COTTONWOOD HEIGHTS

ORDINANCE NO. 343

AN ORDINANCE AMENDING THE COTTONWOOD HEIGHTS CODE OF ORDINANCES REGARDING TREES AND PARK STRIPS

WHEREAS, the "Municipal Land Use, Development, and Management Act," UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the "*Act*"), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality's planning commission shall prepare and recommend to the municipality's legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission's recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality's legislative body to adopt or amend the land use ordinance and zoning map for the City; and

WHEREAS, on 14 July 2005, the legislative body (the "*Council*") of the city of Cottonwood Heights (the "*City*") enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City's code of ordinances (the "*Code*"); and

WHEREAS, thereafter, the City's planning commission (the "*Planning Commission*") proposed amending the Code and the City's consolidated fee scheduled (the "*Amendments*") by enacting new provisions and modifying existing provisions of Titles 12, 14 and 19 of the Code and of the City's consolidated fee schedule concerning trees, park strips and related matters in the City; and

WHEREAS, a public hearing was held before the Planning Commission where citizens were given the opportunity to provide written or oral comment concerning the proposed Amendments; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, following the public hearing, the Planning Commission recommended the Amendments to the Council for adoption; and

WHEREAS, the Council subsequently took additional public comment concerning the Amendments; and

WHEREAS, the Council has reviewed and is familiar with the Amendments, a copy of which is annexed as an exhibit to this ordinance, having heretofore formulated various revisions to the form of the Amendments recommended for adoption by the Planning Commission, as authorized by UTAH CODE ANN. 10-9a-502(2); and

WHEREAS, on 7 July 2020, the Council met in regular meeting to consider, among other things, amending the Code and the consolidated fee scheduled (the "*Schedule*") to enact the Amendments, as revised by the Council; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and other public meetings, and other relevant input, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to adopt and enact the Amendments as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Adoption of Amendments***. The Council hereby adopts and enacts the Amendments in the form of the attached exhibit, wherein additions to the current Code and Schedule are shown underlined or otherwise designated as additions, and deletions to the current Code and Schedule are shown ~~struck through~~ or otherwise designated as deletions.

Section 2. ***Action of Officers***. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 343 (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. ***Severability***. It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. ***Repealer***. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. ***Effective Date***. This Ordinance shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 7th day of July 2020.

ATTEST:

By: _____
Paula Melgar, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By: _____
Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea ✓	Nay ___
Douglas Peterson	Yea ✓	Nay ___
J. Scott Bracken	Yea ✓	Nay ___
Tali C. Bruce	Yea ✓	Nay ___
Christine Watson Mikell	Yea ✓	Nay ___

DEPOSITED in the Recorder's office this 7th day of July 2020.

POSTED this 7 day of July 2020.

COTTONWOOD HEIGHTS PARK STRIP AND LANDSCAPING ORDINANCE--CODE TEXT AMENDMENT

Chapter 12.04

DEFINITIONS

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12.04.010 Generally.
The terms used in this title shall have the respective meanings set forth in this chapter.

12.04.020 Address (situs address).
"*Address (situs address)*" means a unique alphanumeric descriptor which identifies the property location of a parcel of land, a building or other structure in the city.

12.04.030 Address format.
"*Address format*" means the order of assemblage and structure of the five standardized components (frontage number, directional, thoroughfare name or number, thoroughfare type, substructure suffix) used in the legal situs address.

12.04.040 Alley.
"*Alley*" means a public way which affords a secondary means of access to abutting property.

12.04.050 Baseline street.
"*Baseline street*" means the east and west directional street (South Temple Street in Salt Lake City) which intersects with the meridian street (Main Street in Salt Lake City) to benchmark the permanent origin of the county-wide grid system and provide a datum point from which the coordinates of all other thoroughfares and legal situs addresses are calculated.

12.04.060 Bench mark.
"*Bench mark*" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

12.04.070 Building setback line.
"*Building setback line*" means a line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of main structure or portion thereof is prohibited.

12.04.080 Certificate of approval.
"*Certificate of approval*" means a signature on a final subdivision plat that signifies final approval by the signing individual or party.

12.04.090 City.
"*City*" means the city of Cottonwood Heights, Utah.

12.04.100 Collector street.
"*Collector street*" means a street which carries traffic from minor streets to the major street

system, including the principal entrance streets of residential development and the primary circulating streets within such a development.

12.04.110 Community development director.

"*Community development director*" means the director of the city's community and economic development department or, if none, then the city's planning manager or another designee of the city manager.

12.04.120 Council.

"*Council*," unless otherwise clearly indicated, means the city council for the city.

12.04.130 County-wide grid system.

"*County-wide grid system*" means the coordinate system which has evolved and developed for identifying address and thoroughfare locations over the greater part of Salt Lake County.

12.04.140 Cul-de-sac.

"*Cul-de-sac*" means a minor street having one open end and being terminated at the other by a vehicular turnaround.

12.04.150 Directional.

"*Directional*" means the compass direction of the legal situs address which references the county-wide grid and the direction in which the frontage numbers are measured along the roadway of both public and private thoroughfares. When a thoroughfare number is used in the address instead of an alphabetic name, a directional shall also be used to designate its direction. A directional shall always be abbreviated with the first letter of its compass direction in standardized address format.

12.04.160 Dwelling.

"*Dwelling*" means any building or structure, or portion thereof, intended for residential use.

12.04.170 Easement.

"*Easement*" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

12.04.180 Final plat.

"*Final plat*" means a map or chart of a subdivision, PUD, condominium or other proposed development which has been accurately surveyed, and such survey marked on the ground so that thoroughfares, alleys, blocks, lots and other divisions thereof can be identified.

12.04.190 Flag lot.

"*Flag lot*" means a lot not fronting on or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

12.04.200 Frontage number.

"*Frontage number*" means the prefix component of a legal situs address which is numerically sequenced and assigned to a structure or parcel along a thoroughfare according to its relative distance perpendicular to the baseline or meridian axis of the county-wide grid system.

12.04.210 Health department.

"*Health department*" means the Salt Lake County Health Department.

12.04.220 Intersection.

"*Intersection*" means the point on the county-wide grid system which identifies the location where two or more thoroughfares cross one another.

12.04.230 Lot.

"*Lot*" means a portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.

12.04.240 Lot width.

"*Lot width*" means the width of the lot measured along the minimum building setback line.

12.04.250 Major street.

"*Major street*" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated by the city, on the master street plan or otherwise, as a controlled-access highway, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.

12.04.260 Marginal access street.

"*Marginal access street*" means a minor street which is parallel to and adjacent to a major street and which provides access to abutting properties and protection from through traffic.

12.04.270 Master street plan.

"*Master street plan*" means a plan, including maps or reports or both, which has been adopted by the city under UTAH CODE ANN. § 10-9a-407, as amended.

12.04.280 Minor street.

"*Minor street*" means a street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

12.04.290 Non-climbable fence.

"*Non-climbable fence*" means a fence erected to a minimum height of six feet as a barrier to persons entering the enclosed area. Chain link is not permitted for non-climbable fences.

12.04.300 Official map.

"*Official map*" means any map and accompanying report adopted by the city under the provisions of UTAH CODE ANN. § 10-9a-407, as amended.

12.04.310 Open fence.

"*Open fence*" means a wall or fence through which clear vision is possible from one side to the other for 75 %t or more of the structure, as viewed on a horizontal plan.

12.04.320 Owner.

"*Owner*" includes the plural as well as the singular, and may mean either a natural person,

firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

12.04.330 Parcel of land.

"*Parcel of land*" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

12.04.335 Park strip.

"*Park strip*" means a landscaped area between the curbline and the sidewalk (or fenceline if no sidewalk exists) in any public or private right-of-way.

12.04.340 Planning commission.

"*Planning commission*" means the city's planning commission.

12.04.350 Preliminary approval.

"*Preliminary approval*" means an approval, with or without recommended alterations, given to a preliminary plat by the planning commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

12.04.360 Preliminary plat.

"*Preliminary plat*" means a map or plan of a proposed land division or subdivision.

12.04.370 Private rights-of-way.

"*Private rights-of-way*" means thorough- fares which are retained and maintained under the ownership of private individuals intended for private use.

12.04.380 Property identification certificate.

"*Property identification certificate*" means the official documentation, including a certificate number and the registration of a legal situs address, which is issued to the owner/resident for their parcel, building or premises dwelling. The official situs address may also be designated on a final plat recorded in the office of the Salt Lake County Recorder.

