REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance 19-52, an Ordinance Amending 2009 West Jordan Municipal Code Title 15 (Permit Processing), regarding the change to the Council-Mayor Form of Municipal Government.

SUMMARY: Adoption of this Ordinance would update the Permit Processing 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 19-52, Ordinance Amending 2009 West Jordan Municipal Code Title 15 (Permit Processing), 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. 19-52

[CHANGE OF FORM OF GOVERNMENT (Title 15-Permit Processing)]

AN ORDINANCE AMENDING TITLE 15, “PERMIT PROCESSING.”

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 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 15, Chapters 1 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 15, Chapter 1, Sections 1, 4 and 6 of the 2009 City Code shall hereafter read as follows:

15-1-1: PURPOSE:

A. Purpose: The purpose of this title is to establish the procedures by which new developments within the city are reviewed, approved, permitted and amended. This title is intended to give a brief outline of the development review procedures.

B. Development Processes Manual: The zoning administrator is authorized to develop and promulgate a development processes manual to assist city staff and developers in the processing of land development applications. In the event a provision of a development processes manual materially conflicts with the provisions of this title or of its related titles (titles 11, 12, 13 and 14 of this code), the provisions of these titles will control. Details on the individual processes for each review process type of property development application can be found within the development processes manual.

C. Application: This title shall govern the development process for the following types of property development:

1. Site plans for multiple-unit and multiple-family residential, commercial, office, industrial and institutional projects, including condominium developments and conversions.

2. Other property development types, including planned residential developments and planned communities.
3. Use permits, including those for conditional uses, temporary uses, land disturbance, building permits and special exceptions.

4. Subdivision applications, including residential subdivisions, lot line adjustments and condominiums.

5. Development plan permits.


15-1-4: DEFINITIONS:

The following words and phrases used in this title shall have the following meanings, unless a different meaning clearly appears from the context:

CONJUNCTIONS: Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions or events shall apply.

B. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

C. "Either"..."or " indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

CONSISTENCY: The appropriateness of a specific development review process type in relation to a proposed development.

COURT: A court of original jurisdiction, district court or appeals court.

DAYS: Measured in calendar days, unless otherwise specified.

NOTICE: A signed letter or other written notice.

REASONABLE PERIOD OF TIME: A time frame dependent on the magnitude and complexity of a project, relating to the review process type for each type of application.

WRITTEN REQUEST. A signed letter to the city, which may be electronically delivered. (2009 Code; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-1-6: INACTIVE APPLICATIONS:

All applications for property development and/or use permits shall be actively pursued to a final decision by the city. If no activity has occurred on an application for one hundred eighty (180) days from the submittal date, the application will be deemed as inactive and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the zoning administrator may grant a one-time ninety (90) day extension. (Ord. 11-35, 11-22-2011; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)
Section 2. Title 15, Chapter 2, Sections 1 through 6 of the 2009 City Code shall hereafter read as follows:

15-2-1: CLASSIFICATION OF REVIEW PROCESS TYPES:

A. Authority of Zoning Administrator: If not otherwise specified by this code, the zoning administrator shall determine the proper review process type classification, as described below, for all development permit applications. If there is a question as to the appropriate review process type classification, the zoning administrator shall resolve it in favor of the higher classification number.

B. Applicant Choice Between Individual or Concurrent Processing of Applications: An applicant whose application involves two (2) or more review process types may choose to process these parts concurrently under the highest numbered classification required for any part of the application, or may choose to process the parts individually under each of the classifications identified in this title. If the application is processed under the individual procedure option, the highest numbered classification must be processed prior to any lower numbered review. For any action requiring a legislative decision, including a change in the general plan (review process type IV), the legislative decision must be made prior to processing another land use permit application (review process types I through III). Exception: fee appeals (type V).

C. Concurrent Type III Applications: Review process type III applications processed concurrently in accordance with subsection B of this section shall be heard and decided by the board of adjustment.

D. City Council Decision Priority: In applying this section and elsewhere in this title, the city council is the highest ranking review process type classification, while an administrative decision is the lowest ranked review process type classification. (2009 Code; amd. Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

15-2-2: REVIEW PROCESS TYPE I; ADMINISTRATIVE DECISIONS

A. Appropriate Decision Maker and Scope of Section: The appropriate city staff or other city designee as provided elsewhere in this code has authority to review and decide review process type I permit applications. These applications and approvals involve minor administrative land use decisions. The focus of this level of review is verification to determine compliance with this code and other applicable ordinances. Review process type I actions include the following administrative decisions.

1. Building code review;
2. Fire code review;
3. Impact fees;
4. Engineering construction plans;
5. Sign permits;
6. Home occupation permit;
7. Administrative temporary use permit;
8. Land disturbance permit;
9. Encroachment permit;
10. Zoning code occupancy permit;
11. Business license;
12. Major subdivision final plat;
13. Amended subdivision plat;
14. Street opening;
15. Temporary sign permit;
16. Boundary line and lot line adjustments;
17. Bus benches and shelters;
18. Minor subdivision preliminary and final plat;
19. Stormwater permit;
20. Final site plan;
21. Sewer code permit;
22. Water code permit;
23. Zoning interpretation;
24. Street name;
25. Preliminary site plans in an M-1 zone (when no change to design standards are requested);
26. A determination of review process type classification;
27. An issue of conflict between a provision of this title and a provision in title 11, 12, 13 or 14 of this code;
28. Administrative conditional use permits and the associated public hearing;
29. Amended site plan; and
30. Condominium plat, final and amended.
B. Referral to Planning Commission: Any matter identified in subsection A of this section may be referred to the planning commission by the appropriate city designee decision maker.

C. Applicant Waiver of Further Action: Any person whose application for authorization to develop property has been referred to the planning commission by the zoning administrator may, in writing, consent to the staff recommendation and waive further action by the planning commission.

D. Conditions: Any necessary permits will only be issued subject to the terms of this title and other applicable titles (i.e., titles 11, 12, 13 and/or 14 of this code), and in conformance to any applicable conditions of approval. (2009 Code; amd. Ord. 10-09, 2-24-2010; Ord. 13-17, 4-24-2013; amd. Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

15-2-3: REVIEW PROCESS TYPE II; PLANNING COMMISSION DECISIONS:

ADMINISTRATIVE DECISIONS (A TO G):

A. Preliminary Subdivision Plats: Major subdivisions, condominiums, and condominium conversions require preliminary subdivision plat review by the planning commission. The planning commission shall act on completed subdivision plat applications as provided in this title and other applicable titles (i.e., titles 12, 13 and/or 14 of this code). If the planning commission finds that the proposed subdivision plat complies with the applicable requirements of this code, its approval of the application may be with or without conditions. If the planning commission finds that the proposed subdivision plat does not meet the requirements of this code, it shall not approve the application.

B. Vacating Subdivision Plats: Review, public hearings and public notice of applications requesting vacation of all or part of a subdivision plat shall be consistent with Utah Code Annotated section 10-9a-608.

C. Conditional Use Permits: Any conditional use permit application not expressly assigned for administrative action by the zoning administrator in title 14 of this code must be approved by the planning commission.

D. Preliminary Site Plans: Site plans, except for those in an M-1 zone when no changes to design standards are requested, require preliminary review by the planning commission. The planning commission shall act on completed preliminary site plan applications as provided in this title and other applicable titles (i.e., titles 12, 13 and/or 14 of this code). If the planning commission finds that the proposed preliminary site plan complies with the applicable requirements of this code, its approval of the application may be with or without conditions. If the planning commission finds that the proposed preliminary site plan does not meet the requirements of this code, it shall not approve the application.

E. Phase Development Plans: Phase development plans shall be approved by the planning commission. Residential developments seeking to establish approval of density in a planned zoning district shall submit a phase development plan for each phase, to be approved by the planning commission.
F. Transportation Studies and Other Studies: Official city studies which are not master plans and which are not a part of or an element to the general plan require planning commission approval.

G. Referral to Staff: Subject to the limitation in subsection G of this section, the planning commission may refer any matter over which it has jurisdiction to the zoning administrator for review and approval. Such action shall be taken either by action of the planning commission or pursuant to duly adopted policies or procedures of the planning commission. The authority for such referrals may be revoked at any time by the planning commission.

RECOMMENDATIONS TO CITY COUNCIL (H):

H. Limitation: Subsection F of this section shall not apply to any action the planning commission is required by law to take by following other procedures or protocols, including, but not limited to:

1. General plan adoption and amendments;

2. Land use ordinance adoption and amendments;

3. Zoning map adoption and code amendments;

4. Adoption or amendments of any official maps;

5. Ordinances regarding delegations of power to an appropriate appeal authority; and


15-2-4: REVIEW PROCESS TYPE III; BOARD OF ADJUSTMENT:

The zoning administrator may initially review and recommend a decision to the board of adjustment for the following applications:

A. Request for a variance from the terms of the land use ordinances;

B. Expansion of a nonconforming structure;

C. Appeals of property development and zoning code interpretations by a city designee; and

D. Appeals from administrative decisions and planning commission decisions applying the land use ordinances and regulations. (2009 Code; §15-2-3 amd. Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

15-2-5: REVIEW PROCESS TYPE IV; CITY COUNCIL, LEGISLATIVE ACTION:

The city council shall review and decide the following applications, subject to prior review and action by the planning commission as otherwise required:
A. Zoning map and code amendments;
B. Establishment of zone;
C. Annexations;
D. General plan map and general plan text amendments, including general plan elements and amendments;
E. Jurisdictional boundary adjustments;
F. Development agreements, including master development plans, reimbursement agreements, and deferral agreements;
G. Street/right of way vacation; and

15-2-6: REVIEW PROCESS TYPE V; CITY COUNCIL, QUASI-JUDICIAL DETERMINATION:

The city council shall review the decisions reached on the following types of applications in its quasi-judicial capacity. Findings of fact shall be affirmed if supported by substantial evidence in the record developed by the original decision body. Legal conclusions including the application of this code to facts shall be affirmed if correct:

A. Appeals from a fee charged in accordance with Utah Code Annotated section 10-9a-510.

Ex parte communications with applicants or other parties are not allowed in quasi-judicial matters. (2009 Code; amd. Ord. 10-09, 2-24-2010; Ord. 19-__, ___-___-2019, Effective at 12 noon on January 6, 2020)

Section 3. Title 15, Chapter 3, Sections 1 through 8, 10 and 12 of the 2009 City Code shall hereafter read as follows:

15-3-1: OVERVIEW OF REVIEW PROCESS:

A. Description of Process: This section describes, in general terms, the process by which new development requests shall be reviewed by the City. The process may be varied or altered by the city planner or the planning commission as allowed within this title.

