



**HOOPER CITY**  
**CITY COUNCIL AGENDA**  
**FEBRUARY 6, 2025, 7:00PM**  
COUNCIL CHAMBERS  
5580 W. 4600 S.  
Hooper, UT 84315

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Notice is hereby given that the Hooper City Council will hold a work meeting at 6:00pm and their regularly scheduled meeting at 7pm on Thursday, February 6, 2025, at the Hooper Municipal Building located at 5580 W 4600 S Hooper, UT 84315.

**Work Meeting – 6:00pm**

1. Discussion on Agenda Items

**Regular Meeting – 7:00pm**

1. Meeting Called to Order
2. Opening Ceremony
  - a. Pledge of Allegiance – Council member Hill
  - b. Reverence – Council member Marigoni
3. Upcoming events
4. Consent Items
5. Discussion Items, Reports, and/or Presentations
  - a. Discussion/Motion (Roll call vote)- Process of appointing Planning Commission members
6. Public Hearings
  - a. Ordinance changes to Title X to comply with state requirements and authority of approval for 1-2 family residential use.
7. Action Items
  - a. Discussion/Motion (Roll call vote) – Approving of Title X
  - b. Motion – Appointment of 2 planning commission members; Sheldon Greener, Blake Covering
  - c. Motion – Swearing in of Planning Commission members
  - d. Motion – Appointment and swearing in Deputy City Recorder, Jamee Johnston
  - e. Discussion/Motion- 2025 City Council Assignments
8. Citizen Comment (*Resident(s) attending this meeting will be allotted 3 minutes to express a concern about any issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue presented.*)
9. Adjournment

*Morghan Yeoman*

Morghan Yeoman, City Recorder

*\*Please see notes regarding public comments and public hearings*

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In compliance with the American with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 801-732-1064 or admin@hoopercity.com at least 48 hours prior to the meeting.

**CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Hooper City limits on this 6<sup>th</sup> day of February, 2025 at Hooper City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <https://www.hoopercity.com/meetings>.

**\*NOTES REGARDING PUBLIC COMMENT AND PUBLIC HEARINGS**

- A. Time is made available for anyone in the audience to address the City Council during public comment and through public hearings.
  - a. When a member of the audience addresses the council, they will come to the podium and state their name and address.
  - b. Each person will be allotted three (3) minutes for their remarks/questions.
  - c. The City Recorder will inform the speaker when their allotted time is up.

**\*CONFLICT OF INTEREST**

As per Utah State Code §67-16-9; Public officers and employees cannot have personal investments in a business entity that would create a substantial conflict between their private interests and public duties. This also applies to board members.

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## **CHAPTER 1 GENERAL REGULATIONS**

### **10-1-1 Title**

Upon adoption by the City Council, this portion of HCC 10 is declared to be and shall hereafter constitute the official zoning and subdivision ordinance of Hooper City. HCC 10 shall be known and cited as the Hooper City Zoning and Subdivision Ordinance. The Hooper City Zoning and Subdivision Ordinance is published by authority of the City Council, and it shall be kept up to date. Within this document, the Hooper City Zoning and Subdivision Ordinance shall be referred to as “this Title.”

### **10-1-2 Purpose**

- A. To carry out the intent and purposes of the “The Municipal Land Use Development and Management Act”, Utah Code 10-9, as amended;
- B. To carry out the policies of the Hooper City General Plan by classifying and regulating the uses of property and structures within Hooper City;
- C. To establish zones within Hooper City in accord with the adopted general plan in conformance with Utah Code § 10-9-405.

### **10-1-3 Scope And Content**

- A. This Title shall consist of the text adopted by Ordinance 010603, as amended from time to time, and the Official Zoning Maps adopted by Ordinance 010603, as amended from time to time. Copies are available for review at 5580 West 4600 South. This Title and each and all of its terms are to be read and interpreted in light of the designations of the Official Zoning Maps.

### **10-1-4 Applicability**

The regulations of this Title shall apply to all incorporated properties within Hooper City and shall govern development and use of those properties.

- A. No person or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:
  - 1. The proposed use, structure, or division of property complies with this Title.
  - 2. Any required approval is first obtained as provided by this title, and any applicable conditions of approval are met.
- B. Nothing in this Title shall eliminate the need for obtaining any other required permits, including, but not limited to, building permits, plumbing, electrical, or mechanical permits, grading permits, or any permit, approval, or entitlement required by other titles of the Hooper City Code, other political subdivisions of the State of Utah, or agencies of the State of Utah.
- C. All properties within Hooper City shall comply with the regulations of this Title unless

otherwise pre-empted by Federal or state statute or by local ordinance.

- D. The prosecution of violations that occurred under previous land use regulations and that remain a violation under this Title shall continue until resolved.

#### **10-1-5 Interpretation**

##### *A. Language:*

1. *Terminology:* When used in this Title, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word “shall” is mandatory, and the word “may” is permissive.
2. *Number of days:* Whenever a number of days is specified in this Title, or in any permit, condition of approval, or notice issued or given as provided in this Title, the number of days shall be construed as calendar days, unless otherwise specified, except that such time limits shall extend to the following working day when the last of the specified number of days falls on a weekend or Hooper City holiday.
3. *Minimum requirements:* When interpreting and applying the regulations of this Title, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this Title.
4. *Defined terms:* Terms defined in HCC 10-1A-1 shall have their defined meaning when used elsewhere in this Title. For the purpose of readability and clarity, such terms are not shown in initial caps.
5. *Section headings:* Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.
6. *References:* All references to State or Federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

*B. Zone Boundaries:* Where uncertainty exists about the location of any zone boundary shown on the Official Zoning Map, the following rules shall be used to resolve the uncertainty:

1. Where a zone boundary approximately follows a property line, such property line shall be construed as the zone boundary.
2. Where a zone boundary approximately follows a street, alley, or railroad line, such street, alley, centerline, or the extension of such line, shall be construed as the zone boundary. Where a street or alley is officially vacated and that street or alley has not been given a zoning designation, the land that was formerly in the vacated street or alley shall have the same designation as the abutting property on either side of the centerline of the vacated street or alley.

3. Where a zone boundary approximately follows a watercourse, the centerline of the watercourse shall be construed to be such boundary. In the event of a change in the watercourse shoreline, the boundary shall be construed as moving with the actual shoreline.
4. Where a zone boundary does not obviously coincide with any of the above lines (property; street, alley, or railroad line; watercourse), or where it is not designated by dimensions, it shall be deemed to be located along the nearest section, a quarter section, or a sixteenth section line.

*C. Conflicting Regulations:*

1. In case of conflict between the text and the maps of this Title, the maps shall prevail.
2. If conflicts occur between different regulations of this Title, or between this Title and other regulations of the Hooper City Code, the most restrictive regulation shall apply.
3. It is not intended that this Title interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; however, where this Title imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or required by ordinances, rules or regulations, or by easements, covenants, or agreements, the regulations of this Title shall govern.

*D. Allowed Uses:* If a proposed use of property is not specifically listed in HCC 10-2, Base Zones, the use shall be prohibited, except as follows: the Planning and Zoning Commission may determine that a proposed use not listed in HCC 10-2 is equivalent to an allowed use if the Commission finds all of the following:

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in the applicable base or overlay zones as allowed;
2. The proposed use shall not involve a higher level of activity or density than one or more of the uses listed in the applicable base or overlay zones as allowed;
3. The proposed use is consistent with the purpose of the zone in which the use is proposed to be located; and
4. The proposed use is in substantial conformance with goals and objectives of the applicable general plan.

**10-1-6 Errors In Legal Descriptions**

Where a property has not been zoned due to an error in a legal description the following shall apply:

- A. If the error is caused by the City, the error shall be corrected and duly processed by the

City as soon as the error is discovered.

- B. If the error is caused by the applicant and/or owner, the applicant shall apply for a zoning ordinance map amendment and submit the proper fees.

#### **10-1-7 References**

References in this Title to other ordinances or codes of Hooper City and statutes of the State of Utah are provided solely for the coordination of this Title with such other ordinances and statutes.

#### **10-1-8 Preservation Of Private Property Rights**

- A. This Title shall be interpreted to equally protect citizens from the undue encroachment on their private property by their neighbors' use of their private property and equally protect each citizen's right to use of their property without creating undue burden upon their neighbors.
- B. In the administration of this Title, every person shall be secure in their premises, and no employee of the City shall enter upon, investigate, or search any of the premises of any citizen without the consent of such citizen, an order or warrant issued by a court of proper jurisdiction or a warrant exception as outlined by law.
- C. Every citizen of Hooper City shall have the right to appear in person or be represented by his or her agent before the City Council in the proper order of business and to appeal a decision pursuant to the procedures contained in this Title.
- D. In the enforcement of this Title, it shall be deemed to apply equally to each citizen and each property in similar circumstances, and shall not be enforced to discriminate between one individual and/or another individual or other group as compared to all others.

#### **10-1-9 Saving Clause**

Should any section, clause, or regulation of this Title be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Title as a whole, or any part thereof, other than the part so declared to be invalid; each section, clause, or regulation hereof being declared severable.

#### **Article A Definitions - Zoning And Subdivision**

##### **10-1A-1 Definitions - Zoning and Subdivision Amendments**

The following terms shall have the following meanings in the interpretation and construction of this Title.

ABANDONED: To cease or discontinue a use or activity for 12 months without intent to resume.

ABUT OR ABUTTING: Having a common border with the subject property.

ACCESSORY DWELLING UNIT: See dwelling, Secondary Detached and Secondary Attached.



**ACCESSORY STRUCTURE:** A detached structure in a rural or residential base zone that is incidental and subordinate to the principal structure and is located upon the same property. (Hallways, tunnels, breezeways, porticos, and similar connections shall not constitute an accessory structure if attached to the principal permitted dwelling.) The term accessory structure shall include, but not be limited to, the following: private garage, storage structure, workshop, and greenhouse. The term shall not include additional structures for approved public, commercial, or industrial uses.

**ACCESSORY USE:** A use that is incidental and subordinate to the permitted or approved conditional use, is conducted upon the same property, and requires no further approval.

**AGRICULTURAL INDUSTRY:** Agricultural industries shall include, but not be limited to, the following: commercial composting facility, meat packing facility, processing plant for agricultural and dairy products, and slaughterhouse.

**AGRICULTURAL LAND, PRIME:** Land that contains Class I, II, or III agricultural soils as defined by the Natural Resources Conservation Service.

**AGRICULTURAL SERVICE ESTABLISHMENT:** An establishment that provides support activities for agriculture and forestry as classified by the U.S. Census Bureau “North American Industrial Classification System.”

**AGRICULTURAL STRUCTURE:** A structure on a farm, as herein defined, excluding any dwelling or any structure that shelters any personal items not directly needed for agricultural uses.

**AGRICULTURE AND AGRICULTURAL USE:** Activities that take place on a farm, as herein defined, including but not limited to the raising of crops and livestock and other related activities.

**AGRONOMIC RATE:** The application of fertilizer or other crop supplements

- A. at rates whereby the nutrients are fully taken up by the crop or stored in the soil and
- B. in a manner that does not negatively impact the waters of the State.

**AIRCRAFT LANDING FIELD:** A privately owned area of land that is used or intended for the landing and take-off of aircraft, including the necessary accessory structures or facilities for storing and maintenance of aircraft.

**AIRPORT:** A publicly owned area of land that is used or intended for the landing and take-off of aircraft, including the necessary accessory structures or facilities for storing and maintenance of aircraft.

**ALLEY:** See street, alley.

**AMATEUR RADIO ANTENNA:** The supporting towers and antenna structure necessary for broadcast from a radio communication service for the purpose of self-training, intercommunication, and technical investigation carried out by amateurs, that is, duly authorized

persons interested in radio technique solely with a personal aim and without commercial interest.

**AMERICANS WITH DISABILITIES ACT:** The Americans with Disabilities Act Part III (Appendix A to Part 36), as published in the Federal Register Volume 56 No. 144 (and subsequent editions) and the Americans with Disabilities Act Part II, as published in the Federal Register Volume 56 No. 173.

**AMUSEMENT OR RECREATION FACILITY:** An establishment engaged in providing amusement, recreation, or entertainment. Indoor amusement or recreation facility shall include, but not be limited to, pool hall, billiard parlor, theater, health club, spa, fitness facility, nightclub, or skating rink. Outdoor amusement or recreation facility shall include, but not be limited to, amusement park, miniature golf, golf driving range (that is not accessory to a golf course), drive-in theater, tennis court, football, soccer, rugby, or hockey field, skate park, or swimming pool.

**ANIMAL CLINIC, ANIMAL HOSPITAL OR VETERINARY OFFICE:** Any structure, or portion thereof, that is designed or used for the medical or surgical treatment of animals in which veterinary services, including boarding incidental to treatment, are limited to short-term care.

**ANIMAL FEEDING OPERATION (AFO):** A livestock confinement facility, as herein defined, with more than 300 animal units, and where the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season as generally described in 40 CFR (Code of Federal Regulations) 122.23(b)(1).

Two or more abutting AFOs under common ownership shall be considered a single AFO. Two or more AFOs that are operated as a single facility shall be considered a single AFO if it is determined by the City Administration that they significantly link operations including, but not limited to, shared storage or treatment systems or shared equipment.

**ANIMAL UNIT:** A unit of measurement for livestock calculated as follows:

Each horse, cow, llama, or similar size animal shall equal one animal unit. Smaller animals shall make up one animal unit as follows: four (4) sheep, four (4) goats, two (2) swine, fifteen (15) chickens, fifteen (15) ducks, ten (10) turkeys, fifteen (15) pheasants, eight (8) geese, or ten (10) rabbits. The City Administration may determine an equivalent animal unit for animals not listed herein including miniature forms of large animals, and may determine what combination of small animals constitute one animal unit. Such determination shall consider the purpose of the regulations pertaining to the keeping of livestock and potential impacts on surrounding properties.

**ANTENNA:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any structure.

**APARTMENT:** A room or suite of rooms within a multi-family zoned area for rent or lease, to be used as a single-family dwelling.

**APPROVED USE:** The term approved use as used in this Article shall include, but not be limited to: a principal permitted use with permit approval, an approved conditional use. For the purposes of this Title, a development application previously approved by Weber County shall be deemed an approved use.

ARTERIAL: See street, arterial.

ATTACHED SECONDARY DWELLING: See dwelling, secondary attached.

AUCTION ESTABLISHMENT: Premises on which merchandise is stored on a temporary basis to be sold through an on-site auction.

AUTOMOBILE SALES OR SERVICE: The sale, trade, or lease of new or used passenger automobiles (including, but not limited to cars, sport utility vehicles, light duty trucks, and/or vans) in operating condition and any automobile repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

AUTOMOBILE WRECKING YARD: Any area, lot, land, or parcel where more than 2 motor vehicles without current registration or more than 2 inoperable or dismantled motor vehicles that are not in operating condition (or parts thereof) are:

- A. standing more than 30 days,
- B. dismantled, or
- C. stored.

The following uses are excluded from this definition: agricultural equipment on a farm as herein defined, automotive hobby as herein defined, and vehicles stored or dismantled within a completely enclosed structure.

AUTOMOBILE, MAJOR REPAIR: Any or all of the following activities:

- A. engine rebuilding;
- B. major reconditioning of worn or damaged motor vehicles;
- C. collision service, including body, frame, or fender straightening or repair; and
- D. overall painting of vehicles within an enclosed structure.

AUTOMOTIVE, HOBBY: An accessory use involving the restoration, maintenance, and/or preservation of up to 2 vehicles at any one time.

BAR: A structure used primarily for the sale or dispensing beer by the drink or glass, but not including restaurants where the principal business is serving food.

BARRIER: A vertical element including, but not limited to, a fence, wall, structure, or a combination thereof, that completely surrounds an area and controls access to such area.

BASEMENT: Any portion of a building's interior that is constructed partially or fully below existing property grade. A basement is not considered a story.

**BASE ZONE:** The zone classification, listed in HCC 10-2-1, in effect on any given property.

**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source; also, any light with one or more beams that rotate or move.

**BED AND BREAKFAST ESTABLISHMENT:** An owner-occupied dwelling providing overnight accommodations and breakfast food service for no more than 10 occupants, including the owner and owner's family.

**BOARDING HOUSE:** An establishment with individual rooms where meals and lodging are provided for, with or without compensation, to more than 2 but not more than 10 persons. A boarding house shall include, but not be limited to, a rooming house, shelter, convent, monastery, dormitory, fraternity house, sorority house, or any group of individuals whose association is temporary or seasonal in nature. Hotels, motels, multi-family developments, and bed and breakfast establishments, as herein defined, shall not be considered boarding houses.

**BREW PUB:** An establishment, or portion thereof, that brews less than 30,000 barrels of beer annually. The establishment may include a restaurant, sale of alcoholic beverages by the drink or glass, and/or retail sale of the products of the brewery.

**BREWERY:** An establishment that brews 30,000 barrels of beer or more annually.

**BUFFER:** A combination of physical space and vertical elements, including but not limited to, plants, berms, fences, and/or walls that separate and screen incompatible land uses from one another.

**BUILDING ENVELOPE:** The area on a property exclusive of the required yards and unbuildable areas (including but not limited to, slopes in excess of 25 percent and areas within a designated floodway).

**BUILDING MARKER:** Any sign indicating the name of a structure, a date, or other incidental information about its construction cut into a masonry surface or made of bronze or other permanent material.

**BUILDING OFFICIAL:** The officer or other designated authority charged with the administration and enforcement of the Hooper City Building Code, or the Building Official's duly authorized representative.

**CAMPGROUND:** An area or tract of land that accommodates one or more temporary residential uses, including but not limited to, cabins, tents, campers, travel trailers, motor homes, and/or recreational vehicles.

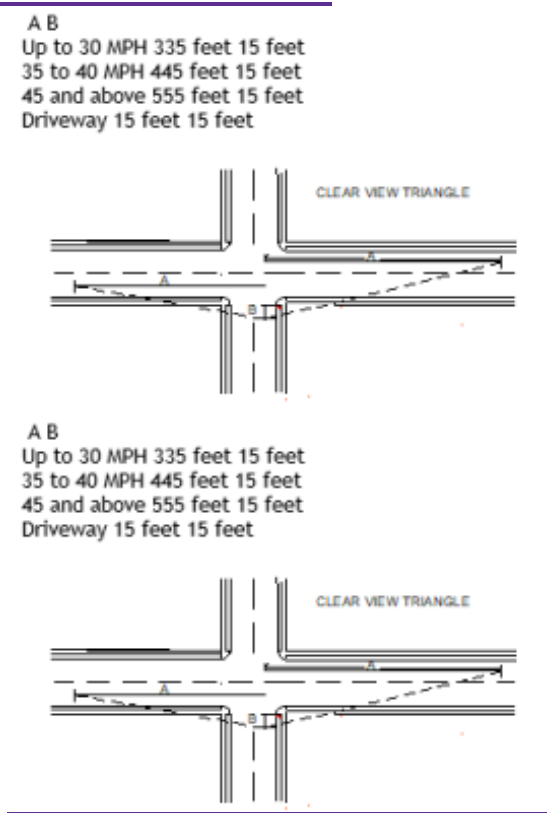
**CAR WASH:** An establishment or area that provides facilities for washing and cleaning vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and that may employ some hand labor. The facility may include vacuums and drying areas as accessory uses.

**CHILDREN'S TREATMENT FACILITY:** An establishment, or portion thereof, that:

- A. provides permanent provisions for living, sleeping, eating, cooking, and sanitation for more than 8 juveniles under 18 years old, and
- B. provides treatment for substance abuse, mental illness, emotional disturbance, developmental disability, mental retardation, or juveniles who have been identified by the judicial system as requiring treatment, therapy, rehabilitation, or supervision. For purposes of this Title, this definition shall include group foster homes with more than 13 juveniles.

**CHURCH OR PLACE OF RELIGIOUS WORSHIP:** An establishment that by design and construction is primarily intended for the conducting of organized religious services, meetings, and associated activities.

**CLEAR VIEW TRIANGLE:** A triangle area to provide a clear view of traffic and pedestrians at each intersection, where a stop is required, or driveway shall be free of viewing obstructions. Fencing, structures, plants, trees, or other obstructions over two (2) feet high as measured from the average grade at the property line, are not allowed in the clear view triangle. For dimensions and locations of the clear view triangle refer to the chart below.



**CLINIC, MEDICAL:** An establishment, other than a hospital, as herein defined, shared by 2 or more licensed physicians or dentists for the purpose of treating human patients.

**CLUB OR LODGE:** An auxiliary, fraternal, or veteran's organization.

**COLLECTOR:** See street, collector.

**COMMERCIAL KENNEL:** See kennel, commercial.

**COMMERCIAL VEHICLE:** See vehicle, commercial.

**COMMISSION:** The Planning and Zoning Commission of Hooper City, Utah.

**COMMUNITY SEWAGE DISPOSAL SYSTEM:** A system where clustered homes are connected to a common waste disposal treatment system that shall be designed to accommodate connection to a municipal wastewater collection and treatment facility when reasonably available.

**COMPOSTING FACILITY, COMMERCIAL:** A facility where organic material derived primarily off-site is processed by composting and/or processed for commercial purposes. Related activities include the management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**CONDITIONAL USE:** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, hours of operation, or noise), is permitted in a zone subject to approval by the Planning and Zoning Commission and subject to special requirements as enabled by Utah Code § 10-9-407.

**CONDOMINIUM:** An estate in real property that is not a subdivision.

**CONFINEMENT AREAS:** Any area or structure where livestock and/or poultry are stabled, confined, gathered, fed, maintained, and/or milked and where such areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.

**CONSERVANCY LOT:** A large, privately owned lot encompassing part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to open space while keeping the land under private ownership and maintenance. Only a small, delineated portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for open space land. Public access to open space land on conservancy lots is not required.

**CONSERVATION EASEMENT:** A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

**CONTIGUOUS PARCELS:** Unplatted parcels held in one ownership that abut each other at a common boundary that permits use of the parcels as one unit.

See also HCC 10-4A-8.

**CONTRACTOR:** A person who agrees to furnish materials or perform services at a specified price, especially for construction. The term contractor shall include, but not be limited to, building, landscaping, electrical, plumbing, heating, or air conditioning contractors.

**CONTRACTOR'S YARD:** Any area of land used by a contractor for storage, maintenance, or processing incidental to the business of building, hauling, excavation, demolition, or similar activity and including any area of land used for the incidental repair of machinery used for any of the above listed activities.

**CORNER PROPERTY:** See property, corner.

**CITY:** Hooper City, Utah.

**CITY ENGINEER:** That licensed professional engineer appointed by the City Council who is responsible for all engineering matters for Hooper City.

**COVERAGE, IMPERVIOUS SURFACE:** An impervious surface area includes any hard-surfaced, man-made area that does not readily absorb water, including but not limited to roofs, parking and driveway areas, sidewalks and paved recreational facilities and decks.

**CUL-DE-SAC:** See street, cul-de-sac.

**CUT-OFF ANGLE:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which the light is emitted.

**CUT-OFF SHIELD, FULL:** See full cut-off shield.

**DAIRY:** An operation whose principal function is the production of milk, including the barn, processing facility, or feeding area where dairy animals are kept, raised, or fed.

**DANGEROUS OR PROTECTED ANIMAL:** Any species for which the State or Federal government has established specific regulations regarding such animal including, but not limited to, big cats, bears, raptors, large reptiles, and other wildlife. The term shall not include any species commonly recognized as domestic pets.

**DAY CARE FACILITY:** An establishment, or portion thereof, where more than 12 individuals (children or adults) regularly receive care and supervision for a period less than 15 hours per day unaccompanied by the individual's guardian.

**DAY CARE HOME, GROUP:** An establishment, or portion thereof, or dwelling where more than 6 but no greater than 12 individuals (children or adults) regularly receive care and supervision for a period less than 15 hours per day unaccompanied by the individual's guardian.

**DBA:** The A-weighted scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing.

**DECISION-MAKING BODY:** The Commission, City Council, or Hearing Officer as set forth in this Title.

**DEDICATION:** The setting apart of land or interests in land for public use, charitable, religious, or educational purposes.

**DENSITY:** The ratio of the total number of dwelling units within a development divided by the total area.

**DENSITY, NET:** The ratio of the total number of dwelling units within a development divided by the area devoted to residential uses (excluding roadways and/or required dedicated open space).

**DETACHED SECONDARY DWELLING:** See dwelling, secondary detached.

**DEVELOPMENT:** Any construction or installation of a structure, or any change in use of a structure, or any change in the use, character, or appearance of land, that creates additional demand and/or need for public facilities.

**DEVELOPMENT APPLICATION:** An application for development that requires approval and/or action by the Planning and Zoning Commission or City Council.

**DISPLAY LIGHTING:** See lighting, display.

**DNL: Day-Night Average A-Weighted Sound Level;** considers noise at night louder than the same noise during working hours.

**DOMESTIC PET:** An animal kept for enjoyment and companionship that is housed primarily inside a dwelling.

**DRIVE-UP WINDOW:** Any portion of a structure or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

**DRIVE-UP WINDOW SERVICE:** An establishment providing a drive-up window as herein defined. The term drive-up window service shall include, but not be limited to, providing food or beverage service, bank service, and/or film processing. The term drive-up window service shall not include gasoline or diesel fuel sales facility or car wash as herein defined.

**DRUG AND ALCOHOL TREATMENT FACILITY:** An establishment, or portion thereof, that:

- A. provides permanent provisions for living, sleeping, eating, cooking, and sanitation and
- B. provides a treatment program for adult patients (18 years and older) with a drug and/or alcohol use problem. This definition shall include a detoxification facility, inpatient facility, residential facility, clinic, and outpatient facility as they relate to drug and alcohol treatment.

**DRY MANURE:** See manure, dry.

**DUPLEX:** See Dwelling, Single Family Attached (Duplex).

**DWELLING, IMMEDIATE FAMILY:** A single dwelling, with or without cooking facilities, within the same building as the main dwelling unit, designed exclusively for use by one or two immediate family members and their spouses and dependents. Immediate family includes, by



blood or marriage: father, mother, grandfather, grandmother, son, daughter, step-children, grandson, granddaughter, brother, and sister of the occupying property owner of record. Twenty four hour access from the main unit to the immediately family dwelling unit, within the structure, must be accessible at all times.

**DWELLING OR DWELLING UNIT:** Any structure, or portion thereof, providing independent living facilities for one family as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, MOBILE HOME:** Any structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include manufactured homes.

**DWELLING, MULTI-FAMILY:** A structure containing three (3) or four (4) single family dwelling units attached by common walls within a single structure with yard space on each side, where all such units are located on the same lot.

**DWELLING, SECONDARY ATTACHED:** A dwelling unit for one (1) family that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling. The secondary unit may have separately metered (utilities). For the duration of time that either the primary residence or the attached accessory dwelling unit is being rented, the dwelling not being rented must be occupied by the owner of the property. Proof of occupancy must be provided to the city annually. The city may also require proof of occupancy at any point in time. Any exception to the owner occupancy requirement must be approved by the Planning Commission. In the event of a violation of this requirement, a fine may be issued and/or the property owner charged with a misdemeanor. All applicants applying for an ADU permit shall sign an agreement acknowledging and agreeing to this ordinance. If at some point in time the property is sold, the new owner will be required to sign an agreement with the city acknowledging and agreeing to this ordinance.

**DWELLING, SECONDARY DETACHED:** A dwelling unit for one (1) family that shares a lot or parcel with the principal dwelling, is a minimum of 400 square feet and a maximum of 960 square feet of living area, exclusive garage, covered porch, or patio. The secondary unit may have separately metered (utilities), must contain a kitchen and bathroom facilities. The secondary unit must meet the minimum setback from property lines as identified for a dwelling. A single family detached ADU must not have any part of the unit extend beyond the furthest rear corner of the primary residential structure. For the duration of time that either the primary residence or the detached accessory dwelling unit is being rented, the dwelling not being rented must be occupied by the owner of the property. Proof of occupancy must be provided to the city annually. The city may also require proof of occupancy at any point in time. Any exception to the owner occupancy requirement must be approved by the Planning Commission. In the event of a violation of this requirement, a fine may be issued and/or the property owner charged with a misdemeanor. All applicants applying for an ADU permit shall sign an agreement acknowledging and agreeing to this ordinance. If at some point in time the property is sold, the new owner will be required to sign an agreement with the city acknowledging and agreeing to this ordinance.

DWELLING, SINGLE FAMILY ATTACHED (DUPLEX): A structure containing two (2) single-family dwelling units attached by a common wall or walls, where each unit has its own direct access to the outside, no unit is located over another, and both units are located on the same property with yard space on all four (4) sides of the structure. Each unit has individual and separate utilities including heating, plumbing, air-conditioning, and electricity.

DWELLING, SINGLE FAMILY ATTACHED (TWIN HOMES): A structure containing two (2) single family dwelling units attached by a common wall or walls, where each unit has its own direct access to the outside, no unit is located over another, and each unit is located on a separately recorded lot with yard space on at least three (3) sides of the individual units. Each unit has individual and separate utilities including heating, plumbing, air conditioning, and electricity.

DWELLING, SINGLE FAMILY DETACHED: A detached building designed for and used exclusively as a residence for one (1) family.

DWELLING, TOWNHOUSE: A structure containing three (3) or four (4) single-family dwelling units attached by common walls where each unit extends from the foundation to the roof and with yard space on four (4) sides of the structure. Each unit is located on a separately recorded lot, with all common areas and/or yard space owned and maintained by the development's Home Owners Association.

EASEMENT: A right of use, falling short of ownership, and usually for a certain stated purpose.

ELECTRIC DISTRIBUTION LINE: Those lines carrying between 7 kV and 35 kV of electricity directly to customers.

ELECTRIC SUB-TRANSMISSION LINE: All lines 46 kV, 69 kV, and 138 kV carrying electricity between two substations.

ELECTRIC TRANSMISSION LINE: Those lines carrying from 230 kV to 500 kV of electricity from a power generation site to a substation.

ELECTRONIC MESSAGE BOARD: A freestanding sign on which changeable copy is provided by a digital readout.

EMPLOYEE: A person employed on the premises by the property owner and receiving not less than 75 percent of the employee's annual income from said property owners.

ESTABLISHMENT: A place of business or residence with its furnishings and staff. FAMILY:

- A. A person living alone or 2 or more persons related by blood or marriage.
- B. A group of not more than 10 persons who need not be related by blood or marriage living together in a dwelling unit.
- C. Eight or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling under staff supervision, provided that no more than 2 staff members reside in the dwelling at any one time. (Resident staff shall not be counted toward the "8 or fewer" criterion.)

**FAMILY MEMBER:** See member of the owner's immediate family.

**FARM:** A property in agricultural use that is 5 acres in size or greater.

**FARMWORKER HOUSING COMPLEX:** A complex of dwellings established for the purpose of providing housing for migrant laborers of seasonal agricultural operations, such as harvesting of agricultural crops.

**FEDERALLY REGULATED CAFO:** A confined animal feeding operation regulated by the Environmental Protection Agency for compliance with Section 502(14) of the Clean Water Act and the National Pollutant Discharge Elimination System.

**FINAL PLAT:** See plat, final.

**FIRE AUTHORITY:** The chief officer or an authorized representative of the fire department serving the jurisdiction.

**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FLAMMABLE SUBSTANCE STORAGE:** An establishment, or portion thereof, wherein combustible substances (as defined by the Uniform Fire Code) are stored.

**FOOTPRINT:** Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and/or footings.

**FOSTER HOME, GROUP:** An establishment, or portion thereof, that:

A. provides permanent provisions for living, sleeping, eating, cooking, and sanitation, and

B. provides foster care for 7 to 13 children under the age of 18.

**FREIGHT OR TRUCK TERMINAL:** An establishment or area where freight (brought by truck or rail) is transferred. The terminal facility may include storage or repair areas for trucks or rail cars. The term freight or truck terminal shall not include a structure or area used for permanent or long-term storage of freight.

**FRONT PROPERTY LINE:** See property line, front.

**FRONT YARD:** See yard, front.

**FRONTAGE:** A property line along a roadway.

**FRONTAGE STREET:** See street, frontage.

**FUEL CELL:** A device that continuously changes the chemical energy of a fuel (as hydrogen) and an oxidant directly into electrical energy.

**FULL CUT-OFF SHIELD:** In its installed position, a light fixture with a full cut-off shield will not allow any direct light above a horizontal plane and no more than 5 percent of the total light

output may come from the zone from 15 degrees below the horizontal to the horizontal plane.

**GASOLINE OR DIESEL FUEL SALES FACILITY:** An establishment that sells and supplies motor fuel, lubricating oils, and/or grease to on-premise trade.

**GLARE:** Light emitted from a fixture with intensity great enough to visual discomfort, eye fatigue, reduction in a viewer's ability to see and, in extreme cases, momentary blindness.

**GRADE:**

- A. The degree of inclination of a slope, roadway, or other surface.
- B. A slope or gradual inclination.
- C. Top of ground upon completion of grading and landscaping.

**GRADE, ADJACENT STREET:** The grade at the top of the curb or the pavement edge where no curb exists.

**GRAIN ELEVATOR:** A structure equipped with mechanical lifting devices used for storing grain.

**GRANDFATHER RIGHTS:** See HCC 10-1B, "Nonconforming Property, Use, or Structure.

**GREENHOUSE:** Structures whose roof and sides are made largely of transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

**GROSS FLOOR AREA:** The measure of total square footage of habitable space of a structure.

**GROUP DAY CARE HOME:** See day care home, group.

**GROUP FOSTER HOME:** See foster home, group.

**HABITABLE SPACE:** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

**HALFWAY HOUSE:** An establishment that provides housing for persons convicted of non-violent crimes that are in the later stages of serving a sentence and are being transitioned back into society.

**HEALTH AUTHORITY:** The Utah Department of Environmental Quality, the United States Environmental Protection Agency, and any agency as may succeed to any of their powers. The term health authority shall be liberally construed to include all of the adopted, approved or certified plans, rules, regulations, statutes or laws of the health authority.

**HEAVY EQUIPMENT:** The term heavy equipment shall include, but not be limited to, truck, trailer, farm machinery, construction equipment and/or motor freight.

HEAVY INDUSTRY: See industry, heavy.

HIGH DENSITY RESIDENTIAL (PATIO) ZONE: Provide opportunities for higher density residential development where the predominant character of the land use is patio homes and limited numbers of attached single family, duplex and fourplexes. The High Density Residential (Patio) Zone has a base density of Six (6) dwelling units per acre.

HIGHWAY: A street so designated as a State or Federal highway by the State or Federal agency responsible thereof.

HOBBY KENNEL: See kennel, hobby.

HOME OCCUPATION: An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit and that does not alter the exterior of the property or affect the rural or residential character of the neighborhood.

HOSPITAL: A medical institution licensed by the State.

HOTEL OR MOTEL: An establishment that provides lodging to the public for a fee as, excluding boarding houses and bed and breakfast establishments as herein defined.

ILLUMINATED, DIRECT: A light fixture that directs and concentrates light on a sign.

ILLUMINATED, INTERNAL: A light source for a sign that is contained within the sign and is visible only through a translucent surface or recessed into the sign structure.

ILLUMINATED, NEON: A source of diffused light from a tube filled with neon, helium, argon, krypton, and/or xenon.

ILLUMINATION, EXPOSED LAMP: A source of light visible from the street where the lamp does not produce diffused light or where such lamp is not completely covered by a translucent and/or opaque shield.

IMPERVIOUS SURFACE: Any material, on a commercial or industrial property or a residential property that substantially reduces or prevents the infiltration of water into the ground. It includes surfaces such as compacted sand, shale, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, driveways, and other similar structures.

IMPROVEMENT: The term improvement shall include, but not be limited to, roadway paving, curb, gutter, sidewalk, pedestrian pathway, bike path, water line, sewer line, drainage work, bus turnout, street light, and/or landscaping.

INDUSTRIAL: Refers to the manufacture, processing, fabrication, and testing of goods and materials, including the production of power. It does not refer to the growing of agricultural crops, the raising of livestock, or the extraction or severance of raw materials.

INDUSTRY, HEAVY:

- A. A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials.

B. A use engaged in storage or manufacturing processes using flammable or explosive materials.

C. Storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**INDUSTRY, LIGHT:** A use engaged in the manufacture, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials.

**INOPERABLE VEHICLE:** See vehicle, inoperable.

**JUNK:** Discarded, used, or secondhand materials, including but not limited to, used machinery, scrap copper, brass, iron, steel, other ferrous and non-ferrous metals, tools, appliances, implements, vehicles or portions thereof, furniture, beds and bedding, rags, glass, plastic, cordage, rubber, building materials (excluding lumber), or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

**JUNKYARD:** An establishment where junk is bought, sold, exchanged, stored, kept, processed, or handled.

**KENNEL, COMMERCIAL:** Any premises or portion thereof on which 4 or more dogs and/or 9 or more cats are maintained, harbored, possessed, trained, bred, boarded, or cared for in return for compensation, but not including an animal clinic, animal hospital, or veterinary office. If located in a residential zone, the owner's property must include at least three acres and there shall be no more than 10 animals for each acre of property.

Commercial Kennels will be allowed as a conditional use in R-1 zones.

**KENNEL, HOBBY:** A facility located at the private dwelling of the dog owner, where 4 to 10 of the owner's dogs are maintained for purposes of breeding, hunting, organized field trials, obedience or training, competition, security or for personal enjoyment.

**LABORATORY:** Facilities for biological, serological, biophysical, cytological, and pathological tests, and facilities for the chemical or other examination of materials from water, air or other substances.

**LANDOWNERS' COMPACT:** A voluntary agreement among two or more adjoining landowners to plan and develop their separate but contiguous landholdings in an integrated, comprehensive manner.

**LAGOON:** An earthen structure designed to treat liquid manure or human waste for treatment through biodegradation by bacteria.

**LAUNDROMAT:**

A. An establishment that provides washing, drying, and/or ironing machines for hire, and/or

B. an establishment that provides washing, drying and/or ironing services to retail

customers.

**LIGHT FIXTURE:** A complete lighting unit consisting of a light source (lamp) and all necessary mechanical, electrical, and decorative parts.

**LIGHT FIXTURE, INSTALLED:** The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

**LIGHT FIXTURE, OUTDOOR:** Outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp and similar device, permanently installed or portable, used for illumination or advertisement. Such device shall include, but is not limited to, search, spot, and flood lights for buildings and structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs (advertising or other); street lighting; product display area lighting; building overhangs and open canopies.

**LIGHT INDUSTRY:** See industry, light.

**LIGHT TRESPASS:** The extension of a light fixture's effective zone of light (as defined by a photometric test report) beyond the boundaries of the property on which it is located.

**LIGHTING, DISPLAY:** The Illuminating Engineering Society of North America (IESNA) recommended practices and American National Standards Institute (ANSI) standard lighting levels for display lighting.

**LIGHTING, SECURITY:** The IESNA recommended practices and ANSI standard lighting levels for security lighting.

**LIGHTING, TEMPORARY:** Exterior light fixtures that are intended for use for a period of less than 7 days, with at least 180 days passing before being used again.

**LIQUID MANURE:** See manure, liquid.

**LIVESTOCK:** Poultry or other birds, horses, cattle, dairy cattle, swine, sheep, llamas, goats, or other grazing animals, excluding any such animal kept as a domestic pet as herein defined.

**LIVESTOCK CONFINEMENT FACILITY:** Establishments where animals have been, are, or will be stabled, confined, gathered, or concentrated and fed or maintained (watered, cleaned, groomed, medicated, etc.) for a total of 45 days or more in any 12-month period. The days do not have to be consecutive.

**LODGE:** See club or lodge.

**LOT:** A portion of a subdivision intended as a unit for transfer of ownership and development.

**LUMEN:** A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of these regulations, the lumen-output values shall be the initial lumen output ratings of a light fixture.

**MANUFACTURED HOME:** A factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which in traveling mode, is eight body feet or more in width or 40 body feet

or more in length, or when erected at the site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

**MANUFACTURED HOME PARK:** A residential development developed exclusively for siting manufactured homes on individual spaces that are rented or leased.

**MANUFACTURED HOME SUBDIVISION:** A residential subdivision developed exclusively for siting manufactured homes on individual lots under individual ownership.

**MANUFACTURING:** Manufacturing shall include the processing, packaging, or assembly of products and incidental storage, sales, and distribution of such products, but excluding those uses defined as heavy industry.

**MANURE STORAGE:** An area or structure in which dry manure is stored or a structure, pond, or tank in which liquid manure is stored but not treated.

**MANURE, DRY:** Animal or poultry excreta that may also contain bedding, spilled feed, or soil.

**MANURE, LIQUID:** Manure and any associated wastewater, including but not limited to: 1) any excess water generated from the process and any precipitation (rain or snow) that comes into contact with any manure, litter or bedding, or any other material or product used in, or resulting from, animal or poultry production or direct products (e.g., milk, eggs); and 2) any water used (directly or indirectly) in AFOs for any or all of the following: animal or poultry watering system spillage or overflow; washing, cleaning, or flushing pens, barns, manure pits or other facilities; direct contact swimming, animal washing or spray cooling; and/or dust control.

