



## STAFF REPORT

**To:** Summit County Council  
**From:** Patrick Putt, Community Development Director  
**Date of Meeting:** February 15, 2017  
**Type of Item:** Amendments to the Eastern Summit County Development Code, Chapter 4: Development Review Processes and Procedures and "Appendix A": Definitions  
**Process:** Public Hearing

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A public hearing on proposed amendments to Eastern Summit County Development Code, Chapter 4: Development Review Processes and Procedures and "Appendix A": Definitions is scheduled on Wednesday. A copy of the draft amendments is attached this memorandum. The draft is redline/strike-out version of the amendments Council reviewed on January 25<sup>th</sup> and February 8<sup>th</sup>. The draft also highlights areas where further input and Council discussion is requested.

Following the public hearing and Council discussion, Staff requests that the Council provide specific direction on any remaining edits and/or changes. Staff will return to the March 1<sup>st</sup> meeting with a formal ordinance for final action.

Note: The attached draft has the formatting/section number issues that were discussed at the previous meeting. Staff is in the process of reformatting the documents. A reformatted version will be e-mailed to the Council prior to the meeting. The reformatted version will also be reposted on the County website. No substantive content is affected by the reformatting. We apologize for this inconvenience.

# Chapter 4

## Development Review Processes and Procedures

### SECTION:

- 11-4-1: Purpose
- 11-4-2: Legal Lots/Parcels Requirement for Development and/or Land Use Activity
- 11-4-3: Permits Required
- 11-4-4: General Provisions
- 11-4-5: Subdivisions, Condominiums, Plat Amendments, Parcel Boundary Adjustments, & Divisions of Land for Non-Development Purposes
- 11-4-6: Final Site Plan Review
- 11-4-7: Conditional Use Review
- 11-4-8: Low Impact Use Review
- 11-4-9: Temporary Use Review
- 11-4-10: Zoning Variances
- 11-4-11: Special Exceptions
- 11-4-12: Master Planned Developments

### 11-4-1: PURPOSE

The purpose of this chapter is to provide clear and predictable standards of review and processes for the administration of Development and Land Use Land Use activities in Eastern Summit County.

### 11-4-2: LOT/PARCEL REQUIREMENT FOR DEVELOPMENT AND/OR LAND USE ACTIVITY:

- A. Lot: A Lot is a numbered property within a recorded Subdivision.
- B. Parcel: A Parcel is a tract of land that is not a numbered lot within a recorded Subdivision.
- C. Conforming Parcels and Conforming Lots:
  - 1. A Conforming Parcel is a tract of land that conforms to- the minimum size requirements of the applicable Zone at the time of a Land Use or Development Application. For Development purposes and in order to apply for Development, a Parcel must be a Conforming Parcel or have a Grandfathered Development Right as set forth in this section.
  - 2. A Conforming Lot is a numbered property within a recorded Subdivision that conforms to the minimum size requirement of the applicable Zone at

**Comment [JRM1]:** The objective of this section is to improve the current "lot of record" concept by establishing development and/or land use rights based on compliance with underlying zoning requirements and not solely on when a property description was created or modified.

**Comment [JRM2]:** Lot, Parcel and Parcel/Lot, Legal are separately defined in the definition section.

the time of a Use or Development Application. For Development purposes and in order to apply for Development, a Lot must be a Conforming Lot or have a Grandfathered Development Right as set forth in this section.

Comment [JRM3]: The Minimum Lot Size is 1 acre in any zone.

3. Parcels created through the Divisions of Land for Non-Development Purposes process must be divided per the requirements of this title.

a. Non-Conforming Parcel: A Non-Conforming Parcel is a tract of land that does not conform to the minimum size requirements of the applicable Zone at the time of a Use or Development Application.

Comment [JRM4]: Is this complicated by the fact that the minimum lot size is 1 acre in all zones? If parcel is 1 acre in AG-40 is it conforming or not?

b. Non-Development: A Non-Conforming Parcel may be eligible for a non-Development Land Use pursuant to the requirements of this Title.

c. A Non-Conforming Parcel may be eligible to apply for Development, pursuant to an approved Grandfathered Right status as determined by the Community Development Director or designated planning staff member pursuant to the requirements of this Title.

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d. Grandfathered Right: A Grandfathered Right is a Development entitlement status ~~for a~~ ~~accorded to~~ a Parcel created prior to May 6, 1996 that does not conform to the minimum size requirements of the applicable Zone at the time of a Development Application.

e. An appeal of a Community Development Department decision regarding a Grandfathered Right may be appealed to the County Council within ten (10) calendar days from the date of the decision in accordance with Section 11-7-16 of this Title.

#### 11-4-3: PERMITS REQUIRED

No Development, Land Division or Land Use activity may be undertaken within the unincorporated areas of Eastern Summit County unless all permits applicable to the proposed Development, Land Division or Land Use activity are issued in accordance with the provisions of this Title. No decision by any County Department has the right to bind any other Department or authority unless expressly provided in this Code.

#### 11-4-4: GENERAL PROVISIONS

A. Initiation: An Application for Development, Land Division or a Land Use activity approval shall be initiated by submitting the appropriate Application to the Community Development Department.

B. Community Development Department Review, Recommendation, and Action:

Comment [JRM5]: This provision makes a distinction between "development" i.e. build something and "land use" i.e. use land without the need to build something.

1. The Community Development Department shall review the Application to determine that all necessary submittal requirements and information are provided. If the Community Development Department determines that the Application does not contain the required information sufficient for compliance with this Title, a Staff member shall provide written notice to the Applicant specifying the deficiencies of the Application. The Community Development Department may elect to take no further action on the Application until such time as all necessary submittal requirements are provided.
2. An Application for Development and/or Land Use activity shall be deemed insufficient if:
  - a. Any relevant information is not provided, including any supplemental information requested by the Community Development Director;
  - b. The Application form is not signed by the Owner;
  - c. Required fees are not paid;
  - d. All required Application submittal information is not provided within thirty (30) days of Staff notification, all Application materials (including Application fees) shall be returned to the Applicant and the application process shall be deemed terminated with no approval.
3. A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this Title, nor shall it indicate that the information submitted by the Applicant is accurate or has been verified. Additional information may be required at a later date throughout the approval process.
4. All Development approvals shall be conditioned so that no final approval shall be issued on the subject property until all outstanding and current property taxes have been paid.
5. The Community Development Director is the delegated authority to make administrative interpretations of this Title and to provide such guidance as is necessary to Applicants for Development and/or Land Use activity approvals consistent with and in furtherance of this Chapter.
6. Any person adversely affected by an administrative interpretation of this Title may appeal such interpretation to the Summit County Council, in accordance with the Appeals Procedures set forth in Section 11-7-16 of this Title.

**11-4-5: SUBDIVISIONS, CONDOMINIUMS, PLAT AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS, AND DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES**

A. Purpose: The purposes of this section are to:

1. Guide the future growth of Eastern Summit County in a manner consistent with the Eastern Summit County General Plan.
2. Advance the public, health, safety, and welfare of the property owners and residents of Eastern Summit County.
3. Provide Development opportunities for property owners and residents to live, work, and conduct business in Eastern Summit County.
4. ~~To direct Development~~ Encourage new Development in to areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services;
5. Encourage development that adequately mitigates any potential adverse effects on adjacent properties.
6. Encourage clustered development to protect wetlands, riparian areas, steep slopes and ridgelines wherever practicable.
7. Provide reasonable and predictable standards of review and preview processes and achieve responsible orderly development.
8. Establish a reasonable process for the division of land for non-Development purposes.