12.04.390 Public rights-of-way.

"*Public rights-of-way*" means thorough-fares which are dedicated for perpetual public use and are administered by the city.

12.04.400 Solid visual barrier.

"*Solid visual barrier*" means a fence or wall (including any gates in said fence or wall) that is at least 85 % opaque as viewed on a horizontal plane.

12.04.410 Subdivision.

"*Subdivision*" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes:

A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map plat or other recorded instrument; and

B. Divisions of land for all residential and non-residential uses, including land used or to be

used for commercial, agricultural and industrial.

This definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder. The word "subdivide" and any derivative thereof shall have reference to the term subdivision as defined in this section.

12.04.420 Thoroughfare.

"*Thoroughfare*" means any rights-of-way, under public or private ownership for public use, designed for the travel of motorized vehicles to enter and exist through passage and to include the ways used for internal circulation of traffic. Thoroughfare may also be referred to as "streets" in this chapter.

12.04.430 Thoroughfare name.

"*Thoroughfare name*" means the alphabetic name assigned, not including the street type designator, to identify both public and private thoroughfares which are on the county-wide grid, and is one of the primary components of a legal situs address.

12.04.440 Thoroughfare number.

"*Thoroughfare number*" means the name of a thoroughfare designated with numerals according to its numerical position on the county-wide grid relative to the baseline or meridian axis streets. Thoroughfare numbers never contain alphanumeric characters. When a thoroughfare number is designated, a directional corresponding to its orientation on the grid is also required.

12.04.450 Thoroughfare type.

"*Thoroughfare type*" means a standardized identification descriptor which corresponds to physical and functional characteristics of a thoroughfare (e.g., "Avenue," "Bay," "Boulevard," "Canyon," "Center," "Circle," "Court," "Cove," "Drive," "Expressway," "Hill," "Lane," "Parkway," "Place," "Road," "Row," "Street," and "Way").

12.04.460 Trails.

"*Trails*" means a system of public recreational pathways located within the city for use by the public for walking, biking and/or horseback riding as designated.

12.04.470 Uniform property identification system.

"*Uniform property identification system*" means the established regulations and guidelines, as revised from time to time, which define specific procedures for the design and designation of address numbers on all houses and buildings including occupancy units therein as well as the design of names and numbers for streets both public and private including standards for street intersection markers (signs).

12.04.480 Unit locator.

"*Unit locator*" means the last component of a legal situs address which is an alphabetical or numerical code used to identify a one-to-one correspondence between a building and high density occupancy structures within the buildings such as suites, rooms, apartments and condominium units.

Chapter 12.24

REQUIRED IMPROVEMENTS

Sections:

12.24.010 Certification of improvements.
12.24.020 Sewers.
12.24.030 Storm drainage.
12.24.040 Street improvements.
12.24.050 Arrangement of streets.
12.24.055 Utilities and facility systems to be underground.
12.24.060 Pavement requirements.
12.24.070 Curbs, gutters, sidewalks and park strips.
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12.24.090 Trails.
12.24.095 Bicycles lanes.
12.24.100 Fire hydrants.
12.24.110 Storm water inlets and catch basins.
12.24.120 Open ditches and canals—Permitted when.
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12.24.140 Construction of improvements.
12.24.150 Responsibility for damages.
12.24.160 Performance bonds.
12.24.170 Exemptions.
12.24.180 Fee in lieu of required improvements.
12.24.190 Street lighting.

12.24.010 Certification of improvements.

No final plat of a subdivision of land shall be recorded, except as provided in Section 12.08.030, without receiving a statement signed by the community and economic development department certifying that the improvements described in the subdivider's plans and specifications together with the city's bond calculations meet the minimum requirements of all ordinances of the city, that they comply with the standards and requirements of the health department, the community and economic development department, the planning commission and the Unified Fire Authority or other fire and emergency protection services provider to the city.

12.24.020 Storm sewers.

Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and shall be connected to an outfall approved by the community and economic development department. A storm water drainage system subject to the approval of the community and economic development department shall be provided, and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by an engineer licensed in the state of Utah and not in the employ of the city. The minimum size of storm sewer pipes shall be 15 inches and the material of pipe shall be reinforced concrete. The combined underground and surface system shall be designed to convey a one in 100-year storm through the subdivision without inundating homes or other structures built on the lots. The underground system shall be designed at a minimum to convey a one in ten-year storm event. The overall system must drain to an approved detention system and discharge into an approved storm

drain outfall based on the requirements in Title 17 (Storm Drainage and Flood Control Development; Ground Water Source Protection) of this code, or its successor.

12.24.030 Storm drainage.

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for storm waters unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use, except in city approved pipe systems. The subdivider shall remove such waterways from property to be so dedicated prior to the construction of required off-site improvements.

12.24.040 Street improvements.

The subdivider shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to the community and economic development department. Plans and profiles are to be prepared by a licensed professional engineer licensed in the state of Utah and not in the employ of the city and shall be accompanied by the final plat. The community development department shall within a reasonable time not to exceed 20 days from the receipt of the plans and profiles, notify the subdivider of approval, and in case of disapproval the reasons therefor.

A. At least ten days prior to the commencement of construction, the subdivider shall furnish to the community and economic development department three complete sets of approved construction plans and profiles of all streets, existing and proposed. Such plans and profiles shall include:

1. The designation of limits of work to be done;
2. The location of the bench mark and its true elevation according to city datum, all profiles to be referred to that datum;
3. Profiles which indicate the finished and existing grades for each side of the street. Separate profiles, clearly designated, shall be made for each side of the street;
4. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify construction;
5. Complete data for field layout and office checking;
6. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage at intersection; and
7. The street address of the project.

12.24.050 Arrangement of streets.

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning commission. New streets must connect with existing public streets.

12.24.055 Utilities and facility systems to be underground.

All utility and facility systems including, but not limited to, all poles, towers, wires, lines, cables, conduits, and pipes providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution systems, and

transmission systems shall be placed underground in accordance with city ordinances and policies.

12.24.060 Pavement requirements.

A. All streets within the city shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations approved by the city council.

B. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations approved by the city council.

12.24.070 Curbs, gutters, sidewalks and park strips.

A. Curbs and gutters on all streets shall be concrete of the standard high back-type unit, not less than 30 inches in overall width, and not less than six inches thick where the curb abuts the street pavement. Low back curb may be installed in cul-de-sacs and wherever approved by the city engineer.

B. All curb corners shall have a radius of not less than 25 feet.

C. The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

D. The subdivider ~~may~~ shall be required ~~by the city~~ to install a park strip under Section 14.12.060, and the property owner shall be required to provide landscaping in the park strip under Chapter 14.44.~~landscaping in the area between the curb and sidewalks. The type and amount of landscaping required shall be at the discretion of the community development director and may vary within the development~~.

E. Waterways shall meet APWA standards.

~~F. The plants and other landscaping material that best serve the intended functions shall be used. Landscaping material shall be appropriate for local environment, soil conditions and availability of water.~~

12.24.080 Street name signs.

Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the community and economic development department, shall be provided at the developer's cost at all street intersections. Fabrication and installation shall be made by the city to insure uniformity.

12.24.090 Trails.

The subdivider shall dedicate (or, at the city's option, grant a public easement for) trails necessary to provide public access to public lands and other trails shown on the city's general plan or adopted area master plans or required by the planning commission. Trails shall be located so that the route is feasible for both construction and long term maintenance; insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approval of the subdivision. The amount of land required for trail dedication without compensation shall not exceed five percent of the land within the subdivision excluding trails located within a standard street right-of-way.

12.24.095 Bicycle lanes.

The subdivider shall construct and dedicate bicycle lanes and signage necessary to complete the city's bicycle lane network and in accordance with the city's bicycle and trails master plan.

12.24.100 Fire hydrants.

Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the Unified Fire Authority or other fire and emergency protection services provider to the city.

12.24.110 Storm water inlets and catch basins.

Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the community development department, as necessary to collect the runoff from a storm of one in ten year intensity wherever drainage exceeds carrying capacity of curb and gutter or waterway at that point, or as directed by the city engineer.

12.24.120 Open ditches and canals—Permitted when.

Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:

A. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;

B. The size of pipe and culverts required; and

C. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the community development department.

12.24.130 Fencing requirements.

The subdivider shall install a six-foot, non-climbable fence, in conformance with the standards and rules and regulations adopted as provided in Section 12.20.010, along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of potentially hazardous nature on, crossing or contiguous to the property being subdivided, except along those features which the planning commission shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public. Fencing and landscaping along nonaccess streets shall be reviewed and approved by the planning commission to provide a uniform and esthetically pleasing streetscape.

