



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss, take comment, and potentially take action on a county-initiated text amendment to various sections of the County's subdivision ordinance to encourage public street connectivity in certain intervals and related amendments regarding the provision of street and lot development standards in the County's subdivision ordinance. The amendments include general administrative and clerical amendments to create a more efficient ordinance.

Agenda Date: Tuesday, June 8, 2021

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Applicable Ordinances

- § 101-2 – Definitions
- § 106-1-2 – Variances
- § 106-1-3 – Subdivision Required
- § 106-1-5 – Preliminary Plan/Plat Requirements And Approval Procedure
- § 106-1-6 – Agency Review
- § 106-1-7 – Subdivision Time Limitations
- § 106-1-8 – Final Plat Requirements And Approval Procedure
- § 106-1-9 – Final Plat Approval (being added)
- § 106-2-3 – Blocks
- § 106-2-4 – Lot Standards
- § 106-2-6 – Mountain Subdivisions; Special Provisions
- § 106-2-8 – Large Scale Excavation (being added)

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

This proposal is intended primarily to address street connectivity. After reviewing other sections of code for conflicts, staff discovered a number of sections that should be amended to reduce redundancies and conflicting language. In doing so, staff are also proposed a few procedural shifts intended to help streamline the development review process for the applicant. The attached proposal has staff-annotations in the margins to help explain the purpose of the changes. Below is a summary of what they are.

Street connectivity – The proposal clarifies the street-block provisions to be responsive to lot size and density. The smaller the allowed lot size, the smaller the street-block should be. This will help provide general consistency in the number of lots accessing a street block regardless of the zone. The proposal also provides a graphic depiction of a street block and the methods of measuring it.

The proposal also adds a provision intended to incentivize superior street connectivity over what a developer might have otherwise proposed. The incentive allows the developer to credit the area consumed by streets toward additional lots. This will allow the developer to realize a financial benefit when configuring streets in a manner that considers the overall community, and not just the specific property's ability for return on investment.

Streamlining – One way to help streamline the development review timeline is to reduce the number of bodies that

are required to approval a subdivision. This proposal helps clarify the rules of subdivision approval, and after doing so appoints the planning commission, not the county commission, as the final decision authority for large subdivisions, and the planning director for small subdivisions. It clarifies that a small subdivision is not subject to the two-step preliminary then final review by the land use authority by allowed both preliminary and final plats to be reviewed simultaneously. The proposal also allows the county engineer to make decisions regarding financial guarantees, which saves a special approval by the county commission.

Reducing redundancies and conflicts – By reducing redundancies and conflicts, the code can be better and more efficiently administered, with less probability for time-consuming litigation.

Noticing Compliance

A public hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission offers a positive recommendation to the County Commission for file ZTA2021-04, a proposal to incentivize street connectivity in a subdivision, streamline the subdivision process, and reduce redundancies and conflicts in the code. The recommendation is supportable with the following findings:

1. The proposal will protect future transportation opportunities, and enhance transportation safety of new streets.
2. The proposal will help streamline the subdivision review process.
3. The proposal will help eliminate redundancies and conflicts in the code.
4. The proposal is in the best interest of the health, safety, and welfare of the general public.

Exhibits

- A. Proposed Ordinance

SECTION 1: AMENDMENT “Sec 101-2-3 B1 Definitions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-3 B1 Definitions

Block. See "street block." ~~The term "block" means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.~~

Moving definition and adding reference for ease of use.

SECTION 2: AMENDMENT “Sec 101-2-20 St Definitions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-20 St Definitions

Stable. The term "stable" means an accessory or main building for the keeping of horses, cattle and other farm animals.

Stable, private horse. The term "private horse stable" means a horse stable which is accessory to a residential dwelling unit or other main building, for the use of the owner/occupant, his friends and guests, not for the purpose of remuneration, hire or sale or any other commercial use nor use by an ad hoc informal association or group.

Stable, public horse. The term "public horse stable" means a stable where the general public may rent, lease, purchase, sale or board horses.

Stockyard. The term "stockyard" means a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens.

Story. The term "story" means the space within a building included between the surface of any floor and the surface of the ceiling next above.

