REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance 19-51, an Ordinance Amending 2009 West Jordan Municipal Code Title 14 (Subdivision Regulations), regarding the change to the Council-Mayor Form of Municipal Government.

SUMMARY: Adoption of this Ordinance would update the Subdivision Title, to comply with the change to the Council-Mayor Form of Municipal Government.

FISCAL/ASSET IMPACT: There is no cost or financial impact to the City (revenue neutral).

STAFF RECOMMENDATION: Staff recommends approval of this Ordinance, as discussed in the December 4, 2019 Council Work Session.

MOTION RECOMMENDED: “I move to approve Ordinance 19-51, Ordinance Amending 2009 West Jordan Municipal Code Title 14 (Subdivision Regulations), regarding the change to the Council-Mayor Form of Municipal Government.”

[Roll Call Vote required.]

Prepared and Presented by:

Duncan T. Murray
Assistant City Attorney

Authorized for Council Consideration:

David R. Brickey
City Manager

Recommended by:

Korban Lee
Assistant City Manager

Reviewed for Legal Sufficiency:

Duncan T. Murray
City Attorney’s Office
THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 19-51
[CHANGE OF FORM OF GOVERNMENT – TITLE 14 Subdivision Regulations]

AN ORDINANCE AMENDING TITLE 4, “SUBDIVISION REGULATIONS.”

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the City and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the City and its inhabitants, and to protect property in the City; and

WHEREAS, the West Jordan City Council reviewed Title 14, Chapter 2 of the 2009 City Code for the upcoming change of form of government and found no changes were needed at this time; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 14, Chapters 1 and 3 through 6 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 14, Chapter 1, Section 5 of the 2009 City Code shall hereafter read as follows:

14-1-5: CONFLICTING PROVISIONS:

A. CC&Rs, HOA Agreements and Similar Covenants or Agreements: This title shall not nullify the more restrictive provisions of covenants and agreements like covenants, conditions and restrictions (CC&Rs), homeowners' association agreements and similar covenants and agreements.

B. Substantive Ordinances: This title contains substantive ordinances governing its subject matter and scope. In the event of a conflict between the substantive terms of this title or between this title and the substantive terms of any other title, law, ordinance or rule, the more restrictive provision shall apply. (2001 Code § 87-1-105; amd. 2009 Code; Ord. 19---, -- -2019, Effective at 12 noon on January 6, 2020)
Section 2. Title 14, Chapter 3, Sections 1, 4, 9 and 11 of the 2009 City Code shall hereafter read as follows:

14-3-1: APPROVAL REQUIRED:

A. Selling Lots Without Approval: It is unlawful and punishable as a class C misdemeanor for any person to sell or transfer any part of a larger tract or parcel of land which has not been approved according to the provisions of this title or otherwise exempted pursuant to state law.

B. Recording Lots Without Approval: It is also unlawful and punishable as a class C misdemeanor for any person to record in the office of the Salt Lake County recorder any subdivision of land unless approved according to the provisions of this title or otherwise exempted pursuant to state law. This applies to all properties regardless of land use designation.

C. Alteration of Land Prior to Final Approval: Any person subdividing land shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the necessary approvals as outlined in this chapter have been obtained. (2001 Code § 87-3-101; amd. 2009 Code; Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

14-3-4: LOT LINE ADJUSTMENTS:

A. Requirements for Approval: Lot line adjustments may be approved by the zoning administrator; provided, that:

1. No property or part of a property needed to meet the width, yard, area, coverage, parking, frontage or other requirements for a building lot may be transferred, sold, bequeathed or leased apart from such lot, unless other space so complying is provided;

2. No land shall be sold which will result in a lot being created for building purposes that does not comply with the requirements of the zoning ordinance;

3. The lot line adjustment will not affect any street right of way; and

4. The lot line adjustment will not create any new lots.

B. Application Requirements: Applications for lot line adjustments shall be submitted to the zoning administrator and shall include the following.

1. A completed application form filed jointly by the owners of the two (2) affected lots;

2. A fee as established by resolution of the city council;

3. Three (3) copies of a survey, prepared by a licensed land surveyor or professional engineer, showing the two (2) affected lots, the location of existing buildings on the lots, the proposed location of the new lot line, and the size of the two (2) lots before and after the lot line adjustment. The survey shall be accurately drawn to scale and shall be certified by the surveyor or engineer who prepared it; and
4. An agreement between the record owner of the adjoining lots consenting to relocation of the property boundary line. (2001 Code § 87-3-104; amd. 2009 Code; Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

14-3-9: COVENANTS, CONDITIONS AND RESTRICTIONS:

A. The owner/developer may establish covenants, conditions and restrictions (covenants) governing uses, development and maintenance standards for the subdivision. The proposed covenants shall be printed on good quality letter size (8½ inch by 11 inch) paper, printed on one side only. At least a two inch (2") margin shall be left at the top of the first page for use by the county recorder. The covenants shall be signed and acknowledged by all persons having an ownership interest in the parcel to be developed and encumbered by the covenants, and shall be notarized by a licensed notary public. If the property is held in trust, the trustee shall sign the covenants in addition to the equitable owners. If a partnership or corporation has ownership rights, an authorized corporate officer or partner may sign the covenants for and on behalf of the entity and the acknowledgment should so state.

B. The covenants will be recorded by the city recorder. The owner/developer shall pay the recording fee for the recording of the covenants.

C. Covenants are private agreements among property owners and are only enforceable by the owners. The city shall not enforce private covenants. (2001 Code § 87-3-109; amd. 2009 Code; Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

14-3-11: FINAL PLAT RECORDED PRIOR TO ISSUANCE OF BUILDING PERMITS:

A. Recording of Final Plat: After final approval of a subdivision plat, filing of an improvement guarantee as required by title 8, chapter 3, article C of this code, and signing of the plat by the mayor, the plat shall be presented by the city recorder to the Salt Lake County recorder for recordation. Lots shall not be transferred, sold or offered for sale, and a building permit shall not be issued for any structure on a lot, until a subdivision has received final approval from the city, an improvement guarantee has been filed, and the final plat or metes and bounds description has been recorded.

B. Exception for Property Subject to Eminent Domain: A building permit may be issued prior to recording the final plat, or metes and bounds description, if all of the following conditions are met:

1. The building permit applicant has initiated an eminent domain proceeding to acquire the real property for development;

2. The court has issued an order of immediate occupancy to the building permit applicant, a copy of which shall be submitted to the city by the building permit applicant;

3. The court has ordered that the money deposited in the court in the eminent domain proceeding, pursuant to Utah Code Annotated section 78-34-9(3)(a), be paid to the property owner pursuant to Utah Code Annotated section 78-34-9(6)(a);
4. All defenses in the eminent domain proceeding have been abandoned by the property owner pursuant to Utah Code Annotated section 78-34-9(6), and the only remaining issue in the eminent domain proceeding is a claim for greater compensation;

5. The building permit applicant has prepared and signed a plat and received final plat approval from the city;

6. An authorized representative of the city has possession of the signed final plat for recording, at the city's sole discretion;

7. The building permit applicant agrees to provide a copy of the final order of condemnation to the city prior to recordation of the final plat;

8. The building permit applicant has submitted an improvement guarantee, if required by city ordinance;

9. The building permit applicant agrees, in writing, to indemnify, defend and hold the city harmless for all damages the property owner has sustained and all reasonable and necessary expenses actually incurred by the property owner because of the eminent domain proceeding, including attorney fees, if the eminent domain proceeding is abandoned pursuant to Utah Code Annotated section 78-34-16; and

10. All other requirements for issuance of a building permit have been met.

C. Notification of Abandonment: If the building permit applicant, under subsection B of this section, abandons the eminent domain proceeding pursuant to Utah Code Annotated section 78-34-16, it shall immediately notify the city.