**MEAT PACKING FACILITY:** An establishment maintained for canning, curing, smoking, salting, packing, freezing, storing, or other similar uses in which meat products are processed for commercial sale.

**MEDICAL CLINIC:** See clinic, medical.

**MEMBER OF THE OWNER'S IMMEDIATE FAMILY:** Any one of the following: a birth or adoptive parent, stepparent, grandparent, children, grandchildren, sibling, aunt, uncle, niece, nephew, or person under the owner's legal guardianship.

**MINE:** See pit, mine, or quarry.

**MOTEL:** See hotel or motel.

**MULTI-FAMILY DWELLING:** See dwelling, multi-family.

**NATURAL WATERWAY:** For the purposes of this title, natural water shall be defined as the Hooper Slough, the Howard Slough and the South Fork of the Weber River.

**NEIGHBORING PROPERTIES:** Abutting properties and any properties separated from the subject property solely by a roadway or dedicated easement.

**NIGHTCLUB:** An establishment that provides live or recorded music and a dance area for patrons



inside a structure. A nightclub may or may not serve alcohol. The term nightclub shall not include dance studios as herein defined.

**NONCONFORMING PROPERTY:**

A. A property that lawfully existed prior to the effective date of this Title, but that does not now conform to the dimensional standards for the zone in which it is located.

B. A property given amnesty under the regulations of HCC 10-1B-2 paragraph B.

**NONCONFORMING SIGN:** A sign, sign structure, or use of a sign lawfully existing prior to the effective date of this Title but that does not now conform to the dimensional standards for the zone in which it is located.

**NONCONFORMING STRUCTURE:** A structure, including agricultural structures, that was lawfully constructed and/or existing prior to the effective date of this Title, but that does not conform to the dimensional standards for the zone in which it is located.

**NONCONFORMING USE:** A use that lawfully existed prior to the effective date of this Title, but that does not now conform to the allowed uses for the zone in which it is located.

**NURSERY, RETAIL:** Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the general public may purchase goods in small quantities.

**NURSERY, WHOLESALE:** Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the owner/operator sells the goods in large quantities to a limited number of buyers.

**NURSING FACILITY, SKILLED:** An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides health care needs to more than 8 individuals who, at a minimum, require:

- A. inpatient care and services for 24 or more consecutive hours for unstable chronic health problems,
- B. daily professional nursing supervision and licensed nursing care on a 24-hour basis, and
- C. restorative, rehabilitative care and assistance in meeting daily living needs. Medical supervision may be necessary on a regular, but not daily, basis. A skilled nursing facility shall include, but not be limited to: nursing home, nursing facility, convalescent home, intermediate care, and sub-acute care.

**OFF-STREET PARKING FACILITY:** An enclosed structure (other than a private garage) or open, hard-surfaced area (other than a public street or private road), designed, arranged, and made available for parking vehicles, where such use is operated as a business enterprise with a service charge or fee being paid by the vehicle operator. Off-street parking facility shall include, but not be limited to, a commercial parking lot and public garage.

**OUTDOOR STORAGE OF MATERIALS:** Material (including, but not limited to, goods, wares,

merchandise, or vehicles) that is kept in the same place for more than 24 hours in an open area. The term outdoor storage shall include material that is kept under a pole barn structure or any structure that is less than fully enclosed.

**OWNER:** A person, as herein defined, having sufficient proprietary interest in the land to maintain proceedings under this Title.

**PARCEL:** A tract of unplatted land (or contiguous land, if applicable), in single ownership, considered a unit for purposes of development.

**PARCEL OF RECORD:** A parcel of land that was of record in the Weber County Recorder's office prior to the effective date of this title.

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERMITTED USE:** A use allowed in a designated base or overlay zone.

**PERSON:** Includes, but is not limited to, an individual, associations, joint ventures, partnerships estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other or any other similar entity.

**PIT, MINE, OR QUARRY:** The various activities associated with excavating valuable minerals from the ground, including, but not limited to, excavating a pit, removing the resource, processing the resource, disposing of unwanted material, and building a roadway to accommodate hauling trucks.

**PLAT, FINAL:** The drawing, map or plan of a subdivision, cemetery, or other tract of land, or a replatting of such, including certifications, descriptions, and approvals and containing those elements and requirements set forth in HCC 10-6.

**PLAT, PRELIMINARY:** A development plan of a subdivision, containing the elements and requirements set forth in HCC 10-6. A preliminary plat is a final document and is not considered to be of a preliminary nature and is used as a guide for the preparation of the final plat.

**POWER PLANT:**

- A. An electricity generating facility regulated by the Federal Energy Regulatory Commission including, but not limited to, fossil fuel, geothermal, hydroelectric, biomass, and wind energy conversion facilities; or
- B. A Qualifying Facility as set forth in 18 CFR Part 131.80.

**PREDEVELOPMENT ACTIVITY:** A public hearing concerning or consideration by the Planning Commission or the City Council of:

- A. A proposed change in zoning designation;
- B. A preliminary or final plat describing a multi-unit residential development or a commercial or industrial development; or

C. A proposed modification of the city's general plan whereby the vehicular capacity of a municipal road is proposed to be increased.

PRELIMINARY PLAT: See plat, preliminary.

PRINCIPAL STRUCTURE: For any given property, the structure in which the principal use is conducted.

PROHIBITED USE: Any use within a zone not listed as a principal permitted, accessory, or conditional use in this Title.

PROPERTY: A lot or parcel as herein defined.

PROPERTY BOUNDARY ADJUSTMENT: The division for conveyance of a lot or parcel for the purpose of adjusting the boundary between properties where:

- A. the dimensions of the properties are not reduced below the minimum dimensional standards for the applicable zone,
- B. there is no increase in the original number of properties; and,
- C. no easements, public streets, private roads or publicly dedicated areas are affected. A property boundary adjustment shall not move or affect the location of any platted lot line. The process for Property Boundary Adjustments is further outlined in HCC 10-4.

PROPERTY DEPTH: The horizontal distance that connects the front property line and the rear property line as measured perpendicular to any point along the front property line.

PROPERTY LINE, FRONT: The line separating the lot or parcel from the street on which it takes access.

PROPERTY LINE, REAR: The property line opposite and most distant from the front property line. Where the lot or parcel is irregular and the property lines converge, the rear property line shall be deemed to be a line at a point where the side property lines are not less than 10 feet apart.

PROPERTY LINE, SIDE: Any property lines other than a front or rear property line. A side property line separating a lot or parcel from a street is called a side street property line. A side property line separating a lot or parcel from another lot or parcel is called an interior side property line.

PROPERTY LINES: Lot lines or parcel boundaries.

PROPERTY OF RECORD: A property of record in the Weber County Recorder's Office as of the effective date of this title.

PROPERTY SIZE: The computed horizontal area contained within the property lines.

PROPERTY WIDTH: The horizontal distance that connects opposing side property lines as measured perpendicular to any point along the side property lines.

PROPERTY, CORNER: A lot or parcel abutting upon 2 or more streets at their intersection or

upon 2 parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lines is the “corner.”

**PROPERTY, THROUGH:** A lot or parcel other than a corner property having frontage on 2 parallel or approximately parallel streets.

**PUBLIC AMENITY:** The term public amenity shall include, but not be limited to, the following: school site, bike path, transit facility, park site, park and ride lot, and public safety facility such as police, fire, or emergency medical facilities.

**PUBLIC BUILDING:** The term public building shall include but not be limited to:

- A. fire station;
- B. law enforcement;
- C. library;
- D. post office;
- E. public administration building (exclusive of shop, garage);
- F. hospital, skilled nursing facility, or residential care facility;
- G. emergency medical service facility;
- H. halfway house and work release facility; and
- I. juvenile detention facility.

**PUBLIC HEARING:** A hearing where the public is invited to speak and notice is given as provided for in HCC 10-5A-4.

**PUBLIC INFRASTRUCTURE FACILITY:** The term public infrastructure facility shall include, but not limited to:

- A. pumping station for water, sewer, or gas;
- B. power substation, electric substation, grid switching site, electric transmission line, electric sub-transmission line, electric distribution line, or any major structure connected to a public utility;
- C. municipal wastewater collection and treatment facility or interim wastewater treatment system;
- D. utility shop, garage, or storage facility;
- E. park-and-ride lot;
- F. water reservoir and water tank; and
- G. storm drainage facility and storm detention facility.

**PUBLIC MEETING:** A meeting of a governmental entity that is open to the public as set out in Utah Code § 52-4.

**PUBLIC OR QUASI-PUBLIC USE:** Public or quasi-public uses shall include, but not be limited to, public buildings and/or public infrastructure facilities.

**PUBLIC RIGHT-OF-WAY:** A right-of-way open to the public and subject to the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

**PUBLIC STREET:** See street, public.

**PUBLIC UTILITY:** Facilities owned and operated by a public utility.

**QUALIFYING PROPERTY:** A lot or parcel that is the subject of a proposed development application and that meets the applicability requirements as set forth in this Title.

**QUARRY:** See pit, mine, or quarry.

**RACE TRACK:** A structure, or portion thereof, used for racing vehicles or animals for recreation or profit and that may include accessory uses and structures normally associated with this activity.

**REAR PROPERTY LINE:** See property line, rear.

**REAR YARD:** See yard, rear.

**REASONABLY AVAILABLE:** A municipal wastewater collection and treatment system shall be considered reasonably available when it is within 300 feet of any property line of the subject property.

**RECREATION FACILITY:** See amusement or recreation facility.

**RECREATION ITEM, PERSONAL:** The term personal recreation item shall include, but not be limited to, bus, boat, snowmobile, horse trailer, and all terrain vehicle.

**RECREATIONAL VEHICLE:** A portable structure primarily designed as temporary living accommodation for recreational, camping, and travel use.

**RECREATIONAL VEHICLE PARK:** A premise upon which 2 or more parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary use for recreation or vacation purposes.

**RECREATIONAL VEHICLE SALES OR SERVICE:** The sale, trade, or lease of new or used recreational vehicles or personal recreation items in operating condition and any repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

**RECYCLING CENTER:** An establishment that is not a junkyard and in which recoverable

resource materials, such as paper products, glassware, and metal cans, are collected, sorted, flattened, crushed, or bundled within a completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

**RECYCLING PLANT:** An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans, are recycled, reprocessed, and treated to return such products to a condition in which they may be reused for production.

**REQUIRED YARD:** See yard, required.

**RESEARCH AND DEVELOPMENT FACILITY:** An establishment that has facilities or laboratories for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.

**RESIDENTIAL CARE FACILITY:** An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides 24-hour non-medical care for more than 8 individuals that are 18 years or older who need personal care or assistance and supervision. A residential care facility shall include, but not be limited to: assisted living facility, retirement home, and respite care.

**RESTAURANT:** Any eating establishment having kitchen and cooking facilities for the preparation of food and where meals are regularly served to the public for compensation.

**RIGHT-OF-WAY:** See public right-of-way.

**ROADSIDE PRODUCE STAND:** An establishment where farm produce is displayed and sold to the general public.

**ROADWAY:** Any public street.

**SANITARY LANDFILL:** A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental and health hazards by spreading, compacting, and covering the solid wastes.

**SCHOOL, PUBLIC OR PRIVATE:** An institution of learning that offers academic instruction in the courses that are required by the State of Utah to be taught in public schools. "School" includes kindergarten, elementary, middle, junior high, and senior high. Privately funded schools whose curriculum meets the State of Utah standards shall be included in this definition.

**SCHOOL, VOCATIONAL OR TRADE:** A proprietary school.

**SEASONAL STANDS:** The term seasonal stand shall include, but not be limited to, fireworks, snow cone, produce, or Christmas tree stands.

**SECURITY LIGHTING:** See lighting, security.

**SETBACK:** The minimum required distance between the property line and the nearest structure.

**SHOOTING RANGE:** An establishment, indoor or outdoor, that allows for the safe practice of shooting firearms and that may include accessory uses and structures normally associated with this activity.

SIDE PROPERTY LINE: See property line, side.

SIDE YARD: See yard, side.

SIGN: Any sign copy, logo, or other representation that directly, or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial, industrial, or public activity.

SIGN BACKGROUND AREA: The area of the sign copy and any remaining area capable of containing copy, but not including the supporting structure.

SIGN COPY: The graphic content of a sign in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or to create a special effect.

SIGN, BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a structure by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

SIGN, BUILDING: A sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, CANOPY: Any sign that is a part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY: A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

SIGN, FREESTANDING: A sign whose background or copy area is wholly supported by a column, pole, foundation, pedestal or other support structure in or upon the ground and that is independent from any structure or other structure.

SIGN, IDENTIFICATION: A sign that states the name and address of the business only.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "no smoking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the property on which the sign is located shall be considered incidental.

SIGN, INTERNAL: Signs within structures that are not intended as window or wall signs. The text of the sign is oriented toward individuals within the structure.

**SIGN, MARQUEE:** Any sign attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a structure or extending along and projecting beyond the wall of the structure, generally designed and constructed to provide protection from the weather. A canopy sign is not a marquee sign.

**SIGN, PARAPET:** Any sign attached parallel to, but within 1 foot of, a parapet, painted on the parapet surface of, or erected and confined on a parapet of any structure, which is supported by such parapet or structure, and which displays only one sign surface.

**SIGN, PORTABLE:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich City Council signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**SIGN, PROJECTING:** Any sign affixed to a structure or wall in such a manner that its leading edge extends more than 1 foot beyond the surface of such structure or wall.

**SIGN, ROOF:** Any sign erected and constructed wholly on and over the roof of a structure, supported by the roof structure, and extending vertically above the highest portion of the roof. Parapet signs, as herein defined, shall not be deemed roof signs.

**SIGN, SUSPENDED:** A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

**SIGN, TEMPORARY:** Any sign that is designed and intended for use less than 12 months and that is not permanently mounted.

**SIGN, WALL:** Any sign attached parallel to, but within 1 foot of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any structure, which is supported by such wall or structure, and which displays only one sign surface.

**SIGN, WINDOW:** Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

**SINGLE FAMILY ATTACHED DWELLING:** See dwelling, single family attached (duplex) or single family attached (twin homes).

**SINGLE FAMILY DETACHED DWELLING:** See dwelling, single family detached.

**SLAUGHTERHOUSE:** An establishment where animals are killed and rendered for commercial sale. A slaughterhouse may include a meat packing facility as an accessory use.

**SOCIAL HALL:** An establishment, or portion thereof, used for social gatherings including but not limited to, weddings, receptions, dinners, bazaars, banquets, and reunions.

**SPECIAL EVENTS:** Any temporary event including, but not limited to, picnics, barbecues, holiday events and parties, dances, concerts, bike rides and races, foot races and walks, auctions



and sales, bazaars, sales or marketing events, and harvest festivals and events.

**SPECIAL EXCEPTIONS:** Exceptions to the zoning requirements that are specifically set out in this Title.

**SPORT COURT:** An impervious surface area designed for the use of sporting activities including, but not limited to, tennis, basketball, volleyball or other similar non-aquatic sports. A sports court does not include the use of a city approved driveway for sporting activities.

**STATE:** The State of Utah.

**STORAGE FACILITY, SELF-SERVICE:** A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles.)

**STORY:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Any single story structure, or portion thereof, that exceeds 24 feet in height shall be deemed a two-story structure.

**STREET:** A street, public road, thoroughfare, alley, highway or a right-of-way that may be open for public use but is not part of a public highway system nor subject to the jurisdiction of a public highway agency.

**STREET FRONTAGE:** The linear distance that a property line abuts a public street or approved private road providing access, from one property line intersecting said street to the furthest distant property line intersecting the same street.

**STREET ISLAND:** A lot and block in a subdivision located in the public street right-of-way. The street island shall be considered a non-buildable lot for development purposes.

**STREET KNUCKLE:** An extension of a minor street providing access to abutting properties where a street island separates the access roadway from through traffic.

**STREET, ALLEY:** A public or private means of secondary access to abutting property that is not for general traffic circulation or street frontage.

**STREET, ARTERIAL:** A street designated as an arterial by the Hooper City General Plan.

**STREET, COLLECTOR:** A street designated as a collector by the Hooper City General Plan.

**STREET, CUL-DE-SAC:** A dead-end street provided with a turn around at its terminus.

**STREET, FRONTAGE:** A minor street parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.

**STREET, HALF:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

**STREET, HIGHWAY:** See Highway.

**STREET, INTERSTATE:** See Interstate

**STREET, LOCAL:** A street used primarily for access to abutting properties.

**STREET, PUBLIC:** A street, public road, thoroughfare, alley, highway, or bridge subject to the jurisdiction of a public highway agency.

**STRUCTURE:** A structure shall be as defined by the Uniform Building Code and shall include the term building.

**STUDIO:** A structure, or portion thereof, used as a place of work and/or instruction by an artist or artisan. The term studio shall include, but not be limited to, art, music, gymnastic, dance, martial arts, photography, or video production studios and classrooms. This term studio, as used in this Title, shall not include a single room apartment or dwelling.

**SUBDIVISION:** Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivisions also include the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and the division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

**SUBSTANTIAL AMOUNT OF WORK:** A person receiving not less than 75 percent of their annual income from such work.

**SUBSTANTIAL CONFORMANCE:** A final plat shall be deemed to be in substantial conformance to a preliminary plat provided that the final plat represents no increase in the number of lots as approved for the preliminary plat or a 10 percent or less deviation of any dimensional standard shown on the preliminary plat, provided that the density and lot dimensions meet the standards of the zoning base.

**SWALE:** A shallow depression.

**SWIMMING POOL:** Any Structure intended for swimming or recreational bathing that contains water over 24 inches (610mm) deep, excluding a spa or hot tub equipped with a locking cover. This includes in-ground, above-ground, and on-ground swimming pools.

**TEMPORARY LIGHTING:** See lighting, temporary.

**THROUGH PROPERTY:** See property, through.

**TOWNHOUSE DWELLING:** See dwelling, townhouse.

**TRADE SCHOOL:** See school, vocational or trade.

**TRANSIT FACILITY:** The term transit facility shall include, but not be limited to, a bus or rail station.

**TRANSMISSION LINE:** See electric transmission line.

**TRANSPORTATION AUTHORITY:** Hooper City, the Utah Transportation Department, and any other agency that may succeed to their powers or establish public jurisdiction in the field of transportation. The term transportation authority shall be liberally construed to include all the adopted, approved, or certified plans, rules, regulations, statutes, or laws of the transportation authority.

**TRAVELWAY:** The improved surface required within a private road easement.

**TRUCK STOP:** A roadside service and fueling station that caters to Federal interstate truckers.

**TRUCK TERMINAL:** See freight or truck terminal.

**UNDUE ADVERSE IMPACTS:** Measurable increases in noise, light, odor, visual, or other measurable impacts that diminishes use or enjoyment of property or are detrimental to the public health, safety, and/or welfare.

**UNPLATTED:** A property that is not included in any subdivision of record in Hooper City.

**UP-LIGHTING:** Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

**URBAN SERVICES:** Urban services shall include, but not be limited to:

- A. community water system,
- B. municipal or central wastewater collection and treatment system,
- C. public safety services, such as urban fire protection, law enforcement, and emergency medical services,
- D. schools,
- E. urban standard streets and roadways,
- F. parks and recreation facilities,
- G. public transportation,
- H. libraries,
- I. storm drainage facilities,
- J. utility facilities, and
- K. urban irrigation systems.

USED: The term used shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

VALUABLE MINERALS: A mineral substance that can be taken from the earth and that has a value in and of itself separate and apart from the earth and includes, but is not limited to, gravel, sand, clay, building stone, cinders, pumice, scoria, diatomaceous earth, quartz, limestone, marble, gold, silver, copper, lead, zinc, coal, and phosphate.

VARIANCE: A relief from development standards as allowed by this Title.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn (e.g., travel trailers) upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, COMMERCIAL: Any currently licensed and operable motor vehicle with a gross vehicle weight rating over 26,000 pounds.

VEHICLE, INOPERABLE: A vehicle that cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roadways and highways in the State of Utah.

VETERINARY OFFICE: See animal clinic, animal hospital or veterinary office. VISION TRIANGLE: See clear vision triangle.

VOCATIONAL SCHOOL: See school, vocational or trade.

WAREHOUSE: A structure used primarily for storing materials including, but not limited to, goods, wares, merchandise, or vehicles.

WASTEWATER COLLECTION AND TREATMENT FACILITY, MUNICIPAL: Facilities for the central collection and treatment of wastewater, provided and operated by a legally created special district or municipality, that:

- A. provides for the transportation of sewage and the removal of polluting constituents for wastewater,
- B. is designed to meet local, State, and Federal standards, and
- C. complies with area-wide wastewater management plans.

WASTEWATER TREATMENT SYSTEM, INDIVIDUAL: An installation that collects and treats domestic wastewater from one property and uses, at a minimum, subsurface disposal of effluent and conforms to the rules, regulations, and adopted plans of the health authority.

WASTEWATER TREATMENT SYSTEM, INTERIM: An installation that

- A. collects and treats domestic wastewater from a subdivision or conditional use and utilizes, at a minimum, subsurface disposal of effluent and
- B. conforms to all applicable local, State, and Federal regulations pertaining to interim sewer systems including area-wide wastewater management plans.

WATER SYSTEM, COMMUNITY: A central water supply system, including reservoirs and delivery facilities, serving more than 2 dwellings and providing a water supply meeting local, State, and Federal water standards.

WATER SYSTEM, INDIVIDUAL: A domestic water system that serves up to 2 dwellings.

WATERCOURSE: A natural or manmade channel or conveyance system carrying water. Watercourses may include, but not be limited to, rivers, creeks, streams, lakes, reservoirs, irrigation ditches, laterals, drains, sloughs, and canals. An on-site irrigation distribution system or drainage ditch shall not be deemed a watercourse.

WELL HOUSE: A structure encasing a well used to provide domestic water.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil condition. Wetlands generally include swamps, marshes, bogs, and similar areas.

WORK: See substantial amount of work.

YARD, FRONT: An area extending across the full width of the property and lying between the front property line and the nearest line of a principal structure.

YARD, REAR: An area extending across the full width of the property and lying between the rear property line and the nearest line of the principal structure.

YARD, REQUIRED: An area that extends along a property line to a depth or width specified in the setback regulations for the zone in which the property is located.

YARD, SIDE: An area extending from the front building line to ten feet (10') behind the rear building line of the main building or structure and between the side property line and the nearest principle structure.

YEAR-ROUND STREAM: Any stream that flows all year long during years of normal rainfall.

ZERO LOT LINE: The location of a structure on a lot in such a manner that one or more of the structure's sides rests directly on a lot line.

#### HISTORY

*Amended by Ord. 2014-1 on 5/15/2014*

*Amended by Ord. O-2017-01 on 10/1/2018*

*Amended by Ord. O-2019-03 on 11/21/2019*

*Amended by Ord. O-2022-04 Amending the City's Zoning Ordinance on 6/2/2022*

#### **Article B Nonconforming Property, Use, Or Structure**

##### **10-1B-1 Purpose**

The purpose of this Article is to allow any nonconforming property, use, or structure that was lawfully existing prior to the effective date of this Title to continue until they are removed, but not to encourage their continuation. It is further the intent of this Article that nonconforming uses shall not expand or extend the nonconforming aspect of the property, use, or structure.

#### **10-1B-2 Applicability**

- A. These regulations shall apply to any lawfully existing nonconforming property, use, or structure in Hooper City, except: in the event that a property, use, or structure that was deemed nonconforming under past zoning regulations now complies with the standards of this Title, such property, use, or structure shall be deemed conforming.
- B. These regulations shall apply to properties that were not created in accord with the regulations of this Title (an illegal division of property) and that were of record in the Weber County Recorder's office prior to the effective date of this title, the boundaries of which shall not have changed except by governmental action as specified in HCC 10-4A-19.
  - 1. A property shall be deemed conforming and shall be eligible for building permits if it meets the dimensional standards for the base zone in which it is now located.
  - 2. A property shall be deemed non-conforming and shall be eligible for building permits if it meets one of the following standards:
    - a. The property met the dimensional standards for the applicable base zone at the time it was created.
    - b. A dwelling, as herein defined, was constructed or placed on a foundation prior to November 30, 2000 and still remains on the property.

#### **10-1B-3 Nonconforming Property**

- A. The nonconforming property shall not be further diminished in size.
- B. Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents to the Planning and Zoning Commission proving the following:
  - 1. The property was in compliance with the minimum property size requirement of the applicable zone prior to the decrease in property size; and
  - 2. The decrease in property size was caused by acquisition through prescription, purchase, or other means by Hooper City, Utah Department of Transportation, or other local, State, or Federal agency.

#### **10-1B-4 Nonconforming Use**

- A. The nonconforming use may continue as long as the use remains lawful and is not expanded or extended.
- B. For the purposes of this Article, the term expanded or extended shall include, but not be limited to: increased hours; increased services or programs; increased number of residential dwellings; interior renovations or structural additions that increase the occupant load of the structure dedicated to the nonconforming use; any new structures accessory to the nonconforming use; expansion or replacement of the structure (or portions thereof) dedicated to the nonconforming use; anything beyond regular maintenance and minor repairs; and any action that extends the duration of the nonconforming use.
- C. If a nonconforming use has ceased for 12 consecutive months or has been replaced with a conforming use, the nonconforming use shall be deemed abandoned and shall not be reestablished.
- D. A nonconforming use or a structure housing a nonconforming use that is damaged more than 50 percent of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this Title upon reconstruction. If the damage to the nonconforming use or structure housing the nonconforming use is 50 percent or less of the current assessed taxable value, the nonconforming use may continue, provided that the nonconforming use commences within 12 months of the event.
- E. Uses housed within structures listed on the National Register of Historic Places shall be exempt from the regulations of this Section.

#### **10-1B-5 Nonconforming Structure**

- A. Nonconforming structures may be enlarged or modified, provided that the additions or modifications to the structure conform to the requirements of this Title.
- B. A nonconforming structure that is damaged more than 75 percent of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this Title upon restoration or reconstruction. If the damage to the nonconforming structures is 75 percent or less of the current assessed taxable value, the structure may be restored or reconstructed, provided that restoration or reconstruction commences within 12 months of the event.
- C. Structures listed on the National Register of Historic Places shall be exempt from the regulations of this Section.

#### **10-1B-6 Violations**

Properties, uses, or structures that were in violation of previous land use regulations and that remain a violation under this Title shall be considered continuing violations.

## **CHAPTER 2 BASE ZONE REGULATIONS**

### **10-2-1 Base Zones Established**

For the purpose of this Title, the incorporated territory of Hooper City, Utah, is divided into the following base zones whose boundaries are established on the Official Zoning Maps of the City of Hooper. The Official Zoning Maps are made a part of this Title, as well as such other map or maps that are duly adopted. Said Official Zoning Maps properly attested, shall be placed and remain on file in the office of the ~~Clerk of the City Council~~ Recorder of Hooper City.

- A. AGRICULTURE
- B. RESIDENTIAL
- C. COMMERCIAL
- D. INDUSTRIAL

### **10-2-2 Public Utility Substations**

Property for public utility substations and for other public utility use shall be conditional uses in all base zones and shall be screened from neighboring uses with a masonry wall, solid board fence, shrubbery or by other means, as required by the Planning Commission. Public utility substations, or other public utility property, may be allowed with less than the required lot area, setbacks, width, yards and building size for the zone in which it is located.

### **Article A Agriculture**

#### **10-2A-1 Purpose**

*A. Purpose Statement of the Agriculture (A) Zone:*

1. Promote the public health, safety, and welfare of the people of Hooper City by encouraging the protection of prime agricultural lands; to ensure the important environmental features of the State and Hooper City are protected and enhanced;
2. Implement the Hooper City General Plan goal to protect prime agricultural land and to maximize opportunities for agricultural activities and an agricultural lifestyle in areas designated as Agriculture on the General Plan Generalized Future Land Use Map;
3. Allow the development of agricultural industries and agriculture service establishments when such uses do not take prime agricultural land out of crop production;
4. Protect agricultural and range land uses and wildlife management areas from undue adverse impacts from adjacent development.

#### **10-2A-2 General Requirements**

- A. All development shall be in accord with the regulations in HCC 10-4.



B. Access shall comply with the regulations of HCC 10-4A-3.

**10-2A-3 Allowed Uses**

Table 10-2A-1 lists principal permitted (P), accessory (A), conditional (C), or prohibited (—) uses within the agriculture zone.

A. Conditional uses shall be approved in accord with the procedures in HCC 10-5.

Table 10-2A-1: Allowed Use within the Agriculture Zone

*P=principal permitted; A=accessory; C=conditional; (-)=prohibited*

Allowed Use	Agriculture Dist.
Accessory structure, >1500 square feet	C
<b>Accessory structure, ≤ square feet</b>	A
Agricultural service establishment	C
Agricultural structure	A
Agricultural use	P
Aircraft landing field (private ownership)	C
Airport (public ownership)	C
Animal boarding with outside runs	C
Animal clinic, animal hospital, or veterinary office	C
Auction establishment, outdoor	C
Automotive, hobby	A
Bed and breakfast establishment	C
Campground	-
Cemetery	C

Church	C
Club or lodge or social hall	C
Composting facility, commercial	C
Dangerous or protected animals	C
Day care home, group	A
Dwelling, additional farm	C
Dwelling, caretaker for an approved use	A
Dwelling, mobile home	-
Dwelling, secondary attached or detached	C

Dwelling, single family detached	P
Explosive manufacturing or storage	C
Fence, barbed wire, electric wire, or other	A
Flammable substance storage	C
Fuel cell	A
Golf course and country club (only on non-farm open space)	-
Grain elevator	P
Home occupation	A

Kennel, commercial	C
Kennel, hobby	A
Livestock confinement facility, more than one AU per 10,000 square feet (HCC 10-4A-16.1)	C
Keeping of Livestock (HCC 10-4A-16.1)	A
Manufactured home	P
Meat packing facility	C
Mortuary	A
Nursery, wholesale (only)	P
Office, relating to an approved use	A
Office, temporary construction	A
Outdoor storage	P
Pit, mine, or quarry	C
Portable classroom	A
Power plant	C
Processing plants for agricultural and dairy products	C
Public or quasi-public use	C
Race track, vehicle or animal	C
Railroad switching yard	P
Residential care facility	-
Roadside produce stand	A

Sanitary landfill, restricted	C
School, public or private	C
Seasonal farmworker housing	C
Shooting range (outdoor or indoor)	C
Slaughterhouse	C
Soil or water remediation	C
Stable or riding school, commercial	C

Swimming pool, private	A
Temporary living quarters	A
Tower or antenna structure, commercial	C
Tower or antenna structure, private	A
Truck stop	C
Water system, community	C
Winery	A

**10-2A-4 Dimensional Standards**

Table 10-2A-2 shall be used for development in the Agriculture zone. *Table 10-2A-2: Dimensional Standards for Agricultural Base Zone Property*

<b>Dimensional Standards</b>	<b>A</b>
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Property size (in acres)	10 minimum
Minimum street frontage (in feet)	100
Principal Structure: Set back (feet) from street: 1. Arterial, collector, or section line street	50
2. Other roadway	30
3. Property line not fronting a roadway	25
Accessory Structure: Set back (feet) from:	
1. Side property line on arterial or collector street	50
2. Side property line on local street	30
3. Interior side property line	20
4. Rear property line	20
Maximum coverage (in %)	5
Maximum height (in feet)	35
Maximum lot width and depth (in feet)	NA
Minimum property width and depth (in feet)	100

**Article B Residential**

**10-2B-1 Purpose**

The purpose of this Article is to implement the Hooper City General Plan. These zones are intended to provide appropriate density for residential development based on the availability of essential public services, the surrounding land uses, and the applicable General Plan designation. The purpose statements of the individual residential base zones are as follows:

A. *Low Density Residential (R1) Zone:*

1. Provide opportunities for low density development of detached single family dwellings where the minimum lot size is 40,000 square feet.

B. *Low-Medium Density Residential (R.75) Zone:*

1. Provide opportunities for low to medium density development of detached single family dwellings where the minimum lot size is 30,000 square feet.

C. *Medium Density Residential (R2) Zone:*

1. Provide opportunities for medium density residential development of detached single family dwellings and the minimum lot size is 20,000 square feet.

D. *High Density Residential (R3) Zone:*

1. Provided opportunities for higher density residential development where the predominant character of land use is detached single family dwellings and the minimum lot size is 13,000 square feet. A limited number of duplexes and/or twin homes are permitted in this zone as set forth in HCC 10-2B-4 paragraph B.

E. *High Density Residential (R4) Zone:*

1. Provided opportunities for higher density residential development where the predominant character of land use is detached single family dwellings and the minimum lot size is 10,000 square feet.
2. R4 Zones created by this paragraph will be allowed only if the property, owned by one owner as of August 15, 2013, directly abuts/adjoins property zoned as R4 as of August 15, 2013.
3. In order for an R4 Zone to be approved, the property must be in an area outlined on the Hooper City sewer master plan allowing access to the City's sewer system. No lots with septic tanks will be approved in an R4 Zone created after August 15, 2013.
4. A limited number of duplexes and/or twin homes are permitted in this zone as set forth in HCC 10-2B-4 paragraph B.

F. *Residential Open Space (ROS) Zone:*

1. Provide opportunities for clustered residential development, while preserving open space, where the predominant character of land use is detached single family dwellings. The base density is one (1) dwelling unit per acre. The density may be increased to a maximum density of one and one-half (1.5) dwelling units per acre, as set forth in HCC 10-2B-3.

G. *High Density Residential (PATIO) Zone:*

1. Provide opportunities for higher density residential development where the

predominant character of the land use is patio homes and limited numbers of attached single family, duplex and fourplexes. The High Density Residential (Patio) Zone has a base density of six (6) dwelling units per acre.

H. *High Density Residential (PUD) Zone:*

1. Provide opportunities for a variety of dwelling units that allows imaginative concepts of neighborhoods and housing options and provides variety in the physical development pattern of the City. The High Density Residential (PUD) Zone has a base density of six (6) dwelling units per acre.

HISTORY

*Amended by Ord. Q-2014-5 on 12/18/2014*

*Amended by Ord. Q-2017-01 on 10/1/2018*

*Amended by Ord. Q-2019-03 on 11/21/2019*

*Amended by Ord. Q-2022-04 Adding R.75 Zone on 6/2/2022*

**10-2B-2 General Requirements**

- A. All development shall be in accord with the regulations in HCC 10-4.
- B. Access shall comply with the regulations of HCC 10-4A-3.

**10-2B-3 Residential Open Space (ROS) Zone Requirements**

- A. *Area:* The ROS Zone shall be treated as an “overlay” zone and shall only be applied to residential zoned parcels or groups of parcels that are no smaller than fifteen (15) acres in area, and which are located in specified sensitive areas identified on the Official Zoning Map, attached to this ordinance. Sensitive areas are defined as parcels abutting the Hooper or Howard Sloughs or impacted by the 200-foot “no structure” setback along the sloughs defined later in this ordinance, or parcels abutting the proposed Legacy Highway Corridor.
- B. *Density:* The ROS Zone has a base density of one (1) dwelling unit per acre, which may be developed either as 1) 40,000 square-foot minimum lots, or 2) smaller, clustered lots with the remaining land preserved as open space. However, the allowable density in the ROS Overlay Zone may be increased, if all structures in the development are clustered, based upon the following:
  1. A density bonus of 1/10 dwelling unit per acre shall be allowed for every three percent (3%) of the gross area contained within the development that is dedicated toward the preservation of open space, up to a maximum of one and one-half (1.5) dwelling units per acre.
  2. The City Council shall have the right to determine and approve an appropriate maximum density to be applied on all developments in the ROS Overlay Zone, according to the guidelines set forth in Table 10-2B-1 below. Considerations in

determining the appropriate density include but shall not be limited to the following factors and conditions:

- a. water sources and availability,
- b. infrastructure needs and the City’s ability to maintain new infrastructure,
- c. the City’s ability to maintain the open space areas within an ROS development should the Home Owner’s Association fail to meet the open space maintenance requirements, as shown in paragraph E.

*Table 10-2B-1: ROS Zone Densities*

	Percentage of Open Space Provided					
	0%	3%	6%	9%	12%	15%
Maximum Units Per Acre	1	1.1	1.2	1.3	1.4	1.5
Minimum # Acres of Open Space	0	2	2	2	2	2.25
Minimum Development Acres	1*	66.7	33.3	22.2	16.7	15.0
Max. # Lots on Minimum Acres	1	73.3	40	28.9	23.3	22.5
Minimum Lot Square Footage	13,000	13,000	13,000	13,000	13,000	13,000

\* 40,000 square feet

C. *Minimum Lot Size and Width:* All lots within an ROS Zone shall have a minimum size of 13,000 square feet and a minimum width of 100 feet.

D. *Design Standards:* All structures in the ROS Zone shall be regulated by the following design standards:

1. **Building Materials.** At least sixty percent (60%) of the exterior finish materials of all elevations of all buildings shall consist of either brick, stone, fluted block, colored textured block, glass, stucco and wood. The remaining percentage of the exterior finish materials shall consist of either brick, stone, cultured stone, stucco, exterior insulated finish system E.I.F.S. or wood or vinyl siding. Other finishing materials may be used if approved by the City Council. However, sheet



metal, corrugated metal, and PVC shall be prohibited except for metal shingles, trim, soffits, fascia, mansards and similar architectural features.

2. Roof Pitch. The minimum roof pitch shall be six feet (6') of rise to twelve feet (12') of run.

E. *Open Space*:

1. By allowing higher density in developments where a percentage of property is preserved as open space as described in paragraph A, the City intends to provide an incentive to developers to design residential projects with large open areas that are aesthetically pleasing and are suitable for recreational uses. In order to satisfy the intent of the open space requirements of paragraph A, the open space must be a contiguous area of open space at least two (2) acres in size and may be located on one or more parcels. The open space shall be integrated into the residential development and must consist of large areas suitable for recreational uses. Open areas having any dimension of less than forty (40) feet or other open areas that are not practically useable for recreational purposes because of their location, size, dimensions or other characteristics shall generally not be considered as meeting the intent of the open space requirement.
2. Prior to the approval of any final plat for a development, the owner/developer of a project shall establish a non-profit homeowners' association, a trust or other similar mechanism acceptable to the City (hereinafter collectively referred to as an "HOA"), which shall be formed for the purpose of assuming responsibility for the ongoing maintenance of the open space areas. The owner/developer shall submit all documents necessary for the establishment and function of the HOA to the City for review and approval prior to receiving approval of any final plat. Such documents shall include provisions for the allocation of the costs of open space maintenance between the lot owners, an effective means of enforcement and collection of maintenance costs from the lot owners, and a provision that all property owners within the development automatically become a member and/or participant in the HOA upon obtaining an ownership interest in any lot in the development.
3. The owner/developer of a project shall be responsible for the initial development and installation of all improvements required for the open space areas. The improvements to the open space areas (including sprinkler systems and landscaping where applicable) shall be substantially completed no later than six (6) months after the sale of thirty percent (30%) of the lots in the development. The owner/developer shall also be responsible for the ongoing maintenance and upkeep of the open space areas until such time as at least eighty percent (80%) of the lots in the development have been sold and developed, and the owner/developer has transferred the responsibility for maintenance of the open space to the City. After the sale and development of eighty percent (80%) of the lots in the development, the City shall be responsible for the maintenance of all open space areas in conformance with the requirements of this section.

4. Both the preliminary and the final plat shall designate all open space areas as “public common area.” As used throughout this section, the terms “open space” and “public common area” are considered to be synonymous.
5. Every lot owner in the development shall have an undivided and equal interest in the common areas. The undivided interest in a common area may not be separated or sold separately from the ownership of each individual lot. Each lot owner is responsible for an equal part of the taxes assessed on the common areas.
6. All open space must be developed and subsequently maintained by the City as recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/bicyclists/equestrians, landscaped open spaces, and other similar uses for the common use and benefit of all of the owners of the lots in the development and/or the public. Primary buildings may not be constructed in open space areas, but accessory buildings that are subordinate to and customarily incidental to the primary recreational use (such as maintenance and equipment storage buildings) shall be allowed. The open space areas must be controlled in such a way as to prevent the open spaces from becoming a nuisance. The City may, through its employees, enter onto the open space at any reasonable time for legitimate City purposes. Said access shall be provided from public streets, where reasonably possible. The public will be granted access across and through open spaces along the sloughs as approved by the City Council.
7. All property owners within the development are required to be, and upon obtaining an ownership interest in any lot in the development, automatically become a member and/or participant in the HOA established by the developer for the maintenance of the open space. If, for any reason the HOA ceases to exist or fails to maintain the open space areas as required, the lot owners shall be equally responsible for their respective share of such maintenance. If the HOA and/or the owners fail to maintain the open space areas, the City shall have the right to:
  - a. Enter upon the open space areas through its employees or contractors to complete the maintenance work.
  - b. After completion of the maintenance work, the City shall cause to be prepared an itemized statement of all expenses incurred in completing the maintenance work, including all necessary administrative costs.
  - c. The City shall elect at the time the work is completed to bring suit or charges in court or elect to refer the matter to the county treasurer for inclusion in the tax notice of the property owner.
  - d. In the event the City elects to refer the matter to the county treasurer, the City shall make, in triplicate, an itemized statement of all expenses incurred in the maintenance work and shall deliver the three copies of said statement to the county treasurer within ten days after the completion of the work. [See Utah Code § 10-11-3.] The City shall

request in writing that the county treasurer take such action as provided by law, requesting that the amount payable to Hooper City be included in the tax notices to the property owner and that upon collection of said money it be paid by the county treasurer to Hooper City. The City shall also cause the same to become a lien upon the lands involved by filing the appropriate papers with the county assessor.

