church Property to the North = R-L to R-M

.004 Acres of JAG Enterprises LLC c/o Garth Heer = R-H to R-M



Factors to be considered, Section 12.21.080(e)

1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?

- The General Plan does not call out this location specifically within Neighborhood 1, the Southeast Centerville Neighborhood. Originally, there was some concern as

to what would be a preferred use around the elementary school instead of a commercial zone. In September of 2016, the City Council approved this location from a Commercial High Zone to a Residential Medium zone. Since these additional properties of .014 acres is of the same intent as the original property, and there would be no reason not to accept these additional zone map amendments to this piece.

2. **Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?**
 - Yes, the amendment only adds up to .014 acres of additional property for R-M zoning. There is high density, public facility, and commercial zones surrounding the property along Pages Lane, and R-M is harmonious with those uses, especially along a commercial corridor.
3. **What is the extent to which the proposed amendment may adversely affect adjacent property?**
 - The addition of these slivers of property do not affect the overall character of the development. They do allow the property owner to develop six (6) units instead of five (5) based on gross density calculations. The addition of one more unit on this property will not adversely affect the development or neighborhood as a whole. Any adverse effects would have been considered in the re-zoning of the majority of the property
4. **What is the adequacy of facilities and services intended to serve the subject property?**
 - The area is located within an already developed neighborhood with adequate facilities and services. Any future development would be reviewed by City staff to ensure that proper public utilities have been set forth and other zoning concerns have been satisfied.

Due to these factors, there is no reason why these additional pieces of land that Mr. Balling has acquired should continue to be under a different zone. Zoning prefers to stay within property boundary lines, so therefore his new property should remain the same as the rest, in R-M.

FINAL SITE PLAN

Previous Conditions with Conceptual Site Plan:

1. Prior to submittal of a Final Site Plan application, the applicant is to secure the needed lot line adjustments and obtain any needed rezoning of these properties to the R-M Zoning District; If unable, the applicant is to redesign the development to meet the density allowances of the R-M Zone. **Complete/ In Progress**
2. In conjunction with any Final Site Plan submittal, the applicant is to prepare and submit for a Conditional Use Permit to be considered for any density request that has a dwelling density of 5-8 units per gross acre. **In Progress**
3. As part of the expected Conditional Use Permit review, the CUP submittal is to also address the following:

- a) The design plan and layout is to address the concerns regarding the needed two/three-point turn to exit the garages for Units 3 & 4. **Diagrams have been submitted that show the turning radius of a car from the visitor parking spots and the garages for Units 3 and 4.**
 - b) The design plan and layout is to be reviewed by the South Davis Metro Fire Agency and the Public Works Director to ensure that there is sufficient access, circulation and hydrants; including fire hydrant flow capacity to service the proposed development. **No Letter Submitted – Pending Approval**
 - c) The design plan and layout will need to be reviewed by the City Engineer to determine how to provide for proper site drainage and storm water management. **Construction plans will be reviewed and need approval by a City Engineer at time of the Building Permit.**
 - d) The design plan and layout is to address the visual streetscape and landscaping design elements that were raised in the staff report for the Conceptual Site Plan acceptance. **The site plan facing 300 East now has fencing and a variety of landscaping including more trees than is required for our standards. The balconies, patios, and fencing provide some visual relief and enhanced streetscape than previously submitted.**
4. The applicant is to submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Zoning Ordinance. **Complete**
5. The final site plan submittal is to also address the following:
- a. Provide a Landscaping Plan and address the standards of Chapter 12.51. Landscaping & Screening. Additionally, this plan is to address the short-comings listed in the Planning Staff report for the Concept Site Plan acceptance.

The Final Site Plan is still only at 35% landscaping, with 38% if patios are included. CZC 12.52 does allow some landscaping to be hardscaping.

Required Landscaping Summary Chapter 12-51			
Guidelines	Standard	Required Site Specific	Actual/Compliance
Total Area Landscaping	40%	38.8% with patios	Not in Compliance
Total Required Trees	1 Tree & 2 Shrubs per Dwelling Unit	6/ 12	26/12 = Yes
Trees for Street Frontage	1 per 25 linear feet	7 (west) 6(south)	9 (west) = Yes 11 (south) = Yes
Total Interior Parking Lot Landscaping	10%	12 Garage Parking Provided – None Req'd	Cut outs in Parking spaces = Yes
Total <i>Interior Parking Lot</i> Trees and Shrubs	For every six required stalls: 1 tree	4 Visitor Stalls	

Total <i>Interior Parking Lot</i> Trees and Shrubs	For every six <i>required</i> stalls: 2 shrubs	10% LS Req'd	
Public Street Landscaping (<i>curb to interior lot</i>)	10 Feet for Local Streets (300 East) 15 Feet for Arterial Streets (Pages Lane)	Local > than 10' is being provided Arterial > than 15' is being provided	Yes

According to 12.51.050, waiver of strict compliance may be granted if the following can be provided:

1. **Preserves the intent of this Chapter and the provision for which a waiver is authorized;**
 - At 38%, the 2% difference in landscaping does not dramatically affect the overall intent to provide a healthy amount of landscaping that provides proper beautification, screening, and environmental considerations to our sites.
2. **The granting of a waiver will not result in an adverse impact on surrounding properties;**
 - 2-5% reduction in landscaping will not adversely affect other properties, as long as adequate screening and buffering of these properties still exists. There seems to be adequate trees and shrubs on the perimeter of this property, therefore fulfilling this role.
3.
 - a) **The strict application of the provision in question is unreasonable or unnecessary for the specific use, design or site proposal given the nature of the proposal or alternate measures proposed by the applicant; or**
 - The applicant has provided well over the required amount of trees for the site, and landscaping along the streetscape, where it is most desired. He has also added enhanced design along 300 East, even though this was not required by code.
 - b) **The property has extraordinary or exceptional physical conditions that do not generally exist on nearby property in the same zone and such conditions will not allow strict compliance with the all of provisions of this Chapter.**
 - It is possible for the applicant, if the Commission deems necessary, to remove one visitor parking spot, or adjust other site plan elements, in order to accommodate for more landscaping, if the missing 2-5% of landscaping is not deemed acceptable by the Commission.
- b. The final site plan is to address the prohibition of vehicles (i.e. dumpster location) backing onto the Public Right-of-Way for exiting.
 - ➔ A-1 Disposal has provided a letters of acceptability of the dumpster location and the adequate accessibility of the dumpster truck. But it stated that the truck would back out onto Pages Lane, which this violates our code, which states that "Each parking lot shall include required backing space within the lot or parcel so a

vehicle will not exit by backing onto a public street”[CZC 12.52.100.d.]. Instead, the applicant has provided a diagram for the turnaround of a dumpster truck turning around within the parking lot, so it may exit the parking lot without reversing onto public right of way.

- c. The proposed dumpster is to be completely screened from view with an opaque six-foot wall or fence. The wall or fence is to be compatible in material and color
- d. of the main buildings on the site. Noted on Building Plans of a 6’ tall steel fence “with visible barrier” in front of the dumpster.
- e. If any project signs are desired, the desired sign location is to be depicted on the final site plan. Cottage on the Corner sign detail is provided. – will be reviewed during Building Permit for adherence for CZC 12.54.

CONDITIONAL USE PERMIT APPLICATION

In order to achieve the desire six units on the site (at eight units an acre), the applicant needs to fulfill the requirements of a Conditional Use Permit [CZC 12.32.300] [CZC 12.21.100]

The proposed project is harmonious with the existing uses in the vicinity; will not be injurious to existing development; is suitable for the proposed use; (A-C)

This project is surrounded by many other uses directly surrounding this location – a church, a school, an apartment building, and a commercial strip. Pages Lane truly provides a mix of uses on this corridor, and Balling development adds to that by contributing condominium style housing on this site. This development is an acceptable use for these surrounding areas –it will provide little interruption for the elementary school, and leaves an aesthetically pleasing walk or view for them across the street. As we decide the future of Pages Lane in the next coming weeks, this is not likely to be a use or development that would be injurious or detrimental to any proposed development that may go across the street.

Aesthetic and economic impact of the proposed facility to the surrounding area, while safeguarding adverse effects from the facility from person or property in the area; does not impact the health, safety or welfare of those in the surrounding area (D-E, I-J)

This proposed facility does not negatively impact the surrounding area economically, but provides further housing options in this area of town.

Aesthetically, the streetscape and urban design of the property have been much improved since the Conceptual Site Plan. Plenty of trees, shrubs, fencing, and a decorative sign have been added to the street appeal of this corner and neighborhood. Rather than the old vacant building that exists now, the new design will breathe life into this corner. Mr. Balling has made a conscience effort to improve the design of the building to better interact with the streets around it. While not perfect, it does provide an aesthetic improvement to the community.

The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area; The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation; The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;(G,H,J)

Adequate parking facilities exist in this location, and the new proposed location will not add a substantial amount of traffic and circulation to the property. All of the owners of these units will have their own two-car garage and the site has a few spots for visitor parking, so on-street parking will not be common for this development. The biggest concern is with the dump truck access off Pages Lane, which the A-1 company has assured is adequate,

Grading and drainage plans have been submitted, and swales, retention ponds and retaining walls have been noted on the plan. Final approval will be necessary by the City Engineer at the time of Building Permit, but no serious concerns have arose.

No known safeguards are necessary to guard against omissions, noise, pollutants, etc, that would heed warning for this property. All adequate facilities exist or will be implemented at the time of construction.

ZONE MAP AMENDMENT SUGGESTED MOTION

I hereby make a motion for the Planning Commission to *recommend APPROVAL* for the additional land acquired for the “The Cottage on the Corner” Townhomes Project, located on property at 323 East Pages Lane, as follows:

1. These amendments include only the .010 acres acquired from the LDS Church to the North and the .004 acres acquired from JAG Enterprises LLC to the East, as provided in the legal description attached.
2. The area is to be combined into a single parcel

SUGGESTED REASONS FOR ZONE MAP AMENDMENT –

- a) The proposed amendment meets the requirements found in Section 12.21.080(4)(e).
- b) The proposed Zone Map Amendment is consistent with the overall intent of the goals and objectives of the General Plan [Section 12.480.2(c)].
- c) According to the associated Neighborhood Plan, amending the zoning map for this location to Residential-High (R-H) appears to likely have less of a long-term impact on the surrounding neighborhood than the current zoning of Commercial-High (C-H) that is anticipated in the plan.

FINAL SITE PLAN SUGGESTED MOTION

PROPOSED ACTION: I hereby make a motion for the Planning Commission to *ACCEPT* the Final Site Plan for “The Cottage on the Corner” Townhomes Project, to be located on property at 323 East Pages Lane, subject to the following conditions:

CONDITIONS:

1. City Council approval of the Zone Map Amendment of the small additions of property to the North and East of the original lot, the additional .014 acres of property, rezoned from R-H and R-L to R-M.
2. Approval from South Davis Metro Fire on Final Site Plan is required before Building Permit issuance.
3. A waiver of strict compliance shall be given to accept only 38% landscaping coverage, due to the fact that 4 times the amount of trees required were provided, and were concentrated along the perimeter for buffering and an enhanced streetscape design of corners and entrances. OR
 - a. The Applicant shall provide a new landscaping plan that has the full required amount of landscaping, 40% of the site, before Building Permit issuance.
4. The A-1 Truck disposal shall be prohibited from backing onto Pages Lane, as required in CZC 12.52.100.d, and shall use the parking lot to turn around, as diagramed in the prohibited illustration.
5. Final Approval is conditioned upon the acceptance of a Conditional Use Permit, for the desired density, at eight units per acre, and six dwelling units for the site.

SUGGESTED REASONS FOR THE ACTION:

- a) The final site plan submittal has adequately shown how the property may be developed [Section 12-21-110(e)].
- b) The development appears to be consistent with the goals and objectives found within the Centerville City General Plan [Section 12-480-3].
- c) The Final Site Plan that has been submitted depicts how the site could be appropriately developed is designed to comply with the applicable provisions of the Residential-Medium (R-M) Zone (see Section 12.21.110.e) and other relevant regulations, as discussed in the Planning Staff Report.

CONDITIONAL USE PERMIT SUGGESTED MOTION

PROPOSED ACTION: I hereby make a motion for the Planning Commission to ***ACCEPT*** the Conditional Use Permit for “The Cottage on the Corner” Townhomes Project, to be located on property at 323 East Pages Lane, with the following directives:

1. The Conditional Use Permit is dependent on the acceptance of the zoning map amendment, incorporating the lot line adjustments, as accepted by the City Council.
2. The CUP is dependent on the design, layout and development as depicted in the Final Site Plan as approved by the Planning Commission.

SUGGESTED REASONS

- a) The property is allowed up to 6 units on the property, with .749 Acres Gross, at Density Rounded to the nearest tenth [CZC 12.21.030]
- b) The applicant has fulfilled the factors to be considered in a CUP, as outlined in CZC 12.21.100.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

PROPERTY OWNER: SCOTT BALLING
P.O. BOX 805
CENTERVILLE CITY, UT 84014

APPLICANT: SAME AS ABOVE
(jscottballing@gmail.com)

PROPERTY : 323 EAST PAGES LANE
APNs 03-004-0082 & 03-004-0083

ACREAGE: 0.513 NET ACRES & 0.75 GROSS ACRES

ZONING: RESIDENTIAL-MEDIUM (R-M)

LOT COUNT: SIX (6) PLANNED RESIDENTIAL DWELLINGS
(TOWNHOMES)

APPLICATIONS: PRELIMINARY SUBDIVISION APPROVAL WITH
FINAL SUBDIVISION RECOMMENDATION

RECOMMENDATION: CONSIDER APPROVAL OF THE PRELIMINARY
SUBDIVISION PLANS AND RECOMMEND FINAL
SUBDIVISION APPROVAL

BACKGROUND

As the Planning Commission, may be aware, the Cottage on the Corner Conceptual Subdivision Acceptance was occurred in December of 2016. Afterwards in April of 2017, the City approved a Final Site Plan and Conditional Use Permit for the Cottage on the Corner Development. Since these approvals, the applicant has constructed and completed the project, as approved. The applicant now desires to subdivide the site into a Planned Unit Subdivision to allow the opportunity to individually sell each unit in the future. Additionally, since the project has been constructed completed as a single site development project, the applicant is requesting the Planning Commission to approved a preliminary and final plat at the same time. The argument

being made is that physical construction is already complete and it is only the formal paper/linen for subdivision plat that needs to be secured for recording purposes.

PREVIOUS CONCEPTUAL PLAN ACCEPTANCE

On December 14, 2016, the City accepted the conceptual subdivision plan, which allows the developer to move forward with preparation and submittal of the preliminary subdivision plans and plat. The following are the conditions of the conceptual plan acceptance:

1. *The Conceptual Subdivision Plan acceptance is dependent upon the approval of a Final Site Plan and any applicable CUP approval, as being proposed with the related Conceptual Site Plan acceptance of December 14, 2016. (Completed – Final Site Plan & CUP Secured April 2017)*
2. *Once the related Final Site Plan and CUP approvals are secured from the City, the applicant shall prepare and submit a Preliminary Subdivision Plat, depicting how the related site plan will be prepared as a Subdivision Plat, coordination of construction plan elements between site plan development and those to be constructed with subdivision development, and the layout and dedication of common, limited common, and private lots or building envelopes. (Completed – All dwelling units received a Certificate of Occupancy on 9/20/2018, which required all infrastructure to be installed & the submitted Preliminary Plans depict the private, limited common, and common areas)*

PLANNING STAFF REVIEW AND COMMENT

Preliminary Plat and Plans – The preliminary plat and plans appear to be consistent with the original final site plan and conditional use permit approvals. The City Engineer will need to review plat and verify that the plat reflects the correct configuration with the build development.

Applicable Subdivision Improvements and Services - The secondary irrigation company desires verification that the plat reflects the needed easements that the applicant agreed to during the construction of the development (*see attached e-mail from Duel Creek Irrigation Company*). Prior to the recording of the subdivision plat, the City's Building Official and the Fire District will need to verify that the existing construction complies with the requirements to allow for the platting of the townhomes (*staff believes that it was likely constructed meeting the requirements*).

Covenants, Conditions, and Restrictions (CC&Rs) - The submitted Articles of Incorporation and the Declaration of CC&R's generally reflect the expectations and management of the subdivision. Prior to plat recordation, these documents will need to be reviewed by the City Attorney to verify compliance with state statutes.

OTHER RELATED MATTERS

As the Commission is aware, the density for this project was approved with the issuance of a Conditional Use Permit by the City and the development design is subject to specific conditions of approval. The subdivision plat needs to note that the development of the properties is subject to the conditions of the approved Final Site Plan and Conditional Use Permit. Staff would also suggest that such reference should be included in the CC&R's for disclosure to all future owners. For reference the CUP approval has been attached with the posting of this report.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Preliminary/Final Subdivision for The Cottage on the Corner: I hereby make a motion for the Planning Commission to approve the Preliminary Subdivision Plans and recommend approval of the Final Plat for The Cottage on the Corner Development, subject to the following:

1. The applicant shall finalize any plat related formatting and/or survey errors and omissions, which shall be deemed acceptable by the City's Engineer and Attorney.
2. The subdivision plat shall contain necessary notes that the development of the properties is subject to the conditions of the approved Final Site Plan and Conditional Use Permit.
- This approval also suggests that such references should be included in the CC&R's for disclosure to all future owners
3. Prior to plat recordation, the related Articles and CC&R documents will need to be reviewed by the City Attorney to verify compliance with state statutes.
4. Prior to the recording of the subdivision plat, the City's Building Official and the Fire District shall provide verification that the existing construction complies with the requirements to allow for the platting of the townhomes.
5. Prior to plat recordation, the secondary irrigation company shall provide verification that the plat reflects the needed easements that the applicant agreed to during the construction of the development
6. In accordance with the City's addressing system, the final plat shall depict the address of each dwelling and be deemed acceptable by the City's Public Works Director.
7. The applicant shall provide an updated title report (within 30 days) for review and acceptance of any final paper and/or linen plat, at a time deemed appropriate by the City's Attorney and/or Recorder.

Suggested Reasons for the Action (Findings):

- a) The Planning Commission finds that the subdivision plat and plans and plat are in harmony with the relevant provisions of the City's Zoning Approvals and Subdivision regulations.
- b) The Planning Commission finds that the development has previously been approved by the City and that the subdivision is also subject other terms and conditions, as approved by the City for the related final site plan and conditional use permit.
- c) The Planning Commission finds that with the Conditions listed for this approval, the subdivision can be deemed consistent with the expectations for PUD subdivisions, as outlined in Chapter 15-6, Planned Unit Development.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 5**

PROPERTY OWNER: **BRIGHTON DEVELOPMENT UTAH LLC
NATHAN W. PUGSLEY
215 N. REDWOOD RD SUITE #8
NORTH SALT LAKE, UT 84054**

APPLICANT: **TAYLOR SPENDLOVE
BRIGHTON HOMES UTAH LLC
215 NORTH REDWOOD ROAD #8
NORTH SALT LAKE, UT 84054
(TAYLOR@BRIGHTONHOMES-UTAH.COM)**

PROPERTY: **564 WEST PORTER LANE**

ACREAGE: **6.1 ACRES**

ZONING: **RESIDENTIAL-MEDIUM (R-M)**

LOT COUNT: **47 PLANNED RESIDENTIAL DWELLING SITES**

APPLICATION: **PRELIMINARY SUBDIVISION APPROVAL**

RECOMMENDATION: **CONSIDER APPROVAL OF THE PRELIMINARY
SUBDIVISION PLAN AND PLAT**

BACKGROUND

As the Planning Commission is aware, the developers of Porter Walton Townhomes project are seeking to subdivide and plat the dwellings units to allow each unit to be purchased for home ownership. Previously, the Commission accepted the proposed conceptual subdivision plan and will now be reviewing and approving the preliminary plans and plat.

PREVIOUS CONCEPTUAL PLAN ACCEPTANCE

On August 26, 2015, the City accepted the conceptual subdivision plan, which allows the developer to move forward with preparation and submittal of the preliminary subdivision plans and plat. The following are the conditions of the conceptual plan acceptance:

1. The applicant shall prepare and submit a preliminary subdivision plat and associated construction drawings, as outlined in Chapter 15-3, Preliminary Plat of the Municipal Code.
2. The layout and design of the preliminary plat submittal must be consistent with the related City approved final site plan and conditional use permit.
The applicant shall prepare and submit plat related conditions, covenant, and restrictions (i.e. CC&Rs) that address matters regarding PUD Subdivisions, as outlined in Chapter 15-6 of the Municipal Code.

PLANNING STAFF'S REVIEW

Preliminary Plat and Plans – The preliminary plat and plans appear to be consistent with the original final site plan and conditional use permit approvals. The City Engineer has deemed the construction plans sufficient and has requested several changes to the subdivision plat document. Most of the changes seem to be minor errors and omissions relating to survey standards and plat format expectations.

Covenants, Conditions, and Restrictions (CC&Rs) - The submitted CC&R's generally reflect the expectations and management of the subdivision. The document addresses the following in relation to the approved project:

- *Dwellings for single-family occupancy only for each unit. No unit can be further subdivided*
- *Prohibition of parking on internal streets, allies, or other to maintain Fire Protection access*
- *Addressing the use and parking of vehicles and other similar equipment*
- *Use of a towing company to monitor and manage parking violations*
- *Contracting a private refuse and snow removal services for roadways and sidewalks*
- *Use and management of the common areas of the project*
- *Unit landscaping must be installed within one (1) year of occupancy*
- *Prohibition of large vehicle or recreational vehicle parking within the project*
- *Addresses the use of building materials and maintenance of the exterior of every dwelling*

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Preliminary Subdivision Acceptance: I hereby make a motion for the Planning Commission to approve the Preliminary Subdivision Plans and Plat for the proposed Porter Walton Townhomes Development, located at approximately 564 West Porter Lane, subject to the following:

1. The applicant shall prepare and submit an application for final subdivision plat and associated construction drawings, as outlined in Chapter 15-3, Final Plat of the Municipal Code.
2. The layout and design of the final plans and plat submittal must be consistent with the related City approved final site plan and conditional use permit.
3. The applicant shall finalize any plat related formatting and/or survey errors and omissions, which shall be deemed acceptable by the City's Engineer and Attorney.
4. In accordance with the City's addressing system, the final plat shall depict the address of each dwelling and be deemed acceptable by the City's Public Works Director.

5. The applicant shall provide an updated title report (within 30 days) for review and acceptance of any final paper and/or linen plat, at a time deemed appropriate by the City's Attorney and/or Recorder.

Suggested Reasons for the Action (Findings):

- a) The preliminary subdivision plans and plat are in harmony with the relevant provisions of the City's General Plan [Section 12-480-1(a)].
- b) The new subdivision is in harmony with the provisions of the Residential-Medium Zone, and as approved by the City for the related final site plan and conditional use permit.
- c) With the directives listed, the acceptance is consistent with the expectations for PUD subdivisions, as outlined in Chapter 15-6, Planned Unit Development.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

PROPERTY OWNER: **BRIGHTON DEVELOPMENT UTAH LLC
NATHAN W. PUGSLEY
215 N. REDWOOD RD SUITE #8
NORTH SALT LAKE, UT 84054**

APPLICANT: **TAYLOR SPENDLOVE
BRIGHTON HOMES UTAH LLC
215 NORTH REDWOOD ROAD #8
NORTH SALT LAKE, UT 84054
(TAYLOR@BRIGHTONHOMES-UTAH.COM)**

PROPERTY: **564 WEST PORTER LANE**

ACREAGE: **6.1 ACRES**

ZONING: **RESIDENTIAL-MEDIUM (R-M)**

LOT COUNT: **47 PLANNED RESIDENTIAL DWELLING SITES**

APPLICATION: **FINAL SUBDIVISION APPROVAL**

RECOMMENDATION: **ACCEPT THE FINAL SUBDIVISION PLAT AND
RECOMMEND APPROVAL TO THE CITY COUNCIL**

BACKGROUND

On September 23, 2015, the Planning Commission approved the preliminary plat for the Porter Walton Townhomes project located at 564 West Porter Lane. The developers are dividing the property into 47 residential units for individual ownership. These units consist of 46 townhomes and 1 single-family home. The property has already received previous site plan approvals and a conditional use permit approval in relation to density. The developer is currently working on the public infrastructure for the entire site. The Commission has also approved the conceptual and preliminary subdivision plat for the development. Brighton Homes is now ready for a review by the Planning Commission for the final plat and for a recommendation of approval to the City Council.