D. Immediate Filing Required: The final subdivision plat will be recorded immediately upon notice that the eminent domain proceeding is complete. (2001 Code § 87-3-111; amd. 2009 Code; Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

Section 3. Title 14, Chapter 4, Sections 1, 3, 4 and 5 of the 2009 City Code shall hereafter read as follows:

14-4-1: APPLICABILITY; GENERAL PROVISIONS:

A. Applicability: This chapter establishes subdivision review procedures for condominium development and condominium conversions.

B. Required Plans: The owner/developer of a condominium project or planned community shall submit preliminary and final plats in accordance with chapter 3 of this title. Site plans shall also be provided which illustrate proposed landscaping and improvements of the common open space, the intended use of the open space, and provide details of how the improvements thereon are to be financed and the area maintained. A condominium project must meet the requirements of this title, must assure proper use, construction and maintenance of open space facilities, and must result in a development that will benefit future residents of the condominium project, surrounding residents and the general public.
C. Conditions Relating to Open Space: The planning commission may place additional conditions or restrictions to ensure development and maintenance of the desired character of the subdivision. Plans for the disposition or reuse of property designated as open space shall be reviewed by the planning commission if the property is not maintained in the manner agreed upon or is abandoned by the owners.

D. Open Space Easement: As assurance of continuation of common open space use in accordance with the plans approved by the planning commission, the owner/developer shall grant to the city an open space easement on and over the common open space prior to the recording of 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. The easement shall allow the construction of structural recreational facilities by the homeowners' association as long as not more than thirty percent (30%) of the open space is occupied by such facilities. (2001 Code § 87-4-101; amd. 2009 Code; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

14-4-3: COVENANTS, CONDITIONS AND RESTRICTIONS:

A. May be Established: The owner/developer may establish covenants, conditions and restrictions (covenants) governing uses, development and maintenance standards for the condominium.

1. The proposed covenants shall be typed on good quality letter size (8½ inch by 11 inch) paper, printed on one side only. At least a two inch (2") margin shall be left at the top of the first page for use by the Salt Lake County recorder. The covenants must be signed and acknowledged by all persons having an ownership in the parcel to be developed and encumbered by the covenants and shall be notarized by a licensed notary public. If the property is held in trust, the trustee shall sign the covenants in addition to the equitable owners. If a partnership or corporation has ownership rights, an authorized corporate officer or partner may sign the covenants for and on behalf of the entity and the acknowledgment should so state.

2. The covenants will be recorded by the city recorder. The owner/developer shall pay the recording fee for the recording of the covenants.

3. Covenants are private agreements among property owners and are only enforceable by the owners. The city shall not enforce private covenants.

B. Homeowners' Association: To ensure maintenance of the common open space and other improvements where so required, the owner/developer shall cause to be incorporated under the laws of the state a homeowners' association prior to recording the final plat. By proper covenants running with the land and through the articles of incorporation and bylaws of the association, it shall be provided at a minimum that:

1. Membership in the association shall be mandatory for each lot purchaser, their guarantees, successors and assigns;

2. The common open space restrictions shall be permanent and not just for a period of years;
3. The association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and all other facilities;

4. All lot owners shall pay their prorated share of the costs of upkeep, maintenance and operation;

5. Any assessment levied by the association may become a lien on the real property of any homeowner; and

6. If the homeowners' association does not maintain the common open space and improvements as required, the city may, at its option, perform the maintenance or contract to have the maintenance performed. The city may recover all costs incident thereto by means of a lien against the involved properties of the members of the homeowners' association. (2001 Code § 87-4-103; amd. 2009 Code; Ord. 19---, ___-___-2019, Effective at 12 noon on January 6, 2020)

14-4-4: RECORD OF SURVEY; DECLARATION:

A. Record of Survey Map: The owner/developer shall provide a record of survey map in lieu of a final plat. The record of survey shall be prepared by a licensed surveyor on thirty four inch by twenty two inch (34" x 22") Mylar sheet, and shall include the following information:

1. A description of the land included within the project, including all angular and linear data along the exterior boundaries of the property;

2. The linear measurement and location of the exterior boundaries of the building or buildings, if any, located or to be located on the property, other than within the boundaries of any convertible lands;

3. Diagrammatic floor plans of the building or buildings, if any, built or to be built on the property, other than within the boundaries of any convertible lands, identifying each convertible space and physical unit contained within a building, including its identifying number or symbol, the official datum elevations of the finished or unfinished interior surfaces of the floor and ceilings, and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls and the lateral extensions of every convertible space and unit;

4. A description or delineation of the boundaries of any unit or convertible space not contained or to be contained in a building or whose boundaries are not to be coextensive with walls, ceilings or floors within a building, other than units located within the boundaries of any convertible lands, including the horizontal (upper and lower) boundaries, if any, as well as the vertical (lateral or parametric) boundaries;

5. A distinguishing number or other symbol for every physical unit identified on the record of survey map;

6. The location and dimensions of all easements appurtenant to the land included within the project;

7. The label "convertible space" for each such space, if any;
8. The location and dimensions of any convertible lands within the condominium project. Each convertible land shall be labeled as convertible. If multiple convertible lands are intended, each shall be labeled with a different letter or number; and

9. The location and dimensions of any withdrawable lands, if any.

B. Declaration: A declaration, as required by Utah Code Annotated section 57-8-10, which shall include the following information, among other things:

1. A description of the building, if any, stating the architecture, the number of stories and basements, the number of units, the principal materials of which it is or is to be constructed, and a description of all other improvements contained or to be contained in the project;

2. A description of the common areas and facilities;

3. The name and residential or business address of a person authorized to receive service of process. The address provided shall be within the city or county in which the property is located;

4. If the condominium project contains any convertible land, the declaration shall also contain:

   a. A statement of the maximum number of units that may be created within each convertible land; and

   b. A statement of the extent to which any structure erected on any convertible land will be compatible with structures on other portions of the land within the condominium project in terms of quality of construction, the principal materials to be used, and the architectural style. (2001 Code § 87-4-104; amd. 2009 Code; Ord. 19—____-____-2019, Effective at 12 noon on January 6, 2020)

14-4-5: CONDOMINIUM CONVERSION:

A. Report of Property Condition: As an element of any application for a condominium which includes the conversion of existing structures, the owner/developer shall submit a report of property condition which is intended to ensure that the standards of the declaration appropriately address existing and future conditions related to maintenance, upkeep and operation, as referenced by Utah Code Annotated section 57-8-13, as amended.