- e. If the City elects to collect the amount set forth in the itemized statement, the City shall mail a copy thereof to the owner and/or occupant demanding payment within twenty (20) days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owner's last known address. In the event the owner or occupant fails to make payment of the amount set forth in said statement to the city treasurer within 20 days, the City may bring suit or charges in an appropriate court of law. In the event collection of said costs are pursued through the courts, the City may sue for and receive judgment upon all of said costs of maintenance together with reasonable attorney's fees, interest and court costs. The City may execute on such judgment in the manner provided by law.
8. The City Council will work with the Hooper Irrigation Company to determine the required quantity of water for the open space areas of the subdivision once the City has been informed of the planned open space improvements.
9. No subdivision may occur in the open space areas and no development, except for recreational facilities as described above, shall be allowed in any area designated as open space.
10. Both the preliminary and final plat shall include the provisions of paragraphs E,6 through 9 as covenants, conditions and restrictions that shall be deemed to run with the land.
11. The owner/developer of a project shall be required to record with the office of the Weber County Recorder a separate declaration of covenants, conditions and restrictions which includes all of the provisions listed in paragraphs E,6 through 9 as covenants, conditions and restrictions. The declaration of covenants, conditions and restrictions shall be made applicable to all property included within the development.
12. The Planning Commission may deny a preliminary plat and the City Engineer may deny a final plat if the open space shown on the plat does not comply with the provisions or intent of the open space requirements described in this section.

#### HISTORY

*Amended by Ord. O-2017-01 on 10/1/2018*

*Amended by Ord. O-2019-03 on 11/21/2019*

#### **10-2B-4 Allowed Uses**

Unless otherwise specified in the specific use standards of HCC 10-5, Table 10-2B-2 lists principal permitted (P), accessory (A), conditional (C), or prohibited (—) uses within each residential zone.

A. Conditional uses shall be approved in accord with the procedures in HCC 10-5.

B. Permitted uses for duplexes and twin homes for Zones R1, R.75, R2, R3, R4 and ROS shall conform to the following regulations and standards:

1. *Development Ratio*: The number of duplexes and twin homes constructed in new developments shall not exceed ten percent (10%) of the total lots in the development. Subdivision must have ten (10) lot minimum to qualify.

2. *Lot Sizes*: Minimum lots sizes for duplexes and twin homes shall be:

a. R1 Zone: 40,000 square feet

b. R.75 Zone: 30,000 square feet

c. R2 Zone: 20,000 square feet

d. R3 Zone: 15,000 square feet

e. R4 Zone: 12,000 square feet

f. ROS Zone: 15,000 square feet

3. *Lot Frontage*: Minimum frontage on a public street for duplexes and twin homes shall be 120 feet. Frontage for twin homes must be divided equally between the twin homes.

4. *Other Dimensions*: All other setbacks and dimensional requirements for R1, R.75, R2, R3, R4, and ROS zones defined herein shall apply to duplexes and twin homes.

5. *Plat*: Lots in platted subdivisions intended for duplexes or twin homes shall be clearly noted on the Preliminary and Final Plat.

6. *Design Standards*:

a. *Unification*: Appearance of the building should blend in with the surrounding homes. Design, construction, wall and roof coverings are to be of like materials that have been and will be used in the area.

b. *Visual Relief*: Attached dwelling units shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.

c. *Building Materials*: At least fifty percent (50%) of the exterior finish

materials of all sides of the building shall consist of either brick, stone, fluted block, colored textured block, glass, stucco or fiber cement siding (hardie board). The remaining percentage of the exterior finish materials shall consist of either brick, stone, cultured stone, stucco, exterior insulated finish system (EIFS), hardie board, wood, or vinyl siding. Other exterior finishes may be approved by the City Council upon recommendation from the Planning Commission. However, sheet metal, corrugated metal, and PVC shall be prohibited except for metal shingles, soffits, facia, mansards and similar architectural features.

- d. *Roof Pitch*: The minimum roof pitch shall be six feet (6') rise to twelve feet (12') run.
- e. *Parking*: A minimum of a two-car garage is required for each dwelling unit. Units shall be designed so the predominate feature of the unit is not the garage. Living space shall be provided between the two garages.
- f. *Design Review*: Building floor plans and elevations showing exterior building material, colors, and size of all duplexes or twin homes shall be provided with all other required documentation at the Planning Commission Preliminary Plat review phase.

Table 10-2B-2: Allowed Use in Residential Zones

*P=principal permitted; A=accessory; C=conditional; (-)=prohibited*

Allowed Use	R1	R.75	R2	R3	R4	ROS	HD R	P U D
Accessory structure, ≤ 200 square feet	A	A	A	A	A	A	-	A
Accessory structure, ≤1200 square feet	A	A	A	A	A	A	-	-
Accessory structure 1201 to 1600 square feet	A	A	A	C	C	C	-	-
Accessory structure 1601 to 1800 square feet	A	A	C	C	C	C	-	-
Accessory structure 1801 to 2000 square feet	A	C	C	C	C	C	-	-
Accessory structure > 2000 square feet	C	C	C	C	C	C	-	-

Agricultural structure	A	A	A	A	A	A	-	-
Agricultural use	P	P	P	P	P	P	-	-

Amusement or recreation facility, indoor (only)	-	-	-	-	-	-	-	C
Animal clinic, animal hospital, or veterinary office	-	-	-	-	-	-	-	-
Automotive, hobby	A	A	A	A	A	A	-	-
Bed and breakfast establishment	C	C	C	C	C	C	-	-
Boarding house	-	-	-	-	-	-	-	-
Cemetery	C	C	C	C	C	C	-	-
Children's treatment facility	C	C	C	C	C	C	-	-
Church	C	C	C	C	C	C	C	C
Club or lodge or social hall	C	C	C	C	C	C	C	P
Dangerous or protected animals	C	C	C	C	C	C	-	-
Day care facility	C	C	C	C	C	C	-	-
Day care home, group	C	C	C	C	C	C	C	C
Drug and alcohol treatment facility	C	C	C	C	C	C	-	-
Dwelling, mobile home	-	-	-	-	-	-	-	-
Dwelling, Townhouse	P	P	P	P	P	P	P	P

Dwelling, secondary attached	P	P	P	P	P	P	P	-
Dwelling, secondary detached	C	C	C	C	C	C	-	-
Dwelling, single family detached	P	P	P	P	P	P	P	P
Dwelling, multi-family	-	-	-	-	-	-	P	P
Dwelling, single family attached (duplex) (HCC 10-2B-4 paragraph B)	P	P	P	P	P	P	P	P
Dwelling, single family attached (twin home) (HCC 10-2B-4 paragraph B)	P	P	P	P	P	P	P	P
Fence, barbed wire or electric wire	A	A	C	-	-	C	-	-
Fence, other	A	A	A	A	A	A	A	A
Foster home, group	C	C	C	C	C	C	-	-
Golf course and country club	C	C	C	C	C	C	C	C
Home occupation	A	A	A	A	A	A	C	C
Kennel, commercial	C	C	-	-	-	-	-	-
Kennel, hobby	C	C	C	C	C	C	-	-
Keeping of Livestock (HCC 10-4A-16.1)	A	A	A	C	C	C	-	-
Livestock confinement facility, more than one AU per 10,000 sq. ft. of property (HCC 10-4A-16.1)	-	-	-	-	-	-	-	-
Manufactured home	C	C	C	C	-	C	-	C
Manufactured home park	-	-	-	-	-	-	-	-

Mortuary	-	-	-	-	-	-	-	-
Nursery, retail (only)	C	-	-	-	-	-	-	-
Nursing facility, skilled	-	C	C	C	C	C	-	-
Office, relating to an approved use	A	A	A	A	A	A	-	-
Office, temporary construction	A	A	A	A	A	A	-	-
Outdoor storage	A	A	A	A	A	A	-	-
Portable classroom	A	A	A	A	A	A	-	-
Public infrastructure facility	C	C	C	C	C	C	C	C
Public or quasi-public use	C	C	C	C	C	C	C	C
Residential care facility	C	C	C	C	C	C	C	C
Roadside produce stand	A	-	-	-	-	-	-	-
School, public or private	C	C	C	C	C	C	-	-
Stable or riding arena, commercial	C	-	-	-	-	-	-	-
Swimming pool, private	A	A	A	A	A	A	A	A
Taxidermy	C	-	-	-	-	-	-	-
Tower or antenna structure, commercial	C	C	C	C	C	C	C	C
Tower or antenna structure, private	A	A	A	A	A	A	-	C
Water system, community	C	C	C	C	C	C	C	C

HISTORY



Amended by Ord. Q-2014-5 on 12/18/2014

Amended by Ord. Q-2015-3 on 6/18/2015

Amended by Ord. Q-2017-01 on 10/1/2018

Amended by Ord. Q-2019-03 on 11/21/2019

Amended by Ord. Q-2019-04 on 1/5/2020

Amended by Ord. Q-2022-04 Adding R.75 Zone on 6/2/2022

**10-2B-5 Dimensional Standards**

Table 10-2B-3 shall be used for development in the respective residential zones. *Table 10-2B-3: Dimensional Standards in Residential Zones*

<b>Dimensional Standard</b>	<b>R1</b>	<b>R.75</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>ROS<sup>4</sup> (Discontinued)</b>	<b>HDR<sup>4</sup> (Discontinued)</b>	<b>PUD<sup>4</sup> (Discontinued)</b>
Minimum property size: <sup>1</sup>	40,0	30,0	20,0	13,0	10,0	13,000	N/A	N/A
1. Single family detached dwelling	00	00	00	00	00			
2. Single family attached dwellings (duplexes or twin homes): HCC 10-2B-4 paragraph B				15,0 00	12,0 00			
Roadway frontage (in feet)	150	140	130	100	85	100	N/A	N/A
Single family attached dwellings (duplexes or twin homes): HCC 10-2B-4 paragraph B				120	120			

Roadway frontage for cul-de-sacs (in feet) <i>Measured at property line or 1 foot behind sidewalk</i>	150	140	130	120	120			
Principle Structure: Setback (feet) from: 1. Any property line on an arterial or collector street	35	35	35	35	35	30	25	25
2. Front property line on a local street or private road	35	35	35	35	35	25	25	20
3. Interior side property line (per side)	20 <sup>2</sup>	20 <sup>2</sup>	15 <sup>3</sup>	10	10	5/story	5/story	5/story
4. Side property line on local street	20	20	20	20	20	20	20	16
5. Rear property line	20	20	20	20	20	15	15	15
Maximum coverage Impervious Surface (in percent)	65	65	65	65	65	25	N/A	N/A

<sup>1</sup> In square feet unless otherwise noted.

<sup>2</sup>Minimum of 40 feet total side setback width (both sides together) with a minimum side setback requirement of 10 feet.

<sup>3</sup>Minimum of 30 feet total side setback width (both sides together) with a minimum side setback requirement of 10 feet.

<sup>4</sup>Not included in current general plan.

*Table 10-2B-4 Accessory Structure Requirements in a Residential Zone*

<b>Dimensional Standard</b> (in feet)	<b>R1</b>	<b>R.75</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>ROS</b>	<b>HD R</b>	<b>PUD 1</b>
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Accessory Structure:								
Setback (feet) from:								
1. Side property line on arterial or collector street	30	30	30	30	25	30	25	25
2. Side property line on local street	20	20	20	20	20	20	20	20
3. Interior side property line with a side public utility easement	10	10	10	10	5	10	10	10
4. Interior side property line without a side public utility easement measured at drip edge	5	5	5	5	5	5	5	5
5. Rear property line with a rear public utility easement	10	10	10	10	10	10	10	10
6. Rear property line without a rear public utility easement measured at drip edge	5	5	5	5	5	5	5	5
Maximum accessory building height in feet	25	25	25	18	18	18	18	18
Minimum Distance Between Buildings	10	10	10	10	10	10	10	10

1 Accessory structures in the High Density Residential (PUD) Zone shall not exceed two hundred (200) square feet in size per HCC 10-2F-3.

**HISTORY**

*Amended by Ord. Q-2014-5 on 12/18/2014*

*Amended by Ord. Q-2017-01 on 10/1/2018*

*Amended by Ord. Q-2019-03 on 11/21/2019*

*Amended by Ord. Q-2022-04 Adding R.75 Zone on 6/2/2022*

**10-2B-6 Accessory Structure Requirements In A Residential Zone**

To facilitate the placement of accessory buildings and structures on a residential lot that already has a principal residential structure established, the following requirements are identified:

- A. A land use review or sketch review shall be obtained prior to the construction of any accessory building or structure for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks for the proposed accessory building and other information as needed shall be submitted for review.
- B. Agricultural use accessory structures require an Application for Building Permit Exemption and must meet the minimum requirements as defined by State law. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks for the proposed accessory building and other information as needed shall be submitted for review.
- C. Accessory buildings must be constructed in such a manner that snow, rain, debris, etc. from the roof does not infringe onto adjoining property.
- D. Accessory buildings and structures must be constructed to have a fire resistant rating to meet the adopted building code for Hooper City.
- E. Minimum yard requirements for all accessory buildings in residential zones are as follows:
  - 1. *Location:* Accessory buildings may not be located between a street and the front building line of a main building.
  - 2. *Side Yard Accessory Building, Interior Lot:* An accessory building or structure may be located in the side yard of an interior lot but not within the required minimum main building side yard and not within ten feet (10') of the dwelling or main building measured from the drip edge of the building or structure. The distance between an accessory building and a dwelling on an adjacent property may not be less than is allowed between dwellings or main buildings.
  - 3. *Side Yard Accessory Building, Corner Lot:* An accessory building or structure may be located in the side yard between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than ten feet (10') from the dwelling or main building measured from the drip edge of the building or structure.
  - 4. *Rear Yard Accessory Building:* An accessory building may be located in a rear yard no closer than ten feet (10') from a dwelling or main building, and no closer than five feet (5') from the side or rear property line or boundary and cannot be built on a public easement
- F. *Height Consideration:* No detached accessory structure, located in an R-1 or R-2 zone, shall have a height of more than twenty-five feet (25') measured from the lowest adjacent grade to highest point of the structure. No detached accessory structure in any zone, other than R-1 or R-2, shall have a height of more than eighteen feet (18') measured from the lowest adjacent grade to the highest point of the structure. Accessory structures over these

requirements require a conditional use permit and a building permit. Exception- Maximum height for an Agricultural Building is thirty-five (35) feet.

G. Buildings used for the housing or shelter of animals shall be located a minimum distance of fifty feet (50') from any existing dwelling owned by another person or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line.

H. A structure that is used as an accessory dwelling unit for a single family and may or may not be attached to the principal dwelling unit property. It must meet all setbacks and side yard requirements. No part of the accessory dwelling unit may extend beyond the furthest rear corner of the primary residential structure. The detached accessory dwelling unit should not exceed twenty five (25) feet in height and but be at least 400 square feet of living area and cannot exceed 960 square feet of living area, exclusive of garage, covered porch, or patio. The aesthetics and design of the accessory dwelling unit should be consistent and complimentary to the principal dwelling unit. The property owner must occupy one of the units as their primary residence.

#### HISTORY

*Amended by Ord. Q-2014-5 on 12/18/2014*

*Amended by Ord. Q-2017-01 on 10/1/2018*

*Amended by Ord. Q-2019-03 on 11/21/2019*

#### **Article C Commercial**

##### **10-2C-1 Purpose**

The purpose of this Article is to provide commercial base zones to implement the commercial land policies of the General Plan. These base zones are intended to provide separate and distinct allowed commercial uses based on the availability of urban services, the surrounding land uses, and the general plan designation for the area. The purpose statement of each commercial base zone is as follows:

*Limited Office (LO) Zone:* The purpose of the LO Zone is to provide administrative, professional, and business office uses near residential base zones.

*Neighborhood Commercial (C1) Zone:* The purpose of the C1 Zone is to establish commercial areas near residential areas that provide for the sale of limited merchandise and services required by the population primarily living within the immediate area.

*Community Commercial (C2) Zone:* The purpose of the C2 Zone is to establish areas for community shopping and clustered commercial activities along arterial streets that provide for the sale of a full range of merchandise and services required of persons living within several neighborhood service areas, as well as a rural trade area.

##### **10-2C-2 General Requirements**

A. All development shall be in accord with the regulations in HCC 10-4.

**10-2C-3 Allowed Uses**

Table 10-2C1 lists the principal permitted (P), accessory (A), conditional (C), or prohibited (—) uses within each commercial base zone.

A. Conditional uses shall be approved in accord with the procedures in HCC 10-5. *Table 10-2C-1: Allowed Use in Commercial Base Zones*

P=principal permitted; A=accessory; C=conditional; (-)=prohibited

Allowed Use	LO	C1	C2
Agricultural structure	A	A	A
Agricultural use	P	P	P
Amusement or recreation facility, indoor	-	C	P
Amusement or recreation facility, outdoor	-	C	C
Animal Boarding with outside runs	-	C	P
Animal clinic, animal hospital, or veterinary office	-	P	P
Auction establishment, outdoor	-	C	C
Automobile or recreational vehicle sales or service	-	C	P
Automobile, major repair	-	-	P
Bank	P	P	P
Bar, brew-pub, or night club	-	C	P

Bed and breakfast establishment	-	C	C
Boarding house	-	C	C
Campground	-	C	C
Car wash	-	C	C
Cemetery	C	C	C
Church	C	C	C
Clinic, medical (excluding animal or veterinary)	P	P	P
Club or lodge or social hall	C	C	C
Contractor's yard or shop	-	-	P
Crematory	-	-	C
Day care facility	C	C	C
Drive-up window service	C	C	P
Drug and alcohol treatment facility	C	-	-
Dwelling, caretaker for an approved use	A	A	A
Farm, garden, lumber, or building supply store	-	-	P
Fence	A	A	A
Gasoline or diesel fuel sales facility	-	C	P
Heavy equipment sales or service	-	-	P

Hospital	C	-	C
Hotel or motel	C	C	P
Kennel, commercial	-	C	C
Laundromat	-	P	P
Mortuary	P	P	P
Nursery, wholesale (only)	-	P	P
Office building	P	P	P
Office, relating to an approved use	A	A	A
Office, temporary construction	A	A	A
Off-street parking facility	-	P	P
Outdoor storage	-	C	A
Package and letter delivery service	-	-	P
Personal, business, or professional service	P	P	P

Portable classroom	A	-	A
Public or quasi-public use	C	C	C
Radio and television broadcasting station	C	C	P
Recreational vehicle park	-	C	C



Recycling center	-	-	P
Research and development facility	C	-	C
Residential care facility	C	C	-
Restaurant or eating place	C	P	P
Retail sales relating to an approved use	A	A	A
Retail store	C	P	P
School, public or private	C	-	-
School, vocational or trade	C	-	P
Shooting range, indoor (only)	C	C	P
Storage facility, self-service	C	C	P
Studio	C	P	P
Swimming pool, private	A	A	A
Tower or antenna structure, commercial	C	C	C
Tower or antenna structure, private	A	A	A
Transit facility	-	P	P
Truck stop	-	-	C
Water system, community	C	C	C

**10-2C-4 Dimensional Standards**

Table 10-2C-2 and Table 10-2C-3 shall be used for development in the respective commercial base zones.

Table 10-2C-2: Minimum Setbacks in Commercial Base Zones

Minimum Setbacks (in feet)	LO		C1		C2	
	Standard	Abutting Residential	Standard	Abutting Residential	Standard	Abutting Residential
Front yard setback	20	varies <sup>1</sup>	20	20	20	20
Side street setback	20	varies <sup>1</sup>	20	20	20	20
Interior side yard setback	10	10	0	10	0	20
Rear yard setback	10	20	0	20	0	20

Note: <sup>1</sup> The front and side street setback shall be as set forth in the abutting residential zone with the most restrictive standards.

Table 10-2C-3: Dimensional Standards in Commercial Base Zones

Dimensional Standards	LO	C1	C2
Property size	6,000 square feet	6,000 square feet	6,000 square feet
Maximum coverage (%)	50	50	NA
Maximum structure height (in feet)	35	35	50
Minimum street frontage (in feet) <sup>1</sup>	30	30	30
Minimum property depth (in feet)	100	100	100

Note: <sup>1</sup> This requirement may be modified if requested as part of an approved final plat.

**Article D Industrial**

10-2D-1 Purpose

10-2D-2 General Requirements

10-2D-3 Allowed Uses

10-2D-4 Dimensional Standards

**10-2D-1 Purpose**

The purpose of this Article is to provide industrial base zones to implement the general plan. These base zones are intended to provide separate and distinct allowed industrial uses based on the availability of urban services, the surrounding land uses, and the applicable General Plan designation for the area. The purpose statement of each industrial base zone is as follows:

*Limited Industrial (M1) Zone:* The purpose of the Limited Industrial Zone is to encourage light industrial development by providing and protecting an environment exclusively for such development, subject to standards that protect the nearby residential, commercial, agricultural, and public uses of property from hazards, noise, and other disturbances. Professional offices, financial institutions, and other similar uses may be appropriate when they provide services to the neighboring limited industrial businesses and/or employees.

*General Industrial (M2) Zone:* The purpose of the General Industrial Zone is to encourage heavy industrial development by providing and protecting an environment for such development, subject to standards that protect public health, safety and welfare.

**10-2D-2 General Requirements**

- A. All development shall be in accord with the regulations in HCC 10-4.
- B. Access shall comply with the regulations of HCC 10-4A-3.

**10-2D-3 Allowed Uses**

Table 10-2D-1 lists the principal permitted (P), accessory (A), conditional (C), or prohibited (—) uses within each industrial base zone.

- A. Conditional uses shall be approved in accord with the procedures in HCC 10-5. *Table 10-2D-1: Allowed Use in Industrial Base Zones*

P=principal permitted; A=accessory; C=conditional; (-)=prohibited

Allowed Use	M1	M2
Agricultural structure	A	A
Agricultural use	P	P
Aircraft landing field (private ownership)	C	C
Aircraft (public ownership)	C	C
Amusement or recreation facility, indoor (only)	C	-
Animal Boarding with outside runs	P	-
Animal clinic, animal hospital, or veterinary office	P	-
Asphalt or concrete ready-mix plant	-	P
Auction establishment, outdoor	C	C
Automobile or recreational vehicle sales or service	P	P
Automobile, major repair	P	P
Bank	-	-
Brewery or distillery	C	P
Cemetery	C	C
Clinic, medical (excluding animal or veterinary)	-	-
Club or lodge or social hall	C	-
Composting facility, commercial	-	P

Contractor's yard or shop	P	P
Dangerous or protected animals	C	C
Day care facility	-	-
Dwelling, caretaker for an approved use	A	A
Explosive manufacturing or storage	-	C
Farm, garden, lumber, or building supply store	P	P
Fence	A	A
Flammable substance storage	C	C

Foundry	C	P
Freight or truck terminal	-	P
Fuel cell	A	A
Gasoline or diesel fuel sales facility	A	A
Grain elevator	P	P
Heavy equipment sales or service	P	P
Junk yard or automobile wrecking yard	-	C

Kennel, commercial	C	-
Laundry or linen supply	P	P
Manufacture of electronic or electrical products	P	P
Manufacture or processing of hazardous chemicals or gases	-	C
Manufactured home storage	P	P
Meat packing facility	-	C
Nursery, wholesale (only)	P	P
Office building	C	-
Office, relating to an approved use	A	A
Office, temporary construction	A	A
Off-street parking facility	P	P
Outdoor storage	P	P
Package and letter delivery service	P	P
Personal, business, or professional service	C	-
Pit, mine, or quarry	C	C
Power plant	-	C
Processing plant for agricultural or dairy products	C	P
Product fabrication, assembly, or packaging	P	P

Public or quasi-public use	C	C
Railroad switching yard	-	P
Recycling center	P	P
Recycling plant	-	P
Research and development facility	P	P
Restaurant or eating place	C	C
Retail sales relating to an approved use	A	A

Roadside produce stand	A	-
Sawmill or planing mill	-	P
School, vocational or trade	P	-
Storage facility, self-service	P	P
Structure greater than 10,000 square feet	P	P
Studio	P	-
Tannery	-	P
Tower or antenna structure, commercial	C	C
Tower or antenna structure, private	A	A

Transit facility	-	-
Vehicle impound yard	-	P
Warehouse	P	P
Water system, community	C	C
Winery	P	P

**10-2D-4 Dimensional Standards**

Table 10-2D-2 and Table 10-2D-3 shall be used for development in the respective industrial base zones.

*Table 10-2D-2: Minimum Setbacks in Industrial Base Zone*

Minimum Setbacks (in feet)	M1		M2	
	Standard	Abutting Residential	Standard	Abutting Residential
Front yard setback	20	20	20	20
Flanking street setback	15	20	15	20
Rear yard setback	0	15	0	15
Side yard setback	0	15	0	15

*Table 10-2D-3: Dimensional Standards in Industrial Base Zones*

Dimensional Standards	M1	M2
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Minimum property size (in square feet)	NA	NA
Maximum coverage (%)	80	80
Maximum structure height (in feet)	50	50
Minimum street frontage (in feet)	30	30
Minimum property depth (in feet)	100	100

**Article E High Density Residential (Patio) Zone**

**10-2E-1 Purpose**

The purpose of High Density Residential (Patio) Zone is to allow diversification in the residential uses and to encourage a more efficient use of the land master planned for such. The requirements of this zone shall supplement other applicable codes and regulations, including State and Federal regulations.

This article establishes as the City’s standard an improved means of real estate development as it allows the City to appropriately manage real estate development and open space conservation. The City’s subdivision standards set forth in HCC 10-6 are still pertinent to this Article, when developing a HDR (Patio) Zone.

In addition to the general purposes set forth elsewhere, the purposes of the City in establishing the High Density Residential (Patio) Zone are as follows:

- A. To allow a developer to more closely tailor a development project to a specific user group, such as retired persons.
- B. To provide greater design flexibility and efficiency in the siting of future development and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for development;
- C. Encouraging good neighborhood design, while ensuring compliance with the intent of the Subdivision Ordinance.
- D. To implement adopted goals and policies, as set forth in the City’s General Plan;
- E. To create neighborhoods with direct physical and visual access to open land, with amenities in the form of connected neighborhood open space, and with a strong neighborhood identity;

F. To provide flexibility for landowners to minimize impacts on cultural, environmental, recreational, ecological and historical resources;

G. To provide standards for landowners and subdividers to minimize development impacts; H. To reduce dependence on automobile transportation in and between neighborhoods.

#### **10-2E-2 Definitions - High Density Residential (Patio) Zone**

PATIO HOME: A dwelling that is detached or attached on one side to another dwelling. On the side opposite the shared wall, the homes typically have a patio or small yard and with exterior maintenance and landscaping provided through an association fee.

#### **10-2E-3 Applicability**

This article shall apply only to the areas that have been mastered plan for High Density Residential (Patio) and have been determined to be for the benefit and common good of the community. (No additional property may be re-zoned in the City using this zone unless the General Plan is amended and additional areas of the community are designated to this zone and it has been determined by the City Council that this zone change is for the benefit and good of the community. Rezoning will only be considered if the Vacuum Sewer station, for the requested rezoning location, is deemed able to accommodate the higher density.)

This article blends traditional methodology and open space design methodology in an effort to carry out the City's conservation and development goals.

#### **10-2E-4 Permitted Uses**

The following uses are permitted by right provided the parcel and building meet all other provisions of this ordinance and any other applicable ordinances of Hooper City.

- A. Single Family residential development where the majority of the of the land use is patio homes. Other allowable residential uses include mixed use housing types, specifically attached single family dwellings, and duplexes (fourplexes only to meet the moderate income housing option).
- B. Neighborhood and/or civic open spaces such as village greens, plazas, commons, fountains, sculptural art pieces, picnic areas, community gardens, trails, and similar low-impact or passive recreational uses. Specifically excluded are motorized off-road vehicles, shooting ranges, and other uses similar in character and potential impact as determined by the City.
- C. Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways. Parking facilities for these facilities may also be allowed, and they shall generally be all-weather-surfaced and unlighted; be properly drained; and provide safe egress and ingress.
- D. Conservation of open land in its ecological state (for example, wetland).
- E. Water supply and Vacuum Pump Station and storm water detention areas designed,

landscaped, and available for use as an integral part of the open space.

- F. Governmental or public utility buildings and related uses. Specifically not included are business facilities, storage of heavy equipment, storage of materials other than water, trucking and repair facilities, housing of repair crews, and sanitary landfills.
- G. Easements for drainage, sewer or water lines, or other public purposes including limited access to uses on green space land.
- H. Above-ground electrical utility rights-of-way for lines over 69 kv and street rights-of-way may traverse green space land, but shall not count toward the required green space land.

#### **10-2E-5 Minimum Development Requirements**

All HDR (Patio) Zone developments shall comply with all minimum development requirements as provided in this section and all other applicable requirements within HCC 10-6.

##### *A. General Regulations:*

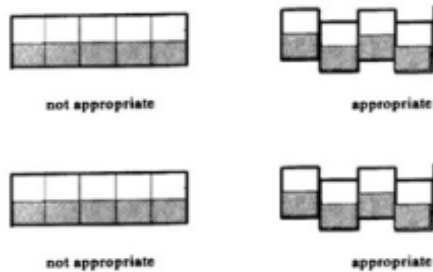
1. Within reasonable exceptions, a minimum of ten (10) acres, and a maximum of twenty (20) acres is required within HDR (Patio) Zone with a minimum of forty percent (40%) of the acreage in relative open space or common space, excluding required right of way (ROW) and other City infrastructure,
2. The minimum front set back for all buildings (excluding fences) will be twenty-five foot (25') and thirty foot (30') setback on all collector or arterial streets and will meet all City standards. The required setback area shall be landscaped.
3. The required parking for each unit shall be provided for by an attached garage.
4. Road widths shall meet City Standards and be approval by the City Engineer

##### *B. Compatibility:*

1. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the development, units which are on corners, may front either street. The Planning Commission may waive this provision due to unusual topographic features or unusual condition; provided that such a waiver does not negatively impact the continuity of the existing streetscape.
2. The type of exterior building material and ratio of surface coverage for the proposed facade for other than single-family dwelling units shall be approved by the Planning Commission. The surrounding existing uses will be considered by the Planning Commission when approving the building materials to be used.

C. Design Theme:

1. Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development surrounded by a variety of ground cover, shrubs, and/or trees, which shall be approved by the planning commission.
2. Attached dwelling units consisting of more than 3 residences shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.



3. The location, along with building elevations sharing exterior building material, colors, size, and general footprint of all dwelling units and other main buildings and amenities shall be shown on the concept plan submitted for review.

D. Open Space and Landscaping: Landscaping requirements will be determined by the City's current landscaping ordinance.

1. All open or common space around or adjacent to building lots shall be landscaped by the developer and maintained through a lawfully organized home owners association.
2. In the HDR (Patio) Zone a minimum of forty percent (40%) of the entire site shall be in open green space. Each phase of development shall provide its proportionate required open green space needed for that phase. The open space landscape plan shall be reviewed and approved by the Planning Commission and City Council.
3. The concept plan shall include all special features, such as fountains, signs, walking paths, inviting entryways. Open space should be the focal point of the overall development. Community facilities should be grouped around these open spaces and easily accessible to pedestrians.
4. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, stream corridors, and concentrated native stands of large shrubs or trees.

5. Landscaping, fencing, and other improvement plans for common or open spaces shall be included in the concept plan submitted for review. Landscaping shall be designed in accordance with an appropriate theme, and shall provide unity and aesthetic appeal to the project.
6. Developed common activity area for single-family and attached dwelling units shall be provided as follows:
  - a. Each phase of development shall provide its proportionate required open green space needed for that phase.
  - b. At a minimum, developed common activity area shall include either a playground with play equipment and/or pathways with benches and tables in a natural landscaped area.
7. Street trees shall be placed along all interior roads in accordance with the City's tree ordinance.
8. The development shall have a unified landscaping design of trees, shrubs, and theme lighting and any required street and parking lighting. Natural features, streams, fountains, waterfalls, sculptures and other design elements which create interest and visual unity and displays creativity in providing usable open space for the residents of the development are encouraged. A planting plan must be submitted at preliminary review.
9. The following are guidelines for landscape design. Individual projects may vary but all will be reviewed and approved by the Planning Commission:
  - a. The shrubs and ground covers proposed should be low water user plants. b. Shrub areas shall be mulched to reduce watering demands.
  - c. The use of 2-inch or larger caliper deciduous trees is required. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees, consisting of at least 25% of the total trees, should be used as windbreaks, screening and accent plants.
  - d. The irrigation system must use secondary water where available and shall be designed to water plants of similar water needs. The irrigation system shall be designed to achieve 70% efficiency as determined a standard water audit.
  - e. No more than ten percent (10%) of the entire landscaping surface area may be in rocks or other nonliving ground cover. The Planning Commission may waive this provision due to unusual topographic features or unusual conditions; provided that such a waiver does not negatively impact the continuity of the existing overall and low water usage landscape design.

**10-2E-6 Discretionary Density Bonuses**

The City may allow, and will not unreasonably withhold approval of, additional density in developments in residential zones falling within the High Density Residential (Patio) Zone. Additional density may only be granted in exchange for one or a combination of public benefits, outlined as five (5) options below. The use of these options shall be in keeping with the City’s Master Plan and support City goals. At least four (4) options must be utilized by the developer to achieve one hundred Percent (100%) of the maximum allowable density bonus, which is an increase of 2 dwelling units per yield plan acreage. The quid pro quo arrangement for exchanging public benefits for additional density shall be memorialized by a written agreement between the parties. The City maintains the right to accept or reject land to be dedicated to the City under any of the following options. The base densities are established in HCC 10-2B. Options are as follows:

Options	Bonus Units Per Acre
1. Provision of Moderate-Income Housing within Residential Mixed Use Development	Up to 1
2. Trail development	.25
3. Endowment Fund	.5
4. Additional Open Space	.25
5. Energy Efficient Home	.25

**10-2E-7 Density Bonus Design Requirements**

A. *Provision of Moderate-Income Housing within Residential Mixed Use Development:* The City may allow a density increase when the subdivision proposal provides moderate-income housing if it is determined during the City’s annual reviews that there is need for moderate income housing. Moderate-income housing is defined in the City’s General Plan (Moderate Income Housing Section). This type of housing should be blended into mixed use residential development, with the character associated with Traditional Neighborhood Development (discussed in the City’s General Plan, Open Space/Green Infrastructure Section). In this case, “mixed use” means providing a Variety of housing types and sizes to accommodate households of different ages, sizes, and incomes. This allows for developments containing varying lots sizes and densities, and allowing for other types of housing, such as attached single-family residences, duplexes, fourplexes, and patio homes. Mixed use residential development can be designed to provide a neighborhood center or focus. For example, the neighborhood center may be a public facility such as a common green or square, a park or recreational facility, or even a school,

library, or small retail area if the City’s planned commercial nodes are a part of a larger residential development. The following table will determine the number of additional dwelling units that may be permitted. For each moderate income housing unit (MIH) provided (whether single family detached or single family attached, including duplexes, and patio homes) under this section a maximum of 1 additional dwelling unit may be permitted. These additional bonus units would not be built as moderate income housing. Moderate income housing, whether designed to be fully-owned or rented, shall be blended throughout the subdivision, to create a residentially mixed-use development. No more than 25% of the original units in a subdivision can be designated as moderate income housing.

<b>Percentage of Units Designated as Moderate Income Housing</b>	<b>Bonus Unit Units Per Acre</b>
5%	.25
10%	.5
15%	.75
25%	1

**B. Trail development:**

The City shall encourage trail development which will lead towards a walkable community. These trails should be within the development and provide access to commercial areas, master planned parks, recreational facilities, and other trail networks.

A density bonus of .25 units per acre for trail development may be awarded based on the following criteria:

1. Trails must have a minimum width of 10’ feet and a minimum shoulder (without obstruction) of 5 feet, be designed for multiple uses (pedestrian/bicycles), allow for proper tree clearances for users, free of barriers and obstructions and usable by people in wheelchairs. All trails will be designed to the required specification set by the City [Planning Department, Planner, Engineer and Staff.](#)
2. Trails must include amenities such as benches, trees, signage, lighting, landscaping, and be designed to create both genuine security as well as perceived security and should integrate any unique features of the area.

3. Trails must show they can provide now or in the future access to other trail networks, commercial areas, master planned parks, or other recreational facilities.

*C. Endowment Fund:*

When open space land is to be donated to a land trust, the City, or another entity, the City may grant a density bonus to generate additional income to the applicant. The primary reason for generating this additional income would be to endow a permanent fund to offset continuing costs of maintaining the city's open space land (e.g., costs such as mowing meadows, removing invasive plants, paying insurance premiums and local taxes), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved.

Because additional dwellings, beyond the maximum that would ordinarily be permitted on a property, may reasonably be considered to be nearly entirely net of development costs and therefore to represent extraordinary profit, applicants opting for this form of density bonus shall donate 2% percent of the projected gross revenue of the entire project, including endowment lots, to the city's open space maintenance endowment fund. These funds shall be transferred by the developer to the city. The maximum bonus density a development may receive under this option shall be .5 additional dwelling units per acre may be permitted.

Calculation to determine donation amount:

Example

Total projected gross revenue: (\$5,325,000\*.02)

Total donation amount \$106,500

*D. Additional Open Space:*

If additional open space is provided to increase the percentage of overall open space (not leftover space between buildings), and increases the flow of uninterrupted open space through the entire development, linking dwellings and recreational amenities, and brings the total open space area to fifty percent (50%) of the entire development, .25 additional dwelling units per acre may be permitted.

*E. Energy Efficient Home:*

ENERGY STAR is the Environmental Protection Agency's national qualification for energy efficiency. ENERGY STAR qualified homes are independently verified to be up to 30% more efficient than state energy code. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of measures like building envelope upgrades, high-efficiency windows, upgraded HVAC and weatherization.

Builders must be enrolled in the program through Rocky Mountain Power and be



certified through them. During construction, a HERS rater will review building components and verify compliance with the Rocky Mountain Power ENERGY STAR New Homes Program certification requirements. Key points of verification will occur at:

1. first site visit - after insulation is installed and before drywall starts
2. second site visit - after complete installation of the drywall and the mechanical ventilation/cooling systems

A density bonus for an Energy Efficient Home that is Energy Star Qualified may be awarded .25 additional dwelling units per acre.

#### **10-2E-8 Special Consideration**

Where the development requires construction of or participation in initial construction of a Vacuum Pump Station by the developer, a consideration of bonus densities will be used to facilitate the construction. This will be determined by City Planning Department and must then be recommended by the Planning Commission and approved by the City Council.

#### **10-2E-9 Submission And Review Process**

The HDR (Patio) Zone approval process consist of three (3) basic review steps. They are:

- A. Submission and review of a conceptual sketch plan. The purpose of this step is to evaluate the appropriateness of the development based on the consideration of the existing features of the proposed site and the relationship to adjacent properties. Conceptual Sketch Plan Review Process: Prior to the submission of a proposal, the applicant shall meet with the city planning department to discuss the proposal and its appropriateness for development in this zone. Upon completion of the pre-application meeting with the city planning department, the applicant shall present the conceptual sketch plan to the Planning Commission. The purpose of this presentation is to provide the applicant with an opportunity to present why the development plan proposal is appropriate for the site. The Planning Commission may comment as to the potential suitability of the site for a HDR (patio) zone and present any concerns or comments they may have for the applicant relative to the proposed development.
- B. Submission and review of a preliminary plat based on the conceptual sketch plan. The purpose of this step is to determine if the preliminary plat shall be granted. Preliminary plat approval will follow all requirements listed within HCC 10-6.
- C. Submission and review of a final plat. The purpose of this step is to review compliance with all requirements listed within HCC 10-6. Upon approval of the final plat it shall then be recorded.

#### **10-2E-10 Final Plat Recordation Requirements For A HDR (Patio) Zone**

- A. *Requirements:* For purposes of recordation, the final approved plat shall be recorded as a subdivision and be included in the subdivision plat records of the Weber County recorder's office. Recordation by the City shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees are posted with the

City.

*B. Covenants, Conditions and Restrictions:*

1. The City shall require the applicant to submit for recording covenants, conditions and restrictions which will provide adequate guarantees for the permanent retention and maintenance of open space area, landscaping, natural features, and architectural design standards. The covenants, conditions and restrictions shall include, at a minimum, provisions for:
  - a. The establishment of a homeowners' association, unless the property will continue to be held in single ownership by either a corporation, partnership or an individual and restrictions are recorded requiring establishment of a homeowners' association in the event that the unity of title is not maintained; and
  - b. A notice to subsequent owners of the need to obtain City approval of changes to the development, which may require either an amendment to the final plat;
2. Each phase submitted for review shall include covenants, conditions and restrictions for approval;
3. Where covenants, conditions and restrictions are imposed upon the development, two (2) copies of the declaration of covenants, conditions and restrictions shall be submitted to the City signed and prepared for recording at the Weber County recorder's office prior to approval of a final plat.

