

Ordinance 6-2024

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

WHEREAS, River Heights City needed to revise their **subdivision review** process due to changes in State code, and

WHEREAS, the River Heights Planning Commission held a duly noticed public hearing on Tuesday, October 22, 2024.

THEREFORE, the River Heights City Council adopted the following changes to the River Heights City Code:

10-3 ADMINISTRATION AND ENFORCEMENT, Table of Contents

Insert

10-3-4: Development Review Committee (DRC)

10-3-5: Administrative Land Use Authority (ALUA)

Bump remaining section numbers down to become 10-3-6 through 10-3-15.

10-3-3: PLANNING COMMISSION

B. Powers and Duties: The powers and duties of the planning commission shall be as stated in Utah Code Annotated as amended, and act as the approval authority for preliminary plats.

Insert two new sections

10-3-4: DEVELOPMENT REVIEW COMMITTEE (DRC)

- A. The Development Review Committee is the administrative land use authority whose purpose is to receive, review, and consider the final plat, and if all requirements and standards are met, issue final plat approval.
- B. The DRC is comprised of the following members: city attorney, public works director, city engineer, and a citizen planner with demonstrated experience, education, certification and knowledge in city and land use planning. These individuals are to provide their respective expertise in the technical and policy requirements and standards regarding development applications subject to the development review provisions of this Title and other city ordinances.

10-3-5: ADMINISTRATIVE LAND USE AUTHORITY (ALUA)

- A. An administrative land use decision-making body. The River Heights Planning Commission shall act as the approval authority for preliminary plat. The Development Review Committee (DRC) shall act as the approval authority for the final plat and for minor subdivisions.

- B. Powers and Duties: The powers and duties of the ALUA shall be as stated in Utah Code Annotated as amended.

10-10-3: PROCEDURE

- A. ~~The application, review and approval procedures for a R-PUD development are described in Title 11, Chapter 4 (Review and Plat Requirements) of this code. Additional requirements are described in this Chapter. The R-PUD application is a two-stage process, whereby the zoning of the subject property must first be changed to R-PUD as part of a legislative approval. Once the zoning change has been approved, the applicant may then apply for a subdivision plat as described in Title 11, Chapter 4 (Review and Plat Requirements) of this code.~~

10-10-4 REQUIREMENTS

RPUD Applications shall generally follow the Preliminary Plat submittal requirements contained in Title 11-4, with additional requirements as follows:

Replace “developer” with “applicant” in: 10-10-3:B, 10-10-4:A, C, D, F(thrice), L.1, M.1.b, M.1.b.(4), N, 10-10-5:2.b.(1), (2)(thrice), (5)(thrice), 10-10-7, A, B, D.1 & 2, E(twice), F, 10-10-8:D:4(twice)

10-21-1 SCOPE

- A. ~~Subject to the provisions of this chapter, when properly executed and acknowledged as required by state law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder of the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement. (Utah State Code 10-9a-524-1).~~
- B. ~~Adjoining property owners executing a boundary line agreement shall follow the procedure as annotated in Utah code 10-9a-524-2a~~
- C. ~~Applications for boundary line adjustments for a subdivision amendment or a lot that contains a dwelling may be authorized by the planning commission zoning administrator pursuant to this chapter.~~

Applications for boundary line adjustments and subdivision amendments may be authorized by the planning commission pursuant to this chapter.

10-21-3 AUTHORITY

~~Pursuant to Utah Code 10-9a-524-5a, if a parcel that is the subject of a boundary line agreement is within a subdivision or contains a dwelling unit, the application shall be submitted to the zoning administrator for approval. The zoning administrator shall review the application to determine compliance with provisions of the code and shall approve the application unless the:~~

- A. ~~Boundary line adjustment causes the lot size to not meet the minimum zoning requirements and/or~~

~~B. Parcel or lot no longer complies with the requirements proscribed under River Heights City Ordinance 10-12.~~

Pursuant to Utah Code Annotated, as amended, this title designates and grants the zoning administrator authority, with or without a petition, to consider any proposed vacation, alteration to a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained in a subdivision plat, or boundary line adjustment, at a public hearing.

10-21-4 REVIEW

~~The petition to change the boundaries shall include signatures from the representatives of each lot or parcel affected by the boundary line adjustment, and any necessary signatures from holders of liens, mortgages or easements affected by the boundary line adjustment. The petition shall also include a legal description of the agreed upon boundary line of each parcel or lot after the boundary line is changed. Pursuant to Utah Code 10-9a-524(5)(c), if the city fails to send a written notice within 14 days, the property owner may record the boundary line agreement as if no review was required. After reviewing said application, the zoning administrator shall circulate a map of the proposed adjustment to all affected city departments, planning commission, and to the affected parties. If the zoning administrator determines that the application does not include signatures from at least one record owner representing each parcel or lot, said administrator shall follow the procedures prescribed in Utah Code Annotated, as amended and this title as amended.~~

10-21-5 PUBLIC HEARING REQUIRED

~~No public hearing is required unless the zoning administrator deems one necessary. The planning commission shall hold a duly noticed public hearing in accordance with section 10-3-9 of this title.~~

10-21-6: RECORDING REQUIRED

~~Once the zoning administrator has approved the application, the parties shall submit, at their expense, the agreement and legal description of the boundary adjustment to county to be recorded.~~

10-21-6 RECORDING NOT REQUIRED

Approved lot line adjustment applications are not required to be recorded.

