



**Project #20-034  
ADA Accommodations,  
Subdivisions, & Procedural Code Updates  
Land Development Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	ADA Accommodations, Subdivisions, & Procedural Code Updates
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	July 9, 2020
<i>Submitted By:</i>	Mike DeSimone, Director

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**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of these minor amendments to the Land Development Code.

**REQUEST**

This is a proposal for a number of minor amendments to the Land Development Code (LDC) including adding ADA reasonable accommodation language, cleaning up the Subdivision Chapter, and cleaning up the procedural language for Track 1 vs Track 2 design review applications.

The proposed “general” amendments or changes to individual LDC Chapters are attached and are summarized below:

**American with Disabilities Act (ADA) Accommodations – 17.39.060:** Added language defining the application and review process for establishing a reasonable accommodation due to a specific physical and/or mental disability of an individual. This is consistent with both the ADA and the Federal Fair Housing Act and ensures an individual has an equal opportunity to enjoy housing opportunities of their choice without compromising the integrity of the underlying zoning regulations. An example of a “reasonable accommodation” is allowing the placement of a wheelchair ramp within a setback area with the condition that when the individual needing said ramp is no longer at that household, the ramp is removed.

**Subdivisions - 17.40:** Minor clean-up work of wording and document structure. The Final Plat Map Waiver for two lot subdivisions was in the wrong subsection and we clarified some other language throughout this Chapter.

**Design Review Procedures – 17.43:** Minor clean-up work of wording and clarifying the references to the correct review process for either a Track 1 or Track 2 permit.

**STAFF RECOMMENDATION AND SUMMARY**

The proposed changes to the Land Development Code are minor in nature, help to clarify certain substantive and procedural issues. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

**GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments are minor in nature and are consistent with the General Plan.

### **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 6/13/20, posted on the City's website and the Utah Public Meeting website on 6/16/20, and noticed in a quarter page ad on 6/4/20.

### **AGENCY AND CITY DEPARTMENT COMMENTS**

As of the time the staff report was prepared, no comments have been received.

### **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments will provide a process to ensure a reasonable accommodation request is met in compliance with the American with Disabilities Act, clarifies the subdivision process, and clarifies the procedural requirements for a Track 1 and Track 2 permit.
5. No public comment has been received regarding the proposed amendments.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

## Chapter 17.39: Permit Authority

### §17.39.010 Purpose

Permit review procedures are intended to provide an opportunity for a property owner to learn and understand the development standards and regulations of the City prior to initiating development of a site. The various permits are intended to provide the City with an opportunity to work with a property owner in ensuring safe development that meets City standards.

### §17.39.020 Application Review Standards

Standards for approving, conditionally approving or denying a project are contained within the specific provisions of this Article. Table 17.39.020 identifies the decision-makers and appeals boards for all project and application types.

**Table 17.39.020: Application Decision-Makers and Appeals Boards**

Project Type	Chapter	Applications Heard By:
Certificate of Appropriateness	§17.20	Historic Preservation Commission
Subdivisions	§17.40	Minor Subdivision – Director Subdivision - Planning Commission
Boundary Line Adjustment	§17.41	City Engineer
Conditional Use Permit	§17.42	Planning Commission
Design Review, all other projects	§17.43	Track 1 – Director Track 2 - Planning Commission
Amendments to the Land Development Code	§17.44	Planning Commission <sup>1</sup> Municipal Council
Amendments to the Official Zoning Map	§17.44	Planning Commission <sup>1</sup> Municipal Council
Amendments to the General Plan	§17.45	Planning Commission <sup>1</sup> Municipal Council
Variances	§17.46	Land Use Appeal Board
Appeals of Staff Decisions	§17.50	Land Use Appeal Board
Appeals of Staff's General Plan Interpretations	§17.50	Municipal Council
Appeals of Boundary line Adjustments	§17.50	Land Use Appeal Board
Appeals of Subdivisions, Design Review, Use Permits, or Planning Commission Decisions	§17.50	Land Use Appeal Board
Appeals of Amendments to the Land Development Code, Official Zoning Map, General Plan, Variances, or actions of the Land Use Appeal Board	§17.50	District Court

### §17.39.030 Permit Required Before Proceeding

The construction, alteration, repair, removal, use or occupancy of any site improvements, site development, structure, or any part thereof shall not proceed until the issuance of an appropriate permit(s).