**Article F Planned Unit Development (PUD) Zone**

**10-2F-1 Purpose**

The purpose of this Planned Unit Development (PUD) Zone is to allow diversification in the relationship of residential uses to their sites. Further, its intent is to encourage a more efficient use of the land and the reservation of a greater proportion of common space for recreational and visual use than other residential zones may provide and to encourage a variety of dwelling-units that allows imaginative concepts of neighborhood and housing options and provides variety in the physical development pattern of the City. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons.

The intent of this Zone is to encourage good neighborhood design while ensuring compliance with the intent of the Subdivision and Zoning Ordinances. All dwelling units are to be held in private individual ownership. However, the development shall contain common or open space and amenities for the enjoyment of the planned community that are developed and maintained through an active Homeowner's Association or similar organization with appointed management.

**HISTORY**

*Adopted by Ord. O-2014-5 on 12/18/2014*

### **10-2F-2 Applicability**

- A. This chapter shall apply only to areas that have been master planned for High Density Residential (PUD) and have been determined to be for the benefit and common good of the community. No additional property may be re-zoned in the City using this zone unless the General Plan is amended and additional areas of the community are designated to this land use and it has been determined by the City Council that this zone change is for the benefit and good of the community. Rezoning will only be considered if the infrastructure (water, sewer, streets, etc.) for the requested rezoning location, is deemed able, or can be improved at the expense of the developer, to accommodate the higher density.
- B. One of the following conditions must also exist in order for the use of this zone to be considered in the City:
  - 1. the development area shall be a transitional residential buffer to commercial, industrial, and/or retail zones, as established in the General Plan or
  - 2. the development design shall include a direct connection to a major arterial, minor arterial, or major collector roadway.
- C. City may approve use of this chapter as long as the proposed development complies with the purposes of this zone.
- D. A Planned Unit Development must have a minimum of five (5) acres with a minimum of forty (40) percent of the total acreage in open space excluding roadways, buildings, and other infrastructure. Amenities which are available for common use such as a community center may be included in the open space calculation, excluding parking lots.
- E. *Density*: The overall density of the development shall not exceed six (6) dwelling units per acre.

### **10-2F-3 Permitted Uses**

The following are permitted uses by right provided the parcels and buildings meet all other provisions of this Title and any other applicable ordinances of Hooper City.

- A. Single-family residential development with no more than four (4) dwelling units attached.
- B. Accessory uses and buildings (under two-hundred (200) square feet).
- C. Neighborhood and/or civic open spaces such as village greens, plazas, commons, fountains, sculptural art pieces, picnic areas, community gardens, trails, and similar low-impact or passive recreational uses. Specifically excluded are motorized off-road vehicles, shooting ranges, and other uses similar in character and potential impact as determined by the City.
- D. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways. Parking facilities for these facilities may also be allowed, and they shall generally be all-weather-surfaced and unlighted; be properly drained; and provide safe

egress and ingress.

- E. Conservation of open land in its ecological state (for example, wetland).
- F. Water supply, sewage facilities and storm water detention areas designed, landscaped, and available for use as an integral part of the open space.
- G. Governmental or public utility buildings and related uses. Specifically not included are business facilities, storage of heavy equipment, storage of materials other than water, trucking and repair facilities, housing of repair crews, and sanitary landfills.
- H. Easements for drainage, sewer or water lines, or other public purposes including limited access to uses on green space land.

#### HISTORY

*Adopted by Ord. O-2014-5 on 12/18/2014*

#### **10-2F-4 Conditional Uses**

Conditional uses are listed in Table 10-2B-2 and may be permitted conditional uses after approval as specified in HCC 10-5A-4 and HCC 10-5B-4.

#### HISTORY

*Adopted by Ord. O-2014-5 on 12/18/2014*

#### **10-2F-5 Minimum Lot Standards**

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

- A. *Lot Width*: Determined by development plan
- B. *Front Yard*: See Table 10-2B-3.
- C. *Side Yards*: A minimum of sixteen (16) feet between attached units
- D. *Rear Yard*: A minimum of fifteen (15) feet
- E. *Building Height*: As allowed by current adopted building code, with a maximum height of thirty (30) feet to the top of the roof structure.
- F. *Road Right-of-Way*: Sixty (60) feet which shall include curb, gutter and sidewalk improvements.

#### HISTORY

*Adopted by Ord. O-2014-5 on 12/18/2014*

#### **10-2F-6 Development Plan And Agreement Requirements**

- A. Subdivision Ordinance requirements per HCC 10-6 shall generally apply to Planned Unit

Development communities, including, but not limited to, plats, construction drawings, approval letters from utility companies and other entities, etc., as well as Planning Commission and City Council public hearings. The developer shall submit a Residential Development Plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in accordance with the development agreement and current City ordinances in effect on the approval date of the agreement, except when Federal, State, County, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest. The Land Use Authority shall use the submitted development plan and agreement with the design amenities and unique development features and merits of the development as part of the determination for overall development dwelling-unit density up to a maximum of six (6) dwelling units per acre.

- B. The development plan submitted for review shall include a Utility Master Plan drawing for culinary water, secondary water, sanitary sewer, land drainage and storm draining showing how the entire development will be served. Submit written evidence of preliminary review and approval from utility companies regarding proposed master-planned utilities.
- C. The development plan submitted for review shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.
- D. Entrance designs to the development are required as part of the development plan. The minimum entrance design to the development shall consist of an attractive and durable monument sign naming the development surrounded by a variety of ground cover, shrubs, and/or trees, which shall be approved by the Planning Commission.
- E. The development plan submitted for review shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project. The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Open space and recreational areas should be the focal point for the overall design of the development, with various community facilities grouped in places well related to these open spaces and easily accessible to pedestrians.
- F. The proposed development shall show it will not be detrimental to the health, safety, or general welfare of persons residing adjacent to the proposed development.
- G. A Planned Unit Development community shall be of sufficient composition and arrangement to enable its feasible development as a complete unit, managed by a legally-established Homeowners Association and governed by enforceable, duly recorded Covenants, Conditions and Restrictions (CC&R's).

H. On phased developments, common use amenities such as clubhouse, swimming pool, village greens, etc., must be completed as part of the first phase of the development.

## HISTORY

*Adopted by Ord. O-2014-5 on 12/18/2014*

### **10-2F-7 Design Standards**

The Land Use Authority shall approve the required common-building theme. The design shall show detail in the unification of exterior architectural style, building materials, and color and size of each unit; however, the intent is not to have the design so dominant that all units are identical. Residential dwellings shall comply with the following regulations:

#### *A. Regulations for All Residential Structures:*

1. Each residential structure shall have a permanent connection to all available utilities and separate utility billing.
2. Any and all appendages or accessory uses, such as steps, carports, garages, storage buildings, decks, and awnings or additions and alterations, shall comply with the adopted edition of the International Residential Code.
3. Every residential dwelling shall have a minimum fully enclosed two (2) car garage (attached or detached) having a minimum outside width of twenty (20) feet (as measured from outsides of foundation) and having at least four hundred (400) square feet in total floor area. The Hooper City Building Department shall not issue a building permit for construction of residential structure(s) unless plans for such structure(s) include the garage described in this article.
4. Reasonable Accommodation. None of the requirements of this Chapter shall limit any reasonable accommodation necessary to allow the establishment or occupancy of a residence for anyone with a disability as protected under the Fair Housing Amendments Act of 1988.
5. The developer shall landscape all open or common space around or adjacent to building lots and maintain the same through a lawfully-organized Homeowner's Association, residential management company, or similar organization. Landscaping shall comply with City standards and specifications.
6. Street trees shall be placed along all interior roads in accordance with the City's street tree standards.
7. The development shall have a unified landscaping design of trees, shrubs, and theme lighting and any required street and parking lighting. Natural features, streams, fountains, waterfalls, sculptures and other design elements which create interest and visual unity and displays creativity in providing usable open space for the residents of the development are encouraged.
8. The following are guidelines for landscape design. Individual projects may

vary but all will be reviewed and approved by the Planning Commission:

- a. The shrubs and ground covers proposed should be low water user plants. b. Shrub areas shall be mulched to reduce watering demands.
- c. The use of 1½-inch or larger caliper deciduous trees is required. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees, consisting of at least 25% of the total trees, should be used as windbreaks, screening and accent plants.
- d. The irrigation system must use secondary water where available and shall be designed to water plants of similar water needs. The irrigation system shall be designed to achieve 70% efficiency as determined by a standard water audit.
- e. The landscape design should incorporate, where appropriate, low water usage landscape features and low maintenance landscape features, such as rocks and other nonliving ground cover. The City Council, based upon recommendations from the Planning Commission, will make the final determination as to the extent of the low water usage landscaping that will be permitted in the development.

B. *Regulations for New Residential Construction must meet one (1) of these two (2) options:*

1. *Option 1:* All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum seventy-five (75) percent of brick, rock, or stone and the remainder covered with stucco. On corner lots, the street side of the structure shall have fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City-approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the percentage requirements. The installation of aluminum or vinyl siding shall be allowed on the rear of homes.
2. *Option 2:* All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum thirty (30) percent brick, rock, or stone and the remainder covered in a painted fiber cement siding (hardie board, hardie plank or equal) with a minimum 15-year warranty on the painted surfaces. On corner lots, the street side of the structure shall have

fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the percentage requirements. The installation of aluminum or vinyl siding shall only be allowed on the rear of homes.

#### HISTORY

*Adopted by Ord. O-2014-5 on 12/18/2014*

#### **10-2F-8 Street Design**

The Land Use Authority may approve an alternative street design so long as it maintains the City's minimum rights-of-way. The developer shall dedicate all street rights-of-way to the City.

#### HISTORY

*Adopted by Ord. O-2014-5 on 12/18/2014*

#### **10-2F-9 Off-Street Parking And Loading**

Off-street parking and loading shall be as specified in HCC 10-4. The City may limit or eliminate street parking or other use of City rights-of-way as a result of the employment of limited or alternative street designs within the development.

#### HISTORY

*Adopted by Ord. O-2014-5 on 12/18/2014*



## **CHAPTER 3 OVERLAY ZONES**

### **10-3-1 Overlay Zones Established**

For the purpose of this Title, the incorporated territory of Hooper City, Utah, has the following categories of overlay zones:

- A. *HCC 10-3A*: Open Space Overlay Zone. (Repealed)
- B. *HCC 10-3B*: Agriculture Protection Overlay Zone.
- C. *HCC 10-3C*: Fremont Island Overlay Zone.
- D. *HCC 10-3D*: Wetland Protection Overlay Zone.
- E. *HCC 10-3E*: Land Conservation Overlay Zone.

### **10-3-2 Allowed Uses**

A use that is allowed in the underlying base zone may be prohibited subject to the regulations of an overlay zone. An overlay zone shall not be construed to allow a use that is otherwise not allowed in the underlying base zone.

### **10-3-3 Multiple Overlay Zones**

Where a property is subject to the regulations of more than one overlay zone as outlined in this Chapter, the requirements of an overlay zone shall not be waived or modified unless specifically authorized through procedures set forth in said overlay zone.

### **Article A Open Space Overlay Zone (Repealed)**

Repealed (placed as exhibit A to this title for the benefit of any previous qualifying approvals utilizing this chapter.)

### **Article B Agriculture Protection Overlay Zone**

#### **10-3B-1 Purpose**

The purpose of this Article is to:

- A. Implement the goals, objectives, and policies of the Hooper City General Plan as it relates to Agriculture Protection Areas.
- B. Protect bona fide agricultural operations within the zone from nuisance complaints related to the lawful conduct of the agricultural operation.
- C. Establish the boundaries of the Agriculture Protection Zone within the City of Hooper.

#### **10-3B-2 Applicability**

These regulations shall apply to: new subdivisions within 300 feet of a duly designated Agriculture Protection Overlay Zone as shown on the official zoning maps of the city.

### **10-3B-3 Standards**

- A. For any new subdivision development located in whole or in part within 300 feet of the boundary of an agriculture protection area, a note shall be placed upon the face of the plat. The note shall state:

#### *Agriculture Protection Area*

*This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.*

### **Article C Fremont Island Overlay Zone**

#### **10-3C-1 Purpose**

The purpose of this Article is to:

- A. Implement the goals, objectives, and policies of the Hooper City General Plan as it relates to Fremont Island.
- B. Provide for a mix of land uses on Fremont Island that are a part of a stand alone development on the island.

#### **10-3C-2 Applicability**

These regulations shall apply to any proposed development on the island.

### **Article D Wetland Protection Overlay Zone**

#### **10-3D-1 Purpose**

The purpose of this Article is to:

- A. Implement the goals, objectives, and policies of the Hooper City General Plan as it relates to wetlands.
- B. Provide for land uses that are compatible with the function of wetlands.
- C. Establish the boundaries of the existing natural wetlands within the City of Hooper.
- D. To promote the public health, safety, and welfare by limiting and/or placing additional restrictions on land use activities in and around wetlands.

#### **10-3D-2 Applicability**

These regulations shall apply to: new subdivisions and new construction, alteration, moving, or change of use of residential, commercial, or industrial structures within the overlay zone as identified on the Hooper City Wetlands and Floodplain Map.

### **10-3D-3 Standards**

A. *Wetlands Development Standards.*

### **Article E Land Conservation Overlay Zone**

#### **10-3E-1 Purpose**

The purpose of this Land Conservation Overlay Zone is to promote the public health, safety and general welfare of the present and future residents of Hooper City by providing for the protection, preservation, maintenance and use of Hooper's land area by averaging the lot sizes of subdivision developments in order to maximize the availability of open space and undeveloped land, and to accomplish the following:

- A. Maintain density levels as established by Hooper's General Plan.
- B. Maintain open space, including areas around waterways/sloughs, historical areas, agricultural land, trails, parks, and other areas as identified by Hooper City.
- C. Minimize costs of maintenance.
- D. Preserve existing and future small-scale and larger scale agricultural use within the City. E. Facilitate clustering of houses to allow more compact residential areas.
- F. Increase the variety of lot size available within a development/subdivision.
- G. Ensure that a majority of the proposed lots have direct access to and view of the common open space.
- H. Maximize the visibility of the open space from public roadways.

#### **10-3E-2 Applicability**

This Overlay is available for a development in R-1 and R-2 zones as defined in this Title of the Hooper City Code.

- A. The City shall approve use of this Overlay as long as the proposed development complies with the purposes of this Overlay.
- B. Lot density shall be established for each Development based on the total developable acreage of the Development that is subject to this Overlay, R-1 equals one lot per developable acre and R-2 equals two lots per developable acre.
- C. Any proposed open space shall consist of land which under normal circumstances could be considered for subdivision. Lands that can be reasonably mitigated such as flood plains and wetlands are considered developable and shall be counted towards density. Floodways, lakes, and rivers which cannot be developed but provide an amenity may also be a part of the common open space, with 25 percent of this land credited towards the overall density of the development if this land is used to provide amenities to the development.

### **10-3E-3 Requirements**

Proposed developments seeking Land Conservation Overlay shall meet the following requirements:

- A. Developments shall consist of a minimum of three acres.
- B. Developments shall not exceed the density levels as allowed by the General Plan and Zoning Ordinance for the location of the proposed development.
- C. Minimum lot size shall be equivalent to the smallest lot size allowed by Hooper City.
- D. Setbacks and other lot requirements for all residential lots shall meet the setback requirements and other zoning ordinance requirements related to the lot size. For example, a 20,000 square foot lot shall be governed by the R-2 requirements; a 13,000 square foot lot shall be governed by R-3 requirements, etc., under City Code.
- E. All applications for this Overlay shall be subject to the normal subdivision review and approval process, including a Sketch Plan Review as defined by 10-3E-4, and shall be approved based upon the ability to comply with the purposes of this Overlay including a review of:
  1. Lot layout, sizing, and overall density,
  2. House clustering, and
  3. Intended and projected use of open space.
- F. All applications for this Overlay shall comply with sewer connection, utility requirements and street improvement requirements, with the exception that sidewalks shall be required on all streets regardless of the zone or street classification.
- G. *Open Space Areas*: Those areas designated to have no residential dwelling unit as part of this Overlay, or lots with residential dwelling units in which at least one-half acre is designated as open space, and may include the following ownership categories:
  1. Private
  2. Lot Owners Association, owned and/or managed (only available for 5 acres or more of open space.)
    - a. Associations must meet the requirements outlined in this ordinance, AND b. be addressed in the development agreement.
  3. Public, if approved and accepted by the City
- H. Development Agreements are required for all lots that are subject to this Overlay including Open Space Areas and residential lots within a Development, and shall be recorded against the property, through an open space easement, in a form approved by Hooper City.

I. The Planning Commission may place additional conditions or restrictions necessary to ensure development and maintenance of the common open space, including plans for deposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

J. Lots that are smaller than those allowed under the zoning for the area shall include a recorded notation that indicates uses on larger adjoining lots within the Development may include the uses permitted by the zoning that are not allowed on the smaller lots

K. *Maintenance of Common Open Space*: As assurance of maintenance of the common open space and other improvements where so required, the subdivider shall cause to be formed prior to the recording of the final plat, a Lot Owners Association and shall establish articles of incorporation of the Association, by-laws and covenants outlining the purpose, organization and operation of the Association.

1. Such articles of incorporation and covenants shall among other things provide:

- a. That membership shall be mandatory for each lot purchased and each successive buyer.
- b. That Common Open Space restrictions must be permanent, not just for a period of years.
- c. That the Association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- d. That lot owners must pay their pro-rate share of the costs.
- e. That the assessment levied by the Association can become a lien on the property.
- f. That the Association shall be able to adjust the assessment to meet changed needs.
- g. In the event the Lot Owners Association does not maintain the Common Open Space and improvements as proposed and indicated at the time of subdivision, the City may at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the members of the Lot Owners Association.

#### **10-3E-4 Sketch Plan Review**

A. *Applicability*: A diagrammatic colored Sketch Plan shall be required for all subdivisions. Sketch Plans shall be submitted to the City for review by the City Planning Department and other regulatory agencies and providers of utilities and governmental services. The purpose of the Sketch Plan is to help applicants and the City gain a better mutual understanding of the property and to help establish a design approach that respects development constraints and important open space features while providing for the

density allowed under the zoning code. The Sketch Plan diagrammatically illustrates the subdivider's initial thoughts about a schematic layout for open space lands, main building sites, and street alignments. The Sketch Plan shall also be designed to meet the purposes and standards of this Chapter and other chapters of the Hooper City Code. Such plans are for informal discussion only.

B. *Contents of the Application:* To provide a full understanding of the property's potential and to foster the most effective exchange of information with the City Planning Department, the diagrammatic, colored sketch plan application shall include the information listed below.

1. Name and address of the owner and the applicant;
2. Name and address of the professional landscape architect, engineer, surveyor, planner, architect, or site designer preparing the plan;
3. Graphic scale (not smaller than 1 inch equals 200 feet) with approximate dimensions and north arrow;
4. Vicinity map showing approximate tract boundaries, sufficient to locate the property within the City;
5. Estimated total acreage of the property;
6. Existing zoning of the property;
7. Streets on and adjacent to the tract (both existing and proposed);
8. One-hundred year flood plain boundaries and approximate location of wetlands, if any;
9. Schematic layout indicating a general concept for open space conservation and development;
10. Proposed general street and lot layout;
11. General description of proposed method of water supply, sewage disposal, and storm water management;
12. Provide three full-size copies and two 8 ½" x 11" copies.

C. *Sketch Plan Submission and Review:* The subdivider shall submit copies of a diagrammatic Sketch Plan, meeting the requirements set forth above, to the City Planning Department. The City Planning Department shall review the Sketch Plan in accordance with the criteria contained in this Chapter and with other applicable ordinances of the City. Their review shall informally advise the subdivider of the extent to which the proposed subdivision conforms to the relevant standards of this Chapter and the Zoning Code and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but not be limited to:

1. Potential for street connections with existing streets, other proposed streets, or

potential developments on adjoining parcels;

2. Locations of proposed access points along the existing road network;
3. Proposed development density;
4. Compatibility of the proposal with respect to the objectives and policy recommendations of the General Plan;
5. Consistency with the City ordinances and standards.

## **CHAPTER 4 REGULATIONS APPLYING TO ALL ZONES**

### **10-4-1 Purpose**

This chapter establishes regulations for all uses as set forth in the applicable base and overlay zones, except where otherwise noted.

### **10-4-2 Applicability**

The regulations of this Chapter shall apply as follows:

- A. All development shall be in accord with the regulations in HCC 10-4A. Access shall comply with the regulations of HCC 10-4A-3.
- B. Applications for property boundary adjustments shall be reviewed and approved by the regulations as set forth in HCC 10-2B and the procedures in HCC 10-5.
- C. Landscaping shall comply with the regulations of HCC 10-4C.
- D. Off-street parking or loading facilities shall comply with the regulations of HCC 10-4D.
- E. Exterior lighting shall comply with the regulations of HCC 10-4E.
- F. Signs shall comply with the regulations of HCC 10-4F.

### **Article A Standard Regulations**

#### HISTORY

*Adopted by Ord. O-2022-05 Amending Chapter 4 Article A on 8/16/2022*

### **10-4A-1 Purpose**

This Article provides standard regulations for the location, design, and development of new land uses and the alteration of existing land uses. This Article supplements the regulations for development in each base zone and overlay zone as set forth in Chapter 2 of this Title.

### **10-4A-2 Applicability**

This Article shall apply to the development of all principal permitted, accessory, and conditional uses, except where specifically noted. The following regulations are the minimum standards of development. Additional standards may be applied in accord with overlay zones, specific use standards, or other regulations of this Title.

### **10-4A-3 Access To And Frontage On A Roadway**

Development, as herein defined, shall only be approved on a property that has a property line (hereinafter referred to as frontage) along a roadway as defined in Chapter 1 of this Title.

The frontage shall meet the minimum requirement of the applicable base and/or overlay zone.

When a property has frontage on a cul-de-sac or a knuckle the length of the required frontage shall



be measured as defined in table 10-2B-3.

Access shall be taken from the required frontage of each lot unless the property also has frontage on another public right-of-way.

#### **10-4A-4 Accumulation Of Junk**

All storage of junk must comply with the city's nuisance ordinance set forth in Title 9 Chapter 4.

#### **10-4A-5 Agriculture**

Nothing contained in this Title shall prohibit the use of any land for agricultural purposes except where such use creates a health hazard.

#### **10-4A-6 Architectural Or Design Standards**

Architectural or design standards may be required on projects or developments which could have a significant effect on the character of the surrounding area. These standards will be developed on a case-by-case basis by the City and applicant. It is intended by this section to create a development, which will result in compatible building design and materials within the development and the respective zone. Guidelines should include consistency of roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar elements. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment rather than compete with it.

#### **10-4A-7 Atmospheric Emissions**

All atmospheric emissions (including, but not limited to, smoke, gas, dust, odor, or other atmospheric pollutants), without respect to whether the emissions are created outside the structure in which the use is conducted or within a completely enclosed structure, shall obtain a permit, if required by Utah law, the Weber-Morgan Health Department, or by the Weber Fire District.

#### **10-4A-8 Basements**

Basements, as defined in Section 10-1A-1 associated with new construction, shall be permitted only where there is direct access to a public land drain system approved by Hooper City. In locations where this condition exists and a basement is constructed, the structure shall have a perimeter footing/foundation drain. The footing/foundation drain must flow by gravity through a land drain lateral to the main land drain piping in the street.

The structure shall also have a perforated sump in the lowest floor and a sump pump installed as part of the new building construction. The sump pump shall be designed and constructed in accordance with City Standards and Specifications and must discharge outside the structure to the land drain service lateral. The sump pump shall be subject to inspection by the City's building inspector at final inspection.

Where no public land drain is available, the lowest floor slab in the new building shall be no lower than existing property grade or no lower than 1 foot below the top back of the curb (measured at the lowest point along the street frontage), whichever is higher. For buildings constructed where no curb is present, the lowest floor slab in the new building shall be no lower

than existing property grade or no lower than 1 foot below the centerline elevation of the roadway, whichever is higher.

**10-4A-9 Compliance Prior To Permits**

A property must be in compliance with Hooper City ordinances before it will be eligible to be issued a city permit, including, but not limited to, a building permit or an excavation permit.

**10-4A-10 Contiguous Parcels**

Abutting parcels held in the same ownership shall be considered one property for development purposes.

**10-4A-11 Construction Sites**

New development shall contain construction debris and weeds on-site and prevent wind-blown debris and weeds from entering neighboring properties. Temporary construction fencing may be required in locations where permanent land use separation fence is not required per Subsection 17.

**10-4A-12 Debris And Waste**

Unless otherwise approved by the City, no cut trees, timber, debris, earth, rocks, stones, broken concrete, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street, and removal of same shall be required prior to final acceptance of the public improvements. Processed, crushed concrete or other materials may be used on site where approved by the City.

**10-4A-13 Dimensional Standards**

Dimensional standards and required yards are established for each base zone as set forth in Chapter 2 of this Title.

- A. Minimum area and dimension requirements. No property size, yard, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required. If already less than the minimum required by this Title, said area or dimension shall not be further reduced.
- B. Setbacks.
  - 1. Approved signs shall be exempt from the setback requirements of Chapter 2 of this Title.
  - 2. Setbacks for corner lots shall be determined as follows:
    - a. The front yard setback shall be required along the property line where the driveway enters the property. The side yard setback shall be provided along the side street property line as applicable to the roadway classification.
    - b. The rear yard setback shall be provided either along the interior side property line or rear property line. The side yard setback shall be provided along the remaining property line (rear or interior side) as applicable.

3. Required yards.
- C. The required front, side, and rear yards shall not be occupied by any use or structure except fencing, landscaping, off-street parking, drives, streets, signs, lighting, and/or certain architectural features as detailed below:
1. Where the required setback is greater than 10 feet:
    - a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding 2.5 feet into the required yard.
    - b. Fire escapes may project a distance not exceeding 4.5 feet into the required yard.
    - c. Bay windows, balconies, and chimneys may project a distance not exceeding 3 feet into the required yard, provided that such features do not occupy, in the aggregate more than one-third (1/3) of the building wall on which they are located.
  2. Where the required setback is 10 feet or less:
    - a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding 1 foot into the required yard.
    - b. Fire escapes may project a distance not exceeding 1 foot into the required yard.
    - c. Bay windows, balconies, and chimneys may project a distance not exceeding 1 foot into the required yard, provided that such features do not occupy, in the aggregate more than one-third (1/3) of the building wall on which they are located.
- D. Height limit exceptions.
1. The maximum height limitations set forth in the applicable base zone shall not apply to the following architectural features: belfry, cupola, chimney, or smoke stack. Such architectural features shall have a maximum height limit of 50 feet, unless otherwise approved by the City.
  2. The maximum height limitations set forth in the applicable base zone shall not apply to the following: church spire or steeple, agricultural structure, amateur radio antenna, wind mill, water tower, fire and hose tower, observation tower, power line tower, radio tower, cellular phone facility, cellular tower, television tower, bridge tower, or other approved commercial or personal tower and/or antenna structure.

**10-4A-14 Drainage**

- A. The Planning Commission shall not recommend approval of any Final Plat which does not make adequate provision for storm water for both flood water runoff control and water quality control including, but not limited to channels, catch basins, drywells detention ponds, retention facilities, low impact development and surface water treatment. Plans shall be reviewed for compliance with the Hooper City Development Standards and Specifications, or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system, the land

drain system, and any other system. Storm drains, where required, shall be designed in accordance with the criteria provided below and a copy of design computations and water quality report in accordance with the City's Low Impact Development Handbook shall be submitted along with Construction Drawings. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than four hundred (400) feet in gutters, regardless of the calculated gutter capacity. When calculations indicate that gutter capability is exceeded, catch basins shall be used to intercept flow. Catch basin shall be used to collect and convey storm water at intersections. Surface water drainage patterns of the project site shall be shown on a Grading and Drainage Plan defined later in this chapter.

- B. In conjunction with the preparation of the Grading and Drainage Plan, the City Staff may require the applicant to meet with the Hooper City Public Works Director and others as needed in order to gain an understanding of existing upstream and downstream storm drainage, field drainage, and irrigation run-off issues so that these important considerations can be incorporated into the Plan. If the meeting is required, the Planning Commission shall not recommend Final Plat approval if this meeting has not occurred.
- C. The applicant may be required by the Planning Commission, upon the recommendation of the City Staff, to carry away by pipe or open channel (Hooper or Howard Sloughs) any spring or surface water that may exist either previously to, or as a result of the development. Such drainage facilities shall be located in the road right-of-way where feasible, or in approved perpetual unobstructed easements of appropriate width and length, and shall be constructed in accordance with the development standards and specifications. Hooper City will not maintain storm drain facilities located on private property or beyond the City's right-of-way, including rear-lot drainage facilities, even those located within public utility easements.
- D. Underground storm drain systems shall be constructed throughout the development and be connected to an approved out-fall. No outfall will be approved which does not allow for gravity flow to a discharge point that is high enough in elevation to prevent surcharging into the development's drainage system. In addition, the City reserves the right to dictate flowline elevations in the storm drain system that allow for an appropriate level of "freeboard" in the storm drain system or to pass "nuisance" water at a control structure.
- E. Inspection of facilities within the City's right-of-way shall be conducted by the City. If a future connection to a public storm drain will be provided, as determined by the City Staff, the developer shall make arrangements for future storm water at the time the plat receives final approval. Provision for such connection shall be incorporated into the development plans.
- F. No development shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility as determined by the City Staff based upon approved pipeline slopes and flowline elevations
- G. Accommodation of Upstream Drainage Areas

1. Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. The proposed drainage facilities shall be designed so that there is no negative impact on the upstream drainage through pipe size restrictions, abrupt grade changes, reverse grade, and so forth. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the development standards and specifications assuming conditions of a ten-year year storm event for pipeline design and a one-hundred year storm event for detention basin design. The pipeline design shall also include capacity for other water from other sources besides storm events. The City Staff shall review and approve the design. Offsite drainage improvements, completed at the developer's expense, may be required in order to preserve the integrity of the existing drainage system.

#### H. Effect on Downstream Drainage Areas

1. To determine the effect the development will have on existing downstream drainage facilities outside the project area, the developer shall submit a storm water drainage study prepared by a qualified engineer. City and County storm drainage studies, together with the City's Storm Drain Master Plan, may serve as a guide to determine needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the Planning Commission may require the applicant to improve the facility in order to serve the development or provide additional on-site drainage facilities.

#### I. Flood Plain and Low Elevation Areas

1. The Planning Commission may, upon recommendation of the City Staff when determined necessary for the health, safety, or welfare of the present and future population of the area and for the conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property which lies within the flood plain of any stream, lake or drainage course, or areas low in elevation having evidence of standing water or high groundwater. These flood plain and low-lying areas should be preserved from any and all disturbance or damage resulting from clearing, grading, or dumping of earth, waste material, or vegetative debris.

#### J. Dedication of Drainage Easements

1. Where a development is traversed by a watercourse, drainage way, or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the historic high water lines of such watercourse, as determined by the City Staff. Watercourses, drainageways, and channels shall be piped, with the exception of the Hooper and Howard Sloughs, it is desirable that these sloughs be maintained by an open channel with landscaped banks.
2. Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road right-of-way lines. This requirement applies to piped drainage channels as well,

with the final width, length, access surface, and location of the easement to be approved on a case-by-case basis. Such easements shall include satisfactory access to the road. Easements shall be indicated on the Final Plat and be dedicated to Hooper City, or other applicable entity.

3. Drainage shall be carried from the road to a natural watercourse or to other approved City drainage facilities. When a proposed drainage system will carry water across private land outside the development or to a private drainage facility, appropriate drainage easements and agreements must be secured during the Preliminary Plat phase of development and indicated on the plat.
4. The applicant shall dedicate to the City or other appropriate agency, by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Staff.

K. Drainage Ways and Irrigation Ditches

1. All existing drainage ditches within, abutting or adjacent to subdivisions or development, or impacted by new development, shall be piped in accordance with development standards and specifications. Notification and approval from irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works uses or access.

L. Drainage Facilities

1. All drainage facilities as herein required shall include considerations for both flood control and water quality control.
2. Flood control facilities shall be based upon estimates of peak and total discharges. Flood control facilities shall be designed by the Rational Method, or other methods as approved by the City Engineer. Flood control plans are to facilitate a 10-year, 1-hour storm event for pipeline design and a 100-year storm event for detention basin design. An off-site discharge rate to an approved storm drain outfall of 0.15 cfs per acre is the maximum allowed.
3. Detention basins are flood control facilities, and the design shall incorporate “bypass” or “short circuit” control boxes in lieu of “pass through” detention basin which shall not be approved. The control box will allow design storm flows and “nuisance” water to pass and will only fill the detention basin if the design storm is exceeded. An overflow shall also be included in the control box to prevent overtopping of the detention basin. Detention basin shall be landscaped in accordance with City landscaping standards and specifications.
4. Water quality control facilities shall be designed and constructed in accordance with the Hooper City Low Impact Development Handbook (handbook) and will consider both retention and water quality treatment methods as prescribed in the handbook.
5. Retention facilities are water quality facilities, and the design shall include measures targeted at mimicking predevelopment hydrologic discharge conditions.

M. Grading and Drainage Plan

1. The applicant shall submit a drainage plan to the City Staff prior to preliminary plat approval.
  - a. Upon review and acceptance of the drainage plan, the City may approve the final plat.
  - b. No grading, filling, clearing, or excavation of any kind shall be initiated until the City approves the drainage plan and an excavation permit, if required, is obtained from the Hooper City Public Works Director.
2. The drainage plan shall be drawn to scale and shall include, but not be limited to, the following:
  - a. Topography at 2-foot intervals. The proposed grading shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography. In case of predominantly level topography throughout a development, one-foot (1') contour intervals may be required.
  - b. North arrow, road and lot layout, and development name.
  - c. Location of all existing water courses, canals, ditches, land drains, springs, wells, culverts and storm drains.
  - d. The flood hazard zone(s) if the development is in an area of special flood hazard.
  - e. Wetlands delineation, if applicable.
  - f. Essential elements, alignments, and functions of the proposed drainage system including, but not limited to, inlets, outlets, catch basins, manholes, , culverts, detention basins orifice plates, pumps, water quality features, retention and infiltration facilities necessary, outlets to off-site facilities, and off-site facilities planned to accommodate the project drainage.
  - g. The drainage plan shall indicate by flow arrows, contours, spot elevations, or some other acceptable manner, where storm water will be routed for the property. It must show the location and size of any flows onto the site from outside the property boundaries as well as any discharges leaving the site. The drainage plan must be prepared in a way that prevents run-off onto adjacent properties. Rear-lot drainage facilities may be approved as an option but is rarely an acceptable alternative to grading with imported fill and/or retaining structures. The City does not maintain private rear-lot drainage facilities.
  - h. When drainage courses and irrigation facilities exist on-site, the owner and/or applicant shall provide documentary evidence of consent to re-routings by all interested landowners and drainage and irrigation entities affected and having rights to, and in, such facilities; and
  - i. Other supplemental data as may be required by the City Staff.

## HISTORY

*Amended by Ord. Q-2014-3 on 11/6/2014*

### **10-4A-15 Dwellings, Two Or More Existing**

Any property that has 2 or more existing dwellings that were built prior to November 30, 2000, or were principal permitted dwellings approved in accord with the zoning regulations that were in effect at the time such dwellings were built, shall be deemed a nonconforming use. Each dwelling shall be subject to the standards in Section 1-1B-4 of this Title.

### **10-4A-16 Excavation Permit**

Any work done within the City's right-of-way requires an Excavation Permit. The requirements and regulations of the Excavation Permit are defined in a separate excavation ordinance, set forth in Title 5 Chapter 5 of the Hooper Municipal Code

### **10-4A-17 Existing Drainage Swales**

Drainage swales along existing streets provide the storm drain collection and transmission facility for that street and/or neighborhood, approved at the time of development. Drainage swales must retain and may not be altered or piped without an Excavation Permit from the City. Piping of an existing swale must comply with City standards and specifications and ensure the continual transmission of storm water runoff in accordance with historical drainage patterns, in addition to providing a means for surface water above the pipeline to collect and then be discharged into the system via an approved collection box.

### **10-4A-18 Fencing (Land Use Separation Fence – LUSF)**

Each applicant shall be required to furnish and install a permanent, city standard, 6-foot chain link or approved equal separation fence between varying land uses (LUSF). Fence shall be installed along surveyed property lines and at the approved compacted final grade of the project. If an elevation differential exists at the property line; a thickened mow strip or a retaining wall may be required in conjunction with or prior to the fencing requirement.

The City Council may waive the LUSF requirement in a minor subdivision where the same entity owns all of the adjacent property with different land uses.

The final construction drawings shall show all required LUSF, height, and material required at final City Council approval.

In addition to the land use separation fence, fences will be required when the Planning Commission determines that a hazardous condition may exist or a buffer screen is necessary for the project.

No building permits shall be issued until said fence improvements have been duly installed.

LUSF is a requirement intended to provide a physical separation between differing land uses and zoning, providing; safety, convenience and other protections to each differing land use. The fence is owned and maintained by the property owner that installs the fence. Any post-development alteration or replacement of the LUSF must be done in accordance with the intent of the ordinance.



Alterations or replacements of any portion of the LUSF must not affect the structural integrity or function of the remaining fence. Alterations shall use materials and components equal to or better than the existing LUSF.

**10-4A-19 Hazardous Material Storage**

The storage of any hazardous materials, as defined by Title 40 Code of Federal Regulations Part 261, or subsequent amendments thereto, shall require a list of those materials to be submitted to the Weber County Sheriff's Office, and the Weber Fire District, prior to issuance of hazardous materials storage permit.

**10-4A-20 Keeping Of Livestock**

Where allowed by the applicable base district, the keeping of livestock as an accessory use within the City of Hooper shall conform to the following standards.

- A. Purpose. To set forth reasonable standards for the keeping and care of livestock that promote responsible animal husbandry; protect private property rights; help maintain neighborhood compatibility; and protect the health, safety, and welfare of the general public.
- B. Standards for the Keeping of Livestock
  - 1. A minimum of 20,000 square feet is required to qualify for the keeping of livestock unless a conditional use permit is granted by the City. Any lot of 20,000 square feet or more shall be eligible for one (1) animal unit for each 10,000 square feet of property within the lot. A conditional use permit must be approved by the City in order to keep livestock on any lot less than 20,000 square feet in size. All livestock must be confined on the owner's property.
  - 2. Any structure used for the keeping of livestock including, but not limited to barns, stables, sheds and corrals shall be located a minimum of 50 feet from a dwelling owned by another person.
  - 3. Property owners keeping livestock in accordance with the above standards must maintain such animals in a manner that does not create an unreasonable impact on neighboring properties. Potential negative impacts include, but are not limited to odors, noise, drainage, erosion and flies. Any person keeping livestock is responsible for the regular removal and disposal of animal waste, and the control of insects, erosion and odor. Failure to maintain the property in accordance with these requirements shall be considered a violation of this ordinance.
  - 4. Keeping of livestock in greater numbers than outlined herein may be allowed on a conditional use basis. Any livestock in excess of the limits set herein, already being kept on the date of this ordinance, will require an application for a conditional use be filed. All such applications will be acted upon as set out in Chapter 5 of this title.
  - 5. The offspring of animals legally kept pursuant to this section may be maintained on the property until maturity without being counted toward the animal units allowed for

the property. (Maturity to be determined by qualified authority to be selected by the City Staff.)

## HISTORY

*Amended by Ord. Q-2014-4 on 11/6/2014*

### **10-4A-21 Natural Features Analysis**

When required by the City Planning Department or City Staff, a natural features analysis shall be submitted with the development application for a preliminary plat.. The following features shall be mapped, described, or noted as not applicable in the natural features analysis:

- A. Hydrology. Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high groundwater areas, and seasonal high groundwater areas throughout the site.
- B. Geology. Areas of known geologic hazards or special features, such as shallow bedrock areas, unstable rock formations, landslides, and high groundwater must be mapped and described.
- C. Soils. Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Hooper City Soils Classification Map (United States Department of Agriculture, Natural Resources Conservation Service).
- D. Topography. Analysis of the site's terrain including mapping of elevations. Contour lines based on USGS datum of 1988 with intervals of not more than 2 feet. Contour lines shall extend a minimum of 100 feet beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility.
- E. Vegetation. Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species.
- F. Sensitive plant and wildlife species. Analysis of sensitive plant and wildlife species of the site.
- G. Historic resources. Analysis of existing historic resources.
- H. Hazardous areas. Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, , rock formation, buried pipelines, or other similar conditions likely to be encountered.
  1. The applicant shall provide a written statement explaining how the site plan, private road, and/or plat protects or mitigates impacts on the natural features of the site.

#### **10-4A-22 Outdoor Public Address System**

Outdoor public address systems or speakers for non-residential uses shall only be allowed within the C2 or M2 zones, or as part of an approved conditional use. Public events at City parks or rodeo grounds are exempt.