Stream. The term "stream" means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Stream watercourses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt, but others would be exempt.

Stream corridor. The term "stream corridor" means the water's passageway defined by the stream's ordinary high water mark.

Street block. The term "street block," also referred to as "block," means land bounded on all sides by a street or lane that is open to use by the general public, or land which is designated as a block or street block on any recorded subdivision plat.

Modifies definition to better facilitate administration.

Street, collector. The term "collector street" means a street existing or proposed of considerable continuity which is the main means of access to the major street system.

Street major. The term "major street," means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, marginal access. The term "marginal access street," means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street, private. The term "private street" means a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the developer or other private agency.

Street, public. The term "public street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than 26 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

Street, standard residential. The term "standard residential street," means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Structural alterations. The term "structural alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure. The term "structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Structure, height of. The phrase "height of structure," or any of its variations, shall have the same meaning as "height of building" as defined in this section.

SECTION 3: AMENDMENT "Sec 106-1-2 Variances" of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-2 ~~Variances~~ (Reserved)

~~The county commission is the appeal board for the subdivision ordinance. The county commission may vary the standards in cases where unusual topographical or other exceptional conditions exist. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The planning commission shall make a recommendation to the county commission prior to the consideration of any variances. Subdivision time extensions are not variances and are addressed in section 106-1-7, "Subdivision time limitations." Illegal division of land does not constitute an exceptional condition.~~

(Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 4: AMENDMENT "Sec 106-1-3 Subdivision Required" of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-3 ~~Subdivision Required~~ Applicability

- (a) No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created in accordance with the provisions of this Land Use Code. ~~This title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.~~
- (b) No lot within an approved and recorded subdivision ~~approved by the planning commission and county commissioner and recorded in the county recorder's office in accordance with the provisions of this chapter~~ shall be further divided, ~~rearranged, added to or reduced in area~~ nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the land use authority.

(Ord. of 1952, title 26, § 1-2; Ord. No. 2015-22, Exh. A, 12-22-2015)

Best practice suggests that this should be the responsibility of the Board of Adjustments, not the legislative body, for the following reasons:

1. An elected legislative body that is acclimated to the wide discretion of legislative authority can struggle with the strict rules of variances.
2. The pressure of the political process can occasionally encourage resolution of constituents concerns over a landowner's rights.
3. State code does not allow a body to hear an appeal of a decision that the body made. The commission has decision making authority in this code that disqualifies them from being able to hear an appeal to that decision.

Deleting this will default appeals and variance to the BOA, as provided in Title 102.

Modifies section name to better facilitate code formatting consistency.

This appears to say that any lot created prior to 1952 can be subdivided without complying with subdivision regulations. State code says otherwise.

Removing unnecessary text.

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, renumbered and amended former § 106-1-2, "Scope," as § 106-1-3, "Subdivision required."

SECTION 5: AMENDMENT “Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure

- (a) ***Preliminary plan/plat requirements.*** The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and shall show:
- (1) A subdivision name, approved by the county recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - (2) A north arrow, scale, and date.
 - (3) The individual or company names and addresses of the applicant, engineer and land surveyor of the subdivision.
 - (4) The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners.
 - (5) Contour map with, unless specified otherwise by the county engineer, two-foot contour intervals.
 - (6) The existing location, widths and other dimensions of all existing or platted streets and other important features such as, but not limited to, railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.
 - (7) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
 - (8) Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
 - (9) Lots classified as "restricted" as defined in section 101-1-7 by placing the letter "R" immediately to the right of the lot number.
 - (10) The location of percolation test holes on each lot.
 - (11) Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of

proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the county engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.

- (12) Open space and common area improvements, including but not limited to landscaping, structures, signs, parking, and other amenities.
- (13) A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be no older than dated within 30 calendar days prior to the submittal of the application. If the County Recorder's Office is backlogged more than 30 calendar days, then the preliminary title report(s) shall be no older than their current backlog date plus one day. ~~and The preliminary title report~~ shall include a search of recorded documents back to patent that identifies, at a minimum, the following items:
 - a. All reference easements;
 - b. Reference (the entry number and/or book and page number) to all deeds in chain of title;
 - c. All boundary line agreements;
 - d. All rights-of-way, whether the parcel is subject to or has reserve rights;
 - e. All current owners;
 - f. All outstanding liens, taxes, etc.