#### A. Complete Applications.

A complete permit application shall be submitted prior to review by the appropriate department. Permits may be issued following a review to ensure that the proposed project is compliant with the Logan Municipal Code.

#### B. Permits Issued Only for Complying Projects.

Permits shall be issued only upon the approval of a site plan meeting the requirements of the Department of Community Development and the International Building Code. The Chief Building Official, the Public Works Director, City Engineer, and the

Director, shall prepare a list of the requirements for site plan submittal. To obtain a permit, the project must comply with all applicable standards, specifications, and code requirements.

- C. Site Plan Review Required.
  1. All site plans shall be reviewed and signed by representatives of the City's development-related departments.
    - a. Generally, the development departments in the City include, and are not limited to, Building, Planning and Zoning, Public Works, Engineering, Streets, Light and Power, Water, Sewer, Environmental Health, and the Fire Department.
    - b. Other departments may be required to review site plans if the proposed project involves their areas of responsibility.
  2. Any department may require additional studies or plans as necessary to review or address site specific conditions.
  3. Site plans for multiple family dwellings of three (3) or more units, commercial, industrial, and all non-residential development shall be prepared by a professional architect, landscape architect, or engineer licensed in the State of Utah. Site plans shall be based upon a recorded survey prepared by a land surveyor, licensed in the State of Utah, that shows accurate dimensions, location of all monuments, existing buildings, utility structures and lines, and all easements and rights-of-way.
- D. Compliance with Discretionary Conditions Required Prior To Building Permit.

When a project has been before the Planning Commission, Historic Preservation Commission, Land Use Appeal Board, or the Municipal Council, no permits shall be issued until the Director has confirmed that the project is compliant with all appropriate conditions.
- E. Should any permit or license be issued in conflict with the provisions of this chapter, such permit or license shall be voidable.
- F. Should any permit, license, or approval be granted based on inaccurate, incomplete, or fraudulent information, the permit shall be voidable.

#### **§17.39.040 Creation of Building Site**

- A. Lots Shall Be Legally Existing.

Permits for the construction, alteration, use or occupancy of any building, structure or part thereof upon any tract or plot shall be issued only after a building site or lot has been created in compliance with the provisions of the Logan Municipal Code.

  1. The record lot was created in full compliance with the provisions of subdivision and zoning regulations within the Logan Municipal Code and Utah law.
  2. The lot is all or part of a preliminary or final plat map or site plan officially approved by the City. The site has been or is being developed in conformance with City requirements for all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting including the designation of building areas, dedication of easements, alleys, streets, and other property required to be dedicated.
- B. Certificate of Occupancy, Approval to Use or Occupancy.

No land shall be used or occupied nor shall a building be used or changed in use, until a Certificate of Occupancy has been issued by the Chief Building Official. Certificates of Occupancy may be issued only after the Director has issued a clearance indicating that the permit holder has complied with all appropriate conditions imposed on the project.

#### **§17.39.050 Public Dedications**

The owner may be required to dedicate streets, utility easements or rights-of-way, parklands, trail easements, water rights, or other lands for public purposes as may be

defined in the Logan Municipal Code or the City's General Plan and other master plan documents.

