

Ordinance 6-2023

AN ORDINANCE TO ADOPT CHANGES TO THE CITY CODE OF RIVER HEIGHTS, UTAH

The River Heights City Planning Commission held a duly noticed public hearing on Tuesday, September 26, 2023, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

**10-15-6 LANDSCAPING RIGHTS-OF-WAY**

- B. Residential park strips shall be planted with live plant material to a minimum of 33% (~~thirty three~~) ~~fifty percent (50%)~~. When calculating park strip coverage percentage areas, plants may be measured at mature spread excluding street trees. Shrubs and other plant material located within the park strip should not exceed three (3) feet in height at maturity. Potential hazardous plant material containing thorns or spikes shall be prohibited in the park strip.
- C. Stone, gravel, mulch, or other decorative hardscape materials shall consist of less than 67% (~~sixty-seven~~) ~~fifty percent (50%)~~ of the park strip area. Decorative boulders and similar features shall be less than eighteen (18) inches in height. Poured concrete, asphalt or other similar solid surface paving is prohibited within the park strip except for ~~with the exception of~~ driveway approaches and adjacent commercial uses.

Insert new paragraph

**10-15-7: STREET TREES**

- D. Inorganic Mulch at Street Trees: Because rock, gravel and other hard surface materials as ground cover retain and emit heat during the summer months when water is scarce, it is recommended they not be used within a thirty-six-inch (36") radius/seventy-two-inch (72") diameter of any street tree, unless an operable irrigation system is provided.

Move D, E & F to E, F, & G Insert new definitions where applicable.

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**11-2-1: DEFINITIONS**

- CONCEPT PLAN: A conceptual drawing of the proposed development prepared in accordance with the requirements of this title.
- ADMINISTRATIVE LAND USE AUTHORITY: Consists of varied members including the mayor, zoning administrator, planning commission chairperson, public works director, and city engineer.
- PRE-APPLICATION CONFERENCE: A conference meeting between a developer and the Administrative Land Use Authority to discuss a proposed development.

## SKETCH PLAN

A simplified drawing of a proposed subdivision.

Replace 11-4-1 with the following:

### **11-4-1: DEVELOPMENT REVIEW PROCESS**

- A. Intent: By the time a subdivider creates a preliminary plat, both the subdivider and the city have made a substantial investment in time and money. In addition, once the preliminary plat has been completed, it is difficult and expensive to rework the plans for the project. To better meet the needs of the city and the subdivider, the city has adopted the following development review process.
- B. Pre-application Meeting:
1. Intent: The purpose of the pre-application meeting is to allow the subdivider the opportunity to share with the administrative land use authority (as defined by Utah Code Ann. § 10-9a-604.1) his/her proposed project plans. It also gives the administrative land use authority the opportunity to share with the subdivider the city's thoughts and ideas. The administrative land use authority will comment on the compatibility of the proposed development with the general plan and general compliance with the zoning ordinance, this title, and other ordinances and/or city regulations.
  2. Process: The subdivider shall obtain and review a copy of the subdivision ordinance and application from the city or the city's website. After submittal of the application and payment of the fee, the subdivider may contact the city recorder to schedule a pre-application meeting. The City Recorder shall schedule a conference with the administrative land use authority within ten (10) business days of receiving the request. The subdivider shall provide the following information to the administrative land use authority:
    - a. A general description of the existing conditions of the site.
    - b. A sketch plan (hard copy or digital copy in pdf format) showing the proposed subdivision layout, including the numbers of lots and street locations.
    - c. The relationship of the proposed subdivision to existing utilities and streets.
  3. Pre-application Meeting. At the pre-application meeting, the City shall provide the website where the applicable land use regulations can be found, a complete list of standards required for the project, preliminary and final application checklists, and feedback on the concept plan. The meeting may be in a public setting or at a municipal staff level.
  4. Administrative Land Use Authority Recommendation: Once the administrative land use authority has a general idea of what is desired for the proposed development, they will forward the sketch plan to the planning commission for further consideration along with notes of the pre-application meeting and a recommendation to approve, conditionally approve or reject the proposed development. If a preliminary

subdivision application complies with applicable city ordinances, the administrative land use authority shall forward their recommendation to the planning commission.

C. Concept Plan:

1. Intent: With the administrative land use authority's recommendation and pre-application meeting notes, the planning commission and the subdivider can review the proposed development to get a general idea of what is desired and how each visualizes the final product. While this is not a full preliminary plan (it will not contain the technical aspects of a fully engineered plan), the concept plan is the step where major decisions are made and agreed to.
2. Process:
  - a. At least one week prior to a regularly scheduled planning commission meeting, the subdivider shall inform the planning commission chairperson of his/her desire to be on the agenda and shall submit the concept plan, overlayed on the site analysis map. If the concept plan, overlayed on the site analysis map, is not submitted or notice not given one week prior to the next regularly scheduled planning commission meeting, discussion of the project may be placed on the agenda of the following regularly scheduled planning commission meeting. Seven (7) copies 11" x 17" and a digital copy in pdf format of the concept plan shall be submitted.
  - b. For areas where development is planned to occur in phases, the concept plan shall show the entire area for which all final plat approvals will be requested. The concept plan will be a guide but will have no official standing. It may be amended or modified from time to time by the subdivider. Only the final plat shall have official standing which shall permit the subdivider to proceed with subdivision construction.
3. Site Analysis
  - a. Intent: The purpose of having a site analysis map completed is to better understand what parts of the land are buildable, what land must be left alone, and what features the community may want to preserve.
  - b. Process: The subdivider prepares a site analysis map of the property of the proposed project site. The site analysis map shall be prepared in a digital pdf format and shall include all existing resources, including, but not limited to:
    - (1) environmental features such as streams, slopes, wetlands, and floodplains,
    - (2) historical sites and building,
    - (3) cultural features,
    - (4) unusual vegetation,
    - (5) wildlife habitats and paths,