Occasionally the County Recorder's Office cannot keep pace with demand for recording, and are extended beyond 30 days.

(b) **Preliminary plan/plat approval procedure.**

- (1) **Subdivision approval.** ~~With the exception of small subdivisions, the~~ After the applicable staff and agency reviews, the preliminary plan/plat, including the phasing plan, shall be presented to the ~~Land Use Authority, who, for the purposes of this section, shall be the planning commission, for their review and decision~~ The Land Use Authority shall review the preliminary plan/plat to verify compliance with applicable ordinances. ~~The planning commission's decision may be appealed to the county commission by filing an appeal within 15 days of the planning commission's recommendation. If the planning commission's decision is not appealed to the county commission, the planning commission's recommendation shall stand as the county's decision on preliminary approval.~~ After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval, the Land Use Authority shall approve the preliminary plan/plat. When considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 106-4-4 of this Land Use Code, and the conditional use standards found in 106-4-5. Decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (2) **Small subdivision approval.** Preliminary plan/plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is not required. The preliminary plan/plat required in this section shall be reviewed simultaneous with the final plat.

Removing unnecessary language and references to appeals.

Clarifying the decision-making process and explicitly stating that conditions of approval can be applied to a subdivision without it constituting a conditional use.

Small subdivisions are already reviewed and approved this way. Adding it in the code will reduce risk of violating due process.

(3) Land Use Authority designated. The Land Use Authority for preliminary plan/plat of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the Weber County Planning Division Director. The Land Use Authority for preliminary plan/plat of a subdivision other than a small subdivision is the Planning Commission.

Adding clarifying language that identifies who the land use authority is for a subdivision.

~~(e) Grading limitation. No large scale excavation (more than 5,000 square feet), grading or regrading shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the planning commission and then only in accordance with the excavation ordinance of this Land Use Code.~~

This does not appear to belong in this section. Removing it and placing it in Section 106-2-8 below.

(Ord. of 1952, title 26, § 1-5; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 106-1-5 from "Preliminary plan requirements and approval procedure" to read as herein set out.

SECTION 6: AMENDMENT “Sec 106-1-6 Agency Review” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-6 Agency Review

~~(a) Distribution of preliminary plan.~~ The planning division shall distribute ~~a copy of the preliminary plan to each of the following for their information and recommendations: county engineer, county fire district, county health officer, county school board, county surveyor, county treasurer, and company furnishing telephone, electric, water, sanitary sewer, and/or gas service.~~ The planning division may distribute copies of the preliminary plan to other county divisions or departments, or other non-county agencies and/or organizations it deems necessary to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any applicable information and recommendations to the planning division. ~~Public notice.~~ Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commission's public meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property. ~~Notice for an amendment or vacating a subdivision.~~ For an amendment to a subdivision, the planning division shall provide notice of the date, time, and place of a least one public meeting at least ten calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate. ~~Notice challenge.~~ If the notice is not challenged within 30 calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.

This unnecessarily specific and overburdening. All of these entities do not need to be involved. Technology has enabled better coordination for all reviewers that should consistently be involved.

Notice is not required or advisable. Decision on a subdivision application is administrative and by-right. Giving notice to folks who have no control over the outcome creates an unnecessary amount of turmoil for all involved.

(Ord. of 1952, title 26, § 1-6; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2017-15, Exh. A, 5-9-2017)

SECTION 7: AMENDMENT “Sec 106-1-7 Subdivision Time Limitations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-7 Subdivision Time Limitations

- (a) *Time limitation for preliminary approval.* Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval ~~by the planning commission~~ to receive a recommendation for final approval of the subdivision or the first phase. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal laws current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted. ~~The planning director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.~~
- (b) *Time limitation for final approval.* ~~A final~~ A subdivision plat ~~or phase of a subdivision that receives a recommendation for final approval from the planning commission~~ shall be ~~offered to the county commission for final approval and~~ recorded within the Office of the County Recorder within one year of final approval by the Land Use Authority. ~~from the date of the planning commission's recommendation for final approval.~~ After ~~one year from that date~~, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The planning director may grant a onetime extension for final subdivision approval for a maximum of one year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a county caused delay.
- (c) *Nonconforming.* Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

Planning commission is not the only land use authority.