PREVIOUS PRELIMINARY PLAT APPROVAL

1. The applicant shall prepare and submit an application for final subdivision plat and associated construction drawings, as outlined in Chapter 15-3, Final Plat of the Municipal Code.
 - **Staff Response:** Brighton Homes submitted a complete application on September 30, 2015 that met all the applicable requirements found in Chapter 15-3 of the Municipal Code.
2. The layout and design of the final plans and plat submittal must be consistent with the related City approved final site plan and conditional use permit.
 - **Staff Response:** The plans are consistent with what has already been approved with the final site plan, conditional use permit and the conceptual and preliminary subdivision plans.
3. The applicant shall finalize any plat related formatting and/or survey errors and omissions, which shall be deemed acceptable by the City's Engineer and Attorney.
 - **Staff Response:** The City Engineer and City Attorney have reviewed the submitted plans and are requesting some minor corrections take place prior to printing the linen plat. However, with these corrections being mainly typographical, staff believes this should not affect any decision rendered by the Planning Commission. To see a list of these comments please see the emails from the City Attorney and City Engineer in the back up information for this report.
4. In accordance with the City's addressing system, the final plat shall depict the address of each dwelling and be deemed acceptable by the City's Public Works Director.
 - **Staff Response:** All addressing has been indicated on the final plat. Each unit has individual addressing and the private streets have also been addressed to match the streets directly to the south.
5. The applicant shall provide an updated title report (within 30 days) for review and acceptance of any final paper and/or linen plat, at a time deemed appropriate by the City's Attorney and/or Recorder.
 - **Staff Response:** Brighton Homes submitted a title report to City staff and is currently being reviewed by the City Attorney. In addition to the title report, the CC&Rs have also been submitted to the attorney for a final review prior to being recorded with the linen plat.

FINAL SUBDIVISION REVIEW CHAPTER 15-4

The final proposed plat has been created with all the necessary required information as found within Section 15-4-103 of the Subdivision Ordinance. All necessary signature blocks, and plat notes have been added to the paper plat for the preparation of recording. As mentioned previously the final plat matches the approved final site plan, the conditional use permit and the preliminary plans that were previously reviewed by the Planning Commission. It appears that all applicable Zoning Ordinance requirements for development in the R-M Zone have

been satisfied. Finally, the general requirements for all subdivisions pertaining to layout, lot size, utility improvements and drainage have been depicted and are in harmony with the Subdivision Ordinance Requirements [Section 15-5-101 through 106].

The applicant will need to enter into an improvements agreement and related bonding for remaining public improvements. They will also need to make sure all applicable development fees are paid prior to recording the plat. The applicant is responsible in meeting all previous conditions of approval that remain in effect, such as traffic mitigation and the HOA's obligation to provide snow removal, trash removal and road maintenance.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Final Subdivision Acceptance: I hereby make a motion for the Planning Commission to accept the Final Subdivision Plat and recommend approval to the City Council for the proposed Porter Walton Townhomes Development, located at approximately 564 West Porter Lane, subject to the following:

1. The final plat shall be submitted to the City Council for approval and shall be recorded at the Davis County Recorder's Office prior to the sale of any individual units.
2. The applicant shall address all corrections and edits as stated by the City Engineer and City Attorney prior to the printing of the final linen plat.
3. The applicant shall address all corrections and edits to the CC&Rs as stated by the City Attorney.
4. All applicable development fees shall be paid prior to the recording of the final plat.
5. The applicant shall enter into an improvements agreement and related bonding for remaining public improvements prior to recording the plat.
6. The applicant shall meet all applicable conditions as approved by the Planning Commission and set forth within the final site plan approval and the conditional use permit.

Suggested Reasons for the Action (Findings):

- a) The final subdivision plans and plat are in harmony with the relevant provisions of the City's General Plan [Section 12-480-1(a)].
- b) The Porter Walton Townhomes Development is in harmony with the provisions of the Residential-Medium Zone [Chapter 12-32].
- c) The Porter Walton Townhomes Development is in harmony with the final site plan and conditional use permit as approved by the Planning Commission [July 22, 2015].
- d) The City Council is the authorized body to grant approval for a final subdivision plat [Section 15-4-107].
- e) With the directives listed, the acceptance is consistent with the expectations for PUD subdivisions, as outlined in Chapter 15-6, Planned Unit Development.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

PROPERTY OWNER: **ATIEL HAFOKA
564 WEST PORTER LANE
CENTERVILLE CITY, UT 84014**

APPLICANT: **DAVID NILSSON & NATE PUGSLEY
BRIGHTON DEVELOPMENT LLC
215 NORTH REDWOOD ROAD #8
NORTH SALT LAKE CITY, UT 84054**

PROPERTY: **03-001-0125 & 03-001-0145
(SAME AS OWNERS ADDRESS)**

ACREAGE: **6.4 ACRES**

ZONING: **RESIDENTIAL-MEDIUM (R-M)**

APPLICATION: **CONCEPTUAL SITE PLAN ACCEPTANCE**

PROPOSED USE: **ASSISTED LIVING CENTER & INDEPENDENT LIVING
UNITS**

RECOMMENDATION: **CONSIDER ACCEPTANCE OF THE CONCEPTUAL SITE
PLAN WITH DIRECTIVES**

BACKGROUND

The applicant's intent is to provide a good quality senior living environment with full services such as assisted living, memory care, food services, housekeeping, laundry and transportation. In addition, they desire to provide social activities and community outreach programs. Lastly, through third party licensing, offer physical and occupational therapy and health care services (*see letter provided by applicant in the staff report backup materials*).

The project consists of a singular development site. The site is to be developed with two primary uses, using two building footprints; one primary use is that of an assisted living facility (*i.e. a 110-bed facility*) and the other primary use is a building with 40 multi-family dwellings (*i.e. independent living units*). Additionally, the applicants indicate a phasing for the ultimate build out of the assisted living facility.

CONCEPTUAL SITE PLAN REVIEW, SECTION 12-12-110(d)

Table of Uses Allowed - Chapter 12-36

Within the Zoning Ordinance, the Table of Uses does allow both of the proposed primary uses within the Residential-Medium Zone (R-M) Zone. More specifically, the proposed assisted living use is allowed as a conditional use; while the multi-family uses are permitted up to four (4) units per gross acre and conditional for up to eight (8) units per gross acre (*see Table 12-32-1*). Thus, by way of the Zoning Ordinance, how are densities applied or not for both uses when being established using a singular parcel?

According to the Zoning Code, both uses are considered “primary” and are labeled as non-single family developments (*see Section 12-32-040 & 12-51-070.g*). Consequently, even though being considered a residential use, the assisted living facility does not have a density calculation as it is not a single-family housekeeping unit (*see dwelling definition*), while the primary use of multi-family has a density calculation of 40 dwelling units. Thus, the total number of dwelling units is 40 with a density calculation of 40 divided by 6.4. This equates to 6.3 units per gross acre (*code rounds to nearest tenth for density*). Thus, the project’s overall density would fall within the conditional use limitations of a gross density of up to eight dwelling units per acre. However, the assisted living facility’s footprint takes up about 1.4 acres of the entire site and is not being accounted for in the density area calculations. If this acreage is subtracted from the calculation, the density calculation changes to 40 divided by 5 acres, which still remains within the allowable eight units per acre. Even so, the project, as a singular non-single family development, must satisfy the 40% landscaping or open space requirement for the entire site, as well as other applicable regulations.

General Plan - Section 12-480-3

The project site is located in the Southwest Neighborhood Plan Area. The neighborhood plan indicates that the area from 500 West to the commercial area on the Frontage Road may be appropriately developed with low to medium density residential. In addition, the plan encourages the use of “planned development” type use to act as a buffer between the commercial uses to the west and the single-family use areas in the neighborhood (*see Section 12-480-1.a*). The proposed uses will be developed in a “planned style” as a singular project, which will create a place of differing housing needs, specifically for the aging population. Staff is particularly supportive of design style for the buildings, which consists of a familiar “prairie style” architecture loosely based on a historic schoolhouse in Centerville, which was also replicated in the Centerville Branch Library facility. It is planning staff’s opinion that the project indeed functions as a buffer between the commercial area of the Frontage Road and the interior neighborhood to the east.

<http://www.centervilleut.net/downloads/communitydevelopment/12-480-1-5.gp.current.8-8-2012.pdf>

Development Standards

The site location consists of 6.4 acres, with the plans indicating two proposed primary buildings. Conceptually, the development appears to be able to satisfy the applicable standards of Table 12-32-1 of the Zoning Ordinance, as summarized below:

R-M Development Standards**Table 12-35-1**

http://www.centervilleut.net/downloads/communitydevelopment/chapter12-32_table_12-32-1_setback_standards_-_street_side_yard_-_5-6-2014_revised_6-5-2014_.pdf

Development Standard	Required	Actual	Compliance
Building Standards			
Maximum Height	35 Feet	Two Stories <i>(Actual measurement not shown)</i>	Undetermined
Distance Between Buildings	6 feet	~45 Feet	Yes
Lot and Parcel Standards			
Minimum Area	10,000 sq. ft.	6.1 Acres	Yes
Setbacks			
Front	25 Feet	~40 Feet	Yes
Rear	20 Feet	~124 Feet	Yes
Side	10/8 Feet	East: ~16 Feet	Yes
		West: ~50 Feet	
Site Standards			
Landscaping, Non-single Family Projects	40% of Site	2.43 of 6.1 Acres ~40%	Projected
Open Space Trees & Shrubs Requirement	1 Tree & 2 Shrubs per Dwelling Unit	- Not Shown -	Undetermined

Residential-Medium Development Standards***Off-Street Parking - Chapter 12-52***

http://www.centervilleut.net/downloads/communitydevelopment/chapter_12-52_-_off-street_parking_and_loading.pdf

Table 12-52-1**Off-Street Parking Requirements**

Use	Standard	Provided	Compliance
Assisted Living Use	1 space per 5 beds & 1 space per employee (highest shift)	89 Stalls (Employees = ?)	Uncertain
Multi-family	1.5 spaces per studio or 1 bed, or 2 spaces per 2bed+	54 or 64 (plans not clear)	Uncertain
Total		153 Parking Stalls (?)	Uncertain

Since there are two different parking calculations and the submitted plans are not clear, the parking issue is in need of further evaluation. The applicant has previously indicated to staff that

they may seek a parking modification (*see Section 12-52-110*) to set the stall amounts in accordance with industry operational standards. If so, such study must be submitted to the Commission with any final site plan approval for review, evaluation, and final determination.

Landscaping & Screening - Chapter 12-51

<http://www.centervilleut.net/downloads/communitydevelopment/chapter12-51.1-5-2011.pdf>

The submitted plans indicate the general location of landscaping, however, no detail is given. Since the property is greater than one acre, it will require a landscape architect prepare a landscaping design for the final site plan application submittal. These plans must indicate location of all landscaping, types of plantings, total number of plantings and accurate calculations of landscaping percentages and totals.

Required Landscaping Summary Chapter 12-51			
Guidelines	Standard	Required Site Specific	Actual/Compliance
Total Area Landscaping	40%	2.43 of 6.1 Acres ~40%	Undetermined
Total Required Trees	1 Tree & 2 Shrubs per Dwelling Unit	41 Trees & 82 Shrubs	
Trees for Street Frontage	1 per 25 linear feet	16 Required	
Total Interior Parking Lot Landscaping	10%	Not Provided	
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 1 tree	26 Required (?) Based on 153 stalls	
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 2 shrubs	52 Required (?) Based on 153 stalls	
Public Street Landscaping (<i>curb to interior lot</i>)	10 Feet for Local Streets	15.5+ provided	Yes

Screening – Section 12-51-110

The plans do not show any detail concerning the trash enclosures. The final plans will need to provide details indicating the number of dumpsters to be provided. Also, all dumpsters must be completely screened from view with an opaque six-foot wall or fence. The wall or fence must be compatible in material and color of the main buildings on the site. In addition to the dumpster, any wall or roof-mounted equipment will need to be screened from view of the public street.

Signage

All signing requires separate permits and must be approved by the Zoning Administrator as part of the sign permit application. However, the final site plan needs to indicate the location of any wall or monument signage, which must also meet the requirements found in Chapter 12-54 of the Zoning Ordinance.

http://www.centervilleut.net/downloads/communitydevelopment/chapter_12-54_signs_city_council_freeway_oriented_signs_7-3-2013_.pdf

Conditional Use – Staff’s Anticipated Issues or Concerns

Since the proposed primary uses require the approval of a conditional use permit, staff desires to provide an anticipated list of issues to be addressed with the final site plans and the conditional use permit applications: Such issues or concerns are identified as follows:

- Fire Access, Circulation, and Protection (see Section 12-21-100.e.5.g & h) - The final plans need to be reviewed by the South Davis Metro Fire Agency and the Public Works Director to ensure that there is capacity for staffing, access and circulation, and hydrants; including fire hydrant flow capacity to service the proposed uses.
- Utility and Drainage Capability & Capacity (see Section 12-21-100.e.5.g & h) – Such facilities are located in the area of the development. However, the location of the sewer line (south side of Porter Lane) may create problems with engineering the needed utilities. Additionally, the site appears to slope northward and the drainage facilities available to tie into are in a different storm drainage zone. This will need to be addressed with the City Engineer to determine how to provide for proper site drainage and storm water management.
- Open Space and Pedestrian Circulation Needs (see Section 12-21-100.e.5.h) – By creating a place of differing housing needs, specifically for the aging population, staff sees the need to provide outdoor open and/or covered spaces for residents and relatives to gather and socialize. This is particularly needful with persons residing in the independent living units and the ambulatory patients of the assisted living facility. There are no publicly provided outdoor spaces nearby, thus the final plans ought to address providing such quality of life amenities for residents, specifically for those with some restricted mobility. Although the plans do depict an outdoor seating area near the dining facility, the plan lacks providing small play areas or passive spaces for more intimate opportunities for multiple families visiting the residents of the project. A pedestrian circulation element also needs to be provided in the design plan to comprehensively connect such areas.
- Delivery and Loading Needs (see Section 12-21-100.e.5.h) – Since the assisted living facility is quite large and has ability to house many patients, staff anticipates a number of daily, weekly, and monthly delivery type services. Do these services come during the daytime or evening hours? Are time restrictions needed to lessen any impacts to the surrounding residential properties?
- Buffering, Screening and Lighting (see Section 12-21-100.e.5.h) – The planning staff believes that there are three areas to consider. First, is the landscaping depth along Porter

Lane. Typically, with a residential building, the setback of 25 feet is maintained in landscaping. Due to any internal driveway lane, the plans depict only 15.5 feet. Staff believes that this should be further mitigated using more than just turf-style planting. Additional features, such as short walls and fencing, landscape berming, and other elements would provide needed buffering in exchange for a reduction in typical turf area. Second, since the adjacent lot is undeveloped, the parking lot area to the west needs to be buffered to mitigate any future visual impacts from multiple cars and headlights. Third, the multi-family building (*i.e. independent living units*) is located fairly close (meets setback however) to the adjacent property. Even though the adjacent lot is currently a private sports field, this could change in the future and such a large building with little to no buffering would be an imposing element for any redevelopment of the sports field.

http://www.centervilleut.net/downloads/communitydevelopment/chapter_12-21_as_approved_3-4-2014.pdf

PLANNING STAFF RECOMMENDATION

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the conceptual site plan for the Porter-Walton Senior Living Community, to be located in the area of 564 West Porter Lane, with the following directives:

1. The applicant must submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Zoning Ordinance.
2. The applicant must submit a conditional use permit application to consider allowing for an assisted living facility and multi-family density of 8 units per acre, as described in the December 10, 2014 Planning Staff Report, which must address the standards found in Section 12-21-100(e) of the Zoning Ordinance.
3. The conditional use application submittal shall also address the anticipated issues and concerns, as outlined in the December 10, 2014 Planning Staff Report.
4. A Landscaping Plan, prepared by a Landscape Architect, must be submitted to address the standards of Chapter 12-51-Landscaping & Screening, as also outlined in the December 10, 2014 Planning Staff Report.
5. A site sign package must be submitted for review by the Planning Commission and the Zoning Administrator in accordance with Chapter 12-54-Signs.

SUGGESTED REASONS FOR THE ACTION:

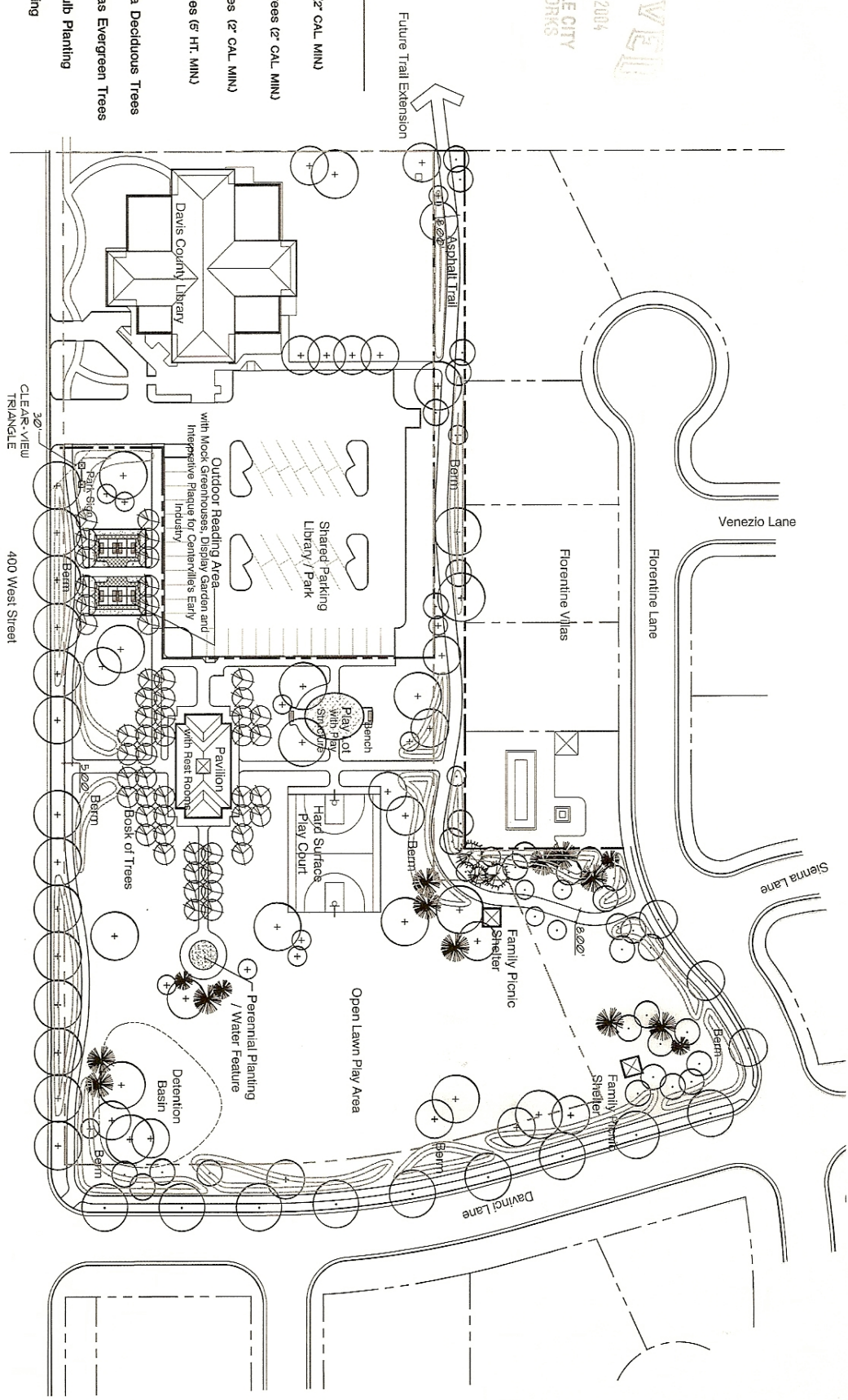
1. The conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d) (2)].
2. According to the R-M Zone and associated Table of Uses, an assisted living and a density greater than four (4) units per acre are conditional uses within the R-M Zone.
3. The development appears to satisfy the goals and objectives found within the Centerville City General Plan [Section 12-480-3].
4. The proposed concept plan, with the directives given, appears to be capable of meeting applicable Development Standards for the R-M Zone, Off-Street Parking, and the Landscaping and Screening Standards of the Zoning Ordinance.

RECEIVED

MAR 18 2004
CENTREVILLE CITY
PUBLIC WORKS

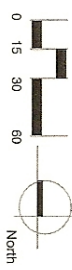
Planting Legend

- Street Trees (2' CAL MIN)
- Ornamental Trees (2' CAL MIN)
- Flowering Trees (2' CAL MIN)
- Evergreen Trees (6' HT. MIN)
- Florentine Villa Deciduous Trees
- Florentine Villas Evergreen Trees
- Perennial / Bulb Planting
- Specialty Paving



Conceptual Master Plan Porter Walton Park

17 March 2005
Centerville Parks and Recreation Centerville City Utah



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**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: DIKA PROPERTIES LLC
MARV BLOSCH
517 SOUTH 100 EAST
BOUNTIFUL, UT 84010
(mbaproperties@gmail.com)

APPLICANT: BRIGHTON DEVELOPMENT
TAYLOR SPENDLOVE
215 NORTH REDWOOD RD. SUITE #8
NORTH SALT LAKE, UT 84054
(taylor@buildwithbrighton.com)

PROPERTY: 274 EAST PAGES LANE
○ PARCEL 03-004-0150
○ PARCEL 03-004-0099
○ PARCEL 03-004-0139

ACREAGE: 5.6 ACRES RESIDENTIAL AREA PROPOSAL

CURRENT ZONING: C-H (COMMERCIAL - HIGH)

APPLICATIONS: ZONE MAP AMENDMENT PETITION
○ C-H (COMMERCIAL) TO R-M (RESIDENTIAL MEDIUM)
○ PDO APPROVAL – CONCEPT PLAN
○ CONCEPTUAL SUBDIVISION

BACKGROUND

Previously at the July 11, 2018 Planning Commission Meeting, the Commission reviewed a Planned Development Overlay proposal to be known as Sheffield Downs by Brighton Homes. At that time, the Planning Commission tabled action on the matter and provided “*directives*” to the applicant to address for the Commission. This report will cover these previous directives for tabling that were communicated to the applicant. As part of the agenda posting, staff will also attach the staff report of the previous July meeting for reference and use in crafting a “*Staff Recommendation*” that is found in this report.

For recap, Brighton Homes is seeking to rezone a significant eastern portion of the Pages Lane Commercial Area (*aka: Old Dick's Market*) and reuse the property for a single-family dwelling subdivision of 33 homes. The project would be developed as a "*planned unit development*" having a private roadway system and a park area as common open space for use by the residents of this new community.

PREVIOUS PLANNING COMMISSION DIRECTIVES FOR TABLING

As indicated above, the Planning Commission tabled the matter and requested that the applicant further address the following:

1. The petitioner shall address the Southeast Neighborhood Plan policy matter regarding the current market demands and the commercial viability of the area. Why is it time to consider allowing residential re-development?

Staff Comment: The applicant has provided a letter from the current property owner essentially outlining the past vacancy rate for the buildings and their marketing efforts have not adequately brought forth additional commercial user interest.

2. The petitioner shall prepare a project specific Architectural Plan that includes a materials and colors story-board re-addressing the Southeast Neighborhood and PDO expectations that "*dwellings are to be designed with elements and materials that are weather resilient and have design elements with a robust architectural character.*" The Architectural Plan shall consider the following:

- a. Greater use of the heavier architectural elements. Brick and stone improve the durability of the home exterior.
- b. Address the use of these architectural elements on all sides of the buildings.
- c. Provide design elevations that include material percentage tabulations for the project.
- d. The Architectural Plan must depict what is being built but allow for choice and flexibility for the future buyer.
- e. Use a more durable roof shingle design.
- f. Upgrade the window design and improve the enhancing elements.
- g. Improve the use of building and landscape lighting.
- h. Create interesting home addressing elements, house entry walkways, street signs, and project and park entry features for the project.

Staff Comment: The applicant has provided several exhibits depicting the various architectural design elements and features that involve the following:

- Overall architectural building designs & heights
- Exterior materials and colors
- Use of masonry, lighting, and addressing plaques
- Corner/Pages verses Interior Lot building designs
- Fencing and Entry Monument Designs

- Open Space Elements and Design (*Patio and Play Structures*)
 - Lot Setback Designs
 - Landscape Plant Materials
 - Perpetual Access Exhibit to be executed at Subdivision Plat recording.
3. The petitioner shall amend the Conceptual Site Plan Submittal to address the following:
- a. Engage a landscape architect to enhance the “landscape theme,” with interesting plant materials, lighting, rock walls and other elements.
 - b. Re-design the open space predominantly turf (high-water use) and to set aside an area designed with the amenities or features that complement the various expected residents, both day and evening hours, and beyond the default design of a tot lot, playground, or clubhouse.
 - c. Adjust the setbacks along the southern lots (lots 22-33) from 15 feet to 20 feet and Lot 22 to be increased from 5 feet to 8 feet in order to meet the track perimeter requirements.
 - d. Better address the use and style of fencing, width and depth of driveways, and the parking of RV’s.
 - e. Address the manner in which to provide perpetual agreement to allow an integration of additional future conversion of commercial, as part of the development.
 - f. Show any existing utility line, aqueduct, dam, ditch, or canal located within the area.
 - g. Show the location, height, and setbacks of existing and proposed buildings on the subject property and immediately adjoining property.