**§17.39.060 American with Disabilities Act (ADA) and Federal Fair Housing Act (FFHA) Accommodations**

None of the requirements of this Title shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

- A. Complete Application. Any person or entity wanting a reasonable accommodation shall make application to the Community Development Director and shall articulate in writing the nature of the requested accommodation and basis for the request.
- B. Decision. The Director shall render a decision on each application for a reasonable accommodation. The decision shall be based on evidence of record. The Director may approve a reasonable accommodation request, in whole or in part, if the following findings can be made:
  1. That the requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit the accommodation would provide to a person with a disability; and
  2. That, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice; and
  3. That the accommodation is the minimum amount necessary to provide one or more persons with a disability an equal opportunity to enjoy housing of their choice.
- C. Appeal. The decision of the Director may be appealed to the Land Use Appeal Board following the provisions of Chapter 17.50.

## Chapter 17.40: Subdivisions

### §17.40.010 Purpose

Regulating subdivisions ensures the orderly development of the City in order to protect the public health, safety, and general welfare by ensuring new lots are adequate in size, shape, design, and topography to accommodate new development; roads are adequately designed to provide community linkages and conform to the block grid system; and the character of Logan's neighborhoods are protected in the development process.

### §17.40.020 Standing to Apply

Any owner of real property proposing to create a subdivision of one or more lots shall follow the procedures in this chapter.

### §17.40.030 Procedures, Reports and Hearings

Subdivisions are processed under the provisions of Chapter 17.48 and the requirements of this Chapter. Applications for subdivisions are heard before the Planning Commission as required by State law and this Code. Minor subdivisions shall be processed according to Section 17.40.040 and the requirements of this Chapter.

A. Department of Community Development Standards and Procedures.

The Director shall prepare administrative procedures and requirements to ensure that the Planning Commission has adequate information to make a decision about the proposed subdivision.

B. Public Works Standards and Procedures for Infrastructure.

The Director of Public Works shall prepare administrative procedures and requirements to regulate and monitor the construction of infrastructure required as part of subdivision design and development

C. Other Department Standards and Procedures.

The directors of other departments participating in the subdivision process shall prepare administrative procedures and requirements related to the departmental needs in reviewing subdivision design.

### §17.40.040 Minor Subdivisions

The Director shall be the review authority for Minor Subdivisions and shall review applications according to Section 17.47.

A. Minor Subdivisions shall meet the following:

1. The total number of lots being created shall not exceed three (3);
2. A minor subdivision shall not involve a division of land requiring the construction of a new roadway;
3. The Director may refer minor subdivision applications to the Planning Commission (Track 2) at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and
4. The application for a minor subdivision shall meet the application and approval criteria in this Chapter.

B. Mailed Notice. Within ten (10) calendar days of receipt of a complete application, the Director shall send a written notice to owners of real property as shown on the latest official County Assessor's rolls within three hundred (300) feet of the perimeter boundaries of the subject property. This notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:

1. The case number and the project's title;
2. The project's address;

3. The name of the proponent;
  4. The type of project or projects, including an identification of all types of actions required;
  5. The project description;
  6. The anticipated decision date;
  7. A statement explaining when and where interested persons can obtain information;
  8. The name and phone number of the staff member assigned to review the application; and
  9. An explanation on how to file an appeal of the decision.
- C. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.50.
- D. The Administrative Record of Decision shall serve as the administrative record of proceedings.

#### §17.40.050 Additional Application Requirements

A. Preliminary Subdivision Plat Map Required.

In addition to the requirements in Chapter 17.48, a complete application for a subdivision shall include a preliminary plat map and the submittal of all applicable preliminary plat review fees as set forth in the current fee schedule as adopted by the City Council. The preliminary plat map shall depict the content required by the City's administrative procedures and specified by Utah Law. At a minimum, all preliminary plat maps shall be stamped and prepared by, or under the supervision of, a professional appropriately licensed to prepare plat maps in the State of Utah.