B. Information Required: The report of property condition shall be submitted on a form provided by the city. After evaluating the report, the city may refer it back to the owner/developer for additional detail which the city deems necessary to adequately evaluate the physical condition of the building, equipment and premises. The report shall contain the following information:

1. The age of the building or buildings, with copies of original building plans and a disclosure of whether or not the actual building conforms to the plans;
2. The condition of structural elements, including roof, foundations, walls, mechanical systems, electrical system, plumbing system, and boiler and/or furnace. A plan showing which parts of the system will be maintained in common and which will be maintained by individual units;

3. The size of water service lines from meter to main and from main to buildings;

4. The size and location of sewer laterals;

5. The capacity of electrical service for each unit (amps);

6. The condition of paving materials on private streets (if any);

7. The condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs and similar areas;

8. A detailed plan for parking and traffic circulation. This plan shall include a statement as to whether or not existing parking on the site is in compliance with current parking standards and, if not, how and where additional parking will be provided;

9. The condition of paint and/or exterior surfaces of all buildings and structures;

10. All known conditions constituting deficiencies; and

11. All known conditions which may require repair or replacement within five (5) years from the date of the report.

C. Report of Building Official: When application for condominium conversion is submitted, the chief building official shall make an inspection of the building to be converted to determine compliance with the life safety provisions of the international building code. Prior to planning commission consideration of the application, the building official shall prepare a report either specifying any deficiencies found relating to the existing building or verifying compliance with condominium construction standards. This report shall be submitted to the planning commission along with the report of property condition.

D. Notice to Tenants: As part of the application to approve a condominium conversion where the building is occupied by tenants at the time of application, the owner/developer shall provide notice of intended conversion to the tenants by certified mail. Notice shall be provided at least ninety (90) days prior to the date tenants will be required to vacate the building and at least one hundred twenty (120) days before any construction associated with the conversion begins. The notice shall include the following information:

1. A statement of the intent of the owner to convert the building to a condominium;

2. The date by which tenants will need to vacate the building; and

3. The approximate date when construction will begin to convert the building.
E. Submission of Notice Verification: Prior to consideration of an application for condominium conversion by the planning commission, the owner/developer shall submit a copy of the notice, together with a list identifying the names and apartment or unit numbers for all tenants within the condominium conversion project. The notice and list shall also be accompanied by an affidavit certifying that all tenants within the condominium project were personally delivered a copy of the notice or sent a notice by certified mail and that the notices were in fact delivered. (2001 Code § 87-4-105; amd. 2009 Code; Ord. 19-____, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 4. Title 14, Chapter 5, Sections 2, 3, 5, 9, 10 and 11 of the 2009 City Code shall hereafter read as follows:

14-5-2: LOTS:

A. Arrangement: All lots will be arranged and designed to comply with all requirements of this title.

B. Size: All lots shall conform to the minimum area and width requirements for the zone in which the subdivision is located.

C. Frontage: Each lot shall have frontage on a public street dedicated by the subdivision plat or on an existing public street. Lots having frontages on two (2) or more streets shall be prohibited, except for corner lots and lots in subdivisions which back onto arterial and collector streets outside of the subdivision boundary.

D. Side Lot Lines: Side lines of lots shall be at approximately right angles to the street line or radial to the street line.

E. All Land to be Included In Lots: All land within the subdivision shall be included in building lots, designated open space, or within areas dedicated for public use. The subdivision shall not create lots or parcels that do not conform to the city ordinances.

F. Survey Stakes: Survey stakes shall be placed at both front and back lot corners to identify the lot boundaries on the ground. Back lot corners shall be marked with a metal pipe or rod driven into the ground and front lot corners shall be identified with permanent plugs in the back of the curb. All lot corners shall be in place prior to the issuance of building permits and after the completion of all subdivision improvements. It shall be the responsibility of the lot owner to ensure that all lot corners are in place prior to the final inspection of the house.

G. Public Utilities: Public utilities are exempted from certain requirements of this code as provided in section 13-15-4 of this code. (2001 Code § 87-5-102; amd. 2009 Code; Ord. 14-08, 3-12-2014; Ord. 19-____, __-__-2019, Effective at 12 noon on January 6, 2020)
14-5-3: FLAG LOTS:

Flag lots may be created in any single-family or agricultural zone, provided all of the following requirements are met:

A. The owner/developer shall demonstrate to the city planner or planning commission that use of the subject lot cannot occur unless a flag lot is allowed because of topographic features, shape, location of the lot or surrounding development associated with the lot.

B. The lot shall have at least twenty feet (20') of frontage on a dedicated public street. A minimum twenty foot (20') wide paved driveway shall provide access to the dwelling on the flag lot. Not more than one lot may be served by each driveway. The stem portion of the lot shall not exceed three hundred thirty feet (330') in length.

C. The total area of the flag lot shall meet or exceed the minimum lot size required by the underlying zone, not including the stem portion, and shall meet or exceed the width requirement of the zone in which the lot is located.

D. The lot shall meet all fire department standards for emergency access, turnaround, and fire hydrant proximity. A fire hydrant shall be located within two hundred fifty feet (250') of the location, or proposed location, of the dwelling on the lot.

E. The address of the dwelling located on the flag lot shall be clearly visible from the public street that provides access to the flag lot. (2001 Code § 87-5-104; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

14-5-5: STREETS:

A. Street Layout: Streets in new subdivisions shall connect to existing stub streets from adjacent subdivisions. If adjacent land is undeveloped, stub streets shall be provided at reasonable locations to provide convenient access for future development.

B. Multiple Access Points Required: A minimum of two (2) points of ingress and egress are required for residential subdivisions unless the fire chief or his/her designee determines that more than one access point is not necessary to protect the public health and safety. The owner/developer may comply with this requirement by platting stub streets which will connect to future streets.

C. General Design Principles:

1. Public and private streets shall be designed to minimize cut through traffic in residential areas.

2. Local streets shall incorporate traffic calming measures to reduce vehicle speeds and promote pedestrian safety. Four-way intersections should be avoided.

3. Streets shall be designed to provide safe and convenient access between neighborhoods. Local streets should be extended to provide access between adjoining neighborhoods at appropriate intervals.
D. Compliance with Transportation Master Plan: As a condition of subdivision approval, the owner/subdivider shall install street extensions and widening as recommended by the city transportation master plan.

E. Eminent Domain: Nothing in this section shall obligate the city to purchase rights of way or to exercise its right of eminent domain, or to create or recognize any right of inverse condemnation whatsoever.

F. Cul-De-Sacs: Unless otherwise approved by the city engineer, rights of way terminating in cul-de-sacs shall be no longer than four hundred fifty feet (450') in length. Turnaround areas, with a right of way diameter of one hundred feet (100') and a paved diameter of not less than eighty feet (80'), shall be provided at the terminus of all cul-de-sacs. When dead end streets providing access for one or more lots are proposed in a subdivision, adequate turnarounds shall be provided as follows:

1. Where a street dead ends into a subsequent phase of the same subdivision, a temporary, paved, eighty foot (80') diameter turnaround and permanent right of way easement shall be required.

2. Where a street dead ends at property that is not part of a subsequent subdivision phase, either a bubble inside the subdivision, as shown in the city standard drawings, or an asphalted eighty foot (80') diameter turnaround and permanent right of way easement on the adjacent property, shall be provided.

G. Streets Along Subdivision Boundaries: Streets along a proposed subdivision boundary shall be constructed to city standards and according to the city master transportation plan.

H. Half Streets: Half streets along subdivision boundaries or within any part of a subdivision are not permitted unless specifically approved by the city council as part of a development agreement.