(6) unusual rock formations,

(7) any other features that make the property distinctive. (See title 10, chapter 11 of this code for additional information.)

4. Concept Plan Requirements: The concept plan, prepared on the site analysis map, shall include the following items:
  - a. The proposed name of the subdivision.
  - b. A contour map (request for these maps can be made from the U.S. Geological Survey [USGS]).
  - c. A map showing soil types (requests for these maps can be made through the Soil Conservation Service [SCS]).
  - d. A map showing flood hazard areas, including the 100-year recurrence interval flood; or where such data is not available, the maximum flood of record.
  - e. A map showing potential geographical hazards, e.g., earthquake fault lines.
  - f. The property boundaries of the proposed subdivision.
  - g. The names of the owner, subdivider, if other than the owner, and the engineer or designer of the subdivision.
  - h. Boundaries of adjacent properties and names of adjacent property owners.
  - i. Approximate number of lots proposed and street layout, indicating general scale dimensions of lots.
  - j. Approximate total acreage of the development as well as size of the individual lots.
  - k. All property under control of the subdivider, even if only a portion is being subdivided.
  - l. Location, width, and names of existing streets within two hundred feet (200') of the subdivision and of all previously platted streets or other public ways, railroad and utilities rights of way, parks and other public open space, permanent buildings and structures, houses or permanent easements, and section and corporate lines within and adjacent to the tract.
  - m. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in a subdivision, including, but not limited to, sites for parks, playgrounds, schools, or other public uses.
  - n. Location of natural drainage channels and the proposed storm and surface water drainage system.
  - o. Description of the types of water systems proposed, both culinary and irrigation, along with all water rights.
  - p. Description of the type of sewer or sanitary waste system proposed.

- q. Present zoning.
  - r. Date of preparation, scale of drawing and north arrow.
5. Site Visit:
- a. Intent: Seeing the property and its features will aid in understanding the dimensions and elements of the property. Important features may be very different than they appear on paper; not all natural resources are alike or have the same value. Before the planning commission agrees to modifications of the property, they should know the full impact on the surrounding area.
  - b. Process: After an acceptable concept plan, prepared on the site analysis map, has been received, the planning commission, with the subdivider encouraged to attend, will walk or drive around the proposed project site property. The site visit may be made as part of the same planning commission meeting where the concept plan is discussed.
6. Action by Planning Commission:
- a. The planning commission shall review the concept plan presented by the subdivider and compare it to the general plan, the zoning ordinance, this title, and other ordinances and/or regulations to determine compliance.
  - b. A public hearing will be held in accordance with section 10-3-9 of Title 10.
  - c. After the public hearing, the planning commission will coordinate with the subdivider any changes to the concept plan which will be reflected on updated drawings.
  - d. After the agreed upon changes are reflected, the planning commission will forward the concept plan to the city council for their consideration. They may approve, conditionally approve, or reject the concept plan.
  - e. Not later than thirty (30) days after the city council's consideration, the planning commission will communicate to the subdivider, in writing, its comments, requirements and recommendations. Upon approval, the subdivider may then proceed with the preparation of a preliminary plat. In the event a preliminary plat for at least one phase of the proposed subdivision has not been submitted to the planning commission for approval within twelve (12) months from the date of said communication from the planning commission, a new concept plan must be submitted and approved before a preliminary plat can be submitted for approval.

**11-4-2: PRELIMINARY PLAT**

- A. Submittal Process: Seven (7) 11"x17" hard copies and one (1) digital copy in pdf format of the preliminary plat shall be submitted to the city for review. These copies are to be submitted at least five (5) working days prior to the next regularly scheduled planning commission meeting. The planning commission may, if said preliminary plats are not so submitted beforehand, postpone its consideration thereof until its next regularly scheduled meeting.

1. City Engineer Review: One copy of the preliminary plat in digital format shall be delivered to the city engineer for review. After his/her review, the city engineer shall transmit any conclusions and recommendations to the planning commission.
2. Planning Commission Review: Seven (7) 11"x17" hard copies and one (1) digital copy in pdf format of the preliminary plat shall be submitted to the planning commission for the commission and other city departments, as required, to review. After completion of all reviews deemed necessary, the planning commission shall approve, conditionally approve, or reject the preliminary plat, or the planning commission may table the preliminary plat for consideration at the next regularly scheduled planning commission meeting.

Adopted and effective this 3rd day of October 2023.

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Jason Thompson, Mayor

Attest:

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Sheila Lind, Recorder