12.24.140 Construction of improvements.

A. 24 hours prior to construction of any required improvements, the community and economic development department and the public works department shall be notified so that proper inspection may be provided and so that it may be determined whether or not proper authorization and/or required permits for construction have been obtained.

B. As-built plan and profile drawings shall be furnished to the community and economic development department for all street improvements, storm sewer, sanitary sewer and water systems upon completion. As-built plans shall be submitted in digital format and must be compatible with the city's ESRI GIS mapping system. The city shall retain the improvement bond until such plans have been submitted.

C. Extreme care should be exercised on the part of the subdivider, the contractor and all other associated agencies for the protection and maintenance of all existing or newly placed improvements or facilities within the roadway sections during development.

D. Prior to any bond release, the subdivider shall install metal front lot corners at an offset in the top back of curb or sidewalk for all lots within the plat.

12.24.150 Responsibility for damages.

All damages to any bonded improvements or facilities incurred during the period of development shall be the sole responsibility of the subdivider and must be replaced to the satisfaction of the city before final acceptance of any improvements caused by the subdivider or any agents of the subdivider shall be repaired by the subdivider to the satisfaction of the city prior to final acceptance and bond release.

12.24.160 Performance bonds.

A. In lieu of actual completion of the improvements listed in this title, subdividers may file with the city a cash bond, an escrow agreement, or an irrevocable letter of credit in an amount specified by the community and economic development department to assure actual construction of such improvements within a two-year period. Ten percent of the bond amount for public improvements such as curb, gutter, sidewalk, road surfacing, flood control and fire hydrants shall extend for a one-year period beyond the date the improvements are completed to guarantee replacement of defective public improvements. The bond or agreement shall also secure all lot improvements on individual lots on the subdivision which are required in this title. The bond or other security shall be approved by the city attorney prior to plat recordation.

B. If the city determines that the required improvements should be completed in a specified sequence and/or in less than a two-year period in order to protect the health, safety and welfare of the city or its residents from traffic, flood, drainage or other hazards, it may require in approving the final subdivision plat that the improvements be installed in a specified sequence and period which may be less than two years and shall incorporate such requirements in the bond.

C. Inspections shall be made within seven calendar days from the date of the request. If inspection shows that city standards and specifications have been met in the completion of such improvements, the bond shall be released within seven days from the time of inspection and filing of the as-built plan and profile drawings. If the bonds are not released, refusal to release and the reasons therefor shall be given to the subdivider in writing within 14 days from the time of the inspection.

12.24.170 Exemptions.

The city and public and quasi-public uses shall, upon the submission of a letter guaranteeing the improvements required by this chapter, be exempt from the provisions of Section 12.24.160, subject to approval of the community development director.

12.24.180 Fee in lieu of required improvements.

A. Where present conditions exist which make it unfeasible or impractical to install any required public improvements, the city may require the subdivider to pay to the city a fee equal to the estimated cost of such improvements as determined by the director of community development. Upon payment of the fee by the developer, the city shall assume the responsibility for future installation of such improvements.

B. The treasurer shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the community and economic development department.

12.24.190 Street lighting.

A. The subdivider shall install street lights. The street lighting shall be 5600 lumens equivalent

light-emitting diode (LED) or induction lighting as approved by the city engineer. A 9500 lumens equivalent light-emitting diode (LED) or induction lighting shall be used at intersections as approved by the city engineer. Lighting shall be 3,500 kelvin or less.

B. Street lights shall be on an average no more than 275 feet apart. Placement shall alternate from one side of the street to the other and shall be placed on side property lines. At intersections the street light shall be located near the intersection.

C. All lighting fixtures shall be designed and installed in accordance with the city's official street light policy with power underground.

D. The lights shall be installed in the space between the curb and sidewalks. In situations where the sidewalk is integral, the street light shall be placed within two feet of the sidewalk.

E. Final placement of street lights shall be approved in writing by the city engineer or its designee.

Chapter 14.04

DEFINITIONS

Sections:

14.04.010 Class C roads.
14.04.020 Construction.
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14.04.010 Class C roads.

"*Class C roads*" means the same as "city road," defined in this chapter.

14.04.020 Construction.

"*Construction*" means the construction, reconstruction, replacement and improvement of the

public highways, including the acquisition of rights-of-way and material sites.

14.04.030 City roads.

"*City roads*" include all public roads and streets within the city that are not designated as state highways or county roads.

14.04.040 Curbline.

"*Curbline*" means a line on either side of the center of a highway ten feet inside the right-of-way line and running parallel to the right-of-way line. Any individual exceptions to this definition must be approved by the city.

14.04.050 Department.

"*Department*" means the city's public works~~community and economic development~~ department or other designee of the city.

14.04.060 Fenceline.

"*Fenceline*" means a line on either side of the center of a highway coterminous with the outside boundary or limits of the highway.

14.04.070 Hazardous tree.

"*Hazardous tree*" means a dead or dying tree, dead parts of a live tree, or an unstable live tree (due to structural defects or other factors). Hazardous trees have the potential to cause property damage, personal injury, or fatality in the event of a failure.

14.04.08~~7~~0 Highway authorities.

"*Highway authorities*" means the Utah Department of Transportation, the city, or its designated representative.

14.04.090 Landscaping, etc.

"*Landscaping*" means any activity that modifies the visible features of an area of land outside any structure, including the following related definitions:

A. "*Landscaping, impervious hardscape*" means, concrete, stamped-concrete, and pavers systems with less than 1/8 inch minimum joint spacing. Asphalt is prohibited as an impervious hardscape landscaping material.

B. "*Landscaping, permeable hardscape*" means natural or crushed rock and stone, flagstone, organic and/or inorganic mulch, and permeable paver systems with 1/8 inch minimum joint spacing that allow water to penetrate the soil.

C. "*Landscaping, softscape*" means intentionally planted living plants such as trees, shrubs, vines, ground covers, flowers, turf, or ornamental grass at three-year maturity.

D. "*Landscaping, water efficient*" means landscaping that uses a combination of tactics to provide landscaping in a way that reduces typical water usage including, but not limited to, grouping plants according to their water needs, utilizing native drought-tolerant trees and plants, limiting turf areas to those needed for practical uses, adding permeable hardscape landscaping that compliments vegetative softscape landscaping, uses efficient irrigation, ensures that the soil that is supporting plants is healthy, utilizes mulch, and receives regular maintenance.

14.04.1~~8~~0 Limited-access facility.

"*Limited-access facility*" means a highway, road or street especially designed for through traffic and over, from or to which neither owners nor occupants of abutting lands, nor other persons, have any right to easement, or have only a limited right or easement of access, light, air or view.

14.04.11~~09~~0 Maintenance.

"*Maintenance*" means the performance of all things necessary to keep a public highway, sidewalk, or park strip in serviceable condition.

14.04.120 Noxious weed.

"*Noxious weed*" means a plant identified by the state weed committee and regulated by the Salt Lake County Department of Health.

14.04.1~~3~~00 Official map.

"*Official map*" means the official map(s) of the city, as adopted by the city council in accordance with law, showing the highways, freeways, parks, parkways, and sites for public buildings or works, including subsurface facilities, in the acquisition, financing, or construction of which the city has participated or may be called upon to participate.

14.04.140 Park strip.

"*Park strip*" means a landscaped area between the curbline and the sidewalk (or fenceline if no sidewalk exists) in any public or private right-of-way.

14.04.1~~5~~10 Person.

"*Person*" includes any individual, firm, company, partnership, limited liability company, corporation, association, other entity, or any group or combination, and the plural as well as the singular, unless the intent to give a more limited meaning is disclosed by the context.

14.04.1~~6~~20 Public highway.

"*Public highway*" or "*highway*" means any road, street, lane, court, place, viaduct, tunnel, culvert, bridge, alley, or other public way situated within the city laid out or erected as such by the public, or dedicated, abandoned or open to the public, or made such in any action for the partition of real property, or such other public property so designated by any ordinance or statute, and includes the entire area within the right-of-way.

14.04.1~~7~~30 Right-of-way.

"*Right-of-way*" or "*public way*" means land, property or an interest therein, usually in a strip, acquired for or devoted to use as a public highway.

14.04.1~~8~~40 Section.

"*Section*" means a section of this title unless some other section is specifically mentioned.

14.04.1~~9~~50 Sidewalk.