B. Preapplication Conference: The developer contacts the development services department to be placed on the agenda for the weekly preapplication conference. The purposes of that conference are:

1. To allow the developer to present a sketch plan and/or to describe the general nature of the proposed development;
2. To better facilitate the development process by establishing initial contacts between the city staff (principally the planning, engineering and fire chief or designee offices) and the developer;

3. To clarify city requirements in order to eliminate unnecessary delays or hardships to the proposed development; and

4. To allow the zoning administrator to determine if the development request is for:

   a. A general plan land use map amendment (other than one which apparently conforms to and is apparently consistent with the current zoning map); and/or

   b. The rezoning of property (a zoning map amendment) which apparently does not conform to and is apparently not consistent with the purposes, goals, objectives and policies of the adopted general plan and/or land use map.

C. Determination of Required Applications, Including Map Amendment Applications: The development services department determines and informs the developer which type of development applications will be necessary for the review of the proposed project (see subsections D through I of this section for specific types of developments and application requirements). If the proposed development requires:

   1. A general plan land use map or general plan text amendment, then the procedures outlined in title 13, chapter 7, article C of this Code shall be followed; and

   2. The rezoning of property (a zoning map amendment) or a text amendment of city ordinances, then the procedures outlined in title 13, chapter 7, article D of this Code shall be followed.

D. Submittal of Application: The procedure for submitting an application is as follows:

   1. The developer submits a completed application form and other required information. One application form may be used when several different reviews are to take place at the same time; however, a separate application is required for any subsequent review.

   2. The development services department processes the application and distributes copies of the submittals to other city departments. If planning commission review is required, the project may be scheduled on the next available planning commission agenda at the discretion of the city planner after consultation with the chair of the planning commission. If the application is an uncontested, routine land use matter, upon a complete application and proper notice, it may receive informal streamlined review and action by the planning staff with the approval by the city planner and city engineer. Reviews and approvals required by other departments must be completed prior to application being scheduled on a planning commission agenda. The staff shall not approve a final site plan or final plat until other departments and agencies have approved construction plans.

   3. The city planner or the planning commission may require that a developer schedule a neighborhood meeting to discuss the proposal with surrounding property owners if the development appears large in scale or controversial.
E. Action on Application: Following review of the application by the appropriate reviewing body, one of the following actions will be taken:

1. Approval of the request as presented;

2. Approval of a modification to the request;

3. Postponement of a determination where further information or input is deemed to be necessary; or

4. Denial of the request.

F. Final Staff Review: Following an action of final approval, the developer shall submit any additional information or make any additional corrections as required by city ordinances and/or conditions of approval. City staff will then complete final review and approval of the proposed development. The following actions, if not completed earlier, may then take place:

1. Execute any required development letter;

2. Submit an executed improvement guarantee; and

3. Pay appropriate impact fees.

G. Submittal of Application and Plans for Building Permit: An application for a building permit is submitted with building plans. The building plans are then reviewed by city staff for compliance with all appropriate laws, ordinances, regulations and any related condition of approval.

H. Issuance of Building Permit: Upon approval of the building plans, and after receiving acceptable evidence from the finance department that all: 1) building permit; 2) application and review; and 3) impact fees have been paid in full, the city may issue and deliver the requested building permit.

I. Preconstruction Conference: After plans are approved and inspection fees paid, but prior to commencement of development of any subdivision or the construction of any multiunit residential, commercial, industrial, office or institutional building, a preconstruction conference shall be held between city staff and the developer, the general contractor and major subcontractors. (2001 Code § 89-5-102, am. 2009 Code; Ord. 17-41, 7-12-2017; Ord. 19-__, __-2019, Effective at 12 noon on January 6, 2020)

15-3-2: OPTIONAL CONCEPT PLAN MEETING:

The developer may contact the development services department to schedule an optional concept plan meeting, and to pay any fees associated with such a meeting. At this meeting, the developer will provide a sketch plan and/or describe the general nature of the proposed development. The purpose of the concept plan meeting is to better facilitate the development process by establishing initial contacts between the city staff and the developer, as well as seeking to clarify city requirements in order to eliminate unnecessary delays to the proposed development. Concept plan meetings are strongly encouraged for projects which are large in scale or otherwise complex
in nature. The development services department will assist the developer to determine which type of development applications will be necessary for the review of the proposed project. (See the staff development processes manual for specific application requirements.) If the proposed development requires the rezoning of property or an amendment of city ordinances, the requirements of title 13, chapter 7, article D of this code shall be followed. (2009 Code; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-3-3: PROJECT PERMIT APPLICATION:

The procedure for submitting an application is as follows:

A. Filing Application: The developer shall schedule a submittal meeting with the development services department where they will submit a completed application form and other required information. One application form may be used when several different reviews are to take place at the same time; however, a separate application is required for any subsequent review.

B. City Staff Processing: The development services department processes the application and distributes copies of the submittals to other city departments. If planning commission review is required, the project may be scheduled on the next available planning commission agenda at the discretion of the city planner. If the application is an uncontested review process Type I land use matter, upon a complete application and proper notice, it may receive informal streamlined review and action by city staff with approval by the city planner and city engineer. Reviews and approvals required by other departments must be completed prior to an application being scheduled on a planning commission agenda. The staff shall not approve a final site plan or final plat until other departments and agencies have approved construction plans.

C. Neighborhood Meeting: The city planner or the planning commission may require that a developer schedule a neighborhood meeting to discuss the proposal with surrounding property owners if the development appears large in scale or controversial. (2009 Code; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-3-4: DETERMINATION OF COMPLETE APPLICATION:

A. No Review Without Complete Application: A complete application will be required prior to the development services department accepting the application for city staff review.

B. Completeness Determined: Completeness shall be determined by the development services department during the prescheduled submittal meeting (see subsection 15-3-3B of this chapter). The criteria for completeness can be found for each application type within checklists, as outlined in the development processes manual. (2009 Code; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-3-5: PROJECT OWNERSHIP AT TIME OF APPLICATION:

All property subject to a master development plan review shall be in single entity or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property. (2009 Code; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)
15-3-6: INTEGRATED (CONCURRENT APPLICATION) PERMIT PROCESS:

For projects which require multiple types of application approvals, a procedural review and decision on the various application approvals may be made by the appropriate approval bodies concurrently to the extent permitted by applicable code provisions, including, but not limited to, this title. This concurrent application permit process is at the option of the applicant, and should be used only in situations when the developer does not perceive a risk of conflicting decisions by the different approval bodies on the different application approvals of the concurrent application.

A. Ranking of Application; Zoning Administrator May Deny Concurrent Processing: An application that involves multiple review procedures may be processed concurrently beginning with the highest numbered review process type required for the proposed project, unless the applicant requests that each application be processed individually. Based on the content and complexity of the application, the zoning administrator may grant or deny any request to process multiple applications concurrently.

B. Consolidated Notice: For all projects which require multiple application approvals, the zoning administrator shall prepare a single consolidated notice or multiple notices as necessary. Staff review analysis may be contained in consolidated or separate reports. A decision shall be made for each application based on the criteria and findings for each action.

C. Joint Hearing: Applications may be processed concurrently so long as a joint hearing can be held within the time periods specified in this title or the applicant consents to a later schedule date in the event that additional time is needed in order to combine the hearings.

D. Coordination with Other Agencies: The zoning administrator shall coordinate with other agencies, departments and divisions of the city in order to hold a joint hearing; provided, that:

1. The city is not expressly prohibited by its own code or state statute from doing so.

2. Sufficient notice of the hearing is given to meet each specific process's noticing requirements as set forth in this title or state statute.

3. All necessary and required application information has been supplied by the applicant for each required process.

4. The zoning administrator deems that the concurrent process and/or joint hearing is warranted, feasible and meets the requirements as set forth in this title. (2009 Code; amd. Ord. 19-__ _, __-2019, Effective at 12 noon on January 6, 2020)
15-3-7: CITY ACTION ON APPLICATIONS:

A. Staff Reviews to Conform with Code: If a matter is referred to the development services department as permitted by this chapter, staff shall conform to any instructions or limitations contained in the referral and review the matter in accordance with the provisions of title 12, 13 and 14 of this code. Public hearings for administrative conditional use permits authorized for review and approval by staff shall follow procedures specified by subsection 15-3-9A of this chapter. The following matters shall be reviewed administratively. These matters are in addition to those listed as review process type I applications:

1. Metes and bounds subdivisions for no more than two (2) lots.

2. Final site plans (except in PC, PRD and TSOD zoning districts).

3. Parking lots (except in PC, PRD and TSOD zoning districts).

B. Referral to Planning Commission: Any matter identified as a review process type I action in subsection 15-2-2A of this title, may be referred to the planning commission by the staff.

C. Action on Application: Following review of the application by the appropriate reviewing body, one of the following actions will be taken:

1. Approval of the request as presented, if all applicable requirements have been met;

2. Approval of the request with modifications, if all applicable requirements have not been met;

3. Postponement of a determination where further information or input is deemed to be necessary; or

4. Denial of the request if all applicable requirements have not been met or if the application is not permitted by this code.

