

ORDINANCE 2024-2

AN ORDINANCE AMENDING THE PLEASANT VIEW MUNICIPAL CODE TITLE 17 SUBDIVISIONS § 17.04 CONCEPT PLAN APPLICATION AND REVIEW, 17.06 PRELIMINARY SUBDIVISION APPLICATION AND REVIEW, 17.08 FINAL SUBDIVISION APPLICATION AND APPROVAL, AND 17.10 MINOR SUBDIVISION APPLICATION AND APPROVAL.

**WHEREAS**, The City is pursuing amendments to its subdivision code to meet the requirements of the Utah Land Use Development and Management Act (LUDMA) and provisions included in Utah Code Annotated; and


**WHEREAS**, Pleasant View City finds that the amendments and additions to Pleasant View Municipal Code Title 17 are consistent with the City's General Plan and are in the best interest of the City; and

**WHEREAS**, The Pleasant View City Planning Commission made a unanimous recommendation for approval of the proposed amendments during its January 4, 2024 meeting, with added clarification to the descriptions for the approval authorities, which is included in this version of ordinance language.

**NOW THEREFORE**, Be it hereby ordained that Title 17 shall hereby be amended as follows and outlined in "Exhibit A." This ordinance shall take effect on February 1, 2024, in accordance with the requirements contained in Utah Code Annotated.

**DATED** this 9<sup>th</sup> day of January 2024.

PLEASANT VIEW CITY, UTAH

  
Leonard M. Call, Mayor

Attest:

  
Laurie Hellstrom, City Recorder

Posted this 12<sup>th</sup> day of January 2024

This ordinance has been approved by the following vote of the Pleasant View City Council:

CM Arrington	<u>Yes</u>
CM Gibson	<u>Yes</u>
CM Marriott	<u>Yes</u>
CM Nelsen	<u>Absent</u>
CM Urry	<u>Yes</u>



## **17.04 - CONCEPT PLAN REVIEW**

### **17.04.010 Concept Plans.**

1. Concept Plan Review Requirements
  - a. Residential Subdivision Proposal: A Concept Plan Review is strongly encouraged.
  - b. Non-Residential Subdivision Proposal: A Concept Plan Review is required.
2. The Concept Plan review provides prospective subdivision applicants with an overview of the city's development application processes; as well as an opportunity to discuss and review conceptual development proposals.
3. Upon submitting a request to schedule a Concept Plan review, a completed form and materials are to be submitted for review with no fee required.
4. The Concept Plan is a discussion document only, designed to allow for a review of project designs as they relate to City Code, the existing natural environment and the compatibility with surrounding property uses and potential uses, the identification of application procedures, requirements and standards, the compatibility of the proposed project with the elements of the general plan, Special Service Districts, Special Service Areas, , County, State and Federal requirements, and other items that may be considered in the subdivision, or other, approval process once a complete subdivision application is received by the City. To achieve the foregoing objectives, Concept Plan submission requirements and procedures are set forth below.

### **17.04.20 Procedure:**

1. The City's Concept Plan Form shall be submitted to City Staff. The Concept Plan submittal shall include the form and all documents and drawings, as found in the checklist provided by City Staff. The checklist of required items for submission is subject to legislative approval by the City Council. Within fifteen (15) business days following the Concept Plan submittal, the City Planner determines and provides notice of the submittal's completeness.
2. A Concept Plan meeting with the Development Review Committee, hereinafter referred to as DRC, and the prospective subdivision applicants, helps to promote efficiency in the subdivision process.
3. The DRC discusses the Concept Plan with the prospective subdivision applicants at a DRC meeting. The DRC and the prospective subdivision applicants review the general design of the development and the procedure anticipated for formal subdivision approval, application requirements and standards, Special Service Districts, Special Service Areas, City, County, State and Federal requirements and any other matters deemed appropriate.

### **17.04.030 Concept Plan Form Not an Application for Subdivision Approval:**

1. A Concept Plan Form and review process shall not constitute an application or consideration for subdivision approval and is in no way binding to the City or the

prospective applicant. Any concept plan discussion with the DRC shall not be considered as any indication of subdivision approval or disapproval by the City.

2. An application for subdivision approval shall only be deemed filed with the City upon the submission of all information and materials as required by the City for a Preliminary Subdivision Application, Minor Subdivision Application or Final Subdivision Application, as identified in this title.