B. Contents of Preliminary Plat Map.

The preliminary plat map shall include the following items and other items as may be required by the Director or City Engineer:

1. The proposed name of the subdivision;
2. A title block that includes the following information:
  - a. Name, mailing address, telephone number of the subdivider;
  - b. Name, mailing address, telephone number of the owner of record if different from the subdivider;
  - c. Name, license type, license number, mailing address, telephone number of the licensed professional preparing the plat map;
  - d. The tax identification number(s) of the subject property proposed for subdivision;
  - e. The official record number(s) of the current deed(s) for the property; and
  - f. The official stamp, signature, license number, and date of the person preparing the map.
3. A certificate with the signature of at least one owner of record consenting to the filing of the preliminary plat map that states substantially the following:
 

*"I/we, the undersigned, do hereby affirm that I/we are record owners of the subject property proposed on this map for subdivision, and I/we consent to the filing of this preliminary plat map."* The signature(s) shall be notarized and the date signed shall be identified on the preliminary plat map.
4. The location of perimeter property lines, streets, railroads, easements, buildings, water courses or other important features within or adjacent to the area;
5. Adjoining properties and current owners of record and all tax identification numbers and official record number of the current deed or legal description;
6. The location of existing sanitary and storm sewers, water mains, culverts and other underground structures with the location and size of the nearest water main and sewer outlet indicated on the preliminary plat map;

7. The proposed name, location, and width of streets, alleys, lots, easements, building setback lines, utilities, parks, and other common spaces;
8. The location of all hydrants and known sewer and water lines within two hundred (200) feet of the subject property;
9. Date, north arrow, and an accurate bar scale;
10. Contour lines at appropriate vertical intervals if the area has irregular topography or if the Public Works Director requires them;
11. Description and drawing of the typical template for streets, roads, and utilities;
12. A proposed phasing plan identifying the unit or phase boundaries on the preliminary plat and including a timeline for recording each subsequent final plat ~~map~~. Failure to identify phases on the preliminary plat may require that the remaining unrecorded portion of the subdivision be reviewed by the Planning Commission when each subsequent final plat ~~map~~ is submitted for City review;
13. Location and extent of critical lands which are not buildable as required by this code; and
14. Land Set Asides, open space, or other land held in common.

#### §17.40.060 Planning Commission Action

##### A. Required Findings.

The Commission may approve a preliminary subdivision plat when ist substantiates the following findings:

1. The subdivision is consistent with the goals and policies of the Logan General Plan;
2. Each lot conforms to the requirements of Title 17 of the Logan Municipal Code in terms of lot size, width, and depth;
3. Each lot is physically suitable for development, has an adequate buildings site, and will not require variances due to physical constraints in order to be developed;
- ~~4. The subdivision lots maintain or enhance neighborhood character;~~
- ~~54.~~ Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities;
- ~~65.~~ The subdivision has been revised and amended by the conditions of project approval in response to to respond to the issues raised by City Departments and public agencies, and to address legitimate public concerns ~~of the public~~;
- ~~76.~~ The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission;
- ~~87.~~ The design and layout of lots and streets conforms to the city grid to greatest extent possible;
- ~~98.~~ The design and layout of lots and their associated building area is configured to protect critical lands, existing trees, and other natural features;
- ~~109.~~ The Approval of the subdivision conforms to the requirements of Utah law;
- ~~104.~~ If the subdivision is proposed to be completed in phases or units, the Commission shall find that the subdivision can be completed in phases. This finding shall be required in order to provide a record of the approved phasing. The Department of Public Works shall make a recommendation on the location of phasing lines to ensure construction of infrastructure and utilities meets the requirements of the Department;
- ~~1211.~~ Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City; and



- ~~1312.~~ Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.
- B. Failure to Substantiate Findings.  
The Commission may deny a proposed subdivision when it is not able to find facts in the record to substantiate the required findings in this section.
- C. Modification of Preliminary Plats Maps.  
The Commission may modify a preliminary plat ~~map~~, including the elimination and resizing of lots, if it finds that the modifications or conditions imposed result in better design, layout, site development, or to satisfy development policies.