D. Public Hearing for Minor Subdivisions: The zoning administrator shall conduct a public hearing for all minor subdivisions to be approved without a plat pursuant to this subsection, after notice as described in sections 15-3-9 and 15-3-10 of this chapter.

E. Final Staff Review: Following preliminary approval, the developer shall submit any additional information or make any additional corrections as required by city ordinances and/or conditions of approval. City staff will then complete final review and approval of the proposed development. The following actions may then take place:

1. Execute any development or reimbursement agreement.

2. Submit an executed improvement guarantee.

3. Pay appropriate impact fees.
F. Conditions of Approval: In the approval of any development, the planning commission or city staff may condition the approval by listing items which need to be met or addressed by the development, to the extent permitted by state law and this code. Such conditions may be included in order to:

1. Mitigate recognized impacts of the development on adjacent and nearby uses.

2. Call out a more specific design requirement or an exception to a design requirement where allowed by city code.

3. Emphasize a specific development standard or subsequent review required in this code (i.e., titles 12, 13 and 14 of this code).

G. Development Approval Criteria: Specific approval criteria for applications can be found in title 11, 12, 13 or 14 of this code, as applicable.

H. Submittal of Application and Plans for Building Permit: An application for a building permit is submitted with building plans at time of final development review. The building plans are then reviewed by city staff for compliance with all appropriate laws, ordinances, regulations and any related condition of approval.

I. Issuance of Building Permit: Upon approval of the building plans, final development plans and the payment of building permit fees, the building permit will be issued.

J. Submittal of Application and Plans for Land Disturbance Permit:

1. The city engineer shall review the application, plans and specifications, reports, documentation and information filed by an applicant for a land disturbance permit. If the city engineer determines that the application is incomplete, or that additional information is needed from the applicant regarding the proposed land disturbance activities, the city engineer shall notify the applicant in writing of such deficiencies or the need for additional information. The city engineer may also request review of the application, plans and specifications by other departments of the city for compliance with the laws and ordinances under their jurisdiction.

2. Once satisfied that the work described in an application for land disturbance permit and the plans and specifications filed with the application conform to the requirements of title 11 of this code, land disturbances and other pertinent laws and ordinances, all applicable fees have been paid, and all required bonds have been provided in accordance with this code, the city engineer may issue a land disturbance permit to the applicant.

K. Issuance of Land Disturbance Permit: The city engineer shall provide the applicant with a written decision, within thirty (30) days, regarding the approval or denial of the application for land disturbance permit and related plans, and shall provide the applicant with a copy of such decision. If the application is approved, a copy of the land disturbance permit will be provided to the applicant.
L. Preconstruction Conference: After plans are approved and inspection fees paid but prior to commencement of development of any subdivision or the construction of any multi-unit residential, commercial, industrial, office or institutional building, a preconstruction conference shall be held between city staff and the developer, the general contractor and major subcontractors. (2009 Code; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-3-8: MASTER DEVELOPMENT PLAN REVIEW:

A. Preapplication Process: The applicant/developer shall have an initial preapplication conference with city staff. The applicant/developer at that time shall present to the city a conceptual development plan. After the preapplication conference, the city shall prepare a report, which will reference any issues, inconsistencies with policies or codes within the proposal; and also explain and suggest ways in which to resolve such concerns or problems with the proposed project.

B. Master Development Plan Process: A master development plan shall be submitted and a report prepared by the applicant/developer indicating, in detail, the overall objective and intent of the proposed development, per the submittal requirements as outlined in section 13-5J-10 of this code. The city council shall approve, deny or modify the master development plan after receiving recommendation from staff and the planning commission. During the approval of the master development plan, the city council will determine the residential density for the project based on the density ranges indicated in the future land use map, the zoning ordinance, and the amount and type of amenities/improvements being proposed by the applicant/developer in the master development plan. For all residential developments, the city council shall adopt by ordinance the overall maximum density as approved. The conditions of the approval, including residential density, shall be valid for only the approved master development plan. Any substantial deviations, modifications or amendments to the approved master development plan which may increase the overall maximum density for a project may necessitate another review by the planning commission and approval from the city council. All other deviations, modification or amendments shall follow the regulations as outlined in subsection 13-5J-10E of this code. (Ord. 10-09, 2-24-2010; amd. Ord. 16-21, 5-11-2016; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-3-10: PUBLIC HEARING NOTICE REQUIREMENTS:

A. Public Hearing Notice Standards: All public notices shall follow the standards found below, unless otherwise stated in this section:

1. Notice Time and Scope: At least ten (10) days prior to the date of the public hearing, a notice of the hearing may be mailed to all property owners within three hundred feet (300') of the subject property; provided, that the notice for variances shall be to all property owners within one hundred feet (100'). The list of property owners shall be compiled from the most current assessment rolls prepared by the Salt Lake County assessor. Notice of public hearing shall be sent to property owners by mail for city initiated amendments to the zoning map.
2. Content of Public Hearing Notice: All notices of public hearings shall begin with the heading "Notice Of Public Hearing" in bold type at the top of the sheet, shall provide a brief explanation of the purpose of the hearing, the location of the subject property and shall indicate the date, time and location of the public hearing. If specific property or properties are the subject of the application, the address of such property shall also be included in the notice.

3. Notice to Neighboring Property Owners is Courtesy: Public hearing notices mailed to neighboring property owners of a proposed action is a courtesy notice, and any defect in or failure to receive such a courtesy notice shall not affect or invalidate any public hearing or action by the city council or any board, administrator or commission.

B. Notice of Public Hearings and Public Meetings for Amendments to Text of General Plan or Zoning Ordinance: Prior to conducting any public meeting before either the planning commission or city council relating to adopting, amending or repealing any part of the general plan or zoning ordinance, the following notice shall be provided:

1. Posted Notice: A notice of public meeting shall be posted in at least three (3) public places in the city or on the city website at least ten (10) days prior to the date of the public hearing.

2. Published Notice: A notice of public meeting shall be published on the state notice website pursuant to Utah code section 45-1-101 and in a newspaper of general circulation in the city at least ten (10) days prior to the date of the public hearing.

C. Notice of Public Hearings and Public Meetings for Amendments to General Plan Land Use Map or Zoning Map: Notice of a public meeting to review amendments to the general plan land use map or zoning map shall be provided as follows:

1. Planning Commission: Ten (10) days prior to the date of a planning commission public meeting, a notice may be mailed to all property owners within three hundred feet (300') of the subject property. The list of property owners shall be compiled from the most current assessment rolls prepared by the Salt Lake County assessor.

2. City Council: Prior to holding a public meeting relating to an amendment to the general plan land use map or zoning map, a notice:

   a. Shall be posted in at least three (3) public places in the city at least ten (10) days prior to the date of the public hearing;

   b. Shall be published on the state notice website pursuant to Utah code section 54-1-101 and in a newspaper of general circulation in the city at least ten (10) days prior to the date of the public hearing; and

   c. May be mailed to all property owners, as shown on the most current assessment rolls prepared by the Salt Lake County assessor, within three hundred feet (300') of the subject property.

D. Vacating or Amending Subdivision Plat: Review, public hearings and public notice of applications requesting amendments to, or vacation of, all or part of a subdivision plat shall be consistent with Utah Code Annotated sections 10-9a-207 and 10-9a-608.
E. Additional Notice: This section is not intended to preclude the giving of additional notice that may be deemed necessary by the planning commission, board of adjustment or city council. Each review body may have its own bylaws, rules, policies and procedures and these could provide additional noticing procedures not inconsistent with this title.

F. Challenge to Notice: If notice given under authority of this section is not challenged as provided by state law within thirty (30) days from the date of the meeting for which notice was given, the notice is considered adequate and proper. Failure of a property owner to receive mailed notice as provided in this section shall not invalidate any hearing or action taken pursuant thereto; provided, that the procedures in this chapter were followed. (2009 Code § 15-3-9; amd. Ord. 10-09, 2-24-2010; Ord. 11-30, 9-28-2011; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-3-12: NOTICE OF DECISION REQUIREMENTS:

A. Notice of Decision: The city shall mail a written notice to the applicant advising that the application has been approved, approved with conditions or denied by the appropriate decision maker within a reasonable period of time from the date of decision. In the case of a public hearing, a copy of the minutes from the hearing shall be mailed to an applicant within a reasonable period of time after official approval of the meeting minutes.

B. Content of Notice of Decision: All notices of decisions shall be in letter format and addressed to the applicant. The date of the meeting and the name of the reviewing body shall be given in the "regarding" line of the letter. A brief explanation of the purpose of the hearing shall be provided. Attached to the letter shall be a motion of the decision.

C. Impact and Other Fees: No decision approving a land development application shall become final and effective prior to the payment of all accrued and payable application, review, permit and/or impact fees, as provided in sections 3-7-17 and 14-2-3 of this code, and subsection 15-3-1H of this chapter. (2009 Code § 15-3-11; amd. Ord. 10-09, 2-24-2010; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 4. Title 15, Chapter 4, Section 1 of the 2009 City Code shall hereafter read as follows:

15-4-1: DETERMINING TIME LIMITS:

A. Applicant May Demand Determination: After a reasonable period of time to allow the city staff to diligently evaluate whether all ordinance based application criteria have been met, if application fees have been paid, the applicant may in writing request that the city provide a written determination either that the application is complete for the purposes of allowing subsequent review, or deficient with respect to application requirements.

B. City Action Following Demand for Determination: Within thirty (30) days of receipt of an applicant's request under this section, the city shall either:

1. Mail a written notice to the applicant advising that the application is deficient with respect to a specified criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or
2. Accept the application as complete for the purposes of further processing by city.

3. If notice is not timely mailed, the application shall be considered complete only for the purposes of further substantive review.

C. Appeal of Demanded Determination: The applicant may raise and resolve in a single appeal any determination made under this section to the zoning administrator, including whether a reasonable period of time has elapsed.