I. Dedication: Except as provided in section 14-5-6 of this chapter, all streets shall be dedicated for use by the public.

J. Street Name and Traffic Control Signs Required: The owner/developer shall install street name and traffic control signs to identify all public and private streets. Street signs shall be located at all intersections, including cul-de-sacs.

1. Streets may be given names in addition to numbers. When so named, street signs shall include both the name and street number. Names for streets must be approved by the city and by the Salt Lake County recorder.

2. All signs shall comply with the "Manual On Uniform Traffic Control Devices".

3. The owner/developer shall pay for and install traffic regulatory signs in accordance with the "Manual On Uniform Traffic Control Devices", as required by the city engineer.
K. Protection Strips:

1. Private Protection Strips Prohibited: Any subdivision, dedication or conveyance of any kind which results in the creation of a private protection strip is hereby declared to constitute an illegal subdivision of land.

2. City-Owned Protection Strips Allowed: City-owned protection strips are allowed for the purpose of distributing and recovering costs to benefiting properties related to off site improvements not covered by impact fees. Fees collected for the release of protection strips shall reflect the proportionate benefit of the developing property to the remainder value of the right of way and improvements.

L. Utilities Installed Before Paving: Asphalt paving operations shall not begin until all public utilities (electrical power, natural gas, telephone, cable television, culinary water, irrigation water, sanitary sewer, and storm sewer) are installed under the streets. Provisions shall be made for future installation of electrical power, traffic signal conduit, natural gas, telephone, and cable television through sleeves or conduits placed under the pavement. The owner/developer shall be responsible for coordinating the timely installation of these utilities. The owner/developer shall provide, at or before the preconstruction conference, written verification acceptable to the city engineer that the utilities have been notified of the locations available for installation of the utilities and the timetable for the street paving. (2001 Code § 87-5-106; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

14-5-9: UTILITIES AND UTILITY EASEMENTS:

All utilities shall be designed and constructed in accordance with section 8-2-4 of this code and with the following standards:

A. Public Utility and Drainage Easements on Lots: The owner/developer shall dedicate public utility, postal and drainage easements as follows:

1. Ten feet (10') across the front lot line;

2. Seven and one-half feet (7½') across the back lot line;

3. Ten feet (10') across the back lot line of lots located on the perimeter of the subdivision;

4. Three foot by five foot (3' x 5') postal service easements, located on adjacent property lines and adjacent to the public right of way at such locations as approved by the city engineer after consultation with the city postmaster or designee for the location of neighborhood box units;

5. Drainage easements shall be required along the side lot lines between alternating lots. The accumulation of water from more than two (2) lots along interior lot lines shall not be permitted unless provision is made for the appropriate disposal of accumulated water; and
6. The city engineer may require public utility and other public easements at additional locations, or at different locations as reasonably necessary to accommodate other easements or public facilities.

B. Fire Protection:

1. Fire Hydrants: Fire hydrants shall be located as specified by the fire chief or designee. Fire hydrants shall be provided and installed in compliance with the city public improvement standards, specifications and plans manual.

2. Water Pressure: Where existing distribution pipelines are available for fire protection services, the owner/developer may connect to such pipelines. However, the city will not provide pressure and flow capacity greater than the capabilities of the existing system. Fluctuations in the existing system conditions may occur as the overall city system is modified. (2001 Code § 87-5-111; amd. 2009 Code; Ord. 10-03, 1-27-2010; Ord. 19---, - - -2019, Effective at 12 noon on January 6, 2020)

14-5-10: SOILS:

A. Geotechnical Report: A geotechnical report shall be prepared by a licensed geotechnical engineer and submitted to the city for any proposed subdivisions. The report shall be prepared in accordance with requirements of the city public improvement standards, specifications and plans manual. Recommendations in the report shall be incorporated into the design of the subdivision.

B. Excavations or Fill Near Jordan River: Subdivision of land adjacent to the Jordan River or its natural tributaries, or within any marsh or wetlands of the Jordan River, which will result in any discharge of excavated or fill materials into the navigable waters of the Jordan River, shall require a permit from any state or federal agency having jurisdiction prior to the issuance of local permits. This determination shall be made as part of the staff review of a preliminary plat. The owner/developer shall comply with the rules, regulations and conditions imposed by any agency having jurisdiction over such channels. (2001 Code § 87-5-113; amd. 2009 Code; Ord. 19---, - - -2019, Effective at 12 noon on January 6, 2020)

14-5-11: MULTIUSE AND EQUESTRIAN TRAILS:

A. Multiuse and Equestrian Trail Layout: Trails shall be required in all locations shown on the West Jordan trails map, and shall connect to existing trails from adjacent subdivisions.

B. General Design Principles:

1. All primary trail (drainage) corridors shall adhere with the standards and guidelines of the West Jordan "Parks, Recreation, Trails And Open Space Handbook" including required dedication widths, trail standards, fencing/wall requirements, and landscape requirements.

2. Multiuse trails shall have a minimum twelve foot (12') paved section with a two foot (2') graded path on either side.
3. Trails along a wash/creek shall be set back a minimum of ten feet (10') from the top of bank, which shall be a landscape buffer. If the wash/creek has a slope greater than three to one (3:1), a fence or other type of separation may be required, as determined by the city engineer and the planning commission. Fencing shall comply with the provisions of subsection 13-14-3D of this code, and shall be located within said landscape buffer.

4. The equestrian trail shall be a minimum ten foot (10') graded path. Unless other construction material is approved by the city engineer the path shall be constructed of decomposed granite with a diameter of one-half inch (1/2") or less, to a depth of three (3) or four inches (4"), underlaid with a weed barrier fabric per subsection 13-7B-6G of this code. A minimum four and one-half foot (4 1/2') vegetative buffer shall be required from the multiuse trail and a nine and one-half foot (9 1/2') minimum vegetative buffer from the proposed or existing property lines.

5. Pedestrian trails and equestrian trails should be located on opposite sides of the creek or wash.

6. A minimum seven foot by fourteen foot (7' x 14') rest stop shall be provided every one-fourth (1/4) mile along the length of the trail. The minimum rest stop amenities shall be a bench, trash receptacle, trail signage and two (2) shade trees. All trees and manicured landscaping areas shall be irrigated.

7. Trail landscaping shall be native to the area and provide a food source for wildlife. Refer to the West Jordan "Landscape Guidelines Handbook" for the type of landscaping to be used within the corridors.

8. The landscape design shall be consistent with title 13, chapter 13 of this code.

9. Trails shall maintain a minimum vertical clearance of ten feet (10').

10. Unless otherwise approved by the planning commission, the open space corridor shall be separated from residential lots which back onto the space by a fence in accordance with subsection 13-14-3E of this code. (2001 Code § 87-5-116; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 5. Title 14, Chapter 6, Sections 1 and 4 of the 2009 City Code shall hereafter read as follows:

14-6-1: ENFORCEMENT AUTHORITY:

This title shall be enforced by the development services director or his/her designee. (2001 Code § 87-8-101; amd. 2009 Code; Ord. 19-, __-__-2019, Effective at 12 noon on January 6, 2020)

14-6-4: TYPES OF VIOLATIONS:

It is a violation of this title to:

A. Use any land, building or structure for any purpose or use not allowed in the zone in which such land, building and structure is located;
B. To engage in any subdivision of land and improvements thereon without all of the required permits, approvals, certificates and other forms of authorization required by this title or other city ordinance;

C. Fail to comply with this title or any condition imposed by the development services department, zoning administrator, board of adjustment, planning commission, city council, or other duly authorized city officer.