~~§17.40.070~~ **Final Plat Map or Final Plat Map Waiver**

~~A. Final Plat Map Required.~~

~~— Following action to approve or conditionally approve the preliminary subdivision, the subdivider shall have a professional, appropriately licensed in the State of Utah, prepare a plat map for the subdivision.~~

~~B. City Engineer May Waive the Final Plat Map Requirement for a Two-Lot Subdivision.~~

- ~~1. The City Engineer may waive the final plat map requirement for a subdivision of two (2) lots if the subdivision is comprised of two (2) lots, the subdivider intends to create the lots by metes and bounds descriptions, and the deed includes a certificate signed by the Director as required by Utah Law and as listed in Explanation 17-20 stating: "The lot described in this instrument was reviewed and approved by the City of Logan Planning Commission as Docket # \_\_\_\_\_ at its meeting of <meeting date>. This certificate warrants that at the time of original signature, all subdivision requirements and conditions tied to the recordation of this deed have been satisfied. The Commission action may have included other development requirements, development agreements, or deferred actions that may be conditions prerequisite to the issuance of building permits, use or occupancy of any development for this lot."~~
- ~~2. The City Engineer may require preparation of construction plans when appropriate.~~
- ~~3. The Director shall not sign the instrument unless and until it has been verified that all appropriate conditions have been satisfied and the subdivision has been approved by the City Engineer.~~

~~§17.40.080~~ **Final Plat Preparation**

~~A. Final Plat Preparation.~~

~~Following action to approve or conditionally approve the subdivision, the subdivider shall comply with conditions imposed by the Commission shall prepare a final plat ~~map~~ for recordation, and shall submit the applicable final plat review fees as set forth in the current fee schedule as adopted by the City Council. The final plat ~~map~~ shall comply with this Title and Utah law. At a minimum, and in addition to any requirements established by the City, the ~~map-plat~~ shall include the following:~~

- ~~1. The surveyed subdivision boundary line shall include all elements defined by Utah Code §17-23-17, and ~~including~~ the following:~~
  - ~~a. A measured distance and basis of bearing between two existing government accepted monuments. Accurate ties from the basis of bearing to the point of beginning of the surveyed subdivision boundary. Indication shall be given of the type, condition, markings, and nomenclature of monuments used for the basis of bearing.~~
  - ~~b. A written survey narrative that identifies and explains the following:~~

- i. Identify the book and page, entry number, or other such reference to the conveying legal document(s) which contain the legal description(s) of the parcel(s) being surveyed.
  - ii. The date of measurement, method of measurement, distance measured, and basis of bearing used between two government accepted monuments.
  - iii. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify each established or reestablished boundary line.
  - iv. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify the location and width of all existing utilities, easements, right of ways, canals, etc... which adjoin, intersect, or transverse the subdivision.
2. All lots, blocks, and parcels created or offered for any purpose other than streets or easements, shall be delineated and designated with all dimensions, boundaries, courses, square footage, acreage, and ties to the surveyed subdivision boundary clearly shown and defined in every case. Parcels designated as lots for sale shall be identified by numbers starting with the numeral "1" and continuing consecutively throughout the subdivision and shall be assigned a temporary address. Parcels offered for dedication, other than for streets or easements, shall be identified by letter starting with "A" and continuing alphabetically throughout the subdivision;
3. All lots shall be assigned and labeled with a temporary address;
4. The identification of those specific portions of the subdivision plat that are to be used for streets, right of way, or reserved for other public purposes;
5. The plat shall show the name and/or number of all existing or created streets and the street centerlines, right-of-way lines, widths, and half widths. Every centerline and right-of-way line shall be dimensioned and tied to the surveyed subdivision boundary with sufficient detail to definitively retrace and locate the same;
6. The boundaries, course, dimensions, width, and ties to the surveyed subdivision boundary of all existing or created utilities, easements, right-of-ways, canals, etc. which adjoin, intersect, or transverse the subdivision with sufficient detail to definitively retrace and locate the same;
7. Existing right-of-way and easement grants of record for underground facilities, as defined in Utah Code §54-8a-2, and for other utility facilities;
8. The location of all subdivision boundary corner markers, lot corner markers, and monuments as defined in the Logan Municipal Code Chapter 15.28, or as directed by the City Engineer;
9. Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code at the time of the issuance of the building permit;
10. The location and extent of open space and/or common areas;
11. The location and extent of critical lands;
12. If open space and/or common areas are involved in the subdivision, the final plat shall be accompanied by all common documents including covenants, conditions, restrictions, and articles of incorporation demonstrating perpetual ownership and maintenance of said open space and/or common areas;
13. The final plat shall be accompanied by copies of any private covenants, conditions, and restrictions (CC&Rs) proposed or required to be recorded for the purpose of providing regulations governing the use of the land;
14. The final plat shall be accompanied by construction plans as approved by the City Engineer; and