B. Subdivisions Consisting of Five (5) or Less Lots

1. Special Provision: When a single Parcel includes multiple Zone Districts Density may be relocated across Zone lines. Relocating 6 or more units of density across a Zone line requires approval of a Master Planned Development per Section of this Title.
2. Submission Requirements: An Application for a Subdivision consisting of five (5) lots or less shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
  - a. Completed Subdivision Application signed by the Owner(s);

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Comment [JRM6]: This section may be affected by proposed changes to Chapter 2.

Comment [JRM7]: Added per Council direction.

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Comment [JRM8]: As drafted this section is permissive. The developer may process an application under this provision and receive approval provided it meets all the necessary criteria.

Comment [JRM9]: This provision allows for an administrative process. ESCPC hearing required in the event of a protest or if CDD determine project complexity warrants ESCPC review.

Comment [JRM10]: Discussion Requested. Based on previous Council comments, should more specific criteria be established to address movement of density from across zone lines and potential effects on adjacent properties?

Comment [JRM11]: Shifting density across zone lines will require approval of an MPD if 6 or more units are transferred.

Comment [JRM12]: Why multiple zones? Why not specify AG-1 on AG-1 parcels only?

- b. Subdivision Application fee payment;
- c. The Subdivision Application shall contain sufficient land area necessary to meet the density proposed in the Subdivision;
- d. Name and address, including telephone number, of all the Owner(s), and citation of last instrument conveying title to each Parcel of property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference;
- e. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information:
  - (1) The name of the land surveyor;
  - (2) Approximate true north arrow;
  - (3) Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, water wells, streams/rivers, Structures, and/or other physical improvements affecting the property and existing covenants on the property, if any;
  - (4) A delineation of environmentally sensitive areas floodplains, delineated wetlands, ridgelines, and slopes exceeding thirty percent (30%).
- f. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision Plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
  - (1) The Subdivision name and date of Plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;
  - (2) The name of the land surveyor;
  - (3) approximate true north arrow;
  - (4) The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lots, rights-of-way, and easements;
  - (5) Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
  - (6) Notation of any self-imposed Plat restrictions;

**Comment [JRM13]:** Per Council discussion.

**Comment [JRM14]:** E.G. 5 lots in AG-6 zone must total a minimum of 30 acres. (5) 1 acre lots + 25 acre non developable parcel.

**Comment [JRM15]:** Discussion requested. Is appropriate to permit remainder parcels for land not required to meet the density requirement of the subdivision.

(7) Signature blocks for the County Recorder, final Land Use Authority, County Engineer, County Health Director, County Attorney, applicable Fire District , Local Power and Gas Providers;

**Comment [JRM16]:** Should water concurrency be added? This comment applies to all provisions requiring a signature box.

(8) Notarized signatures on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;

(9) All monuments erected, corners, and other points established in the field;

(10) Plat notes stating that:

*“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”*

*“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.”*

*“Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quality - quantity and quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer for a private well, spring or a written commitment from a*

*municipality or private water company.”*

- g. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
- h. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

3. Review Procedure:

- a. **Optional Sketch Plan:** Prior to submitting a formal Application for a Subdivision review, an Applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the Applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 1 00'), unless otherwise approved by the Community Development Director.

Comment [JRM17]: Sketch plans now optional – not mandatory.

- (1) **Sketch Plan Review:** The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the Applicant to address with the Final Plat Application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the Applicant.

- b. **Final Subdivision Plat Review Procedure:**

- (1) The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers including, but not limited to utility providers, the County Health Department, all applicable Fire Districts, and County Public Works Department. Upon receiving such input, the Community Development Department shall prepare a staff report analyzing the proposed Subdivision Plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.

- (2) The staff report and all Application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed Subdivision Plat Application to all adjacent property owners in the manner set forth in this title. Following the completion of the required noticing period, the Community Development Director shall take Final Action on the Subdivision Plat if no protest(s) is filed.
- (3) The Community Development Director or the Director's designee may refer any Subdivision Application to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the CDD ~~or designated planning staff member~~ regarding an approval, approval with conditions or denial of the Application.
- (4) Once the Subdivision Final Plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary Title Report for acceptability. The title report must be current (within 30 days).
- (5) Upon approval of the County Attorney and once all required signatures are obtained on the final mylar, the detailed final Plat shall be recorded in the records of the County Recorder.

4. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

- a. In certain applications, subdivision density may be calculated in part from properties adjacent to, but not within, the boundaries of the final subdivision plat. In such cases, a Memorandum of Understanding shall be recorded at the County Recorder's Office against the property(s) located outside the final subdivision plat stating that no Density exists on the property(s) until such time as the zoning is changed to permit additional Development rights.
- b. ~~Each~~ Each proposed Lot shall have legal access through a recorded right-of-way or easement. The Applicant shall demonstrate that adequate Access to the property from a public road ~~may be~~ must be granted by the state or county, whichever is applicable.
- c. Compliance with the development evaluation standards provided in

Comment [JRM18]: See discussion point on page 6.

Comment [JRM19]: This may be prohibited per Section B.3 (page 6)

Chapter 2 of this Title.

- d. Compliance with the infrastructure standards in Chapter 6 of this Title.
- e. The minimum Lot size for new lots created through this process will meet the minimum Lot size requirements for the applicable Zone.
- f. If the Subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Department shall:
  - (1) Within 30 days after the day on which the Application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section 17-27a-211 of the Utah Code.
  - (2) Wait at least 10 days after the day on which the Land Use authority notifies a canal company or canal operator to approve or reject the Subdivision Application.
- g. A positive approval from the Eastern Summit County Sewer Advisory Committee on the Subdivision's proposed wastewater system.
- h. Proof that property taxes for the applicable property are paid.
- i. Compliance with all applicable County Codes.

C. Subdivisions Consisting of Six (6) or More Lots

- 1. Special Provision: When a single Parcel includes multiple Zone Districts, Density may be relocated across Zone lines.
- 2. Submission Requirements: An Application for Subdivision consisting of six (6) lots or more shall include the information set forth below. The Community Development Director may waive specific submittal requirements if ~~it is determined if- the Director determines~~ that the submittal requirement(s) are not necessary to demonstrate the compliance with the provisions of this Title.
  - a. Completed Subdivision Application signed by the Owner;
  - b. Subdivision Application fee payment;
  - c. The Subdivision ~~Application~~ shall contain sufficient land area necessary to meet the density proposed within the Subdivision;

**Comment [JRM20]:** Subdivisions creating 6 or more lots reviewed by ESCPC through a public process.

**Comment [JRM21]:** Discussion Requested: Should all land necessary to meet density be included within the subdivision boundary or shall remainder parcels be permitted? See section D.1, page 9 and 6

- d. Name and address, including telephone number, of all the Owners, and citation of last instrument conveying title to each parcel of property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.
- e. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information:
  - (1) The name of the land surveyor;
  - (2) Approximate true north arrow;
  - (3) Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, streams/rivers, Structures, and/or other physical improvements affecting the property; and existing covenants on the property, if any;
  - (4) A delineation of Environmentally Sensitive Areas, floodplains, delineated wetlands, ridgelines and slopes exceeding thirty percent (30%).
- f. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision Plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
  - (1) The Subdivision name and date of Plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;
  - (2) The name of the land surveyor;
  - (3) Approximate true north arrow;
  - (4) The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements; Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
  - (5) Notation of any required Plat restrictions;
  - (6) Notarized signatures on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;