This is redundant.

Removing unnecessary text.

(Ord. of 1952, title 26, § 1-7; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 8: AMENDMENT “Sec 106-1-8 Final Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-8 Final Plat Requirements And Approval Procedure

- (a) **Preliminary approval required.** Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.
- (b) **Final plat required.**
- (1) After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.
 - (2) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting.
- (c) **Final plat requirements.** The following are requirements for final plat consideration:
- (1) Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information:
 - a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - b. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."
 - c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)
 - d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than

street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, titl. 57, ch. 10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

- e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.
- f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.
- g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the county recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:
 1. Description of land included in subdivision;
 2. Private licensed land surveyor's "certificate of survey";

3. Owner's dedication certificate;
 4. Notary public's acknowledgment;
 5. County Land Use Authority's certificate of approval, to be signed by the planning director or designee;
 6. County Engineer's certificate of approval;
 7. County Attorney's certificate of approval;
 8. Board of County Commissioners' certificate of acceptance;
 9. County Clerk's certificate of attest;
 10. County Surveyor's certificate of approval;
 11. Local health department certificate of approval, if required by the local health department.
 12. Culinary water authority certificate of approval, if not the local health department; and
 13. Sanitary sewer authority certificate of approval, if not the local health department.
- i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.
 - j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
 - k. Map narrative. The map shall contain a written narrative which complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances.
 - l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.
 - m. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders.
 - n. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
 1. All easements.
 2. Reference (the entry number and or book and page number) to all deeds in chain of title.
 3. All boundary line agreements.
 4. All rights of way whether the parcel is subject to or has reserve rights.
 5. All current owners.
 6. All outstanding liens, taxes, etc.
- (2) A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.

- (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.
- (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-2, the following shall be required on the final plat:
 - a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.
 - b. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification: "Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."
 - c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.
- (5) Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."
- (6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and, when available, the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention

Ordinance.

- (7) On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.
- (8) The plat shall contain all notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Title 106.
- (9) In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposal for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed.
- (d) **Final improvement plans.** The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All utility and street construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services to the subdivision, including the level of service, from applicable utility entities including but not limited to the water service provider, sewer service provider, electricity provider, natural gas provider, and telecommunications provider.
- (e) ~~**Approval of final plat. Final plat approval; small subdivisions.** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. **Additional provisions.** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected. **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid. **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat. After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under~~

Removing this text and placing into the next section below, with amendments to remove several redundancies and conflicts.

~~\$25,000.00. Financial guarantees can be granted a time extension by the county engineer and/or the planning director if the change in the financial guarantee is less than \$25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant. No street improvements or utilities shall be installed until after approval of the improvement plans by the county engineer. No lots shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.~~(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-2017)

SECTION 9: ADOPTION “Sec 106-1-9 Final Plat Approval Procedures” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 106-1-9 Final Plat Approval Procedures(*Added*)

(a) Final plat approval procedure.

- (1) **Final subdivision approval.** After the applicable staff and agency reviews, the final plat, shall be presented to the Land Use Authority. The Land Use Authority shall review the final plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval, the Land Use Authority shall approve the final plat. If applicable, when considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 106-4-4 of this Land Use Code, and the conditional use standards found in 106-4-5. A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (2) **Land Use Authority designated.** The Land Use Authority for final plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the Weber County Planning Division Director. The Land Use Authority for final plat approval of a subdivision other than a small subdivision is the Planning Commission. However, in the event a final plat includes a public street that poses a financial burden on the county that the County Engineer or County Planning Division Director has determined does not provide a commensurate public benefit, the County Commission shall be the Land Use Authority.
- (3) **Submittal of final plat and final improvement plans.** After approval of the final plat, the applicant shall submit a final plat printed on a 24-inch by 36-inch mylar sheet that includes the required signatures of all non-county employees. With the mylar, the applicant shall submit final improvement plans to the County Engineer for final approval, if applicable. After the County

Placed text removed from previous section to here.