#### **10-4A-23 Outdoor Storage Of Chemicals And Fertilizers**

The outdoor storage of chemicals and/or fertilizers including, but not limited to, salts or other minerals, shall be prohibited.

#### **10-4A-24 Parcel Created By Court Decree**

Any parcel created by court decree that does not meet the dimensional standards of the applicable base and overlay zones in effect at the time said parcel was created (the date of the court decree) shall be recognized as a parcel for transfer of ownership; however, the parcel shall not be eligible for development including any building permits for renovation of an existing structure.

#### **10-4A-25 Property Reduced By Governmental Action**

If a governmental action (such as acquisition through prescription, purchase, or other means by the City of Hooper, or other local, State, or Federal agency as approved by the City), or by a developer dedicating said property to the City, reduces an existing property below the required property size, such property shall be deemed as a conforming property for the purposes of development.

#### **10-4A-26 Restricted Access On Arterial And Collector Streets**

Where a development borders on or contains an existing or proposed arterial, minor arterial or collector street, the Planning Commission may require that access to such streets be limited by one of the following means:

- A. The planning of lots so as to back onto the arterial, minor arterial, or collector street and front onto a parallel local street; no access shall be provided from the arterial, minor arterial, or collector street.
- B. A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing on the arterial, minor arterial, or collector street.
  1. In either scenario above, screening and landscaping shall be provided in a strip of land along the rear property line of such lots. Screening and landscaping shall be in accordance with Section 10-4-C of this Title and Hooper City Development Standards and Specifications.

#### **10-4A-27 Storm Water Pollution Permit**

Developer shall be responsible for obtaining a UPDES Storm Water Permit for Construction and for monitoring and managing the storm water pollution prevention plan during construction of the development through the end of the warranty period or an approved Notice of Termination. In the

case of a residential development, developer shall include in the development CC&R's detailed language regarding the lot owners' responsibilities to comply with City ordinances and permit requirements associated with storm water pollution prevention. Specific mention must be made to street cleaning, temporary curb ramps, stockpiling of earthen materials, concrete wash-out areas, and debris removal.

#### **10-4A-28 Street Frontage Improvements In Minor Subdivision**

Minor subdivisions (defined in Section 10-6-4.1 of this Title) shall be responsible for street improvements along the frontage of the entire development, including all frontage on streets immediately adjacent to the development (corner lots). Street improvements may include, but may not be limited to, engineering, storm drainage facilities, rough grading, imported sub-grade material, imported aggregate base material, fine grading, curb and gutter, sidewalk, drive approaches, "curb match" asphalt, storm water pollution prevention BMP's, and long-term storm water quality facilities. If circumstances exist where these improvements are not deemed immediately necessary, the City Council may, upon recommendation from the [Planning Commission](#) [Land Use Authority](#), elect to require cash escrow in an amount determined by the City Staff equal to an estimate of the current cost of constructing the improvements. This amount of the cash escrow is fixed at the time of the agreement and will never change. The escrow will be held for a pre-determined time for the use by the City for its intended purpose at the City's discretion. If no project is completed within the designate time frame, the escrowed funds may be released to the developer or owner who signed the escrow agreement. As an alternative to the release of cash escrow at the end of the escrow agreement term, a signed Deferred Improvement Agreement will be required which will include a commitment to participate financially in future street improvements at whatever time the City may need to implement a project, and for the full cost of the improvements at the time of future construction.

#### **10-4A-29 Trails, Paths And Parks**

- A. In addition to any trails, paths, and parks shown in the City's Parks and Trails Master Plan, the Planning Commission, in its review of each development of twenty lots or more, may require that land be reserved and improvements installed for parks, trails and paths or other recreation purposes in locations designated in the General Plan or other areas where such reservations would be appropriate and would benefit the development and its residents. Each reservation shall be of suitable size dimension, topography, and general character and have adequate access for the particular purposes envisioned by the Planning Commission. The area shall be shown on the Final Plat. The developer may also be required to install improvements to the recreation areas, which directly benefit the development. These improvements shall be built to City specifications.
- B. Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer as determined by the Planning Commission. Trails should provide a link to schools, recreation facilities, commercial areas, parks, other development areas and significant natural features. Trails shall be built to City specifications and shall be dedicated to the City.

- C. Trails should be provided to allow efficient internal pedestrian and non-motorized circulation as well as provide links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan.
- D. Minimum Size of Park Reservations
  - 1. In general, land reserved for recreation purposes shall have an area of at least one acre. When the proposed area would create less than one acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the development so that additional land may be added at the time adjacent land is being subdivided. In no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes. This smaller amount will be accepted only when it is on the edge of the development or when the City Staff determines that the reduced size will result in a functional and useable recreation site.

**10-4A-30 Transmission Line Corridors**

All wire fences, metal structures, and metal objects within 100 feet of transmission lines shall be grounded.

**10-4A-31 Unsuitability**

- A. Following receipt of recommendations from the City Staff, if the Planning Commission or City Council finds lands unsuitable for development due to high groundwater, a history of standing surface water, flooding, improper or inadequate drainage, natural hazards, fire, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, historical artifacts, or other natural features, which will be detrimental to the safety, health and general welfare of the present or future inhabitants of the development or surrounding areas, the land shall not be developed. These areas have currently been identified as lands falling below Elevation 4220.0, with no utilities permitted below Elevation 4215.0.
- B. Minor interior portions (10% or less) of the development which are surrounded by suitable lands may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approved by the City, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. In residential developments, each building lot must be suitable in its entirety. Unsuitable land shall be set aside or reserved for uses that will not create a danger or severe environmental impact. Additionally, considerations must be given to soil conditions, drainage patterns, and ground water existence and may include appropriate setbacks and conservation requirements.

#### **10-4A-32 Utilities**

All utilities for a new dwelling or approved use shall be installed underground unless exempted by the utility company. For the purposes of this Section, the term utilities shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. Agricultural structures as herein defined shall be exempt from this regulation.

#### **10-4A-33 Wastewater Treatment Systems**

For any dwelling or approved use, the owner or applicant shall provide and maintain sewage disposal facilities that meet the approval of Hooper City, Weber-Morgan County Health Department or the State of Utah as defined below. Options for sewage disposal facilities shall include, but not be limited to, the following methods:

- A. A municipal wastewater collection and treatment system approved by Hooper City.
- B. An individual sewage disposal system where each residential lot has a permanent drain field area on the lot approved by the Weber-Morgan County Health Department.
- C. The City Council may require, upon recommendation from the City Staff and Planning Commission, that a “dry” sewage collection system be installed in new development in anticipation of future connection to a municipal system, even if on-site individual sewage disposal systems are required and approved.
  1. The City Council may require, upon recommendation from the City Staff and Planning Commission, that a new development be required to construct a “regional” sewage collection facility such as a vacuum sewer pump station or a sewage lift station in lieu of a development-specific facility. A reimbursement agreement for “oversized” facilities that will accommodate future growth and capacity may be created between the City and the developer.

#### **10-4A-34 Water**

- A. For any dwelling or approved use, the owner or applicant shall provide and maintain an adequate culinary and secondary water supply for the intended use.
- B. The applicant shall provide evidence that a valid water right supply exists with the applicable culinary and secondary water purveyor.

#### **10-4A-35 Curb And Gutter**

All new development shall be required to install curb and gutter along all new and existing streets within and immediately adjacent to (bordering) the development, where lots or site plan in the development have front or side facing on said streets. Curb and gutter shall conform to the requirements of the Hooper City Development Standards and Specifications.

#### **10-4A-36 Sidewalks**

- A. All new development shall be required to install sidewalks along all new and existing streets within and immediately adjacent to (bordering) the development, where lots or

site plan in the development have frontage or side yards on said streets, with the exception of the following areas: In the City's R-1 zone, sidewalk requirements may be reduced by the City Council upon recommendation from the City Staff and Planning Commission.

- B. In addition, the Planning Commission may recommend for City Council approval that new development install a reasonable amount of additional sidewalk on existing streets as deemed necessary for the safe conveyance of pedestrian traffic. Sidewalks shall conform to the requirements of the Hooper City Development Standards and Specifications. In some developments, sidewalk requirements may be reduced at the City's discretion where trails accommodate like needs.

#### **10-4A-37 Topsoil**

Unless approved for removal by the City, all existing topsoil in a new development will remain and be used within the boundaries of the development. Topsoil may be stockpiled, when necessary, and redistributed following site and rough grading as defined in Section 10-6A-4.

#### **10-4A-38 Postal Services**

Postal services for all developments shall be determined by current U.S. Postal Service rules and the local postmaster. Written approval of the development's plan for postal service is required from the postmaster prior to issuance of occupancy permits for the development.

### **Article B Property Boundary Adjustment**

#### **10-4B-1 Purpose**

The regulations of this Article allow for the owners of adjacent parcels that are described by either a metes and bounds description or by a recorded plat to exchange title to portions of those parcels if the exchange of title will not result in a violation of any city land use ordinance and is approved by the Mayor, acting as the land use authority.

#### **10-4B-2 Applicability**

These regulations apply to existing lots and existing parcels within Hooper City.

#### **10-4B-3 Process**

- A. *Application*: An application and fees, as set forth in HCC 10-5, shall be submitted to the City.
- B. Upon approval of the application by the Mayor, subject to any applicable conditions of approval, the applicant or owner shall have one year to complete the following tasks:
- C. Cause the property to be surveyed, and a record of survey recorded;
- D. A notice of approval executed by each owner included in the exchange and by the Mayor shall be recorded in the office of the county recorder containing a notarized acknowledgment for each party executing the notice and reciting the descriptions of both the original parcels and the parcels created by the exchange of title.

- E. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
- F. Obtain new tax parcel numbers from the Weber County Assessor; and
- G. Provide copies of the recorded notice of approval, recorded deeds, and the new tax parcel numbers to the City.

**10-4B-4 Standards**

- A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this Title.
- B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this Title, the property boundary adjustment shall not increase the non-conformity.
- C. A property boundary adjustment shall not increase the original number of properties.
- D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.
- E. The parcel boundary adjustment shall not constitute a relocation of a property.

**Article C Landscaping And Screening Requirements**

**10-4C-1 Purpose**

The purpose of this Article is to:

- A. Ensure development consistent with the goals of the general plan related to community design;
- B. Enhance the aesthetic appearance of streets, parking areas, and development sites and visually screen and buffer incompatible land uses;
- C. Preserve existing healthy trees and rare plants;
- D. Encourage the use of native species and drought-tolerant landscape materials with the intent to maintain wildlife habitat areas and conserve water;
- E. Break up large areas of pavement, and provide shade in parking areas and around structures with the intent to promote energy conservation;
- F. Provide pervious surface areas to minimize storm water run-off and promote groundwater recharge; and
- G. Separate pedestrians from automobile fumes, noise, and dust, and reduce glare from vehicle headlights.

**10-4C-2 Applicability**



The standards in this Article shall apply to all developments within a commercial or industrial zone.

#### **10-4C-3 Process**

Unless exempted by the City Engineer, Developer shall be required to submit a Landscaping Plan, including planting and irrigation detail, with the Site Plan. The Landscaping Plan shall comply with the requirements of this Chapter and the City's landscaping standards and specifications.

#### **10-4C-4 General Landscaping Standards**

- A. For the purposes of this Article, landscaping elements are all exterior enhancements of a project including, but not be limited to: deciduous trees (shade and ornamental), evergreen trees, sidewalks, paths, site furniture, trellis, fences, walls, sound walls, shrubs, flowering plants, vines, pots, vases, window boxes, raised planters, and grade work such as berms, grassy swales, and water retention features.
- B. Existing trees, native vegetation, and rare plants shall be retained wherever possible.
- C. Existing native vegetation may be accepted in lieu of new plantings, provided they contribute to achieving the intent of this Article.
- D. To control erosion and soil loss, the existing vegetation shall only be removed from the current phase of the project.
- E. Landscaped areas shall incorporate a hierarchy of plantings from ground covers to shrubs to trees. Shrub areas shall incorporate a vegetative ground cover wherever possible. If the site configuration or plant type prohibits the use of a ground cover in conjunction with the shrubs, bark or other mulch shall be provided.
- F. The landscape plan shall include plant materials that provide seasonal color during the spring, summer, and fall.
- G. Expanses of walls or solid fences that are greater than 100 feet along a roadway shall be interrupted with offsets and provided with accents to prevent monotony.
- H. For the purposes of this standard, accents shall include, but not be limited to, other landscape elements as listed in HCC 10-4C-4 paragraph A.
- I. Offsets shall be designed with pedestrian safety in mind, such as small alcoves with angled sides that provide full visibility.
- J. All landscaping shall be designed to consider the microclimate of the site and surrounding properties by addressing sun, shade, and wind for increased energy efficiency.
- K. Deciduous trees shall be the preferred method of providing shade in parking lots and around structures.
- L. Evergreen trees shall be limited to windbreaks, screening, and accent purposes.

- M. If unenclosed air conditioning systems are located on the west or south side of a structure, trees shall be planted so that, at maturity, they shade the unit during the months of July, August, and September.
- N. Trees shall be planted so that, at maturity, they shade 50 percent of ground-floor window surfaces on the west and south sides of each structure during the months of July, August, and September.
- O. Landscaping elements shall not violate the clear vision triangle requirements at a street intersection as defined in HCC 10-1A-1.
- P. Installation of required landscaping shall be the responsibility of the property owner.
- Q. All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled permanent irrigation systems.
- R. All proposed plant material shall be in accord with the American Association of Nurserymen standards in terms of size, character, and quality.
- S. Trees planted within a sidewalk or other pedestrian traffic areas shall be installed with protective tree grates with expandable centers. The minimum size opening within the sidewalk shall be 3 feet by 3 feet. Where needed, root barriers shall be installed to keep roots from undermining curbs and sidewalks.
- T. The following minimum plant sizes shall be required:

<b>Table 10-4C-1: Minimum Plant Size Standards</b>	
<b>Landscape Element (plants)</b>	<b>Minimum Size at Planting</b>
Shade tree	2 inch caliper
Ornamental tree	2 inch caliper
Evergreen tree	7.5 feet in height
Shrub	5 gallon container
Parking lot shrub	5 gallon container
Perennial or ornamental grass	1 gallon container

Note: Caliper shall refer to the trunk diameter as measured 6 inches above ground level.

- U. All landscaped areas shall be provided with a permanent and automated underground

irrigation system of such design and capacity to satisfactorily serve the landscaped areas.

- V. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.
- W. All plant materials shall be pruned, trimmed, watered, and otherwise maintained to create an attractive appearance and a healthy growing condition. No trees shall be severely pruned or topped.
- X. Dead, diseased, stolen, or vandalized plant materials shall be replaced by the next planting season.
- Y. Property owners shall keep landscaped areas free of weeds and trash.
- Z. Stolen, vandalized, or otherwise damaged fences and/or walls shall be replaced immediately. Fences and/or walls shall be maintained to create an attractive appearance.

#### **10-4C-5 Specific Landscaping Standards**

Specific landscaping standards are found in the Hooper City Development Standards and Specifications.

#### **Article D Off-Street Parking And Loading Facilities**

##### **10-4D-1 Purpose**

The purpose of this Article is to provide regulations and standards for off-street parking and loading facilities with the intent to provide off-street parking areas, minimize traffic hazards and congestion, and mitigate impacts on surrounding properties.

##### **10-4D-2 Applicability**

The following standards shall apply to any new construction, alteration, or moving of a structure or any new or more intense use of property. The number of off-street parking spaces, as hereinafter set forth, shall be provided for all allowed uses in any zone. A greater number of spaces may be required in any application involving discretionary approval.

##### **10-4D-3 Process**

- A. An off-street parking and loading plan shall be required as a component of any commercial or industrial development plan.
- B. The off-street parking and loading plan shall contain the location, size, and type of all proposed off-street parking and loading facilities. The applicant shall provide a table indicating any applicable standards and the calculations used to determine the required number of spaces.
- C. If the proposed development project shall be completed in phases, such phases shall be noted on the site plan. The applicant shall also provide documentation on the proposed uses and the number of off-street parking and loading facilities associated with each phase.

- D. For residential and accessory uses that do not require discretionary approval, the regulations of this Article shall be reviewed at the time of building permit application or accessory use approval, as appropriate.
- E. Off-street parking and loading shall be installed and constructed in accord with the approved off-street parking and loading plan.

**10-4D-4 General Regulations**

- A. *Use of required parking spaces:*
  - 1. Required parking spaces shall be used for vehicle parking only.
  - 2. Parking areas for residential use may be used for the parking of one commercial vehicle (as defined in HCC 10-1 per property, provided it is operated by the occupant and used to commute from home to work at an off-site location or used as part of an approved home occupation.
  - 3. *Joint use parking:* Joint use of off-street parking spaces shall be allowed when the principal operating hours of the structures, structures, or uses are not in substantial conflict with one another.
  - 4. The required off-street parking shall be located not more than 300 feet from the primary entrance of the structure to the nearest entrance of the parking area, as measured along the sidewalk or pedestrian walkway.
  - 5. All parties involved with the joint use parking area shall submit a written agreement to the Planning Department, signed by the applicable parties involved. The agreement shall specify the following:
    - 6. Party or parties responsible for construction;
    - 7. Party or parties responsible for maintenance;
    - 8. Regulations for amendments to the agreement that include notice to the City; and
    - 9. Regulations for termination of the agreement that include notice to the City.
  - 10. If the City finds that the agreement complies with the regulations of this Article, the applicant or owner shall record such agreement with the Weber County Recorder prior to issuance of any permits.
  - 11. The joint use parking agreement may be terminated by the parties only if off-street parking is provided in conformance with this Article and approved by the City prior to the termination.

**10-4D-5 Design Standards**

- A. *Design of parking areas:*
  - 1. All parking areas shall be designed and constructed to provide the type and number of

off-street parking spaces required by HCC 10-4D-6, and designed as required by this Section.

2. All parking spaces required by this Article shall be located on the same property as the use for which parking is required, except as provided for in joint use parking in HCC 10-4D-4 paragraph B. For the purposes of this standard, all properties within a single development shall be considered the same property.
3. Handicap accessible parking spaces shall provide reasonable accommodations to principal permitted structures and shall be located along the shortest route of travel from adjacent parking to an accessible entrance.
4. Off-street parking spaces shall not be located in any landscape area as required by HCC 10-4C.
5. Parking stalls and driving aisles shall be designed in accord with the standards in HCC 10-4D-1.
6. All parking areas shall provide on-site turnarounds for all off-street parking spaces and loading facilities.
7. The design of off-street parking areas shall not require moving any car to gain access to a required parking space. (No tandem parking.)

*Table 10-4D-1: Required Automobile Width and Stall Length by Parking Angle*

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Parking Angle	Stall Width	Curb Length	Stall Depth	1-way Driving Aisle	2-way Driving Aisle
0°	9'-0"	23'-0"	9'-0"	12'-0"	25'-0"
30°	9'-0"	18'-0"	17'-8"	11'-0"	25'-0"
45°	9'-0"	12'-9"	20'-5"	13'-0"	25'-0"
60°	9'-0"	10'-5"	21'-10"	16'-0"	25'-0"
90°	9'-0"	9'-0"	20'-0"	22'-0"	25'-0"

**B. Improvements:**

1. Except as otherwise provided in this Section, all off-street parking areas shall be improved with a compacted gravel base, not less than 4 inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material. This standard shall not apply to roadside produce stands, temporary uses, or temporary construction

offices.

2. Except as otherwise provided in this Section, all off street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to roadside produce stands, rural residences, temporary uses, or temporary construction offices.
  3. When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced 2 feet in length if 2 feet is added to the width of the sidewalk or landscaped area planted in ground cover.
  4. Parking spaces and access lanes shall be marked including handicapped symbols and signs.
  5. All lighting provided to illuminate a parking area shall comply with the lighting standards provided in this Chapter.
- C. Bicycle parking facilities shall meet the following location and design standards:
1. Bicycle parking facilities shall be located as close as possible to the building entrance(s).
  2. Bicycle parking facilities shall not obstruct pedestrian walkways, public sidewalks, or building entrances.
  3. Bicycle parking facilities shall not conflict with the Americans with Disabilities Act.
  4. Bicycle parking facilities shall support the bicycle and allow the owner to lock the frame and front wheel with one lock.

**10-4D-6 Required Number Of Off-Street Parking Spaces**

- A. The minimum number of required off-street parking spaces shall be as set forth in Table 10-4D-2. Where the standards require a fractional space, the next larger whole number shall be the number of spaces required. When more than one standard is provided, the standard that results in the greatest number of required parking spaces shall apply.
- B. One bicycle parking space shall be provided for every 25 proposed parking spaces. The following uses shall be exempt from providing bicycle spaces: duplex or single family attached dwelling, secondary attached or detached dwelling.
- C. For mixed uses, the total requirement of off-street automobile and bicycle parking spaces shall be the sum of the requirements of the individual uses, except as provided in joint use of parking in HCC 10-4D-4 paragraph B.
- D. The number and design of accessible handicap automobile parking spaces shall be in accord with the Americans with Disabilities Act.
- E. Reserved off-street automobile parking spaces shall be noted on the site plan and each reserved space shall count as .8 of a required space.

- F. Upon any change of use, the number of automobile and bicycle parking spaces to be provided shall be calculated according to the requirement of this Article for the new use. For the purposes of this Article, a change of use shall include, but not be limited to, an expansion, alteration, or change in occupancy resulting in a more intense use of a site, such as additional dwelling units, gross floor area, seating capacity, or other unit of measurement specified as a standard in Table 10-4D-2.
- G. The minimum number of required automobile and bicycle parking spaces shall be provided and continuously maintained.
- H. No parking area or space provided, as required by this Article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the Director are provided.
- I. Table 10-4D-2 notes are as follows:
  - 1. Gross floor area shall be the measure of total square footage of habitable space of a structure.
  - 2. For fixed bench seating, 1 seat shall mean 24 inches of linear length of bench.
  - 3. The number of employees shall be based on employees present during the largest shift.

*Table 10-4D-2. Required Parking Space by Use*

<b>Use</b>	<b>Required Number of Automobile Spaces</b>
Agricultural use	1 per 2 employees
Aircraft landing field	1 per 2 employees
Amusement or recreation facility, indoor	1 per 200 square feet of gross floor area
Bowling	2 per lane
Movie theater	1 per 8 seats
Amusement or recreation facility, outdoor	1 per 8 seats
structure	4 per acre
open space	1 per 2 driving stations

Golf driving range	
Animal clinic, animal hospital, or veterinary office	1 per 500 square feet of gross floor area
Asphalt or concrete ready-mix plant	1 per 2 employees
Auction establishment, outdoor	1 per 8 seats
Automobile or recreational vehicle sales	1 per 1,200 square feet of gross floor area
Automobile or recreational vehicle service	1 per service bay
Automobile, major repair	1 per service bay
Bank	1 per 500 square feet of gross floor area
Bar, brew-pub, or night club	1 per 200 square feet of gross floor area
Bed and breakfast establishment	1 per 2 sleeping rooms + 1 for owner's dwelling
Boarding house	1 per 2 sleeping rooms
Brewery or distillery	1 per 1,000 square feet of gross floor area
Campground	1 per 2 campsites + 1 per 2 employees
Car wash	1 per 2 drying stations
Cemetery	1 per 2 employees
Children's treatment facility	1 per 6 beds
Church	1 per 8 seats in main sanctuary
Clinic, medical (excluding animal or veterinary)	1 per 500 square feet of gross floor area
Club or lodge or social hall	1 per 200 square feet of gross floor area
Composting facility, commercial	1 per 2 employees + 1 per acre
Contractor's yard or shop	1 per 1,000 square feet of gross floor area



Crematory	1 per 8 seats in chapel
Day care facility	1 per 2 employees
Day care home, group	1 per 2 employees
Drug and alcohol treatment facility	1 per 2 beds + 1 per 2 employees
Duplex or single family attached dwelling	1 per dwelling unit
Dwelling, additional farm	1 per dwelling unit
Dwelling, caretaker for an approved use	1 per dwelling unit
Dwelling, secondary attached or detached	1 per dwelling
Dwelling, single family detached	1 per dwelling unit
Explosive manufacturing	1 per 1,000 square feet of gross floor area
Explosive storage	1 per 2 employees
Farm, garden, lumber, or building supply store	1 per 1,200 square feet of gross floor area
Flammable substance storage	1 per 2 employees
Foster home, group	1 per 2 employees
Foundry	1 per 1,000 square feet of gross floor area
Freight or truck terminal	1 per 1,000 square feet of gross floor area
Golf course	2 per hole
Golf course country club	1 per 200 square feet of gross floor area
Grain elevator	1 per 2 employees
Heavy equipment sales	1 per 1,200 square feet of gross floor area
Heavy equipment service	1 per service bay

Home occupation	1 per 2 employees other than the dwelling residents
Hospital	1 per bed
Hotel or motel	1 per 2 sleeping rooms
Junk yard or automobile wrecking yard	1 per 2 employees
Seasonal farmworker housing	1 per 2 sleeping rooms if dormitory style 1 per 2 dwelling units if campground style
Laundromat	1 per 500 square feet of gross floor area
Laundry or linen supply	1 per 1,000 square feet of gross floor area
Livestock confinement facility	1 per 2 employees
Manufacture of electronic or electrical products	1 per 1,000 square feet of gross floor area
Manufacture or processing of hazardous chemicals or gases	1 per 1,000 square feet of gross floor area
Manufactured home	1 per dwelling
Manufactured home park	1 per space
Manufactured home storage	1 per 2 employees
Manufactured home subdivision or park in a manufactured home district	1 per dwelling
Meat packing facility	1 per 1,000 square feet of gross floor area
Mortuary	1 per 200 square feet of gross floor area
Multi-family development	1 per dwelling unit
Nursery, retail	1 per 1,200 square feet of gross floor area
Nursery, wholesale	1 per 4,000 square feet of gross floor area

Nursing facility, skilled	1 per 8 beds
Office building	1 per 500 square feet of gross floor area
Office, relating to the approved use	1 per 500 square feet of gross floor area
Office, temporary construction	1 per 2 construction employees
Outdoor storage	1 per 2 employees
Package and letter deliver service	1 per 1,000 square feet of gross floor area
Personal, business, or professional service	1 per 500 square feet of gross floor area
Pit, mine, or quarry	1 per 2 employees
Power plant	1 per 1,000 square feet of gross floor area
Processing plant for agricultural or dairy products	1 per 1,000 square feet of gross floor area
Product fabrication, assembly, or packaging	1 per 1,000 square feet of gross floor area
Public or quasi-public use	1 per 600 square feet of gross floor area
publicly owned buildings	1 per 2 employees
public utility and infrastructure facility	1 per 8 fixed seats
public recreation facility (structure)	4 per acre
public recreation facility (open space)	
Race track, vehicle or animal	1 per 8 seats
Radio and television broadcasting station	1 per 500 square feet of gross floor area
Railroad switching yard	1 per 2 employees
Recreational vehicle park	1 per space
Recycling center	1 per 1,000 square feet of gross floor area
Recycling plant	1 per 1,000 square feet of gross floor area

Research and development facility	1 per 1,000 square feet of gross floor area
Residential care facility	1 per 6 beds
Restaurant or eating place	1 per 200 square feet of gross floor area
Retail sales relating to an approved use	1 per 500 square feet of gross floor area
Retail store, durable goods	1 per 1,200 square feet of gross floor area
Retail store, other	1 per 500 square feet of gross floor area
Roadside produce stand	1 per 200 square feet of gross floor area
Sanitary landfill	1 per 2 employees
Sawmill or planning mill	1 per 1,000 square feet of gross floor area
School, public or private	1 per 2 employees + 1 per 12 students
Elementary	1 per 2 employees + 1 per 8 students
middle, junior high, and senior high	
School, vocational or trade	1 per 4 students
Shooting range, indoor or outdoor	1 per target and/or shooting station
Slaughterhouse	1 per 1,000 square feet of gross floor area
Soil or water remediation	1 per 2 employees
Stable or riding school, commercial	1 per 2 stable stalls
Storage facility, self-service	1 per entrance to site
Studio	1 per 500 square feet of gross floor area
Tannery	1 per 1,000 square feet of gross floor area
Temporary living quarters	1 per dwelling unit
Transit facility	1 per 2 employees

Truck stop	1 per 500 square feet of gross floor area
Vehicle impound yard	1 per 2 employees + 1 per 4 acres
Warehouse	1 per 4,000 square feet of gross floor area
Winery	1 per 1,000 square feet of gross floor area

**10-4D-7 Off-Street Loading Space Requirements**

- A. Any structure having a gross floor area of 5,000 square feet or more, to be occupied by a commercial or industrial use, shall be required to provide and maintain at least one off-street loading space. One additional off-street loading space shall be required for each subsequent 20,000 square feet of gross floor area (e.g., 25,000 square feet, 45,000 square feet, etc.)
- B. Each loading space shall be not less than 10 feet in width and 30 feet in length and shall have 14 feet of vertical clearance.
- C. Parking and loading areas shall be designed so vehicles shall not back out into the street.
- D. No off-street loading space shall be located closer than 50 feet to an abutting rural or residential zone unless wholly enclosed within a structure. No off-street loading space shall face an abutting residential zone.
- E. Any off-street loading space located within 50 feet of a residential zone shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

**Article E Lighting Standards**

**10-4E-1 Purpose**

The purpose of this Article is to provide standards on the types, construction, installation, and uses of outdoor lighting to conserve energy, regulate glare, prevent the creation of a nuisance, and enhance nighttime enjoyment of properties in Hooper City without decreasing safety, utility, or security.

**10-4E-2 Applicability**

- A. The requirements of this Article shall apply to the following uses and activities:
  - 1. Any proposed development.
  - 2. Any stationary outdoor lighting in common areas of a subdivision.
  - 3. Installation, change, upgrade, expansion, or enlargement of existing outdoor lighting.

**10-4E-3 Exempt**

- A. The following types of lighting are exempt from the regulations of this Article:
1. Light fixtures that have a maximum output of less than 260 lumens.
  2. All outdoor lighting produced by the direct combustion of natural gas or other fossil fuels such as kerosene lanterns or gas lamps.
  3. Temporary holiday lighting used for 40 days or less per year.
  4. Vehicular lights and all temporary emergency lighting needed for fire protection, police protection, and/or other emergency services.
  5. All hazard warning lights required by Federal or State regulatory agencies.

**10-4E-4 Prohibited**

- A. The installation of any of the following types of lighting are prohibited:
1. Laser source light or any similar high intensity light when projected above the horizontal.
  2. Changing colors, moving lights, or searchlights (for advertising purposes) are prohibited in all zones, except where approved for temporary uses.
  3. Lighting, including holiday lighting, on commercial or private tower structures that exceed the zone height limit is prohibited except as required by regulations of the Federal Aviation Administration (FAA).

**10-4E-5 Process**

The lighting plan shall show the location, orientation, and height of all proposed exterior light fixtures, both attached and detached (including those that may be exempt from the regulations of this Article). The lighting plan shall also detail the type and extent of shielding including cut-off angles and the type of illumination including the watts, luminous area, and photometric test report for each light source.

**10-4E-6 Standards**

- A. Light fixtures that have a maximum output of 260 lumens or more shall have an opaque top to prevent up-lighting.
- B. Light fixtures that have a maximum output of 1,000 lumens or more per fixture shall have an opaque top to prevent up-lighting and the bulb shall not be visible.
- C. Light fixtures that have a maximum output of 1,800 lumens or more shall have a full cut-off shield as herein defined. HCC 10-1A-1.
- D. Flood light fixtures shall be located in such a manner as to prevent direct glare into a roadway and to minimize impact on abutting properties.
  1. Flood light fixtures shall be set to only go on when triggered by activity on the property

(sensor activated) and to go off within 5 minutes after activation has ceased.

2. Flood light fixtures shall be installed so that they do not tilt more than 45 degrees from vertical.
- E. Up-lighting shall only be allowed in cases where the fixture and any light it emits are shielded from the sky by a roof overhang or similar structural shield.
- F. Display lighting shall be turned off within 30 minutes after close of business and shall remain off until sunrise or the opening of the business on the following day, whichever comes first. There are no time restrictions regarding security lighting.
- G. Installed height of fixture.
1. The height of a freestanding light fixture shall not exceed 25 feet or the height of the principal permitted structure, whichever is less. Light fixtures mounted on a wall may extend to the full height of the structure, but no further.
  2. The following standards shall apply to flood light fixtures with a maximum output of 900 lumens or more and other light fixtures that have a maximum output of 1,800 lumens or more. Street lights installed by the Hooper City Highway District or Utah Department of Transportation shall be exempt from these standards.
    - i. Within a commercial or industrial base zone, the effective zone of light (as documented by the photometric test report) shall not trespass on abutting residential properties.
    - ii. Within a rural or residential base zone, the allowed height shall be determined by the setback from the property line as set forth in Table 10-4E-1.

*Table 10-4E-1: Height of Light Fixtures Based on Setback*

<b>Height of pole</b>	<b>Setback from property line</b>	<b>Height of Pole</b>	<b>Setback from property line</b>
1 foot to 3 feet	0 feet	15 feet	36 feet
4 feet	3 feet	16 feet	39 feet
5 feet	6 feet	17 feet	42 feet
6 feet	9 feet	18 feet	45 feet
7 feet	12 feet	19 feet	48 feet
8 feet	15 feet	20 feet	51 feet

9 feet	18 feet	21 feet	54 feet
10 feet	21 feet	22 feet	57 feet
11 feet	24 feet	23 feet	60 feet
12 feet	27 feet	24 feet	63 feet
13 feet	30 feet	25 feet	66 feet
14 feet	33 feet		

Note: Table is based on the formula  $H(\text{height})=3+D(\text{setback distance})/3$ .

- iii. Electrical feeds to outdoor light fixtures shall be underground, not overhead.
- iv. Neon illumination shall be prohibited in the rural base zones.

**10-4E-7 Required Finding**

In order to approve the application, the Planning Commission and City Council shall find that the proposed lighting plan complies with the standards listed in HCC 10-4E-6.

**Article F Sign Regulations**

**10-4F-1 Purpose**

The purpose of this Article is to control and regulate the erection and maintenance of signs in the City of Hooper, in the interest of public safety, by: providing maximum visibility along highways, assuring unobstructed view at connecting roads and intersections, and preventing undue distraction of operators of motor vehicles, preventing confusion with respect to traffic lights, signs, or signals.

**10-4F-2 Applicability**

- A. The following standards shall apply to signs that are installed, constructed, painted, or altered after the effective date of this Title.
  - 1. Signs requiring building permits.
  - 2. Signs requiring administrative approval: Unless otherwise noted as exempt in this Article, any sign greater than 64 square feet shall require administrative approval prior to construction and/or placement.

**10-4F-3 Exempt**

- A. The following types of signs, when not illuminated, do not require permits.
  - 1. Directional or informational signs bearing no advertising message located within a parcel, and signs not exceeding 4 square feet in area erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways and



similar features or facilities.

2. Memorial signs or tablets and names of buildings and dates of erection when cut into the surface or facade of the building.
3. Traffic or other City signs, signs required to be mentioned by law, railroad crossing signs, legal notices and such temporary emergency or non-advertising signs as may be authorized by the City Council.
4. Signs placed by a public utility showing the location of underground facilities.
5. Any sign which is visible only from the parcel on which it is located.

#### **10-4F-4 Prohibited Signs**

- A. No sign or sign structure, other than approved County, City, and highway signs shall be placed upon any street or highway right-of-way.
- B. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display.

#### **10-4F-5 Definitions - Sign Regulations**

For the purposes of this Article, the following definitions shall apply in addition to those in HCC 10-1A-1.

**BILLBOARD:** Any sign upon which advertising matter is posted and/or pasted thereon.

**BLANKETING:** The term blanket or blanketing, when applied to signs or sign structures shall mean the partial or complete shutting off of the face of one sign by another sign.

**BUILDING FACE:** The wall of a building fronting on a street, excluding any appurtenances, such as columns, pilasters, canopies, marquees, showcases or decorations, but including the parapet wall.

**SIGN, COMBINATION:** A sign incorporating any combination of the features of projecting, roof and freestanding signs.

**SIGN, HOME:** An accessory sign or nameplate announcing the names of the occupants or owners of the premises or the name of the home occupation conducted thereon.

**SIGN, NON-ACCESSORY, OFF-PREMISE:** Any sign which directs attention to the use, name, business, commodity, service or entertainment conducted, sold, or offered elsewhere than in the premises and only incidentally on the premises if at all.

**SIGN, PARKING LOT:** An accessory or on-premise sign erected for identifying and informing the public of parking lot areas open to the public and of operational procedures in connection therewith.

**SIGN, POLITICAL:** For the purpose of this ordinance, a temporary sign used in connection with a local, county, state, or national election, or referendum, or other matter requiring a public vote.

SIGN, PROJECT: An on-premise sign identifying a project proposed or under construction, and may include the nature of the project, the name of the owners, developers, contractors or other participants involved in the construction of the buildings or the development of the grounds or project.

SIGN, PROPERTY: An on-premise sign erected for the purpose of advertising the availability of the property for sale, lease or rent; or may include a private or public announcement or the announcement of danger or warning in connection with said premises.

SIGN, PUBLIC: An accessory sign erected for the purpose of identification of the buildings, or involved institutions, and may include the dissemination of information in connection with the program, policy or operation of public or semi-public institutions owning or occupying subject premises, such as schools, churches, hospitals, quasi-public bodies, clubs, lodges, clinics, professional and executive offices, or information in connection with the property of general interest to the public.

SIGN, PUBLIC GATHERING: An accessory sign erected to identify boarding houses, multi-family developments, skilled nursing facilities, and/or day care facilities.

SIGN, SUBDIVISION: An on-premise sign erected for the purpose of identifying the boundaries of the subdivision and may include promotional information relating to the proposed subdivision.

#### **10-4F-6 General Regulations**

- A. Permitted roof signs or sign structures that extend beyond or overhang any exterior wall of the building upon which secured shall require conditional use approval or as specified herein.
- B. Where permitted, no more than one projecting sign structure shall be allowed for each grade level use on each street frontage, plus one additional projecting sign for each 150 feet of street frontage devoted to a single use.
- C. No sign or sign structure shall be placed on private or public property without the written consent of the owners, or agents thereof.
- D. Any sign or sign structure located on a property within a commercial base zone which is adjacent to a residential base zone, shall be set back so as to meet the side, rear, and front yard setback requirements of said adjoining residential base zone, if such residential setback requirements exceed those of the commercial zone.
  1. In any event, no sign background area facing the side or rear property line of an abutting residential base zone shall be located within 50 feet of such side or rear property line.
  2. Flashing and/or animated signs shall be prohibited within 300 feet of any property within a residential base zone.
- E. If the adjacent street grade to which the sign is oriented is more than 10 feet greater than the grade elevation at the base of the sign structure, the adjacent street grade may be used in determining the permitted height. This provision shall apply to all freestanding sign structures.

- F. Signs or sign structures erected or to be erected for a nonconforming use shall not be enlarged, altered, located or otherwise provided, other than permitted in this Article or by HCC 10-1B-5.
- G. Signs at railroad and street intersections shall not be permitted in the clear vision triangle as herein defined.
- H. For the purpose of preventing the blanketing of one sign by another, the following provisions regulating the size of a sign and its location shall govern:
  - 1. No projecting sign shall be erected in the same horizontal plane with other projecting signs unless the sizes are spaced as set forth in Table 10-4F-1, measured center to center:

*Table 10-4F-1: Overlap of Projecting Signs and Required Spacing*

<b>Overlap of Projecting Signs</b>	<b>Spacing between Signs</b>
3 feet or less	10 feet
Greater than 3 feet to 4 feet	20 feet
Greater than 4 feet to 6 feet	25 feet
Greater than 6 feet	30 feet

- 2. Any projecting sign erected at a shorter distance than required above shall be erected above the top edge or below the bottom edge of the blanketed sign.
- I. For the purposes of this Article, distance for the purpose of establishing location shall refer to the linear distance in either direction on the street to which the sign faces only.
- J. Illumination of signs shall be subject to the regulations in HCC 10-4E.
- K. Unless otherwise specified in this Article, signs shall have a minimum setback of 5 feet from any property line.
- L. An application for any sign for which no regulation in this Title is applicable shall be considered by the Commission under the conditional use procedure as outlined in HCC 10-5, and such application shall be approved or denied in accord with the intent of these regulations.

**10-4F-7 Business Signs**

- A. Business with frontage on two or more streets:
  - 1. The proposed development shall be allowed its quota of signs on each of the streets.
  - 2. Where a business located on a corner is allowed a freestanding sign, it may have either

one such freestanding sign designed to be read from both intersecting streets or two freestanding signs where each sign is designed to be read from only one of the intersecting streets.

- B. Properties with more than a single use in a commercial or industrial base zone shall be allowed building business signs that identify the shopping center or industrial park as set forth in Table 10-4F-2 and as follows.