(7) All monuments erected, corners, and other points established in the field;

(8) Plat notes stating that:

*“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”*

*“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/have been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.”*

*“Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quality and quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer for a private well or a written commitment from a municipality or private company.”*

- g. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
- h. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

3. Review Procedure:

- a. Optional Sketch Plan: Prior to submitting a formal Application for a Subdivision review, an Applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 1 00'), unless otherwise approved by the Community Development Director.
  - (1) Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the applicant to address with the Final Plat Application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.
- b. Final Subdivision Plat Review Process:
  - (1) The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers including, but not limited to utility providers, the County Health Department, all applicable Fire Districts, and County Public Works Department. Upon receiving such input, the Community Development Department shall prepare a staff report analyzing the proposed Subdivision Plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.
  - (2) The staff report and all Application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed Subdivision Plat Application to all property owners in the manner set forth in this title and schedule the Application for a Public Hearing with the Eastern Summit County Planning Commission.
  - (3) The Eastern Summit County Planning Commission shall hold a Public hearing on the proposed Subdivision Plat and forward a recommendation to the County Council.
  - (4) The County Council shall take final action on the proposed

Subdivision Final Plat.

- (5) Once the Subdivision Final Plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary Title Report for acceptability. The title report must be current (within 30 days).
- (6) Upon approval of the County Attorney and once all required signatures are obtained, the detailed final Plat shall be recorded in the records of the County Recorder.

4. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

- a. In certain applications, subdivision density may be calculated in part from properties adjacent to, but not within, the boundaries of the final subdivision plat. In such cases, a Memorandum of Understanding shall be recorded at the County Recorder's Office against the property(s) located outside the final subdivision plat stating, that no Density exists on the property(s) until such time as the zoning is changed to permit additional Development rights.
- b. Each proposed Lot shall have legal access through a recorded right-of-way or easement. The Applicant shall demonstrate that adequate Access to the property from a public road must be may be granted by the state or county, whichever is applicable.
- c. Compliance with the development evaluation standards provided in Chapter 2 of this Title.
- d. Compliance with the infrastructure standards in Chapter 6 of this Title.
- e. If the Subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Department shall:
  - (1) Within 30 days after the day on which the Application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section 17-27a-211 of the Utah Code.
  - (2) Wait at least 10 days after the day on which the Land Use authority notifies a canal company or canal operator to approve or reject the Subdivision Application.

Comment [JRM22]: See discussion points pages 6 and 9.

- f. The minimum lot size for new lots created through this process will meet the minimum Lot size requirements for the applicable zone.
- g. In the case of a Subdivision with between six (6) and ten (10) proposed Lots, a positive approval from the Eastern Summit County Sewer Advisory Committee on the Subdivision's proposed wastewater system. In the case of a Subdivision with more than ten (10), a positive approval from the County Council on the Subdivision's proposed wastewater system.
- h. If a parcel that was necessary for the calculation of Density in the Subdivision Application is not included in the Subdivision Plat, a memorandum of understanding will be recorded against that parcel stating that the Parcel has no remaining Density until such time as the Zoning Density is increased. The memorandum shall be recorded at the same time as the Subdivision Plat with the County Recorder's Office.
- i. Proof that the taxes for the applicable property are paid.
- j. Compliance with all applicable County Codes.

Comment [JRM23]: Delete. Same as criteria 1.

D. Condominium Plats

1. Plat Requirements: A Plat is required in all cases which comply with the definition of "Condominium." A Condominium Plat shall contain the information required for a final site plan as identified in section [11-4-6](#) of this chapter. CCRs for the development shall also be submitted for review by the Summit County attorney's office prior to recordation of the Plat.
2. Review Procedure: The review procedure for a condominium Plat shall be the same as the review procedure for a final site plan, as outlined in section [11-4-6](#) of this chapter.
3. Issuance Of Building Permit: Building permits for condominium units can be issued following approval of the final Plat by the Planning Commission as provided by this chapter. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the building official.
4. Filing: All condominium Plats shall be filed in the office of the county recorder following completion of construction and before acceptance of improvements.

Comment [JRM24]: Delete, not necessary.

E. Plat Amendments

1. Submission Requirements: Any request for a proposed vacation, alteration or amendment of a Subdivision Plat, any portion of such Subdivision Plat, or any road or Lot contained in such Plat shall require the Application for a Subdivision Plat Amendment. An Application for a Plat Amendment shall include the information set forth below. The Community Development Director may waive specific submittal requirements if ~~it is determined~~ the Director determines that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
  - a. Completed Plat Amendment Application including a description of all proposed amendments to the Subdivision Plat;
  - b. Proof that property taxes for the applicable property are paid;
  - c. Subdivision Plat Amendment Application fee payment;
  - d. Name and address, including telephone number, of the Owner(s), and citation of last instrument conveying title to each parcel of the property involved in the Amendment, giving grantor, grantee, date, and land records reference.
  - e. The signature of each Owner who consents to the Plat Amendment.
  - f. If the Subdivision Plat Amendment [????](#)
  - g. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Plat Amendment and one electronic copy of a scaled Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
    - (1) The Plat Amendment name and date of Plat creation;
    - (2) The name of the land surveyor;
    - (3) Approximate true north arrow;
    - (4) The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements; and Remainder Parcels (if applicable).
    - (5) Consecutively numbered or lettered lots with addresses authorized by Summit County;
    - (6) Notation of any self-imposed Plat restrictions or revisions thereof;

**Comment [JRM25]:** There are numbering issues throughout the document that need to be fixed.

- (7) Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
- (8) Endorsement on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;
- (9) All monuments erected, corners, and other points established in the field;
- (10) Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
- (11) Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

2. Review Procedures:

- a. Plat amendments that result in the combination of lots and adjusting and/or altering lot lines within a Platted Subdivision:
- b. Land Use Authority: The Community Development Director shall be the Land Use Authority for all Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines within a Platted Subdivision.
- c. Prior to the approval of a Plat amendment the Community Development Director shall provide written notice by first class mail a minimum of ten (10) days in advance of the requested action to all Owners of Property and affected entities located within one thousand feet (1000') subject to the application.
- d. Review And Decision By The Planning Director: On the basis of written findings of fact, the Community Development Director or the Director's designee shall either approve, deny or conditionally approve an application for a Plat amendment based on the standards in this chapter. The decision of the Director shall become effective at the time the decision is made.

3. Referral Of Application By Community Development Director to Planning Commission: The Community Development Director or the Director's designee may refer any Plat amendment Application to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the CDD ~~or designated planning staff member~~ regarding an approval, approval with conditions or denial of the Application.
4. Plat amendments that result in building pad adjustments, Subdivision title changes Plat Note revisions, altering of utility easements, and all other amendments that do not affect a Road:
  - a. Land Use Authority: The Planning Commission shall be the Land Use Authority for all of the above-referenced Plat amendments.
  - b. The Planning Commission shall hold a Public Hearing in accordance with this Title prior to taking final Action on a proposed Plat amendment.
5. Plat amendments that alter a private road shown on a Subdivision Plat.
  - a. Land Use Authority: The Planning Commission shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a private road.
  - b. The Planning Commission shall hold a public hearing in accordance with this Title prior to taking Final Action on a request to alter a private road within a Subdivision Plat.
6. Plat amendments that alter a public road shown on a Subdivision Plat.
  - a. Land Use Authority: The County Council shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a public road within a Subdivision.
  - b. The Planning Commission shall hold a Public Hearing in accordance with this Title. The Planning Commission shall forward a recommendation to the County Council.
  - c. The County Council shall hold a Public Hearing in accordance to this Title prior to taking final action on a request to alter a public road shown on a Subdivision Plat.
7. Required Notice of Public Hearings for Plat Amendments.