15. The construction drawings and specifications shall be prepared by, or under the supervision of, a professional licensed to perform such work in the State of Utah.
- B. Final Plat ~~Map~~-Certificates.  
The final plat ~~map~~ shall include the following information as required by the City of Logan and Utah law:
1. A notarized signature of the land owner on the face of the original plat;
  2. A certification by the surveyor preparing the ~~map or plat of the following:~~ ~~The surveyor making the plat shall certify that the surveyor:~~
    - a. ~~h~~Holds a license in accordance with Utah Code Title 58, Chapter 22, Professional Engineers and Professional Surveyors Licensing Act;
    - b. ~~h~~Has completed a survey of the property described on the plat in accordance with Utah Code Section 17-23-17 and has verified all measurements; and
    - c. ~~h~~Has placed monuments as represented on the plat in accordance with Logan Municipal Code Chapter 15.28.
  3. If the final plat ~~map~~ identifies new locations for underground or utility facilities that are shown or described on the ~~plat~~map in conformance with the requirements of Utah State law, the owner or operator of the underground and utility facilities shall approve the ~~map or plat~~ of its property interest. This is required only if the final plat specifies:
    - a. ~~¶~~The boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;
    - b. ~~¶~~The location of existing underground and utility facilities; and
    - c. ~~a~~Any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.
  4. The following dedications, certificates and acknowledgments shall be shown on the ~~plat~~map and shall empower the person responsible for signing the certificate to require the subdivider to submit any records, calculations, title reports, deeds, property tax records, or other documentation necessary to verify conformance with subdivision requirements:
    - a. Licensed land surveyor's certificate of survey;
    - b. Owner's dedication certificate;
    - c. Notary public's acknowledgment;
    - d. City Attorney's certificate of approval;
    - e. City Engineer's certificate of approval;
    - f. Director's certificate of approval that states: "This subdivision entered into City Records as Planning Commission Docket # \_\_\_\_\_ was heard before the Commission in a public hearing on the <meeting date> and was approved in substantial conformance with the requirements and design shown upon this plat.";
    - g. The Mayor's certificate of approval;
    - h. Logan City Departments of Water, Wastewater (collection & treatment), Solid Waste, and Light & Power certificates of approval; and
    - hi. Certificate of the County Recorder.
- C. Phasing the Recordation or Completion of a Subdivision.
1. If a proposed phasing plan has been approved by the Planning Commission as part of the preliminary plat, the first phase of the final plat shall be filed and recorded within 12 months of the original Planning Commission approval, and each subsequent unit or phase shall be recorded within 12 months of the filing date of the prior unit or phase. If more than 12 months separates the recording of any one unit or phase from another, re-application for a new subdivision is required.