## **17.06 - PRELIMINARY SUBDIVISION APPLICATION AND APPROVAL**

### **17.06.010 Purpose:**

This Ordinance sets forth all items applicable to a Preliminary Subdivision Application which shall be fully addressed by the applicant(s), the City, and all other applicable reviewing agencies prior to any action by the City's recommending or approving authority.

### **17.06.015 Process:**

1. For residential single-family dwelling, two-family dwelling and townhome developments, not located within identified geological hazard areas, the process shall be as follows:
  1. Development Review Committee (DRC) Consideration. Following a determination of a complete Preliminary Subdivision Application by the City Planner, the DRC shall identify and address all items applicable to a Preliminary Subdivision Application. The DRC shall provide a full review and forward its recommendation to the Planning Commission.
  2. Upon receiving the DRC's recommendation, the Planning Commission shall review applications in relation to their compatibility with the elements of the General Plan and shall consider the DRC recommendations.
  3. Planning Commission Consideration.
    - i. Following review by the DRC, the Preliminary Subdivision Application shall be scheduled for consideration by the Planning Commission.
    - ii. Consideration of a Preliminary Subdivision Application will take place at a Planning Commission meeting. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the Planning Commission for review in considering the Preliminary Subdivision Application.
    - iii. Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, the Planning Commission may approve the Preliminary Subdivision Application as presented, or approve the Preliminary Subdivision Application with conditions, or deny the Preliminary Subdivision Application as presented. The Planning Commission's denial of a Preliminary Subdivision Application may only occur when the Planning Commission determines that the application does not comply with applicable municipal ordinances or Utah Code Annotated, as amended.

- iv. The Planning Commission may recommend, but not require, specific project designs, onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary to protect health, safety and general welfare, in addition to advancing the intent of the Land Use Development and Management Act (LUDMA) as contained within Utah Code Annotated, as amended.
- v. The approval of a Preliminary Subdivision Application by the Planning Commission shall not constitute final approval of the subdivision by the City but permits the applicant(s) to proceed to the next step in the application review and approval process once deemed compliant with the applicable municipal ordinances as determined by the DRC.
- vi. Preliminary Subdivision Application review shall occur in accordance with the Municipal Land Use Development and Management Act (LUDMA) as contained within Utah Code Annotated, as amended.
- vii. Any noticing will be completed according to the minimum requirements set forth by Utah Code Annotated, as amended.

2. For any Preliminary Subdivision Application other than the listed types of subdivisions included in number 1 above, the process shall be as follows:

- 1. Development Review Committee (DRC) Consideration. Following a determination of a complete Preliminary Subdivision Application by the City Planner, the DRC shall identify and address all items applicable to a Preliminary Subdivision Application. The DRC shall provide a full review and forward its recommendation to the Planning Commission.
- A. Upon receiving the DRC's recommendation, the Planning Commission shall review all applications in relation to their compatibility with the elements of the General Plan. The Planning Commission shall give consideration to DRC recommendations, prior to making a recommendation regarding a Preliminary Subdivision Application.
- B. Planning Commission Consideration.
  - i. Following review by the DRC, the Preliminary Subdivision Application shall be scheduled for consideration by the Planning Commission. The Planning Commission shall consider the Preliminary Subdivision Application at a Planning Commission meeting.
  - ii. Consideration of a Preliminary Subdivision Application will take place at a Planning Commission meeting. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the Planning Commission for review in considering the Preliminary Subdivision Application.
  - iii. The Planning Commission may recommend, but not require, specific project designs, onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary to protect health, safety and general welfare, in addition to advancing the intent of

the Land Use Development and Management Act (LUDMA) as contained within Utah Code Annotated.