Comment [JRM26]: Or if written a written objection is filed after notice is issued.

- a. The Community Development Department shall give notice of any proposed Plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within one thousand feet (1000'). In addition, notice may be sent to all owners within the affected Plat and the affected Home Owners' Association. The notice shall fulfill all applicable requirements of the Utah State Code Annotated.
  - b. If the proposed Plat amendment involves the vacation, alteration, or amendment of a road, the Community Development Department shall give notice of the date, place, and time of the public hearing by:
    - (1) Mailing notice, as required in this Title; and
    - (2) For public roads, publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation.
  - c. Required Public Hearing Timeframe: Once a Subdivision Plat Amendment Application/petition is filed and it is determined that a public hearing is required, the Land Use Authority shall hold the public hearing within forty-five (45) days following the receipt of a complete Application.
8. Waiver of the Public Hearing Requirement: At the discretion of the Community Development Director, the public hearing requirement may be waived for Plat amendments if the following criteria are met:
- a. The name and address and consenting signatures of all owners of record of the land contained in the entire Subdivision Plat are submitted with the Application; or
  - b. The name and address and consenting signatures of all owners of record of land adjacent to any road that is proposed to be vacated, any road that is proposed to be altered or any road that is proposed to be amended is submitted with the Application; or
  - c. The signatures of all owners within the Subdivision acknowledging consent to the petition is submitted with the Application.
9. General Criteria:
- a. Upon approval of the Subdivision Plat amendment, the following signatures are required on the final amended Plat:
    - (1) Community Development Director: Subdivision Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines;

- (2) County Manager: Subdivision Plat Amendments resulting in an alteration of a private road shown on a Subdivision Plat;
- (3) Planning Commission: Subdivision Plat Amendments resulting in building pad adjustments, Subdivision title changes, Plat note revisions and all other amendments that do not affect a public or private road, lot line adjustments, or the combination of lots);
- (4) County Council: Subdivision Plat Amendments resulting in an alteration a public road shown on a Subdivision Plat; and
- (5) County Recorder, County Engineer, County Attorney, and County Assessor. A "Certificate of Consent" from any and all mortgagors, lien holders, or others with a real property interest in the affected parcels is also required.

**Comment [JRM27]:** This is not clear. Needs to be reworded.

- b. Once the Application is approved and all applicable signatures are obtained on the Plat amendment mylar, the County Attorney shall review a preliminary Title Report for acceptability.
- c. Upon approval of the County Attorney, and once all required signatures are obtained on the mylar, the Subdivision Plat amendment shall be recorded in the records of the County Recorder.

10. Vacation by County Manager, or County Council: When the County Manager or County Council proposes to vacate, alter or amend a Subdivision Plat, or any road or lot within a Subdivision Plat, the County Manager or County Council shall consider the issue at a public hearing after giving notice required by this Section.

11. Grounds for Vacating or Amending a Plat:

- a. If the Final Land Use Authority is satisfied that the public interest will not be materially injured by the proposed vacation, alteration or amendment, and there is good cause for the vacation, alteration or amendment, the Final Land Use Authority, may vacate, alter or amend the Plat, any portion of the Plat, or any road or lot therein.
- b. No Plat amendment shall be approved which results in an increase in density.

**Comment [JRM28]:** This is an existing standard. A subdivision is required to increase density/increase lots within an existing subdivision.

12. Appeal: An aggrieved party may appeal the final decision of a Subdivision Plat amendment in accordance with Appeals Procedures set forth in Section 11-7-16 of this Title.

F. Parcel Boundary Adjustments

1. A property Owner:
  - a. May execute a parcel boundary adjustment by quitclaim deed or by boundary line agreement as described in Utah State Code Section 57-1-45.
  - b. Shall record the quitclaim deed or boundary line agreement in the office of the County Recorder.
2. A parcel boundary adjustment is not subject to the review of the land use authority.
3. Creation of any new legal description through this process does not affect legal Grandfathered status of a parcel.

Comment [JRM29]: Revised to be consistent with State Code.

G. Divisions of Land for Non-Development Purposes:

1. This section sets forth a process and associated requirements wherein the Community Development Director may approve the division or partition of land into 10 parcels or less for non-Development purposes.
2. General Criteria Prior to approval of an Application for the Division of Land For Non-Development purposes, the Community Development Director or the Director's designee must make the following findings:
  - a. A courtesy notice shall be mailed to each owner of property located within three hundred feet (300') of the property to be divided.
  - b. The property to be divided may not be traversed by the mapped lines of a proposed right-of-way as shown in the Eastern Summit County Transportation Master Plan and does not require the dedication of any land for street or other public purposes.
  - c. Where applicable, the division has been approved by the culinary water authority and the sanitary sewer authority.
  - d. The property to be divided must be located in a zoned area.
  - e. The property to be divided must conform to all applicable provisions of this title or have properly received a variance from the requirements of this title.
  - f. The property must be described in a deed recorded with the Summit County Recorder.
  - g. The proposed division must be graphically illustrated on a Record

of Survey filed with the Summit County Recorder.

- h. The proposed divisions must be memorialized in a Memorandum of Understanding prepared by the Community Development Department and recorded with the Summit County Recorder.

3. Submittal Requirements:

- a. A Record of Survey for non-Development land division shall include the following information:

- (1) Narrative identifying:

- (A) Purpose of the Survey.

- (B) Basis upon which the lines were established.

- (C) Identification of which found monuments and deed elements controlled the lines established.

- b. Map Requirements:

- (1) The map must be permanent in nature, drawn on a stable medium and reproducible;

- (2) The size of the map must be 24" x 36";

- (3) The scale must be shown and must be a scale found on a standard engineers rule;

- (4) North arrow;

- (5) Date of Survey;

- (6) Client name for indexing purposes;

- (7) Location by  $\frac{1}{4}$  Section, Township, and Range;

- (8) Basis of bearing shall include sufficient data for retracement;

- (9) Tie to section corner;

- (10) Distance and Courses of all lines traced or established;

- (11) All measured bearings or angles and distances separately

indicated from those of record;

- (12) Relationship between monument found and monuments set;
- (13) Legend (set and found monument separately indicated and described by size, length, type and how marked);
- (14) Surveyors business name and address, certificate, license number, signature, and seal;
- (15) Legal description.

4. Review Procedure: Applications for the divisions of land for non-Development purposes shall be submitted to the Community Development Department. The Community Development Director shall review the Application to ensure all necessary information has been provided in a manner consistent with this section. The Community Development Director shall prepare a Memorandum of Understanding to be recorded jointly with the record of survey with the Summit County Recorder. The Memorandum of Understanding shall state that the non-Development land division Record of Survey:
- a. Is intended to describe in pictorial form the legal description contained in the deed.
  - b. Is acknowledged by the Community Development Director as a legally created parcel of land.
  - c. Is not for Development purposes as defined in the Eastern Summit County Development Code, as amended.
  - d. Does not guarantee Development or Land Use rights. Such rights shall be subject to all zoning regulations as set forth in the Eastern Summit County Development Code, as amended.
  - e. Does not guarantee legal access, water rights, or mineral rights; and
  - f. Development will not be permitted unless, and until the ~~Prior to any Development, any~~ land identified on the Record of Survey ~~must meet~~ meets all applicable zoning regulations and ~~be is~~ Platted as lot(s) in accordance with the regulations set forth in Chapter 4 of the Eastern Summit County Development Code.