Staff Comment: The amended Conceptual Site Plan addresses most of the matters listed above, with the exceptions as follows:

- Two-car parking driveways (*dimensions not shown*). However, the plans show a potential three-car home design. The concern here is that three-car driveways decrease the overall impervious surface expectations of 40% in the R-M Zone. Additionally, all open space should not be solely provided in the park/detention basin area, dwelling yard landscaping is just as important.
 - The submittal does not address the matter of RV parking.
4. The petitioner shall further address the following matters:
- a. The financial capability to carry out the planned development project.
 - b. The capability to start construction within one year of final plan approval.
 - c. Provide development schedule indicating the approximate date when construction or its stages can be expected to begin and be completed.

Staff Comment: The Applicant has provided the following:

- Preliminary Development Schedule

- Bank of Utah Letter Recommendation about Financial Capability

5. The petitioner shall modify, as needed, the Conceptual Subdivision Layout to reflect the changes being proposed or suggested.

Staff Comment: The Conceptual Site Plan has been altered to reflect the proposed changes.

6. The petitioner shall address the remaining commercial area needs to prevent any further non-conformities or applicable building/fire code issues with regards to the following:
 - a. Current/existing landscaping percentages and any reduction or losses will occur.
 - b. Remaining commercial use parking counts and circulation lanes compared to the Zoning Ordinance requirements of CZC 12.52.
 - c. Demolition and rehabilitation of building walls in meeting application Building Code Regulations, specifically the west wall area of the Ace Hardware building.

Staff Comment: The applicant provided addendums for the PDO request and Conceptual Site Plan submittal makes the following conclusions:

Land Uses	Estimated Square Feet	Number of Stalls (Calculated)	Calculation Ratio
Office	8,165	40.83	1/ per 200 sq. ft.
Hardware Store	18,088	72.35	1/ per 250 sq. ft.
400 West Corner Buildings	3,100	12.4	1/ per 250 sq. ft.
Total Number of Stalls Required = 125.8 Stalls			
Total Number Provided = 147.0 Stalls			
Landscaping: Lot 34 – Nail Salon = Current 1279 sq. ft./Proposed 3443 sq. ft. Ace Hardware Site = Current/Proposed 2091 sq. ft. New Subdivision = Current 334 sq. ft./ Proposed 40,612 sq. ft.			
Demolition Matters NOT Addressed			

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Planned Development Overlay Request for the SHEFFIELD DOWNS DEVELOPMENT located at 224 East Pages Lane: I hereby make a motion for the Planning Commission **RECOMMEND APPROVAL** the Sheffield Downs PDO project, as follows:

1. *The PDO Approval is subject to the layout and exhibits submitted to the City on July 19, 2018 and August 01, 2018 – Consisting of PDO Exhibit A-1 through Exhibit F and Sheets C400, X900, and L101 of the Conceptual Site Plan.*
2. *The Sheffield Downs PDO Rezone shall be limited to the following:*
 - *Rezone of approximately 5.6 acres to R-M/PD on the Centerville Zoning Map*
 - *Density shall NOT Exceed Six (6) units per acre. A bonus density is NOT APPROVED for the development*
 - *All residential development shall be limited to the construction of single-family homes.*
 - *The commercial area, located at the northwest corner, is not part of this PDO approval. However, it must be legally subdivided in accordance with City ordinances to separate it from the portion to remain in the proposed development.*
3. *The PDO approved Sheffield Architectural Design Plan shall consist of the following:*
 - (a) *All single-family dwelling design shall comply with Exhibits A-1 through A-4.*
 - (b) *Each dwelling type depicted may the use any color or material selection of the approved materials and colors and shall be consistent approved PDO building elevation exhibits.*
 - (c) *All building permit submittals shall provide a “building elevation plan” addressing the application and use of the approved Architectural Design Plan elements.*
 - (d) *Any dispute that arises regarding the application and use of the Architectural Design Plan elements shall be submitted to the Centerville City Planning Commission for resolution.*
4. *The PDO approved Sheffield Downs Landscaping Design Plan shall consist of the following:*
 - (a) *The project shall be landscaped in accordance with Exhibit B-1- Landscape Plan (also Sheet L101 of the Conceptual Plan) and Exhibit B-2 – Plant Types.*
 - (b) *As part of the Park area, a detention basin may be installed and shall be deemed acceptable by the City Engineer, as part of any Final Approval by the City.*
 - (c) *The total landscaping for the project shall meet the ordinance minimum requirement of 40%, as per CZC 12.52.070 or as otherwise allowed by the ordinance.*
5. *The PDO approved Sheffield Downs Fencing Design Plan shall consist of the following:*

-
- (a) *All use of fencing shall comply with Exhibit C.*
 - (b) *The placement of fencing shall comply with Exhibit B-1 (also Sheet L101 of the Conceptual Plan).*
 - (c) *Other fencing shall be limited to the private rear yard areas from the rear lot line to the rear building line of the dwelling.*
 - (d) *The side yards areas between buildings/dwellings and any front yard area shall be NOT contain any fencing.*
6. *The PDO approved Sheffield Downs Open Space Amenities Design Plan shall consist of the following:*
- (a) *The Open Space amenities shall be provided within the project as depicted on Exhibit D-1 through D-2 and on L101 of the Conceptual Site Plan*
 - (b) *The Open Space Amenities shall, at minimum, consist of the following:*
 - i. *A Patio and Plant Garden Area*
 - ii. *A Play Structure Area*
 - iii. *A Detention Facility, as approved by the City*
 - iv. *A 10-foot Landscape Buffer along Pages Lane*
 - v. *The project entry feature areas accessing Pages Lane*
 - vi. *The Buffer area (Trees and Shrubs) along the western boundary of the development*
 - vii. *The Visitor Parking Buffer on the west end of the dwellings*
 - viii. *The decorative lighting fixtures as depicted in the Exhibits*
 - (c) *As part of any Final Approval, the developer shall address the timing/phasing for the installation of the Open Space Amenities, as deemed acceptable by the City as part of any Phasing approval, OR*
 - (d) *These Open Space amenities shall be installed as per CZC 12.51.100 prior to a certificate of occupancy for any dwelling.*
7. *The PDO approved Sheffield Downs Buildings Setbacks shall consist of the following:*
- (a) *The approved setbacks for dwellings shall comply with Exhibit E, which are:*
 - ✓ *The Interior Lot Setbacks are:*
 - *Front Porch/Living Area = 15-feet*
 - *Front Garage = 19-feet*
 - *Side Yards = 5-feet*
 - *Rear Yard = 15-feet*
 - ✓ *The Perimeter Lot Setbacks are:*
 - *Front Porch/Living Area = 15-feet*
 - *Front Garage = 19-feet*
 - *Side Yards = 8-feet*
 - *Rear Yard = 20-feet*
8. *The PDO approved Sheffield Downs Buildings Parking, Driveway/ Approach Widths, and Recreation Vehicle (RV) Use shall consist of the following:*
- (a) *Each dwelling shall provide parking within an enclosed garage with a capacity of two-vehicles. Every garage shall meet the minimum size requirements of the City's Zoning Ordinance.*

- (b) *The project shall provide the visitor parking, as shown on the Conceptual Site Plans, and shall not be less than the 30 stalls depicted.*
 - (c) *The project shall limit driveway and approach aprons to a minimum width needed for two-car garage parking, as deemed acceptable by the City Engineer and Public Works Director.*
 - (d) *The use of outside storage of Recreational Vehicles (RVs) for dwellings or in the common space areas shall be prohibited.*
 - (e) *These restrictions shall be noted on any plan submitted for Final Approval and shall be included on the application subdivision plat and associated CC&Rs.*
9. *Other Matters Related to the Sheffield Downs PDO development are the following:*
- (a) *As part of any Final Approval, the developer shall comply with Exhibit F and provide a future access easement for potential re-development of the remaining commercial properties to the east, as per the Southeast Neighborhood Plan objectives.*
 - (b) *The project shall remain subject to the Residential Medium (R-M) Zone standards, unless otherwise modified by this PDO Approval.*
 - (c) *The project shall be subject to the applicable subdivision ordinance requirements, and the Planned Unit Development (PUD) platting process.*
 - (d) *An existing commercial building “demolition plan” shall be submitted and deemed acceptable to the City prior to receiving any Final Plan approval. All demolition of building and related elements shall comply with all local, state, or federal regulations, as may be applicable.*
 - (e) *Remaining Commercial Area Parking shall NOT be less than the current Zoning Ordinance Parking requirements and shall be addressed with any Final Plan submittal to the City.*

Suggested Reasons for the Action (Findings):

- a) *The Planning Commission finds that the PDO Concept Plan is in harmony with the Southeast Neighborhood Plan’s to allow future residential re-development to occur in the eastern half of the Pages Lane Commercial Area.*
- b) *The Planning Commission finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080, as addressed in the applicable staff reports provided to the Commission.*
- c) *The Planning Commission finds that the PDO Concept Plan, with the listed conditions, provides sufficient compliance with regards to the project’s design and amenities requirement for R-M Zone Development.*

**CENTERVILLE CITY
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**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: DIKA PROPERTIES LLC
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BOUNTIFUL, UT 84010
(mbaproproperties@gmail.com)

APPLICANT: BRIGHTON DEVELOPMENT
TAYLOR SPENDLOVE
215 NORTH REDWOOD RD. SUITE #8
NORTH SALT LAKE, UT 84054
(taylor@buildwithbrighton.com)

PROPERTY: 274 EAST PAGES LANE
○ PARCEL 03-004-0150
○ PARCEL 03-004-0099
○ PARCEL 03-004-0139

ACREAGE: 5.6 ACRES RESIDENTIAL AREA PROPOSAL

CURRENT ZONING: RESIDENTIAL MEDIUM / PLANNED DEVELOPMENT

APPLICATION: PRELIMINARY SUBDIVISION PLAT

BACKGROUND

Previously at the July 11, 2018 Planning Commission Meeting, the Commission reviewed a Planned Development Overlay proposal to be known as Sheffield Downs by Brighton Homes. To recap, Brighton Homes rezoned a significant eastern portion of the Pages Lane Commercial Area (*aka: Old Dick's Market*) into a Residential Medium Planned Development Overlay, to develop the property for a single-family dwelling subdivision of 33 homes. The project would be developed as a “*planned unit development*” having a private roadway system and a park area as common open space for use by the residents of this new community. On September 18th, this PDO Rezone was passed by the City Council.

PRELIMINARY SUBDIVISION REVIEW 15-3

According to the Subdivision Ordinance, “The purpose of the preliminary plat is to require formal preliminary approval of a subdivision... in order to minimize changes and revisions

which might otherwise be necessary on the final plat [Section 15-3-101].” It is the responsibility of the Planning Commission to review the proposal and determine compliance with the standards and criteria set forth in the Centerville City Ordinances [Section 15-3-104].” Approval by the Planning Commission for a preliminary plat does not constitute a final approval. The applicant must still apply for final approval and is responsible to comply with any conditions and ordinances pertaining to final plat approval.

Conditions from PDO Approval, Ordinance 2018-20

Rezone of approximately 5.6 acres to R-M/PDO on the Centerville Zoning Map

- *Density shall NOT Exceed Six (6) units per acre. A bonus density is NOT APPROVED for the development*
 - *The layout has depicted 33 lots(when the commercial lot is removed) on 5.5 acres / 33 = 6 unit per acre ✓*
- *All residential development shall be limited to the construction of single-family homes. ✓*
- *The commercial area, located at the northwest corner, is not part of this PDO approval. However, it must be legally subdivided in accordance with City ordinances to separate it from the portion to remain in the proposed development.*
 - *The commercial area, located at the northwest corner, is not part of the PDO, but will be included as part of the Final Plat (as Lot 34) in order to divide the commercial area from the new PDO residential development. Lot 34 will not be calculated in the gross density for the PDO.*

15.06.010 Planned Unit Development

This development is being subdivided as a PUD, with private lots and common open space areas to be run by the Home Owners Association. The following are requirements for PUDs, according to CMC 15.06.010:

1. Design Standards. The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the General Plan and design standards recommended by the Planning Commission and approved by the City Council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.
2. Guarantee of Common Open Space Improvements.
3. Continuation of Common Open Space.
4. Maintenance of the Common Open Space.
5. Provisions for Common Open Space.

Sheffield Downs PDO was approved based upon Open Space and landscaping conditions as outlined in Ordinance 2018-20. All conditions regarding the Architectural Design, Landscaping Design Plan, open Space Amenities Design Plan, Building Setbacks, Parkway,

Driveway/ Approach Widths and Recreation Vehicle Use & Other Matters as outlined in Ordinance 2018-20.

The Open Space amenities shall be provided within the project as depicted in the Conceptual Site Plan, including but not limited to a patio and garden area, detention facility, 10 foot landscape buffer along Pages Lane, and visitor parking.

As part of the Final Site Plan Approval, the developer shall address the timing/phasing for the installation of the Open Space Amenities, as deemed acceptable by the City as part of any Phasing approval, OR these Open Space amenities shall be installed as per CZC 12.51.100 prior to a certificate of occupancy for any dwelling.

The HOA of Sheffield Downs PDO will be responsible for the care and maintenance of the common open space and noted on the Final Plat.

Other General Requirements for Preliminary Subdivision

This development has building setbacks that differ from CZC 12.32.300, Residential Development standards for R-M zones, and therefore shall be noted on the plat. They are:

The Interior Lot Setbacks are:

Front Porch/Living Area = 15-feet Front
Garage = 19-feet
Side Yards = 5-feet
Rear Yard = 15-feet

The Perimeter Lot Setbacks are:

Front Porch/Living Area = 15-feet
Front Garage = 19-feet
Side Yards = 8-feet
Rear Yard = 20-feet

Streets, drainage, and utilities

- Sheffield downs is creating 33 lot single family subdivision, with the creation of private internal streets. The sidewalk is adjacent to the curb and gutter with no park strip. All streets will be maintained by the HOA.
- Geotechnical Report has been received has been reviewed by the City Engineer.
- Drainage, utility and demolition and easement corrections needs to be reviewed and approved by the City Engineer.

PLANNING STAFF RECOMMENDATION*Suggested Motion for the Sheffield Down PDO Preliminary Plat*

I hereby make a motion for the Planning Commission to approve the Preliminary Subdivision Plat for the proposed Sheffield Downs PDO, located at approximately 274 E Pages Lane, subject to the following conditions:

1. The Final Subdivision Plat shall reflect the design, layout, and all related items as stated in Ordinance 2018-20, Sheffield Downs Planned Development Overlay, as approved by the City Council on September 18th, 2018.
 - a. A note on the Final Plat shall state that the plat is subject to this ordinance
2. A final subdivision application and plans shall be submitted, within one (1) year, in accordance with the requirements of Title 15, Subdivisions and of Title 12-Zoning Ordinance.
3. Final utility and construction plans shall be reviewed and approved by the City Engineer, including, *but not limited to*:
 - a. Provide Building, pavement, & demolition plan
 - b. Distinguish which utilities are private and which are public
 - c. Show existing utility or access easements
 - d. Provide a cross section for street improvements
 - e. Show all accesses along the north side of Pages Lane from 400 East to the west entrance to J.A. Taylor Elementary and provide traffic movement study to support locations of new entrances into Subdivision.
 - f. Provide detention calculations
4. The applicant shall place a note on the Final Plat in reference to any CC&Rs that will be created for the subdivision, including notes that state:
 - a. The use of outside storage of Recreational Vehicles (RVs) for dwellings or in the common space areas for longer than 48 hours shall be prohibited.
 - b. HOAs shall be responsible for the continuation and maintenance of open space and referenced in the Final Plat notes.
5. The Applicant shall post a bond for all public improvements, open space, and utilities prior to the recording of Final Plat. The applicant shall submit a phasing plan to be approved by Staff and the Commission, or Open Space amenities shall be installed prior to a certificate of occupancy for any dwelling.
6. A title report shall be submitted to City Staff Prior to Final Plat.
7. This subdivision was approved with unique setbacks for perimeter and interior lots, as outlined in their PDO Approval. Front, side, and rear yard setbacks for each lot shall be noted on the plat.

Reasons for Action:

- a) The Commission finds that the preliminary subdivision plan complies with the terms and conditions of Sheffield Downs PDO Zone Map Amendment and associated Conceptual Plan acceptance that was approved in September of 2018, Ordinance No. 2018-20..

- b) The Commission finds that the conditions of the preliminary plan approval, subject to terms and conditions of the PDO, are consistent with the requirements for preliminary subdivision review [Section 15-3-103].

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM #1**

PROPERTY OWNER*: DIKA PROPERTIES LLC
* (SHOWN STILL ON COUNTY RECORDS)
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APPLICANT: BRIGHTON DEVELOPMENT
TAYLOR SPENDLOVE
215 NORTH REDWOOD RD. SUITE #8
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(taylor@buildwithbrighton.com)

PROPERTY: 274 EAST PAGES LANE
○ PARCEL 03-004-0150
○ PARCEL 03-004-0099
○ PARCEL 03-004-0139

ACREAGE: 5.6 ACRES RESIDENTIAL AREA PROPOSAL

CURRENT ZONING: RESIDENTIAL MEDIUM / PLANNED DEVELOPMENT
(R-M/PD)

APPLICATION: FINAL SUBDIVISION PLAT

BACKGROUND

Previously at the October 24, 2018 Planning Commission Meeting, the Commission reviewed the Preliminary Subdivision submittal for Sheffield Downs, a Planned Development, proposed by Brighton Homes.

To recap, Brighton Homes recently obtained a rezone for a significant eastern portion of the Pages Lane Commercial Area (*aka: Old Dick's Market*) into a Residential Medium Planned Development Overlay, to develop the property for a single-family dwelling subdivision of 33 homes. The project would be developed as a "*planned unit development*" having a private roadway system and a park area as common open space for use by the residents of this new community. Additionally, an existing commercial lot (*not part of the residential development*) will be included in the plat to create a smaller independent lot for the current commercial use.

PREVIOUS PRELIMINARY SUBDIVISION REVIEW APPROVAL

On October 24, 2018, the Planning Commission approved the subdivision's preliminary plans, as follows:

1. The Final Subdivision Plat shall reflect the design, layout, and all related items as stated in Ordinance 2018-20, Sheffield Downs Planned Development Overlay, as approved by the City Council on September 18th, 2018.
 - a. A note on the Final Plat shall state that the plat is subject to this ordinance *(Completed – noted on plat)*
2. A final subdivision application and plans shall be submitted, within one (1) year, in accordance with the requirements of Title 15, Subdivisions and of Title 12-Zoning Ordinance. *(Completed- submitted on 11-08-2018)*
3. Final utility and construction plans shall be reviewed and approved by the City Engineer, including, *but not limited to*:
 - a. Provide Building, pavement, & demolition plan *(Completed – provided on Sheet C300 of Subdivision Construction Plans)*
 - b. Distinguish which utilities are private and which are public *(Completed – provided on Sheet C600 of Subdivision Construction Plans)*
 - c. Show existing utility or access easements *(Completed – provided on Subdivision Plat Sheet)*
 - d. Provide a cross section for street improvements *(Completed – provided on Sheets C700 through C707 of Subdivision Construction Plans)*
 - e. Show all accesses along the north side of Pages Lane from 400 East to the west entrance to J.A. Taylor Elementary and provide traffic movement study to support locations of new entrances into Subdivision. *(Completed – provided on Sheet C400 of Subdivision Construction Plans and Traffic Letter from Reeves & Associates, Dated November 29, 2018)*
 - f. Provide detention calculations *(Completed – provided on Sheets C500 of Subdivision Construction Plans)*
4. The applicant shall place a note on the Final Plat in reference to any CC&Rs that will be created for the subdivision, including notes that state:
 - a. The use of outside storage of Recreational Vehicles (RVs) for dwellings or in the common space areas for longer than 48 hours shall be prohibited. *(Completed – provided on Subdivision Plat Sheet)*
 - b.
 - c. HOAs shall be responsible for the continuation and maintenance of open space and referenced in the Final Plat notes. *(Completed – provided on Subdivision Plat Sheet)*
 - d. The Applicant shall post a bond for all public improvements, open space, and utilities prior to the recording of Final Plat. The applicant shall submit a phasing plan to be approved by Staff and the Commission, or Open Space amenities shall be installed prior to a certificate of occupancy for any dwelling. *(Ongoing/Undefined – a phasing outline has not been detailed – defaults to CO for dwelling)*

Commented [LGR1]: I talked to Taylor about this. As long as they include the entire commercial piece in the subdivision, we don't need a condition on the lot line adjustments. They can do what they want before final recording of the plat, but new owners will need to sign the plat. So, I think we can just take this sentence out.

5. A title report shall be submitted to City Staff Prior to Final Plat. *(Incomplete – not submitted)*
6. This subdivision was approved with unique setbacks for perimeter and interior lots, as outlined in their PDO Approval. Front, side, and rear yard setbacks for each lot shall be noted on the plat. *(Partially Complete – Applicable PDO Tract Perimeter Setbacks 20' rear yards and 8' side yards not noted or shown)*

OTHER MATTERS RELATING TO FINAL SUBDIVISION

Construction Drawing Approval – Currently, Kevin Campbell, the City Engineer, is continuing his review of the Subdivision Construction Drawings and in the final stage of his review. As to the plat, most of his comments are related to the survey description and the required associated notes (11-14-2018 E-mail to applicant). It appears that the construction documents are in the process of being finalized and preparation of the bond estimate and fee schedule is underway.

Conditions, Covenants, and Restrictions (CC&R's) – Since, the proposal in a planned development of single-family lots with areas of common amenities, the developer will need to prepare and submit their CC&R's to the City Attorney to verify that the documents meet the minimum state requirements. Additionally, the CC&R's will need to address the matters listed in the notes on the Subdivision Plat.

Bonding, Public Infrastructure vs. Private Amenities – Since this project is a “planned development,” it has both public infrastructure, private roadways, and common amenities (park, common landscaping, and boundary fencing) that are required to meet the service and design expectations of the development's PDO approval. Since the applicant's submittal has not provided an improvement phasing plan, staff is recommending the following.

- ✓ Installation of Public Improvements & detention are subject to the City's Bonding and Fee Requirements – *CMC 15.07 and 15.08*
- ✓ Installation of basic utilities (water, sewer, storm drainage, etc.) and all-surface road are required for any issuance of a building permit – *CMC 15.05.090*
- ✓ Installation/Completion of Roadways (*Asphalt Surface*) shall be achieved for an issuance of a Certification of Occupancy – *CMC 15.05.090, OR*
- ✓ Installation/Completion of Roadways/Parking adjacent to amenities (park, play structure, pavilion, etc.) shall be completed at 50% development build out (*16 lots*) or a City acceptable bond may be submitted for incomplete improvements to obtain additional building permits - See *applicable PDO approval for Common Amenities plan*
- ✓ Installation of Common Amenities (park, play structure, pavilion, etc.) shall be completed at 50% development build out (*16 lots*) or a City acceptable bond may be submitted for incomplete improvements to obtain additional building permits - See *applicable PDO approval for Common Amenities plan*
- ✓ Project fencing, where lots are present shall be completed with the issuance of applicable lot's Certificate of Occupancy – See *applicable PDO approval for fencing plan*

- ✓ Project Fencing, where common areas or development boundary is present are to be installed prior to developer's transfer to the Home Owner's Association - *See applicable PDO approval for fencing plan*

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Sheffield Downs Final Subdivision Plat and Construction Drawings

I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the Final Subdivision Plat and Plans for the proposed Sheffield Downs PDO Subdivision, located at approximately 274 E Pages Lane, subject to the following conditions:

1. The Final Plat and submittal shall be corrected/modified to include the following:
 - (a) The Final Plat shall note/depict the applicable "tract perimeter" setbacks for rear and side yards, as required by CZC 12-41-100. i.
 - (b) A title report shall be submitted to prior to Final Plat Acceptance (*paper version*) by the City.
2. The Final Plat and Plan shall be submitted, reviewed, and approved by the Centerville City Council.
3. The Final Plat and Plans (*i.e. paper version*) shall be submitted, reviewed, and deemed acceptable to the City Recorder, City Engineer, and City Attorney, prior to the preparation and submittal of the Final Linen Plat for Subdivision Recordation.
4. As part of the paper plat and plan review by the City, the plat shall be submitted to the City's Public Works Department for assignment of lot addresses, which shall be depicted on the Final Linen Subdivision Plat.
5. The subdivision improvement plan phasing shall be as follows:
 - (a) Installation of public improvements & detention are subject to the City's Bonding and Fee Requirements – *CMC 15.07 and 15.08*
 - (b) Installation of basic service utilities (*water, sewer, storm drainage, etc.*) and all-weather surface road shall be required for issuance of any building permits for homes – *CMC 15.05.090*
 - (c) Installation/Completion of Roadways (*Asphalt Surface*) shall be achieved for an issuance of a Certification of Occupancy – *CMC 15.05.090, OR*
 - (d) Installation/Completion of Roadways/Parking adjacent to amenities (park, play structure, pavilion, etc.) shall be completed at 50% development build out (*i.e. 16 lots*) or a City acceptable bond may be submitted for incomplete improvements to obtain additional building permits - *See applicable PDO approval for Common Amenities plan*
 - (e) Installation of Common Amenities (park, play structure, pavilion, etc.) shall be completed at 50% development build out (*i.e. 16 lots*) or a City acceptable bond may be submitted for incomplete improvements to obtain additional building permits - *See applicable PDO approval for Common Amenities plan*
 - (f) Project fencing, where lots are present shall be completed with the issuance of applicable lot's Certificate of Occupancy – *See applicable PDO approval for fencing plan*

- (g) Project Fencing, where common areas or development boundary is present are to be installed prior to developer's transfer to the Home Owner's Association -
See applicable PDO approval for fencing plan
- 6. After recordation of the Subdivision Plat, the developer and associated contractors shall schedule and attend a pre-construction meeting with the City Engineer prior to any commencement of construction activities related to subdivision improvements.