- iv. Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, the Planning Commission may recommend approval of the Preliminary Subdivision Application as presented or recommend approval of the Preliminary Subdivision Application with conditions or recommend denial of the Preliminary Subdivision Application as presented. The Planning Commission's recommendation of denial of a Preliminary Subdivision Application may only occur when the Planning Commission determines that the application does not comply with applicable municipal ordinances or Utah Code Annotated, as amended.
  - v. Planning Commission staff shall transmit the Planning Commission's recommendation to the City Council for consideration.
- C. City Council Consideration
- i. The City Council may approve the Preliminary Subdivision Application as presented, approve with conditions, or deny the application. Denial of an application may only occur when deemed that the application does not comply with applicable municipal ordinances or Utah Code Annotated.
  - ii. In addition to the requirements of City Code, the City Council may recommend, but not require, specific project designs, onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary to protect health, safety and general welfare, in addition to advancing the intent of the Land Use Development and Management Act (LUDMA) as contained within Utah Code Annotated, as amended.
  - iii. The approval of a Preliminary Subdivision Application by the City Council shall not constitute final approval of the subdivision by the City but permits the applicant(s) to proceed to the next step in the application review and approval process once deemed compliant with the applicable municipal ordinances as determined by the DRC.
- D. Preliminary Subdivision Application shall occur in accordance with the Municipal Land Use Development and Management Act (LUDMA) as contained within Utah Code Annotated, as amended.
- E. Noticing shall be completed according to the minimum requirements set forth by Utah Code Annotated, as amended.

#### **17.06.020 Requirements for Preliminary Subdivision Applications:**

All Preliminary Subdivision Applications, filed with the City, are required to provide the following information:

1. Application. A Preliminary Subdivision Application shall be completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the land proposed to be subdivided. A preliminary plan, prepared by a licensed land surveyor, or engineer, shall be provided.

2. The Preliminary Subdivision Application shall be accompanied by the application fees and those items found on the checklist provided with the application. The checklist of required items for submission is subject to legislative approval by the City Council.
3. When an application has been determined incomplete, the following processes are followed to address the deficiencies and needed corrections:
  - a. An applicant is notified in writing with deficiencies included and the applicant has 30 days to correct application deficiencies; and
  - b. If an applicant provides necessary materials to correct deficiencies within 30 days, City Staff will proceed with application review procedures. If an application remains incomplete after 30 days, the application is considered null and void with re-application required for further consideration.

**17.06.030 Preliminary Subdivision Application Approval and Effective Period:**

1. For all proposed subdivisions, the approval of a Preliminary Subdivision Application shall not constitute final approval of the subdivision by the City but permits the applicant(s) to proceed with the preparation of the Final Subdivision Application and all required documents. For such subdivisions, a Preliminary Subdivision Application approval shall not authorize the division or development of land but shall allow the presentation to the City of a Final Subdivision Application.
2. The approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of City approval, at the end of which time the applicant(s) shall have submitted a Final Subdivision Application for consideration. If a Final Subdivision Application is not received by the City within the one (1) year period, the preliminary subdivision approval shall be void, and the applicant(s) shall be required to submit a new Preliminary Subdivision Application, subject to application and approval requirements on the date of resubmittal of a complete application, and all other applicable City, State, Federal, Special Service District, or Special Service Area requirements. For developments designed to be completed in phases, each phase shall meet the above requirements which include receipt of complete application within one year of prior phase approvals.

**17.06.040 Site Preparation Work Prohibited:**

1. Upon City receipt of a Preliminary Subdivision Application, no work, including but not limited to excavation, grading or re-grading, shall take place on any land until the improvements plans, as required under the Final Subdivision Application, are approved. Clearing of materials, surface vegetation and grubbing can occur on site without disruption of any existing root systems. Any disruption of root systems or soil disturbance requires issuance of a City Storm Water Construction Activity Permit.
2. No installation of improvements shall take place on any subdivision site until the improvements plans, as required under the Final Subdivision Application, are approved.
3. No building permits shall be issued by the City until a Final Subdivision plat has been recorded in the Office of the Weber County Recorder.

## **17.08 - FINAL SUBDIVISION APPLICATION AND APPROVAL**

### **17.08.010 Final Subdivision Application and Approval:**

Prior to final application acceptance and approval, the Development Review Committee (DRC) shall assess compliance with all applicable requirements of this title, and any conditions imposed by the approval authority for Preliminary Subdivision Approval.

### **17.08.020 Requirements for Final Subdivision Applications:**

All Final Subdivision Applications shall contain all items listed on the checklist in order for the application to be accepted by the City. The checklist of required items for submission is subject to legislative approval by the City Council.