D. City Will Act with Reasonable Diligence: The city shall review a complete application with reasonable diligence and shall approve, approve with conditions, or deny each application.

1. After a reasonable period of time to allow the city to consider an application, the applicant may in writing request that the city take final action within forty five (45) days from date of service of the written request.

2. The city shall take final action, approving, approving with conditions or denying the application, within forty five (45) days of the written request.

3. If the city denies an application, or if the applicant has requested a written decision in the application, the city shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

4. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information shall not count towards the forty five (45) day response time. The period shall be calculated from the date the administrator notifies the applicant of the need for additional information until the earlier of: either the date the director determines whether the additional information satisfies the request for information; or twenty one (21) days after the date the information has been provided.

5. If the administrator determines that the information submitted by the applicant is insufficient, the city shall notify the applicant of the deficiencies.

E. Exceptions to Time Limits: The time limits established by subsection D1 of this section do not apply if a project permit application:

1. Requires an amendment to the general plan, zoning ordinance or other ordinance;

2. Involves the citing of a major public or utility facility;

3. Involves annexations of land to the city;

4. Involves capital facility projects of the city;

5. Involves municipal code amendments for general plan implementation;

6. Involves rezones dependent on change to the general plan;
7. Involves planned residential development or planned community development;

8. Involves project permits exempt pursuant to development agreement;

9. Involves street or other public right of way vacations;

10. Involves required reviews by, or information from, agencies outside the city;

11. Involves a development regulation;

12. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.

F. Notice of Inability of City Action: If the zoning administrator is unable to issue a final decision within the specified time limits, written notice of this fact shall be provided to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. Decisions concerning time limits in this section are a review process type I matter.

G. Applicant May Consent to Other Time Limits: Nothing in this section shall preclude the applicant and the zoning administrator agreeing on other time frames for action by the city with respect to one or more specific applications. (2009 Code; amd. Ord. 19___-_2019, Effective at 12 noon on January 6, 2020)

Section 5. Title 15, Chapter 5, Sections 1 through 6 of the 2009 City Code shall hereafter read as follows:

15-5-1: GENERAL PROVISIONS:

A. Application: An application specifying the reasons for an appeal shall be submitted in writing to the development services department within fifteen (15) days following the administrative decision, along with any applicable fee to cover the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

B. Hearing Procedures: Hearing procedures shall be as set forth in the bylaws, rules, policies and/or procedures as may be adopted from time to time by the city council, planning commission and/or board of adjustment.

C. Filing Deadline: All written documents and evidence from the applicant shall be received by the development services department at least thirty (30) calendar days in advance of the public hearing.

D. Staff Report: A staff report and recommendation shall be available for inspection at least five (5) days prior to the hearing.

E. Burden of Proof: The person or entity making the appeal has the burden of proving that an error has been made.
F. Appeal Authority: Appeals shall not be used to waive or modify the terms or requirements of this title. (2009 Code; amd. Ord. 19-__,-__-2019, Effective at 12 noon on January 6, 2020)

15-5-2: APPEALS TO CITY COUNCIL:

A. Right of Appeal: Appeal may be made to the city council, from a fee charged in accordance with Utah Code Annotated section 10-9a-510, by filing a written notice of appeal, and payment of a fee as established by resolution of the city council, with the city recorder within fifteen (15) days from the date such decision, determination, or requirement was made. Such notice shall set forth in detail the action and grounds upon which the owner/developer, or other interested persons, deems themselves aggrieved.

B. Hearing on Appeal: A hearing on the appeal shall be held by the city council within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the city council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the city council may affirm, modify or overrule the decision, determination, or requirement appealed, and enter any such order or orders as are in harmony with the spirit and purposes of the applicable substantive code. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the city council. Appeal of land use fees will be processed in accordance with city council rules, policies and procedures.

C. Burden of Proof: The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code; § 15-5-3, amd. Ord. 19-__,-__-2019, Effective at 12 noon on January 6, 2020)

15-5-3: APPEALS TO BOARD OF ADJUSTMENT:

A. Right of Appeal: Other than for issues regarding fees, pursuant to section 15-5-2 above, or as otherwise set forth in this code, appeals to the board of adjustment may be taken by any person aggrieved by any administrative decision or action of city staff or the planning commission on matters pertaining to the interpretation and application of title 12, 13, 14, or 15 of this code. The appeal shall be filed within thirty (30) days following the decision at issue. The person filing the appeal shall file written notice with the zoning administrator and with the board of adjustment specifying the reasons for the appeal. The city staff associated with the issues of the appeal shall, without delay, transmit to the board of adjustment all papers constituting the record upon which the action appealed from is taken.

B. Burden of Proof: The person or entity making the appeal has the burden of proving that an error has been made.

C. Zoning Decisions: Zoning decisions applying to title 12, 13, 14, or 15 of this code may be appealed to the board of adjustment. A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments. Appeals may not be used to waive or modify the terms or requirements of title 12, 13, 14, or 15 of this code.
D. Stay of Proceedings: An appeal to the board of adjustment stays all proceedings in
furtherance of the action appealed from, unless the officer from whom the appeal is taken
certifies to the board of adjustment after the notice of appeal has been filed that, by
reason of facts stated in the certification, a stay would in his opinion cause imminent peril
to life or property. In such case proceedings shall not be stayed except by a restraining
order granted by the district court on application and notice and on due cause shown.

E. Time and Notice of Hearing: The board of adjustment shall fix a reasonable time for the
hearing of the appeal, give public notice of the appeal as well as notice to the parties in
interest, and shall decide the appeal within a reasonable time. Upon the hearing, a party
may appear in person or by agent or by attorney.

F. Reverse of Decision: The board of adjustment, according to its own rules, may reverse
any order, requirement, or determination of an administrative officer and may decide in
favor of the appellant.

G. Other Possible Action: The board of adjustment, after reviewing the decision of city staff
or the planning commission, may affirm, reverse, alter, or postpone any determination
until further study can be conducted. This may include referring the matter back to city
staff or the planning commission for additional review. (2009 Code; §15-5-4, amd. Ord.
19-, __, __-2019, Effective at 12 noon on January 6, 2020)

15-5-4: APPEAL TO BOARD OF BUILDING APPEALS:

A. Right of Appeal: Except with respect to notices of violation issued under title 16 of this
Code, any person aggrieved by the action of a building official may appeal from any
notice, order, or action of such official to the board of building appeals by filing at the
office of the zoning administrator a written appeal within thirty (30) days from the date of
the order, decision or notice being appealed. The applicant shall follow the appeal
procedures outlined in title 10, chapter 3 of this Code. A decision of the board of building
appeals may be further appealed to the district court, pursuant to section 10-3-9.

B. Burden of Proof: The person or entity making the appeal has the burden of proving that
an error has been made. (2009 Code; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; §15-5-6,
Ord. 19-, __, __-2019, Effective at 12 noon on January 6, 2020)

15-5-5: APPEAL OF LAND DISTURBANCE PERMIT DECISION:

A. Right of Appeal: Any person aggrieved of a final determination of the city engineer in the
issuance, denial, suspension, or revocation of a land disturbance permit may appeal such
decision of the city engineer to the board of adjustment by filing a written appeal with the
city recorder within thirty (30) days from the date of the city engineer's decision. The
board of adjustment will give written notice to the city engineer, the appellant, and all
other persons requesting the same, specifying the place, date and time of hearing the
appeal.

B. Burden of Proof: The person or entity making the appeal has the burden of proving that
an error has been made.
C. Administrative Enforcement: Notices of violation seeking denial, suspension, or revocation of a land disturbance permit may be challenged through the procedures in title 16 of this Code. (2009 Code; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; §15-5-7, Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

15-5-6: APPEAL OF CONDITIONAL USE PERMIT REVOCATION:

The final action of the development services director revoking a conditional use permit, made pursuant to section 13-7E-10, may be appealed to the board of adjustment. A request for appeal must be filed in writing within fifteen (15) days. The board of adjustment shall render a written decision within a reasonable time. (Ord. 10-09, 2-24-2010; §15-5-8, amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 6. Title 15, Chapter 6, Section 1 of the 2009 City Code shall hereafter read as follows:

15-6-1: JUDICIAL REVIEW OF BOARD OF ADJUSTMENT OR CITY COUNCIL DECISION:

Any person aggrieved by any decision of the board of adjustment or the city council (types III, IV, or V) may have and maintain a plenary action for relief from any district court whose jurisdiction includes the city; provided, that a petition for such relief is presented to the court within thirty (30) days after the rendering of the final decision on the matter in question by the city council. (2009 Code; amd. Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 7. 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 8. 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

<table>
<thead>
<tr>
<th>Council Member</th>
<th>&quot;YES&quot;</th>
<th>&quot;NO&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alan Anderson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dirk Burton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zach Jacob</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chad R. Lamb</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chris McConnehey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kayleen Whitelock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jim Riding</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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]
Title 15
PERMIT PROCESSING

15-1-1: PURPOSE:

A. Purpose: The purpose of this title is to establish the procedures by which new developments within the city are reviewed, approved, permitted and amended. This title is intended to give a brief outline of the development review procedures.

B. Development Processes Manual: The zoning administrator is authorized to develop and promulgate a development processes manual to assist city staff and developers in the processing of land development applications. In the event a provision of a development processes manual materially conflicts with the provisions of this title or of its related titles (titles 11, 12, 13 and 14 of this code), the provisions of these titles will control. Details on the individual processes for each review process type of property development application can be found within the development processes manual.

C. Application: This title shall govern the development process for the following types of property development:

1. Site plans for multiple-unit and multiple-family residential, commercial, office, industrial and institutional projects, including condominium developments and conversions.

2. Other property development types, including planned residential developments and planned communities.

3. Use permits, including those for conditional uses, temporary uses, land disturbance, building permits and special exceptions.