"*Sidewalk*" means ~~that area~~ a concrete walkway between the ~~curbline~~ park strip and the fenceline (or between the curbline and the fenceline if no parkstrip exists) on either side of a highway.

14.04.200 Tree.

"*Tree*" means any perennial self-supporting woody plan that grows at maturity to an overall height of at least ten feet with either a single trunk or multiple trunks which are at least four inches in diameter.

14.04.210 Tree planting line.

"*Tree planting line*" means a line equidistant between the sidewalk and curbline.

14.04.220 Weed.

"*Weed*" means a plant growing on a property that was not intentionally planted and is not native to the local environment, as opposed to a native and intentionally planted and cultivated plants.

Chapter 14.12

STANDARDS FOR ROADWAYS, SIDEWALKS AND OTHER INFRASTRUCTURE

Sections:

14.12.010 Definitions.
14.12.020 Roadway to comply with standards.
14.12.025 Curb ramps, ramps and sidewalks to comply with standards.
14.12.030 Policies.
14.12.035 Standard plans and specifications for public infrastructure,
14.12.040 Clear view of intersecting streets.
14.12.050 Landscaping overhanging street pavement.
14.12.060 Sidewalks.
14.12.065 Curb ramps.
14.12.070 Horizontal clearance to obstructions.
14.12.080 Cul-de-sacs.
14.12.090 Roadway design.
14.12.100 Minimum right-of-way and pavement design.
14.12.110 Driveway approaches.
14.12.120 Intersection design.
14.12.130 Private roadways.
14.12.140 Street direction and grade.
14.12.150 Exceptions.

14.12.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"*AASHTO guidelines*" means the engineering and development standards published by AASHTO in the current edition titled "A Policy on Geometric Design of Highways and Streets."

"*ADA Accessibility Guidelines*" or "*ADAAG*" means the minimum standards set forth in the Federal Register, Volume 56, Number 144, July 26, 1991, or its successor, regarding the accessibility to places of public accommodation and commercial facilities by persons with disabilities.

"*Arterial*" means generally signalized streets that serve primarily through traffic and provide access to abutting properties as a secondary function.

"*Clear view*" means that portion of the corners at intersections where obstructions are limited to two feet in height in order to preserve a safe sight distance for motorists entering intersections.

"*Collector street*" means a street providing land access and traffic circulation service within residential, commercial and industrial areas. They enable moderate quantities of traffic to move efficiently between local streets and the major street network.

"*Corner lot*" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

"*Curb ramps*" means a short ramp cutting through a curb or built up to a curb.

"*Decision sight distance*" means the distance required for a driver to detect an unexpected or otherwise difficult-to-perceive information source or hazard in a roadway environment that may be visually cluttered, recognize the hazard or its threat potential, select appropriate speed and path, and initiate and complete the required safety maneuver safely and efficiently.

"*Developed parcel*" means those land uses other than agricultural.

"*Driveway*" means an access constructed within and adjoining a roadway, connecting the roadway with adjacent property and intended to be used in such a way that the access into the adjacent property will be complete and will not cause the blocking of any sidewalk border area or roadway.

"*Local streets*" means streets primarily providing access to immediately adjacent properties. Through movement may be possible, but is not encouraged.

"*Multifamily driveway*" means a driveway providing access to more than four dwelling units.

"*Private roadway*" means a roadway in private ownership which is controlled and maintained by the owners and not the city.

"*Public roadway*" means a roadway which has been dedicated, deeded or otherwise conveyed to public use.

"*Roadway*" means the entire width between the boundaries of any highway, street or road which is used for vehicular traffic. The terms "*roadway*," "*highway*," "*street*" and "*road*" are used interchangeably in this chapter.

"*Ramp*" means a walking surface which has a running slope greater than 1:20.

"*Sight distance*" means the same as stopping sight distance.

"*Stopping sight distance*" means the minimum sight distance required that will allow motorists traveling at or near the design speed to stop before reaching a stationary object in its path.

"*Sidewalk*" means a facility provided for pedestrian movement, usually segregated from vehicular traffic by a curb or provided on a separate right-of-way.

14.12.020 Roadway to comply with standards.

All public and private roadway development located within and subject to the jurisdiction of the city shall meet the requirements of this chapter. Where specific elements of design and construction are not addressed in this chapter, roadway design and construction shall comply with the engineering guidelines for design set forth in the AASHTO publication, "A Policy on Geometric Design of Highways and Streets," 1990, and any successor editions. The department or its designee shall utilize the AASHTO manual in setting safe design requirements.

14.12.025 Curb ramps, ramps and sidewalks to comply with standards.

All public and private curb ramp, ramp and sidewalk development located within and subject to the jurisdiction of the city shall meet the requirements of this chapter. Where specific elements of design and construction are not addressed in this chapter, curb ramp, ramp and sidewalk construction shall comply with the minimum guidelines for design set forth in the ADAAG, July 26, 1991, and any successor editions. The department shall utilize the ADAAG in setting

appropriate design requirements.

14.12.030 Policies.

The department may adopt policies for use by developers and others in the overall layout and design of streets and adjacent developments. The department will keep and make available to the public copies of the policy.

14.12.035 Standard plans and specifications for public infrastructure,

All roadways, curb ramps, curbs, sidewalks and other public infrastructure in the city shall be constructed in compliance with the requirements of the "Manual of Standard Plans" and the "Manual of Standard Specifications" published by the Utah LTAP Center (2007 editions, as amended). Exceptions or variances to the requirements of such manuals may be granted in writing by the city's director of public works in consultation with the city's engineer, upon their determination that such exception or variance is not detrimental to the public safety or welfare.

14.12.040 Clear view of intersecting streets.

A. Corner sight distance for local streets as defined in the AASHTO guidelines shall be a minimum of 300 feet. All other locations shall be provided with sight distance in accordance with AASHTO guidelines.

B. No constructed or planted obstruction to view, in excess of two feet in height above the level of the adjacent street pavement (measured at the edge of the pavement) shall be allowed within the clear view of intersecting streets. Exception to this are signs that conform to the applicable zoning code; a reasonable number of trees pruned to at least 13.5 feet above the street pavement~~ten feet~~; and pumps at gasoline service stations. In the event the provisions of this subsection conflict with zoning codes, the most restrictive shall apply.

C. Landscaping material or other obstructions which infringes the clear view of intersecting streets creates a safety hazard, and ~~after 20 days' notice to property owner by certified mail has been given,~~ may be trimmed or removed by city employees or by any other person or entity designated by the city following at least 20 days' notice by certified mail to the property owner.

D. The city shall be entitled to reimbursement of the costs incurred by it in trimming or removing landscaping or obstructions under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereto at the statutory rate, and the city's attorney's fees and costs of suit.

14.12.050 Landscaping overhanging street pavement.

Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of 13.5~~thirteen and one-half~~ feet above the street pavement. Trees and landscaping which violate the requirements of this section may be trimmed or removed by city employees or by any other person or entity designated by the city after 20 days' notice by certified mail to the property owner has been given. The city shall be entitled to reimbursement of the costs incurred by it in trimming trees and landscaping under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereon at the statutory rate, and the city's attorney's fees and costs of suit.

14.12.060 Sidewalks and park strips.

A. Sidewalks shall be located as far as practical from travel lanes. As the minimum standard, concrete sidewalks shall be five~~four~~ feet in width with a five foot wide park ~~utility~~ strip between the roadway edge of sidewalk and back of curb.

B. A five-foot wide sidewalk will be allowed integral with the back of curb where exceptional topographic conditions exist or where specifically approved by the city. Where integral sidewalk is permitted, the right-of-way may be reduced accordingly.

C. ~~When properties are adjacent, but do not access or front on public right-of-way, a stamped brick pavement in the utility strip or other suitable approved finishing material shall be required to reduce maintenance in these areas unless an exception is granted by the city.~~

~~D.~~ In developments which have a minimum lot area of one acre, aesthetic alternatives may be approved in lieu of standard concrete, except areas along collectors and arterials. The department or its designee shall review and approve all design and geometric standards for such requests.

D~~E~~. Sidewalks shall remain unobstructed from vegetation and other obstructions to a minimum height of seven feet. Landscaping or other obstructions which violate the requirements of this section may be trimmed or removed by city employees or by any other person or entity designated by the city after 20 days' notice by certified mail to the property owner has been given. The city shall be entitled to reimbursement of the costs incurred by it in trimming or removing landscaping or obstructions under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereon at the statutory rate, and the city's attorney's fees and costs of suit.