D. Interfere in any way with enforcement action under this chapter.

E. Fail to comply with any enforcement action under this chapter. (2001 Code § 87-8-103; amd. 2009 Code; Ord. 19---, -- --2019, Effective at 12 noon on January 6, 2020)

Section 6. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the City Council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 7. This Ordinance shall become effective at 12 noon on January 6, 2020.

Passed and adopted by the City Council of the City of West Jordan, Utah this _____ day of ______, ______.

CITY OF WEST JORDAN

By: __________________________________________
    JIM RIDING
    Mayor

ATTEST:

JAMIE BROOKS, CMC
Interim City Clerk

Voting by the City Council

| Council Member Alan Anderson | “YES” | “NO” |
| Council Member Dirk Burton  | ______ | ______ |
| Council Member Zach Jacob   | ______ | ______ |
| Council Member Chad R. Lamb | ______ | ______ |
| Council Member Chris McConnehey | ______ | ______ |
| Council Member Kayleen Whitlock | ______ | ______ |
| Mayor Jim Riding            | ______ | ______ |
CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Jamie Brooks, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of ______________, ____, pursuant to Utah Code Annotated, 10-3-711.

JAMIE BROOKS, CMC
Interim City Clerk/Recorder

[SEAL]
Legislative

Title 14
SUBDIVISION REGULATIONS

14-1-5: CONFLICTING PROVISIONS:

A. CC&Rs, HOA Agreements And Similar Covenants Or Agreements: This title shall not nullify the more restrictive provisions of covenants and agreements like covenants, conditions and restrictions (CC&Rs), homeowners' association agreements and similar covenants and agreements.

B. Substantive Ordinances: This title contains substantive ordinances governing its subject matter and scope. In the event of a conflict between the substantive terms of this title or between this title and the substantive terms of any other title, law, ordinance or rule, the more restrictive provision shall apply. (2001 Code § 87-1-105; amd. 2009 Code, Ord. 19__.--__-2019, Effective at 12 noon on January 6, 2020)

14-3-1: APPROVAL REQUIRED:

A. Selling Lots Without Approval: It is unlawful and punishable as a class C misdemeanor for any person to sell or transfer any part of a larger tract or parcel of land which has not been approved according to the provisions of this title or otherwise exempted pursuant to state law.

B. Recording Lots Without Approval: It is also unlawful and punishable as a class C misdemeanor for any person to record in the office of the Salt Lake County recorder any subdivision of land unless approved according to the provisions of this title or otherwise exempted pursuant to state law. This applies to all properties regardless of land use designation.

C. Alteration Of Land Prior To Final Approval: Any person subdividing land shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the necessary approvals as outlined in this chapter have been obtained. (2001 Code § 87-3-101; amd. 2009 Code, Ord. 19--.--2019, Effective at 12 noon on January 6, 2020)

14-3-4: LOT LINE ADJUSTMENTS:

A. Requirements For Approval: Lot line adjustments may be approved by the zoning administrator; provided, that:

1. No property or part of a property needed to meet the width, yard, area, coverage, parking, frontage or other requirements for a building lot may be transferred, sold, bequeathed or leased apart from such lot, unless other space so complying is provided;

2. No land shall be sold which will result in a lot being created for building purposes that does not comply with the requirements of the zoning ordinance;

3. The lot line adjustment will not affect any street right of way; and

4. The lot line adjustment will not create any new lots.
Application Requirements: Applications for lot line adjustments shall be submitted to the zoning administrator and shall include the following:

1. A completed application form filed jointly by the owners of the two (2) affected lots;

2. A fee as established by resolution of the city council;

3. Three (3) copies of a survey, prepared by a licensed land surveyor or professional engineer, showing the two (2) affected lots, the location of existing buildings on the lots, the proposed location of the new lot line, and the size of the two (2) lots before and after the lot line adjustment. The survey shall be accurately drawn to scale and shall be certified by the surveyor or engineer who prepared it; and

4. An agreement between the record owner of the adjoining lots consenting to relocation of the property boundary line. (2001 Code § 87-3-104; amd. 2009 Code, Ord. 19-___-___-2019, Effective at 12 noon on January 6, 2020)

14-3-9: COVENANTS, CONDITIONS AND RESTRICTIONS:

A. The owner/developer may establish covenants, conditions and restrictions (covenants) governing uses, development and maintenance standards for the subdivision. The proposed covenants shall be printed on good quality letter size (8½ inch by 11 inch) paper, printed on one side only. At least a two inch (2") margin shall be left at the top of the first page for use by the county recorder. The covenants shall be signed and acknowledged by all persons having an ownership interest in the parcel to be developed and encumbered by the covenants, and shall be notarized by a licensed notary public. If the property is held in trust, the trustee shall sign the covenants in addition to the equitable owners. If a partnership or corporation has ownership rights, an authorized corporate officer or partner may sign the covenants for and on behalf of the entity and the acknowledgment should so state.

B. The covenants will be recorded by the city clerk-recorder. The owner/developer shall pay the recording fee for the recording of the covenants.

C. Covenants are private agreements among property owners and are only enforceable by the owners. The city shall not enforce private covenants. (2001 Code § 87-3-109; amd. 2009 Code, Ord. 19-___-___-2019, Effective at 12 noon on January 6, 2020)

14-3-11: FINAL PLAT RECORDED PRIOR TO ISSUANCE OF BUILDING PERMITS:

A. Recording Of of Final Plat: After final approval of a subdivision plat, filing of an improvement guarantee as required by title 8, chapter 3, article C of this code, and signing of the plat by the mayor, the plat shall be presented by the city clerk-recorder to the Salt Lake County recorder for recording. Lots shall not be transferred, sold or offered for sale, and a building permit shall not be issued for any structure on a lot until a subdivision has received final approval from the city, an improvement guarantee has been filed, and the final plat or metes and bounds description has been recorded.

B. Exception For for Property Subject To to Eminent Domain: A building permit may be issued prior to recording the final plat, or metes and bounds description, if all of the following conditions are met:

1. The building permit applicant has initiated an eminent domain proceeding to acquire the real property for development;

2. The court has issued an order of immediate occupancy to the building permit applicant, a copy of which shall be submitted to the city by the building permit applicant;
3. The court has ordered that the money deposited in the court in the eminent domain proceeding, pursuant to Utah Code Annotated section 78-34-9(3)(a), be paid to the property owner pursuant to Utah Code Annotated section 78-34-9(6)(a);

4. All defenses in the eminent domain proceeding have been abandoned by the property owner pursuant to Utah Code Annotated section 78-34-9(6), and the only remaining issue in the eminent domain proceeding is a claim for greater compensation;

5. The building permit applicant has prepared and signed a plat and received final plat approval from the city;

6. An authorized representative of the city has possession of the signed final plat for recording, at the city's sole discretion;

7. The building permit applicant agrees to provide a copy of the final order of condemnation to the city prior to recordation of the final plat;

8. The building permit applicant has submitted an improvement guarantee, if required by city ordinance;

9. The building permit applicant agrees, in writing, to indemnify, defend and hold the city harmless for all damages the property owner has sustained and all reasonable and necessary expenses actually incurred by the property owner because of the eminent domain proceeding, including attorney fees, if the eminent domain proceeding is abandoned pursuant to Utah Code Annotated section 78-34-16; and

10. All other requirements for issuance of a building permit have been met.

C. Notification Of Abandonment: If the building permit applicant, under subsection B of this section, abandons the eminent domain proceeding pursuant to Utah Code Annotated section 78-34-16, it shall immediately notify the city.