Clarifying land use authority.

Appointing the planning commission as the land use authority for final subdivision streamlines the process by removing the county commission.

Engineer has approved the final improvement plans. After the final plat mylar has all required official approval signatures, and after the final improvement plans have received final approval by the County Engineer, the final plat may be recorded in the Office of the County Recorder, at the expense of the applicant.

- (4) **Approval of improvement plans prior to final plat.** The applicant may submit final improvement plans prior to final plat approval, but not before preliminary plat/plan approval by the Land Use Authority. The County Engineer, in his sole discretion, may approve final improvement plans prior to final plat approval. No subdivision improvements or utilities shall be installed until after approval of the final improvement plans by the County Engineer. The County Engineer's approval of final improvements plans prior to final plat approval, or the County Engineer's authorization to commence construction of the improvements, shall not constitute an entitlement or vesting of any particular final plat design. The applicant bears all risk associated with pursuing final improvement plans approval and commencement of construction of improvements prior to final plat approval.

Gives flexibility to developer. This will help shorten the overall timeline.

- (b) **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (c) **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

SECTION 10: REPEAL “Sec 106-2-3 Blocks” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~See 106-2-3 Blocks (Repealed)~~

- ~~(a) The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.~~
- ~~(b) The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the planning commission because of design, terrain, or other unusual conditions.~~
- ~~(c) Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.~~

This section is re-written for ease of administration in the next paragraph.

~~(Ord. of 1952, title 26, § 2-3)~~

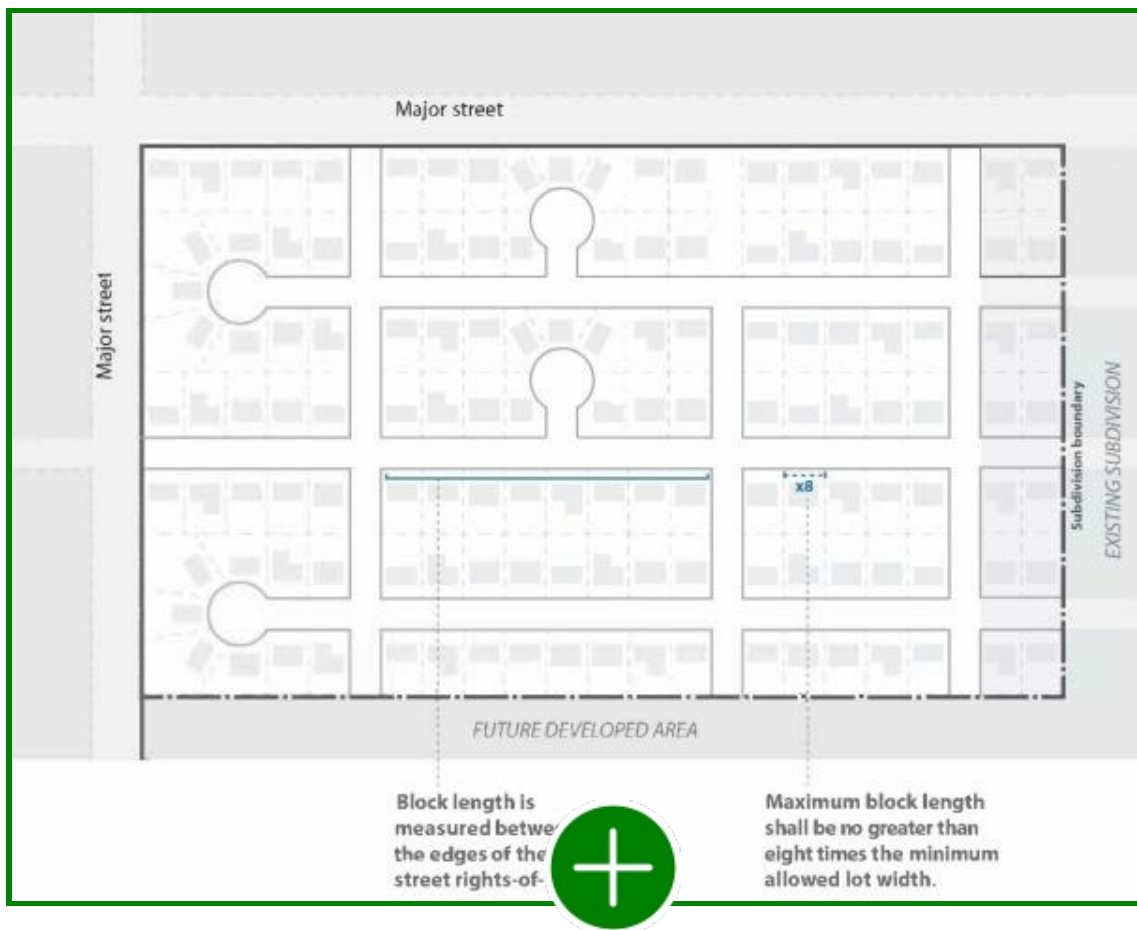
SECTION 11: ADOPTION “Sec 106-2-3 Street Block Standards” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 106-2-3 Street Block Standards(*Added*)