**11-4-6: FINAL SITE PLAN REVIEW**

A. Information Required: A detailed final site plan is required for all Conditional Use Permits, Low Impact Permits, and Temporary Use Permits. Final Site plans shall contain the information set forth in this section. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.

Comment [JRM30]: Is it necessary to record a final site plan for LIP and Temporary Uses?

1. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000').
2. A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1" = 100'), showing the location and type of boundary evidenced. Such information should be provided from the recorded Plats. The legal description shall include the following data:
  - a. Metes and bounds of all property lines;
    - (1) Total area of property;
    - (2) North scale and north arrow; and
  - b. Name and route numbers of boundary roads and the width of existing rights-of-way.
3. Existing topography with maximum contour intervals of two feet (2').
4. A final detailed Land Use plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing:
  - a. The location and arrangement of all proposed uses, including Building area.
  - b. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
  - c. A cross section elevation plan depicting all buildings, structures, monuments, and other significant natural and manmade features of the proposed development.
  - d. The yard dimensions from the development boundaries and adjacent roads and alleys.
  - e. The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths.

- f. Off road parking and loading areas and structures, and landscaping for parking areas.
- g. Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities.
- h. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.
- i. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.
- j. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.
- k. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.
- l. All existing monuments found during the course of the survey (including a physical description such as "brass cap").
- m. All existing easements or rights-of-way, including those contiguous to the Platted area, their nature, width, and the book and page number of their recording in the County records.
- n. All rights-of-way and easements and trails (including open space) created by the Subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.
- o. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
  - (1) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;
  - (2) Total number of dwelling units, by development phase;
  - (3) Residential density and units per acre;
  - (4) Total floor area and floor area ratio for each type of use;
  - (5) Total area in open space and length of trails;
  - (6) Total area in developed recreational open space; and

(7) Total number of off road parking and loading spaces.

B. Site Plan Contents: In addition to the requirements of Subsection A of this Section, the final site plan shall conform to current surveying practice and shall show the following information:

Comment [JRM31]: Should all of this be combined with the other criteria.

1. A title block giving the Subdivision's name and the quarter-quarter section, section, township, range, principal meridian, and county of its location.
2. A notation of any adjoining Plats or certificates of survey and ——— titles thereto.
3. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.
4. The owner's certificate of consent, including a legal description of the Subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.
5. The owner's certificate should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
6. A certificate of consent from any and all mortgagors, lien holders, or others with a real property interest in the Subdivision. These certificates shall be signed, dated and notarized.
7. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.
8. Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Commission, County Manager, County Recorder, County Engineer, County Attorney, Power, and Gas companies (when applicable) and applicable Fire District. A signature block shall also be provided for the County Assessor indicating that all taxes, interest and penalties owing to the land have been paid.

C. Site Plan Materials, Size, Copies: Plans may be prepared on linen or on a stable base polyester film (Mylar). Plans may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.

D. Multiple Sheets: Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index, and all required certificates shall appear on a single sheet (along with the index and vicinity maps). (Ord. 323, 3-9-1998)

E. Review Procedure:

1. The Community Development Director ~~or designated planning staff member~~ shall review the Final Site Plan Application and prepare a staff report to the Planning Commission and make findings and recommendations. The Planning Commission shall review the Application and staff report and approval, approve, approve with conditions or denial after a public hearing.

#### 11-4-7: **CONDITIONAL USE REVIEW**

- A. Purpose: It is recognized that there are activities which, because of the nature of the intended Land Use and potential impact upon the Use and enjoyment of neighboring properties, require special review these Uses, referred to as Conditional Uses, are identified in the Chart of Allowed and Conditional Uses in Section 11-3-14 of this Title. Conditional Uses shall be reviewed in accordance with the following criteria and procedures.
- B. Findings for Approval: Before an Application for a Conditional Use Permit is approved, the Planning Commission must conclude that factual evidence exists to verify the following findings:
  1. The proposed Use, as conditioned, shall be appropriate in the particular location, taking into account the nature of the Use, its relationship to surrounding Land Uses and its impact on the natural environment.
  2. The proposed Use, as conditioned, shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
  3. The Applicant shall present evidence to show approval of the landowner for the particular Use, unless the land is owned by the Applicant and, in such case, the Applicant shall submit proof of ownership.
  4. The Use will not adversely affect, in a significant manner, the public health, safety, and welfare.
- C. Review Procedure:
  1. The Applicant shall submit a completed Conditional Use Permit Application and all information set forth in this section. The Community Development Director may waive specific submittal requirements based on a finding that the information is not necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or Planning Commission may require additional information based upon a finding that the information is necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director ~~or designated planning staff member~~

**Comment [JRM32]:** Clarify. The applicant shall provide proof of ownership or authorization to act on behalf of the property owner.

shall review the Application and shall make findings and recommendations and shall schedule a review before the Planning Commission as soon thereafter as may be practicable.

2. The Planning Commission shall review the project and the staff report. After holding a Public Hearing, the Planning Commission shall approve, approve with conditions, or deny the proposed Conditional Use.

D. Time Limit for Action: Unless otherwise approved by the Planning Commission, Conditional Use Permits shall expire in one (1) year from the date of Planning Commission's written approval unless the Conditional Use Permit activity has commenced.

E. Periodic Review Process: Conditional Use Permits are subject to periodic reviews by the Community Development Director ~~or designated planning staff member~~ to assess if the conditions of approval are being satisfied. If the original conditions associated with the Conditional Use Permit are not being satisfied, the Planning Commission may commence a review of the Conditional Use Permit and possible revocation action.

F. Establishment of a Conditional Use Permit. Final approval of a Conditional Use Permit shall be in the form of a letter to the Applicant specifically identifying each condition together with the approved site plan and any other accompanying documents determined to be relevant by the Community Development Director ~~or designated planning staff member~~ and stamped approved.

G. Amendments to Conditional Use Permits:

1. Minor Amendment: A minor amendment is defined as an amendment that does not increase the square footage, density, or intensity of a previously approved Conditional Use Permit, which may be approved by the Community Development Department administratively.
2. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, and/or intensity of a previously approved Conditional Use Permit. A major amendment may be commenced by filing a Conditional Use Permit Application and paying the fee for the review thereof.

Comment [JRM33]: Fix indentation.

H. Adult/Sex-Oriented Facilities: See Appendix B of this Title for Adult/Sex-Oriented Facilities and Businesses requirements.

I. Additional criteria for oil wells, gas wells and steam wells. A Conditional Use Permit Application shall be reviewed and approved for oil, gas, and steam wells according to the following additional criteria:

1. Access to the drill site shall utilize existing roads as much as possible.
  2. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to maintain existing drainage patterns.
  3. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and drill site.
  4. The drilling and production operation shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, and odors.
  5. All waste shall be disposed of in such a manner as to comply with the air and water quality regulations of state and county ordinances.
  6. Firefighting apparatus and supplies as approved by the County Wildland Fire Marshall shall be maintained on the drilling site at all times during drilling and production operations.
  7. Upon completion or abandonment of the well, all disturbed areas, including the drill site and staging areas shall be reclaimed by re-contouring the area blend with the natural terrain, replacing top-soil and re-vegetating. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
  8. Drill sites and/or staging areas located on sensitive lands such as steep slopes and ridgelines or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as hours of operation, screening and buffering, fencing, traffic, and lighting.
- J. Additional criteria for wind power generation facilities. A Conditional Use Permit Application shall be reviewed and may be approved for wind power generation facilities according to the following additional criteria:
1. Access to the site shall utilize existing roads as much as possible.
  2. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to blend into the natural terrain and maintain existing drainage patterns. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.

3. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and facility site.
4. Transmission lines shall be located along existing roadways where possible or in other locations that avoid vegetation disturbance and visual scaring of prominent hillsides.
5. Facility sites located on sensitive lands such as steep slopes, ridgelines, view corridors or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as screening, height, colors, and security fencing.

**11-4-8: LOW IMPACT PERMIT REVIEW**

- A. Purpose: The purpose of the Low Impact Permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a Low Impact Use. Upon compliance with the provisions of this Section, a Low Impact Use approval may be granted by the Community Development Director ~~or designated planning staff member~~, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.
- B. Applicability: The Low Impact Review Process can be utilized to obtain administrative approval for projects determined to be low impact and which are in conformance with the Development Evaluation Standards and general regulations of the Code. An Application for approval of a Low Impact Permit shall be commenced by filing a plan and paying the applicable fee with the Community Development Department.
- C. Review Procedure:
  1. The Applicant shall provide a Development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director ~~or designated planning staff member~~ the applicant's intentions with regard to use, site layout and compliance with the "Code," and any applicable ordinance, development permit, or development agreement.
  2. In proposals where the Community Development Director ~~or designated planning staff member~~ determines that potential issues may arise or additional comment is needed or has been received from the community, a Public Hearing on the ~~Conditional Use~~ Low Impact Permit Application may be scheduled with the Planning Commission. Following the Public Hearing, the Planning Commission shall approve, approve with conditions or deny the Application.

Comment [JRM34]: Change to Low Impact permit.

3. The Community Development Director ~~or designated planning staff member~~ shall determine whether the Application is sufficient and in compliance with the provisions of the Code. The Community Development Director ~~or designated planning staff member~~ may require the Applicant to submit such additional information as may be necessary to determine whether the Application conforms to the requirements of the Code.
  4. The Community Development Director ~~or designated planning staff member~~ shall approve, approve with conditions or deny the Low Impact Permit Application and shall communicate the decision to the Applicant. The Community Development Director ~~or designated planning staff member~~ may impose all reasonable conditions necessary to ensure compliance with applicable provisions of Chapter 2 of the Code. The Community Development Director ~~or designated planning staff member~~ may also provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the decision in accordance with the provisions of the Code. ~~Oil, gas and steam wells are exempt from this provision and are allowed by right according to the standards described in Section 11-4-10(F) below.~~
  5. The Planning Commission shall periodically be provided with a list of the Low Impact Permits that have been issued by the Community Development Director ~~or designated planning staff member~~, or as requested.
- D. Findings for Approval. Before a Low Impact Permit is approved, the Community Development Director ~~or designated planning staff member~~ must conclude that factual evidence exists to verify the following findings:
1. The use conforms to all applicable requirements of the Code and state and federal regulations.
  2. The use is consistent with the goals and policies of the Eastern Summit County General Plan.
  3. The Use conforms to all requirements in Chapter 2 of this Code, Development Evaluation Standards.
  4. The use is not detrimental to public health, safety and welfare.
  5. The use is appropriately located with respect to public facilities and services.
  6. The natural topography, ridgelines, soils, critical areas, watercourses and vegetation shall be preserved where possible through careful site planning

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and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

Comment [JRM35]: Duplicate of Criteria C.

#### 11-4-9: TEMPORARY USE REVIEW

- A. Purpose: Upon compliance with the provisions of this section, a Temporary Use approval may be granted, upon reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare. This Section is intended to provide a process and procedure for reviewing and approving, approving with conditions, or denying a temporary use, or limited duration activity that will provide an overall benefit to the community for the time frame during which it is permitted to exist.
- B. Findings for Approval: Before an Application for a Temporary Use is approved, the Community Development Director or Planning Commission must conclude that factual evidence exists to verify following findings:
1. The use shall not adversely affect, in a significant manner, the public health, safety, and welfare.
  2. The proposed Use shall be appropriate, on a temporary basis, in the particular location, taking into account the nature of the Use, its relationship to surrounding Land Uses and its impact on the natural environment.
  3. The proposed Use shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
  4. The Applicant shall present evidence to show approval of the landowner for the particular Use, unless the land is owned by the Applicant and, in such case, the Applicant shall submit proof of ownership.
  5. The site shall be returned to its original condition or, when significant disturbance has occurred, to a condition approved by the Planning Commission.
- C. Review Procedure:
1. Temporary uses shall not be permitted for a period to exceed one (1) year. The Applicant shall submit a completed Temporary Use Application and all information deemed necessary and reasonable by the Community Development Director ~~or designated planning staff member~~ to permit the county the opportunity to conduct a detailed assessment of the impacts of the proposed use. The Community Development Director ~~or designated planning staff member~~ shall approve, approve with conditions or deny the temporary use Application and shall communicate the decision to the applicant. Approval of a Temporary Use shall not be considered valid

Comment [JRM36]: The order of the criteria are than LIP. In LIP findings are last.

unless a specific period of time during which the use may exist and operate designated. The Community Development Director ~~or designated planning staff member~~ may consider and approve one six (6) month extension of a temporary use beyond the one (1) year approval period.

**Comment [JRM37]:** Then what? Can they get another extension? Are they required to remove the use?

2. Referral of Application by Community Development Director to Planning Commission: The Community Development Director ~~or the Director's designee~~ may refer any Temporary Use Application or Temporary Use Extension to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the Director ~~or designated planning staff member~~ regarding an approval, approval with conditions or denial of the Application.

#### 11-4-10: ZONING VARIANCES

- A. Any person or entity desiring a waiver or modification of the requirements of this Development Code as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Summit County Board of Adjustment for a variance from the terms of the Code. See Section 11-7-7 of this Title.
- B. Prohibited Variances: The Board of Adjustment may not grant a use variance.
- C. Standards: The Board of Adjustment may grant a variance only if:
  1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use ordinances;
  2. There are special circumstances attached to the property that do not generally apply to other properties in the same Zone;
  3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zone;
  4. The variance will not substantially affect the General plan and will not be contrary to the public interest; and
  5. The spirit of the Land Use ordinance is observed and substantial justice done.
- D. Circumstances Peculiar to Property: In determining whether or not enforcement of this title would cause unreasonable hardship under standard a. of this section, the Board of Adjustment may not find an unreasonable hardship unless:

**Comment [JRM38]:** These standards come directly from State Code.

1. The alleged hardship located on or associated with the property for which the variance is sought; and
  2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- E. Self-Imposed Or Economic Hardship: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- F. Special Circumstances: In determining whether or not there are special circumstances attached to the property under Section 3 of this chapter, the Board of Adjustment may find that special circumstances exist only if the special circumstances:
1. Relate to the hardship complained of; and
  2. Deprive the property of privileges granted to other properties in the same zone.
- G. Conditions: In approving a variance, the BOA may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
  2. Serve the purpose of the standard or requirement that is waived or modified.
- H. Variances run with the land.
- I. Review Procedure:
1. The Community Development Director ~~or designated planning staff member~~ shall review the Board of Adjustment Application and make preliminary findings as to whether the Application complies with the standards for approving a variance established in this Title.
  2. If applicable, the Community Development Director ~~or designated planning staff member~~ may secure input regarding the proposed request from any affected agencies and service providers. Upon receiving such information, the Community Development Director ~~or designated planning staff member~~ shall prepare a report and make findings and recommendations and shall schedule a Public Hearing before the BOA.
  3. The BOA shall review the proposal and staff report. After conducting a Public Hearing, the BOA shall approve, approve with conditions, or deny the proposed request.