4. Subdivision applications, including residential subdivisions, lot line adjustments and condominiums.

5. Development plan permits.


15-1-4: DEFINITIONS:

The following words and phrases used in this title shall have the following meanings, unless a different meaning clearly appears from the context:

CONJUNCTIONS: Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions or events shall apply.

B. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
C. "Either"..."Or or " indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

CONSISTENCY: The appropriateness of a specific development review process type in relation to a proposed development.

COURT: A court of original jurisdiction, district court or appeals court.

DAYS: Measured in calendar days, unless otherwise specified.

NOTICE: A signed letter or other written notice.

REASONABLE PERIOD OF TIME: A time frame dependent on the magnitude and complexity of a project, relating to the review process type for each type of application.

WRITTEN REQUEST: A signed letter to the city, which may be electronically delivered. (2009 Code, amd. Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

15-1-6: INACTIVE APPLICATIONS:

All applications for property development and/or use permits shall be actively pursued to a final decision by the city. If no activity has occurred on an application for one hundred eighty (180) days from the submittal date, the application will be deemed as inactive and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the zoning administrator may grant a one-time ninety (90) day extension. (Ord. 11-35, 11-22-2011; amd. Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

15-2-1: CLASSIFICATION OF REVIEW PROCESS TYPES:

A. Authority Of of Zoning Administrator: If not otherwise specified by this code, the zoning administrator shall determine the proper review process type classification, as described below, for all development permit applications. If there is a question as to the appropriate review process type classification, the zoning administrator shall resolve it in favor of the higher classification number.

B. Applicant Choice Between Individual Or or Concurrent Processing Of of Applications: An applicant whose application involves two (2) or more review process types may choose to process these parts concurrently under the highest numbered classification required for any part of the application, or may choose to process the parts individually under each of the classifications identified in this title. If the application is processed under the individual procedure option, the highest numbered classification must be processed prior to any lower numbered review. For any action requiring a legislative decision, including a change in the general plan (review process type V IV), the legislative decision must be made prior to processing another land use permit application (review process types I through IV III and-V).

C. Exception: fee appeals (type V).

D. Concurrent Type II III Applications: Review process type II III applications processed concurrently in accordance with subsection B of this section shall be heard and decided by the board of adjustment.

D. City Council Decision Priority: In applying this section and elsewhere in this title, the city council is the highest ranking review process type classification, while an administrative decision is the lowest ranked review process type classification. (2009 Code; amd. Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)
A. Appropriate Decision Maker And Scope Of Section: The appropriate city staff or other city designee as provided elsewhere in this code has authority to review and decide review process type I permit applications. These applications and approvals involve minor administrative land use decisions. The focus of this level of review is verification to determine compliance with this code and other applicable ordinances. Review process type I actions include the following administrative decisions:

1. Building code review;
2. Fire code review;
3. Impact fees;
4. Engineering construction plans;
5. Sign permits;
6. Home occupation permit;
7. Administrative temporary use permit;
8. Land disturbance permit;
9. Encroachment permit;
10. Zoning code occupancy permit;
11. Business license;
12. Major subdivision final plat;
13. Final development plan Amended subdivision plat;
14. Street opening;
15. Temporary sign permit;
16. Boundary line and lot line adjustments;
17. Bus benches and shelters;
18. Minor subdivision preliminary and final plat;
19. Stormwater permit;
20. Final site plan;
21. Sewer code permit;
22. Water code permit;
23. Zoning interpretation;
24. Street name;
25. Preliminary site plans in an M-1 zone (when no change to design standards are requested);

26. A determination of review process type classification;

27. An issue of conflict between a provision of this title and a provision in title 11, 12, 13 or 14 of this code;

28. Administrative conditional use permits and the associated public hearing;

29. Amended subdivision plat;

30. Amended site plan; and

31. Condominium plat, final and amended.

B. Referral To Planning Commission: Any matter identified in subsection A of this section may be referred to the planning commission by the appropriate city designee decision maker.

C. Applicant Waiver Of Further Action: Any person whose application for authorization to develop property has been referred to the planning commission by the zoning administrator may, in writing, consent to the staff recommendation and waive further action by the planning commission.

D. Conditions: Any necessary permits will only be issued subject to the terms of this title and other applicable titles (i.e., titles 11, 12, 13 and/or 14 of this code), and in conformance to any applicable conditions of approval. (2009 Code; amd. Ord. 10-09, 2-24-2010; Ord. 13-17, 4-24-2013; amd. Ord. 19-___, ___-2019. Effective at 12 noon on January 6, 2020)

15-2-34: REVIEW PROCESS TYPE II III: BOARD OF ADJUSTMENT:

The zoning administrator may initially review and recommend a decision to the board of adjustment for the following applications:

A. Variances Request for a variance from the terms of the land use ordinances;

B. Expansion of a nonconforming structure;

C. Appeals of property development and zoning code interpretations by a city designee; and


15-2-43: REVIEW PROCESS TYPE III II: PLANNING COMMISSION DECISIONS:

ADMINISTRATIVE DECISIONS (A TO G):

A. Preliminary Subdivisions Plats: Major subdivisions, condominiums, and condominium conversions require preliminary subdivision plat review by the planning commission. The planning commission shall act on completed subdivision plat applications as provided in this title and other applicable titles (i.e., titles 12, 13 and/or 14 of this code). If the planning commission finds that the proposed subdivision plat complies with the applicable requirements of this code, its approval of the application may be with or without conditions. If the planning commission finds that the proposed subdivision plat does not meet the requirements of this code, it shall not approve the application.
B. Vacating Subdivision Plats: Review, public hearings and public notice of applications requesting vacation of all or part of a subdivision plat shall be consistent with Utah Code Annotated sections 10-9a-208 and 10-9a-608.

C. Conditional Use Permits: Any conditional use permit application not expressly assigned for administrative action by the zoning administrator in title 14 of this code must be approved by the planning commission.

D. Preliminary Site Plans: Site plans, except for those in an M-1 zone when no changes to design standards are requested, require preliminary review by the planning commission. The planning commission shall act on completed preliminary site plan applications as provided in this title and other applicable titles (i.e., titles 12, 13 and/or 14 of this code). If the planning commission finds that the proposed preliminary site plan complies with the applicable requirements of this code, its approval of the application may be with or without conditions. If the planning commission finds that the proposed preliminary site plan does not meet the requirements of this code, it shall not approve the application.

E. Preliminary Phase Development Plans: Preliminary Phase development plans shall be approved by the planning commission. Residential developments seeking to establish approval of density in a planned zoning district shall submit a phase development plan for each phase to be approved by the planning commission, with subsequent consent from the city council.

F. Transportation Studies and Other Studies: Official city studies which are not master plans and which are not a part of or an element to the general plan require planning commission approval.

FG. Referral To Staff: Subject to the limitation in subsection G of this section, the planning commission may refer any matter over which it has jurisdiction to the zoning administrator for review and approval. Such action shall be taken either by action of the planning commission or pursuant to duly adopted policies or procedures of the planning commission. The authority for such referrals may be revoked at any time by the planning commission. The city council may require that the council first approve any such referrals.

RECOMMENDATIONS TO CITY COUNCIL (H):

GH. Limitation: Subsection F of this section shall not apply to any action the planning commission is required by law to take by following other procedures or protocols, including, but not limited to:

1. General plan adoption and amendments;

2. Land use ordinance adoption and amendments;

3. Zoning map adoption and code amendments;

4. Adoption or amendments of any official maps;

5. Delegations Ordinances regarding delegations of power to an appropriate appeal authority; and


15-2-5: REVIEW PROCESS TYPE IV; CITY COUNCIL, LEGISLATIVE ACTION:

The city council shall review and decide the following applications, subject to prior review and action by the planning commission as otherwise required:
A. Zoning map and code amendments;
B. Establishment of zone;
C. Annexations;
D. General plan map and general plan text amendments, including general plan elements and amendments;
E. Jurisdictional boundary adjustments;
F. Development agreements, including master development plans, reimbursement agreements, and deferral agreements;
G. Street/right of way vacation; and

15-2-6: REVIEW PROCESS TYPE V; CITY COUNCIL, QUASI-JUDICIAL DETERMINATION:

The city council shall review the decisions reached on the following types of applications in its quasi-judicial capacity. Findings of fact shall be affirmed if supported by substantial evidence in the record developed by the original decision body. Legal conclusions including the application of this code to facts shall be affirmed if correct:

A. Appeals of planning commission decisions; from a fee charged in accordance with Utah Code Annotated section 10-9a-510.
B. Appeals of staff decisions;
C. Appeals of board of adjustment decisions.

Ex parte communications with applicants or other parties are not allowed in quasi-judicial matters. (2009 Code; amd. Ord. 10-09, 2-24-2010; Ord. 19---, ___-2019, Effective at 12 noon on January 6, 2020)

15-3-1: OVERVIEW OF REVIEW PROCESS:

A. Description of Process: This section describes, in general terms, the process by which new development requests shall be reviewed by the City. The process may be varied or altered by the City Planner or the Planning Commission as allowed within this title.

B. Preapplication Conference: The developer contacts the Department Of development services department to be placed on the agenda for the weekly preapplication conference. The purposes of that conference are:

1. To allow the developer to present a sketch plan and/or to describe the general nature of the proposed development;

2. To better facilitate the development process by establishing initial contacts between the City staff (principally the Planning, Engineering and Fire Department planning, engineering and fire chief or designee Offices) and the developer;
3. To clarify City city requirements in order to eliminate unnecessary delays or hardships to the proposed development; and

4. To allow the Zoning Administrator zoning administrator to determine if the development request is for:

   a. A General-Plan general plan land use map amendment (other than one which apparently conforms to and is apparently consistent with the current zoning map); and/or

   b. The rezoning of property (a zoning map amendment) which apparently does not conform to and is apparently not consistent with the purposes, goals, objectives and policies of the adopted General-Plan general plan and/or land use map.