Title 11 SUBDIVISION REGULATIONS, Title Page

Minor Subdivisions 4A 5

Previous Chapters 5 and 6 are renamed as Chapters 6 and 7

11-2: DEFINITIONS

ADMINISTRATIVE LAND USE AUTHORITY: ~~Consists of varied members including the mayor, zoning administrator, planning commission chairperson, public works director, and city engineer.~~ The local authority designated to review and approve applications to subdivide land. The River Heights Planning Commission shall serve this role for preliminary plat applications; and the

Development Review Committee (DRC) shall serve the role for final plat and minor subdivision applications.

APPEAL AUTHORITY: An appeal authority has been created by the legislative body of River Heights City, Utah, pursuant to state statute. See River Heights City, Utah, land use (zoning) ordinance of this code (title 10 of this code) Subdivision Administration and Enforcement requirements (Title 11, Chapter 3) and the Land Use (Zoning) Ordinance (Title 10) of this code.

APPLICANT: A person who makes a formal application for a subdivision.

DEVELOPER: ~~Any legal entity or individual who subdivides a parcel of land. The entity may also be referred to as a subdivider.~~

DEVELOPMENT REVIEW COMMITTEE (DRC): The administrative land use authority responsible for receiving, reviewing and considering final plat and minor subdivision applications. If all requirements and standards are met, the DRC shall issue final plat approval. The committee is comprised of the city attorney, public works director, city engineer, and a citizen planner with demonstrated experience, education, certification and knowledge in city planning and land use planning. These individuals are to provide their respective expertise in the technical and policy requirements and standards regarding development applications subject to the development review provisions of this Title and other city ordinances.

MINOR SUBDIVISION: ~~A minor subdivision application that involves dividing~~ divides a parcel of land into three (3) or less fewer lots ~~in which the subdivided lots are on a that either front on a dedicated city street (parallel to the street), or in which the subdivided lots lay are located immediately to the rear of a lot and behind the parcel of land being subdivided (perpendicular to the street) and involve either~~ accessed by a dedicated public street or nondedicated street (private lane).

MONUMENT: ~~A mark affixed to a permanent or semipermanent object along a line of survey to furnish a datum level. See definition of Bench Mark.~~

OWNER: ~~The person, partnership, corporation, or other entity in which is vested the fee simple title of the property, which may or may not be intended to be subdivided, unless otherwise clearly indicated.~~

PLANNING COMMISSION: The River Heights City planning commission, unless another planning commission is specifically named or referenced. The planning commission shall act as the approval authority for preliminary plat.

PRELIMINARY APPROVAL: An approval with or without recommended alterations, given to a preliminary plat by the ~~planning commission~~ Administrative Land Use Authority (ALUA) and provides the necessary authority to proceed with the preparation of the final plat.

VARIANCE BOARD: ~~See definition of Appeal Authority.~~

11-3-9: Appeals *(Add to 11-3 Table of Contents)*

11-3-4: FEES

~~Any and~~ All persons requesting approval on preliminary plats, final plats and construction drawings and specifications for the construction of improvements shall have first paid all fees required as set forth by the most recent prevailing fee schedule adopted by the city. The fee schedule shall include, but shall not be limited to, office checking, ALUA review services, legal and field engineering fees . . .

11-3-7: Violations

Replace “*planning commission*” with “*city*.”

Insert new section

11-3-9: APPEALS

- A. Appeal Process: Two distinct appeals may be requested by the applicant once the four subdivision review cycles have been exhausted and the 20-day Final review period has passed.
1. For disputes regarding public improvements or engineering standards, the city will assemble a three-person panel that will meet within 10 business days of receiving a request from the applicant. This panel of experts shall include:
 - a. One licensed engineer designated by the municipality.
 - b. One licensed engineer designated by the land use applicant.
 - c. One licensed engineer, agreed upon, and designated by the two designated engineers.
 2. Members appointed to the panel may not have an interest in the application. The applicant must pay 50% of the total cost of the panel and the municipality’s published appeal fee, and the municipality pays the other 50%.
 3. The panel’s decision is final, unless the municipality or applicant petition for district court review within 30 business days once the final written appeal decision has been issued.
 4. For all other disputes, the municipality shall refer to the designated appeal authority upon request by the applicant (see Title 10-3-2 Appeal Authority).

Title 11, Chapter 5 6

Replace “*planning commission*” with “*ALUA*” in: 11-6-1:A and 11-6-1:GD.4

11-~~56~~-1: CONSTRUCTION OF PUBLIC IMPROVEMENTS

Renumbered as C. (not B1.)

- C. Amount: The amount of the security of performance shall be equal to at least one and one-half (1½) times the reasonable value of the improvement required herein, as determined by the subdivider’s engineer and approved by the city engineer. may not exceed the sum of 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer’s estimate or licensed contractor’s bid;

and 110% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

B.2-5 becomes B.1-4

C. becomes D.

11-6 7: DESIGN STANDARDS

Replace “planning commission” with “ALUA” in: 11-7-1, 11-7-1:A, B & C(twice), 11-7-3:V, and 11-7-6:D.3.e.

Replace “subdivider” with “applicant” in 11-7-1:C(twice), 11-7-2(twice), 11-7-3:Q, 11-7-3:V (twice), 11-7-4:B, C, D, & E, 11-7-5:E & F, 11-7-6:A & B(both twice), 11-7-7:A, 11-7-7:C & D(twice), and 11-7-7:E.

Adopted by the River Heights City Council this 19th day of November 2024.

Jason Thompson, Mayor

Attest:

Sheila Lind, Recorder