*Table 10-4F-2: Building Signs for Shopping Center or Industrial Park Sign Standards for Properties with More than a Single Use*

<b>Building Sign Standards</b>	<b>C1 Base Zone</b>	<b>C2 and C3 Base Zone</b>	<b>Industrial Base Zone</b>
Maximum Sign area	200 square feet	315 square feet	315 square feet
Maximum height, sign background area	35 feet	55 feet	55 feet
Maximum height, sign structure	45 feet	70 feet	70 feet

- A. Building signs shall meet the following standards:
  - 1. The maximum area of animated signs shall be 20 percent of the sign area, except in the LO and C1 zone where the maximum area shall be 10 percent of the sign area.
  - 2. Direct, internal and/or neon illumination shall be allowed, except for roof signs where no illumination is allowed.
  - 3. The maximum area of projecting signs is 10 percent of the building face. The maximum height of projecting signs shall be 20 feet above grade or 4 feet above eaves or the parapet, whichever is less.
  - 4. Roof signs are allowed by conditional use permit only. The lower and upper edges of roof signs shall be within 4 feet and 8 feet above the eaves of the building on which it is placed.
- B. In lieu of building signs as set forth above, one freestanding sign shall be permitted on each street frontage.
  - 1. Maximum area shall be 50 square feet for each street frontage or 1 square-foot of sign area for each linear foot of property fronting a street, whichever is greater.
  - 2. Maximum height shall be 25 feet.

3. Direct, internal, or neon illumination shall be allowed.
  4. 10 percent of the sign area may be animated.
  5. No freestanding signs shall be closer to an abutting property line than a distance equal to 20 percent of the width or length of the property upon which the sign is located.
- C. A combination of a building signs and a freestanding sign may be used, provided all signs are reduced by 50 percent in sign area.
- D. Signs in a LO or C1 base zone shall not be closer than 100 feet from any property in a residential zone.
- E. Signs in other commercial or industrial base zones shall not be closer than 200 feet from any property in a residential base zone.
- F. Establishments within a property that has more than one use in a commercial or industrial base zone shall be allowed one or more building signs for each establishment as set forth below:
1. The maximum area shall be 25 percent of the building face.
  2. Maximum height shall be 20 feet above grade or 4 feet above the eaves or parapet, whichever is less.
  3. Direct, internal, or neon illumination shall be allowed.
  4. 10 percent of the sign area may be animated. No revolving signs shall be allowed.
  5. Establishments above grade level shall be permitted to have business signs as outlined in this paragraph, except that the area for such signs shall be reduced by 50 percent.
- G. Business signs for properties with a single use in a commercial or industrial base zone shall be allowed one or more building signs as set forth below:
1. The maximum sign area shall be based on the building face to which the sign is attached.
    - i. Maximum area for wall signs shall be 40 percent.
    - ii. Maximum area for projecting signs and canopy signs shall be 15 percent.
  2. Maximum height shall be 30 feet.
  3. Direct, internal, or neon illumination shall be allowed.
  4. Animation may not exceed 20 percent of the proposed sign area.
  5. In lieu of building signs as set forth in this paragraph, one freestanding sign is permitted on each street frontage for any property:
    - i. Maximum area shall be 65 square feet for each street frontage or 1.5 square-foot

of sign area for each linear foot of property fronting a street, whichever is greater.

- ii. Maximum height shall be 40 feet.
  - iii. Direct, internal, or neon illumination shall be allowed.
  - iv. 20 percent of the sign area may be animated.
  - v. No freestanding signs shall be closer to an abutting property line than a distance equal to 20 percent of the width or length of the property upon which the sign is located.
6. A combination of a building sign and a freestanding sign may be used, provided all signs are reduced by 50 percent in sign area and the height to the top of the freestanding sign does not exceed 30 feet.

#### **10-4F-8 Home Signs**

Accessory nameplate and home occupation signs are permitted and classified as an accessory use in all base zones and do not require a permit.

- A. One accessory nameplate and home occupation sign or combination thereof is permitted for each dwelling.
- B. The erection of such signs are subject to the following design standards:
- C. Each sign, including combination signs, shall not exceed 2 square feet in area and may be illuminated by internal illumination only.
- D. Home occupation signs must be attached flatly to the building not to exceed the height of the eaves line.

#### **10-4F-9 Project Signs**

One or more project signs for contractors or other participants in construction of buildings or development of grounds are allowed as a temporary use during the term of construction.

The total area and height of all such signs shall not exceed 64 square feet in area or 12 feet in height.

#### **10-4F-10 Property Signs**

Temporary information signs used for the purpose of advertising premises for sale, lease, or rent, or as a warning or danger or trespass notice pertinent to premises upon which a sign is located are allowed in all zones.

The maximum area shall be 64 square feet and the maximum height shall be 10 feet.

#### **10-4F-11 Public Signs**

Informational signs for public and semi-public buildings including churches, clinics, clubs, hospitals, lodges, professional and executive offices and like uses are allowed for each property,

in all zones.

- A. Maximum area shall be 64 square feet and maximum height shall be 12 feet.
- B. One directory informational sign is allowed for each property; provided, however, that such sign may not exceed 24 square feet in area.
- C. Freestanding signs shall not revolve and/or flash.
- D. No roof signs shall be allowed.
- E. Public signs may have direct, internal, or neon illumination.

**10-4F-12 Subdivision Signs**

Identification and informational signs for subdivision sales offices and model homes in all residential, commercial and industrial zones are allowed as a temporary use in accord with the following standards:

- A. Maximum sign area shall be 64 square feet and maximum height shall be 15 feet.
- B. Signs may have internal illumination.
- C. No roof signs shall be allowed.
- D. All signs shall be stationary.
- E. Banners, flags, pennants and similar displays are allowed as temporary signs.

**10-4F-13 Non-Accessory, Off-Premise Signs**

- A. *Applicability:* Non-accessory, off-premise signs shall be allowed as follows:
  - 1. Conditional use in the C2, M1, and M2 zones.
  - 2. Prohibited use in all other zones.
  - 3. *Allowed number of signs:*
  - 4. Any property eligible for a non-accessory, off-premise sign shall be allowed a maximum of one such sign.
  - 5. There shall be a minimum of 600 feet between any two non-accessory, off-premise signs.
  - 6. *General standards:* The following general requirements shall apply to all non-accessory, off-premise signs:
    - 7. Non-accessory, off-premise signs shall not project over public property.
    - 8. All visible portions of signs must be kept in good repair.
    - 9. Animated and/or revolving signs are prohibited in all other base zones.

10. Roof signs are prohibited in all zones.
11. Direct, internal, or neon illumination shall be allowed.

B. *Construction and Location Standards:*

1. The maximum area for non-accessory, off-premise signs shall be 75 square feet and maximum height shall be 20 feet.
2. Cutouts securely affixed to non-accessory, off-premise signs shall be allowed, but shall project not more than 8 feet above, not more than 4 feet below, and not more than 2 feet on either side of the sign to which they are attached. The display surface area of cutout projections beyond the borders of such signs shall not exceed one-third of the area of the sign to which they are attached.
3. All freestanding signs shall be completely freestanding and without back bracing.
4. Signs shall have a minimum setback of 15 feet from any property line.

**10-4F-14 Temporary Signs**

Those signs herein designated as being temporary signs shall be completely removed by the owner of the sign or by the owner of the property upon which the sign is located at the expiration of the time for which the sign was permitted.

**10-4F-15 Nonconforming Signs**

Nonconforming signs shall be deemed to be a nonconforming use and/or structure (as applicable) and may be continued subject to the standards set forth in HCC 10-1B.

**10-4F-16 Political Signs**

Political and Campaign Signs shall meet the following requirements:

- A. *Posting on public right-of-way.* Signs shall be allowed in the park strip where available and within 10 feet of the edge of the asphalt otherwise, as long as permission is obtained from the adjoining property owner.
- B. Prior to posting of any campaign signs the candidate, a representative of the candidate or representative of the campaign shall provide to the City the name and number of a contact person for the candidate or campaign.
- C. *Posting time limits:* Campaign signs may not be placed more than sixty (60) days prior to the election for which the sign is posted, and campaign signs must be removed within five (5) days after the election for which the sign was posted. If there are more than sixty five (65) days between the primary and general election campaign signs must be taken down.
- D. *Limitation of number of campaign signs on a lot:* No limit is established.
- E. *Limitation of size of campaign signs:* On any lot in any zone the maximum size of any



one sign shall not be greater than thirty two (32) square feet. The maximum height of any part of the sign may not exceed six (6) feet. The maximum size of any sign in the public right of way as allowed in paragraph A is eighteen (18) inches by twenty-four (24) inches.

#### **10-4F-17 Enforcement**

- A. *Removal of illegal signs:* The City or its authorized agents are authorized to remove any sign found posted within the corporate limits of the City when such sign is in violation of the provisions of this article. The City or its authorized agents are empowered to take all steps necessary to remove unauthorized signs including but not limited to securing legal process to ensure that all such signs shall be expeditiously removed from any property where improperly posted.
- B. *Notice:* Upon discovery, the City or its authorized agents shall immediately notify by telephone the entity or person responsible for the posting of any sign in violation of this article, indicating the location of the sign and that the sign must be removed immediately. If the address or phone number of the person responsible for the violating sign is not known the sign shall be removed under the provisions as set forth in paragraph A.
- C. *Storage and return:* Any sign not removed within a reasonable time after notice has been given under paragraph B, shall be removed, and a record kept of the location from which the sign was removed. The City shall store the sign in a safe location for at least thirty (30) days or until after the election, for which the sign was posted, whichever occurs first.
- D. *Clear View Triangle:* No sign, over two feet high, shall be located in the clear view triangle located on corner lots. Signs located within the clear view triangle may be removed under paragraph A without prior notice as required by paragraph B if determined to be a safety hazard.
- E. *Public Property:* Privately owned, political and campaign signs shall not be placed on public property.
- F. *Illegal signs, public nuisance:* Signs in violation of this section are hereby declared to be public nuisances, and may be abated as such by the City
- G. Any the provisions of this article shall be an infraction.

#### **Article G Swimming Pools And Sport Courts**

##### **10-4G-1 Swimming Pools (Private)**

Swimming pools shall be allowed in any zone as an accessory use and must comply with the following conditions and requirements:

- A. It is an accessory use to a main building and is located within the side or rear yard thereof.

- B. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principle use of the property on which it is located.
- C. It may not be located closer than four (4) feet to any property line of the property on which it is located and not be less than fifteen (15) feet from any property line of any adjacent vacant lot.
- D. It shall not be less than twenty (20) feet from any neighbors dwelling and not less than fifteen (15) feet from any neighbor's non livable area of their dwelling which includes, but is not limited to, the garage, carport or storage areas.
- E. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six (6) feet. The fence shall be constructed to limit any individual from accessing the pool area. The fence shall comply with all building codes. All gates on said fences shall be self closing and fitted with a self-latching device located on the interior side of the gate.
- F. Where a swimming pool is completely enclosed in a building, the location requirements for accessory and main buildings shall apply
- G. It shall not be located within three (3) feet of a sewer line, ten (10) feet of a septic tank, and twenty five (25) feet of a sewage disposal drain field.
- H. Any above ground pool lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five (5) feet high, along the neighboring property line.

**10-4G-2 Sports Court (Private)**

- A. A sport court shall be allowed in any zone as an accessory use and must comply with the following conditions and requirements.
  - 1. It is an accessory use to a main building and is located within the side or rear property thereof.
  - 2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principle use of the property of which it is located.
  - 3. It may not be located closer than four (4) feet to any property line of the property on which it is located or twenty-five (25) feet from any property line of any adjacent vacant lot.
  - 4. It shall not be less than thirty (30) feet from any neighbors dwelling and not less than twenty five (25) feet from any neighbor's non livable area of their dwelling which includes, but is not limited to, the garage, carport or storage areas.
- B. Any court lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five (5) feet high along the neighboring property line.

## **CHAPTER 5 ADMINISTRATION**

### **10-5-1 Purpose**

#### **10-5-1 Purpose**

To provide for the efficient and fair administration and enforcement of this Title.

### **10-5-2 Permits**

#### **10-5-2 Permits**

- A. No construction or alteration of any building over 200 square feet shall commence until the City has issued a permit. A land use review or sketch review shall be obtained prior to the construction of any accessory building or structure for which a building permit is not required as set forth in HCC 10-2B-6. No excavation shall commence in the City right of way without the prior issuance of an excavation permit.
- B. No permit shall be issued for any use on a property in violation of this Title or on a property that contains structures or uses in violation of this Title. Any permit secured in violation of a State or Federal law shall be invalid.
- C. The permit shall be invalid upon violation of any regulations of this Title on the subject property.
- D. Permits issued in conjunction with a proposed use shall expire if said use has not commenced within 1 year of the date of issuance of the permit.
- E. Permits issued in conjunction with construction or alteration of a structure shall expire if said construction or alteration has not commenced within 1 year of the date of issuance of the permit.
- F. The permit may require inspections and approvals specified in the approval of the application.
- G. If the City determines the conditions of the permit have been violated, the City may require that all further work stop on a project until the violation has been remedied.

### **10-5-3 Jurisdiction And Authority**

#### **10-5-3 Jurisdiction And Authority**

- A. *Planning and Zoning Commission:*
  1. The Commission shall have jurisdiction and authority as set out in HCC 10-5B and shall:
    - a. Provide for citizen meetings, hearings, surveys, or other methods to obtain advice on the planning process, General Plan, and implementation;
    - b. Conduct informational meetings and consult with public officials and agencies, public utility companies, and civic, educational, professional, or other organizations;

- c. Promote a public interest in and understanding of the Commission's activities;
  - d. Make recommendations to the City Council concerning the General Plan, planning process, or implementation of the General Plan; and
  - e. Enter upon any property at reasonable times to make examinations and surveys.
2. The Commission shall have the authority to act on the following applications, which require transmittals to agencies, notice to the public, and a public hearing before the Commission:
- a. Conditional Use
  - b. Subdivision Applications for 1-2 Family Residential Use
3. The Commission shall have the authority to make a recommendation to the City Council on the following applications or petitions, all of which shall require transmittals to agencies and cities, notice to the public, and a public hearing before the Commission:
- a. Annexation
  - b. Amendment to the General Plan (Text of Map)
  - c. Amendment to the Zoning Ordinance (Text or Map)
- B. *Hearing Officer and Appeal Authority:*
1. The following shall have jurisdiction and authority to hear and decide the issues below, as further set out in HCC 10-5C, all of which shall be decided at a public meeting:
- a. appeals from zoning decisions applying the zoning and subdivision ordinance shall be heard by the City Council if the initial decision was made by the Planning Commission and by the Hearing Officer if the initial decision was made by the City Council;
  - b. special exceptions to the terms of the zoning ordinance shall be heard by the City Council if the Initial Decision was made by the Planning Commission and by the Hearing Officer if the initial decision was made by the City Council;
  - c. variances from the terms of the zoning ordinance shall be heard by the Hearing Officer;
- C. *City Council:*
1. The City Council shall have the authority to act on the following applications and petitions, all of which shall require a recommendation from the Commission, transmittals to agencies and cities, notice to the public, and public hearing:
- a. Annexation
  - b. Amendment to the General Plan (Text or Map)

- c. Amendment to the Zoning Ordinance (Text or Map)

**10-5-4 Zoning Ordinance Amendments**

*D. Technical Review Committee:*

1. Establishment: A technical review committee (hereinafter the "TRC") may be established and created by the City Planner.
2. Purpose: The purpose of the TRC is to ensure that a proposed use, activity, building, or any other component of a subdivision or other land use application is consistent with the general plan and complies with the requirements of this title, all other land use ordinances, and all other applicable ordinances and provisions.
3. Membership: The TRC shall consist of persons representing City departments, and other persons as may be designated by the ~~City Recorder~~ City Planner, responsible for reviewing and coordinating applications for any land use application approval, permit or license, including but not limited to: City Attorney, City Planner, Planning Chair or his/her representative, City Engineer, and Public Works Director.
4. Powers And Duties: The TRC shall act under the direction of the ~~City Recorder~~ City Planner and shall have the following duties and responsibilities:
  - a. Before a land use authority considers any application, the TRC may review the application to determine its consistency with the General Plan and compliance with all applicable ordinances.
  - b. The TRC may provide a report identifying the consistency with the general plan and compliance with all applicable ordinances for any application for any approval, permit or license, prior to a decision by a land use authority.
  - c. The TRC may present findings for consideration by the land use authority reviewing and considering any application.
  - d. The TRC may establish procedures for the preparation and conduct of TRC meetings, the scheduling of meetings, and the conduct of meetings and field trips, such procedures being reviewed and approved by the City Planner before taking effect.

**10-5-4 Zoning Ordinance Amendments**

- A. Process for Changing Zoning and/or The Future Land Use Map portion of the General Plan:*
1. All proposed changes in zoning initiated by the City Council, Planning Commission or property owner shall follow the notice and public hearing procedures in HCC 10-SA and Utah Code 10-9a Part 2 notice.

2. Proposals for changing property zoning may be initiated by the Property Owner by submitting an application and fees, as set forth in HCC 10-5A, to the City office on forms provided by the City.
3. All proposed changes in zoning shall first come before the Planning Commission for consideration and a recommendation of approval or denial to the City Council.
  - a. If the proposed change in Zoning differs from the Future Land Use Map, the planning Commission shall make a recommendation to the City Council as to whether or not the future Land Use Map portion of the General Plan shall be opened for the proposed amendment. The Planning Commission recommendation will be submitted to be considered by the City Council following public notice hearing requirements.
    1. If accepted, the City Council will open, modify, and close the Future Land Use Map portion of the General Plan in one meeting.
    2. If the petition is denied by the City Council, the landowner may again apply for the same change no sooner than twelve months from their original Planning Commission meeting.
4. The City Council shall apply the standards listed in paragraph B and the required findings listed in paragraph C to review the zoning and/or land use map amendment.
5. For the general health, safety, welfare or the public, or to comply with State Law, the City Council reserves the right to open and make changes to the General Plan and/or Future Land Use Map portion of the General Plan at any time, following the same procedural process as outlined above in HCC 10-5-4 (A)(1) and HCC 10-5-4 (A)(3).
- B. *Standards:* For zoning ordinance map amendments, the subject property(ies) shall meet the minimum dimensional standards of the proposed base zone, otherwise the property(ies) shall not be eligible for rezone.
- C. *Required Findings:* Upon recommendation from the Commission, the City Council shall make a full investigation and shall, at the public meeting, review the application. In order to grant a map or text amendment to the zoning ordinance, the City Council shall make the following findings:
  1. The zoning amendment complies with the General Plan;
  2. The zoning amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement;
  3. The zoning amendment shall not be materially detrimental to the public health, safety, and welfare; and
  4. The zoning amendment shall not result in an adverse impact upon the delivery of services by any service provider providing public services within the city including, but not limited to, school districts, fire districts, water or sewer districts, or utilities.

10-5-5 Variances

### 10-5-5 Variances

#### A. *Process:*

1. The applicant for a variance shall submit a fee and an application in writing to the City. Such application shall be submitted to the City on forms provided by the City and shall describe the variance requested, and present all applicable information regarding measurements and uses and, in particular, shall state how each of the requirements for a variance are met.
2. The Hearing Officer shall apply the standard listed in paragraph B and the required findings listed in paragraph C to review the variance.

#### B. *Standard:* The variance shall comply with HCC 10-5C-4 paragraph D.

#### C. *Required Findings:* In order to grant a variance, the Hearing Officer shall make the following findings consistent with HCC 10-5C-4 paragraph D:

1. The variance will not be contrary to the public interest.
2. Owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and difficulties.
3. The spirit of the ordinance shall be observed.
4. Substantial justice shall be done.
5. The variance will not substantially affect the General Plan of zoning in the city.
6. Special circumstances are attached to the property covered by the application which does not generally apply to the other property in the same zone.
7. Because of special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Variances shall not be used to circumvent the provisions of the ordinance, or to grant benefits and advantages generally denied by the ordinance.

### 10-5-5.5 Conditional Use Permits

#### 10-5-5.5 Conditional Use Permits

#### A. *Purpose:* The purpose of this ordinance is to outline the standards the Planning Commission will follow when considering a conditional use application, as allowed under HCC 10-2, and to outline the circumstances that will cause a conditional use permit to expire.

#### B. *Standard for Granting or Denying a Conditional Use Permit:*

1. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable city standards, including but not limited to, the health, safety, and general welfare of the population of Hooper City.

2. The Planning Commission may establish lists of standard conditions that will apply universally to certain land uses.
  3. If the reasonably anticipated detrimental effect of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable city standards, the conditional use may be denied.
- C. *Expiration of a Conditional Use Permit:* A conditional use permit granted by the City of Hooper shall expire as follows:
1. If there is no substantial action to carry out the purpose of the conditional use permit as determined by the planning commission within one year of its issuance. The planning commission may grant a maximum extension, upon request, of up to twelve (12) months under exceptional circumstances; or
  2. If a permitted use or a different conditional use replaces the use allowed under the permit; or
  3. If the conditional use is discontinued for a continuous period of one year. The Planning Commission may grant an extension, upon request, of up to five (5) years under exceptional circumstances.
- D. *New Permit Required:* Once the conditional use permit has expired, a new conditional use permit shall be required in order to occupy the site for that use.

**10-5-6 Time Extension**

**10-5-6 Time Extension**

An application for a time extension shall be reviewed by the City. The time extension shall commence from the date of expiration of the previous approval, except in the case of an appeal of a City Council approval, when the time extension shall commence from the final resolution of such appeal.

A. *Process:*

1. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
  - a. The application shall include a written request indicating the need for a time extension.
  - b. The application shall be filed at least 30 days prior to expiration date of the original approval.
2. At the discretion of the City, other agencies may be notified of the time extension request in order to solicit their comments and recommendations for consideration.
3. The City shall apply the standards listed in paragraph B and the findings listed in paragraph C to review the time extension. The City may impose additional conditions in an approval of a time extension for an approved development (excluding final plats).



B. *Standards:*

1. The applicant or owner for an approved development (excluding final plats) may apply for one (and only one) time extension for a period not to exceed one year.
  2. The applicant or owner for an approved final plat may apply for one (and only one) time extension for each phase of the final plat. The time extension shall be for a period not to exceed one year.
- C. *Required Findings:* In order to grant a time extension, the City shall make the following findings:
1. The time extension meets the standards listed in paragraph B; and
  2. The applicant and/or owner have adequately justified the need for a time extension.

10-5-7 Appeals

10-5-7 Appeals

- A. Any decision or action may be appealed as set forth in this Chapter. The appellant shall be an adversely affected person or entity.
1. A party aggrieved by a final decision or action within the jurisdiction and authority of the City may appeal to the City Council.
  2. A party aggrieved by a final decision or action within the jurisdiction and authority of the Commission may appeal to the City Council or Hearing Officer.
  3. A party aggrieved by a final decision or action of the City Council may appeal to the Hearing Officer.
  4. A party aggrieved by a final decision or action of the City Council or Hearing Officer may seek judicial review as provided by Utah Code.
- B. Appeal procedures from decisions of the City.
1. Appeals of written decisions shall be filed with the City within 15 days after the date of the written decision of the City, or it shall not be accepted. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
  2. Upon notice of application for appeal, the City shall, within 10 days, transmit to the City Council the original or certified copy of the order, requirement, permit, decision, or determination of the City and any attached conditions thereto.
  3. The City shall schedule and the City Council shall consider the appeal at a public meeting.
  4. At the public meeting, the City Council shall consider the order, requirement, permit, decision, or determination of the City, and any attached conditions thereto. The City Council shall also consider any additional evidence that may be offered by limited in its review to the public, applicant, and application materials that were initially approved or City denied.

5. The City Council may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted.
- C. Appeal procedures from decisions of the Commission.
1. Appeals of written decisions shall be filed with the City within 15 days after the date of the written decision of the Commission, or it shall not be accepted. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
  2. Upon notice of application for appeal, the ~~Commission~~ City Recorder shall, within 10 days, transmit to the City Council or Hearing Officer the original or certified copy of the order, requirement, permit, decision, or determination of the Commission and any attached conditions thereto.
  3. The City shall schedule and the City Council or Hearing Officer shall consider the appeal at a public meeting.
  4. At the public meeting, the City Council or Hearing Officer shall consider the order, requirement, permit, decision, or determination of the Commission, and any attached conditions thereto. The City Council or Hearing Officer shall ~~also consider any additional evidence~~ be limited in its review to the application materials that may be offered by the public, applicant, City, and were initially approved or Commission denied.
  5. The City Council or Hearing Officer may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted.
  6. Appeals from the decision of the City Council shall be made within ten days of the Council decision to the Hearing Officer.
  7. Further appeals from the decision of the Hearing Officer may be taken pursuant to the provisions of Utah Code § 10-9a-801.

~~D. Appeals from a decision of the Hearing Officer.~~

- ~~1. Appeals shall be made as set forth in Utah Code § 10-9a-801.~~

D. Appeal Procedures from Decisions of the Council

1. Appeals of written decisions shall be filed with the City within 15 days after the date of the written decision of the Council, or it shall not be accepted. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
2. Upon notice of application for appeal, the City Recorder shall, within 10 days, transmit to the Hearing Officer the original or certified copy of the order, requirement, permit, decision, or determination of the Council and any attached conditions thereto.

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3. The City shall schedule, and the Hearing officer shall consider the appeal at a public meeting.

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4. At the public meeting, the Hearing Officer shall consider the order, requirement, permit, decision, or determination of the Council, and any attached conditions thereto. The hearing officer shall be limited in its review to the application materials that were initially approved or denied.

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5. The Hearing Officer may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted.

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E. Appeals from a Decision of the Hearing Officer

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1. Appeals shall be made as set forth in Utah Code § 10-9a-801.

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10-5-8 Penalties

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10-5-8 Penalties

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- A. *Violation a Misdemeanor:* Each violation of these regulations shall be a misdemeanor. Each day that work continues after notification of violation shall constitute a separate offense, and each violation shall be punishable as a Class C Misdemeanor by imprisonment in the County jail not exceeding 90 days, or by a fine not exceeding \$750.00, or both, as provided in Utah Code § 10-9-1003.
- B. *Procedure on Violations:* Whenever the City determines that a violation of this Title has occurred, the City shall notify the City Council of such violation and recommend action that should be taken.
- C. In the event any action is taken or any construction commenced in violation of the regulations of this Title, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful action or construction to restrain, correct, or abate such violation, or to prevent any illegal act, conduct, business, or use in or about such premises.

Article A Application Procedures

10-5A-1 Purpose

Article A Application Procedures

10-5A-1 Purpose

The purpose of this Article is to provide procedures for all zoning applications covered by this Title and petitions to amend the General Plan.

10-5A-2 Application Requirements And Fees

### 10-5A-2 Application Requirements And Fees

- A. *Application Requirements:* All persons making application for permits and other matters herein referred to shall be required to submit to the City an application on forms provided by the City and accompanied by an application fee as set forth in HCC 10-5A-2 paragraph D. No application shall be considered as accepted by the City unless it is complete with all required information.
- B. *Date of Application Acceptance:* The date of acceptance of an application shall be the date of the letter sent by the City notifying the applicant that the City has received payment of the required fee and all of the required submittal information pursuant to this Title.
- C. *Hearings:* A public hearing, if required, shall be held no later than 60 days after the date of acceptance of an application.
- D. *Fees:* The City Council shall, by resolution, establish fees for all zoning applications or petitions authorized by this Title, permits, and General Plan amendments.
- E. *Resubmittal:* No application that has been denied by the City Land Use Authority, the Commission, or the City Council shall be resubmitted, in the same form for the same use, within one year from the date of denial. The City Land Use Authority may waive the one-year requirement and accept a new application, where the subject property is affected by amendments to the applicable General Plan ~~or to this Title.~~

### 10-5A-3 Notice Requirements

#### 10-5A-3 Notice Requirements

- 1. The City adopts the notice provisions of Utah Code 10-9a § 201-212, as amended, as it applies to Hooper City.

### 10-5A-4 Conditional Use Notice

#### 10-5A-4 Conditional Use Notice

Notice of public meetings before the Planning Commission to consider conditional use applications and permits listed in paragraph B shall be posted in three public places in the city and on the premise of the application seven days before the meeting. Radius notice shall be given as set out in paragraph A.

- A. *Radius Notice:* At least 7 days prior to the public meeting, the City shall send a notice of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Weber County Recorder) owning property within 600 feet of the property being considered. The City may determine, or other applications provided for in this Title may require, that notices be sent to property owners or purchasers of record whose properties are further than 600 feet from the external boundaries of the property upon which the application is located. Radius notice, as an alternative to mailing, may be given by posting a 4X4 foot or greater sign on the property that is the subject matter of the notice, facing the roadway, 14 calendar days before the public hearing, in a visible location, and printed in a print quality that is

reasonably calculated to give notice to people passing by, and which is visible from roadways adjoining the subject property

- B. The following uses shall require notice to property owners within 600 feet of the property being considered: aircraft landing field (private ownership) airport (public ownership) bar, brewpub, or nightclub explosive manufacturing or storage flammable substance storage foundry junkyard or automobile wrecking yard manufacture or processing of hazardous chemicals or gases meat packing facility pit, mine, or quarry requiring administrative or conditional use approval power plant processing plant for agricultural and dairy products public or quasi public use-public or private correctional facility racetrack, vehicle or animal sanitary landfill, restricted sawmill or planning mill slaughterhouse soil or water remediation tannery tower or antenna structure, commercial vehicle impound yard dog kennel day care/pre-school oversized buildings

10-5A-5 Decision By The City

10-5A-5 Decision By The City

- A. Following the acceptance of an application, the City shall act upon the application within 60 days.
- B. The City may require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties.
- C. The City shall provide the applicant with a written decision stating the reasons for the decision reached. All conditions of approval shall be attached to the written decision.

10-5A-6 Decision By The Commission

10-5A-6 Decision By The Commission

- A. The City shall schedule the application for consideration before the Commission within 60 days after the City accepts an application.
- B. The Commission may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
- C. The ~~City Recorder~~Commission shall provide the applicant with a written decision stating the reasons for the decision or recommendation reached. Conditions of approval shall be attached to the written decision or recommendation. ~~For applications where~~After a decision or recommendation is made by the Planning Commission ~~is acting as a recommending body, PC,~~ the ~~Commission~~recorder shall ~~forward their recommendation to~~file a written report with the City Council.
- D. For applications where a decision or recommendation is ~~required by this Title, the Commission shall file a written report with the Clerk of the City Council~~Recorder made by the Planning Commission, the City Recorder shall file a written report with the City Council stating the findings and action taken by the Commission. Such report shall be filed not later than 10 days after the written decision or recommendation.

10-5A-7 Decision By The City Council

10-5A-7 Decision By The City Council

- A. The City shall schedule a hearing before the City Council within 60 days after the City accepts an application or after the Commission makes a recommendation (if applicable). Prior to the public hearing, public notice shall be provided as set forth in HCC 10-5A-4.
- B. The City Council may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. This regulation shall not apply to applications for General Plan amendments or zoning ordinance amendments.
- C. ~~The City Council shall provide the applicant with written findings stating the reasons for the decision. The City Recorder shall provide the applicant with a written decision made by the City Council. The decision shall include written findings stating the reasons for the decision.~~ Conditions of approval, if any, shall be attached to the written decision.
- D. Following the approval of a General Plan amendment, the City Council shall adopt a resolution adopting the amendment to the General Plan.
- E. Following the approval of a zoning ordinance amendment, the City Council shall adopt the amended ordinance.

Article B Planning And Zoning Commission

10-5B-1 Establishment Of The Planning Commission

Article B Planning And Zoning Commission

10-5B-1 Establishment Of The Planning Commission

Pursuant to the provisions and requirements of the Utah Code § 10-9a-301, Municipal Land Use Development and Management Act, the Hooper City Planning Commission is hereby reestablished.

10-5B-2 Appointment And Terms Of Office

10-5B-2 Appointment And Terms Of Office

- A. The Mayor shall appoint the members of the Commission subject to the approval of the City Council.
- B. The Commission shall consist of 5 members.
- C. Vacancies shall be filled in the same manner as the original appointments.
- D. The term of the members shall be for a four (4) year terms.
- E. A member may be removed from the commission by the City Council for good cause, after a hearing, if a hearing is requested by the member.

HISTORY

Amended by Ord. ~~0-2018-040-2018-04~~ on 10/22/2018

10-5B-3 Organization And Procedures

10-5B-3 Organization And Procedures

- A. The Planning Commission shall elect a chairperson and vice chairperson from its members each year.
- B. The Planning Commission may adopt policies and procedures and bylaws consistent with this ordinance, for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.
- C. The Planning Commission will meet on the second Thursday of each month at a time and place to be scheduled by staff. Special meetings may be scheduled as needed.
- D. Three (3) members of the Commission shall constitute a quorum for the transaction of business.
- E. The City Council shall provide funding, including per diem compensation, for the reasonable and necessary expenses of the Planning Commission and will provide support staff for the Commission as required.

HISTORY

Amended by Ord. ~~0-2018-040-2018-04~~ on 10/22/2018

10-5B-4 Powers And Duties

10-5B-4 Powers And Duties

- A. The Planning Commission shall:
  - 1. Prepare and recommend a general plan and amendments to the general plan to the City Council as provided by Utah law.
  - 2. Recommend land use and zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council as provided by Utah law.
  - 3. Administer the provisions of the zoning ordinance as set out in HCC 10-5-3 paragraph A and elsewhere in the Zoning and Subdivision Ordinance.
  - 4. Recommend subdivision regulations and amendments to those regulations to the City Council as provided by this Title and by Utah law.
  - 5. Recommend approval or denial of subdivision applications as provided by this Title and by Utah law.
  - 6. Approve or deny subdivision applications for 1-2 family residential use as provided by this Title.
  - 7. Advise the City Council on matters as the City Council directs and make recommendations to the Council as provided for by Utah Code § 10-9a-302 and other applicable provisions of the Utah State Code.

8. Hear or decide any matters that the City Council designates, including the approval or denial of conditional use permits as provided by the Utah Code.
9. Exercise any other powers:
  - i. that are necessary to enable it to perform its function;
  - ii. delegated to it by the City Council.

#### Article C Board Of Adjustment

#### 10-5C-1 Establishment Of a Hearing Officer and Appeal Authority Process

#### Article C Hearing Officer

#### 10-5C-1 Establishment Of a Hearing Officer and Appeal Authority Process

Pursuant to the provisions and requirements of the Utah Code § 10-9a-701, Municipal Land Use, Development, and Management Act, a Hearing Officer is hereby established and a clarification of various appeals is made.

#### 10-5C-2 Appointment, Terms Of Office And Vacancies

#### 10-5C-2 Appointment, Terms Of Office And Vacancies

- A. The Hearing Officer shall consist of one Officer and one Alternate Officer.
- B. The Hearing Officer and Alternate Hearing Officer shall have extensive experience as a land use attorney.
- C. The Mayor shall, with the consideration and approval of the City Council, appoint the Hearing Officer and Alternate Hearing Officer for a term of five years.
- D. The Hearing Officer will serve as the appeal authority for variance requests. If the Hearing Officer is unavailable, or if the City Council determines by majority vote that there is a conflict of interest with the Hearing Officer and a particular variance request, then the Alternate Hearing Officer shall serve as the Appeal Authority for the City for that particular request.
- E. With the consideration and approval of the City Council, the Mayor may remove the Hearing Officer and/or Alternate Hearing Officer for cause if written charges are filed against the officer(s) and provided to the Mayor and City Council. The Mayor shall provide the officer(s) with a public hearing if requested by the officer(s).
- F. The Mayor, with the consideration and approval of the City Council, shall fill any vacancy. The person appointed shall serve for the unexpired term of the officer or alternate officer whose office is vacant.

#### 10-5C-3 Appeal Authority, Process, Powers And Duties

#### 10-5C-3 Appeal Authority, Process, Powers And Duties

- A. *Appealing a Land Use Authority's Decision:*



1. The City Council shall hear and decide appeals from Planning Commission decisions applying the land use ordinances as set out in HCC 10-5-3 paragraph B. The Hearing Officer shall hear appeals from the City Council applying land use ordinances.
  - a. The land use applicant, a board or officer of the municipality, or an adversely affected party may, within the applicable time period, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance (State Code 10-91-703).
  - b. Any officer, department, board, or bureau of the City affected by the grant or refusal of a building permit or by any other decision of an administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the City Council. An appeal from a City Council decision may be made to the Hearing Officer.
  - c. The City Council shall hear and decide appeals from planning commission decisions regarding conditional use permits.
2. The person or entity making the appeal has the burden of proving that an error has been made.
3. Only decisions applying the land use ordinance may be appealed.
4. A person may not appeal, and the Appeal Authority may not consider, any land use ordinance amendments.
5. Appeals may not be used to waive or modify the terms or requirements of the land use ordinance.

B. *Variances:*

1. The Hearing Officer shall hear and decide variances from the terms of the land use ordinance as set out in HCC 10-5-3B.
2. Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the land use ordinance.
3. Factors to be considered in granting a variance:
  - a. The Hearing Officer may grant a variance only if:
    1. literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;
    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.
- b.
1. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under paragraph D,3,a, the Hearing Officer must find that the alleged hardship:
    - (A) is located on or associated with the property for which the variance is sought; and
    - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
  2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under paragraph D,3,a, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
- c. In determining that there are special circumstances attached to the property under paragraph D,3,a, the Hearing Officer must find that 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.
- d. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
4. Variances run with the land.
  5. The Hearing Officer may not grant use variances.
  6. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:
    - a. mitigate any harmful affects of the variance; or
    - b. serve the purpose of the standard or requirement that is waived or modified.

[10-5C-4 \[Reserved\]](#)

[10-5C-5 Court Review](#)

[10-5C-4 \[Reserved\]](#)

[10-5C-5 Court Review](#)

- A. Any person adversely affected by any decision of the Hearing Officer or City Council acting as the appeal authority may petition the district court for a review of the decision as set out in Utah Code § 10-9a-801.

- B. The Hearing Officer or City Council acting as the appeal authority shall provide information to the court as provided for in the Utah Code.

## CHAPTER 6 GENERAL SUBDIVISION REGULATIONS

### 10-6-1 Purpose

## CHAPTER 6 GENERAL SUBDIVISION REGULATIONS

### 10-6-1 Purpose

1. The purpose of this Chapter is to provide uniform standards for the subdivision of property, to protect property, and to protect the health, safety, and general welfare of the people of Hooper City.

### 10-6-2 Applicability

#### 10-6-2 Applicability

- A. This Chapter shall apply to the subdivision of all property within the incorporated area of Hooper City, except for subdivision applications where the intended use is one- or two-family residential dwellings, including townhomes and duplexes. Applications for one- or two-family residential use are governed by Chapter 10-8.
- B. It shall be unlawful to make a subdivision of property until the requirements of this Chapter are satisfied, unless the requirements of Chapter 10-8 are met.
- C. *Exceptions:* The following divisions of property shall not constitute a subdivision:
  1. A property boundary adjustment in accord with HCC 10-4B and as defined in HCC 10-1A-1.
  2. A court decree dividing a lot or parcel of land into separate, distinct ownership in the distribution of property as allowed by Utah law. Also see HCC 10-4A-20.
  3. The division of property as a result of condemnation, as defined and allowed in the Utah Code.
  4. The expansion or acquisition of street rights-of-way by a public highway agency.
  5. Abutting parcels that qualify as an exception to the contiguous parcel regulation as set forth in HCC 10-4A-9.

### 10-6-3 Process

#### 10-6-3 Process

- A. *Concept Conference:*

The applicant may request an optional Concept Conference with the City. The Concept Conference is designed to provide the applicant with a means of understanding regulations, policies, and procedures prior to any formal submission of a project, and to review the applicant's proposal.

The Concept Conference will be scheduled only at the request of the applicant and following the receipt by the City of the applicable fees. The Conference is intended as a

means of discussing the feasibility of the project and to assist the applicant in learning the City's subdivision and site plan review process.

- B. All applications and fees, as set forth in HCC 10-5, shall be submitted to the City on forms provided by the City
  - 1. A digital format of the plat may be required by the City Engineer.
  - 2. The preliminary plat application for subdivisions in an overlay zone shall contain any additional reports or materials required by HCC 10-3.
  - 3. If an applicant or owner intends to or is required to complete the final platting of the subdivision in phases, the proposed phasing shall be submitted with the application as set forth in HCC 10-6-4.2 paragraph B.
- C. The Planning Commission and City Council shall apply the design standards listed in HCC 10-6A, the required improvements listed in HCC 10-6B, standard regulations applying to all subdivisions listed in HCC 10-4A, the Hooper City Development Standards and Specification, and the findings listed in HCC 10-6-5 to review the proposed plat.
  - 1. For preliminary and final plats, the Commission shall forward a recommendation to the City Council as set forth in HCC 10-5-3.
- D. A decision of the City Council on a plat shall be final as to all matters set forth in said plat. This decision may be appealed under the regulations of this Title and the Utah State Code.
- E. Following City Council approval of a preliminary plat, the owner may cause the subdivision, or any phase thereof, to be surveyed and a final plat prepared for submittal to the Planning Commission and the City Council. The City Council shall approve a final plat within 24 months of the City Council's approval of the preliminary plat or the preliminary plat approval shall become null and void.
- F. The applicant or owner may apply for a time extension, as set forth in HCC 10-5-6, if needed to extend the time allowed to approve the final plat or phase of a final plat, if applicable.
- G. Any lot created through an approved subdivision application and duly recorded plat shall thereafter be considered a platted lot.
  - 1. No subdivision plat or dedication, or any instrument passing title to any portion thereof, shall be offered for recording unless approved in accord with the regulations of this Title.
  - 2. No building permit shall be issued on any property being considered in the subdivision process until 1) the final plat has been recorded, 2) sufficient funds have been deposited for all required public improvements, 3) Assessor's parcel numbers have been assigned, and 4) all public improvements have been constructed and approved by the City per HCC 10-6B-5.