C. Determination Of of Required Applications, Including Map Amendment Applications: The Development Department development services department determines and informs the developer which type of development applications will be necessary for the review of the proposed project (see subsections D through I of this section for specific types of developments and application requirements). If the proposed development requires:

1. A General-Plan general plan land use map or General-Plan general plan text amendment, then the procedures outlined in title 13, chapter 7, article C of this Code shall be followed; and

2. The rezoning of property (a zoning map amendment) or a text amendment of City city ordinances, then the procedures outlined in title 13, chapter 7, article D of this Code shall be followed.

D. Submittal Of of Application: The procedure for submitting an application is as follows:

1. The developer submits a completed application form and other required information. One application form may be used when several different reviews are to take place at the same time; however, a separate application is required for any subsequent review.

2. The Development Department development services department processes the application and distributes copies of the submittals to other City city departments. If Planning Commission planning commission review is required, the project may be scheduled on the next available Planning Commission planning commission agenda at the discretion of the City Planner city planner after consultation with the Chair chair of the Planning Commission planning commission. If the application is an uncontested, routine land use matter, upon a complete application and proper notice, it may receive informal streamlined review and action by the planning staff with the approval by the City Planner and City Engineer city planner and city engineer. Reviews and approvals required by other departments must be completed prior to an application being scheduled on a Planning Commission planning commission agenda. The staff shall not approve a final site plan or final plat until other departments and agencies have approved construction plans.

3. The City Planner city planner or the Planning Commission planning commission may require that a developer schedule a neighborhood meeting to discuss the proposal with surrounding property owners if the development appears large in scale or controversial.

E. Action On on Application: Following review of the application by the appropriate reviewing body, one of the following actions will be taken:

1. Approval of the request as presented;

2. Approval of a modification to the request;
3. Postponement of a determination where further information or input is deemed to be necessary; or

4. Denial of the request.

F. Final Staff Review: Following an action of final approval, the developer shall submit any additional information or make any additional corrections as required by City ordinances and/or conditions of approval. City staff will then complete final review and approval of the proposed development. The following actions, if not completed earlier, may then take place:

1. Execute any required development letter;

2. Submit an executed improvement guarantee; and

3. Pay appropriate impact fees.

G. Submittal of Application and Plans For Building Permit: An application for a building permit is submitted with building plans. The building plans are then reviewed by City staff for compliance with all appropriate laws, ordinances, regulations and any related condition of approval.

H. Issuance of Building Permit: Upon approval of the building plans, and after receiving acceptable evidence from the Finance Department that all: 1) building permit; 2) application and review; and 3) impact fees have been paid in full, the City may issue and deliver the requested building permit.

I. Preconstruction Conference: After plans are approved and inspection fees paid, but prior to commencement of development of any subdivision or the construction of any multi-unit residential, commercial, industrial, office or institutional building, a preconstruction conference shall be held between City staff and the developer, the general contractor and major subcontractors. (2001 Code § 89-5-102; amd. 2009 Code; Ord. 17-41, 7-12-2017; Ord. 19- , , -2019, Effective at 12 noon on January 6, 2020)

15-3-2: OPTIONAL CONCEPT PLAN MEETING:

The developer may contact the Development Department to schedule an optional concept plan meeting, and to pay any fees associated with such a meeting. At this meeting, the developer will provide a sketch plan and/or describe the general nature of the proposed development. The purpose of the concept plan meeting is to better facilitate the development process by establishing initial contacts between the City staff and the developer, as well as seeking to clarify requirements in order to eliminate unnecessary delays to the proposed development. Concept plan meetings are strongly encouraged for projects which are large in scale or otherwise complex in nature. The Development Department will assist the developer to determine which type of development applications will be necessary for the review of the proposed project. (See the staff development processes manual for specific application requirements.) If the proposed development requires the rezoning of property or an amendment of City ordinances, the requirements of title 13, chapter 7, article D of this Code shall be followed. (2009 Code; amd. Ord. 19- , , -2019, Effective at 12 noon on January 6, 2020)
15-3-3: PROJECT PERMIT APPLICATION:

The procedure for submitting an application is as follows:

A. Filing Application: The developer shall schedule a submittal meeting with the Development Department where they will submit a completed application form and other required information. One application form may be used when several different reviews are to take place at the same time; however, a separate application is required for any subsequent review.

B. City Staff Processing: The Development Department processes the application and distributes copies of the submittals to other City departments. If Planning Commission review is required, the project may be scheduled on the next available Planning Commission agenda at the discretion of the City Planner. If the application is an uncontested review process Type I land use matter, upon a complete application and proper notice, it may receive informal streamlined review and action by City staff with approval by the City Planner and City Engineer. Reviews and approvals required by other departments must be completed prior to an application being scheduled on a Planning Commission agenda. The staff shall not approve a final site plan until all other departments and agencies have approved construction plans.

C. Neighborhood Meeting: The City Planner or the Planning Commission may require that a developer schedule a neighborhood meeting to discuss the proposal with surrounding property owners if the development appears important in scale or controversial. (2009 Code; amd. Ord. 19-__, _-__-2019, Effective at 12 noon on January 6, 2020)

15-3-4: DETERMINATION OF COMPLETE APPLICATION:

A. No Review Without Complete Application: A complete application will be required prior to the Development Department accepting the application for city staff review.

B. Completeness Determined: Completeness shall be determined by the Development Department during the prescheduled submittal meeting (see subsection 15-3-3B of this chapter). The criteria for completeness can be found for each application type within checklists, as outlined in the development processes manual. (2009 Code; amd. Ord. 19-__, _-__-2019, Effective at 12 noon on January 6, 2020)

15-3-5: PROJECT OWNERSHIP AT TIME OF APPLICATION:

All property subject to a preliminary development plan review shall be in single entity or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property. (2009 Code; amd. Ord. 19-__, _-__-2019, Effective at 12 noon on January 6, 2020)

15-3-6: INTEGRATED (CONCURRENT APPLICATION) PERMIT PROCESS:

For projects which require multiple types of application approvals, a procedural review and decision on the various application approvals may be made by the appropriate approval bodies concurrently to the extent permitted by applicable code provisions, including, but not limited to, this title. This concurrent application permit process is at the option of the applicant, and should be used only in situations when the developer does not perceive a risk of conflicting decisions by the different approval bodies on the different application approvals of the concurrent application.
A. Ranking Of Application; Zoning Administrator May Deny Concurrent Processing: An application that involves multiple review procedures may be processed concurrently beginning with the highest numbered review process type required for the proposed project, unless the applicant requests that each application be processed individually. Based on the content and complexity of the application, the zoning administrator may grant or deny any request to process multiple applications concurrently.

B. Consolidated Notice: For all projects which require multiple application approvals, the zoning administrator shall prepare a single consolidated notice or multiple notices as necessary. Staff review analysis may be contained in consolidated or separate reports. A decision shall be made for each application based on the criteria and findings for each action.

C. Joint Hearing: Applications may be processed concurrently so long as a joint hearing can be held within the time periods specified in this title or the applicant consents to a later schedule date in the event that additional time is needed in order to combine the hearings.

D. Coordination With Other Agencies: The zoning administrator shall coordinate with other agencies, departments and divisions of the city in order to hold a joint hearing; provided, that:

1. The city is not expressly prohibited by its own code or state statute from doing so.
2. Sufficient notice of the hearing is given to meet each specific process's noticing requirements as set forth in this title or state statute.
3. All necessary and required application information has been supplied by the applicant for each required process.
4. The zoning administrator deems that the concurrent process and/or joint hearing is warranted, feasible and meets the requirements as set forth in this title (2009 Code; amd Ord. 19-___, ___-2019, Effective at 12 noon on January 6, 2020)

15-3-7: CITY ACTION ON APPLICATIONS:

A. Staff Reviews To Conform With Code: If a matter is referred to the development services department as permitted by this chapter, staff shall conform to any instructions or limitations contained in the referral and review the matter in accordance with the provisions of title 12, 13 and 14 of this code. Public hearings for administrative conditional use permits authorized for review and approval by staff shall follow procedures specified by subsection 15-3-9A of this chapter. The following matters shall be reviewed administratively. These matters are in addition to those listed as review process type I and type II applications:

1. Metes and bounds subdivisions for no more than two (2) lots.
2. Final site plans (except in PC, PRD and TSOD zoning districts).
3. Parking lots (except in PC, PRD and TSOD zoning districts).

B. Referral To Planning Commission: Any matter identified as a review process type I action in subsection 15-2-2A of this title, may be referred to the planning commission by the staff. A report of application approvals on the matters listed as a review process type I action in subsection 15-2-2A of this title shall be compiled by staff and forwarded to the planning commission in March, June, September and December of each year.
C. Action On Application: Following review of the application by the appropriate reviewing body, one of the following actions will be taken:

1. Approval of the request as presented, if all applicable requirements have been met;

2. Approval of the request with modifications, if all applicable requirements have not been met;

3. Postponement of a determination where further information or input is deemed to be necessary; or

4. Denial of the request if all applicable requirements have not been met or if the application is not permitted by this code.

D. Public Hearing For Minor Subdivisions: The zoning administrator shall conduct a public hearing for all minor subdivisions to be approved without a plat pursuant to this subsection, after notice as described in sections 15-3-9 and 15-3-10 of this chapter.

E. Final Staff Review: Following preliminary approval, the developer shall submit any additional information or make any additional corrections as required by city ordinances and/or conditions of approval. City staff will then complete final review and approval of the proposed development. The following actions may then take place:

1. Execute any development or reimbursement agreement.

2. Submit an executed improvement guarantee.

3. Pay appropriate impact fees.

F. Conditions Of Approval: In the approval of any development, the planning commission or city staff may condition the approval by listing items which need to be met or addressed by the development, to the extent permitted by state law and this code. Such conditions may be included in order to:

1. Mitigate recognized impacts of the development on adjacent and nearby uses.

2. Call out a more specific design requirement or an exception to a design requirement where allowed by city code.

3. Emphasize a specific development standard or subsequent review required in this code (i.e., titles 12, 13 and 14 of this code).