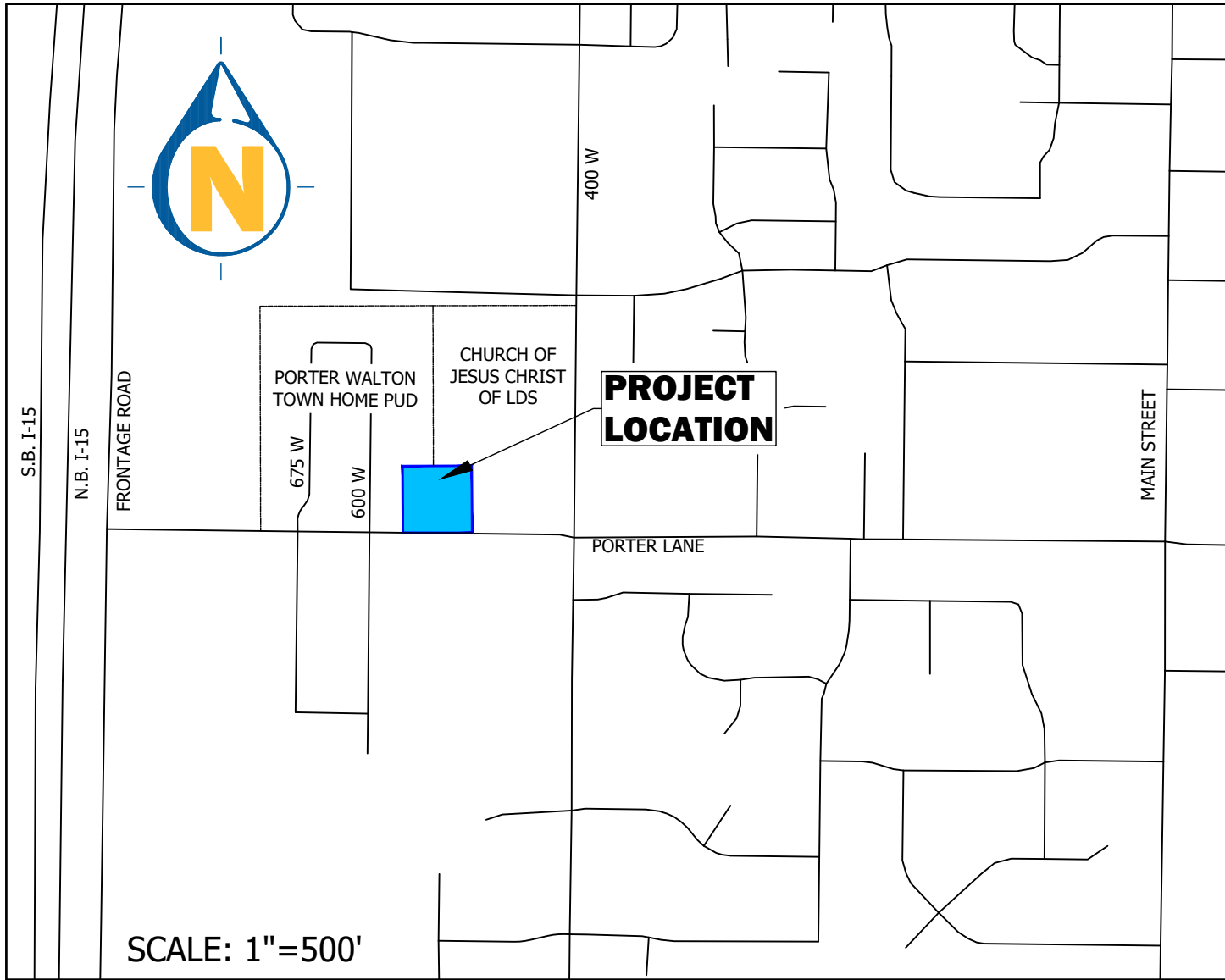
Reasons for Action:

- a) *The Commission finds that the final subdivision plat and plan, as conditioned in this approval, complies with the terms and conditions of Sheffield Downs PDO Zone Map Amendment and associated Conceptual Plan acceptance that was approved in September of 2018, Ordinance No. 2018-20.*
- b) *The Commission finds that the conditions of the final subdivision plat and plan approval are render the development consistent with the requirements for final subdivision review and approval, as required by CMC 15-04, Final Plat.*

PORTER LANE ESTATES

522 WEST PORTER LANE
PARCEL #03-001-0209
LOCATED IN THE NW 1/4 OF SECTION 18, T.2N., R.1E., S.L.B.&M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH
CURRENT ZONING: MEDIUM DENSITY RESIDENTIAL R-M
FEMA FLOOD ZONE: X (0.2%/1% WITH <1') MAP DATE: 09/15/22

VICINITY MAP



CIVIL DRAWING INDEX

Sheet Number	Sheet Title
C100	COVER & INDEX
C101	NOTES & LEGEND
C200	EXISTING CONDITIONS
C300	DEMOLITION PLAN
C400	SITE PLAN
C500	GRADING PLAN
C600	UTILITY PLAN
C690	EROSION CONTROL PLAN
C691	EROSION CONTROL DETAILS
C700	PLAN AND PROFILE
C901	SITE DETAILS

GENERAL NOTES

- 1) ALL WORK WITHIN A PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE RIGHT-OF-WAY OWNER'S STANDARDS & SPECIFICATIONS.
- 2) ALL UTILITY WORK SHALL CONFORM TO THE UTILITY OWNER'S STANDARDS & SPECIFICATIONS.
- 3) THESE PLANS DO NOT INCLUDE DESIGN OF DRY UTILITIES. THESE PLANS MAY CALL FOR RELOCATION, AND/OR REMOVAL AND/OR CONSTRUCTION OF DRY UTILITIES, BUT ARE NOT OFFICIAL DRAWINGS FOR SUCH. DESIGN AND COORDINATION OF DRY UTILITIES IS BY OTHERS.
- 4) THE CONTRACTOR SHALL COORDINATE AND OBTAIN ANY PERMITS REQUIRED FOR THE WORK SHOWN HEREON.
- 5) THE LOCATION AND ELEVATIONS OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS IS A BEST ESTIMATE BASED ON UTILITY COMPANY RECORDS, BLUESTAKES, AND FIELD MEASUREMENTS OF READILY OBSERVABLE ABOVE-GROUND FEATURES. AS SUCH, THIS INFORMATION MAY NOT BE COMPLETE, UP-TO-DATE, OR ACCURATE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO STOP WORK AND NOTIFY THE ENGINEER IF CONFLICTING INFORMATION IS FOUND IN THE FIELD.
- 6) THE CONTRACTOR IS TO FIELD VERIFY THE LOCATION AND ELEVATIONS OF EXISTING MANHOLES AND OTHER UTILITIES PRIOR TO STAKING AND CONSTRUCTION.
- 7) CALL BLUESTAKES AT LEAST 48 HOURS PRIOR TO DIGGING. DO NOT PROCEED UNTIL BLUESTAKES ARE MARKED.
- 8) IT SHALL BE THE CONTRACTOR'S AND SUBCONTRACTOR'S RESPONSIBILITY TO MEET ALL APPLICABLE HEALTH AND SAFETY REGULATIONS, AND THEY SHALL ASSUME SOLE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING CONSTRUCTION OF THIS PROJECT, SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK, AND THE PUBLIC IS PROTECTED.

RECORD LEGAL DESCRIPTION

FROM A WARRANTY DEED RECORDED AS ENTRY NO. 3607591, DAVIS COUNTY RECORDER, UTAH

BEGINNING AT A POINT ON NORTH LINE OF A 4 ROD STREET, 1216.94 FEET EAST AND SOUTH 565.20 FEET FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE SOUTH 89°56' EAST 80.0 FEET ALONG SAID STREET; THENCE NORTH 125.0 FEET; THENCE NORTH 89°46' WEST 80.0 FEET; THENCE SOUTH 125.0 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING ON NORTH SIDE OF A 4 ROD STREET AT A POINT 21.09 CHAINS EAST AND 8.60 CHAINS SOUTH FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; THENCE NORTH 3.12 CHAINS; THENCE WEST 95 FEET; THENCE SOUTH 3.12 CHAINS; THENCE EAST 95 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING ON THE NORTH LINE OF A 4 ROD STREET AT A POINT 16.81 CHAINS EAST AND 8.60 CHAINS SOUTH AND 107.48 FEET, MORE OR LESS, EAST FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; AND THENCE WEST 44 FEET, MORE OR LESS, ALONG SAID NORTH LINE OF STREET TO A POINT ON A SOUTHEAST CORNER OF PROPERTY CONVEYED IN WARRANTY DEED RECORDED 06/15/2015 AS ENTRY# 2873165 BOOK 6288 PAGE 140; THENCE ALONG SAID LINE THE FOLLOWING COURSE: NORTH 00°19'44" WEST 204.96 FEET; THENCE EAST 44 FEET; THENCE SOUTH 205 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING AT A POINT 1296.94 FEET EAST AND 440.20 FEET SOUTH FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE NORTH 80.92 FEET; THENCE WEST 80 FEET; THENCE SOUTH 80 FEET TO A POINT NORTH 89°46' WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°46' EAST 80 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.999 ACRES

ENGINEER:
SCOTT ARGYLE
ENTELLUS ENGINEERING
SARGYLE@ENTELLUS.COM
(385)-777-2528

PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPER

KIM DUNN CONSTRUCTION
Contact: Kim Dunn
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Centerville, UT 84014
Phone: 801-635-9845
cdbusiness@hotmail.com

PRELIMINARY
NOT FOR
CONSTRUCTION

PORTER LANE ESTATES

522 WEST 400 SOUTH (PORTER LANE)
PARCEL #03-001-0209
LOCATED IN THE NW 1/4 OF SECTION 18, T. 2 N., R. 1 E., S.L.B.&M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH

COVER & INDEX

REVISIONS

DRAWN: JH 2025-03-27
APPROVED: STA 2025-03-27
PROJECT #: 1000.0
PLANSET-1021062.dwg

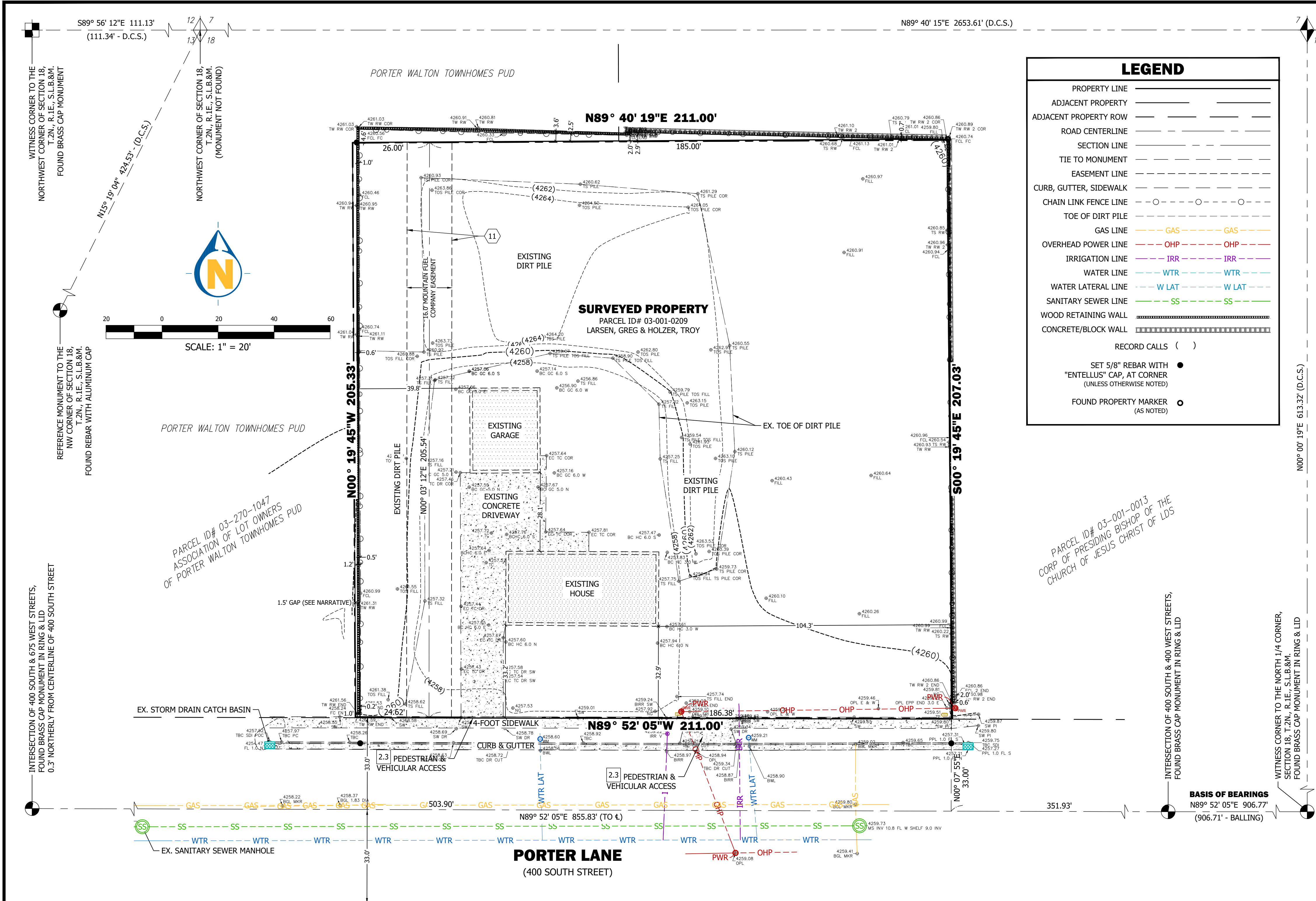
C100
COVER & INDEX

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NORTH 1/4 OF SECTION 18,
T.2N., R.1E., S.L.B.&M.
FOUND BRASS CAP MONUMENT

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PREPARE AND ALTA/NSPS LAND TITLE SURVEY ON THE PROPERTY. WE SET THE BASIS OF BEARINGS ALONG THE MONUMENT AT 200 WEST STREET AND PORTER LANE AND THE WITNESS CORNER MONUMENT IN PORTER LANE, TO THE EAST, AS SHOWN. THIS BASIS USES THE DAVIS COUNTY SURVEYOR'S (D.C.S.) GROUND COORDINATE SYSTEM.

THE SUBJECT PARCELS ALL TIE FROM THE NORTHWEST CORNER OF SECTION 18. MATHEMATICALLY, THEY DO NOT FIT TOGETHER WELL IN A NORTH-SOUTH DIRECTION EXCEPT THAT THEY GENERALLY SHARE A CALL TO "THE NORTH LINE OF A STREET." THE SUBJECT PARCELS ARE SURROUNDED ON THE NORTH AND EAST BY PROPERTY OWNED BY THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS ("CHURCH PROPERTY"). ALTHOUGH THE CALCULATED LOCATION FOR THE CHURCH PROPERTY DOES NOT MATCH THE DEEDS FOR THE SURVEYED PROPERTY PERFECTLY, THEY SHARE THE SAME BEARING AND DISTANCE ALONG THE EAST LINE OF THE SURVEYED PROPERTY.

THE PORTER WALTON TOWNHOMES P.U.D. ("PUD"; ENTRY #2916378, DAVIS COUNTY RECORDER [D.C.R.]) FALLS TO THE WEST AND NORTH OF THE SURVEYED PROPERTY. IT ALSO PURPORTS TO USE THE D.C.S. GROUND COORDINATE SYSTEM. A PORTION OF THE PUD WAS ORIGINALLY OWNED BY THE HAFOKAS AND SOLD IN 2015 TO BRIGHTON DEVELOPMENT UTAH, THE DEVELOPER OF THE PUD (ENTRY #2873165, D.C.R.). COMPARING THIS DEED TO THE PUD PLAT, THE LOCATION OF THE WEST LINE OF THE SURVEYED PROPERTY APPEARS TO BE ABOUT 1.5' EASTERLY FROM THE CORRESPONDING LINE OF THE PUD.

BALLING ENGINEERING PREPARED A SURVEY IN 1992 ("BALLING SURVEY"; SURVEY #1277, D.C.S.) THAT INCLUDED THE SURVEYED PROPERTY FOR THIS SURVEY. IT SHOWS CHAIN LINK FENCING NEAR THE COMMON LINES BETWEEN THE CHURCH PROPERTY, THE SURVEYED PROPERTY, AND THE PUD. THE FENCING DOES NOT FOLLOW BOUNDARY LINES WELL. HOWEVER, ONE PROPERTY CORNER WAS LOCATED AT A FENCE POST ON THE NORTHEAST CORNER OF THE SURVEYED PROPERTY. THE PUD USES A DIFFERENT BEARING ALONG PORTER LANE THAN THE BALLING SURVEY. IT IS APPARENT FROM THE SURVEY RECORD THAT THE STREET MONUMENT IN PORTER LANE AT 675 WEST STREET WAS NOT SET ON THE CENTER LINE (SEE SURVEYS #2808, #3935, #7243, AND #7788).

WE MEASURED ROAD IMPROVEMENTS AND MONUMENTS IN PORTER LANE AND GATHERED ADDITIONAL MEASUREMENTS ON CORRESPONDING SECTION CORNER MONUMENTS. WE MEASURED FENCES AND WALLS SURROUNDING THE SURVEYED PROPERTY. WE FOUND THAT THE FENCING ALONG THE NORTHERLY LINES CONTINUES TO GENERALLY RUN OFF OF THE RECORD LOCATION OF THE PROPERTY. THERE IS NOW FENCING THAT WAS BUILT AS PART OF THE PUD THAT FOLLOWS THE REMAINING PORTION OF THE NORTHERLY LINES. THERE IS ALSO A FENCE AND WALL FROM THE PUD ALONG THE WESTERLY LINE OF THE SURVEYED PROPERTY.

COMPARING OUR CALCULATIONS TO THE MEASURED EVIDENCE, WE BELIEVE THAT THE BALLING SURVEY IS STILL A FAITHFUL REPRESENTATION OF THE SURVEYED PROPERTY. WE FOUND THAT FENCES CONTINUED TO BE IN THE SAME LOCATION SHOWN ON THE BALLING SURVEY, SO WE ACCEPTED THE NORTHERLY AND EASTERLY LINES ON THE BALLING SURVEY. WE CONTINUE TO ACCEPT THE CENTER LINE LOCATION OF PORTER LANE THAT WE HAVE USED ON PRIOR SURVEYS BECAUSE IT GENERALLY FITS ROAD IMPROVEMENTS. WE FOUND THE FENCES AND WALLS ALONG THE WESTERLY LINE FIT WELL WITH THE CONVEYANCE TO BRIGHTON IN 2015, LEAVING THE RECORD FRONTAGE FOR THE SURVEYED PROPERTY AT 211 FEET. WE SET CORNERS TO MARK THE PROPERTY, AS SHOWN

RECORD LEGAL DESCRIPTION

FROM EXHIBIT "A" OF A COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, AS COMMITMENT NUMBER 14253-6335031 ON OCTOBER 30, 2024 AT 8:00 AM.

BEGINNING AT A POINT ON NORTH LINE OF A 4 ROD STREET, 1216.94 FEET EAST AND SOUTH 565.20 FEET FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE SOUTH 89°56' EAST 80.0 FEET ALONG SAID STREET; THENCE NORTH 125.0 FEET; THENCE NORTH 89°46' WEST 80.0 FEET; THENCE SOUTH 125.0 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING ON NORTH SIDE OF A 4 ROD STREET AT A POINT 21.09 CHAINS EAST AND 8.60 CHAINS SOUTH FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; THENCE NORTH 3.12 CHAINS; THENCE WEST 95 FEET; THENCE SOUTH 3.12 CHAINS; THENCE EAST 95 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING ON THE NORTH LINE OF A 4 ROD STREET AT A POINT 16.81 CHAINS EAST AND 8.60 CHAINS SOUTH AND 107.48 FEET; MORE OR LESS, EAST FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; AND THENCE WEST 44 FEET, MORE OR LESS, ALONG SAID NORTH LINE OF STREET TO A POINT ON A SOUTHEAST CORNER OF PROPERTY CONVEYED IN WARRANTY DEED RECORDED 06/15/2015 AS ENTRY # 2873165 BOOK 6288 PAGE 140; THENCE ALONG SAID LINE THE FOLLOWING COURSE: NORTH 00°19'44" WEST 204.96 FEET; THENCE EAST 44 FEET; THENCE SOUTH 205 FEET TO THE POINT OF BEGINNING.

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CONTAINS 0.999 ACRES

ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARDS

- MONUMENTS FOUND DURING THE FIELDWORK FOR THIS SURVEY ARE:
 - THE BASIS OF BEARINGS WAS ESTABLISHED BY THE DAVIS COUNTY SURVEYOR'S BRASS CAP MONUMENTING THE WITNESS CORNER TO THE NORTH QUARTER CORNER OF SECTION 18 AND THE INTERSECTION MONUMENT OF 400 SOUTH & 400 WEST STREETS, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, AS SHOWN ON THIS PLAT.
- EVIDENCE OF RIGHTS OF WAY AND ACCESS OBSERVED DURING THE FIELDWORK FOR THIS SURVEY:
 - BEARING AND DISTANCE TIES ARE SHOWN ON THE DIAGRAM SHEETS FROM THE PROPERTY TO STREET RIGHT-OF-WAY LINES.
 - PUBLIC AND PRIVATE STREETS ABUTTING THE PROPERTY ARE NAMED ON THE DIAGRAM SHEETS ALONG WITH THE RESPECTIVE RIGHT OF WAY WIDTHS.
 - VISIBLE EVIDENCE OF PHYSICAL ACCESS (E.G., DRIVEWAY CURB CUTS, SIDEWALKS, FENCE GATES) LEADING TO OR ACROSS THE PROPERTY IS SHOWN ON THE DIAGRAM SHEETS WITH LABELS DESCRIBING THE LOCATION AND CHARACTER OF VEHICULAR OR PEDESTRIAN ACCESS BY OTHER THAN THE APPARENT OCCUPANTS.
 - THE LOCATION AND EXTENT OF ANY POTENTIALLY ENCROACHING DRIVEWAYS, ALLEYS, AND OTHER WAYS OF ACCESS FROM ADJOINING PROPERTIES ONTO OR ACROSS THE SURVEYED PROPERTY ARE SHOWN ON THE DIAGRAM SHEETS.
- EVIDENCE OF LINES OF POSSESSION AND IMPROVEMENTS OBSERVED ALONG THE PROPERTY BOUNDARY LINES DURING THE FIELDWORK FOR THIS SURVEY ARE SHOWN ON THE DIAGRAM SHEETS INCLUDING WALLS, FENCES, BUILDINGS, SIDEWALKS, CONCRETE WORK, AND OTHER IMPROVEMENTS.
- THE LOCATIONS OF BUILDINGS OBSERVED ON THE PROPERTY DURING THE FIELDWORK FOR THIS SURVEY ARE SHOWN ON THE DIAGRAM SHEETS. **TWO BUILDINGS WERE OBSERVED ON THE PROPERTY DURING THE FIELDWORK FOR THIS SURVEY.**
- EVIDENCE OF EASEMENTS AND SERVITUDES OBSERVED ON THE PROPERTY DURING THE FIELD WORK FOR THIS SURVEY ARE **SHOW ON THE DIAGRAM.**
- THE LOCATIONS OF CEMETERIES ENCUMBERING OBSERVED ON THE PROPERTY DURING THE FIELD WORK FOR THIS SURVEY ARE SHOWN ON THE DIAGRAM. **NO PHYSICAL EVIDENCE OF CEMETERIES WERE OBSERVED DURING THE FIELDWORK FOR THIS SURVEY, AND THE SURVEYOR WAS NOT MADE AWARE OF THE EXISTENCE OF ANY OTHER BURIAL PLOTS DURING THE PROCESS OF CONDUCTING.**
- NO EVIDENCE OF WATER FEATURES EITHER ON THE PROPERTY OR MOVING ACROSS THE PROPERTY WAS OBSERVED DURING THE FIELD WORK FOR THIS SURVEY.

