



Ordinance updates you need and Processing Options You might want to consider

Ogden Utah APA Fall conference

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Session Intent

- So many State Law Changes!
- More than what we can cover but let's discuss some priorities
- Subs
- CUPs
- Site plan/permitted uses
- BOA to AA/variance criteria
- Landscaping
- Processing Options

Subdivisions (SB 174) – Administrative (check League Summary!)

- State Law Changes for regular, ordinary, pretty much standard, “easy”, residential subdivisions
- Mostly an engineering function which requires engineering standards – WRITTEN!!!!
- Importance of having checklists and getting complete applications
- Big cities by Feb 2024, small cities by 2025
- Can use a different process for M, C, SL areas, Multi-Family – should you?
- Can’t require a “concept plan” (optional by request) – Complete applications!
- Time limits for review of a preliminary – 15 working days
- Once approved 4 revisions allowed before a final – yes, you can deny if they don’t meet your standards – new appeal process (technical engineers review)
- Staff or a designated position manages the final to the recording – No CC or TC or C approval (maybe a Mayor sign off)
- Private improvement requirements can not be part of your bond
- 25 mph residential streets – no more than 32’ of pavement

Conditional Use permits - Administrative

- Law changed 15 years ago
- Past use allowed a more discretionary approach – but not so any longer
- If it meets your written standards it should get approved
- Conditions to mitigate detrimental effects can be added
- Checklist type application that includes engineering/other departments that might need a review
- Process the use and their site plan at the same time
- Make sure any potential topics that you might want to engage to impose a condition to address a detrimental effect are in your CU chapter
- Notice and hearing type is up to you, **BUT!**
- Technically the use is allowed by your ordinance – there is no question about IF it belongs there

Permitted and Conditional Use Lists

- Take a look – Since CUs are not discretionary make sure you want the uses in the zone
- Make sure that a use “needs” to be conditional – got good standards, why bother?
- Get rid of old uses (Can you say “egg candling”, have you raced your pigeons lately???)
- If you keep placing the same conditions on a CU, add those same standards to your ordinance!



Permitted Use/Site plans

- Have an ordinance!
- With updates to your use lists and reductions in the number of conditional uses – you will have more of these
- Checklist type application that includes engineering/other departments that might need a review
- Could have a more simple application (home on a lot) and then a more complex one – a commercial office or retail building



Your old Board Of Adjustment

- Becomes the Appeal Authority for **administrative decisions**
- Important to understand – only for admin related issues
- Discretionary legislative decisions go to court
- Variances – not very discretionary anymore – 5 criteria – have to meet them all
- Criteria:
 - Unreasonable hardship
 - Special circumstances not found commonly in the zone
 - Loss of a property right others have
 - Not contrary to the GP and PI
 - Spirit of the ordinance is maintained
- Not a “use” variance

Landscaping

- Move toward xeriscaping (that's not Zero-scaping)
- General Plan needs to address and analyze your local water consumption by ?
- Flexible expectations – define them
- Bonding for private improvements is out



Processing options – who does what and how?

- Suggest a table that reflects in a nutshell what happens with each application type you have
- Group your applications (and your meeting agenda) in a manner where similar processes are grouped together
 - Administrative
 - Legislative



Table: Procedures Summary Table

R= Review (Review and/ or Recommendation) H= Hearing (Public Hearing Required)
 D= Decision (Responsible for Final Decision) A= Appeal (Authority to Hear / Decide Appeals)
 O= Optional M= Mandatory I= Informational Meeting

Legislative				
Application Type	Pre-application Meeting and/or Concept	City Staff	Planning Commission	City Council
General Plan Adoption or Amendment	O	R	R-H	D and/or H and D
Land Use Code Amendment	O	R	R-H	D-Hearing not required
Rezoning Proposal	M or O	R	R-H	D-Hearing not required
Development Agreement	M or O	R	R-H new law is being created	D – Hearing not required
Annexation	M or O	R	R-H	D-H

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Administrative (Part 1)				
Application Type	Pre-application Meeting and/or Concept	City Staff	Planning Commission	City Council
Minor Residential Subdivision	O	D		
Regular Residential Subdivision- Preliminary	O	R	D-Hearing not required (optional)	
Regular Residential Subdivision- Final	O	D – staff manages to recording		
Other subdivisions – commercial, manufacturing, in a sensitive land, multi-household	M - if you want	R or process to final	PC is optional R-Hearing is optional	CC is optional, but could review and approve
Condominium Subdivisions	Same	As	Above	
Plat Amendments	O	D	R-H	

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Administrative (Part 2)				
Application Type	Pre-application Meeting and/or Concept	City Staff	Planning Commission	City Council
Boundary Adjustments	O	D	R-H	
Easement Vacations	O	D	R-H	
Plat Vacations	O	R	D-H	Optional CC
Right-of-Way Vacation	M	R	R-H	D-Hearing is optional
Conditional Use Permit	O	R	D-Hearing is optional and not recommended	
Permitted Use/Site plan	O	D		
Simple Land Use Permit (home on a lot)	O	D		
Grading Permit	O	D		
Temporary Use Permit	O	D		
Sign Permit	O	D		

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Appeal Authority may hold a hearing – depends on if new evidence is allowed. AA makes the decision				
Application Type	Pre-application Meeting and/or Concept	City Staff	Planning Commission	City Council
Variance/Appeal	O	R	Not involved	Not involved

Thank you!