G. Development Approval Criteria: Specific approval criteria for applications can be found in title 11, 12, 13 or 14 of this code, as applicable.

H. Submittal Of Application And Plans For Building Permit: An application for a building permit is submitted with building plans at time of final development review. The building plans are then reviewed by city staff for compliance with all appropriate laws, ordinances, regulations and any related condition of approval.

I. Issuance Of Building Permit: Upon approval of the building plans, final development plans and the payment of building permit fees, the building permit will be issued.
J. Submittal of Application and Plans for Land Disturbance Permit:

1. The city engineer shall review the application, plans and specifications, reports, documentation and information filed by an applicant for a land disturbance permit. If the city engineer determines that the application is incomplete, or that additional information is needed from the applicant regarding the proposed land disturbance activities, the city engineer shall notify the applicant in writing of such deficiencies or the need for additional information. The city engineer may also request review of the application, plans and specifications by other departments of the city for compliance with the laws and ordinances under their jurisdiction.

2. Once satisfied that the work described in an application for land disturbance permit and the plans and specifications filed with the application conform to the requirements of Title 11 of this code, land disturbances and other pertinent laws and ordinances, all applicable fees have been paid, and all required bonds have been provided in accordance with this code, the city engineer may issue a land disturbance permit to the applicant.

K. Issuance of Land Disturbance Permit: The city engineer shall provide the applicant with a written decision, within thirty (30) days, regarding the approval or denial of the application for land disturbance permit and related plans, and shall provide the applicant with a copy of such decision. If the application is approved, a copy of the land disturbance permit will be provided to the applicant.

L. Preconstruction Conference: After plans are approved and inspection fees paid but prior to commencement of development of any subdivision or the construction of any multi-unit residential, commercial, industrial, office or institutional building, a preconstruction conference shall be held between city staff and the developer, the general contractor and major subcontractors. (2009 Code, am'd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

15-3-8: MASTER DEVELOPMENT PLAN REVIEW:

A. Preapplication Process: The applicant/developer shall have an initial preapplication conference with city staff. The applicant/developer at that time shall present to the city a conceptual development plan. After the preapplication conference, the city shall prepare a report, which will reference any issues, inconsistencies with policies or codes within the proposal; and also explain and suggest ways in which to resolve such concerns or problems with the proposed project.

B. Preliminary Master Development Plan Process: A preliminary master development plan shall be submitted and a report prepared by the applicant/developer indicating, in detail, the overall objective and intent of the proposed development, per the submittal requirements as outlined in section 13-5J-10 of this code. The city council shall approve, deny or modify the preliminary master development plan after receiving recommendation from staff and the planning commission. During the approval of the preliminary master development plan, the city council will determine the residential density for the project based on the density ranges indicated in the future land use map, the zoning ordinance, and the amount and type of amenities/improvements being proposed by the applicant/developer in the preliminary master development plan. For all residential developments, the city council shall adopt by ordinance the overall maximum density as approved. The conditions of the approval, including residential density, shall be valid for only the approved preliminary master development plan. Any substantial deviations, modifications or amendments to the approved preliminary master development plan which may increase the overall maximum density for a project may necessitate another review by the planning commission and approval from the city council. All other deviations, modification or amendments shall follow the regulations as outlined in subsection 13-5J-10E of this code.
C. Final Development Plan Process: A final development plan (along with application for a subdivision or site plan) may be reviewed by city staff. City staff shall prepare a report which will reference any issues, concerns, or conditions of approval with the final development plan. Once all revisions have been made and the city accepts the final development plan, final approval will be granted if standards and the requirements of this code are met. (Ord. 10-09, 2-24-2010; amd. Ord. 16-21, 5-11-2016; Ord. 19-___, ___-___-2019, Effective at 12 noon on January 6, 2020)

15-3-10: PUBLIC HEARING NOTICE REQUIREMENTS:

A. Public Hearing Notice Standards: All public notices shall follow the standards found below, unless otherwise stated in this section:

1. Notice Time And Scope: At least ten (10) days prior to the date of the public hearing, a notice of the hearing may be mailed to all property owners within three hundred feet (300') of the subject property; provided, that the notice for variances shall be to all property owners within one hundred feet (100'). The list of property owners shall be compiled from the most current assessment rolls prepared by the Salt Lake County assessor. Notice of public hearing shall be sent to property owners by mail for city initiated amendments to the zoning map.

2. Content Of Public Hearing Notice: All notices of public hearings shall begin with the heading "Notice Of Public Hearing" in bold type at the top of the sheet, shall provide a brief explanation of the purpose of the hearing, the location of the subject property and shall indicate the date, time and location of the public hearing. If specific property or properties are the subject of the application, the address of such property shall also be included in the notice.

3. Notice To Neighboring Property Owners Is Required: Public hearing notices mailed to neighboring property owners of a proposed action is a courtesy notice, and any defect in or failure to receive such a courtesy notice shall not affect or invalidate any public hearing or action by the city council or any board, administrator or commission.

B. Notice Of Public Hearings And Public Meetings For Amendments To Text Of General Plan Or Zoning Ordinance: Prior to conducting any public meeting before either the planning commission or city council relating to adopting, amending or repealing any part of the general plan or zoning ordinance, the following notice shall be provided:

1. Posted Notice: A notice of public meeting shall be posted in at least three (3) public places in the city or on the city website at least ten (10) days prior to the date of the public hearing.

2. Published Notice: A notice of public meeting shall be published on the state notice website pursuant to Utah code section 45-1-101 and in a newspaper of general circulation in the city at least ten (10) days prior to the date of the public hearing.

C. Notice Of Public Hearings And Public Meetings For Amendments To General Plan Land Use Map Or Zoning Map: Notice of a public meeting to review amendments to the general plan land use map or zoning map shall be provided as follows:

1. Planning Commission: Ten (10) days prior to the date of a planning commission public meeting, a notice may be mailed to all property owners within three hundred feet (300') of the subject property. The list of property owners shall be compiled from the most current assessment rolls prepared by the Salt Lake County assessor.

2. City Council: Prior to holding a public meeting relating to an amendment to the general plan land use map or zoning map, a notice:
a. Shall be posted in at least three (3) public places in the city at least ten (10) days prior to the date of the public hearing;

b. Shall be published on the state notice website pursuant to Utah code section 54-1-101 and in a newspaper of general circulation in the city at least ten (10) days prior to the date of the public hearing; and

c. May be mailed to all property owners, as shown on the most current assessment rolls prepared by the Salt Lake County assessor, within three hundred feet (300’) of the subject property.

D. Vacating or Amending Subdivision Plat: Review, public hearings and public notice of applications requesting amendments to, or vacation of, all or part of a subdivision plat shall be consistent with Utah Code Annotated sections 10-9a-207 and 10-9a-608.

E. Additional Notice: This section is not intended to preclude the giving of additional notice that may be deemed necessary by the planning commission, board of adjustment or city council. Each review body may have its own bylaws, rules, policies and procedures and these could provide additional noticing procedures not inconsistent with this title.

F. Challenge to Notice: If notice given under authority of this section is not challenged as provided by state law within thirty (30) days from the date of the meeting for which notice was given, the notice is considered adequate and proper. Failure of a property owner to receive mailed notice as provided in this section shall not invalidate any hearing or action taken pursuant thereto; provided, that the procedures in this chapter were followed. (2009 Code § 15-3-9; amd. Ord. 10-09, 2-24-2010; Ord. 11-30, 9-28-2011; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-12: NOTICE OF DECISION REQUIREMENTS:

A. Notice of Decision: The city shall mail a written notice to the applicant advising that the application has been approved, approved with conditions or denied by the appropriate decision maker within a reasonable period of time from the date of decision. In the case of a public hearing, a copy of the minutes from the hearing shall be mailed to an applicant within a reasonable period of time after official approval of the meeting minutes.

B. Content of Notice: All notices of decisions shall be in letter format and addressed to the applicant. The date of the meeting and the name of the reviewing body shall be given in the "regarding" line of the letter. A brief explanation of the purpose of the hearing shall be provided. Attached to the letter shall be a motion of the decision.

C. Impact and Other Fees: No decision approving a land development application shall become final and effective prior to the payment of all accrued and payable application, review, permit and/or impact fees, as provided in sections 3-7-17 and 14-2-3 of this code, and subsection 15-3-1H of this chapter. (2009 Code § 15-3-11; amd. Ord. 10-09, 2-24-2010; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-4-1: DETERMINING TIME LIMITS:

A. Applicant May Demand Determination: After a reasonable period of time to allow the city staff to diligently evaluate whether all ordinance based application criteria have been met, if application fees have been paid, the applicant may in writing request that the city provide a written determination either that the application is complete for the purposes of allowing subsequent review, or deficient with respect to application requirements.

B. City Action Following Demand: Within thirty (30) days of receipt of an applicant’s request under this section, the city shall either:
1. Mail a written notice to the applicant advising that the application is deficient with respect to a specified criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or

2. Accept the application as complete for the purposes of further processing by city.

3. If notice is not timely mailed, the application shall be considered complete only for the purposes of further substantive review.

C. Appeal Of Demanded Determination: The applicant may raise and resolve in a single appeal any determination made under this section to the zoning administrator, including whether a reasonable period of time has elapsed.

D. City Will Act With Reasonable Diligence: The city shall review a complete application with reasonable diligence and shall approve, approve with conditions, or deny each application.

1. After a reasonable period of time to allow the city to consider an application, the applicant may in writing request that the city take final action within forty five (45) days from date of service of the written request.

2. The city shall take final action, approving, approving with conditions or denying the application, within forty five (45) days of the written request.

3. If the city denies an application, or if the applicant has requested a written decision in the application, the city shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

4. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information shall not count towards the forty five (45) day response time. The period shall be calculated from the date the administrator notifies the applicant of the need for additional information until the earlier of: either the date the director determines whether the additional information satisfies the request for information; or twenty one (21) days after the date the information has been provided.