2. If the preliminary plat map does not identify phases or units for the subdivision, each subsequent phase or unit shall be reviewed by the Planning Commission.
- D. Recordation.
1. When the final plat has been prepared to City and State specifications, and when all conditions, requirements, and modifications have been satisfied, the City shall approve the ~~final plat map~~ and cause it to be recorded. Before the City may approve the final plat, the owner of the land shall provide a Preliminary Title Report and tax clearance from Cache County demonstrating that all taxes, interest, and penalties owing on the land have been paid;
  2. The City attorney shall be required to verify that the ~~platmap~~ meets the requirements of Utah law and this Title in terms of form, certificates, title, ownership, and release of liens;
  3. The Director shall be required to review and ensure that the subdivider has complied with all conditions of Subdivision approval and this Title;
  4. If required by the City Engineer, the final plat ~~map~~ shall be accompanied by a full and complete drawing on computer diskette readable in the current version of AutoCAD®, ArcInfo®, or as a “DXF” or similar file readable at scale by the City’s engineering computer and geographic information system software. Such disks and computer files shall be considered proprietary information between the originating engineer or surveyor and the City and shall not be made available as public documents; and
  5. After the ~~finalmap-or~~ plat has been acknowledged, certified, approved, and all development agreements executed, the owner shall provide the City with funds payable to Cache County for the recordation of the ~~platmap~~ and the City Engineer shall cause the final plat ~~map~~ to be filed and recorded in the county recorder’s office. The ~~entire final plat-map~~ or the ~~first phase of the final plat map for the first phase-or-unit~~ shall be recorded within twelve months of the date of the Planning Commission approval as per Section 17.58.010. All applicable fees and taxes shall be paid prior to the filing of the final plat ~~map~~. The subdivider shall execute a development agreement for completion of subdivision improvements prior to the recordation of the final plat ~~map~~. The development agreement shall be recorded with the ~~platmap~~ and shall run with the land until the completion of all improvements. The City Engineer may require a notation on the final plat concerning assessments or completion of improvements that may occur more than twelve months after recordation of the plat.

#### **§17.40.090080 Completion of Subdivision Improvements**

No subdivision final plat ~~map-or~~ deed shall be recorded until all required improvements have been completed to the standards and specifications established by the City or other codes, laws, or regulations. In addition, the following minimum requirements apply and may be added to by the City Engineer or the Planning Commission as applicable:

- A. Construction within the subdivision shall conform to all federal, state, and local regulations.
- B. Construction drawings and construction within the subdivision shall conform to the Department of Public Works Standards and Specifications. This document shall be available in the office of the City Engineer.
- C. A right of way construction permit shall be obtained for all work within existing right of ways.
- D. Permits must be obtained for construction of the infrastructure facilities within the subdivision.

- E. There shall be a schedule of fees in the office of the Public Works Director and approved by resolution of the City Council.
- F. Before obtaining any permits, each contractor must submit proof of the following:
  - 1. Utah State contractor's license;
  - 2. Performance bond as required by this Title;
  - 3. A warranty bond guaranteeing the improvements for a minimum period as set forth in Utah Law;
  - 4. Liability insurance;
  - 5. Vehicle insurance; and
  - 6. Worker's compensation insurance.
- G. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent of the cost of any fees and permits plus one thousand dollars.
- H. A preconstruction conference with the City Engineer may be required not less than forty-eight hours prior to the commencement of construction activities.
- I. The contractor shall notify the Public Works Department not less than forty-eight hours prior to the commencement of construction.
- J. Within thirty (30) days of the completion of improvements, the subdivider shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.

**§17.40.090 Final Plat Map Waiver**

- A. City Engineer May Waive the Final Plat Map Requirement for a Two-Lot Subdivision in accordance with Utah Law and the following:
  - 1. If the subdivision is comprised of two (2) lots;
  - 2. The subdivider intends to create the lots by metes and bounds descriptions; and
  - 3. The subdivision was reviewed and approved under Subsection 17.40.040 Minor Subdivisions.
- B. The City Engineer may require preparation of construction plans when appropriate.

## 17.43: Design Review Permits

### §17.43.010 Purpose

The purpose of design review is to encourage high quality development design and enhance neighborhood character. The design review process is intended to ensure conformance to city standards and encourage superior design while providing for flexibility in project design. Two procedural “tracks” are provided whereby an applicant can choose to follow the prescriptive (Track 1) standards in Title 17, or propose an alternative design (Track 2) that is consistent with the purpose and intent of Title 17 and results in a superior design.