D. Immediate Filing Required: The final subdivision plat will be recorded immediately upon notice that the eminent domain proceeding is complete. (2001 Code § 87-3-111; amd. 2009 Code; Ord. 19---, ___-___-2019, Effective at 12 noon on January 6, 2020)

14-4-1: APPLICABILITY; GENERAL PROVISIONS:

A. Applicability: This chapter establishes subdivision review procedures for condominium development and condominium conversions.

B. Required Plans: The owner/developer of a condominium project or planned community shall submit preliminary and final plats in accordance with chapter 3 of this title. Site plans shall also be provided which illustrate proposed landscaping and improvements of the common open space, the intended use of the open space, and provide details of how the improvements thereon are to be financed and the area maintained. A condominium project must meet the requirements of this title, must assure proper use, construction and maintenance of open space facilities, and must result in a development that will benefit future residents of the condominium project, surrounding residents and the general public.

C. Conditions Relating To Open Space: The planning commission may place additional conditions or restrictions to ensure development and maintenance of the desired character of the subdivision. Plans for the disposition or reuse of property designated as open space shall be reviewed by the planning commission if the property is not maintained in the manner agreed upon or is abandoned by the owners.
D. Open Space Easement: As assurance of continuation of common open space use in accordance with the plans approved by the planning commission, the owner/developer shall grant to the city an open space easement on and over the common open space prior to the recording of 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. The easement shall allow the construction of structural recreational facilities by the homeowners’ association as long as not more than thirty percent (30%) of the open space is occupied by such facilities. (2001 Code § 87-4-101; amd. 2009 Code, Ord. 19---2019, Effective at 12 noon on January 6, 2020)

14-4-3: COVENANTS, CONDITIONS AND RESTRICTIONS:

A. May Be Established: The owner/developer may establish covenants, conditions and restrictions (covenants) governing uses, development and maintenance standards for the condominium.

1. The proposed covenants shall be typed on good quality letter size (8½ inch by 11 inch) paper, printed on one side only. At least a two inch (2") margin shall be left at the top of the first page for use by the Salt Lake County recorder. The covenants must be signed and acknowledged by all persons having an ownership in the parcel to be developed and encumbered by the covenants and shall be notarized by a licensed notary public. If the property is held in trust, the trustee shall sign the covenants in addition to the equitable owners. If a partnership or corporation has ownership rights, an authorized corporate officer or partner may sign the covenants for and on behalf of the entity and the acknowledgment should so state.

2. The covenants will be recorded by the city clerk/recorder. The owner/developer shall pay the recording fee for the recording of the covenants.

3. Covenants are private agreements among property owners and are only enforceable by the owners. The city shall not enforce private covenants.

B. Homeowners’ Association: To ensure maintenance of the common open space and other improvements where so required, the owner/developer shall cause to be incorporated under the laws of the state a homeowners’ association prior to recording the final plat. By proper covenants running with the land and through the articles of incorporation and bylaws of the association, it shall be provided at a minimum that:

1. Membership in the association shall be mandatory for each lot purchaser, their guarantees, successors and assigns;

2. The common open space restrictions shall be permanent and not just for a period of years;

3. The association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and all other facilities;

4. All lot owners shall pay their prorated share of the costs of upkeep, maintenance and operation;

5. Any assessment levied by the association may become a lien on the real property of any homeowner; and
6. If the homeowners' association does not maintain the common open space and improvements as required, the city may, at its option, perform the maintenance or contract to have the maintenance performed. The city may recover all costs incident thereto by means of a lien against the involved properties of the members of the homeowners' association. (2001 Code § 87-4-103; amd. 2009 Code; Ord. 19---___-2019, Effective at 12 noon on January 6, 2020)

14-4-4: RECORD OF SURVEY; DECLARATION:

A. Record Of of Survey Map: The owner/developer shall provide a record of survey map in lieu of a final plat. The record of survey shall be prepared by a licensed surveyor on thirty four inch by twenty two inch (34" x 22") Mylar sheet, and shall include the following information:

1. A description of the land included within the project, including all angular and linear data along the exterior boundaries of the property;

2. The linear measurement and location of the exterior boundaries of the buildings or buildings, if any, located or to be located on the property, other than within the boundaries of any convertible lands;

3. Diagrammatic floor plans of the building or buildings, if any, built or to be built on the property, other than within the boundaries of any convertible lands, identifying each convertible space and physical unit contained within a building, including its identifying number or symbol, the official datum elevations of the finished or unfinished interior surfaces of the floor and ceilings, and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls and the lateral extensions of every convertible space and unit;

4. A description or delineation of the boundaries of any unit or convertible space not contained or to be contained in a building or whose boundaries are not to be coextensive with walls, ceilings or floors within a building, other than units located within the boundaries of any convertible lands, including the horizontal (upper and lower) boundaries, if any, as well as the vertical (lateral or parametric) boundaries;

5. A distinguishing number or other symbol for every physical unit identified on the record of survey map;

6. The location and dimensions of all easements appurtenant to the land included within the project;

7. The label "convertible space" for each such space, if any;

8. The location and dimensions of any convertible lands within the condominium project. Each convertible land shall be labeled as convertible. If multiple convertible lands are intended, each shall be labeled with a different letter or number: and

9. The location and dimensions of any withdrawable lands, if any.

B. Declaration: A declaration, as required by Utah Code Annotated section 57-8-10, which shall include the following information, among other things:

1. A description of the building, if any, stating the architecture, the number of stories and basements, the number of units, the principal materials of which it is or is to be constructed, and a description of all other improvements contained or to be contained in the project;

2. A description of the common areas and facilities;
3. The name and residential or business address of a person authorized to receive service of process. The address provided shall be within the city or county in which the property is located;

4. If the condominium project contains any convertible land, the declaration shall also contain:

   a. A statement of the maximum number of units that may be created within each convertible land; and

   b. A statement of the extent to which any structure erected on any convertible land will be compatible with structures on other portions of the land within the condominium project in terms of quality of construction, the principal materials to be used, and the architectural style. (2001 Code § 87-4-104; amd. 2009 Code; Ord. 19- ___ -___-2019; Effective at 12 noon on January 6, 2020)

14-4-5: CONDOMINIUM CONVERSION:

A. Report Of Property Condition: As an element of any application for a condominium which includes the conversion of existing structures, the owner/developer shall submit a report of property condition which is intended to ensure that the standards of the declaration appropriately address existing and future conditions related to maintenance, upkeep and operation, as referenced by Utah Code Annotated section 57-8-13, as amended.