5. If the administrator determines that the information submitted by the applicant is insufficient, the city shall notify the applicant of the deficiencies.

E. Exceptions To Time Limits: The time limits established by subsection D1 of this section do not apply if a project permit application:

1. Requires an amendment to the general plan, zoning ordinance or other ordinance;

2. Involves the citing of a major public or utility facility;

3. Involves annexations of land to the city;

4. Involves capital facility projects of the city;

5. Involves municipal code amendments for general plan implementation;

6. Involves rezones dependent on change to the general plan;

7. Involves planned residential development or planned community development;

8. Involves project permits exempt pursuant to development agreement;

9. Involves street or other public right of way vacations;
10. Involves required reviews by, or information from, agencies outside the city;

11. Involves a development regulation;

12. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.

F. Notice Of Inability Of City Action: If the zoning administrator is unable to issue a final decision within the specified time limits, written notice of this fact shall be provided to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. Decisions concerning time limits in this section are a review process type I matter.

G. Applicant May Consent To Other Time Limits: Nothing in this section shall preclude the applicant and the zoning administrator agreeing on other time frames for action by the city with respect to one or more specific applications. (2009 Code; amd. Ord. 19---09---2019, Effective at 12 noon on January 6, 2020)

15-5-1: GENERAL PROVISIONS:

A. Application: An application specifying the reasons for an appeal shall be submitted in writing to the development services department within fifteen (15) days following the administrative decision, along with any applicable fee to cover the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

AB. Hearing Procedures: Hearing procedures shall be as set forth in the bylaws, rules, policies and/or procedures as may be adopted from time to time by the city council, planning commission and/or board of adjustment.

BC. Filing Deadline: All written documents and evidence from the applicant shall be received by the development services department at least thirty (30) calendar days in advance of the public hearing.

GD. Staff Report: A staff report and recommendation shall be available for inspection at least five (5) days prior to the hearing.

DE. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made.

EF. Appeal Authority: Appeals shall not be used to waive or modify the terms or requirements of this title. (2009 Code; amd. Ord. 19---09---2019, Effective at 12 noon on January 6, 2020)

15-5-2: APPEALS TO PLANNING COMMISSION:

A. Right To Appeal: Any person, organization, corporation or governmental unit aggrieved by any final administrative decision of the zoning administrator or city engineer may appeal such decision to the planning commission, unless the particular action belongs before the board of adjustment as provided in section 15-2-4 of this title. The planning commission may affirm, modify, or overrule the administrative decision. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed pending a decision of the planning commission. All time references are established in calendar days.
B. Application: An application specifying the reasons for an appeal shall be submitted in writing to the development department within fifteen (15) days following the administrative decision, along with any applicable fee to cover the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

C. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code, §15-5-2 Repealed, Ord. 19---, ---2019, Effective at 12 noon on January 6, 2020)

15-5-32: APPEALS TO CITY COUNCIL:

A. Right Of Appeal: Appeal may be made to the city council from any decision, determination or requirement of the planning commission or board of adjustment, from a fee charged in accordance with Utah Code Annotated section 10-9a-510, by filing a written notice of appeal, and payment of a fee as established by resolution of the city council, with the city clerk/recorder within fifteen (15) days from the date such decision, determination, or requirement was made. Such notice shall set forth in detail the action and grounds upon which the owner/developer, or other interested persons, deems themselves aggrieved.

B. Hearing On Appeal: A hearing on the appeal shall be held by the city council within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the city council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the city council may affirm, modify or overrule the decision, determination, or requirement appealed, and enter any such order or orders as are in harmony with the spirit and purposes of the applicable substantive code. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the city council. Appeal of land use decisions fees will be processed in accordance with city council rules, policies and procedures.

C. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code, § 15-5-3, amd. Ord. 19---, ---2019, Effective at 12 noon on January 6, 2020)

15-5-43: APPEALS TO BOARD OF ADJUSTMENT:

A. Right Of Appeal: Appeals Other than for issues regarding fees, pursuant to section 15-5-2 above, or as otherwise set forth in this code, appeals to the board of adjustment may be taken by any person aggrieved by any administrative decision or action of city staff or the planning commission on matters pertaining to the interpretation and application of title 12, 13, 14, or 15 of this code. The appeal shall be filed within thirty (30) days following the decision at issue. The person filing the appeal shall file written notice with the zoning administrator and with the board of adjustment specifying the reasons for the appeal. The city staff associated with the issues of the appeal shall, without delay, transmit to the board of adjustment all papers constituting the record upon which the action appealed from is taken.

B. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made.

C. Zoning Decisions: Only zoning decisions applying to title 12, 13, 14, or 15 of this code may be appealed to the board of adjustment. A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments. Appeals may not be used to waive or modify the terms or requirements of title 12, 13, 14, or 15 of this code.
D. Stay Of Proceedings: An appeal to the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed that, by reason of facts stated in the certification, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed except by a restraining order granted by the district court on application and notice and on due cause shown.

E. Time And Notice Of Hearing: The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the appeal as well as notice to the parties in interest, and shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in person or by agent or by attorney.

F. Reverse Of Decision: The concurring vote of three (3) members of the board of adjustment, according to its own rules, may shall be necessary to reverse any order, requirement, or determination of an administrative officer or to and may decide in favor of the appellant.

G. Other Possible Action: The board of adjustment, after reviewing the decision of city staff or the planning commission, may affirm, reverse, alter, or postpone any determination until further study can be conducted. This may include referring the matter back to city staff or the planning commission for additional review. (2009 Code; §15-5-4, amd. Ord. 19-__-__-2019, Effective at 12 noon on January 6, 2020)

15-5-5: APPEAL OF DECISION BY BOARD OF ADJUSTMENT OR PLANNING COMMISSION:

A. Appeal Of Decision By Board Of Adjustment: Any person adversely affected by any decision of the board of adjustment shall have the right to appeal to the city council. In the petition, the plaintiff may only allege that the board of adjustment’s decision was arbitrary, illegal or capricious. Petitions of board decisions must be filed within fifteen (15) days after the board of adjustment’s decision is final. The city clerk recorder shall notify the members of the board of adjustment, in writing, at least five (5) days prior to the scheduled date of the hearing for said appeal. The city council, after reviewing the decision of the board of adjustment, may affirm, reverse, alter or postpone any determination until further study can be conducted. This may include referring the matter back to the board of adjustment for additional review.

B. Appeal Of Decision By Planning Commission: Any person, organization, corporation or governmental unit shall have the right to appeal to the city council decisions rendered by the planning commission in regard to conditional-use permit applications and decisions alleged to have been made contrary to adopted ordinances, by filing in writing the reasons for said appeal with the city clerk recorder within fifteen (15) days following the date on which the planning commission rendered such decision. The city clerk recorder shall notify the members of the planning commission, in writing, at least five (5) days prior to the scheduled date of the hearing for said appeal. The city council, after reviewing the decision of the planning commission, may affirm, reverse, alter or postpone any determination until further study can be conducted. This may include referring the matter back to the planning commission for additional review.

C. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code; amd. Ord. 10-09, 2-24-2010; §15-5-5 Repealed, Ord. 19-__-__-2019, Effective at 12 noon on January 6, 2020)

15-5-64: APPEAL TO BOARD OF BUILDING APPEALS:

A. Right Of Appeal: Except with respect to notices of violation issued under title 16 of this Code, any person aggrieved by the action of a building official may appeal from any notice, order, or action of such official to the Board of Building Appeals by filing at the Office of the Zoning Administrator a written
appeal within thirty (30) days from the date of the order, decision or notice being appealed. The applicant shall follow the appeal procedures outlined in title 10, chapter 3 of this Code. A decision of the Board of Building Appeals board of building appeals may be further appealed to the City Council district court, pursuant to section 10-3-9.

B. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; §15-5-6, Ord. 19-__, __-2019, Effective at 12 noon on January 6, 2020)

15-5-75: APPEAL OF LAND DISTURBANCE PERMIT DECISION:

A. Right Of Appeal: Any person aggrieved of a final determination of the City Engineer city engineer in the issuance, denial, suspension, or revocation of a land disturbance permit may appeal such decision of the City Engineer city engineer to the City Council board of adjustment by filing a written appeal with the City Clerk/Recorder city recorder within thirty (30) days from the date of the City Engineer's city engineer's decision. The City Council board of adjustment will give written notice to the City Engineer city engineer, the appellant, and all other persons requesting the same, specifying the place, date and time of hearing the appeal.

B. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made.

C. Administrative Enforcement: Notices of violation seeking denial, suspension, or revocation of a land disturbance permit may be challenged through the procedures in title 16 of this Code. (2009 Code; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; §15-5-7, Ord. 19-__, __-2019, Effective at 12 noon on January 6, 2020)

15-5-86: APPEAL OF CONDITIONAL USE PERMIT REVOCATION:

The final action of the Development Director development services director revoking a conditional use permit, made pursuant to section 13-7E-10, may be appealed to the City Manager board of adjustment or his designee. A request for appeal must be filed in writing within fifteen (15) days. The City Manager board of adjustment shall render a written decision within a reasonable time. (Ord. 10-09, 2-24-2010; §15-5-8, amd. Ord. 19-__, __-2019, Effective at 12 noon on January 6, 2020)

15-6-1: JUDICIAL REVIEW OF BOARD OF ADJUSTMENT OR CITY COUNCIL DECISION:

Any person aggrieved by any decision of the board of adjustment or the city council (types III, IV, or V) may have and maintain a plenary action for relief from any district court whose jurisdiction includes the city; provided, that a petition for such relief is presented to the court within thirty (30) days after the rendering of the final decision on the matter in question by the city council. (2009 Code; amd. Ord. 19-__, __-2019, Effective at 12 noon on January 6, 2020)