1. **Application.** A Final Subdivision Application document, provided by the City, completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the land proposed to be subdivided. The Final Subdivision Application shall be accompanied by the application fees, those items found on the checklist provided with the application, and documents and items as found in this title.
2. **Final Subdivision Plat.** The applicant shall submit a final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Weber County Recorder for recordation together with plans as required herein. The final subdivision plans shall include any revisions or additions noted as part of preliminary subdivision approval. The final subdivision plat shall show all items as shown on the City-provided checklist. Additionally, the final plat and all relevant documents must be reviewed and approved by the DRC before final signatures and attestations are added for recording purposes.
3. **Review By Weber County Surveyor.** Final subdivision plats are subject to advanced review by the Weber County Surveyor to identify any prospective issues prior to recordation. The fees associated and required with this are outlined in the City's Consolidated Fee Schedule.

### **17.08.30 Final Subdivision Approval Procedures:**

1. The review and approval procedures of the City for the consideration of a Final Subdivision Application include:
  - a. Final Subdivision Application filed with City Staff. The City Planner will determine application completeness.
    - i. Upon receipt, the application is reviewed for determination of completeness. An application that is determined to be complete then proceeds with applicable review procedures.
    - ii. When an application has been determined incomplete, the following processes are followed to address the deficiencies and needed corrections:
      1. An applicant is notified in writing with deficiencies included and the applicant has 30 days to correct application deficiencies; and
      2. If an applicant provides necessary materials to correct deficiencies within 30 days, City Staff proceed with applicable application

review procedures. If an application remains incomplete after 30 days, the application is considered null and void with re-application required for further consideration.

2. Development Review Committee (DRC) provides final technical review of the Final Subdivision Application in compliance with the Preliminary Application conditions of approval required by the applicable Approval Authority and with all applicable ordinances, standards and requirements.
3. Once the DRC has approved all plans and documents, the City Planner shall schedule a meeting with the applicable approval authority. For residential single-family dwelling, two-family dwelling and townhome developments, not located within identified geological hazard areas, the DRC will serve as the Final Subdivision approval authority. For all other developments, the City Council will serve as the Final Subdivision approval authority.
4. Final Subdivision Plat shall be approved by the applicable approval authority as determined and in compliance with Pleasant View Code and Utah Code Annotated, as amended.
5. Once approval is received, the applicant submits a final plat and all approved relevant documents in final form, complete with appropriate signatures and acknowledgements for receipt of city signatures and recording.
6. The Final Subdivision Application approval by the city is effective for one (1) year during which time the Final Subdivision Plat and appropriate documents shall be recorded with the Weber County Recorder by City Staff.

**17.08.040 Nature and Effective Period of Final Subdivision Approval:**

1. The Final Subdivision Application approval shall be effective for a period of one (1) year from the date the final subdivision is approved by the City. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, the final subdivision approval shall be void, and the applicant(s) shall be required to submit a new preliminary subdivision application and fees, subject to the then existing preliminary subdivision application provisions of this Ordinance and all other applicable City, State and Federal requirements. For developments designed to be completed in phases, each phase must meet the above requirements with receipt of application within one year of prior phase approvals.
2. The applicable Approval Authority may determine it appropriate to extend the effective approval period in increments of up to one (1) year upon request by the applicant. Pursuant to Chapter 18.70 Adequacy Public Facilities, a new positive or conditional adequacy determination must be obtained and adopted prior to approval of an extension. Otherwise, an extension cannot be granted.

**17.08.050 Recordation of Final Subdivision Plats:**

City Staff shall record all appropriate Final Subdivision Application documents. The Applicant(s) is required to pay all fees, including copies, for the recording of all final subdivision documents and final plats.



**17.08.060 Site Preparation Work Prohibited:**

1. Upon submission of a subdivision application, no work, including but not limited to excavation, grading or re-grading, shall take place on any land until the improvements plans, as required under the Final Subdivision Application, are approved. Clearing and grubbing can occur on site without disruption of any existing root systems. Any disruption of root systems or soil disturbance requires issuance of a City Storm Water Construction Activity Permit.
2. Prior to the completion of any site preparation work, a pre-construction meeting shall be held with City staff, applicant(s), contractors, and any other applicable agencies.
3. No installation of improvements shall take place on any subdivision site until the improvements plans, as required under the Final Subdivision Application, are approved.
4. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed.