**11-4-11: SPECIAL EXCEPTIONS:**

- A. Purpose: Where the County Council finds that an Applicant has a unique circumstance or equitable claim which makes strict enforcement of the provisions of this Title unduly burdensome, it may, after a Public Hearing, approve special exceptions to the zoning provisions of this Title so that substantial justice may be done and the public interest secured; provided that the special exception does not have the effect of nullifying the intent and purpose of this Title or any provision thereof.
- B. Criteria for Approval: The County Council shall not approve a special exception unless the Applicant demonstrates compliance with each of the following:
1. The special exception is not detrimental to the public health, safety, and welfare;
  2. The intent of the Development Code and General Plan will be met;
  3. The Applicant does not reasonably qualify for any other equitable processes provided through the provisions of this Title; and
  4. There are equitable claims or unique circumstances warranting the special exception.
- C. Submission Requirements: An Application for a Special Exception shall not be accepted as complete unless such Application contains sufficient information in graphic and text form to adequately describe the applicant's objective and all applicable fees are paid.
- D. Review Procedure:
1. If applicable, the Community Development Director ~~or designated planning staff member~~ may obtain input regarding the proposed Special Exception from all affected agencies and service providers. Upon receiving such information, the Community Development Director ~~or designated planning staff member~~ shall prepare a report and make findings and recommendations and shall schedule a Public Hearing before the County Council as soon thereafter as may be practicable.
  2. The County Council shall review the proposal and staff report. After conducting a public hearing, the County Council shall approve, approve with conditions, or deny the Special Exception request.

**11-4-12: MASTER PLANNED DEVELOPMENTS**

- A. Intent: A Master Planned Development (MPD) is a comprehensive project design strategy to create projects that best address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The Master Planned Development process also creates tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation so as to advance the goals of the Eastern Summit County General Plan and this Code.
  
- B. Applicability: Required: The Master Planned Development process shall be required in all zones for the following:
  - 1. Any proposal for a rezone.
  - 2. Any proposal to subdivide at base Density resulting in ten (10) or more Lots or Parcels.
  - 3. Any proposal which includes the movement of base Density between zoning districts on commonly owned land which results in the creation of six (6) or more Lots.
  - 4. Any proposal which includes a Density bonus in the AG-1, AG-6, AG-20, AG-40, and AG-80 zoning districts.
  - 5. All new Commercial, Retail, Office, Public, or Industrial projects with more than 20,000 square feet of Gross Floor Area.
  
- C. Uses: A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zoning district(s) in which it is located or subsequently rezoned to. When the project area includes more than one (1) zoning district, Uses may be relocated across zoning district lines if the County Council determines that relocation results in a project design that advances the goals set forth in the Eastern Summit County General Plan.
  
- D. Process:
  - 1. Pre-Application Conference: A required pre-application conference shall be held with the Planning Department staff in order for the applicant to become acquainted with the Master Planned Development procedures and related County requirements and schedules. The Planning Department staff may give preliminary feedback to the applicant based on information available at the conference and may inform the applicant of potential issues or special requirements which may result from the proposal.

**Comment [JRM39]:** This was the Planning Commission compromise to deal with moving units across zone lines.

2. The Master Planned Development Application: The Master Planned Development plan shall be submitted with a completed Application form supplied by the County. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.
3. Planning Commission Review Public Hearing/Action: The County Council is the Final Land Use Authority for Master Planned Developments. Prior to Final Action by the County Council, the Planning Commission is required to hold a minimum of one (1) Public Hearing prior to forwarding a recommendation to the County Council. The County Council shall approve, approve with conditions, or deny a requested Master Planned Development. County Council action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval.
4. Length of Approval:
  - a. Master Plans Developments Not Associated With A Subdivision Plat: Construction within the MPD area will be required to commence within Five (5) years of the date of the County Council approval. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project-phasing plan as set forth in the approved site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and reevaluation of the project at specified points in the Development of the project.
  - b. Master Planned Developments Associated With a Rezone, But Not Requiring a Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the County Council approval. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project-phasing plan as set forth in the approved site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and reevaluation of the project at specified points in the Development of the project. In the event that the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zoning of the property shall revert to the previous zoning designation.

**Comment [JRM40]:** Length of approval increased from 2 to 5 years in order to accommodate large scale projects that may take more time related to phasing and financing.

- c. Master Planned Developments Associated with a Rezone and Subdivision Plat: Unless otherwise extended per the provisions set forth in this title, a Subdivision Plat associated with a rezoning must be recorded within five (5) years of the date of the County Council approval. Additionally, Construction within the MPD area will be required to commence within five (5) years of the date of the County Council approval. In the event that the required Subdivision Plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zoning of the property shall revert to the previous zoning designation.

After Subdivision Plat recordation and construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project plan and associated documents.

- d. Master Planned Developments Associated with an Incentive Density Bonus Subdivision Plat: A Subdivision Plat associated with an Incentive Density Bonus must be recorded within five (5) years of the date of the County Council approval or the Subdivision Plat approval, including all associated (Incentive Density) shall expire. For phased developments, it shall be necessary to record the phase 1 Subdivision Plat to vest the Master Planned Development and Incentive Density. The phase I Subdivision Plat must be recorded within five (5) years of the date of the County Council approval or the approval will expire.

5. MPD Modifications:

- a. Minor Amendment: A "minor amendment" is defined as an amendment that does not increase square footage, Density, or intensity of the previously approved Master Planned Development. A minor amendment shall be processed as a Low-Impact Permit.
- b. Major Amendment; A "major amendment" is defined as an amendment that increases square footage, Density, or intensity of the previously approved Master Planned Development. A major amendment shall be processed as a Master Planned Development.

- E. MPD Requirements: All Master Planned Development applications shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Eastern Summit County Planning Commission, or County Council.

1. **Density:** The maximum Density permitted on the project site will be determined as a result of a site analysis. The maximum Density shall not exceed that set forth in the proposed zone, except as otherwise provided in this section. In cases where a project site contains more than one (1) zoning district, the Planning Commission may permit a shift of Density between Zoning Districts if the shift results in the project advancing the goals set forth in the General Plan.
2. **Bonus Density:** A Density bonus may be permitted in accordance with Appendix MPD-1.
3. **Setbacks:** The minimum Setback around the exterior boundary of an MPD shall match the Setbacks of the more restrictive/larger abutting zone Setback. In some cases, that Setback may be increased to create an adequate buffer to adjacent Uses. The Planning Commission may reduce Setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the General Plan.
4. **Building Height:** The maximum Building Height for all structures within a Master Planned Development shall not exceed the zoning district standard. The County Council may grant additional Building Height beyond the maximum zone district standard based on demonstrated good cause related, but not limited to, structured parking, affordable housing, deed restricted open space, community outdoor common area improvements or superior architectural design.
5. **Reduction of Minimum Lot Size Requirements:** The County Council may reduce the minimum lot size specified in a zoning district if it finds the proposed decrease in lot size improves the quality of the project.
6. **Open Space:** Master Planned Developments shall provide for Common Open Space, Open Space Land, Public Space, Trails or combination thereof based upon the internal needs of the project area.
7. **Off-Street Parking:** Master Planned Development shall meet the following off-street parking standards:
  - a. **Residential Uses:**

(1) Single Family Dwelling Unit:	Minimum 2 spaces/Unit
(2) Duplex Dwelling Unit:	Minimum 2 spaces/Unit (total of 4/building)
(3) Accessory Dwelling Unit:	Minimum 1 space/Unit
(4) Guest House:	Minimum 1 space/Unit

**Comment [JRM41]:** Appendix MPD-1 is attached to this staff report. Staff will do a brief presentation on the two optional proposals for calculating bonus density.