14.12.065 Curb ramps.

A. Curb ramps shall be provided wherever an accessible route crosses a curb.

B. The least possible slope shall be used for any curb ramp. Slope shall be measured by: Slope equals Y:X, where X is a level plane.

C. The maximum slope of a curb ramp in new construction shall be 1:12. Curb ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises less than 1:12 as follows:

1. A slope between 1:10 and 1:12 is allowed for a maximum rise of six inches;
2. A slope between 1:8 and 1:10 is allowed for a maximum rise of three inches; and
3. A slope steeper than 1:8 is not allowed.

D. The minimum width of a curb ramp shall be 36 inches, exclusive of flared sides.

E. Surfaces or curb ramps shall be stable, firm and slip-resistant.

F. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides, the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.

G. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes.

H. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

I. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides.

J. If diagonal (or corner type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 inches minimum clear space. If diagonal curb ramps are provided at marked crossings, the 48-inch clear space shall be within the markings. If diagonal curb ramps have flared

sides, they shall also have at least a 24-inch long segment of straight curb located on each side of the curb ramp and within the marked crossing.

K. Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least 40 inches long between the curb ramps in the part of the island intersected by the crossings.

14.12.070 Horizontal clearance to obstructions.

On all streets a minimum clearance of 24 inches shall be provided between the curb face or shoulder edge and obstructions such as utility poles, fire hydrants, trees, landscaping exceeding three feet in height, etc., except standard mailboxes approved by the U.S. Postal Service.

14.12.080 Cul-de-sacs.

A. Cul-de-sacs and turnarounds shall have a minimum right-of-way radius of 50 feet in residential areas and 60 feet in commercial and industrial areas. A circular left hand offset is desirable.

B. Hammerhead, "L," "Y" and "T" turnarounds shall only be allowed when approved by the city's planning commission upon written recommendation and design review of the department.

C. A temporary turnaround for stub streets in excess of 150 feet long shall be provided where the extension of a street is planned and anticipated.

D. The length of a cul-de-sac shall vary inversely with density to accommodate a maximum of 25 lots and shall not be longer than 1,000 feet.

14.12.090 Roadway design.

A. All vertical grades shall be a maximum of ten percent.

B. A minimum vertical grade of four-tenths of one percent and a minimum crown slope of two percent shall be provided for adequate drainage of runoff.

C. All approach legs of intersections shall provide vertical crest grades not to exceed two percent for a distance of at least 50 feet from right-of-way line of intersecting streets.

D. The length of crest and sag vertical curbs shall be designed in accordance with AASHTO guidelines.

E. Vertical and horizontal curves shall be designed to provide a minimum stopping sight distance in accordance with AASHTO guidelines using the design speeds listed below. Decision sight distances, however, may be required as outlined in AASHTO's guidelines where more complex driver information error is likely to occur.

F. All roadways shall be designed in accordance with the following design speeds using AASHTO's guidelines, principles, and practices:

1. Local: 25 mph;
2. Collector: 40 mph;
3. Arterial: 50 mph.

G. Superelevation rates above 0.06 ft./ft. shall be prohibited to minimize slipping across a roadway when stopped or attempting to slowly gain momentum from a stopped position. Superelevation will not be allowed on local residential streets.

H. Where a centerline deflection angle of more than ten degrees occurs, a circular curve shall be introduced. There shall be a tangent of at least 50 feet on local streets and 100 feet for collectors and arterials between reverse curves.

14.12.100 Minimum right-of-way and pavement design.

A. The minimum pavement width and pavement design standards shall be provided as

follows:

	Right-of-way Width	Pavement Width	Minimum Design Section
Local	42'	25'	8" base 3" asphalt
Local	50'	25'	8" base 3" asphalt
Collector	60'	35'	8" base 3" asphalt
Collector	66'	41'	8" base 3" asphalt
Collector	80'	55'	10" base 4" asphalt
Arterial	106'	55' – 81'	12" base 6" asphalt

B. All roadway sections shall be designed in accordance with specific geotechnical specifications acceptable to the city. Such geotechnical specifications shall be paid for by the applicant. The city shall require analysis and additional design requirements when unusual site or traffic conditions exist.

14.12.110 Driveway approaches.

A. Requirements for commercial, industrial, manufacturing, and multiple family uses requiring motor vehicle access shall meet the requirements as hereinafter provided:

1. Access shall not be by more than one driveway approach for each 100 feet of frontage on any street. The city's planning commission, or staff where specifically delegated, may modify this requirement when considering a particular site plan in those cases where the commission or staff determines that the safety and convenience of the general public would be better served by more or less driveway approaches.

2. Wherever possible, adjacent sites should share driveway approaches.

3. Additional driveway approaches may be warranted by the following table 3-A for on-center spacing of driveway approaches.

Table 3-A
Recommended Driveway Approach Spacing

Median Barrier	Principal Arterial	Arterial	Collector
No	250 ft.	200 ft.	175 ft.
Yes	185 ft.	115 ft.	85 ft.

4. No two of said driveway approaches shall be closer to each other than 50 feet.

5. No driveway approach shall be closer than 100 feet to the point of intersection of the two property lines at any corner. If there is not 100 feet of frontage then the driveway approach will be placed five feet from the property line furthest from the intersection of the property lines, if the nearest existing driveway approach is 50 feet or further away. In no instance shall a driveway approach be closer than 60 feet from the projected intersection right-of-way lines with a minimum of five-foot flared section. Flared driveway approaches are required for distinction from intersection corners.

6. The minimum width of a driveway approach shall be 12 feet and the maximum shall be 30 feet.

7. The community development director may approve a driveway approach up to a maximum of 50 feet wide.

B. Single-family dwellings shall meet the following requirements as hereinafter provided:

1. Single-family dwellings shall be permitted only one access unless a circular driveway approach is utilized.

2. There shall be a minimum of 35 feet between the entrances of circular driveway approaches and the two closest edges of the driveway approach.

3. Corner lots will be allowed to have one driveway approach per street frontage.

4. There shall be a minimum ten feet distance between all approved driveway approaches except on cul-de-sacs.

5. The minimum street driveway approach width at the property line shall be ten feet and the maximum shall be 25 feet.

6. A minimum five-foot radius or flared section shall be used.

7. No radius or flare portion of a driveway approach shall intersect the adjacent projected property line except where shared approaches are utilized.

8. On corner lots, driveway approaches shall be set back a minimum of 25 feet from the point of intersection of the right-of-way lines.

C. All driveway approach grades shall not exceed 4% within 20 feet of the roadway boundary.

D. Approaches shall be a minimum of five feet from any line except on cul-de-sacs.

14.12.120 Intersection design.

A. The minimum radius of curb return on local streets in residential areas shall be 25 feet. A larger radius shall be used in industrial areas or higher functional classification streets as approved by the department or its designee in accordance with AASHTO guidelines.

B. Streets shall intersect at an angle of ninety degrees where possible, but in no case shall the angle of intersection be less than eighty degrees.

C. Offset intersections shall be avoided whenever possible and offsets shall be provided with minimum distances as follows:

1. Local streets: 150 feet;
2. Collectors: 500 feet;
3. Arterials: 800 feet.

D. Left turns shall be prohibited within 200 feet of major intersections either by signs or concrete medians.

14.12.130 Private roadways.

A. The width of all private roadways shall consist of a minimum of 25 feet of unobstructed travel surface. Roadways shall be 25 feet wide where they form cul-de-sacs greater than 500 feet in length. Short sections may be reduced to preserve trees or other features as approved by the fire department.

B. All surfaces shall consist of an approved design capable of carrying 24-ton vehicles.

C. Except as modified by Subsections A and B of this section, all private roadways shall comply with the requirements of this chapter.

D. Each and every owner of any interest in a private roadway shall be jointly and severally responsible for the maintenance and repairs to the roadway. The city shall have no responsibility or liability for the maintenance of or repair to any private roadway. Each private roadway shall be maintained in a manner which allows easy access and passage of emergency vehicles throughout the entire length of the roadway.

E. Any building lot that is located outside a planned unit development, which fronts on a private roadway with at least 25 feet of paved surface, shall have a minimum lot area of one-half acre. The minimum distance from the center of such roadway to the front building line on such a lot shall be 50 feet.

F. Gated access to private roadways is subject to prior city approval, and shall be considered by the city's planning commission on a case-by-case basis. Proposed gated access shall be subject to any minimum standards for such gateways adopted by the city, and to design review by the city's architectural review commission.

14.12.140 Street direction and grade.

No street shall vary from the direction and grade of other city streets unless an exception in the direction and grade is obtained from the city council.