This section is re-written from section repealed above. It shortens street block requirements for zones that allow smaller lots.

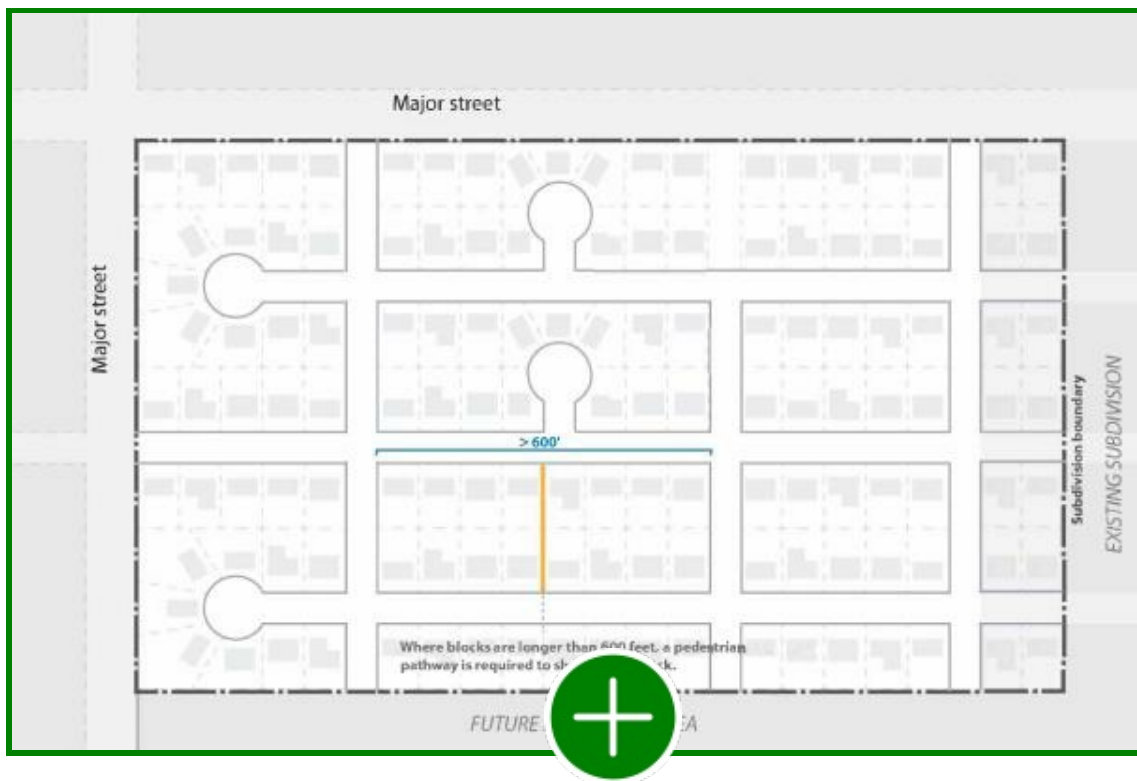
(a) ***Length of street block.*** The maximum length of a street block is eight times the minimum allowed lot width. However, at no time shall a block length exceed 1320 feet, nor shall a block length maximum of less than 400 feet be imposed. These lengths shall be measured from the edge of the street right-of-way to the edge of the street right-of-way on the opposite side of the block. If either street is an existing street with a substandard street right of way, these lengths shall be measured from where the standard street right-of-way edge would be. The following image is an example of block length:



(b) ***Mid-block pedestrian connection.*** A street block greater than 600 feet shall require a pedestrian pathway at approximately half the length of the block. The pathway shall be designed within a 12-foot wide easement, and have a 10-foot wide asphalt or concrete surface. It shall start at the

This section clarifies standards for mid-block pedestrian accessibility.

approximate mid-block between two intersections and run through the approximate middle of the block to the street on the opposite side of the block. If the street on the opposite side of the block will not be completed with the installation of the proposed subdivision, the pathway shall either run in the direction most likely to provide a future mid-block pathway, given other streets in the area, topography, and property boundary configuration, or run generally parallel to the street that intersects with the street whereon the pathway starts, provided, however, that it shall stub into adjacent land in a location that will reasonably enable future pathway development on the adjacent land to connect to the stub. At the sole discretion of the Land Use Authority, an alternative pathway configuration or surfacing requirements may be approved if topographic or other environmental circumstances would otherwise make the pathway impractical. The Land Use Authority may require the pathway to be placed in another location to offer optimal compensation for the lack of the connection. The following image is an example of a mid-block pedestrian connection:



(c) **Width of street block.** The width of a street block shall be sufficient to allow two tiers of lots, back-to-back. At the sole discretion of the Land Use Authority, street block's width may be approved otherwise if topographic or other environmental circumstances would otherwise make two tiers impractical, or for a lot that will have double frontage, where explicitly allowed by this Land Use Code.

(d) **Business or industrial street blocks.** A street block intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

SECTION 12: AMENDMENT “Sec 106-2-4 Lots” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-4 ~~Lots~~ Lot Standards

- (a) The lot arrangement and design shall ~~be such that lots will~~ provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions. Unnecessary text.
- (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, except:

- (1) **Variance.** When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code;
- (2) **Cluster subdivision or PRUD master planned development.** When in accordance with the cluster subdivision or ~~PRUD master planned development~~ provisions of ~~the~~is Land Use Code; Missed amendment with previous MPDOZ adoption.
- (3) **Septic system and wellhead protection.** As required by the county health officer as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements;
- (4) **Restricted lots and lots with designated building area.** For "restricted lots" and lots with a designated "building area", the minimum area and width requirements shall be increased in accordance with the slope density tables contained in the Land Use Code;
- (5) **Lot-averaged subdivision.** In the A-1, A-2, A-3, and AV-3 zones, a lot's area and width standards may be reduced in a lot-averaged subdivision below the standard minimum lot area or minimum lot width as specified in the applicable zone or zones found in Title 104. A lot-averaged subdivision shall comply with the following:

- a. *The averaged area and width of all lots to comply with zone standards.* The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.
- b. *Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

- c. *Subdivision plat table.* A table shall be provided with the subdivision

application and on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision boundary. If platted in phases, the “overall subdivision boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.

d. A subtitle shall be displayed on the final subdivision plat that reads "A Lot-Averaged Subdivision."

Unnecessary text.

e. A note shall be placed on the final subdivision plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. A subdivision amendment ~~to~~ within any part of ~~this~~ the overall subdivision boundary shall comply with Section 106-2-4(b) of the Weber County Code."

Clarifying text.