GENERAL NOTES

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINING PROPERTIES, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF THE TITLE TO THE PARCELS SHOWN HEREON WAS OBTAINED FROM TITLE REPORT FILE NUMBER 14253-6335031, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF OCTOBER 30, 2024, 8:00 A.M.
- THIS ALTA SURVEY IS MADE FOR THE ORIGINAL PURCHASER AND NAMED PARTIES OF THIS SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS SURVEY IS MADE IN RELATION TO A RECORD OF SURVEY THAT WILL BE FILED IN THE DAVIS COUNTY SURVEYOR'S OFFICE.
- THE LOCATIONS OF UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS AS SHOWN HEREON ARE BASED ON ABOVE GROUND APPURTENANCES VISIBLE AT THE TIME OF THE SURVEY TO THE SURVEYOR AND RECORD DRAWINGS PROVIDED BY THE CITY, UTILITY COMPANY, OR PROPERTY OWNER AT THE TIME OF THE SURVEY. EXACT LOCATIONS OF UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS MAY EXIST.
- ONLY OBSERVABLE SURFACE AND ABOVE GROUND FACILITIES OR STRUCTURES WERE FIELD-LOCATED AND SHOWN HEREON. BURIED STRUCTURES SUCH AS TANKS, FOUNDATION FOOTINGS, VAULTS, ETC., WERE NOT SEARCHED FOR AND NOT LOCATED.
- THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK. (THE DIRT PILE ON THE PROPERTY HAS BEEN IN PLACE SINCE AT LEAST 2021)
- THERE WAS NO EVIDENCE OF ANY SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
- STRUCTURES RELATED TO AN IRRIGATION SYSTEM WERE NOT OBSERVED ON-SITE DURING THE PROCESS OF CONDUCTING THE FIELD WORK. HOWEVER, UTILITY MAPS SUGGEST THAT THERE IS AN IRRIGATION SERVICE TO THE PROPERTY.

ALTA/NSPS LAND TITLE SURVEY CERTIFICATE

TO GREG LRSEN AND FIRST AMERICAN TITLE INSURANCE COMPANY:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 8, 11, 16, 17, & 19, OF TABLE A THEREOF.

THE FIELDWORK WAS COMPLETED ON MARCH 04, 2025.
DATE OF PLAT OR MAP: MARCH 14, 2025

JEREMIAH CUNNINGHAM, P.L.S.
STATE OF UTAH LICENSE NO. 9182497

TITLE REPORT EXCEPTIONS

FROM SCHEDULE "B", PART "I", A COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, AS COMMITMENT NUMBER 14253-6335031 ON OCTOBER 30, 2024 AT 8:00 AM.

RIGHT-OF-WAY AND EASEMENT GRANT RECORDED FEBRUARY 25, 1994 AS ENTRY NO. 1099375 IN BOOK 1728 AT PAGE 88 OF OFFICIAL RECORDS.

QUITCLAIM DEED CONVEYING TO BRIGHTON DEVELOPMENT UTAH, LLC, THE RIGHT, TITLE AND INTEREST ACQUIRED IN SAID RIGHT-OF-WAY AND EASEMENT GRANT, RECORDED MARCH 18, 2016 AS ENTRY NO. 2927032 IN BOOK 6476 AT PAGE 1050 OF OFFICIAL RECORDS.

ALTA/NSPS LAND TITLE SURVEY TABLE "A" ITEMS:

- MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER. **(SHOWN ON DIAGRAM)**
- SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK (IN ADDITION TO THE IMPROVEMENTS AND FEATURES REQUIRED PURSUANT TO SECTION 5.E.IV.) (E.G., PARKING LOTS, BILLBOARDS, SIGNS, SWIMMING POOLS, LANDSCAPED AREAS, SUBSTANTIAL AREAS OF REFUSE). **(SHOWN ON DIAGRAM)**
- EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUANT TO SECTION 5.E.IV.) AS DETERMINED BY:
 - PLANS AND/OR REPORTS PROVIDED BY CLIENT (WITH REFERENCE AS TO THE SOURCES OF INFORMATION) **(NONE PROVIDED)**
 - MARKINGS COORDINATED BY THE SURVEYOR PURSUANT TO A PRIVATE UTILITY LOCATE REQUEST NOTE TO THE CLIENT, INSURER, AND LENDER - WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM THE SOURCES CHECKED ABOVE WILL BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.IV. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY. **(SHOWN ON DIAGRAM)**
- EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. **THE DIRT PILE ON THE PROPERTY HAS BEEN IN PLACE SINCE AT LEAST 2021 (SHOWN ON DIAGRAM)**
- PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION IS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION. EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. **(NO EVIDENCE WAS OBSERVED DURING THE FIELDWORK OR DISCOVERED BY THE SURVEYOR IN PROCESS OF CONDUCTING THIS SURVEY)**

1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com

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ALTA/NSPS LAND TITLE SURVEY

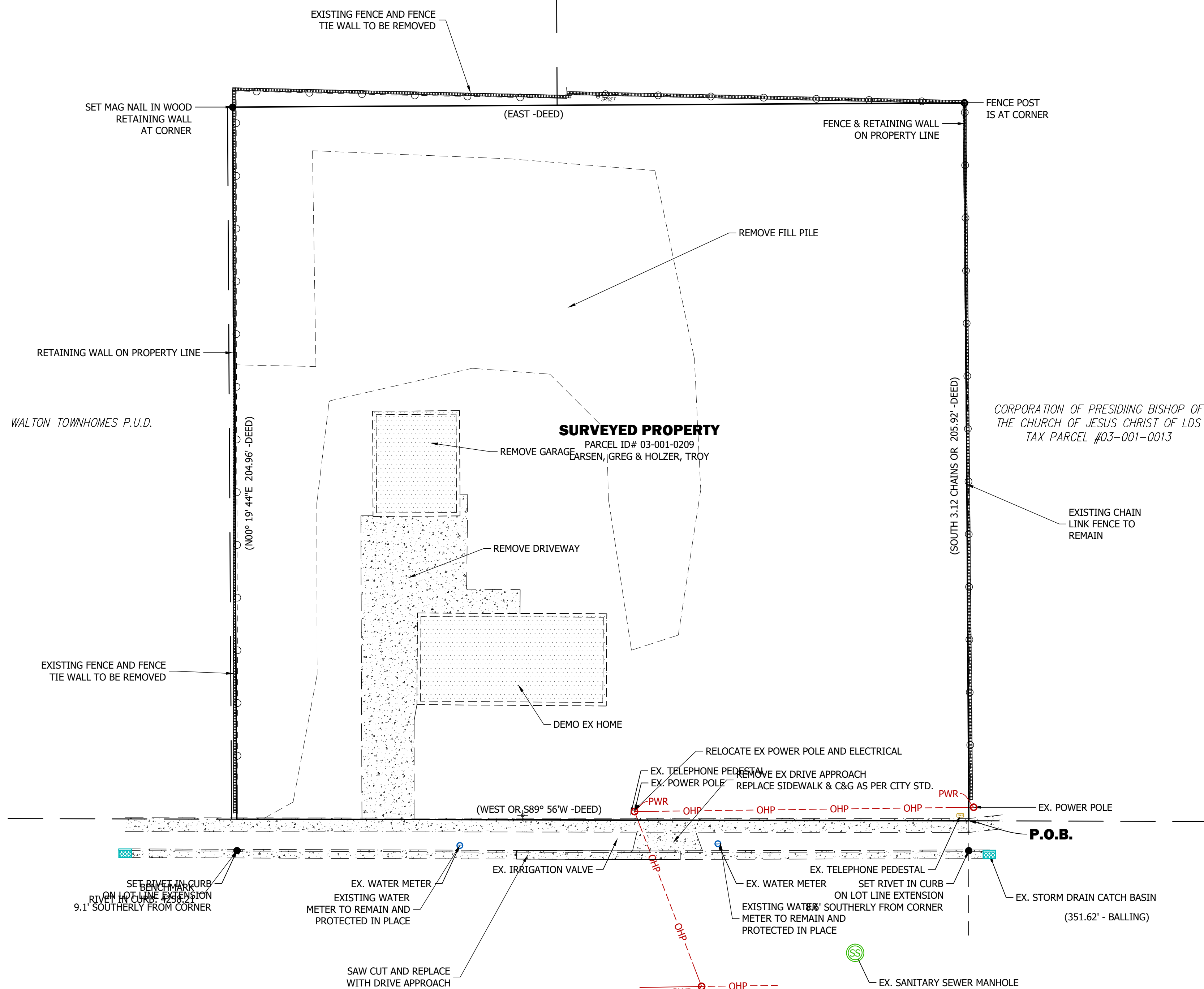
GREG LARSEN

522 WEST PORTER LANE
PARCEL ID# 03-001-0209
LOCATED IN THE NW 1/4 OF SECTION 18, T.2N., R.1E., S.L.B.&M.
CITY OF CENTERTVILLE, DAVIS COUNTY, UTAH

REVISIONS

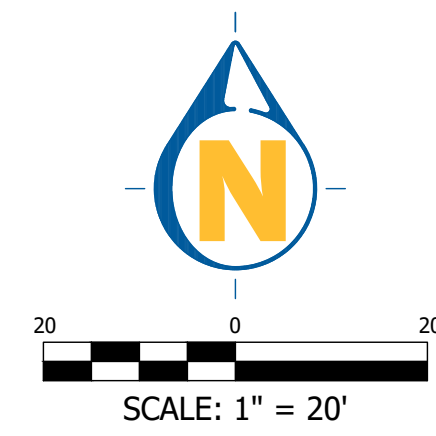
NO.	DATE	DESCRIPTION
1	2025/03/10	DRAWN: JJS
2	2025/03/14	APPROV: JRC
3	1021062	PROJECT #:
4	1021062.dwg	SURVEY

C200
ALTA/NSPS LAND TITLE SURVEY



NOTES

1. MEASURE DOWN (MD) ARE FROM CITY GIS MAPS. CONTRACTOR TO FIELD VERIFY PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER IF EXISTING MEASURE DOWN DOES NOT MATCH PLANS.
2. CONTRACTOR TO REPORT ANY DISCREPANCIES SEEN IN THE FIELD BEFORE CONSTRUCTION BEGINS.



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REVISIONS

DRAWN: JH	2025-03-27
APPROVED: STA	2025-03-27
PROJECT #:	1000.0
PLANSET-1021062.dwg	

C300

DEMOLITION PLAN

DEVELOPER

KIM DUNN CONSTRUCTION
Contact: Kim Dunn
P O Box 714
Centerville, UT 84014
Phone: 801-635-9845
cdbusiness@hotmail.com

**PRELIMINARY
NOT FOR
CONSTRUCTION**

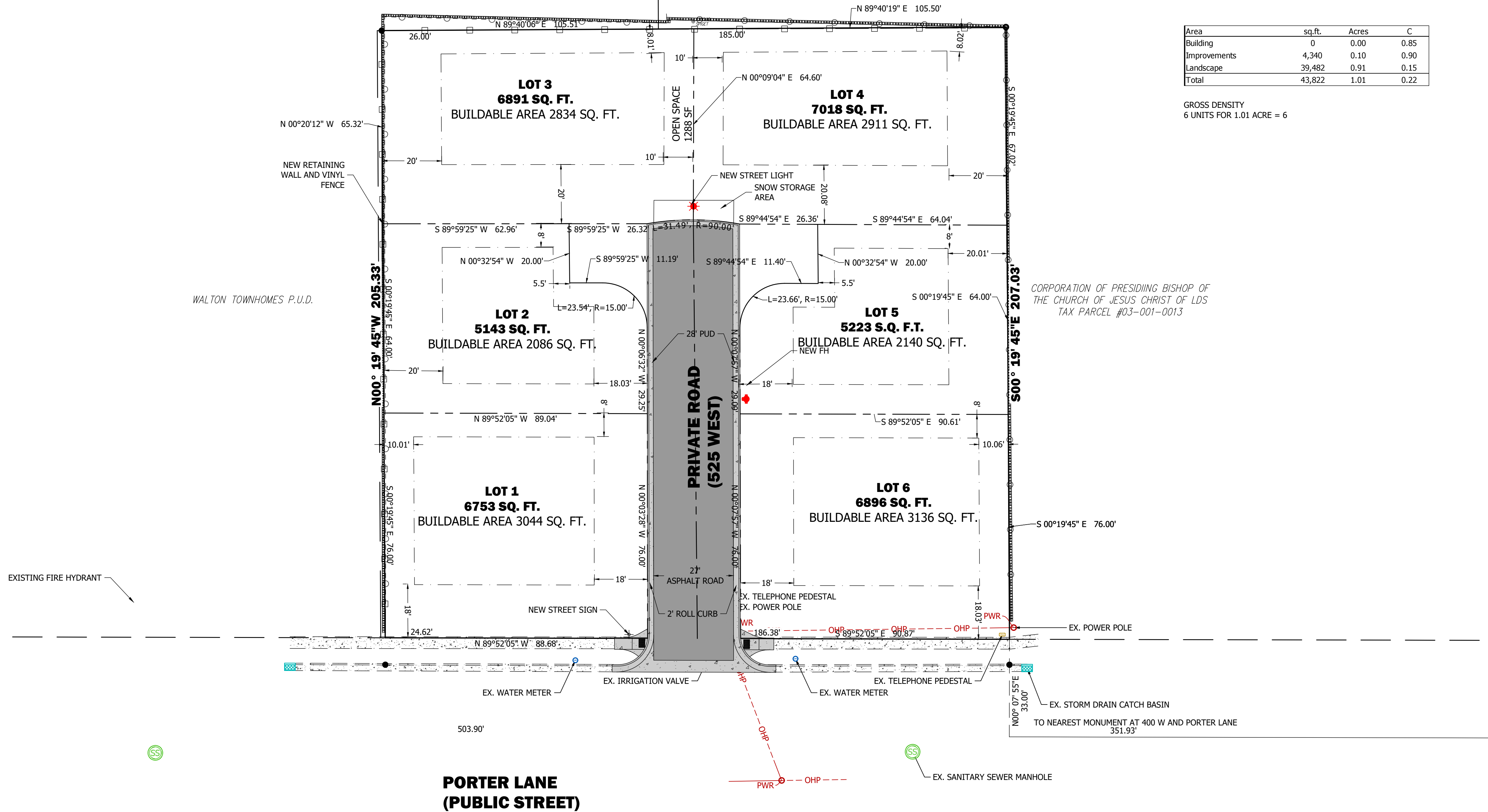
PORTER LANE ESTATES

522 WEST 400 SOUTH (PORTER LANE)
PARCEL #03-001-0209
LOCATED IN THE NW 1/4 OF SECTION 18, T. 2 N., R. 1 E., S. 1 B. & M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH

DEMOLITION PLAN

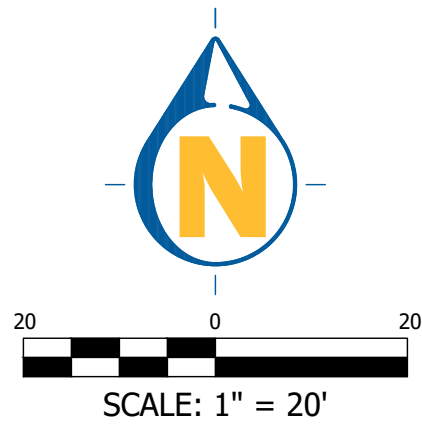


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Area	sq.ft.	Acres	C
Building	0	0.00	0.85
Improvements	4,340	0.10	0.90
Landscape	39,482	0.91	0.15
Total	43,822	1.01	0.22

GROSS DENSITY
6 UNITS FOR 1.01 ACRE = 6



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REVISIONS

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PROJECT #: 1000.0
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C400
SITE PLAN

PORTER LANE ESTATES

522 WEST 400 SOUTH (PORTER LANE)
PARCEL #03-001-0209
LOCATED IN THE NW 1/4 OF SECTION 16, T. 2 N., R. 1 E., S. L.B. & M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH

SITE PLAN

PRELIMINARY
NOT FOR
CONSTRUCTION

DEVELOPER

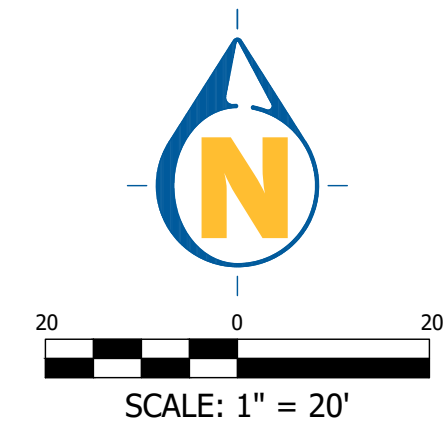
KIM DUNN CONSTRUCTION
Contact: Kim Dunn
P O Box 714
Centerville, UT 84014
Phone: 801-635-9845
cdbusiness@hotmail.com

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REQUIRED STORAGE: 266 CU FT
TOTAL PROVIDED STORAGE: 280 CU FT



LEGEND

		EXISTING SPOT ELEVATION
		PROPOSED SPOT ELEVATION
		DOWNWARD GRADE
		EXISTING INDEX CONTOUR
		EXISTING MINOR CONTOUR
		PROPOSED CONTOUR
		PROPOSED MINOR CONTOUR

ACCESSIBLE AREA CONSTRAINTS

ALL ACCESSIBLE AREAS ARE TO MAINTAIN THE FOLLOWING
MAXIMUM SLOPES AND TOLERANCES:

ACCESSIBLE PARKING:
MAXIMUM SLOPE OF 1:48 (2%) THROUGHOUT.

ACCESSIBLE ROUTE:
MINIMUM WIDTH OF 48". MAXIMUM SLOPE OF 1:20 (5%)
ALONG THE ROUTE, MAXIMUM CROSS-SLOPE OF 1:48 (2%).

ACCESS ROUTE TURNAROUNDS:
A CLEAR 60" TURNING DIAMETER. MAXIMUM SLOPE OF 1:48
(2%) IN ANY DIRECTION.

LEVEL LANDING / EXTERIOR DOOR LANDING:
MINIMUM SIZE OF 60"X60". MAXIMUM SLOPE OF 1:48 (2%)
IN ANY DIRECTION.

ACCESSIBLE EGRESS TO PUBLIC WAY:
MAXIMUM SLOPE OF 1:20 (5%) ALONG THE ROUTE,
MAXIMUM CROSS-SLOPE OF 1:48 (2%).

ADA ACCESS RAMPS:
MAXIMUM SLOPE OF 1:12 (8.33%), WITH A MAXIMUM
CROSS-SLOPE OF 2%. THE TRANSITION BETWEEN ASPHALT
AND CONCRETE IS NOT TO EXCEED 1/2" VERTICAL (1/4" IF
BEVELED).

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PORTER LANE ESTATES

522 WEST 400 SOUTH (PORTER LANE)

PARCEL #03-001-0209
THE NW 1/4 OF SECTION 18 T 2 N R 1 E S 1 R & M

THE NW 1/4 OF SECTION 16, T. 2 N., R. 1 E., S. 1 B. & M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH

GRADING PLAN

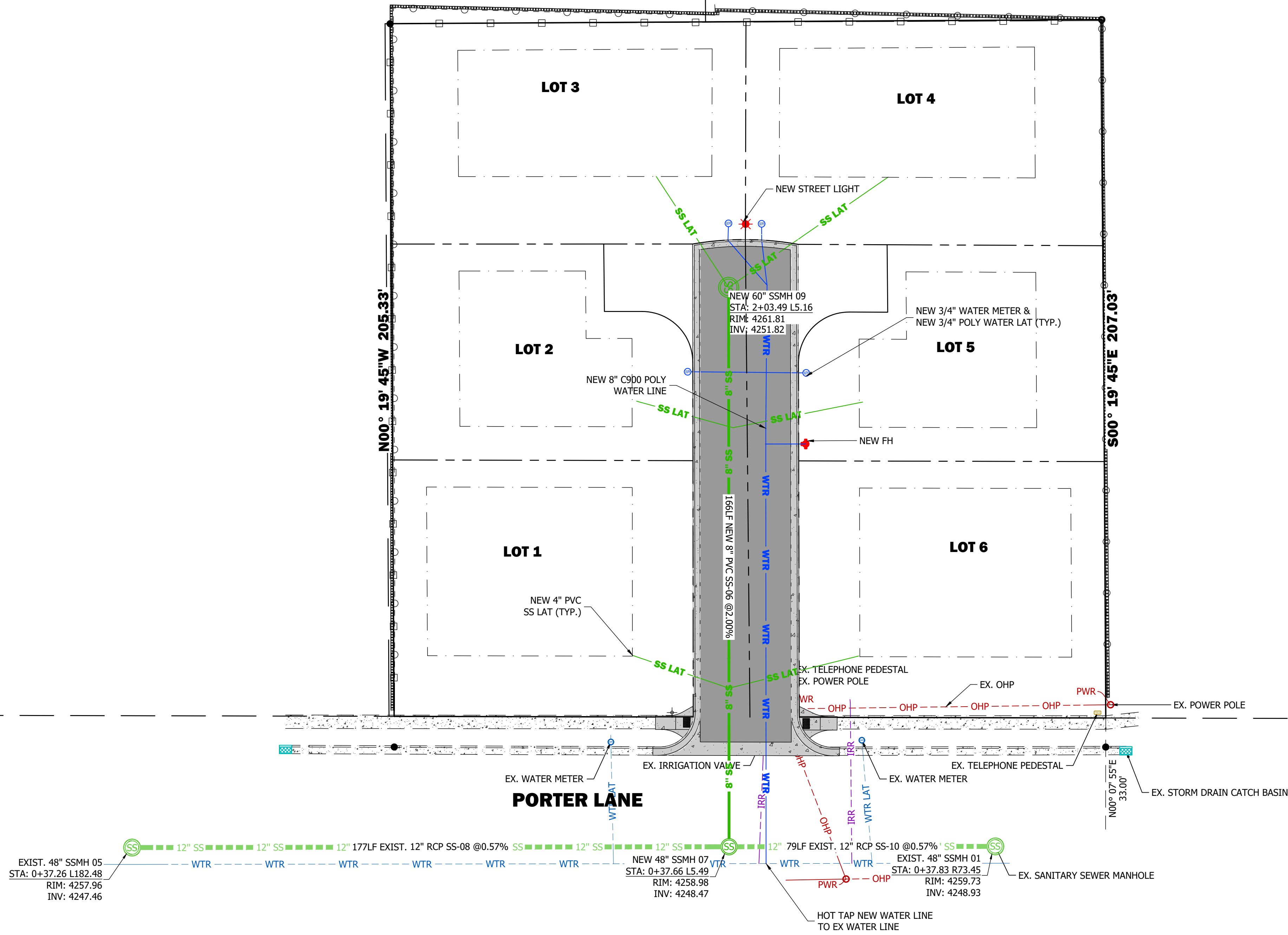
GRADING PLAN

REVISIONS

DRAWN: JH	2025-03-27
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PROJECT #:	1000.0
PLANSET-1021062.dwg	

C500

GRADING PLAN



- IMPROVEMENTS NOTES**
1. ALL WORK & MATERIALS IN THE UDOT RIGHT-OF-WAY TO CONFORM TO UDOT STANDARDS AND SPECIFICATIONS.
 2. ALL WORK & MATERIALS IN THE CITY RIGHT-OF-WAY TO CONFORM TO [CITY] STANDARDS AND SPECIFICATIONS.
 3. ALL PRIVATE IMPROVEMENTS WORK & MATERIALS TO CONFORM TO THE DETAILS SHEETS (C900 SERIES).
- SANITARY SEWER NOTES**
4. ALL SANITARY SEWER WORK & MATERIALS TO CONFORM TO [SEWER DISTRICT] STANDARDS AND SPECIFICATIONS.
 5. ALL SEWER MAINS TO BE GREEN 8 INCH SDR35 PVC 3034 PIPE RUNNING AT A MINIMUM SLOPE OF 0.40%.
 6. ALL SEWER LATERALS TO BE GREEN 4 INCH SDR35 PVC 3034 PIPE RUNNING AT A MINIMUM SLOPE OF 2.00%.
- CULINARY WATER NOTES**
7. ALL CULINARY WATER WORK & MATERIALS TO CONFORM TO [WATER DISTRICT] STANDARDS AND SPECIFICATIONS.
 8. ALL WATER MAINS TO BE BLUE C900 DR18 CLASS 150 PIPE.
 9. ALL WATER LATERALS TO BE 3/4" TYPE K COPPER.
 10. ALL HYDRANTS TO BE 6" COMPRESSION TYPE OF THE FOLLOWING WITH STAINLESS BOLTS:
 - 10.1. MUELLER CENTURION
 - 10.2. CLOW MEDALLION
 - 10.3. WATEROUS
- STORM DRAIN NOTES**
11. ALL PUBLIC STORM DRAIN WORK & MATERIALS TO CONFORM TO [CITY] STANDARDS AND SPECIFICATIONS.
 12. ALL PRIVATE STORM DRAIN WORK & MATERIALS TO CONFORM TO THE PRIVATE STORM DRAIN DETAILS IN THE C900 SERIES SHEETS, IN ADDITION TO THE MANUFACTURER'S RECOMMENDATIONS.
 13. ALL PUBLIC STORM DRAIN PIPE TO BE CLASS V RCP, MINIMUM 15 INCH DIAMETER.
 14. ALL PRIVATE STORM DRAIN PIPE TO BE ADS N-12 OR EQUIVALENT.
 15. ALL PRIVATE STORM DRAIN MANHOLES AND BOXES TO BE PRECAST TO ASHTO HS-20 LOADING SPECIFICATION.
- PRESSURE IRRIGATION NOTES**
16. ALL PUBLIC PRESSURE IRRIGATION TO CONFORM TO [IRRIGATION DISTRICT] STANDARDS & SPECIFICATIONS.
 17. ALL PUBLIC IRRIGATION MAINS ARE TO BE PURPLE C900 DR14 CLASS 200 PIPE.
 18. ALL IRRIGATION LATERALS TO BE PURPLE SDR9 CTS POLY PIPE.
- UTILITY SEPARATION NOTES**
19. MAINTAIN 10 FEET HORIZONTAL SEPARATION AND 18 INCHES VERTICAL SEPARATION BETWEEN SEWER AND CULINARY WATER MAINS.
 20. MAINTAIN 10 FEET HORIZONTAL SEPARATION AND 18 INCHES VERTICAL SEPARATION BETWEEN SEWER AND CULINARY WATER LATERALS.
 21. MAINTAIN 4 FEET HORIZONTAL SEPARATION AND 12 INCHES VERTICAL SEPARATION BETWEEN STORM DRAIN AND ALL OTHER UTILITIES.
 22. MAINTAIN 4 FEET HORIZONTAL SEPARATION AND 12 INCHES VERTICAL SEPARATION BETWEEN CULINARY WATER AND ALL OTHER UTILITIES.
 23. MAINTAIN 4 FEET HORIZONTAL SEPARATION AND 12 INCHES VERTICAL SEPARATION BETWEEN PRESSURE IRRIGATION AND ALL OTHER UTILITIES.