14.12.150 Exceptions.

In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements of this chapter may be approved by the city council after receiving recommendations from the city's planning commission and the department, provided that the variation or exceptions are not detrimental to the public safety or welfare.

Chapter 14.44

~~SHADE~~ TREES AND PARK STRIP LANDSCAPING

Sections:

14.44.010 Care of trees.

14.44.020 Park strip design standards~~Planting line~~.

14.44.030 Park strip tree standards.

14.44.0~~4~~30 Condemnation and removal of trees.

14.44.010 Care of trees.

A. *Purpose*. The city recognizes the importance of trees within the community. The purpose of this ordinance is to promote the general welfare of the city and its residents by establishing and maintaining the maximum possible amount of canopy coverage provided by trees in order to improve air quality, water quality, conservation of energy, biodiversity and habitat, roadway longevity, and to decrease urban heat island effects, consumption of water, light and noise trespass, driving speed, and impact on storm drainage.

B. *City forester*.

1. The director of the city's community and economic development department ("*CED*") shall designate an employee or qualified independent contractor as the city's forester who shall:

(a) Be responsible for the long-term management, inventory, planting, and design of public trees under city control in cooperation with the CED director;

(b) Maintain "partnerships" between public and private parties for the purposes specified in subsection A, above;

(c) Coordinate with the department in the training of city crews or contract providers to ensure the best methods of tree care are practiced in the city;

(d) Work with engineers, architects, and the CED during the design phase of project development;

(e) Inspect trees installed as part of new development or redevelopment to ensure they meet city requirements;

(f) When requested, assist city departments to determine if hazardous trees are present on public or private property and to coordinate city measures to abate hazardous trees; and

(g) Pursue funding opportunities that allow for the maintenance of existing trees or the addition of new trees.

2. If the CED director appoints a city employee to fulfill the role of city forester, the CED director may also enter into a limited contract with a qualified independent contractor to perform duties that city staff is unable or unqualified to perform.

C. *City responsibilities*. The city shall be responsible for the following, subject to availability of appropriated funds for such purposes:

1. Tree care in city-owned and operated parks, on the grounds of city buildings and properties, and in park strips that the city has determined will be maintained by the city.

2. Pruning of trees in the public right-of-way and public utility easements when necessary for proper operation of city services or utilities.

3. Removal of hazardous trees, or the hazardous portions thereof, in the public-right-of-way or city owned and operated parks.

4. Pursuant to UTAH CODE ANN. 4-17-112, the city shall develop, implement, and pursue an effective program for the control and containment of weeds and noxious weeds on all lands under the city's control or jurisdiction, including highways, roadways, rights-of-way, and easements.

D. *Hazardous trees on private property*. If a hazardous tree exists upon private property, the property owner and all other persons having control of that private property shall be responsible to mitigate, abate, remove, or correct the hazard. Any hazardous tree is a public nuisance.

1. No one, either as owner, agent, or occupant, may create, aid in creating, or maintain a hazardous tree.

2. If the city determines that a particular tree is a hazardous tree on any private property, the city may give a written notice to the owner of that property to mitigate, abate, remove, or correct the hazardous tree.

(a) If the owner of private property where a hazardous tree exists does not mitigate, abate, remove or correct the hazardous tree within 30 days after the city's notice, the city may bring an action to abate the hazardous tree as a public nuisance as outlined in Chapter 9.05, Cottonwood Heights Code of Ordinances ("*CHC*").

(b) A notice to mitigate, etc. a hazardous tree may be appealed per the provisions of CHC Section 9.05.110.

3. In the event of an emergency created by a hazardous tree which poses threat of imminent harm to person or property, the city or its agents may mitigate such hazard by all reasonable means, including removal of the hazardous tree. Any associated costs incurred by the city shall be reimbursed by the owner of the private property where the hazardous tree was located. The city and its officers, employees and agents shall incur no liability if acting in good faith under this section.

E. *Protection of public trees.*

1. The following actions toward any public tree within a public right-of-way or upon public property without prior authorization by its owner are unlawful:

(a) Construction of any impervious or pervious landscaping, concrete, or asphalt within three feet of the trunk of a public tree.

(b) Filling the ground area around any public tree so that air or water are shut off or materially impeded from reaching the tree's roots.

(c) Storage of material or equipment within three feet of a public tree.

(d) Fastening any sign, guywire, cable, or rope to any public tree, except for tree straps intended to stabilize a public tree that are approved by its owner.

(e) Pouring or spraying injurious matter on or around a public tree.

(f) Posting any sign, tree stake, or guard in a manner that injures a public tree or its root system.

(g) Damaging any part of a public tree (roots, crown or trunk) so as to cause injury or death.

2. Any person performing construction, excavation, or demolition work within 15 feet of a public tree shall protect the tree from injury or damage with a substantial protective barrier. The barrier shall not be less than four feet high and have a radius around the tree that is the greater of (a) three feet, or (b) a distance in feet from the tree equal to the diameter (in inches) of the tree trunk measured four feet above ground. All building materials, extra dirt, or other debris shall be kept outside the barrier. Any deviation to this standard must be pre-approved by the city forester.

3. No person shall use a public tree for any unauthorized purpose.

F. *Violation and penalty*. Any person who violates any provision of this chapter shall be guilty of a class C misdemeanor. If the violation of this chapter causes the injury, mutilation, or death of a public tree, the violating party also shall pay the cost of repair or replacement of such tree. The replacement value of public trees shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal" published by the International Society of Arboriculture, or a comparable valuation guide adopted by the city. The city may pursue criminal or civil actions against any person or entity who violates this chapter as is deemed appropriate, including abatement or injunctive relief.

~~In all cases the abutting property owner who receives the beneficial use of and benefit from trees is to care for and water the same. Failure to care for trees may constitute a nuisance.~~

14.44.020 Park strip design standards~~lanting line~~.

A. *General provisions*. As required by Section 14.12.060, newly constructed park strips shall be a minimum of five feet in width and located between the sidewalk and the curbline.

1. Landscaping standards. All park strips shall be landscaped as outlined in subsections (B) and (C), below. Additionally:

(a) Except for trees, landscaping in park strips shall not exceed three feet in height. Except for trees, vegetation may not extend horizontally beyond the planter strip.

(b) Water-efficient trees and landscaping is highly encouraged in all situations. Organic mulch materials may be used as a water conservation measure for vegetation but shall not be used exclusively as a landscaping material.

(c) Wasting water in park strips by significantly over-watering or over-spraying landscaped areas, or by creating excess runoff, is highly discouraged.

(d) Prohibited materials include impervious hardscape landscaping, asphalt, thorn-bearing vegetation, and other vegetation and materials determined to be a nuisance by the CED director.

(e) Trash, debris, and weeds are prohibited within park strips.

(f) Owners of property adjacent to a right-of-way without curb and gutter are not required to maintain landscaping within the public right-of-way.

2. Timing of required park strip improvements. Park strips shall be developed or restored to the park strip landscaping design standards outlined in this chapter whenever new development or redevelopment of a property occurs. Redevelopment is defined to occur when a property has a new primary structure constructed that accommodates an approved principal zoning use.

(a) Existing park strips less than five feet in width do not require upgrading to five feet in width until the adjacent property develops or redevelops and then only if the department anticipates a minimum five-foot park strip will be required for the right-of-way in the future.

(b) Required landscaping in park strips shall be installed or upgraded per the standards of this Chapter within two years of the issuance of building permits for any new structures that constitute a primary zoning use for the site.

(c) Before any digging or excavation exceeding a depth of one foot is performed in any park strip, Blue Stakes of Utah shall inspect the property and identify the location of utility lines. All

persons conducting work in a park strip shall follow any instructions provided by Blue Stakes of Utah.

B. *Landscaping for park strips over four feet in width.*

1. One hundred percent of the park strip may be developed in softscape landscaping. Water-efficient landscaping is highly encouraged.

2. No more than fifty percent of the park strip shall be developed in permeable hardscape landscaping. Permeable hardscape sections shall be no more than ten feet in length and shall alternate with softscape landscaped sections.

C. *Park strips less than four feet in width.*

1. One hundred percent of the park strip may be developed in softscape landscaping, although water-efficient landscaping and permeable hardscape landscaping is highly encouraged.

2. Except for areas reserved for trees and tree buffers, up to one hundred percent of the park strip area may be developed in permeable hardscape landscaping.