B. Information Required: The report of property condition shall be submitted on a form provided by the city. After evaluating the report, the city may refer it back to the owner/developer for additional detail which the city deems necessary to adequately evaluate the physical condition of the building, equipment and premises. The report shall contain the following information:

1. The age of the building or buildings, with copies of original building plans and a disclosure of whether or not the actual building conforms to the plans;

2. The condition of structural elements, including roof, foundations, walls, mechanical systems, electrical system, plumbing system, and boiler and/or furnace. A plan showing which parts of the system will be maintained in common and which will be maintained by individual units;

3. The size of water service lines from meter to main and from main to buildings;

4. The size and location of sewer laterals;

5. The capacity of electrical service for each unit (amps);

6. The condition of paving materials on private streets (if any);

7. The condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs and similar areas;

8. A detailed plan for parking and traffic circulation. This plan shall include a statement as to whether or not existing parking on the site is in compliance with current parking standards and, if not, how and where additional parking will be provided;

9. The condition of paint and/or exterior surfaces of all buildings and structures;

10. All known conditions constituting deficiencies; and


11. All known conditions which may require repair or replacement within five (5) years from the date of the report.

C. Report Of Building Official: When application for condominium conversion is submitted, the chief building official shall make an inspection of the building to be converted to determine compliance with the life safety provisions of the international building code. Prior to planning commission consideration of the application, the building official shall prepare a report either specifying any deficiencies found relating to the existing building or verifying compliance with condominium construction standards. This report shall be submitted to the planning commission along with the report of property condition.

D. Notice To Tenants: As part of the application to approve a condominium conversion where the building is occupied by tenants at the time of application, the owner/developer shall provide notice of intended conversion to the tenants by certified mail. Notice shall be provided at least ninety (90) days prior to the date tenants will be required to vacate the building and at least one hundred twenty (120) days before any construction associated with the conversion begins. The notice shall include the following information:

1. A statement of the intent of the owner to convert the building to a condominium;
2. The date by which tenants will need to vacate the building; and
3. The approximate date when construction will begin to convert the building.

E. Submission Of Notice Verification: Prior to consideration of an application for condominium conversion by the planning commission, the owner/developer shall submit a copy of the notice, together with a list identifying the names and apartment or unit numbers for all tenants within the condominium conversion project. The notice and list shall also be accompanied by an affidavit certifying that all tenants within the condominium project were personally delivered a copy of the notice or sent a notice by certified mail and that the notices were in fact delivered. (2001 Code § 87-4-105; amd. 2009 Code, Ord. 19-, -2019, Effective at 12 noon on January 6, 2020)

14-5-2: LOTS:

A. Arrangement: All lots will be arranged and designed to comply with all requirements of this title.

B. Size: All lots shall conform to the minimum area and width requirements for the zone in which the subdivision is located.

C. Frontage: Each lot shall have frontage on a public street dedicated by the subdivision plat or on an existing public street. Lots having frontages on two (2) or more streets shall be prohibited, except for corner lots and lots in subdivisions which back onto arterial and collector streets outside of the subdivision boundary.

D. Side Lot Lines: Side lines of lots shall be at approximately right angles to the street line or radial to the street line.

E. All Land To Be Included In Lots: All land within the subdivision shall be included in building lots, designated open space, or within areas dedicated for public use. The subdivision shall not create lots or parcels that do not conform to the city ordinances.
F. Survey Stakes: Survey stakes shall be placed at both front and back lot corners to identify the lot boundaries on the ground. Back lot corners shall be marked with a metal pipe or rod driven into the ground and front lot corners shall be identified with permanent plugs in the back of the curb. All lot corners shall be in place prior to the issuance of building permits and after the completion of all subdivision improvements. It shall be the responsibility of the lot owner to ensure that all lot corners are in place prior to the final inspection of the house.

G. Public Utilities: Public utilities are exempted from certain requirements of this code as provided in section 13-15-4 of this code. (2001 Code § 87-5-102; amd. 2009 Code; Ord. 14-08, 3-12-2014; Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

14-5-3: FLAG LOTS:

Flag lots may be created in any single-family or agricultural zone, provided all of the following requirements are met:

A. The owner/developer shall demonstrate to the city planner; or planning commission or city council that use of the subject lot cannot occur unless a flag lot is allowed because of topographic features, shape, location of the lot or surrounding development associated with the lot.

B. The lot shall have at least twenty feet (20') of frontage on a dedicated public street. A minimum twenty foot (20') wide paved driveway shall provide access to the dwelling on the flag lot. Not more than one lot may be served by each driveway. The stem portion of the lot shall not exceed three hundred thirty feet (330') in length.

C. The total area of the flag lot shall meet or exceed the minimum lot size required by the underlying zone, not including the stem portion, and shall meet or exceed the width requirement of the zone in which the lot is located.

D. The lot shall meet all fire department standards for emergency access, turnaround, and fire hydrant proximity. A fire hydrant shall be located within two hundred fifty feet (250') of the location, or proposed location, of the dwelling on the lot.

E. The address of the dwelling located on the flag lot shall be clearly visible from the public street that provides access to the flag lot. (2001 Code § 87-5-104; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

14-5-5: STREETS:

A. Street Layout: Streets in new subdivisions shall connect to existing stub streets from adjacent subdivisions. If adjacent land is undeveloped, stub streets shall be provided at reasonable locations to provide convenient access for future development.

B. Multiple Access Points Required: A minimum of two (2) points of ingress and egress are required for residential subdivisions unless the fire chief or his/her designee determines that more than one access point is not necessary to protect the public health and safety. The owner/developer may comply with this requirement by platting stub streets which will connect to future streets.

C. General Design Principles:

1. Public and private streets shall be designed to minimize cut through traffic in residential areas.

2. Local streets shall incorporate traffic calming measures to reduce vehicle speeds and promote pedestrian safety. Four-way intersections should be avoided.
3. Streets shall be designed to provide safe and convenient access between neighborhoods. Local streets should be extended to provide access between adjoining neighborhoods at appropriate intervals.

D. Compliance With Transportation Master Plan: As a condition of subdivision approval, the owner/subdivider shall install street extensions and widening as recommended by the city transportation master plan.

E. Eminent Domain: Nothing in this section shall obligate the city to purchase rights of way or to exercise its right of eminent domain, or to create or recognize any right of inverse condemnation whatsoever.

F. Cul-De-Sacs: Unless otherwise approved by the city engineer, rights of way terminating in cul-de-sacs shall be no longer than four hundred fifty feet (450') in length. Turnaround areas, with a right of way diameter of one hundred feet (100') and a paved diameter of not less than eighty feet (80'), shall be provided at the terminus of all cul-de-sacs. When dead end streets providing access for one or more lots are proposed in a subdivision, adequate turnarounds shall be provided as follows:

1. Where a street dead ends into a subsequent phase of the same subdivision, a temporary, paved, eighty foot (80') diameter turnaround and permanent right of way easement shall be required.

2. Where a street dead ends at property that is not part of a subsequent subdivision phase, either a bubble inside the subdivision, as shown in the city standard drawings, or an asphalted eighty foot (80') diameter turnaround and permanent right of way easement on the adjacent property, shall be provided.

G. Streets Along Subdivision Boundaries: Streets along a proposed subdivision boundary shall be constructed to city standards and according to the city master transportation plan.

H. Half Streets: Half streets along subdivision boundaries or within any part of a subdivision are not permitted unless specifically approved by the city council as part of a development agreement.

I. Dedication: Except as provided in section 14-5-6 of this chapter, all streets shall be dedicated for use by the public.