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CENTERVILLE CITY, DAVIS COUNTY, UTAH

UTILITY PLAN

REVISIONS

NO.	DESCRIPTION	DATE

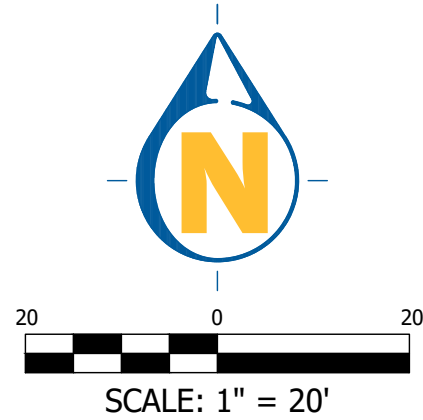
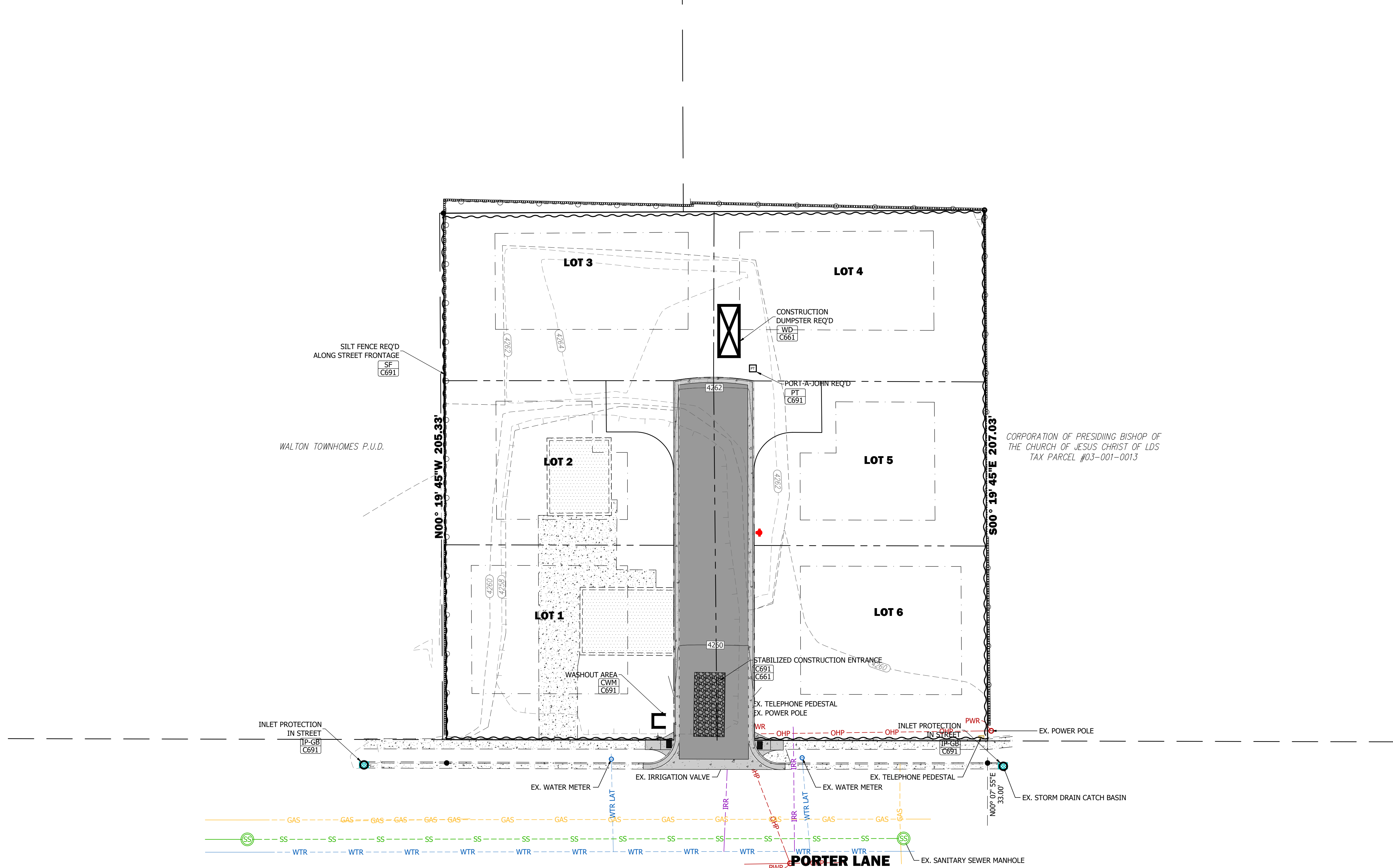
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CONSTRUCTION NOTES

- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LOCAL, STATE, AND FEDERAL PERMITS PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR TO MAINTAIN A COPY OF THE SWPPP ON SITE.
- CONTRACTOR TO INSPECT SITE TO ENSURE THE SWPPP IMPROVEMENTS ARE IN PLACE AND FUNCTIONAL.
- CONTRACTOR TO MAINTAIN TEMPORARY EROSION AND SEDIMENT CONTROLS AND HOUSEKEEPING MEASURES.
- ALL SOLID WASTE SHALL BE STORED IN A SECURELY LIDDED METAL DUMPSTER. THE DUMPSTER SHALL MEET ALL STATE AND LOCAL WASTE MANAGEMENT REGULATIONS.
- ALL HAZARDOUS WASTE SHALL BE DISPOSED OF IN THE MANNER AS SPECIFIED BY THE MANUFACTURER AND STATE AND LOCAL REGULATIONS.
- A WASHOUT AREA SHALL BE CONSTRUCTED FOR THE TEMPORARY COLLECTION OF EXCESS CONCRETE AND NON-STORM WATER DISCHARGES FROM VEHICLE WASHING. THE CONCRETE WILL BE TAKEN TO THE CITY LANDFILL WITHIN 1 WEEK OF PLACING IN THE WASHOUT AREA.
- A STABILIZED CONSTRUCTION ENTRANCE WILL BE CONSTRUCTED TO REDUCE VEHICLE TRACKING OF SEDIMENTS ONTO PUBLIC RIGHT OF WAYS. THE PAVED STREET ADJACENT TO THE SITE ENTRANCE WILL BE SWEEPED DAILY TO REMOVE EXCESS DIRT.
- INSPECTION SHALL BE MADE:
 - WEEKLY
 - WITHIN 24 HOURS AFTER A RAINFALL EVENT OF 0.5 INCHES OR GREATER.
 - WITHIN 24 HOURS AFTER A SNOW MELT SUFFICIENT TO CAUSE A DISCHARGE.ALL NON-STORM WATER FLOWS SHALL BE DIRECTED TOWARD THE WASHOUT AREA OR SEDIMENT BASIN. THE SWPPP WILL BE REVISED AS SITE CONDITIONS AND PROJECT WARRANTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING AND SWEEPING PUBLIC STREETS ON A DAILY BASIS, OR MORE IF NECESSARY.
- CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE ADEQUATE DUST CONTROL THROUGHOUT THE COURSE OF THE PROJECT.

REVISIONS

DRAWN: JH	2025-03-27
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C690
EROSION CONTROL PLAN

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EROSION CONTROL PLAN

DEVELOPER

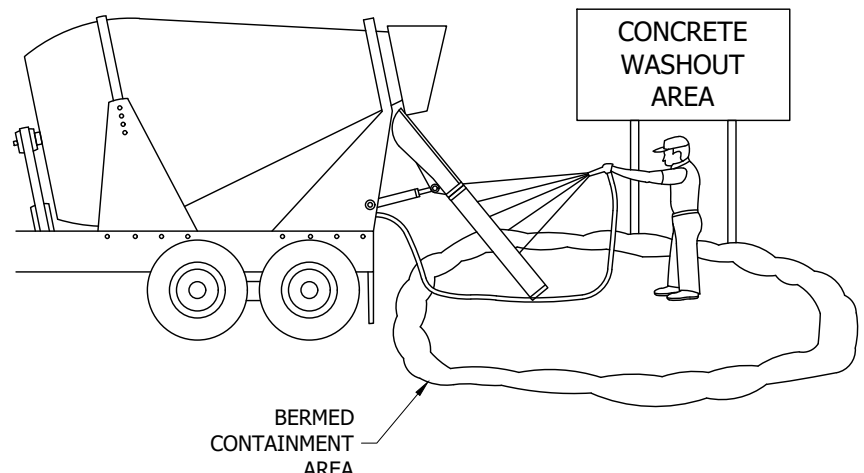
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CONCRETE WASTE MANAGEMENT CWM-BERM



DESCRIPTION
Prevent or reduce the discharge of pollutants to storm water from concrete waste by conducting washout off-site, performing on-site washout in a designated area, and training employees and subcontractors.

APPLICABILITY
Applicable to sites where concrete will be placed.

IMPLEMENTATION

1. Store dry materials under cover, away from drainage areas
2. Minimize excess mixing of fresh concrete, mortar or cement on site
3. Do not wash out concrete trucks into storm drains, open ditches, streets, or streams
4. Do not allow excess concrete to be dumped on-site, except in designated areas
5. When washing concrete to remove fine particles and expose the aggregate, avoid creating runoff by draining the water within a bermed or level area (6" tall X 6' wide)
6. Train employees and subcontractors in proper concrete waste management

LIMITATIONS
Off-site washout or concrete wastes may not always be possible

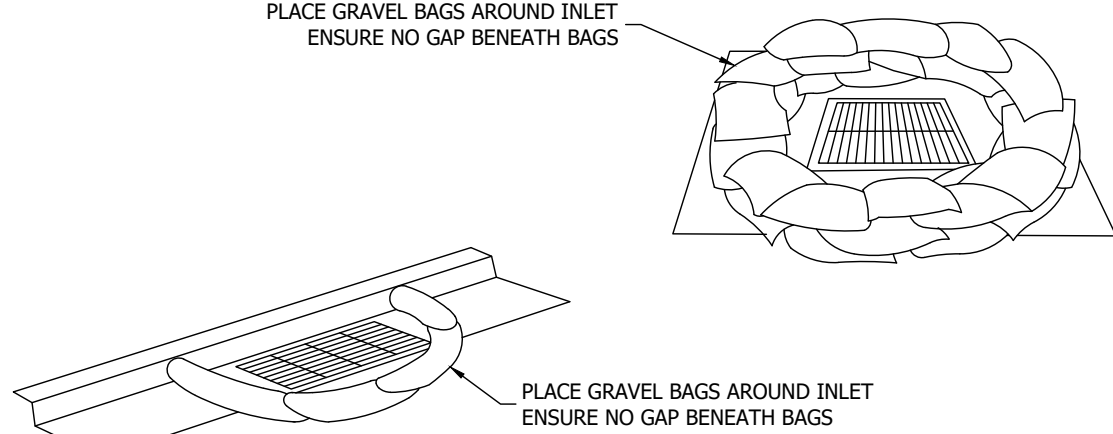
MAINTENANCE

1. Inspect subcontractors to ensure that concrete wastes are being properly managed.
2. If using a temporary pit, dispose of hardened concrete on a regular basis.



Adapted from Davis County Stormwater Coalition materials.

INLET PROTECTION - GRAVEL BAGS IP-GB



DESCRIPTION
Sediment barrier erected around storm drain inlet.

APPLICABILITY
Construct at storm drainage inlets located down-gradient of areas to be disturbed by construction.

IMPLEMENTATION

1. Provide up-gradient sediment controls, such as silt fence during construction of inlet
2. When construction of curb and gutter and roadway is complete, install gravel filled bags around perimeter of inlet
3. Fill to recommended levels to reduce splitting of bags

LIMITATIONS

1. Recommended maximum contributing drainage area of one acre.
2. Requires shallow sloped adjacent to inlet.

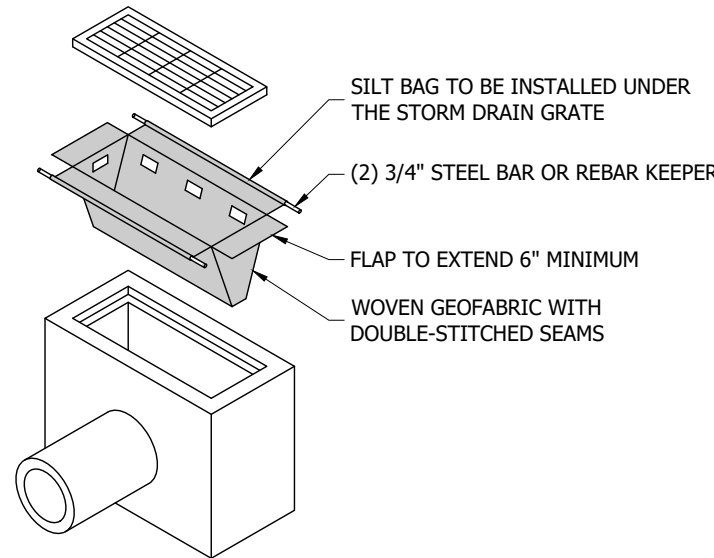
MAINTENANCE

1. inspect inlet protection following storm event and at a minimum of once every 14 days.
2. Remove accumulated sediment when it reaches half the height of the bag.
3. Look for bypassing or undercutting and repair or realign as needed.
4. Replace and clean up spilled gravel when bags split.



Adapted from Davis County Stormwater Coalition materials.

INLET PROTECTION - SILT BAGS IP-SB



DESCRIPTION
Collect and trap sediment and debris entering catch basins from either grated or curb inlets. Insert is made of fabric and is placed in the drain inlet around the perimeter of the grate. Runoff passes through the bag before discharging into the drain outlet pipe. Overflow holes are usually provided to pass larger flows without causing a backwater at the grate. Certain manufactured products include polymers intended to increase pollutant removal effectiveness.

APPLICABILITY
Storm drain inlet boxes.

IMPLEMENTATION

1. Regular Maintenance is necessary
2. Evaluation of the device chosen should be balanced with cost
3. Hydraulic capacity controls effectiveness
4. Most useful in small drainage areas (< 1 Acre)
5. Ideal in combination with other BMP's

LIMITATIONS

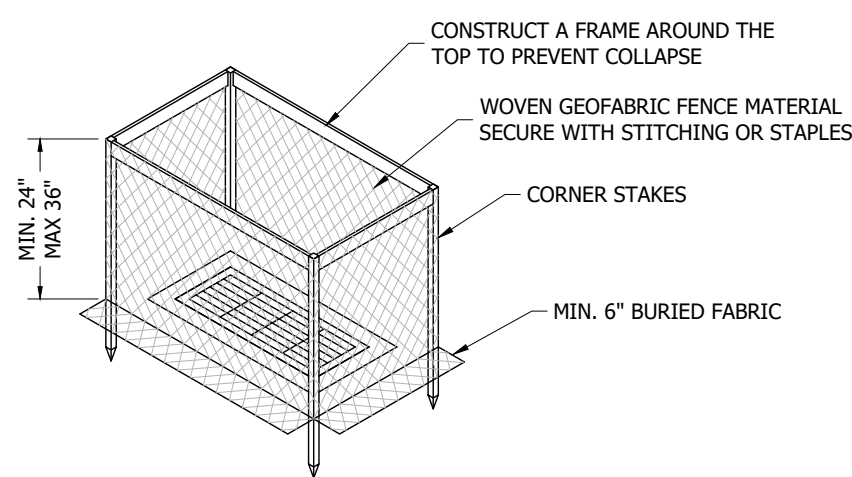
1. Cost.
2. Maintenance required to prevent plugging and remain effective.

MAINTENANCE
Inspection after all storm events and as required between event.



Adapted from Davis County Stormwater Coalition materials.

INLET PROTECTION - SILT FENCE IP-SF



DESCRIPTION
Construct at storm drainage inlets located downgradient of areas to be disturbed by construction (for inlets in paved areas see other information sheets for inlet protection)

APPLICABILITY
Construct at storm drainage inlets located downgradient of areas to be disturbed by construction (for inlets in paved areas see other information sheets for inlet protection).

IMPLEMENTATION

1. Provide upgradient sediment controls, such as silt fence during construction of inlet.
2. When construction of inlet is complete, erect straw bale barrier or silt fence surrounding perimeter of inlet. Follow instructions and guidelines on individual BMP information sheets for straw bale barrier and silt fence construction.

LIMITATIONS

1. Recommended maximum contributing drainage area of one acre.
2. Limited to inlets located in open unpaved areas.
3. Requires shallow slopes adjacent to inlet.

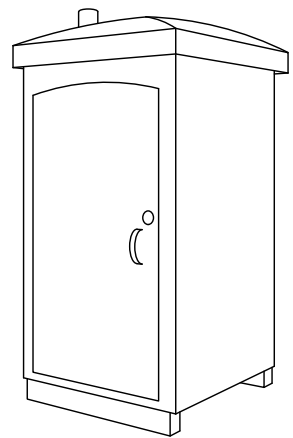
MAINTENANCE

1. Inspect inlet protection following storm event and at a minimum of once every two weeks.
2. Remove accumulated sediment when it reaches 4" in depth.
3. Repair or realign barrier/fence as needed.
4. Look for bypassing or undercutting and recompact soil around barrier/fence as required.



Adapted from Davis County Stormwater Coalition materials.

PORTABLE TOILET PT



DESCRIPTION
Temporary on-site sanitary facilities for construction personnel.

APPLICABILITY
All sites with no permanent sanitary facilities or where permanent facility is too far from activities.

IMPLEMENTATION

1. Locate portable toilets in a convenient locations throughout the site
2. Prepare level, gravel surface and provide clear access to the toilets for servicing and for on-site personnel
3. Construct earth berm perimeter (see Earth Berm Barrier Sheet), control for spill / leak protection.
4. Anchor the portable toilet to prevent tipping

LIMITATIONS
No limitations

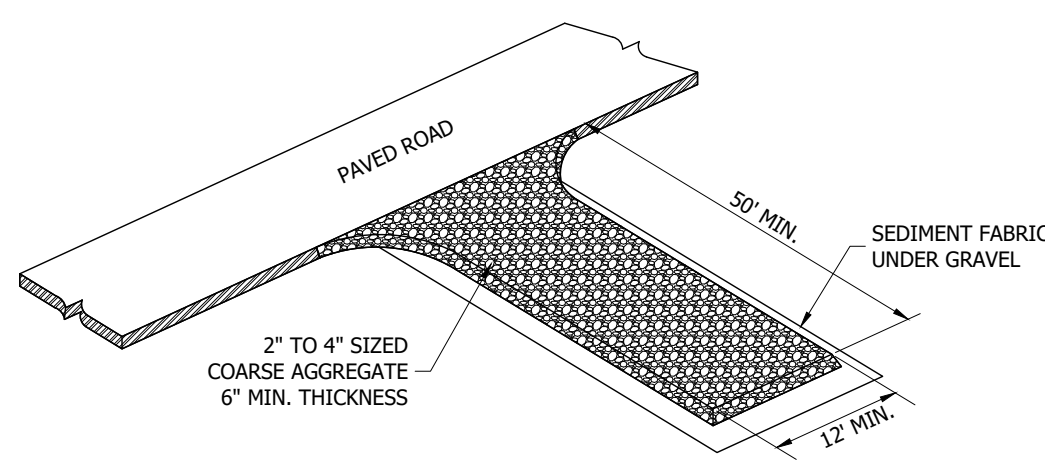
MAINTENANCE

1. Portable toilets should be maintained in good working order by licensed service with daily observation for leak detection
2. Regular waste collection should be arranged with licensed service
3. All waste should be deposited in sanitary sewer system for treatment with appropriate agency approval



Adapted from Davis County Stormwater Coalition materials.

STABILIZED CONSTRUCTION ENTRANCE SCE



DESCRIPTION
A stabilized pad of crushed stone located where construction traffic enters or leaves the site from or to paved surface.

APPLICABILITY
At any point of ingress and egress at a construction site where adjacent traveled way is paved. Generally applies to sites over 2 acres unless special conditions exist.

IMPLEMENTATION

1. Clear and grub area and grade to provide maximum slope of 2%
2. Compact subgrade and place filter fabric if desired (recommended for entrances to remain for more than 3 months)
3. Place coarse aggregate, 3-6 inches in size, to a minimum depth of 8 inches

LIMITATIONS

1. Requires periodic top dressing with additional stones
2. Should be used in conjunction with street sweeping on adjacent public right-of-way

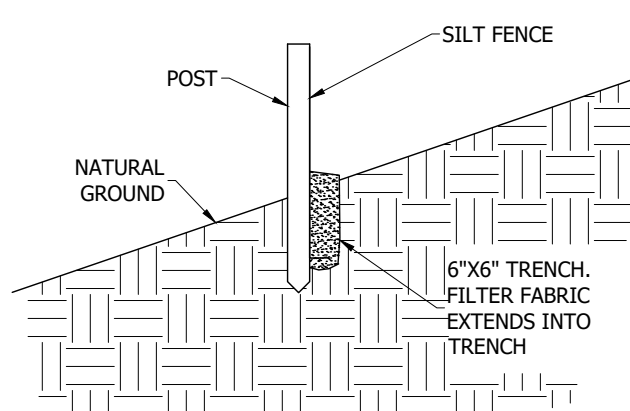
MAINTENANCE

1. Inspect daily for loss of gravel or sediment buildup
2. Inspect adjacent roadway for sediment deposit and clean by sweeping or shoveling
3. Repair entrance and replace gravel as required to maintain control in good working condition
4. Expand stabilized area as required to accommodate traffic and prevent erosion at driveways



Adapted from Davis County Stormwater Coalition materials.

SILT FENCING SF



DESCRIPTION
A temporary sediment barrier consisting of entrenched filter fabric stretched across and secured to supporting posts.

APPLICABILITY

1. Perimeter control: place barrier at downgradient limits of disturbance.
2. Sediment barrier: place barrier at toe of slope or soil stockpile.
3. Protection of existing waterways: place barrier at top of stream bank.
4. Inlet protection: place fence surrounding catch basins.