**17.10 - MINOR SUBDIVISION APPLICATION AND APPROVAL****17.10.010 Minor Subdivision Application and Approval.**

The City's Development Review Committee (DRC) serves as the Approval Authority for Minor Subdivisions, and approvals are determined by the DRC.

**17.10.020 Minor Subdivision Qualification.**

In order to be considered for approval as a minor subdivision under this chapter, a subdivision must meet all of the following standards:

- a. Must meet all applicable requirements of the zone in which it is located and may not be a special approval development (no PRUD, cluster development, or other special approval development).
- b. Must be compliant with the General Plan.
- c. Must consist of four (4) or less lots.
- d. Must be located on an existing dedicated public right-of-way.
- e. Must not be located within identified geological hazard areas.
- f. Must not be subject to Slope Special Requirements as contained in Chapter 17.18.050 of this title.
- g. Must meet all other appropriate requirements of this title.

**17.10.030 Requirements for Minor Subdivision Applications.**

All Minor Subdivision Applications, filed with the City, are required to provide the following information:

1. Application. A Minor Subdivision Application document, provided by the City, shall be completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided and shall be accompanied by the required fees, as established by the City Council. The application shall be accompanied by all items as found on the checklist

provided by City Staff. The checklist of required items for submission is subject to legislative approval by the City Council.

**17.10.050 Development Review Committee (DRC) Action.**

1. Following a determination of a complete Application by the City Planner, the Minor Subdivision Application shall be scheduled for consideration by the DRC. The DRC shall consider the Minor Subdivision Application at a DRC meeting.
2. Any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the DRC.
3. The DRC may approve as presented, approve with conditions, or deny the application as presented. The DRC's denial of a Preliminary Subdivision Application may only occur when the DRC determines that the application does not comply with applicable municipal ordinances or Utah Code Annotated, as amended.
4. When an application has been determined incomplete, the following processes are followed to address the deficiencies and needed corrections:
  - a. An applicant is notified in writing with deficiencies included and the applicant has 30 days to correct application deficiencies; and
  - b. If an applicant provides necessary materials to correct deficiencies within 30 days, City Staff will proceed with application review procedures. If an application remains incomplete after 30 days, the application is considered null and void with re-application required for further consideration.

**17.10.060 Final Plat Approval Procedures.**

After a Minor Subdivision Application has received preliminary approval from the DRC, the applicant shall prepare a final plat as found in this title, and all required documents, for review by the DRC. The final plat and documents shall be approved by the DRC, according to the conditions set forth in the preliminary approval. Once the DRC has approved the plat and documents, the applicant shall submit a final subdivision plat complete with owner signatures, dedications and acknowledgements as required herein for receipt of signatures from required City Officials. All required documents, with appropriate signatures and notarizations shall also be submitted. The final subdivision plat shall then be signed by appropriate City Staff and Officials, and, together with appropriate documents, be presented by City Staff for recordation in the Office of the Weber County Recorder.

**17.10.070 Nature and Effective Period of Approval.**

1. The approval of a Minor Subdivision Application shall be effective for a period of one (1) year from the date the final plat is approved by the City, at the end of which time the subdivision plat shall have been recorded in the Office of the Weber County Recorder. If the approved final plat is not recorded within the one (1) year period of date of approval the subdivision approval shall be void, and the applicant(s) shall be required to submit a new minor subdivision application, subject to the then existing application provisions of this Ordinance and all other applicable City, State and Federal requirements.
2. The City Council, for cause and under circumstances as determined appropriated by the Council, may extend the effective approval period in one year or less increments upon

request by the applicant. Pursuant to Chapter 18.70 Adequacy Public Facilities, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior to approval of an extension. Otherwise, an extension cannot be granted.

**17.10.080 Site Preparation Work Prohibited:**

1. Upon submission of a subdivision application, no work, including but not limited to excavation, grading or re-grading, shall take place on any land until the improvements plans, as required under the Final Subdivision Application, are approved. Clearing and grubbing can occur on site without disruption of any existing root systems. Any disruption of root systems or soil disturbance requires issuance of a City Storm Water Construction Activity Permit.
2. Prior to the completion of any site preparation work, a pre-construction meeting shall be held with City staff, applicant(s), contractors, and any other applicable agencies.
3. No installation of improvements shall take place on any subdivision site until the improvement plans, as required under the Final Subdivision Application, are approved.
4. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed.