D. *Double Frontage Lots.* With the exception of the required planting bed of three feet on either side of a tree trunk, any park strip adjacent to the rear property line may be landscaped with a stamped concrete design and color designated by the city. The department shall select a uniform standard for city-wide implementation for double frontage lots. Irrigation is required for any tree within the double frontage planter strip.

14.44.030 Park strip tree standards.

A. *Private property owner responsibilities*. Property owners, and their occupants and agents, shall have the following responsibilities for the protection of trees in park strips abutting their real property:

1. Appropriate watering and fertilization to maintain good health of public trees in park strips.

2. Trees that overhang the street pavement shall be trimmed to a minimum height of 13.5 feet above the street pavement.

3. The species of trees planted in the park strip shall be limited to those approved within the city street tree guide or otherwise approved by the city forester.

(a) Trees that help develop a street canopy and shade at maturity are encouraged and preferred over other tree species.

(b) Tree diversity is encouraged throughout the city. The city forester may, however, require a limited list of tree species for key city streets, including Fort Union Boulevard, Highland Drive, Wasatch Boulevard, Union Park Avenue, and Canyon Centre Parkway, as identified in the city tree selection guide.

(c) Tree species selected for planting under power poles shall be those that grow no greater than 20 feet in height at maturity.

4. Removal of limbs that have fallen upon a city street, property, or sidewalk.

5. Notify the city of any hazardous tree in the right-of-way.

6. Raking, cleanup, and properly disposing of debris leaves so leaf fall does not impede the stormwater system.

7. The city shall have no liability for the failure of any tree or landscaping installed by private parties other than on city-maintained property.

B. *Park strips four feet or greater in width*. Park strips four feet or greater in width shall be planted with trees, which shall be:

1. Spaced not more than 25 feet apart, exclusive of driveway approaches;

2. Planted along the tree planting line;

3. A minimum two-inch caliper trunk size or twenty-gallon root ball container at the time of planting;

4. Planted and centered within a six-foot wide planting bed, which shall entirely exclude any hardscape and shall be primarily covered with bark or mulch;

5. Selected from the city tree selection guide maintained by the city forester relative to the park strip width; and

6. Shall be installed with proper irrigation and an 18-inch-deep by six-foot root barrier on the sidewalk side of the park strip.

C. *Park strips less than four feet in width.* Park strips less than four feet in width shall only include trees as identified on the city street tree guide as being suitable for spaces less than four feet in width, or otherwise as approved by the city forester. Existing trees may remain, but if the tree root system is in danger of damaging the adjacent sidewalk through cracking or uplift, then the tree is highly encouraged to be replaced.

1. Property owners next to this situation are highly encouraged to plant large trees four feet back from the sidewalk in the front yard as a substitute for trees planted in the park strip.

2. Existing trees identified on aerial photography produced before 7 July 2020 (the date if adoption of this ordinance) are legal nonconforming. Any non-permitted tree planted after 7 July 2020 shall be removed at the expense of the adjacent property owner.

D. Bonding: A cash bond or letter of credit assuring installation of required trees shall be provided to the city before issuance of a building permit or final site plan approval.

~~The line on which the trees are to be centered within a city highway right-of-way shall be determined by the department.~~

14.44.0430 Condemnation and removal of trees.

The CED director~~department~~, upon giving proper notice to abutting property owner, shall have the authority to condemn and remove, or order the removal by the abutting property owner of, any tree, tree stump, shrub or vine upon any city roads, avenues, or ways where the tree, tree stump, shrub or vine is dead, diseased or for any other reason undesirable. The department shall have authority to trim or prune any road tree or remove any tree that is in violation of any city ordinance, without serving notice upon the abutting property owner.

Chapter 19.87

SITE PLAN REVIEW PROCESS

Sections:

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19.87.020 Approval required.
19.87.030 Site plan development standards.
19.87.040 Architectural Review Commission (ARC) requirements.
19.87.050 Special provisions.
19.87.060 Application, review and approval.
19.87.070 Issuance of building permit.
19.87.080 Issuance of certificate of occupancy.
19.87.090 Time limits.
19.87.100 Rules and regulations.

19.87.010 Purpose.

The purpose of this chapter is to clearly outline the requirements for submittal and subsequent review of site plans related to all permitted and conditional land uses in the city. The requirements of this chapter are mandatory for every development described herein.

19.87.020 Approval required.

Site plan approval is required for all developments which require a conditional use approval; for any other use, or reason, for which a site plan is required elsewhere in this code; and for the following other uses:

A. Any industrial use.

B. Any commercial use.

C. Any institutional use.

D. Any multiple-unit residential development.

E. Any residential developments within the city's sensitive lands overlay zone, or on any property with any slopes in excess of 30%.

F. Any governmental or quasi-governmental use.

19.87.030 Site plan development standards.

Site plans for any use, in any zone, shall conform to the following standards:

A. *Site plan standards*. The entire parcel shall be built upon, landscaped or paved in accordance with the underlying zoning district's open space and parking requirements, architectural design guidelines and standards as well as any other applicable ordinances adopted by the city or the state.

B. *Buffering / screening requirements*. Any commercial lot which abuts a residential use shall be effectively screened by a combination of wall(s), fencing, and landscaping of city-approved design. No chain-link or wood fences are permitted as buffering or screening between commercial and residential uses. Masonry and vegetative screens are suggested and, as circumstances dictate, either or both may be required. Required walls or fences shall not be less than six (6) feet in height, unless a wall or fence of a different height is required by the planning commission as part of its review of the site plan. Such wall, fence and landscaping shall be continuously maintained in good, attractive condition, with no advertising thereon.

C. *Off-street truck loading space*. Every building or structure built, remodeled or occupied after the effective date of this chapter for manufacturing, commercial trade, or other similar uses involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the building's lot adequate space for standing, loading and unloading of the vehicles in order to avoid undue interference with public use of adjoining streets or alleys. Such off-street loading areas shall be concealed from the public's view.

D. *Utilities*. All utility lines shall be underground in designated easements. No pipe, conduit, cable or line for water, gas, sewage, drainage, steam, electrical or any other source or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation, or other purposes during construction.

1. Transformers shall be grouped with other utility meters where possible, and shall be screened with vegetation or another appropriate method as determined by the city's planning director.

2. Prior to construction, "Blue Stakes" must be contacted to identify underground utility lines.

E. *Grading and drainage*. Drainage from any lot must follow the city's current requirements for on-site retention and (generally) a maximum allowable discharge of 0.2 cubic feet per second (cfs) per acre, or such other grading and drainage requirements as the city engineer deems necessary. Drainage shall not be allowed to flow upon adjoining lots unless the owner of the lot

upon which the water flows has granted an easement for such purpose and the city has approved such drainage plan.

F. *Preliminary condominium plat*. When the proposed site plan includes condominium units, it shall include a preliminary condominium plat. Said plat shall include a survey of the property, the proposed building locations and elevations, identifying each unit in the development. Approval of the proposed site plan shall constitute preliminary approval of the proposed condominium plat.

19.87.040 Architectural Review Commission (ARC) requirements.

A. *Gateway design guidelines.* All developments within the gateway overlay zones, or those areas and developments which are specifically listed as being subject to the gateway design guidelines, shall adhere to the requirements of the gateway design guidelines and standards.

B. *Mechanical equipment*. All mechanical equipment shall be located or screened (and/or other measures taken) so as not to be visible from any public or private street. Screens shall be aesthetically incorporated into the design of the building, whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the planning commission.

C. *Trash enclosures, storage areas, and external structures*. Landscaping, fencing, berms or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures. Trash and storage areas shall be compatible with the proposed or existing building and surrounding structures. These areas shall be well-maintained and oriented away from public view. The consolidation of trash areas between businesses and the use of modern disposal and recycling techniques are encouraged. Chain-link fences and fencing with vinyl slats are prohibited. Acceptable gates will be painted metal.

D. *Exterior materials*. The city's architecture review commission ("*ARC*") shall ensure that all buildings are aesthetically pleasing and conform to an overall master design theme or plan for the project or overlay area of the city. Building elevations shall be submitted that indicate all colors, styles, materials and other proposed building treatments.

E. *Landscape guidelines*. All site plans shall conform to the city's landscaping guidelines.

F. *Saving existing vegetation*. Developments shall be designed to incorporate existing trees, clusters of trees, or clusters of significant vegetation unless the city forester (or a certified arborist if there is no city forester) finds that such preservation is impractical or unwise.

1. The city forester may approve removal of some or all existing vegetation based on a determination of the benefits of such vegetation and the efforts made to save and incorporate the vegetation into the design of a development versus the problems such vegetation may create for the development, including general construction techniques, the impact removal may have on the character of the area, the topography of the site, minimum development standards, and harmful conditions the vegetation may create.