IMPLEMENTATION

1. Place posts 6' apart on center along contour (or use preassembled unit) and drive 2' minimum into ground. Excavate an anchor trench immediately up gradient of posts
2. Cut fabric to require width, unroll along length of barrier and drape over barrier. Secure fabric to mesh with twine, staples, or similar, with trailing edge extending into anchor trench
3. Backfill trench over fabric to anchor
4. Fabric must have 85% minimum sediment removal efficiency

LIMITATIONS

1. Recommended maximum drainage area of 0.5 acre per 100 feet
2. Recommended maximum upgradient slope length of 150'
3. Recommended maximum uphill grade of 2:1 (50%)
4. Recommended maximum flow rate of 0.5 cfs
5. Ponding should not be allowed behind fence

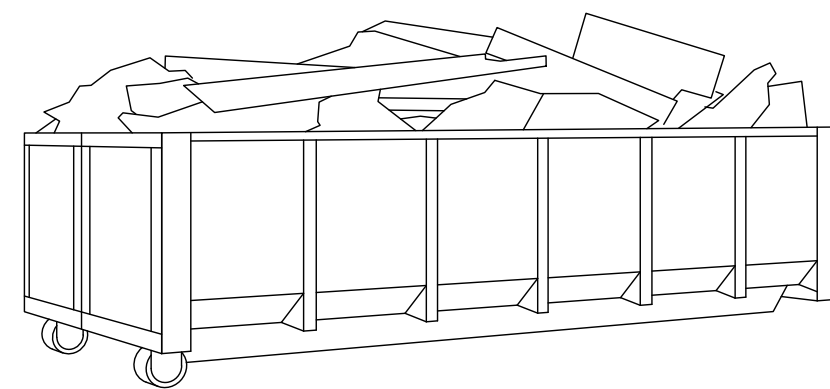
MAINTENANCE

1. Inspect immediately after any rainfall and at least daily during prolonged rainfall
2. Look for runoff bypassing ends of barriers or undercutting barriers
3. Repair or replace damaged areas of the barrier and remove accumulated sediment
4. Reanchor fence as necessary to prevent shortcutting
5. Remove accumulated sediment when it reaches 1/2 the height of the fence



Adapted from Davis County Stormwater Coalition materials.

WASTE DISPOSAL WD



DESCRIPTION
Controlled storage and disposal of solid waste generated by construction activities.

APPLICABILITY
All construction sites

IMPLEMENTATION

1. Designate one or several waste collection areas with easy access for construction vehicles and personnel. Ensure no waterways or storm drainage inlets are located near the waste collection areas.
2. Construct compacted earthen berm (See Earth Berm Barrier Information Sheet), or similar perimeter containment around collection area for impoundment in the case of spills.
3. Ensure all on site personnel are aware of and utilize designated waste collection area properly and for intended use only (e.g. all toxic, hazardous, or recyclable materials shall be properly disposed of separately from general construction waste).
4. Arrange for periodic pickup, transfer and disposal of collected waste at an authorized disposal location. Include regular Porta-potty service in waste management activities.

LIMITATIONS
On-site personnel are responsible for correct disposal of waste.

MAINTENANCE

1. Discuss waste management procedures at progress meetings.
2. Collect site trash daily and deposit in containers at designated collection areas.
3. Randomly check disposed materials for any unauthorized waste (e.g. toxic materials).



Adapted from Davis County Stormwater Coalition materials.

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EROSION CONTROL DETAILS

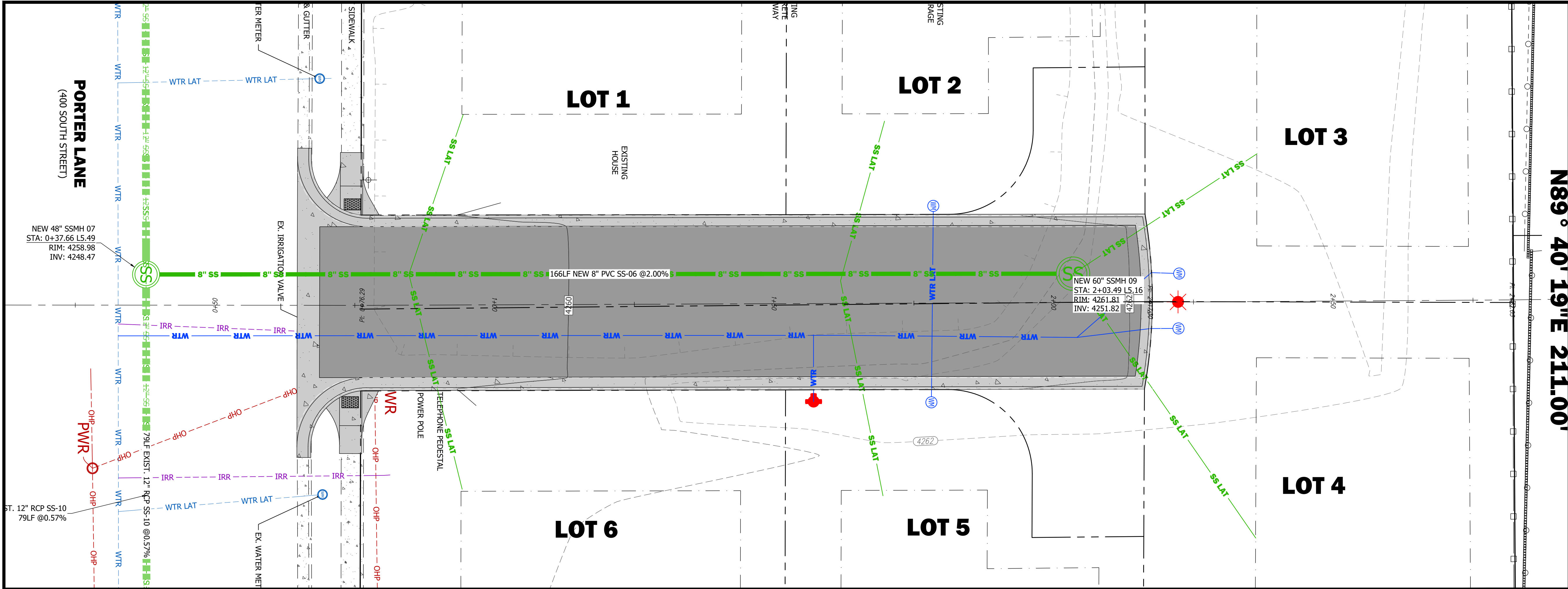
REVISIONS	

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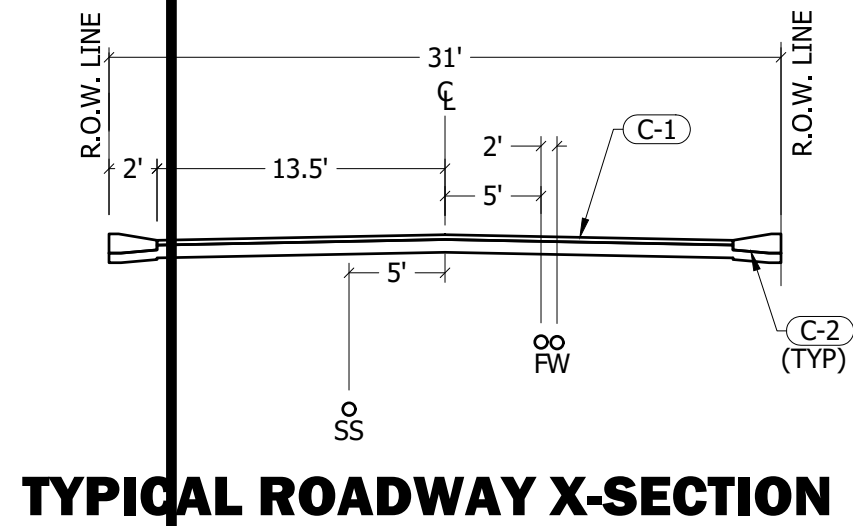
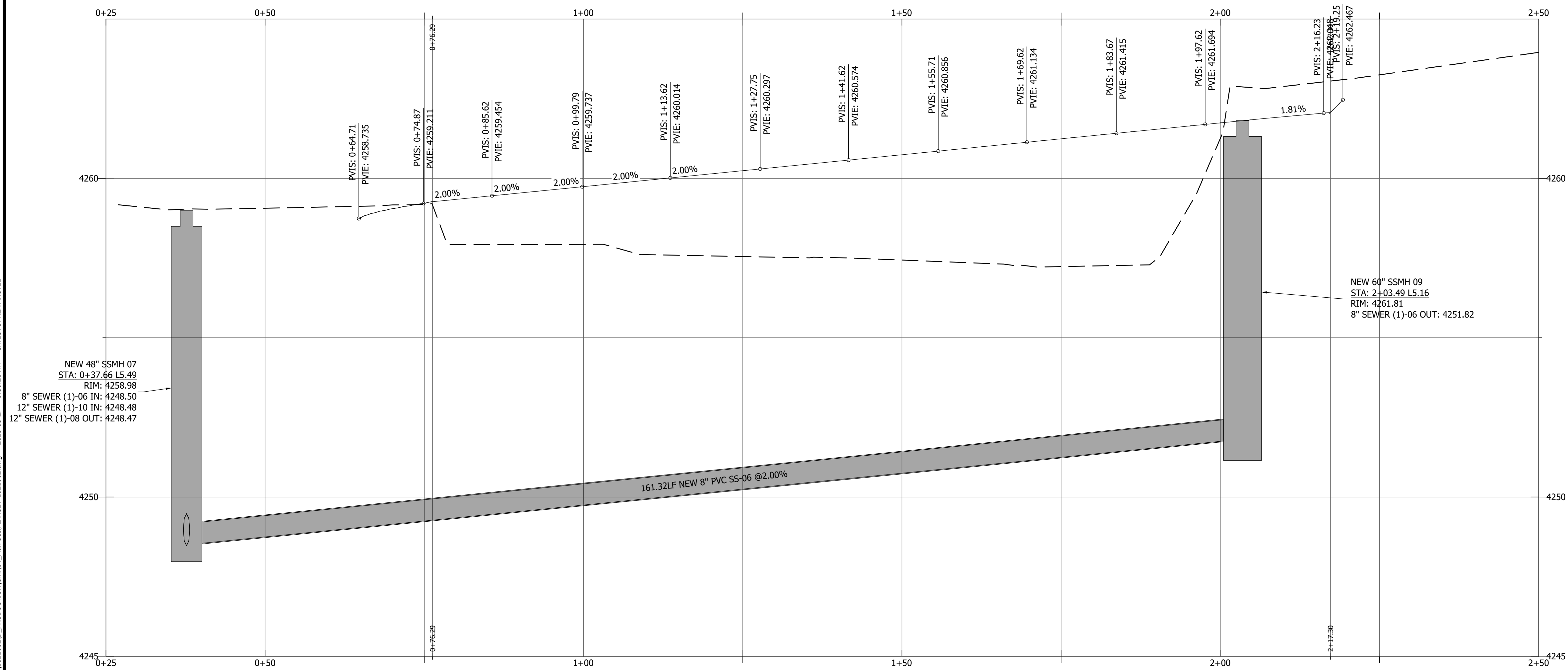
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EROSION CONTROL DETAILS

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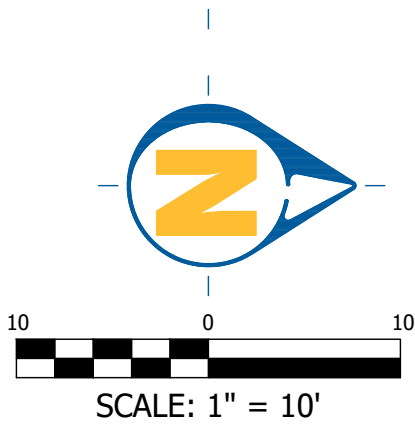
CURB FIT TO EX. ASPHALT

THE CURB & GUTTER DESIGN IS BASED ON A SURVEY OF EXISTING EDGE OF ASPHALT ELEVATIONS, AND IS INTENDED AS A BEST FIT OF NEW CONCRETE TO EXISTING ASPHALT ELEVATIONS. THIS DESIGN IS SUBJECT TO ADJUSTMENT IN THE FIELD. THE CONTRACTOR IS TO FIELD VERIFY A MINIMUM OF 2% AND A MAXIMUM OF 5% CROSS-SLOPE FROM EXISTING ASPHALT TO THE LIP OF GUTTER & COORDINATE REQUIRED CHANGES WITH THE ENGINEER PRIOR TO CONSTRUCTING THE CURB & GUTTER SHOWN ON THIS PLAN.

THE CONTRACTOR IS TO SAWCUT A NEAT, STRAIGHT EDGE ALONG THE EXISTING EDGE OF ASPHALT & PLACE TACK OIL BEFORE PLACING NEW ASPHALT ADJACENT TO EXISTING ASPHALT.

Know what's below.
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PARCEL #03-001-0209
LOCATED IN THE NW 1/4 OF SECTION 16, T. 2 N., R. 1 E., S. L.B. & M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH

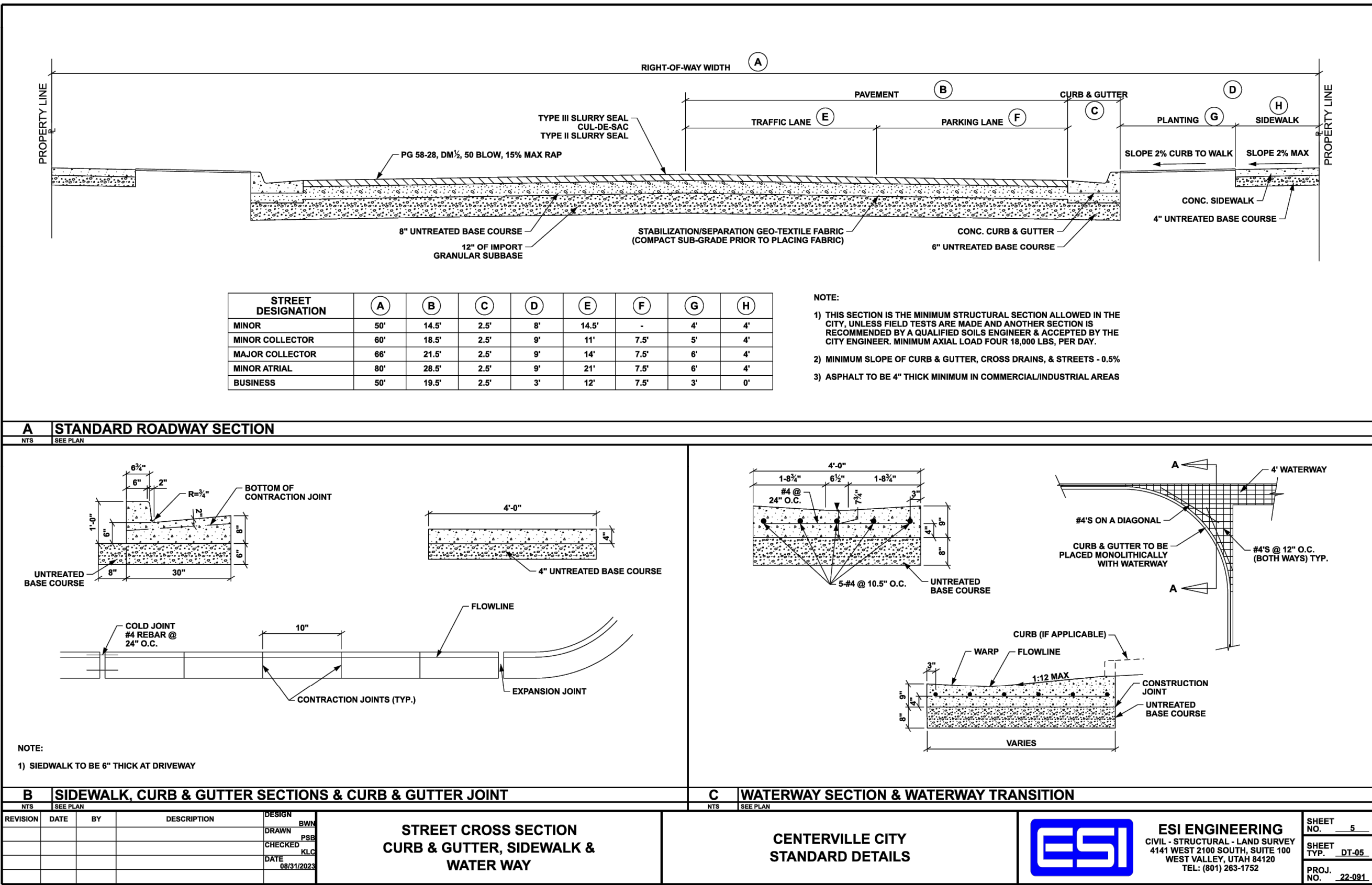
PLAN AND PROFILE

REVISIONS

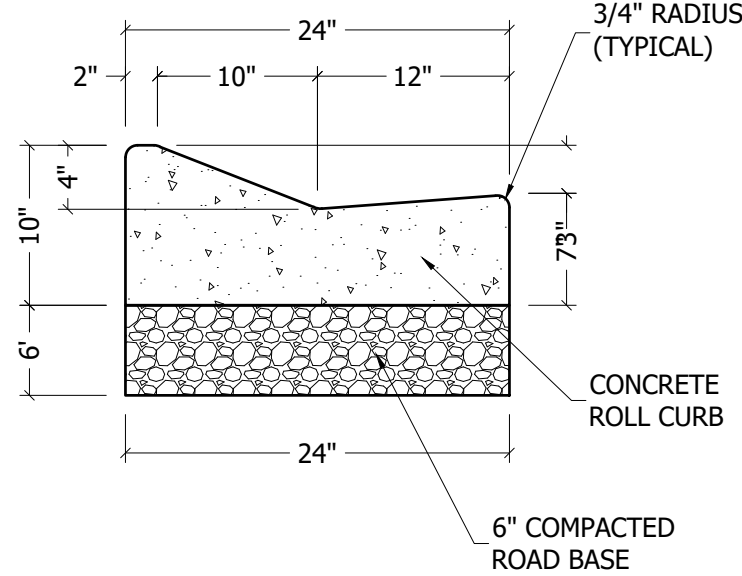
NO.	DESCRIPTION	DATE

DRAWN: JH 2025-03-27
APPROVED: STA 2025-03-27
PROJECT #: 1000.0
PLANSET-1021062.dwg

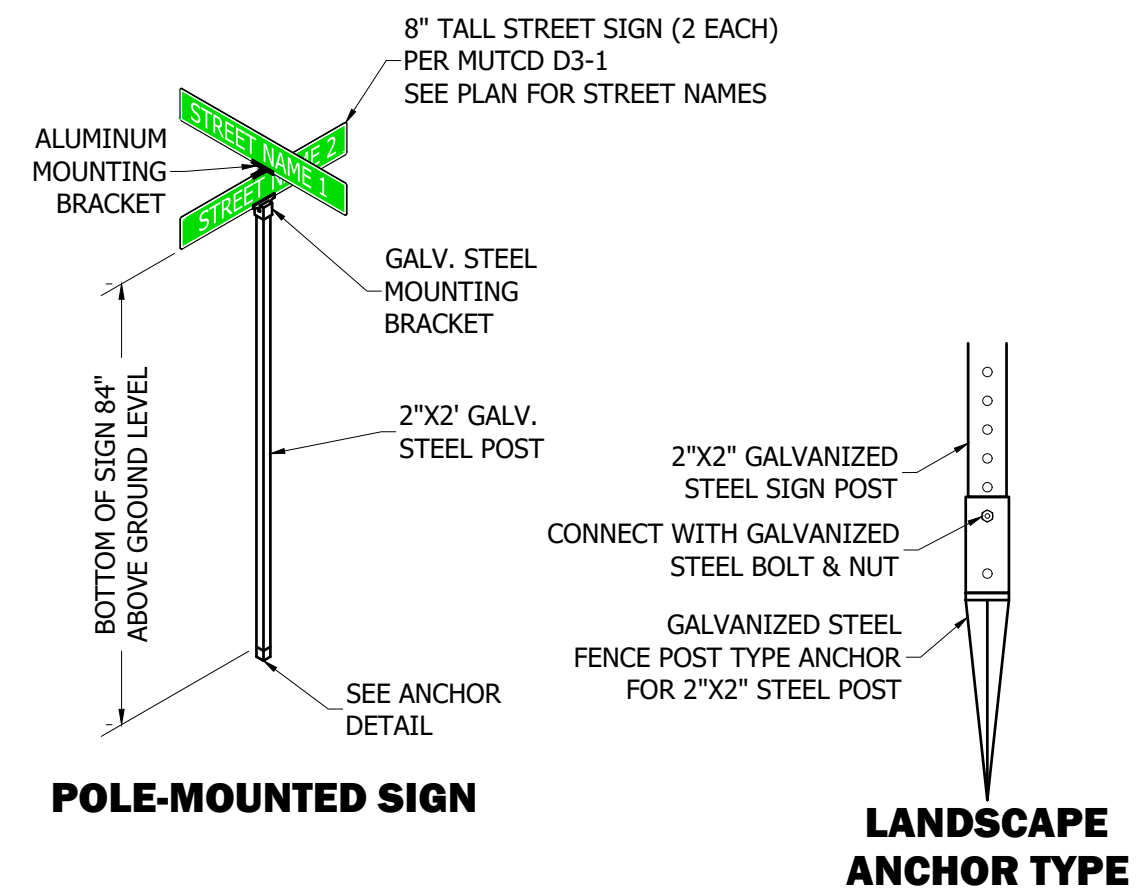
C700
PLAN AND PROFILE



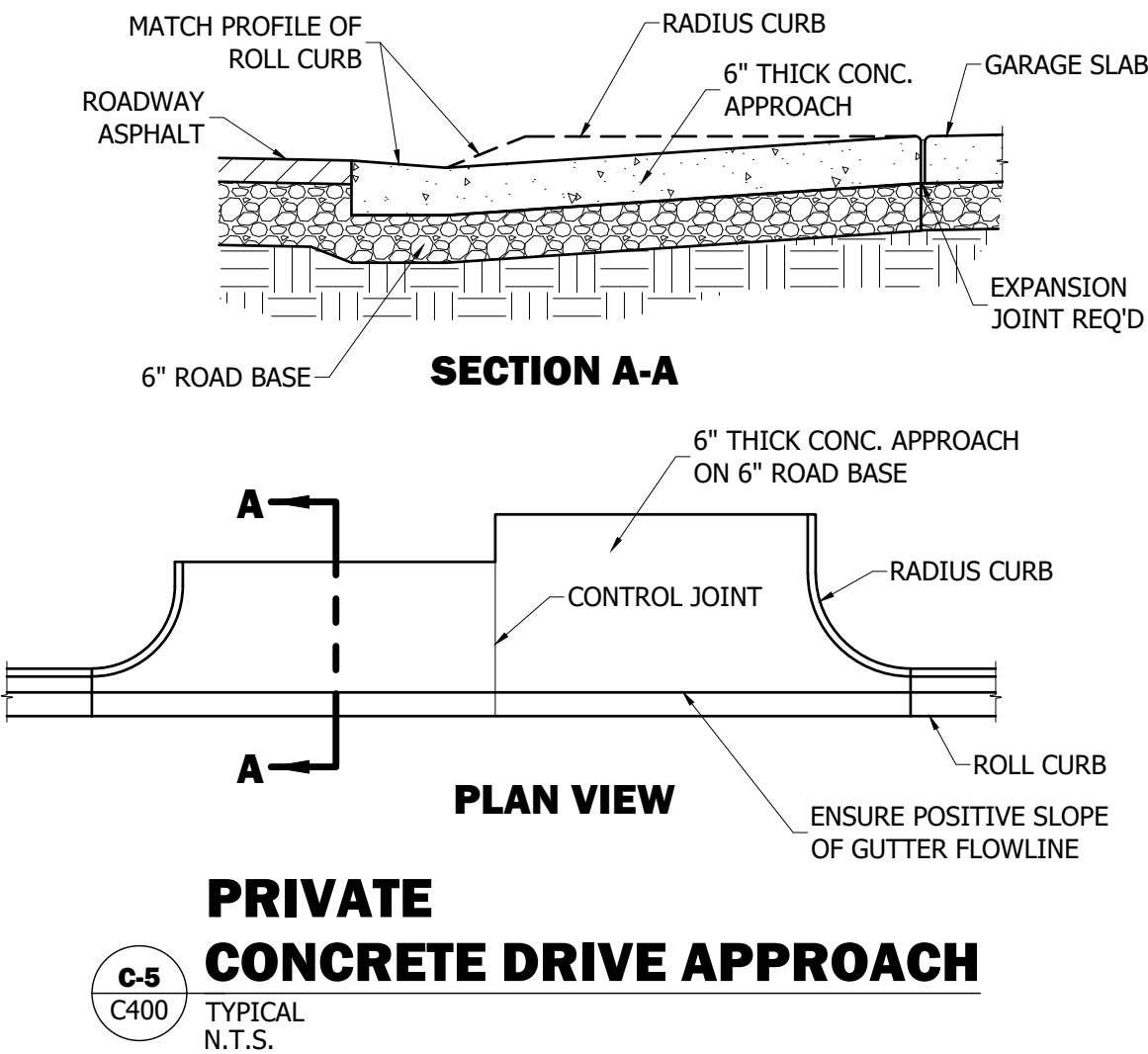
- NOTES
1. ROAD BASE IS TO BE COMPACTED PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. IF NO SUCH RECOMMENDATIONS PERTAIN, COMPACT TO 95% AASHTO T-180 METHOD D.
 2. CONCRETE IS TO BE 4,000 PSI TEST.
 3. CONTROL JOINTS AT 10' INTERVALS.
 4. BITUMINOUS MATERIAL EXPANSION JOINTS ARE REQUIRED AT 50' INTERVALS.