10-6-4 Plat Specifications (Reserved)

**10-6-4.1 Minor Subdivision Of Property**

- A. ~~A minor subdivision is a subdivision of up to three (3) lots where no new roadways are created. Further, the proposed subdivision must already be serviced by an improved and dedicated public street such that no new public improvements are required to be constructed. To qualify for a minor subdivision, the property must be located in a residential zone and the parcel shall have been lawfully created and qualified for further subdivision.~~
  
- B. ~~An application for a minor subdivision approval shall follow the application requirements of a standard subdivision except that the applicant will not be required to separately prepare a preliminary plat. A minor subdivision may receive recommendation for plat approval during a Planning Commission meeting and plat approval during a City Council meeting if all of the subdivision requirements of this Title have been satisfied. The Plat and drawing specifications for minor subdivisions are the same as those for a standard subdivision as provided in this section.~~
  
- C. ~~The City Council and Planning Commission may approve a subdivision of one lot without a plat, by certifying in writing that:~~
  - 1. ~~The city has provided notice as required by ordinance; and~~
  - 2. ~~The proposed subdivision:~~
    - a. ~~is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;~~
    - b. ~~has had a record of survey completed;~~
    - c. ~~has been approved by the culinary water authority and the sanitary sewer authority;~~
    - d. ~~is located in a zoned area that allows the lot;~~
    - e. ~~conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance; and~~
    - f. ~~creates a lot with a previously existing home on the lot.~~
  - 3. ~~The City's Certificate of Approval must accompany the documents recorded with the county recorder.~~

**10-6-4.2 Preliminary Plat Specifications**

**10-6-4 Plat Specifications (Reserved)**

**10-6-4.1 Preliminary Plat Specifications**

- A. *Submission Requirements:*

1. Copies of all documents shown in the Preliminary Plat Checklist below shall be officially submitted to the City Planning Department by the Subdivider or authorized representative at least 30 days prior to the date of the Planning Commission Meeting during which the Subdivision may be considered for Preliminary Plat approval. If the City Planning Department deems that any required document listed in the Preliminary Plat Checklist has not been submitted, the subdivision will not be noticed on the Planning Commission agenda.

B. *Phase Development:*

1. The platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in paragraph B,5. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two (2) year period, or twenty-five (25) lots, whichever is larger. Off-site improvements are construed to be those improvements required by this section. On-site improvements shall be construed to mean the full or partial construction, to include footings, or placement of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinafter specified.
2. A Phasing Plan shall be submitted that will include the number of units or parcels to be developed in each phase and the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site, and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.
3. For phased development, submit Utility Master Plan drawings for culinary water, secondary water, sanitary sewer, land drainage and storm drainage showing how the entire development will be served. Submit written evidence of preliminary review and approval from utility companies regarding proposed Utility Master Plan drawings. Submit existing site topography and preliminary lot and street grading and drainage plan.
4. When the off-site improvements have been one hundred (100) percent completed, or funds deposited for completion, within the boundaries of the recorded plat and approved by the City engineer, and the on-site improvements as defined in paragraph B,1, are sixty (60) percent completed, the subdivider may receive final approval for the next phase of the proposed development in accordance with the rules and regulations of this subdivision ordinance.
5. A plat including more than twenty-five (25) lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such,

and the financial ability of the subdivider is such that the off-site improvements for all lots in such plat will be completed within two (2) years.

C. *Plat Requirements and Preliminary Plat Checklist Items:*

1. One (1) copy of a Subdivision Application for Approval, application fees, and all required supporting documents defined in paragraphs D and E.
2. One (1) 24" x 36" black on white or blue on white prints of the preliminary plat and construction drawings and one (1) 11" x 17" copies of the preliminary plat of such quality and resolution that all detail in the drawing is readily discernable.

D. *Drawing Specifications:*

1. All mapped information shall be prepared in a neat and legible manner and drawn to a scale of not more than 100 feet to the inch. A smaller scale or different size may be used for large developments with prior written approval from the City Planning Department. Limits of the drawing shall include an area not less than 100 feet beyond boundaries of the proposed development. The accuracy of location of alignments, boundaries and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. Boundary problems shall be resolved and non-buildable remnant properties are prohibited. A workmanlike execution of the Plat shall be made in every detail. A poorly drawn or illegible Plat is sufficient cause for rejection.
2. *Preliminary Plat:* The following data shall be submitted as part of the Preliminary Plat submission:
  - a. Name of development.
  - b. Name, address, and telephone number of owner, developer, and engineer.
  - c. True north arrow, name of municipality, section, township and range, and date.
  - d. Vicinity map showing the proposed subdivision's location in the City, and a list of names of neighboring subdivisions, owners of abutting properties, and City streets. This should include an area not less than 100 feet beyond the boundaries of the proposed development.
  - e. Tie to all controlling survey corners or monumentation.
  - f. Dimensions of property and all lots (including area in square feet), drawn accurately to scale and total acreage of entire proposed subdivision.
  - g. Lots numbered consecutively
  - h. The minimum setbacks from the front, the side and the rear property lines.
  - i. Existing buildings, parks, cemeteries, bridges and other manmade features, drawn accurately to scale and showing uses and type of construction.
  - j. Adjoining buildings and uses.



- k. Proposed layout of public and private street system, including designations and street right-of-way lines, street centerlines and street names (all new names cleared through the City Engineer). Show right-of-way width from centerline for each street or other right-of-way.
  - l. Easements and rights-of-way.
  - m. Location of percolation test pits and test logs, if septic tanks are proposed for the lots.
  - n. Sites, if any, to be reserved or dedicated for parks, schools, churches, or other public or private uses.
  - o. 100 foot no-build setback from the centerline of the Hooper and Howard Sloughs. Where required by the City Planning Department and approved by the City Council, the “no-build” area shall be designated as “public open space” and dedicated to the City for future parks and trails.
3. *Grading and Drainage Study and Plan:*
- a. Provide a Drainage Study and a Grading and Drainage Plan as required by HCC 10-4A. No preliminary plat will be accepted which does not specifically address grading and drainage issues including street and lot grading and drainage, potential impacts to the development from upstream and adjacent properties, and impact on and adequacy of downstream facilities and properties.
4. Preliminary Roadway and Utility Plan and Profile construction drawings for new and existing streets showing the following:
- a. North arrow, road and lot layout, and subdivision name.
  - b. Location of existing and proposed curb, gutter and sidewalk.
  - c. Location of existing edge of asphalt surfacing.
  - d. Location of proposed paved areas, including entrances and exits, and walkways.
  - e. All existing and proposed utilities and improvements pertaining to streets, culinary water, secondary water, sanitary sewer, storm water, subsurface drains, fire protection, lighting, signage, and other proposed utilities. Include plan and profile drawings for roads and applicable utilities. [\(Note: Detailed design of structures is not required for a preliminary plat.\)](#)
    - 1. The culinary water system is operated and maintained by either the Hooper Water Improvement District or the Taylor-West Weber Water Improvement District. Culinary water system approval shall be through the applicable entity.
    - 2. The secondary water system is operated and maintained by either the Hooper Irrigation Company or the Roy Water Conservancy Sub-district. Secondary water system approval shall be through the applicable entity.

3. The sewer system is operated and maintained by Hooper City. Unless specifically exempted by ordinance or the Land Use Authority, all subdivisions shall be required to ~~tie~~ install and connect to the City sanitary sewer system as outlined in the ~~to the existing City sewer system. Vacuum sewer shall be provided in the subdivision unless the~~ City's Sanitary Sewer Master Plan ~~allows for an alternative~~ and approved by the City Engineer.
- (A) Vacuum sewer may be available or may be able to be extended by the applicant to serve areas within an existing vacuum sewer zone.
- (B) Gravity systems may be available or may be able to be extended by the applicant to serve areas within a gravity/lift station zone.
- (C) A regional lift station and sewer force main may need to be constructed by the applicant as shown in the City's Sanitary Sewer Master Plan. (These types of projects may be eligible for reimbursement through a pioneering agreement.)
- (D) All lots shall be required to connect to existing sewer if they are located within 300 feet of a City-operated eligible sewer facility. ~~(Multiple lots will be calculated using 300 feet × the number of lots.)~~
- (E) Minor subdivisions may be allowed to install Individual wastewater treatment systems (Septic tanks), if approved by the Weber-Morgan Health Dept and the Land Use Authority. Subdivisions larger than a minor will not be eligible to install individual wastewater treatment systems (Septic tanks).
- ~~3-(F)~~ All Sanitary Sewer facilities shall meet the City's standards and specifications and must be approved by the City Engineer. The ability to serve any sanitary sewer requests for future or existing facilities shall be at the discretion of the City Engineer, and their decision shall be final.
4. All new subdivisions shall be required to install a land drain system if basements (lowest floor slab of the structure lower than existing ground level) are to be constructed. Structures with basements shall be required to have a sump pump that ties to a footing drain and the footing drain shall tie to the land drain system.
5. For subdivisions being proposed in flood-prone areas or areas along the sloughs or other waterways, the Land Use Authority may impose a "lowest slab" elevation, below which no structure will be permitted to install a floor slab.
- f. Location and dimensions of all utility easements.
- g. 6-foot chain link or other non-climbable separation fences between land uses. The City Council may waive this requirement in a minor subdivision or where the same entity owns the adjoining properties that have different land uses.
- h. 6-foot high chain link fence along canals or ditches carrying more than 5 cfs.

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5. *Preliminary Slough Parkway Development Plan*: If the subdivision includes a portion of the Hooper or Howard Slough to be dedicated as Slough Parkway, submit a slough parkway development plan in accordance with the City's slough development standards.

E. *Required Supporting Documents*:

1. Stamped, addressed envelopes for all residents within 600 feet of the proposed subdivision for the purpose of public notification by the City, or a 4'x4' or greater sign clearly addressing the proposed action, in a print quality that will give notice to people passing by, as defined in HCC 10-5A-4 paragraph B.
2. Proposed phasing plan, if multiple phases are planned.
3. Soils report for all proposed development except in the case of a minor subdivision. Soils reports for minor subdivisions shall be submitted when required by the City ~~Planning Department or City Engineer-Planner~~.
4. Any required agreements with adjacent property owners regarding boundaries, ditches, drainage, shared utilities, access, or other matters pertinent to subdivision approval.
5. Copy of proposed codes, covenants and restrictions, if applicable.
6. For subdivisions proposing on-site wastewater treatment systems, final Letter of Approval for septic systems from Weber-Morgan County Health Department.
7. Letter of Preliminary Approval for culinary water from Hooper Water Improvement District (or applicable culinary water district).
8. Letter of Preliminary Approval for secondary water from Hooper Irrigation Company (or applicable secondary water purveyor).
9. Letter of Approval from Weber County Fire Marshall for fire hydrant placement, fire flows, emergency vehicle access and turn-around, and other issues.
10. Letter from each other utility company involved stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.
11. Letter of Preliminary Approval from Roy City, West Haven City, or other municipality sharing a boundary with the proposed development.
12. For subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the State Right-of-Way Engineer must be obtained for items such as location of curb, gutter and sidewalk, location and number of curb entrances, turning and deceleration lanes, lane striping, etc. On City streets, the approval for location and number of curb entrances must be received from the City Engineer.

13. Any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested based upon the nature of the project or the site.
- F. *Outside Entity Preliminary Plat Approval:* All outside entities described above must be contacted directly by the applicant. Written approval must be received by the Department before the Preliminary Plat will be considered complete. The City ~~Planning Department~~Planner may require that the applicant contact other entities if, in the opinion of the Department, the entity may be affected by the application and comments by the entity will ensure a thorough analysis of the application. It shall be the applicant's responsibility to ensure that written approval from these other entities are received in a timely manner. Written approval must be received by the City ~~Planning Department~~Planner before the Preliminary Plat will be considered complete.
- G. *Review Procedure – Preliminary Plat:*
1. Once all items on the Preliminary Plat Checklist have been completed and the subdivision is submitted for Preliminary Plat approval and associated fees have been received, the proposal will be placed on the Planning Commission's list of unscheduled items. Items are placed on the list in order of the date a complete application is received by the City ~~Planning Department~~Planner. The Planning Commission may choose, at its discretion, to limit the number of applications reviewed at each Planning Commission meeting.
  2. The City ~~Planning Department, including Planner and City Engineer, staff~~ shall have ten (10) days to review the application and respond in writing with a list of missing or incomplete items.
  3. After receiving corrections from the applicant, if necessary, the City Staff shall notice the application on an upcoming Planning Commission agenda as an agenda item. The applicant's corrections must be received at least 10 days prior to the upcoming Planning Commission meeting for the applicant to be noticed on the agenda.
  4. Each comment, question or correction on the City ~~Planning Department's~~Planner's memorandum must be responded to in writing, either on revised plans or in other type-written correspondence from the applicant. Any ~~Department~~City Planner comment not addressed in this manner will render the submittal incomplete and the application will not be included on the Planning Commission agenda.
  5. At a public meeting, the Planning Commission shall evaluate the submittal, comments and Staff Report, and recommend approval, recommend approval with conditions, or ~~deny~~recommend denial of the Preliminary Plat. The Planning Commission may also continue the application for further study. The Planning Commission's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, compliance with City ordinances, regulations, policies, master plans and other guidelines. ~~If the Planning Commission denies the Preliminary Plat, no further review of the proposed subdivision shall be made by the City and a new Preliminary Plat submittal shall be required to re-initiate the subdivision process.~~

6. The City Staff shall prepare a report of the Planning ~~Commission~~Commission's findings and recommendations and forward the report on to the City Council. The applicant must make any additions and/or corrections to the Preliminary Plat required by the Planning Commission and submit new and/or revised documents to the City ~~Planning Department~~Planner at least ten (10) days prior to the upcoming City Council meeting in order to be noticed on the agenda.
7. At a public hearing, the City Council shall evaluate the Planning Commission's recommendations, other comments, and Staff Report, and approve, approve with conditions, or deny the Preliminary Plat. The City Council may also continue the application for further study and/or send comments back to the Planning Commission for consideration. The City Council's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, Planning Commission comments and recommendations, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the City Council denies the Preliminary Plat, no further review of the proposed subdivision shall be made by the City and a new Preliminary Plat submittal shall be required to re-initiate the subdivision process.

#### 10-6-4.3 Final Plat Specifications

#### 10-6-4.2 Final Plat Specifications

The final plat shall be prepared as provided by, and include the items required by, Utah Code 10-9 Part 8 and related State law, and the following additional requirements:

##### A. *Submission Requirements:*

1. Copies of all documents shown in the Final Plat Checklist below shall be officially submitted to the City ~~Planning Department~~Planner by the subdivider or his authorized representative at least 30 days prior to the date of the Planning Commission Meeting during which the Subdivision may be considered for Final Plat approval. If the City ~~Planning Department~~Planner deems that any required document listed in the Final Plat Checklist has not been submitted, the subdivision will not be noticed on the Planning Commission agenda.
2. Final Plats shall be submitted for approval within twenty-four (24) months of the date a Preliminary Plat has been approved by the City Council. No Final Plat submission can be accepted which has exceeded this time lapse period, unless an extension of time has been granted by the City Council upon written request of the subdivider. Any plat submitted for which Preliminary Plat approval has been given in excess of twenty-four (24) months previous and for which no time extension has been granted shall be considered by the Planning Commission as a new Preliminary Plat and shall not be vested but shall be subject to the current Ceity ordinances.
3. For phased development, Final Plat approval shall be considered phase-by-phase based upon the Phasing Plan approved during the Preliminary Plat process and the timing for submittal defined in HCC 10-6-4.2 paragraph B. The Final Plat requirements and Checklist described below shall be followed for each phase of the subdivision submitted for Final Plat approval.

B. *Plat Requirements and Final Plat Checklist:*

1. The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the City Council and shall incorporate all modifications required in its review. The City Council may, however, approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plat review and approval.
2. Final Plat shall be submitted in phases, except as provided in HCC 10-6-4.1 paragraph B.
3. One (1) copy of all required supporting documents and application fees shall be submitted.
4. The original Final Plat drawing and three (3) 24"x36" of black on white or blue on white prints and two (2) 11"x17" copies of the final plat along with three (3) 24"x36" of black on white or blue on white prints of the construction drawings, of such quality and resolution that all detail in the drawing is readily discernible, shall be submitted at the time of submittal of the final plat.
5. One digital copy on CD of final plat and final construction drawings in AutoCAD .dwg format.

C. *Drawing Requirements:*

The Final Plat drawing shall have the following standards:

1. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly-drawn or illegible plat is sufficient cause for its rejection.
2. The original Final Plat shall be delineated in permanent ink on original Mylar. Sepia copies of original mylars are not acceptable.
3. The drawing page(s) shall show exterior boundary and property lines, right-of-way lines, streets, street islands, existing and new easements, all accurately dimensioned with bearings to the nearest one second and distances to the nearest one-hundredth (1/100) of a foot. The dimensions shall provide a minimum lot and boundary survey closure of 1:10,000.
4. Permanent monuments, magnetically detectable, marked in accordance with Utah Code § 17-23-17(5), shall be set for all the following:
  - a. All lot corners and exterior boundary corners.
  - b. Street centerline angle points, point of curvatures (PCs), point of tangencies (PTs), intersecting street centerlines, and radius points for cul-de-sacs.
5. In such cases where the placement of a required monument at its proper location is impractical, it is permissible to set a reference monument close by the point, and if such monument is set its location shall be properly shown on the plat of survey. When

conditions warrant setting a monument on an offset, the location shall be selected so the monument lies on a line of the survey or on the prolongation of such line. Offsets should not be in fractional feet unless a physical obstruction affects their location. (Utah Council of Land Surveyors Model Standard of Practice for Boundary Surveys Section 6)

D. The plat shall show:

1. At least 2 primary control points, officially recognized by the County Surveyor and ties to such control points. Primary control points must be public land survey corners or officially recognized corners. Corner Perpetuation and Filing recording instrument numbers shall be shown.
2. The approved street names.
3. Location, dimensions, and purpose of any easements.
4. Location, description, and size of monuments that are found.
5. Name of subdivision, astronomic north arrow and basis thereof, and date
6. Name and address of owner or owners of record
7. Total acreage of subdivision; total number of lots
8. Ownership, range, section (and quarter section if portion)
9. Graphic scale
10. All blocks and all lots within each block shall be consecutively numbered.
11. Owner's certificate containing a statement of reservation of easements and private roads. Private roads may be shown as a lot or an easement.
12. The right-of-way width from centerline of each street or other right-of-way.
13. Name and location of abutting subdivisions and parcels.
14. Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances.
15. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.
16. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. This curve data shall include the following for circular curves:
  - a. radius of curve
  - b. central angle

- c. tangent
  - d. arc length
17. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, or as excepted parcels.
  18. All dimensions of irregularly-shaped lots shall be indicated in each lot.
  19. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
  20. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.
  21. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
  22. The following certificates and approvals shall appear on the final plat:
    - a. Owner's Certificate.
    - b. Licensed Land Surveyor's Certificate. The surveyor making a plat shall certify on the plat that it conforms to these survey regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.
    - c. Weber-Morgan Counties Health Department, if applicable.
    - d. Applicable Culinary Water District
    - e. Applicable Secondary Water Company or District
    - f. City Attorney
    - g. City Engineer
      1. Include the following exact language below the City Engineer's signature on the final plat: "I hereby certify that this office has examined this plat and it is correct in accordance with information on file in this office."
    - h. Mayor
      - (1) Include a place below the Mayor's signature for the City Recorder to attest.

i. ~~City Council Chairman~~

E. *Supporting Documents:*

The following documents shall be submitted with the Final Plat drawing and be considered a part of the submission:

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1. Final construction drawings including the lot grading and drainage plan and roadway drainage and utility plan showing layout, profile and detailed design of roads, bridges, culverts, sewers, detention basins with landscaping plans and other drainage structures. Construction drawings must be stamped by a professional civil engineer licensed to practice in the State of Utah.
2. An exact copy of a certificate of a title insurance company or attorney which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the City Council the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the Plat shall be acted upon by the Planning Commission.
3. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Planning Commission must be submitted.
4. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required.
5. Signed easements and/or agreements with adjacent property owners for necessary off-site facilities or other matters pertinent to the subdivision, if not already submitted.
6. Signed codes, restrictions and covenants.
7. Letter of Final Approval for culinary water from Hooper Water Improvement District (or applicable culinary water district).
8. Letter of Final Approval for secondary water from Hooper Irrigation Company (or applicable secondary water purveyor). Note: A letter of "conditional" final approval may be submitted at this stage of the process. However, the Final Plat shall not be signed by the City Engineer until a Letter of Final Approval is received.
9. If the subdivision layout has changed since Preliminary Plat approval was granted, obtain a final Letter of Approval from Weber County Fire Marshall for fire hydrant placement, fire flows, emergency vehicle access, and other issues.
10. Letter of Final Approval from Roy City, West Haven City, or other municipality sharing a boundary with the proposed subdivision.
11. Letter of Final Approval from UDOT for subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road.
12. Letter of Final Approval from all outside entities requiring approval as directed by the Planning Commission.

13. Storm Water Pollution Prevention Plan As required by laws of the State of Utah, submit a Storm Water Pollution Prevention Plan for each project (subdivision or subdivision phase, if phasing is required), and copies of State permits received.
  14. Final Slough Parkway Development Plan (where applicable)
  15. Any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested based on the nature of the project or the site.
  16. The Final Plat shall include the following notation: Important Notice Many areas in Hooper have ground water problems due to a seasonally high (fluctuating) water table. There are also areas where soil conditions may warrant additional construction measures. Approval of this plat does not constitute representation by Hooper City that buildings at any specified elevation will solve ground water problems or that soils are suitable for construction. Solution of water or soil problems is the sole responsibility of the permit applicant and property owner.
- F. *Signing the Final Mylar Plat:*  
Before the Final Mylar Plat is signed by the City Engineer and others, the following items shall be completed:
1. Submit Itemized construction cost estimate for use by the City Engineer in creating the Escrow Estimate.
  2. Sign a Development Agreement outlining the proposed agreements made between the City and the subdivider during both the Preliminary and Final Plat phases and itemizing any costs or reimbursements discussed. The Development Agreement shall be signed before the Final Plat is signed.
  3. Pay applicable sign fees and inspection fees.
- G. *Review Procedures - Final Plat:*
1. Once all items on the Final Plat Checklist have been completed and the subdivision is submitted for Final Plat Approval, and associated review fees paid, the proposal will be placed on the Planning Commission's list of unscheduled items. Items are placed on the list in order of the date that a complete application is received by the City ~~Planning Department Planner~~. The Planning Commission may choose, at its discretion, to limit the number of applications reviewed at each Planning Commission meeting.
  2. The City ~~Planning Department Planner and City staff~~, including ~~City Engineer, the City Attorney and Staff~~, shall have ten (10) days to review the application and respond to the applicant with a list of missing or incomplete items.
  3. After receiving corrections from the applicant, if necessary, the City ~~Planning Department Planner or City Staff~~ shall notice the application on an upcoming Planning Commission agenda as an agenda item. The applicant's corrections must be received at least 10 days prior to the upcoming Planning Commission meeting for the applicant to be noticed on the agenda. Each item on the City ~~Planning~~

Department's Planner's memorandum must be responded to in writing, either on revised plans or in other type-written correspondence from the applicant. Any Department comment not addressed in this manner will deem the submittal incomplete and the application will not be included on the Planning Commission agenda.

4. The City Staff shall prepare and forward to the Planning Commission members a staff report on the submittal at least five (5) days prior to the Planning Commission meeting, which includes all agency and City Staff comments and recommendations.
5. At a public meeting, the Planning Commission shall evaluate the submittal, comments and Staff Report, and recommend approval, recommend approval with conditions, or ~~deny the Final Plat~~ recommend denial of the Final Plat. The Planning Commission may also continue the application for further study. The Planning Commission's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, Preliminary Plat approval, compliance with City ordinances, regulations, policies, master plans and other guidelines. ~~If the Planning Commission denies the Final Plat, no further review of the proposed subdivision shall be made by the City and a new Final Plat submittal shall be required to re-initiate the subdivision process.~~
6. The City Staff shall prepare a report of the Planning Commission findings and recommendations and forward the report on to the City Council. The applicant must make any additions and/or corrections to the Final Plat required by the Planning Commission and submit new and/or revised documents to the City Staff at least ten (10) days prior to the upcoming City Council meeting in order to be noticed on the agenda.
7. At a public meeting, the City Council shall evaluate the Planning Commission's recommendations, comments and Staff Report, and approve, approve with conditions, or deny the Final Plat. The City Council may also continue the application for further study and/or send comments back to the Planning Commission for consideration. The City Council's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, Preliminary Plat approval, Planning Commission comments and recommendations, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the City Council denies the Final Plat, no further review of the proposed subdivision shall be made by the City and a new Final Plat submittal shall be required to re-initiate the subdivision process.
8. Once a Final Plat has been reviewed, but prior to signing of the Final Mylar Plat, the subdivider shall enter into an Escrow Agreement acceptable to the City as security to ensure completion of all improvements required to be installed in the subdivision. The amount of the Escrow Agreement shall be based upon the City Engineer's review and approval of the subdivider's construction estimate.

9. The Plat shall then be reviewed and signed by the City Engineer, City Attorney, ~~Mayor~~ and others as indicated in the ordinances. The subdivider shall be responsible to obtain signatures, if so directed by the City staff.

H. *Recording Final Plat:*

1. The subdivider shall pay the expenses of plat recording and shall provide the city with a copy of the recorded plat for the city's records.
2. The County Clerk and Recorder shall furnish the subdivider with a receipt, upon filing for the Final Plat.

**10-6-4.4 Remaining Parcel**

**10-6-4.3 Remaining Parcel**

When a division of property leaves a remaining area of 5.00 acres or greater, that is not to be included as part of the subdivision, then the remaining property will be described by metes and bounds description on the subdivision plat with the note; "Remaining Agricultural Parcel, Not Approved for Development." This description can be made from survey or prepared from existing records. If the description is prepared from records, then this shall be so stated.

**10-6-4.5 Site Plan Specifications**

**10-6-4.4 Site Plan Specifications**

A. *Submittal Requirements:*

1. Copies of all documents shown in the Non-Residential Site Plan Checklist below shall be officially submitted to the City ~~Planning Department~~Planner by the developer or authorized representative at least 30 days prior to the date of the Planning Commission Meeting during which the development may be considered for Site Plan approval. If the City ~~Planning Department~~Planner deems that any required document listed in the Site Plan Checklist has not been submitted, the subdivision will not be noticed on the Planning Commission agenda.
2. The site plan shall be professionally designed and drafted, and stamped by a professional civil engineer licensed to practice in the State of Utah.

B. *Site Plan and Drawing Specifications and Non-Residential Site Plan Checklist:*

1. One (1) copy of all required supporting documents and application fees shall be submitted.
2. An exact copy of a certificate of a title insurance company or attorney which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the City Council the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the Site Plan shall be acted upon by the Planning Commission.

3. Traffic Impact Analysis, when required by City Engineer
4. Soils report for all proposed development
5. Stamped, addressed envelopes for all residents within 600 feet of the proposed subdivision for the purpose of public notification by the City.
6. The original Site Plan drawing and three (3) 24"x36" of black on white or blue on white prints and one (1) 11"x17" copy of the site plan along with three (3) 24"x36" of black on white or blue on white prints and one (1) 11"x17" copy of any other applicable construction drawings, of such quality and resolution that all detail in the drawing is readily discernible, shall be submitted at the time of submittal of the final plat.
7. One digital copy on CD of preliminary plat in AutoCAD.dwg format.
8. *Site Plan Drawing Requirements:*
  - a. Name of development.
  - b. Name, address, and telephone number of owner, developer, and engineer.
  - c. True north arrow, name of municipality, section, township and range, and date.
  - d. Vicinity map showing the proposed site's location in the City.
  - e. Names of neighboring subdivisions, owners of abutting properties, and City streets. This should include an area not less than 100 feet beyond the boundaries of the proposed development.
  - f. Tie to all controlling survey corners or monumentation.
  - g. Lot line dimensions.
  - h. Tabulation Table in the following format:

	Square Footage	Acreage	Percent of Total
Total Area			100
Total Building Area			
Total Impervious Area			
Total Landscaped Area			
<b>Total Number of Parking Spaces:</b>			
	Square Footage	Acreage	Percent of Total
Total Area			100
Total Building Area			
Total Impervious Area			
Total Landscaped Area			
<b>Total Number of Parking Spaces:</b>			

- i. *Streets*: Names and locations of fronting streets and dimensions of public streets, private streets, and driveways.
- j. *Buildings*: Footprints of existing and proposed buildings and structures including a notation of each building's main finished floor height above grade.
- k. *Building elevation*: show height dimension & types of materials proposed.
- l. *Sewer & Water*: Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, water supply main valves, water lines, culverts, etc.
- m. *Fire Protection*: existing and proposed fire protection devices within the tract and within two 200 feet of the boundaries of the proposed development. Identify required fire department apparatus access roads and proposed fire hydrant locations, as well as UBC specified construction type.
- n. *Other Utilities*: Location of existing and proposed power, natural gas, telephone and other applicable utility services.
- o. *Drive accesses*: location & dimensions & distances to property lines of existing & proposed.
- p. *Curbs, gutters and sidewalks*: location, dimension of existing and proposed.
- q. Location and number of parking stalls, loading areas, and docks, if applicable.
  1. Parking spaces: 9' x 18' minimum; locations, dimensions & number of spaces. Include parking stalls for Americans with Disabilities I.A.W. ANSI A117.1-1992. Minimum Van size: 16 feet wide by 18 feet long, one required. Minimum for all other ADA stalls: 13' X 18'.
- r. *Fences*: locations, heights, & types of materials of existing and proposed.

- s. *Signs*: location and description (dimensions, distance to property lines, and type of lighting (direct or indirect)) of existing and proposed signs.
  - t. Loading areas.
  - u. Solid waste disposal: show location and enclose with sight obscuring fence.
  - v. Exterior display areas.
  - w. Exterior storage areas.
  - x. Exterior Lighting: location and type.
9. Grading and Drainage Plan in accordance with HCC 10-4 including contour map drawn at 1-foot intervals and enough elevation data to show existing and proposed grades & the location & type of inlet boxes, etc. To be approved by the City Engineer prior to Planning Commission review.
  10. *Storm Water Pollution Prevention Plan*:  
  
As required by the laws of the State of Utah and in accordance with the City's Storm Water Ordinance, submit a Sediment and Erosion Control Plan for each project (subdivision or subdivision phase, if phasing is required).
  11. *Landscape plan*: detailed with specific types & locations of plants; underground, automatic sprinkling system required; required trees.
  12. Traffic Circulation Plan.
  13. Any necessary agreements with adjacent property owners regarding boundaries, storm drainage, shared utilities, access, or other matters pertinent to subdivision approval.
  14. Letter of Approval for culinary water from Hooper Water Improvement District (or applicable culinary water district).
  15. Letter of Approval for secondary water from Hooper Irrigation Company (or applicable secondary water purveyor).
  16. Letter of Approval from Weber County Fire Marshall for fire hydrant placement, fire flows, emergency vehicle access and other issues.
  17. Letter from each other utility company involved stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.
  18. Letter of Approval from Roy City, West Haven City, or other municipality sharing a boundary with the proposed development.
  19. For developments with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the State Right-of-Way Engineer must be obtained for items such as location of curb, gutter

and sidewalk, location and number of curb entrances, turning and deceleration lanes, etc. On City streets, the approval of the location and number of curb entrances must be received from the City Engineer.

C. *Outside Entity Site Plan Approval:*

All outside entities described above must be contacted directly by the applicant. Written approval must be received by the ~~Department~~City Planner before the Site Plan will be considered complete. The City ~~Planning Department~~Planner may require that the applicant contact other entities if, in the opinion of the Department, the entity may be affected by the application and comments by the entity will ensure a thorough analysis of the application. It shall be the applicant's responsibility to ensure that written approval from these other entities are received in a timely manner. Written approval must be received by the City ~~Planning Department~~Planner before the Site Plan will be considered complete.

D. *Review Procedure:*

1. Once all items on the Site Plan Checklist have been completed and the development is submitted for Site Plan Approval, and associated review fees paid, the proposal will be placed on the Planning Commission's list of unscheduled items. Items are placed on the list in order of the date that a complete application is received by the City ~~Planning Department~~Planner. The Planning Commission may choose, at its discretion, to limit the number of applications reviewed at each Planning Commission meeting.
2. The City ~~Planning Department, including~~Planner and City ~~Engineer~~Staff shall have ten (10) days to review the application and respond to the applicant with a list of missing or incomplete items.
3. After receiving corrections from the applicant, if necessary, the City Staff shall notice the application on an upcoming Planning Commission agenda as an agenda item. The corrections must be received at least 10 days prior to the upcoming Planning Commission meeting for the applicant to be noticed on the agenda. Each comment, question or correction on the City ~~Planning Department's~~Planner's memorandum must be responded to in writing, either on revised plans or in other type-written correspondence from the applicant. Any ~~Department~~City Planner comment not addressed in this manner will render the submittal incomplete and the application will not be included on the Planning Commission agenda.
4. At a public meeting, the Planning Commission shall evaluate the submittal, comments and Staff Report, and recommend approval, recommend approval with conditions, or ~~deny the Site Plan~~ recommend denial of the Site Plan. The Planning Commission may also continue the application for further study. The Planning Commission's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the site during Concept Conference and/or public comments, compliance with City ordinances, regulations, policies, master plans and other guidelines. ~~If the Planning Commission denies the Site Plan, no further review~~



~~of the proposed site shall be made by the City and a new Site Plan submittal shall be required to re-initiate the site plan process.~~

5. The City Staff shall prepare a report of the Planning Commission findings and recommendations and forward the report on to the City Council. The applicant must make any additions and/or corrections to the Site Plan required by the Planning Commission and submit new and/or revised documents to the city Staff at least ten (10) days prior to the upcoming City Council meeting in order to be noticed on the agenda.
6. At a public hearing, the City Council shall evaluate the Planning Commission's recommendations, public comments, comments and Staff Report, and approve, approve with conditions, or deny the Site Plan. The City Council may also continue the application for further study and/or send comments back to the Planning Commission for consideration. The City Council's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the site during Concept Conference and/or public comments, Planning Commission comments and recommendations, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the City Council denies the Site Plan, no further review of the proposed site shall be made by the City and a new Site Plan submittal shall be required to re-initiate the site plan process.

#### 10-6-5 Required Findings

#### 10-6-5 Required Findings

##### A. *Preliminary Plat:*

1. The design conforms to the standards established in HCC 10-6A and other applicable sections of this Title;
2. The design complies with the required improvements established in HCC 10-6B and other applicable sections of this Title;
3. If applicable, the proposed subdivision complies with the standards of an applicable overlay zone as set forth in HCC 10-3;
4. The design conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures to achieve this purpose;
5. The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity;
6. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area;
7. Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways;

8. The proposal complies with the dimension standards set forth in this Title for the applicable zone; and
9. The overall plan is in conformance with the applicable General and Master Plan(s), Future Acquisition Maps, Area of City Impact ordinances including applicable subdivision regulations, and other pertinent ordinances.

B. *Final Plat:*

1. The final plat is in substantial conformance with the preliminary plat; and
2. All conditions of the approved preliminary plat have been met.

**10-6-6 Vacation, Total Or Partial, Of A Recorded Subdivision Plat**

**10-6-6 Vacation, Total Or Partial, Of A Recorded Subdivision Plat**

An applicant or owner may petition the City Council for a total or partial vacation of a recorded subdivision plat, including easements. Vacation shall be processed in accord with the regulations set forth in Utah Code § 10-9-808 and recorded in accord with the regulations set forth in Utah Code § 10-9-804.

**Article A Design Standards**

**10-6A-1 General**

**Article A Design Standards**

**10-6A-1 General**

- A. These standards shall be followed in all subdivisions regulated by this Title. In addition to these standards, all subdivisions shall meet the design standards of the applicable zone.
- B. Adequate means for eliminating unsuitable conditions must be approved by the City Engineer in order to develop property that has been designated in the applicable General or master plan, in the natural features analysis, or elsewhere, as being unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.
- C. The limits of the subdivision shall encompass the full extent of the owner's lot or contiguous parcels, as herein defined. If platting in phases, no reserved parcels shall be allowed; all remainder areas shall be platted as lots that meet the minimum dimensional standards for the zone in which they are located.
- D. The decision-making body may require modifications where, in its opinion, site planning has not sufficiently addressed the existing natural features.

**10-6A-2 Blocks**

**10-6A-2 Blocks**

- A. The length, widths, and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base zone requirements as to property sizes and dimensions.
  2. Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.
  3. The limitations and opportunities of topography.
- B. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or waterways. The lengths, widths and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zone, whichever is greater, nor be less than four hundred (400) feet in length. When practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length. In long blocks the City may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- C. Pedestrian access rights-of-way not less than 10 feet wide, may be required for walkways through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said access right-of-way shall be a separate platted lot.

10-6A-3 Lots

10-6A-3 Lots

- A. The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. *Lot Improvements and Arrangements:*  
The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Uniform Building Code, this Title, and in providing reasonable driveway access to buildings on such lots from a dedicated public street. If deemed necessary by the City ~~Planning Department~~Planner, building sites shall be designed which minimize disturbance of existing vegetation.
- C. *Lot Dimensions:*  
Lot dimensions shall comply with the minimum standards found in HCC 10-2. Where lots are more than double the minimum required area for the zone, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets that would be necessary to serve such potential lots, all in compliance with this Title and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this requirement would result in a better street or lot plan. Dimensions of corner lots shall be

large enough to allow for construction of buildings, observing the minimum setbacks from both streets.

D. *Double Frontage Lots and Access to Lots:*

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

E. Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or collector streets.

F. Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of 10 feet shall be provided along the arterial streets. If unavoidable, one of the frontages shall be restricted from access.

G. Frontage for lots on a cul-de-sac turnaround shall be measured at the front setback line of the lot.

H. Frontage for lots on a knuckle with a landscaped street island separating the through traffic, shall be measured 50 feet back from the front property line along the arc parallel to the right of way of the knuckle.

10-6A-4 Lot Grading And Drainage

10-6A-4 Lot Grading And Drainage

A. *Final Grading:* No certificate of occupancy shall be issued until final grading has been completed in accordance with the subdivision or building permit approval. Unless approved by the Public Works Director, topsoil should not be removed from the site or used as spoil, but will be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

B. *Lot Drainage:* Lots shall be laid out to provide positive drainage away from all buildings in accordance with the Uniform Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed to avoid concentration of storm water drainage from any lot to adjacent lots.

10-6A-5 Access

10-6A-5 Access

A. All lots shall have access that complies with the regulations of HCC 10-4A-3. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets.

- B. Where a subdivision borders a railroad right-of-way or limited access highway right-of-way, a street approximately parallel to such right-of-way, at a distance suitable for appropriate use of the intervening property may be required.
- C. Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands.

10-6A-6 Alleys

10-6A-6 Alleys

- A. Alleys may be provided in residential, commercial, and industrial zones as recommended by the Commission and approved by the City Council.
- B. The width of an alley shall be not less than 20 feet and shall be paved its entire width.
- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-end alleys shall be prohibited.

10-6A-7 Easements

10-6A-7 Easements

- A. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of 10 feet.
- B. Where a subdivision is transversed by a watercourse, appropriate easements shall be provided.
- C. Where topographical or other conditions make it impractical to include utilities these easements, perpetual unobstructed easements at least twenty (20) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.
- D. Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the City Engineer.

10-6A-8 Watercourses

10-6A-8 Watercourses

- A. There shall be a minimum structural setback of 100 feet from the centerline of all natural watercourses.
- B. Fences shall be a minimum of 30 feet from the outer edge of any natural watercourse.

10-6A-9 Flood Hazard Overlay Zone

10-6A-9 Flood Hazard Overlay Zone

All proposed subdivisions in a flood hazard overlay zone shall comply with the requirements of HCC 10-3.

**10-6A-10 Other Utilities**

**10-6A-10 Other Utilities**

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on the City as determined by the City Council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

**10-6A-11 Roads, Streets And Driveways**

**10-6A-11 Roads, Streets And Driveways**

All road, street and driveway layout and design is subject to approval of the City. All roads, streets and driveways in subdivisions shall meet the applicable requirements of the Engineering Standards available from the City. All subdivisions shall have frontage on and access to an existing public road or street.