J. Street Name And Traffic Control Signs Required: The owner/developer shall install street name and traffic control signs to identify all public and private streets. Street signs shall be located at all intersections, including cul-de-sacs.

1. Streets may be given names in addition to numbers. When so named, street signs shall include both the name and street number. Names for streets must be approved by the city and by the Salt Lake County recorder.

2. All signs shall comply with the "Manual On Uniform Traffic Control Devices".

3. The owner/developer shall pay for and install traffic regulatory signs in accordance with the "Manual On Uniform Traffic Control Devices", as required by the city engineer.

K. Protection Strips:

1. Private Protection Strips Prohibited: Any subdivision, dedication or conveyance of any kind which results in the creation of a private protection strip is hereby declared to constitute an illegal subdivision of land.
2. City-Owned Protection Strips Allowed: City-owned protection strips are allowed for the purpose of distributing and recovering costs to benefiting properties related to off site improvements not covered by impact fees. Fees collected for the release of protection strips shall reflect the proportionate benefit of the developing property to the remainder value of the right of way and improvements.

L. Utilities Installed Before Paving: Asphalt paving operations shall not begin until all public utilities (electrical power, natural gas, telephone, cable television, culinary water, irrigation water, sanitary sewer, and storm sewer) are installed under the streets. Provisions shall be made for future installation of electrical power, traffic signal conduit, natural gas, telephone, and cable television through sleeves or conduits placed under the pavement. The owner/developer shall be responsible for coordinating the timely installation of these utilities. The owner/developer shall provide, at or before the preconstruction conference, written verification acceptable to the city engineer that the utilities have been notified of the locations available for installation of the utilities and the timetable for the street paving. (2001 Code § 87-5-106; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19___, ___-2019, Effective at 12 noon on January 6, 2020)

14-5-9: UTILITIES AND UTILITY EASEMENTS:

All utilities shall be designed and constructed in accordance with section 8-2-4 of this code and with the following standards:

A. Public Utility And Drainage Easements On Lots: The owner/developer shall dedicate public utility, postal and drainage easements as follows:

1. Ten feet (10') across the front lot line;

2. Seven and one-half feet (7'1/2) across the back lot line;

3. Ten feet (10') across the back lot line of lots located on the perimeter of the subdivision;

4. Three foot by five foot (3' x 5') postal service easements, located on adjacent property lines and adjacent to the public right of way at such locations as approved by the city engineer after consultation with the city postmaster or designee for the location of neighborhood box units;

5. Drainage easements shall be required along the side lot lines between alternating lots. The accumulation of water from more than two (2) lots along interior lot lines shall not be permitted unless provision is made for the appropriate disposal of accumulated water; and

6. The city engineer may require public utility and other public easements at additional locations, or at different locations as reasonably necessary to accommodate other easements or public facilities.

B. Fire Protection:

1. Fire Hydrants: Fire hydrants shall be located as specified by the fire chief or designee. Fire hydrants shall be provided and installed in compliance with the city public improvement standards, specifications and plans manual.
2. Water Pressure: Where existing distribution pipelines are available for fire protection services, the owner/developer may connect to such pipelines. However, the city will not provide pressure and flow capacity greater than the capabilities of the existing system. Fluctuations in the existing system conditions may occur as the overall city system is modified. (2001 Code § 87-5-111; amd. 2009 Code; Ord. 10-03, 1-27-2010; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-5-10: SOILS:

A. Geotechnical Report: A geotechnical report shall be prepared by a licensed geotechnical engineer and submitted to the city for any proposed subdivisions. The report shall be prepared in accordance with requirements of the city public improvement standards, specifications and plans manual. Recommendations in the report shall be incorporated into the design of the subdivision.

B. Excavations Or Fill Near Jordan River: Subdivision of land adjacent to the Jordan River or its natural tributaries, or within any marsh or wetlands of the Jordan River, which will result in any discharge of excavated or fill materials into the navigable waters of the Jordan River, shall require a permit from any state or federal agency having jurisdiction prior to the issuance of local permits. This determination shall be made as part of the staff review of a preliminary plat. The owner/developer shall comply with the rules, regulations and conditions imposed by any agency having jurisdiction over such channels. (2001 Code § 87-5-113; amd. 2009 Code; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-5-11: MULTIUSE AND EQUESTRIAN TRAILS:

A. Multiuse And Equestrian Trail Layout: Trails shall be required in all locations shown on the West Jordan trails map, and shall connect to existing trails from adjacent subdivisions.

B. General Design Principles:

1. All primary trail (drainage) corridors shall adhere with the standards and guidelines of the West Jordan "Parks, Recreation, Trails And Open Space Handbook" including required dedication widths, trail standards, fencing/wall requirements, and landscape requirements.

2. Multiuse trails shall have a minimum twelve foot (12') paved section with a two foot (2') graded path on either side.

3. Trails along a wash/creek shall be set back a minimum of ten feet (10') from the top of bank, which shall be a landscape buffer. If the wash/creek has a slope greater than three to one (3:1), a fence or other type of separation may be required, as determined by the city engineer and the planning commission. Fencing shall comply with the provisions of subsection 13-14-3D of this code, and shall be located within said landscape buffer.

4. The equestrian trail shall be a minimum ten foot (10') graded path. Unless other construction material is approved by the city engineer the path shall be constructed of decomposed granite with a diameter of one-half inch (1/2") or less, to a depth of three (3) or four inches (4"), underlaid with a weed barrier fabric per subsection 13-7B-6G of this code. A minimum four and one-half foot (4'1/2") vegetative buffer shall be required from the multiuse trail and a nine and one-half foot (9'1/2") minimum vegetative buffer from the proposed or existing property lines.

5. Pedestrian trails and equestrian trails should be located on opposite sides of the creek or wash.
6. A minimum seven foot by fourteen foot (7' x 14') rest stop shall be provided every one-fourth (1/4) mile along the length of the trail. The minimum rest stop amenities shall be a bench, trash receptacle, trail signage and two (2) shade trees. All trees and manicured landscaping areas shall be irrigated.

7. Trail landscaping shall be native to the area and provide a food source for wildlife. Refer to the West Jordan "Landscape Guidelines Handbook" for the type of landscaping to be used within the corridors.

8. The landscape design shall be consistent with title 13, chapter 13 of this code.

9. Trails shall maintain a minimum vertical clearance of ten feet (10').

10. Unless otherwise approved by the planning commission, the open space corridor shall be separated from residential lots which back onto the space by a fence in accordance with subsection 13-14-3E of this code. (2001 Code § 87-5-116; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-6-1: ENFORCEMENT AUTHORITY:

This title shall be enforced by the community development services director or his/her designee. (2001 Code § 87-8-101; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-6-4: TYPES OF VIOLATIONS:

It is a violation of this title to:

A. Use any land, building or structure for any purpose or use not allowed in the zone in which such land, building and structure is located;

B. To engage in any subdivision of land and improvements thereon without all of the required permits, approvals, certificates and other forms of authorization required by this title or other city ordinance;

C. Fail to comply with this title or any condition imposed by the development services department, zoning administrator, board of adjustment, planning commission, city council, or other duly authorized city officer.

D. Interfere in any way with enforcement action under this chapter.

E. Fail to comply with any enforcement action under this chapter. (2001 Code § 87-8-103; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)