2. If existing trees, clusters of trees, or existing vegetation deemed beneficial to the property are removed without city authorization prior to approval of a development, then the city forester may impose a fee as shown on the city's consolidated fee schedule.

3. Trees and other vegetation required for preservation shall be clearly marked to ensure protection against removal or damage. Snow fencing or other acceptable barriers shall be used to protect existing vegetation designated to be saved. The city forester shall approve the location of such barriers.

G. *Appeal of city forester determination.* A site plan review determination by the city forester on the preservation of trees and vegetation may be appealed to the city's architecture review commission.

~~E.~~

~~F.~~H. *Building lighting*. See Chapter 19.77 ("Outdoor Lighting Regulations")~~Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be shielded and full cut-off so that the light source does not penetrate beyond the property where the structure is located. To prevent light pollution, to the greatest extent possible lighting shall not project above or beyond the property line~~.

~~G.~~ *Parking lot and street lighting.* See Chapter 19.77 ("Outdoor Lighting Regulations").~~All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Lighting of all pedestrian pathways is required.~~

~~G. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings.~~

~~G.~~I. ~~Intensities shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas. All streetlights and interior parking lot lights shall meet the City's lighting design standards.~~

19.87.050 Special provisions.

A. *Uses within buildings*. All uses established in any commercial or industrial zone shall be conducted entirely within a fully-enclosed, approved building except those uses deemed by the planning commission to be customarily and appropriately conducted in the open

B. Nuisances. All commercial uses shall be free from objectionable odors, noises, hazards or other adverse effects or nuisances.

19.87.060 Application, review and approval.

A. *Application*. The property owner or an authorized agent shall make application for site plan approval on the city's prescribed form. Applications for such approval must be complete and accurate in all respects. No application shall be processed until it has been reviewed for completeness and accepted by the city's planning division, and all fees paid. Incomplete applications will not be processed.

B. *Pre-application conference*. A pre-application conference shall be held between the applicant and the city's development review committee ("*DRC*") after the applicant provides the following:

1. Pre-application fees (if applicable).

2. A site analysis. A site analysis is a plan view drawing demonstrating land constraints and existing features, including natural features, man-made features, significant trees, canals or ditches, access points or public rights-of-way and all other said existing conditions within 200 feet of the property line.

3. Conceptual site plan. A conceptual site plan (which may be hand-drawn) or preliminary drawing that outlines the building footprint, the area devoted to landscaping and the general concept of storm drainage.

4. Conceptual architectural elevations. Conceptual architectural elevations consist of any architectural drawings or pictures showing the intent of the architectural theme or design elements of the development or any individual building.

C. *Site plan and conditional use application process*. When the planning division determines that the applicant has met the requirements of the pre-application meeting, the applicant will be permitted to make application for the proposed development, land use or buildings.

D. *Accompanying maps and drawings required.* The information submitted with the application shall include nine (9) 24" x 36" copies and five (5) 11" x 17" copies of the site plan, landscaping plan, elevation, drainage plan and utility plan, and also shall include the following:

1. Vicinity map. A general location map identifying the approximate location of the subject parcel.

2. Context plan. A context plan including all existing features, manmade or otherwise, on and within 200 feet of the property line of the proposed site.

3. Property owner information. The names of property owners and addresses of the proposed site and all adjacent lots.

4. Survey. A survey prepared and stamped by a Utah registered land surveyor listing the legal description and the gross acreage within the subject parcel.

5. Site Plan. A site plan is required and shall be prepared and stamped by a licensed and/or certified architect, landscape architect, land planner, engineer, surveyor, transportation engineer, or other professional deemed necessary by the planning director. The city may require plans prepared by any or all of the above-noted professionals. A site plan shall contain the date, scale, north arrow and:

(a) Name of the proposed project.

(b) Boundaries of the subject parcel and the entire project (where the project does not occupy the entire parcel of which it is part).

(c) Full cross coordinate numbered addresses for existing and proposed streets.

(d) Existing streets, watercourses, easements and other rights-of-way, and section lines.

(e) Locations, dimensions and uses of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties.

(f) Access points, provisions for vehicular and pedestrian circulation on- and off- site, interconnection to adjacent sites and dimensions of such access and circulation.

(g) Acceleration and deceleration lanes and dimensions thereof.

(h) Off-street parking and loading areas complying with the city's off-street parking requirements.

(i) Screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements, with elevations.

(j) Location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures, with elevations.

(k) Location and size of existing utilities and general location of utility access points and hook ups.

(l) Location, type and size of all business and on-site circulation signage.

(m) Tabulation of square footage devoted to various land uses, ground coverage by structures and other impervious surfaces.

(n) Location of existing and proposed curb, gutter, sidewalk, park strip and edge of asphalt, to be prepared, signed and stamped by a registered professional engineer.

(o) Type of construction of all structures, presence or absence of fire sprinkling and location of existing and proposed fire hydrants within 600 feet.

(p) Location of all existing and proposed secondary irrigation systems, both on site and on adjacent properties, including but not limited to ditches, pipes, and culverts.

(q) A statement on the site plan that all applicable elements of the Americans with Disabilities Act Accessibility Guidelines will be followed.

(r) The piping of all existing irrigation ditches which affect the site.

(s) The names and addresses of all adjacent property owners.

6. Landscaping Plan. A landscaping plan, prepared by a landscape architect, or other qualified professional, indicating the location, spacing, types and sizes of landscaping elements, existing, and showing compliance with the city's off-street parking requirements, the city's design guidelines and policies, and the requirements of the appropriate zoning district.

7. Flood Boundaries. Flood boundaries as per FEMA and geologic hazards if the property is located within the sensitive lands overlay zone.

8. Grading and drainage plan. A grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage. The plan must include:

(a) Topographical plans showing existing grades and proposed grades and elevations with contours at one foot intervals.

(b) Location and elevations of all existing and proposed drainage facilities within the subject parcel and the general vicinity of the project.

(c) Detention systems with their volume, type of construction and release rate.

(d) Storm sewer piping and other appurtenances, sizes and locations.

(e) A note indicating that all storm drainage facilities will conform to the city's construction standards and policies.

9. Lighting plan. A lighting plan in conformity with the city's lighting standards and (if applicable) gateway design guidelines and standards. The lighting plan shall indicate the illumination of all interior areas and adjacent streets, showing the location, candle power and type of lighting proposed.

10. Elevations. The elevations of all buildings, fences and other structures viewed from all sides, indicating height of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials.

11. Signage plan. The planning commission shall approve an overall signage plan during the site plan approval process. All information to be provided for the sign approval may be submitted concurrently with site plan application materials, but is not required.

12. Traffic impact study. A traffic impact study (completed by a certified traffic engineer) may be required if the DRC determines that a need exists to review the potential traffic impacts of the proposed development.

13. Fee. The fee specified in the consolidated fee schedule shall accompany the application for any site plan review.

E. *Action*. The planning division and the planning commission shall review and take action to approve, disapprove, or to modify any application made to it.

F. *Notification*. Upon the granting or denying of a site plan application, the planning division shall prepare and mail or deliver to the applicant a written statement of the decision, and in the case of a denial, the reasons therefor. When an approval is granted, all conditions shall be met as specified by the planning division and/or the planning commission before a final approval is granted.

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

H. *Bonding*. Bonding shall be in place prior to final approval of a development application. All bonds accepted by the city shall be completed using the proper forms and figures issued by the city.

I. *Final approval*. The planning division will prepare a final approval letter bearing the official stamp of the city's planning division, which will be accompanied by stamped and approved

plans. Together these plans and approval letter will constitute the approved plans for the project. The developer will receive one copy, the DRC will receive one copy, and one copy will be retained in the city's file for the development.

19.87.070 Issuance of a building permit.

A building permit shall not be issued for any project requiring site plan approval under this chapter until final site plan approval is granted and approved plans and specifications are on file with the city.

19.87.080 Issuance of a certificate of occupancy.

A certificate of occupancy shall not be issued for any building or structure, external alterations thereto, or any sign, until the provisions of the approved site plan and written development agreement (if any) have been completed and fully performed.

19.87.090 Time limits.

Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning com-mission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

19.87.100 Rules and regulations.

The planning commission may from time to time, by resolution, adopt and amend written regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.

Consolidated Fee Schedule

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UNAUTHORIZED REMOVAL OF A TREE .....$XXX