### §17.43.020 Design Review Authority

The Planning Commission shall review Track 2 design review applications, including proposed site layout and building design for conformity with Title 17 and shall follow the notice and meeting requirements of Section 17.48. The Director shall review Track 1 design review applications, including proposed site layout and building design, grading and drainage for conformity with Title 17 and shall follow the notice requirements of Section 17.47.

### §17.43.030 Standing To Apply

Any property owner, or proponent with the written permission of the property owner, may apply for consideration of a design review permit..

### §17.43.040 Design Review Permits

A. Design Review Permits are required for the following types of development:

1. Attached single family dwellings;
2. Townhomes and Townhouses;
3. Multi-family residential buildings;
4. Subdivisions;
5. Commercial development;
6. Industrial development;
7. Recreation development;
8. Public development;
9. Freestanding signs;
10. Wall art over 10% of the first story façade area; and
11. Wireless Telecommunication Facilities.

B. Design Review Permit is required for certain modifications to uses.

1. All remodeling, renovation or additions, including parking and access, that result in an increase in size by more than 25% or 20,000 square feet, whichever is less; or
2. Exterior remodeling or renovation that is found by the Director to result in an increase in a nonconforming design condition.

### §17.43.050 Procedures

Design Review Permits shall be processed as either a Track 1 Permit or a Track 2 Permit. ~~The review process for Track 1 Permits shall follow the procedural requirements in Section 17.47 while the review process for Track 2 Permits shall follow , and the review process shall follow~~ the procedural requirements in Section 17.48.

§17.43.060 **Design Review Track 1:** The Director shall be the review authority for Track 1 design review applications. ~~The Director and~~ shall review Track 1 applications according to Section 17.47.

- A. Track 1 Design Review Permits shall meet the following criteria:
  1. The project or use does not require any variance or conditional use permit;
  2. The applicant has not requested any adjustment or modification to the standards in Title 17;
  3. The Director has not referred the application for a Design Review Permit to the Planning Commission for any other reason. The Director may refer applications to the Planning Commission ~~for a Track 2 design review~~ ~~Section 17.43.070 (Track 2)~~ at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and
  4. The application meets all of the approval criteria in Section 17.43.080.
- B. The applicant shall be notified of the design review permit decision.
- C. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.50.
- D. The Administrative Record of Decision shall serve as the administrative record of proceedings.

**§17.43.070 Design Review Track 2:** The Planning Commission shall be the reviewing authority for ~~Track 2~~ design review applications ~~and that do not meet the criteria under Section 17.43.060.A. The Planning Commission~~ shall review Track 2 applications according to Section 17.48.

**§17.43.080 Approval Criteria**

The Planning Commission may approve a design review permit upon substantiating the following findings:

- A. The maximum allowable density under the applicable zoning district has not been exceeded, unless a density bonus has been approved for the subject site in conformance with this Title.
- B. The design review permit substantially conforms to the requirements of Title 17 of the Logan Municipal Code.
- C. Where an adjustment to a provision of Title 17 is requested as part of the design review application, the following criteria shall apply:
  1. The adjustment is consistent with the purpose and intent of the zoning district in which the project is located;
  2. The adjustment is consistent with the purpose of the standard for which the adjustment is requested;
  3. Permitted use standards, including conditional use standards, shall not be adjusted;
  4. Density standards shall not be adjusted;
  5. Adjustments to height, bulk, open space, landscaping, setbacks, lot coverage and floor area requirements may be approved provided that the adjustment does not exceed ten (10) percent of the base standard. Adjustments to design standards and guidelines such as building placement, building orientation, form, materials, fenestration, articulation, wall planes or façade variation may be approved by the Planning Commission with findings that demonstrate the proposed design changes are not due to financial considerations on behalf of the project proponent, are consistent with surrounding land use patterns and community design, will not compromise future projects or design, and any deviations reflect the City's desire to encourage and permit development that has lasting value to the community; and
  6. Historic district guidelines shall not be adjusted through this procedure.