- NOTES
1. SIGN IS TO BE REFLECTIVE MATERIAL ON AN ALUMINUM BACKING PLATE.
 2. SEE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) D3-1 FOR LAYOUT & COLORS



- NOTES
1. ROAD BASE IS TO BE COMPACTED PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. IF NO SUCH RECOMMENDATIONS PERTAIN, COMPACT TO 95% AASHTO T-180 METHOD D.
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REVISIONS

DRAWN: JH 2025-03-27

APPROVED: STA 2025-03-27

PROJECT #: 1000.0

PLANSET-1021062.dwg

C901

SITE DETAILS

PORTER LANE ESTATES

522 WEST 400 SOUTH (PORTER LANE)

PARCEL #03-001-0209

LOCATED IN THE NW 1/4 OF SECTION 18, T. 2 N., R. 1 E., S.L.B.&M.

CENTERVILLE CITY, DAVIS COUNTY, UTAH

SITE DETAILS

DEVELOPER

KIM DUNN CONSTRUCTION

Contact: Kim Dunn

P O Box 714

Centerville, UT 84014

Phone: 801-635-9845

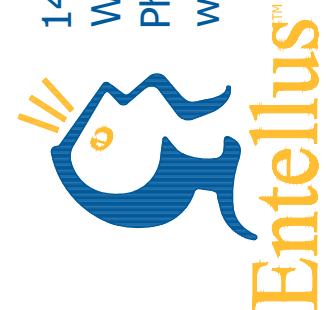
cdbusiness@hotmail.com

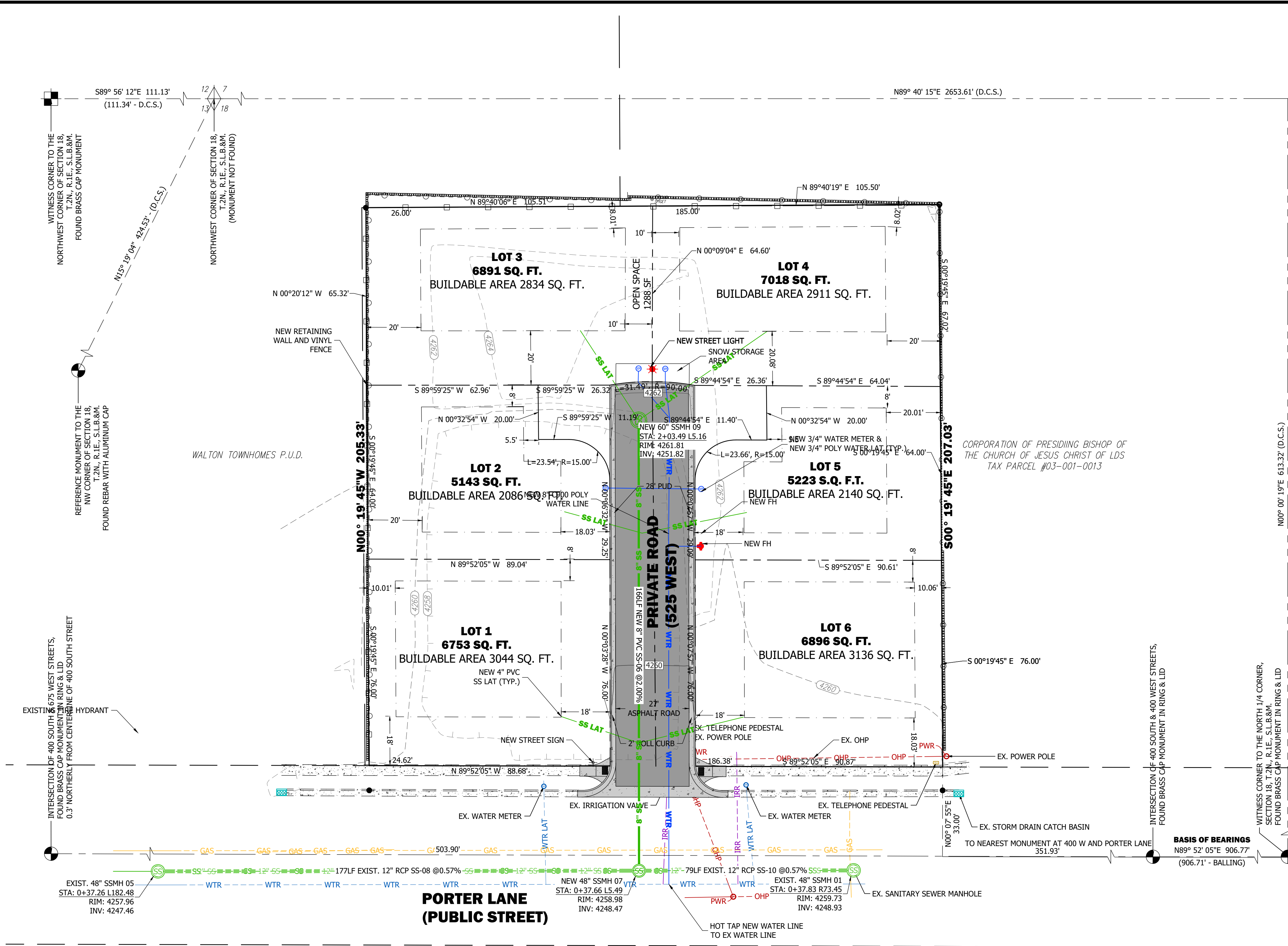
1470 South 600 West

Woods Cross, UT 84010

Phone 801.298.2236

www.Entellus.com





ENGINEER:
SCOTT ARGYLE
ENTELLUS ENGINEERING
SARGYLE@ENTELLUS.COM
(385)-777-2528

SCALE: 1" = 20'

RECORD LEGAL DESCRIPTION

FROM A WARRANTY DEED RECORDED AS ENTRY NO. 3607591, DAVIS COUNTY RECORDER, UTAH

BEGINNING AT A POINT ON NORTH LINE OF A 4 ROD STREET, 1216.94 FEET EAST AND SOUTH 565.20 FEET FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE SOUTH 89°56' EAST 80.0 FEET ALONG SAID STREET; THENCE NORTH 125.0 FEET; THENCE NORTH 89°46' WEST 80.0 FEET; THENCE SOUTH 125.0 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING ON NORTH SIDE OF A 4 ROD STREET AT A POINT 21.09 CHAINS EAST AND 8.60 CHAINS SOUTH FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; THENCE NORTH 3.12 CHAINS; THENCE WEST 95 FEET; THENCE SOUTH 3.12 CHAINS; THENCE EAST 95 FEET TO THE POINT OF BEGINNING.

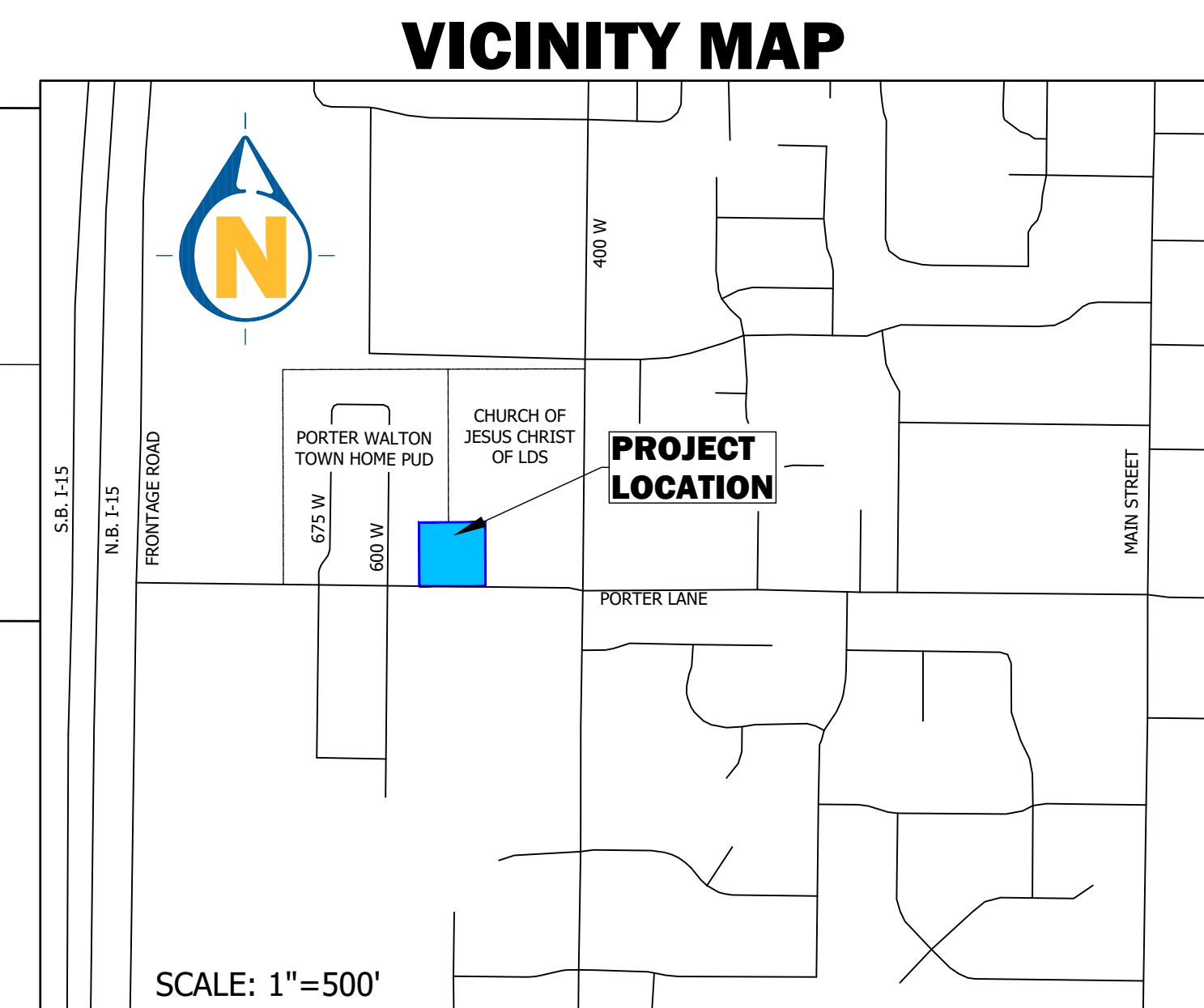
ALSO:

BEGINNING ON THE NORTH LINE OF A 4 ROD STREET AT A POINT 16.81 CHAINS EAST AND 8.60 CHAINS SOUTH AND 107.48 FEET, MORE OR LESS, EAST FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; AND THENCE WEST 44 FEET, MORE OR LESS, ALONG SAID NORTH LINE OF STREET TO A POINT ON A SOUTHEAST CORNER OF PROPERTY CONVEYED IN WARRANTY DEED RECORDED 06/15/2015 AS ENTRY# 2873165 BOOK 6288 PAGE 140; THENCE ALONG SAID LINE THE FOLLOWING COURSE: NORTH 00°19'44" WEST 204.96 FEET; THENCE EAST 44 FEET; THENCE SOUTH 205 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING AT A POINT 1296.94 FEET EAST AND 440.20 FEET SOUTH FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE NORTH 80.92 FEET; THENCE WEST 80 FEET; THENCE SOUTH 80 FEET TO A POINT NORTH 89°46' WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°46' EAST 80 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.999 ACRES



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DEVELOPER

KIM DUNN CONSTRUCTION
Contact: Kim Dunn
P O Box 714
Centerville, UT 84014
Phone: 801-635-9845
cdbusness@hotmail.com

PRELIMINARY
NOT FOR
CONSTRUCTION

PORTER LANE ESTATES

522 WEST 400 SOUTH (PORTER LANE)
PARCEL #03-001-0209
LOCATED IN THE NW 1/4 OF SECTION 18, T. 2 N., R. 1 E., S. L.B. & M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH

PRELIMINARY PLAT

REVISIONS	
DRAWN: JH	2025-03-27
APPROVED: STA	2025-03-27
PROJECT #:	1021062
PLANSET-1021062.dwg	

PLAT

PRELIMINARY PLAT

1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com

Entellus



PORTER LANE

GRAPES
Austrian pine / 13m space or less
SHEDS. LOGWOOD TULS / CISTERN PLANTS etc
BUSHES AS SPAN OR LESS

LANDSCAPE PLAN

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/9/2025

Item No. 1.

Title: Community Development Director's Report

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

CENTERVILLE
PLANNING
COMMISSION

Staff Report
4/9/2025

Item No. 1.

Title: Minutes Review and Approval - March 12, 2025

Initiated By:

Staff Representative:

SUBJECT:

Consideration of Planning Commission Meeting Minutes for March 12, 2025

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 03-12-25 PC DRAFT

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, March 12, 2025**

3 **7:00 p.m.**

4
5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting
6 of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Mason Kjar, Chair

10 LaRae Patterson

11 Amanda Jorgensen

12 Gary Woodward

13 Shawn Hoth

14 Tyler Moss

15
16 **MEMBERS ABSENT**

17 Layne Jenkins

18
19 **STAFF PRESENT**

20 Mike Eggett, Community Development Director

21 Sydney DeWees, Planner

22 Lisa Romney, City Attorney

23
24 **VISITORS**

25 Spencer Wright, Wright Development

26 Russell Wilson, Symphony Homes

27 Spencer Packer

28 Interested citizens

29
30 **LEGISLATIVE THOUGHT/PRAYER** Chair Kjar

31
32 **PLEDGE OF ALLEGIANCE**

33
34 **PUBLIC HEARING – COMMERCIAL SUBDIVISION CONCEPT PLAN – LEGACY**
35 **COMMONS SUBDIVISION – 1280 WEST PARRISH LANE – COMMERCIAL SUBDIVISION –**
36 **WRIGHT DEVELOPMENT GROUP – ADMINISTRATIVE DECISION**

37
38 Community Development Director Mike Eggett presented the Legacy Commons
39 Subdivision concept plan, noting that the property consisted of 8.55 acres located at the northwest
40 corner of Parrish Lane and 1250 West. He reported that a prescriptive easement claim had been
41 received for a portion of the north end of Lot 1 and that the application met the city's completeness
42 and compliance requirements.

43
44 Spencer Wright of Wright Development Group stated that the proposal involved a simple
45 two-lot subdivision in compliance with city ordinances.

46
47 Chair Kjar opened a public hearing for this item. No comments were made, so he closed
48 the public hearing.

49
50 The Commissioners inquired about the circular roadway dedication for a potential future
51 roundabout, the implications of the prescriptive easement claim, the rationale behind the lot
52 configuration, and the use of the Dominion Energy easement area. Mr. Wright clarified that the
53 lot shapes were designed to accommodate a proposed user's site plan, and that the easement
54 claim should not hinder the subdivision. Chair Kjar expressed caution regarding potential impacts

of the prescriptive easement on future land use approvals but acknowledged that it was not a determining factor at the concept plan stage.

Commissioner Hoth **moved** for the Planning Commission to approve the proposed commercial subdivision concept plan for the Legacy Commons Conceptual Subdivision Plat located at the northwest corner of Parrish Lane and 1250 West, affecting parcel numbers 06-006-0118 and 06-006-0082, with the following conditions and reasons for action (findings). Commissioner Patterson seconded the motion, which passed (5-1), with Chair Kjar dissenting.

Conditions:

1. That the applicant group continue working with the Development Review Committee and City Staff on code conditions and requirements as the applicant moves into the Preliminary Subdivision application process.
2. That the applicant group understands that this approved Legacy Commons Conceptual Subdivision Plat will be subject to terms of Concept Plan Expiration as found in CMC 15.02.060.

Reasons for Actions (Findings)

- a. The applicant has evidenced completeness and compliance with requirements established in CMC 15.02.020 and 15.02.050;
- b. The applicant has evidenced good cause reasoning to approve the proposed commercial subdivision concept plan for the Legacy Commons Conceptual Subdivision Plat and Plan;
- c. There are no known or identified conflicts or concerns with approving the proposed commercial subdivision concept plan for the Legacy Commons Conceptual Subdivision Plat and Plan;
- d. Therefore, the Planning Commission finds that approval of the proposed commercial subdivision concept plan for the Legacy Commons Conceptual Subdivision Plat and Plan should be supported by the Planning Commission.

SUBDIVISION FINAL PLAT 4TH AMENDMENT – SUMMERHILL LANE SUBDIVISION – 2125 NORTH MAIN STREET – RESIDENTIAL SUBDIVISION – SYMPHONY HOMES – ADMINISTRATIVE DECISION

Planner Sydney DeWees presented the Summerhill Lane Subdivision 4th Amendment, noting it was part of a two-application process. She explained the proposal had received approval from the Board of Adjustments on January 13, 2025, for modifications to a non-conforming parcel. The amendment would facilitate eight property exchanges between the subdivision and an adjacent parcel owned by Spencer and Pamela Packer.

The applicant, Russell Wilson of Symphony Homes stated the amendment was to adjust the plat to allow access to the Packer property and modify some existing lots, stemming from a private settlement agreement. The Commission confirmed this adjustment fulfilled the terms of that agreement.

Commissioner Jorgensen **moved** to recommend City Council approval of the subdivision plat amendment of lots 121-128 of Summerhill Lane – Fourth Amendment, with the following conditions and reasons for action (findings). Commissioner Patterson seconded the motion, which passed unanimously (6-0).

Conditions:

1. Adjust the boundary between the eight (8) lots, as depicted in the application submittal and on the amended subdivision plat.
2. Adjust and incorporate the 13,519 SQ FT of acquired property from lots 121-128 to Parcel A as depicted on the amended subdivision plat.
3. Parcel A shall only be established contingent upon the approval of the rezone from Residential Low to Agriculture Low.
4. Parcel A shall only be established contingent upon the public utility and drainage easement and private drainage easement being approved to be vacated out of parcel A and relocated onto lots 121-128 .
5. Parcel A shall only be established contingent upon Parcel A being deeded to Spencer and Pamela Packer after the plat is recorded. Upon conveyance, parcel a shall be combined with parcel 07-072-0031.
6. Parcel A shall only be established contingent upon Parcel A no longer be part of Summerhill Lane Subdivision and being removed from all PDO zoning designations, as indicted in plat notes number 7.
7. The existing public utility easements and drainage easements shall be protected and adhered to as established in the amended subdivision plat.
8. The City Engineer shall review the adjusted/relocated utility easements as well as amended storm drainage maintenance agreement and deem them acceptable.
9. If deemed necessary by the City Attorney, a Title Report shall be secured and submitted with the Final Amended Plat to verify that all easements and property interests of record are accounted for.
10. Resolve all outstanding comments and concerns identified by the City Engineer, City Attorney, and City Staff before publishing final amended linen plat (mylar).
11. A final amended linen plat shall be prepared and submitted to the City Recorder and shall be reviewed and deemed acceptable by the City Engineer and City Attorney, prior to recording the amended plat.
12. The final linen plat shall be re-submitted to the City Recorder and subsequently recorded at the Davis County Recorder's Office to solidify this amended plat approval within one-year of receiving the approval.

Reasons for Action (Findings):

- a. The planning Commission finds that there is good cause for the plat amendment between Lot 121-128 and Parcel A of the Summerhill Lane Subdivision in accordance with applicable ordinance requirements;
- b. The amendment of the plat will not injure the intended use of the property, the residents of Centerville, the neighboring properties, or the public infrastructure serving the area;
- c. The amendment will allow for the continuation of use and not prohibit the property development as permitted in the City Code

**PUBLIC HEARING – ZONING MAP AMENDMENTS AND PDO ZONING PLAN
AMENDMENTS – SUMMERHILL LANE PDO – 212 WEST SUMMERHILL LANE (2125 NORTH)
– RESIDENTIAL-LOW WITH PLANNED DEVELOPMENT OVERLAY (R-L-PDO) TO
AGRICULTURAL-LOW (A-L) ZONING – SYMPHONY HOMES – LEGISLATIVE DECISION**

Ms. DeWees presented the zoning map and Planned Development Overlay (PDO) amendments for Summerhill Lane, noting the proposal would rezone Parcel A from R-L-PDO to A-L to align with the adjacent receiving parcel. Staff analysis concluded that the amendments met code requirements and supported general plan goals.

Chair Kjar opened the public hearing for this item.

1 Spencer Packer, Centerville resident, spoke in support of the amendments as part of a
2 settlement with Symphony Homes.

3
4 Chair Kjar closed the public hearing.

5
6 Commissioner Patterson **moved** to recommend City Council approval of the Zoning Map
7 Amendment for the property indicated on the plat as Parcel A from Residential Low (R-L) to
8 Agriculture Low (A-L) zoning and the Planned Development Overlay Zoning Amendment for
9 Parcel A, based on the following findings. Commissioner Moss seconded the motion which
10 passed unanimously (6-0).

11
12 Findings:

- 13
14 1. The proposed Zoning Map Amendment meets the goals and objectives of the General
15 Plan concerning Neighborhood 4 [CMC 12-480-5].
16 2. The proposed Zoning Map Amendment, in conjunction with the quit claim deed of Parcel
17 A to Spencer and Pamela Packer from Symphony Development Corporation meets the
18 use, standards, and applicability in the City Zoning Code 12.31 "Agriculture Zones", 12.32
19 "Residential Zones", and City Zoning Code 12.21.080(e).
20 3. The proposed Planned Development Overlay Zoning Amendment, in conjunction with the
21 quit claim deed of Parcel A to Spencer and Pamela Packer from Symphony Development
22 Corporation meets the use, standards, and applicability as outlined in City Zoning Code
23 12.41 "Planned Development Overlay Zone".
24 4. Therefore, the Planning Commission recommends that the City Council grant approval of
25 this Zoning Map Amendment and Planned Development Overlay Zoning Amendment
26 request.

27
28 **ZONING CODE AMENDMENTS – BODY ART FACILITIES – CZC 12.12.040, 12.36.040,**
29 **NEW 12.55.260, 12.62.040, AND 12.62.060 – LEGISLATIVE DECISION**

30
31 Mr. Eggett and City Attorney Lisa Romney presented proposed zoning code amendments
32 regarding body art facilities. The amendments stemmed from a previously denied application,
33 after which the City Council directed staff to explore options for allowing such facilities in order to
34 reduce legal risk associated with an outright ban. Proposed changes included adopting the term
35 "body art facility" to align with state and county regulations, and allowing the use as a conditional
36 use in certain commercial and industrial zones.

37
38 During discussion, commissioners requested clarification on the prior applicant's intent,
39 debated whether the use should be permitted or conditional, and asked staff to research how
40 neighboring Davis County cities regulate similar uses. They also suggested tightening language
41 around permanent cosmetics and electrolysis and requested additional information on potential
42 conditions that could be applied. Staff was directed to conduct further research and return with a
43 more detailed proposal at a future meeting.

44
45 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

46
47 Mr. Eggett reported that a site plan for the Legacy Commons subdivision would be
48 forthcoming and that several other subdivision applications were currently in process.

49
50 **ZONING CODE AMENDMENT – PLANNED UNTIL DEVELOPMENT – CMC 15306**
51 **REQUIREMENTS FOR PUD AND NON-RESIDENTIAL SUBDIVISIONS**

52
53 Mr. Eggett presented draft language for a new planned unit development (PUD) tool for
54 properties under 5 acres, aimed at providing flexibility for oddly-shaped lots. The proposal,

prompted by an application highlighting gaps in the code, would use a development agreement approach. Ms. DeWees noted it addresses a larger issue and would be a city-initiated amendment. Commissioners were asked to review the draft and be prepared to discuss it at the next meeting.

MINUTES REVIEW AND APPROVAL

Minutes of the February 26, 2025 Planning Commission Meeting were reviewed. Commissioner Jorgensen **moved** to approve the minutes as written. Chair Kjar seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 8:24 p.m., Commissioner Jorgensen **moved** to adjourn the meeting. Commissioner Patterson seconded the motion which passed by unanimous vote (6-0).

Jennifer Robison, City Recorder

Date Approved