- A. *Grading and Improvement Plan:* Roads, streets and driveways shall be graded and improved in conformance with the Hooper City Development Standards and Specifications as adopted and shall be approved as to design by the City. All Construction Drawings are required to be submitted prior to Final Plat approval. Prior to Final Plat approval the City shall make the determination as to whether each road, street or driveway is to be public or private. Such status shall be shown on the plat. At present it is the intention of the City for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in the event the City is required to maintain the streets in the future.
- B. *Topography and Arrangement:* Roads, streets or driveways shall be related appropriately to the topography. All streets shall be designed to access as many building sites at, or above, the grade of the roads and streets whenever possible. Grades of roads, streets and driveways shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Large cut and fill sections shall be avoided.

All roads and streets shall be properly integrated with the proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan and Zoning Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

A rectangular gridiron street pattern should generally be adhered to, but the use of curvilinear streets and cul-de-sacs, shall be encouraged where such use will result in a more desirable layout.

Proposed streets shall be extended to the boundary lines of the property to be subdivided,

unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and City Council such an extension is not necessary or desirable for the coordination of the layout of the subdivision with existing development or future development of adjacent property.

The arrangement of roads and streets shall provide for the continuation of principal access between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the General Plan. If the adjacent property is undeveloped and the road or street is proposed as a temporary dead-end road or street, the right-of-way shall be extended to the property line. A temporary turnaround shall be provided on all temporary dead-end roads or streets, with the notation on the Final Plat that land outside the normal road or street right-of-way shall revert to adjacent owners when the road or street is continued. The Planning Commission or City Council may limit the length of temporary dead-end roads in accordance with the design standards of these regulations.

Where a road or street does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission or the City Council for access to adjoining property, its terminus shall normally not be nearer than fifty (50) feet to such boundary. However, the Planning Commission or City Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/ storage or utilities.

A cul-de-sac turnaround shall be provided at the end of a permanent dead-end road or street in accordance with Hooper City Development Standards and Specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end roads or streets shall, in general, be limited in length to six hundred (600) feet. Cul-de-sac length may be extended for unique circumstances upon obtaining an exception from the City Council.

- C. *Ingress and Egress*: In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:
1. Any subdivision where two points of ingress and egress are not reasonable and with no more than thirty (30) dwelling units.
  2. Subdivisions, which will be served by more than one point of ingress and egress in the future, may receive approval for more than thirty (30) dwelling units provided that no more than thirty (30) dwelling units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat.
  3. One point of ingress to serve more than thirty (30) dwelling units may be allowed when there is no feasible or practical way to provide two points of access and the single access is approved by all applicable public and emergency service agencies.
  4. In no case will ingress and egress requirements be less than those recommended by applicable public and emergency service agencies.

- D. *Access to Highway, Arterial or Collector Streets:* Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:
1. The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector, and screening provided by a strip of land along the rear property line of such lots.
  2. A cul-de-sac or short loop road entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.
- E. *Road and Street Regulatory Signs:* The applicant shall erect or post acceptable guarantees ensuring placement of road and street signs required by the City Engineer. All signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Road and street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the City Engineer. Street signs shall be designed according to City Specifications and Standards.
- F. *General Design Standards:* In order to provide for roads, streets and driveways in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to compose a convenient circulation system and avoid undue hardships to adjoining properties, the design standards for roads, streets and driveways are hereby required to be in compliance with the Hooper City Development Standards and Specifications, and the General Plan, as adopted, or determined by the City Engineer, or Planning Commission. Generally, road, street and driveway standards are as follows:
- G. *Intersections:* Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) street shall intersect at any one point unless specifically approved by the Planning Commission and City Engineer. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major roads or streets shall be at least eight hundred (800) feet apart. The cross-slopes on all streets, including intersections, shall be three (3) percent or less.
- H. *Exception:* When circumstances peculiar to the property exist, or if it is in the best interest of preserving the natural environment and when approved by the applicable public agencies, an exception to these road, street or driveway standards may be granted by the City Council.

Article B Required Improvements



10-6B-1 Owner's Responsibility

Article B Required Improvements

10-6B-1 Owner's Responsibility

The owner is responsible to complete the improvements required by this Article and any additional improvements that may be required as a condition of approval.

10-6B-2 Monument Requirements

10-6B-2 Monument Requirements

The owner shall comply with the requirements of Utah Code and any work required shall be verified by the County Surveyor prior to certification of the plat. Monuments in the field shall agree with those shown on the plat at the time of inspection. The regulations of such sections as to monuments, stakes, and other markings shall be considered minimum requirements, and the County Surveyor may establish higher standards.

10-6B-3 Streets And Other Improvements

10-6B-3 Streets And Other Improvements

Prior to acceptance and signing of any final plat, completion of the following requirements shall be financially provided for as set out in HCC 10-6B-4 paragraph A:

- A. Public streets shall be acceptable to the City of Hooper or appropriate state or county jurisdiction.
- B. All new developments shall have adequate sewage facilities as provided for in HCC 10-4A-26 or the plat shall have a sanitary restriction as approved by the appropriate health authority.
- C. Storm water facilities and drainage improvements shall be approved by the City Engineer.
- D. Street lights shall be designed to comply with the lighting regulations set forth in HCC 10-4E.

10-6B-4 Sureties, Bonds, Escrow Agreements And Accounts

10-6B-4 Sureties, Bonds, Escrow Agreements And Accounts

- A. In order to guarantee completion of the required minimum street and other improvements required by HCC 10-6B-3, or any portion thereof, the owner shall deposit the funds necessary for completion of such improvements with the City in escrow.
- B. The owner shall deposit with the City in escrow an amount as determined by the City Engineer based partially upon owner-furnished cost estimates, necessary to cover the total costs associated with the proposed development, plus a 10% contingency.
  1. The escrow shall be held in an interest-bearing escrow account in a qualified financial institution. The escrow account shall be credited to the said subdivider, owner, or developer. The interest shall be available to the City in the case of default or breach

of the development agreement. If the improvements are successfully completed, the principal and interest shall be refunded to the developer, provided, however, that the City is entitled to retain up to one percent of the account to cover the cost of administering the escrow.

- C. Escrow funds shall be released at the end of each month based upon a detailed draw request from the owner submitted by the 15th day of the month. Funds will only be released when an entire pay item in the escrow estimate is completed, tested, inspected and conditionally accepted by the City. The Public Works Director shall have authority to approve or reject items in the submitted draw requests on the basis of the construction status in the development. Payment to the owner for approved pay items in the submitted draw request shall be made by the last day of the month during which the approval is given.
- D. Upon completion of all required improvements in the subdivision, the owner shall notify the City in writing of such completion and shall submit as-built plans, stamped by a licensed engineer. The City shall have all final improvements inspected and shall respond to the owner in writing indicating approval or rejection of such final improvements setting forth the reasons for any rejections. Upon final acceptance of said improvements, the City shall release any remaining escrow or other security within 15 days, with the exception of the contingency, which is released following the completion of the warranty period. For the purpose of the final release, the term “acceptance” is deemed to mean when said improvements are accepted by and taken over for operation and maintenance by the City or other governing body which is responsible for maintaining and operating such improvements.
- E. The City shall accept public improvements installed by the owner or developer which meet the following conditions:
  - 1. The completed improvements comply with the City’s design standards and have been constructed in accordance with the development specifications and per the approved plans.
  - 2. All final inspections required by this article and by the City’s development standards and specification have been completed and the improvements were found to be acceptable.
  - 3. The owner or developer has prepared and submitted three (3) stamped sets of plans that accurately depict the improvements as actually built (as-builts).
  - 4. The owner or developer, by appropriate instrument, has conveyed to the appropriate governmental entity good title, free of liens, to all public improvements for which the governmental entity is responsible for operation and maintenance. Any required easement shall be deeded to the appropriate governmental entity by instrument approved in form by the City Attorney and bearing acceptance on behalf of the appropriate entity. The owner or developer shall furnish a copy of the recorded receipt prior to the final escrow or other security release.

- F. Bonds for wastewater collection, wastewater treatment systems, and/or community water systems shall be deposited with the appropriate health authority in accord with Utah Code.

~~10-6B-5 Issuance Of Building Permits And Certificates Of Occupancy~~

10-6B-5 Issuance Of Building Permits And Certificates Of Occupancy

- A. The following requirements shall be met prior to issuance of any building permit within a subdivision:
1. All required fencing installed as a condition of subdivision approval in compliance with this Ordinance;
  2. The water system installed, with fire protection, inspected, tested and fully operational (no combustible materials shall be delivered to a site until this is completed);
  3. All sewer and drainage systems installed, inspected, tested and fully operational;
  4. The secondary water system installed, inspected and tested;
  5. All required curb and gutter installed;
  6. A minimum of 8 inches of roadbase in place, graded and compacted;
  7. All lots within the subdivision rough graded so that weeds and other vegetation can be maintained by the contractor.
- B. The developer shall, at the time of street dedication, escrow a sum determined by the City Engineer for the necessary improvements to be installed in accordance with all approvals of the City Council, Planning Commission, City Engineer, all affected government agencies, City departments and public utilities.
- C. The following requirements shall be met prior to the issuance of a certificate of occupancy for any building in the subdivision:
1. All underground off-site improvements properly installed and operational as approved by Hooper City, an affected government agency and all affected utility companies.
  2. All required asphalt or concrete hard surface roadway installed and completed throughout the entire phase in which the dwelling is located in accordance with Hooper City design standards. In the event that hard surface cannot be properly installed due to weather related circumstances, the developer or owner may petition the City Council for conditional occupancy providing the following guidelines are met:
    - a. Curb and gutter, sidewalk and roadbase installed in accordance with Hooper City design standards.

- b. Developer must maintain all roadbase surfaces providing for adequate vehicular accessibility and that the developers provide for services which will not be available due to the absence of paving.
  - c. Required asphalt or concrete hard surface roadway shall be installed and completed as soon as weather related circumstances change or as directed by Hooper City.
- D. Developer or Owner shall not sell any portion of an approved development without informing, in writing, the prospective buyer or builder that a building and occupancy permit may not be obtained until the above requirements are met.
- E. At the time a building permit is requested on any new construction, the individual requesting the permit will place \$1,000.00 for a single family residence, or \$10.00 per linear foot of frontage for all other new building construction, in escrow with the City to be held in an escrow account to ensure that during the construction and landscaping process no damage is caused to any of the frontage improvements on the building lot. Frontage improvements include, but are not limited to, curb, gutter, sidewalk, driveway, water, sewer and utility connections. The amount of the required escrow may be adjusted by the City Council by resolution. Prior to the City issuing an occupancy permit or issuing a certification of completion of landscaping (whichever is later) for the property for which the escrow is being held or one year after actual occupancy, the City will make an inspection of the frontage improvements and in the event any of the improvements have been damaged, the owner will be given thirty (30) days to make the necessary repairs. If the improvements are not repaired within the thirty-day period, the City will utilize the escrow money to make the repairs. If, upon inspection, all improvements are intact and no damage has occurred, the City will release the escrowed amount within thirty (30) days of certification from the City Inspector that the improvements have not been damaged.

~~CHAPTER 7 SUBDIVISION REGULATIONS FOR OPEN SPACE  
OVERLAY ZONE~~

CHAPTER 7 SUBDIVISION REGULATIONS FOR OPEN SPACE  
OVERLAY ZONE

Repealed (placed as Exhibit B to this Title for the benefit of any previously qualifying approvals utilizing this Chapter).

## **CHAPTER 8: SUBDIVISION APPLICATIONS FOR 1–2 FAMILY RESIDENTIAL USE**

### **10-8-1: Purpose:**

The purpose of this Chapter is to comply with Utah Code §10-9a-604–604.9 and increase administrative efficiency in reviewing subdivision applications.

### **10-8-2: Scope of Applicability:**

This Chapter applies to all subdivision-related applications or petitions where the intended use is one- or two-family residential dwellings, including townhomes and duplexes. This Chapter does not apply to applications or petitions for other uses. ~~This Chapter applies to minor subdivisions, but minor subdivisions are exempted from the plat public improvement related requirements of 10-8-9.~~

### **10-8-3: Approved and Recorded Documents Required**

- A. No land shall be subdivided which is located wholly or in part in the City, except in compliance with this Chapter and Utah Code as adopted and amended.
- B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office (Utah Code §10-9a-603(7)).

### **10-8-4: Penalty for Noncompliance**

It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The City may, in its discretion, void such transfers and impose on the transferor a fine of up to \$10,000.

### **10-8-5: Interpretation And Conflict Of Laws**

- A. Where any provision in this Chapter 10-8 conflicts with state law, state law shall prevail. Where any provision in this Chapter conflicts with other ordinances enacted by the City, the provisions in this Chapter shall prevail unless the City intended such conflicting ordinances not in this Chapter to amend this Chapter.
- B. Notwithstanding 10-8-5(A), the provisions of this Chapter 10-8 shall not override zoning requirements and approvals or the requirements of adopted City engineering and design standards.

### **10-8-6: Definitions**

The following words and phrases, as used in this Chapter, shall have the following meanings. Words and phrases not defined here have the meaning expressed elsewhere in this Title or, if not defined in this Title, the meaning defined by state law:

- A. LAND USE AUTHORITY: an individual, board, or commission appointed or employed by a City to make land use decisions.

- B. PLAT: An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- C. IMPROVEMENT PLAN: a plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety or that is required for human occupation and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- D. LAND USE APPLICATION: an application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- E. SINGLE-FAMILY: A type of housing configuration designed for one family or household. This typically means a detached house with its own separate living spaces, including kitchen, bedrooms, and bathrooms, without sharing these facilities with other families or units. It typically stands on its own parcel of land and is characterized by having direct access to the street and a private entrance. The use of the word “family” in this phrase does not mean that the inhabitants must be family members; it is only meant to indicate that the structure is of the kind that is typically considered to only hold one family.
- F. SUBDIVISION: Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

1. Subdivision includes:

- a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

2. Subdivision does not include:

- a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- b. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
- c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
- d. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-

Commented [MJ1]: H. BUILDING LOT:  
G. PARCEL:

608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;

- e. A parcel boundary adjustment;
- f. A lot line adjustment;
- g. A joining of one or more lots to a parcel;
- h. A road, street, or highway dedication plat; or
- i. A deed or easement for a road, street, or highway purpose.

G. SUBDIVISION, MINOR: A subdivision that results in the creation of no more than three new parcels, not including the remainder parent parcel (which shall be subject to the subdivision process), where each new parcel and the remainder parcel:

- 1. Conform to applicable lot size requirements;
- 2. Are not traversed by ~~the mapped lines of a proposed street (as shown in the Hooper General Plan) any future street, City easement, or any other land required for or intended to be dedicated for public purposes, and~~  
~~Are serviced by an existing, improved, and dedicated public street such that no public improvements are required.~~

G.H. TWO-FAMILY: Sometimes referred to as a duplex, this phrase describes a building that is designed to accommodate two separate families or households living independently of each other within the same structure. Each unit typically has its own kitchen, bedrooms, and bathrooms. The building might be divided vertically (side by side) or horizontally (one unit above the other), with each unit having its own entrance. This setup allows for two households to live independently while sharing a common wall or floor/ceiling structure.

I. WATER CONVEYANCE FACILITY: An entity that oversees and administers the delivery of water to any ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

#### **10-8-7: Subdivision Land Use Authority**

- A. The Land Use Authority under this Chapter, except where otherwise noted, is the Planning Commission.
- B. The Land Use Authority is responsible for the following, but may delegate any task to the Technical Review Committee or other City staff:



1. Rendering a land use decision on all subdivision applications and petitions under this Chapter.
  2. Reviewing all applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
  3. Providing feedback to applicants in the manner required by this Chapter.
  4. Scheduling and holding a pre-application meeting with potential applicants as requested.
  5. Keeping subdivision application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.
  6. Providing notice to entities and parties as required in this Chapter.
  7. Signing application and petition approvals as required in this Chapter.
  8. Ensuring that documents are properly recorded with the County as required in this Chapter.
- C. As Subdivision application decisions are administrative, not legislative, the Land Use Authority is authorized to make any land use decision described by this Chapter without City Council approval.
- D. Except when operating as the Appeal Authority, the City Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

**10-8-8: Subdivision Appeal Authority**

- A. The Appeal Authority for City decisions relating to this Chapter, except where otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority and shall hear complaints about the conduct of the Land Use Authority in administering the provisions of this Chapter.
- C. A party appealing or complaining of a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.
- D. Any of the following parties may appeal or complain to the Appeal Authority under this Chapter:
  1. A party who has submitted a subdivision application or petition;
  2. A property owner of land adjacent to the subdivision proposed to be created or amended; and

3. A party substantially damaged by the Land Use Authority's decision to approve or deny the subdivision application or petition.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
  2. The most recent version of the application or petition the party submitted.
  3. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder's official City address and/or email account listed on the City website within 15 business days of a decision the date the Land Use Authority rendered the decision or performed the conduct that is the subject of the appeal.
- F. *No de novo review*: The Appeal Authority shall not review new or revised application materials not first reviewed and decided on by the Land Use Authority.
- G. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint.

**10-8-9: Subdivision Application Requirements**

- A. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Title and received an official approval from the Land Use Authority.
- B. *Resubmittal*:
1. No complete application that has been denied by the Land Use Authority shall be resubmitted, in substantially the same form for the same use, within one year from the date of denial. The Land Use Authority may waive the one-year requirement and accept a new application, where the subject property is affected by amendments to the applicable General Plan or to this Title.
  2. *No vesting under prior ordinances*: Applications lose their vesting when fairly denied by the Land Use Authority. After such denial, a resubmission of the same or similar application must, like all other applications, comply with all applicable ~~Town~~City ordinances in effect at the time of resubmission.
- C. *Phased Development*: Applications submitted under this Chapter may provide for a maximum of ~~3025~~ subdivided ~~lots~~parcels. Projects ~~that may intended to~~ produce more than ~~3025~~ ~~lots~~parcels must be submitted in phases. ~~Applicants shall submit a utility master plan for the entire development for approval prior to submitting any proposed phases, with~~ The applicant ~~shall submit~~submitting one complete application for each

phase. ~~The~~To preserve quality review of all applications given limited City resources, the Land Use Authority may, in its discretion, refuse to accept ~~an~~a subdivision application ~~from an applicant or for a subsequent phase of a larger project~~ if the Land Use Authority is currently reviewing a prior application either (a) from the same applicant or (b) for a prior phase of the same or a related larger project.

D. *Application Content:* To be considered complete, a subdivision application under this ~~chapter~~Chapter must include at least the following elements, except as modified under Section 10-8-9.1 (Minor Subdivisions):

1. An approved land use application that describes how the property will be used after it is subdivided.
  - a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
  - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an *approved*, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
  - c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an *approved*, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
2. A plat. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's office. The plat must also comply with the *Drawing Requirements* in HCC 10-6-4.2. The plat must include:
  - a. The proposed name and general location of the subdivision, in bold letters at the top of the plat. The proposed subdivision name must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
  - b. True north arrow, name of City, section, range, and date.
  - c. The boundaries, course, numbering, and dimensions of all proposed parcels. All lots should be consecutively numbered.
  - d. The lot or unit reference numbered consecutively; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
  - e. Tie to all controlling survey corners or monumentation.

- f. The address and phone number of the land surveyor and/or engineer who prepared the plat.
- g. Sufficient data acceptable to the City Engineer to readily determine the location, bearing and length of all lines on the plat, and to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at appropriate intervals.
- h. Whether any parcel is intended by the owner to be used as a street or for any other public use, or whether any parcel is reserved or proposed for dedication for a public purpose.
- i. The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, and bridges.
- j. The location and width of existing and proposed streets, curbs, gutters, sidewalks, easements, alleys, other public ways and easements and proposed street rights-of-way and building setback lines.
- k. 100-foot no-build setback from the centerline of the Hooper and Howard Sloughs. Where required by Land Use Authority, the “no-build” area shall be designated as “public open space” and dedicated to the City for future parks and trails.
- l. Every existing right-of-way and recorded easement located within the plat, ~~for underground, water, and utility facilities.~~
- m. Any known and unrecorded water conveyance facility located, entirely or partially, within or adjacent to the plat.
- n. Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation or drainage ditch piping or other subsurface improvements, including detailed provisions for collecting and discharging surface water drainage.
- o. Location of percolation test pits and test logs, if septic tanks are proposed for the lots.
- p. The minimum setbacks from the front, the side and the rear property lines.
- q. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- r. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
- s. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).

- t. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
- u. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
- v. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.
- w. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
- x. A space for the City Engineer to sign the plat, accompanied by the following exact language: “I hereby certify that this office has examined this ~~plat~~plat, and it is correct in accordance with information on file in this office.”
- y. A space for a member of the Land Use Authority to sign, approving the plat, and a place for the City Recorder to attest.
- z. A space for Weber-Morgan Counties Health Department to sign, approving the plat, if applicable.
- aa. A space for the applicable Culinary Water District to sign, approving the plat.
- bb. A space for the applicable Secondary Water Company or District to sign, approving the plat.
- cc. A space for the City Attorney so sign, approving the plat.
- dd. A space for a Licensed land Surveyor’s Certificate. The surveyor making a plat shall certify on the plat that it conforms to these survey regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.

- 3. An improvement plan, created in accordance with applicable portions of §10-2E-5, §10-2F-6, §10-4A-18 and §10-6A-11 of this Title, for all public improvements proposed by the applicant or required by City ordinances and in accordance with City standards.
  - a. In addition to the requirements in the aforementioned sections, the improvement plan must contain:
    - 1. An engineer’s estimate of the cost of completing the required improvements.
    - 2. The names, numbers, widths, lengths, bearings, and curve data on centerlines for all proposed streets, alleys, and easements (if applicable). All proposed

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- streets shall be numbered ~~and named~~ in accordance with the City's adopted addressing system.
- b. *A traffic study.* For subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the State Right-of-Way Engineer must be obtained for items such as location of curb, gutter and sidewalk, location and number of curb entrances, turning and deceleration lanes, lane striping, etc. On City streets, the approval for location and number of curb entrances must be received from the City Engineer.
  - c. *Grading and Drainage Study and Plan:*
    1. Provide a Drainage Study and a Grading and Drainage Plan as required by HCC 10-4A. The plan must specifically address grading and drainage issues including street and lot grading and drainage, potential impacts to the development from upstream and adjacent properties, and impact on and adequacy of downstream facilities and properties.
  - d. *A Soils Report* for the proposed development that complies with City Standards, except in the case of a minor subdivision. Soils reports for minor subdivisions shall be submitted when required by the City ~~Planning Department or City Engineer~~Planner Engineer.
  - e. *Roadway and Utility Plan and Profile construction drawings* for new and existing streets showing the following:
    1. North arrow, road and lot layout, and subdivision name.
    2. Location of existing and proposed curb, gutter and sidewalk.
    3. Location of existing edge of asphalt surfacing.
    4. Location of proposed paved areas, including entrances and exits, and walkways.
    5. All existing and proposed utilities and improvements pertaining to streets, culinary water, secondary water, sanitary sewer, storm water, subsurface drains, fire protection, lighting, signage, and other proposed utilities. Include plan and profile drawings for roads and applicable utilities. (Note: Detailed design of structures is not required for a preliminary plat.)
      - (A) The culinary water system is operated and maintained by either the Hooper Water Improvement District or the Taylor-West Weber Water Improvement District. Culinary water system approval shall be through the applicable entity.
      - (B) The secondary water system is operated and maintained by either the Hooper Irrigation Company or the Roy Water Conservancy Sub-district. Secondary water system approval shall be through the applicable entity.

(C) The sewer system is operated and maintained by Hooper City. Unless specifically exempted by ordinance or the Land Use Authority, all subdivisions shall be required to install and connect to the City sanitary sewer system as outlined in the City's Sanitary Sewer Masterplan and approved by the City Engineer.

(1) Vacuum sewer may be available or may be able to be extended by the applicant to serve areas within an existing vacuum sewer zone.

(2) Gravity systems may be available or may be able to be extended by the applicant to serve areas within a gravity/lift station zone.

(3) A regional lift station and sewer force main may need to be constructed by the applicant as shown in the City's Sanitary Sewer Master Plan. (These types of projects may be eligible for reimbursement through a pioneering agreement.)

(4) All lots shall be required to connect to existing sewer if they are located within 300 feet of a City-operated eligible sewer facility. (Multiple lots will be calculated using 300 feet × the number of lots.)

(5) Minor subdivisions may be allowed to install individual wastewater treatment systems (Septic tanks), if approved by the Weber-Morgan Health Dept and the Land Use Authority. Subdivisions larger than a ~~Minor~~ Subdivision will not be eligible to install individual wastewater treatment systems (Septic tanks).

(6) All Sanitary Sewer facilities shall meet the City's standards and specifications and must be approved by the City Engineer. The ability to serve any sanitary sewer requests for future or existing facilities shall be at the discretion of the City Engineer, and their decision shall be final.

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~~(C) The sewer system is operated and maintained by Hooper City. Unless specifically exempted by ordinance, all subdivisions shall be required to tie to the existing City sewer system. Vacuum sewer and/or sewer lift stations shall be provided in the subdivision unless the City's Sanitary Sewer Master Plan allows for an alternative.~~

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(D) All new subdivisions shall be required to install a land drain system if basements (lowest floor slab of the structure lower than existing ground level) are to be constructed. Structures with basements shall be required to have a sump pump that ties to a footing drain and the footing drain shall tie to the land drain system.

(E) For subdivisions being proposed in flood-prone areas or areas along the sloughs or other waterways, the Land Use Authority may impose a "lowest slab" elevation, below which no structure will be permitted to install a floor slab.

~~6. All new subdivisions shall be required to install a land drain system if basements (lowest floor slab of the structure lower than existing ground level) are to be constructed. Structures with basements shall be required to have a sump pump that ties to a footing drain and the footing drain shall tie to the land drain system.~~

~~7. For subdivisions being proposed in flood-prone areas or areas along the sloughs or other waterways, the Land Use Authority may impose a "lowest slab" elevation, below which no structure will be permitted to install a floor slab.~~

8. F. Location and dimensions of all utility easements.

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f. *Fences:*

1. A plan for a City-standard, 6-foot high chain link (or approved equal) land use separation fence, or ~~documentation statement~~ that one is not required, in accordance with Section 10-4a-18.

2. A plan for a 6-foot high chain link fence along canals or ditches carrying more than 5 cfs.

g. *Slough Parkway Development Plan:*

1. If the subdivision includes a portion of the Hooper or Howard Slough to be dedicated as Slough Parkway, submit a slough parkway development plan in accordance with the City's slough development standards.

h. *Proposed phasing plan*, if multiple development phases are requiredplanned.

i. *Utility Master Plan (phased development):*

1. If a subdivision is ~~proposed~~intended as part of a larger project, the applicant must submit a utility master plan providing for adequate public improvements to service the entire larger project, including all contemplated development phases and potential subdivision applications.

2. Subdivision applicants may be required to replace, reinstall, or expand existing public utility facilities to service the proposed subdivision.

4. Certifications, including:

a. An affidavit from the applicant certifying that the submitted information is true and accurate.

b. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat.

~~b.c.~~ An affidavit from the owner certifying any applicant, if different from the owner, to act on the owner's behalf.



e.d. Certification that the surveyor who prepared the plat:

- (A) Holds a license in accordance with Utah Code 58-22;
- (B) Either
- (C) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
- (D) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
- (E) Has placed monuments as represented on the plat.

d.e. Final letters of approval (not will-serve letters) from the following entities. Each submission of a revised application where the revisions alter the plat or improvement plans require an updated letter of approval from these entities based on the revised application:

1. The Hooper Water Improvement District (or applicable culinary water district);
  2. The Weber-Morgan County Health Department (for subdivisions proposing on-site septic or other wastewater treatment systems);
  - 2-3. The Central Weber Sewer Improvement District (or applicable sewer treatment district)
  - 3-4. The Hooper Irrigation Company (or applicable secondary water purveyor);
  - 4-5. The Weber County Fire Marshall (for fire hydrant placement, fire flows, emergency vehicle access and turn-around, and other issues);
  - 5-6. Each other utility company involved, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements;
  - 6-7. Roy City, West Haven City, or other municipality sharing a boundary with the proposed development.
5. Dedication documents:
- a. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
  - b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
  - c. Any required agreements with adjacent property owners regarding boundaries, ditches, drainage, shared utilities, access, or other matters pertinent to subdivision approval.

- d. Copy of proposed codes, covenants and restrictions, if applicable.
6. Supplemental Information:
- a. The names and addresses, and telephone numbers of all adjoining property owners of record, or the names of adjoining developments and the names of adjoining streets.
  - b. Stamped, addressed envelopes for all residents within 600 feet of the proposed subdivision for the purpose of public notification by the City, or a 4'x4' or greater sign clearly addressing the proposed action, in a print quality that will give notice to people passing by, as defined in HCC 10-5A-4 paragraph B.
  - c. Any other information that may be necessary for the meaningful review of the project. Additional information may be requested based upon the nature of the project or the site.
7. Copies:
- a. One copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.
  - b. One 24" x 36" black on white or blue on white print of the plat for review.
  - c. One 24" x 36" of black on white or blue on white print of improvement plan (including construction drawings) for review.
  - d. One digital copy of the final plat and final construction drawings in AutoCAD .dwg format.
  - e. An electronic copy of all documents required by this application in PDF format.
8. Payment of any application-processing fees and other fees required by the City.
- E. The Land Use Authority shall produce, maintain, and make available to the public an application form listing the specific items that comprise a complete application and a breakdown of any fees due upon submission or approval of the application.
- F. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Land Use Authority relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements.

**10-8-9.1: Minor Subdivision (1-3 New Lots) Application Requirements**

- A. An application for a Minor Subdivision must conform with all requirements of this Title, except as modified in this Section 10-8-9.1.

B. The application requirements in Section 10-8-9 are modified for Minor Subdivisions as follows:

~~**Plat Alternative:** An application for a Minor Subdivision may contain, in place of a plat, both:~~

~~— A record of survey map that illustrates the boundaries of the new parcels and the remainder parcel; and~~

~~— A legal metes and bounds description that describes the new parcels and the remainder parcel illustrated by the survey map.~~

1. **Improvement Plan Not Required:** Unless the Land Use Authority, in its discretion, permits the extension of public utilities or creation of public improvements, an application for a Minor Subdivision need not contain an improvement plan. Proposed lots on an existing street require a single page improvement plan that meet city requirements. Developments proposing a new street or extension of existing utilities will require a full set of improvement plans subject to city requirements.

2. **Studies and Reports Not Required:** Unless required by the city engineer, an application for a Minor Subdivision need not contain the studies and reports required under Section 10-8-9.

3. **Septic Permitted with Land Use Authority Approval:** development on a Minor Subdivision may use a septic tank system instead of connecting to the City sewer system if approved by the Land Use Authority and Weber Mogan Health Department. ~~the Land Use Authority determines that the use of septic tanks is unlikely to result in future development or utility issues in the area.~~

C. An application for a Minor Subdivision is subject to the following additional regulations:

1. The remaining parcel shall not be used as a building lot without complying with the land use requirements of the City.

2. No more than three new lots may be created from an original (parent) parcel ~~in a two-year period.~~

a. Additional applications, dividing the parent parcel, will not be accepted until the originally applied for minor subdivision is complete including the required warranty period.

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D. ~~Notwithstanding the definition of a Minor Subdivision in Section 10-8-6(G), the Land Use Authority may, in its discretion and when justified by articulable facts, permit the Minor Subdivision to result in the creation of up to 10 new parcels.~~The Land Use Authority at their discretion may accept escrowed funds in leu of required frontage improvements as defined in 10-4A-28.

### **10-8-10: Concept Conference**

~~A.E.~~ A party intending to submit a subdivision application under this Chapter may request a Concept Conference with the Land Use Authority for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.

1. If a party requests a Concept Conference, the Concept Conference will be scheduled only at the request of the applicant and following the receipt by the City of the applicable fees. The Land Use Authority shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity.
2. The Land Use Authority, the Technical Review Committee, or other City staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City website the following at the time of the meeting:
  - a. Copies of applicable land use regulations,
  - b. A complete list of standards required for the project, and
  - c. Relevant application checklists.

#### **10-8-11: Notice To Affected Entities**

- A. Within 15 calendar days after receiving a complete subdivision application under this Chapter, City staff shall mail written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
  1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Land Use Authority ~~may~~ shall review information:
    - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
    - b. From the state engineer's inventory of canals; or
    - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.

1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

#### **10-8-12: Review**

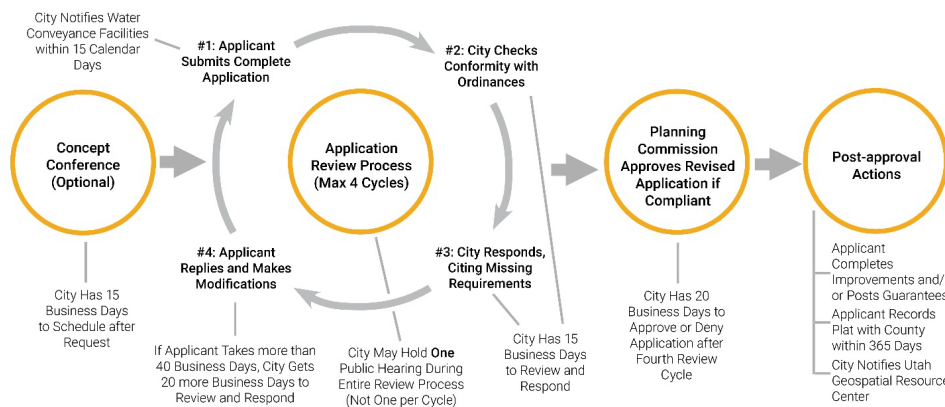
- A. The Land Use Authority shall review all subdivision applications under this Chapter in accordance with the requirements of this Section before approving or denying a subdivision application.
- B. The review process begins when an applicant submits a complete application.
  1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
    - a. City staff will first review the application for completeness. If staff find the application to be complete, they will forward it to the [Land Use Authority Planning Commission](#) and the Technical Review Committee.
    - b. During its own review, the Land Use Authority may reconsider whether the application is complete, and may reject an application based on incompleteness even if City staff found the application to be complete.
  2. If the Land Use Authority determines that an application is not complete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until completed.
    - a. An applicant may appeal a finding of incompleteness by following the appeals process in 10-8-8.
    - b. The appeal authority in this context is the City Council.
- C. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in up to **four "review cycles."**
  1. A review cycle consists of the following phases:
    - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
    - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances. The TRC reviews the application and provides advisory comments to the Land Use Authority.
    - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant, within **15 business days** after the applicant submitted the complete application. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that

require the modification and shall provide the applicant with an index of all requested modifications or additions.

- d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. This written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

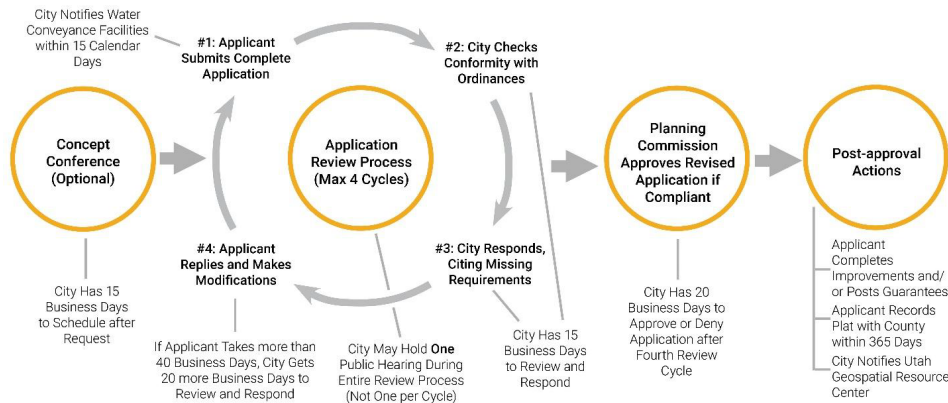


**SUBDIVISION APPLICATION REVIEW PROCESS FOR 1-2 FAMILY RESIDENTIAL USE**





## SUBDIVISION APPLICATION REVIEW PROCESS FOR 1-2 FAMILY RESIDENTIAL USE



- D. The Land Use Authority shall not (nor shall any other representative of the City) require more than **four review cycles** for a subdivision application under this Chapter. If no further revisions are needed, the Land Use Authority may end the review period early and approve or deny the application.
1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).
  2. If the applicant makes a material change to the application not requested by the City at any point in the review process, the review process may, at the option of the Land Use Authority, restart from the beginning of the first review cycle but only with respect to the portion of the application that the material change substantively effects.
  3. If an applicant takes longer than 40 business days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
  4. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
    - a. An expired application loses its vesting under prior ordinances of the City and must, if resubmitted, conform to all City ordinances in effect at the time of resubmission.

- E. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.
  - 1. If the Land Use Authority has not approved or denied the application within 20 business days after the fourth or final review, the applicant may request a final decision. After such a request, the City shall, within 10 business days:
    - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
    - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authority provides comments in the fourth or final review cycle, the City shall not require further modifications or corrections unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
  - 1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle bring reset, the City waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
  - 2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- G. The City Land Use Authority may, in its discretion, conduct one ~~(but no more than one)~~ public hearing for the purpose of asking questions of the applicant and receiving commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the City Land Use Authority elects to hold this public hearing, the hearing must occur before the end of the Land Use Authority’s review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Chapter. The City shall not hold more than one public hearing on a subdivision application under this Chapter.
- H. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny a subdivision application under this Chapter after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined elements of traditional “preliminary” and “final” applications, as those terms are used in Utah Code §10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a “preliminary” review and approval, with “final” approval happening automatically when the plat is recorded.

**10-8-13: Approval**



- A. The Land Use Authority shall approve any complete subdivision application made under this Chapter that complies with applicable municipal ordinances.
- B. A subdivision application is approved when:
  - 1. The Land Use Authority sends to the applicant a Notice of Decision, signed by the Land Use Authority; and
  - 2. The Land Use Authority certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

**10-8-14: Post-Approval Actions**

- A. The applicant shall deliver the approved and signed subdivision plat to the City Recorder for recording with the County Recorder's Office within ~~two years~~<sup>365 calendar days</sup> after the City approves the subdivision application, provided that the applicant has completed any improvements or posted any financial completion assurance required by City ordinances or described in the approved improvement plan. No party shall record the approved final plat until the required public improvements are completed and approved, or financial completion assurance has been posted and accepted by the city. ~~or assured in compliance with City ordinances and the approved improvement plan.~~
- B. If the approved and signed plat is already in the City's possession, the applicant shall request recording and provide proof that the improvements have been completed and approved or guaranteed within the timeframe required in 10-8-14(A).
- C. An approved plat not properly delivered or requested for recording within the timeline specified in Paragraphs 10-8-14(A) and (B) is void, unless the Land Use Authority approves an extension prior to the original expiration date.
  - 1. An expired application loses its vesting under prior ordinances of the City and must, if resubmitted, conform to all City ordinances in effect at the time of resubmission.

## COUNCIL MEMBERS

NAME & TITLE	CONTACT INFO	TERM THROUGH	REPRESENTING	ASSIGNMENTS
MAYOR SHERI BINGHAM	<a href="mailto:sbingham@hoopercity.gov">sbingham@hoopercity.gov</a>	2027	HOOPER CITY	CENTRAL WEBER SEWER BOARD WACOG, CHAMBER OF COMMERCE WESTERN WEBER CTC
COUNCIL MEMBER DALE FOWERS	<a href="mailto:dfowers@hoopercity.gov">dfowers@hoopercity.gov</a>	2027	HOOPER CITY AT LARGE	
COUNCIL MEMBER RYAN HILL	<a href="mailto:rhill@hoopercity.gov">rhill@hoopercity.gov</a>	2027	HOOPER CITY AT LARGE	
COUNCIL MEMBER DEBRA MARIGONI	<a href="mailto:dmarigoni@hoopercity.gov">dmarigoni@hoopercity.gov</a>	2025	DISTRICT 3	
COUNCIL MEMBER LISA NORTHROP	<a href="mailto:lnorthrop@hoopercity.gov">lnorthrop@hoopercity.gov</a>	2025	DISTRICT 1	
COUNCIL MEMBER BRYCE WILCOX	<a href="mailto:bwilcox@hoopercity.gov">bwilcox@hoopercity.gov</a>	2025	DISTRICT 2	

## **NEEDED CITY COUNCIL ASSIGNMENTS**

- Mayor Pro-tem
- Mosquito Abatement - monthly meetings
- Weber County Fire District - monthly meetings
- Senior Citizen Liaison
- Sheriff - VIPS Program - Public Safety - monthly meetings
- Healthy Communities - monthly meetings
- Parks/trails/recreation
- Western Weber CTC - monthly meetings
- Youth Council - monthly meetings
- Animal Control - monthly meetings
- Emergency Preparedness - meetings

## **NEWLY FORMED COMMUNITY VOLUNTEER COMMITTEES (Monthly meetings)**

- Community Events
- Economic Development
- Beautification Committee
- Community Arts Council

## **ALL COUNCIL MEMBERS ARE RESPONSIBLE FOR:**

- Budget and Finance
- Moderate Income Housing
- Approval of Ramp Grants

## **CITY STAFF RESPONSIBILITIES**

- Newsletters
- Code Enforcement
- Traffic Trailer
- Cemetery
- Transportation
- Storm & Waste Water
- House Rental Management Company coordination

## **CITY TREASURER**

- Budget and Finance
- Sales Tax Oversight