**Comment [JRM42]:** Discussion Requested. The East Side Development Code and Snyderville Basin Development Code measure height differently. Should the measurement technique be standardized so that they are the same in each Code?

(5) Multi-Unit (3 or more Units): Minimum 1 space/Unit

b. **Non-Residential Uses:**

- |                                 |   |
|---------------------------------|---|
| (1) Commercial/Retail:          | 3 spaces/1000 sq. ft. of net leasable floor area                      |
| (2) Commercial/Restaurant-Café: | 3 spaces/1000 sq. ft. of net leasable floor area                      |
| (3) Hotel/Lodging:              | 1 space/guest room or suite; 2 spaces/1000 sq. ft. support commercial |
| (4) Offices:                    | 2.5 spaces/1000 sq. ft. net leasable area                             |

**Comment [JRM43]:** No max or minimum defined.

The off-street parking requirements for any other Uses not listed above shall be determined by the County Council based on a project-specific parking study. The County Council may reduce or increase the overall parking requirement for a Master Planned Development based upon the Applicant demonstrating reasonable justifications for the increase/decrease in parking spaces.

The County Council may grant additional exterior/surface parking provided such parking is designed to include permeable surfaces, additional landscaping and buffering.

8. Designing with the Topography: Master Planned Developments shall be designed to fit into the topography of the site. The County Council may consider flexibility in the siting of Development so as to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.
9. Designing with Adjacent Land Uses: The Master Planned Development site plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.
10. Access: All Master Planned Developments shall have vehicular access from a state highway or County road. All developments shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the Summit County Engineer and/or Fire Marshall. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading.

11. Utilities: Existing or proposed utilities, and including private and public services for Master Planned Developments will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this Chapter, all Master Planned Development shall comply with all requisite Infrastructure standards found in Chapter 6 of this Title.
12. Building Locations: All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes and ridgelines. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable.
13. Connectivity: Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application as deemed necessary by the Planning Commission. Pedestrian/ equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.
14. Snow Storage: Master Planned Developments shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off-site location.
15. Outdoor Lighting: All outdoor lighting shall be down directed and fully shielded. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States Flag is exempt from this provision.
16. Compliance with Development Evaluation Standards: Unless otherwise permitted by this Chapter, all Master Planned Development shall comply with all requisite development evaluation standards found in Chapter 2 of this Title.
17. Site Design Narrative: A Master Planned Development application shall include a written explanation of how the project plan address the following design questions:
  - a. Neighborhood Connectivity. How does the proposed development interconnect and the surrounding properties, neighborhood, and area? Including but not limited to:
    - (1) Where will vehicles enter and exit the site?

**Comment [JRM44]:** This section may be affected by proposed changes to Chapter 2.

- (2) Where will new streets be developed?
- (3) Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area? If so, how are such needs addressed?

- b. Availability of Neighborhood Facilities and Services: Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?
- c. Meeting Housing Needs: How does the proposed development advance the community need for a mix of housing types and affordability.
- d. Character: What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, climate, and/or community needs?
- e. Site Design: How is the proposed development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, minimize site grading, etc.?
- f. Complete Street Design: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?
- g. Parking Areas: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?
- h. Public and Private Outdoor Spaces: What are the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?
- i. External Storage: How does the proposed project address needs for garbage collection, equipment storage, etc.?

F. Required Findings and Conclusions of Law: The County Council must find sufficient evidence that supports the following conclusions in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

1. The Master Planned Development is designed to fit well into the natural terrain, minimize excessive site grading and protect and preserve the surrounding area.
2. The Master Planned Development makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features.
3. The Master Planned Development takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.
4. The Master Planned Development has direct vehicular access from a state highway or County road or suitable private road or driveway access meeting all requirements of the County Engineer and Fire Marshall.
5. The Master Planned Development has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County Engineer and Fire Marshall.
6. All roads/streets within Master Planned Development follow the natural contours of the site wherever possible to minimize the amount of grading.
7. Existing or proposed utility and public services are adequate to support the proposed Master Planned Development at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.
8. The proposed structures within the Master Planned Development are located on reasonably developable portions of the site. The open areas within the Master Planned Development are designed so that existing significant vegetation can be maintained to the greatest degree possible.
9. The Master Planned Development includes adequate internal vehicular and, where deemed necessary, pedestrian/equestrian/bicycle circulation.
10. The Master Planned Development includes adequate areas for snow removal and snow storage.
11. All exterior lighting within the Master Planned Development is down directed and fully shielded.
12. The Master Planned Development, as conditioned, complies with all the requirements of the Development Code.

13. The Master Planned Development, as conditioned, is consistent with the General Plan.
14. The Master Planned Development has been noticed and public hearing held in accordance with this Code.

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## Appendix B: Master Plan Development Open Space Calculation

### Open Space

For the purpose of this section Open Space consists of the land in a subdivision or land development that is left undeveloped as part of agricultural preservation or natural resource preservation requirements, landscaping and buffer requirements, preserved archeological or historic sites, storm water management and civic open spaces. Open Space does not include open areas in private individual residential lots, public road rights of way and private street easements, parking space and drive aisles in parking lots, land covered by structures not designated for active civic recreational use, and outdoor storage areas.

### Density Bonus Calculation

**If the number of lots in the subdivision is greater than the base density allowed through zoning (MPD cluster bonus) then Open Space is required. The amount of required open space is calculated using the following formula:**

$$OS = Z \times L - 0.7 \times A$$

OS = Required Open Space (acres)

A = Parcel, area to be subdivided (Acres)

Z = Zone base density (Units per acre)

[Lb = Base density (A/Z, units )]

L = Number of lots in proposed subdivision

Note: No more than 50% of the Required Open Space can consist of undevelopable lands; that is steep slope, wetland or similar land as described in section 11-2-4 Natural Resources.

#### *Example:*

*Consider an 80 Acre parcel in the AG 6 zone.*

*At base density a thirteen unit subdivision can be created with no requirement for Open Space*

$$[A = 80, \quad Z = 6, \quad \text{Base density, } Lb = A/Z, \quad \text{or } 13.33 \text{ Units}]$$

*If through analysis and site design the applicant is able to create 18 Units, then that would be a 35% increase over base density.*

*By calculation: [OS = Z x L - 0.7 x A]*

*Required Open Space = 6 x 18 - 0.7 x 80 = 52 Acres .*

*The developable area is thus 80 – 52 or 28 acres.*

*In a typical development approximately 80% -85 % of the developable area is given over to internal roads, utility structures and similar uses leaving the remainder available as private for sale lots.*

*In this example the average lot size might thus be  $28 \times 0.85 / 17$ , or 1.32 Acres.*

*If through analysis and site design the applicant is able to create 20 Units, then that would be a 50% increase over base density. Repeating the calculation steps above produces an Open Space requirement of 64 Acres and would result in a typical average lot size of 0.68 Acres. Per the Zone requirements lots less than one acre but greater than one half acre are allowed if culinary water and sewer service are provided. Repeating the above steps for a proposed 21 Lots results in an average lot size of 0.4 acres. This is not allowed by the zone.*

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