(6) Lot size flexibility for voluntary street alignment and connectivity. When an applicant voluntarily designs a subdivision's public street layout in accordance with the preferred layout of the County Planning Division Director or County Engineer, the applicant may use the base density calculation, as defined in Chapter 101-2, to determine the number of lots allowed in the subdivision. Additionally, the area proposed to be encumbered by a public street right-of-way is not required to be omitted from the net developable acreage in the base density calculation. At no time shall the lot area and lot width of any lot be less than fifty-percent of the area and width requirements of the applicable zone. In determining the preferred public street layout, the County Planning Division Director and County Engineer shall focus on enhancing the overall public good. This may include, but need not be limited to, using industry best practices regarding street and neighborhood connectivity for both motorized and nonmotorized street-users, efficiency of street-routes in terms of distance traveled, reducing block length, enhancing pedestrian circulation and safety, supporting four-way intersections over three-way intersections where appropriate, and superior street alignment that will create best community outcomes.

New street connectivity incentives. A developer will configure the development in a manner that gets the most lots or enhances the overall value of the lots. If the developer is allowed to be credited the area within street toward an additional lot, there will be greater motivation to provide optimal street layout. Both developer and public benefit.

(c) Each lot shall have frontage ~~abut on a public street, private street access right-of-way dedicated by the subdivision plat or an existing publicly — dedicated street, or on a street which has become public by right of use and is more than 26 feet wide, that meets County standards, except as~~ unless specifically provided otherwise in subsection (d) of this section. ~~Interior lots having~~ A lot having double frontage on two streets shall be ~~is prohibited except where unusual conditions make other design undesirable.~~ unless the back of the lot is fronting on a collector or arterial street, or on a street planned to become a collector or arterial street, or extreme topography makes other design inappropriate, as determined by the County Engineer. ~~Lot right-of-way or fee title access strip (flag lots). Where approved by the board of adjustment, lots not having frontage on a street as required by the Land Use Code for the zone in which the subdivision is located but upon a right-of-way or fee title access strip may be included within a subdivision provided the requirements in the Land Use Code are met.~~ Corner lots shall have extra width sufficient for maintenance of required building lines on both sides.

Clarifying that all lots must have street frontage.

Clarifying when double frontage is allowed.

This is more specifically provided in a different section of code and does not require a decision of the BOA.

Insufficient specificity to administer for corner lots.

- (d) Side lines of lots shall be approximately at right angles, or radial to the street line.
- (e) Remnant parcels that are five contiguous acres or larger can be left as a remaining agricultural parcel not approved for development. ~~Remnant parcel containing 5.25 contiguous acres (or more) and a home can be left as a remaining agricultural parcels not approved for additional single-family dwelling. Any construction of additional single-family dwelling or dwellings will require a subdivision approval.~~
- (f) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more proposed lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners.
- (g) Natural drainage and other easements. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission. ~~Lots meeting the criteria established for a "restricted lot" shall be designated on the preliminary and final plat by the letter "R" and shall be subject to the provisions of the Land Use Code prior to any construction or building being undertaken upon such lot. A lot with an average slope of 25 percent or more over a major portion of its area, but with a "building area" as defined herein, within a buildable portion of the lot, may be classified as an unrestricted lot provided that the "building area" is approved by the planning commission as a suitable site for building and designated on the final plat as prescribed in section 106-5-1 and further provided that no building or construction or major cutting or filling of the natural terrain shall be made outside of such designated "building area".~~
- (h) Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.

This does not comply with state statutes governing subdivision of land. A parcel with development on it must be included.

The redundancy and challenges posed with administering for restricted lots is not commensurate with the benefits of them. This text adds a level of detail that is unnecessarily complicated. The processes of hillside review and geologic review are better suited to govern this issue.

(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)

SECTION 13: REPEAL “Sec 106-2-6 Mountain Subdivisions; Special Provisions” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~See 106-2-6 Mountain Subdivisions; Special Provisions (Repealed)~~

~~(a) Lot owners' association.~~

- ~~(1) In order to provide for the adequate maintenance of private streets, private access rights of way or other improvements, the subdivider shall form, prior the final approval by the county, a lot owners' association and shall establish and record articles of incorporation of the non-profit association and by laws outlining the purpose, organization and operation of the association.~~
- ~~(2) The articles of incorporation and bylaws, shall provide:~~
 - ~~a. That membership be mandatory for each lot purchase.~~

A "mountain subdivision" is a thing of the past. Advancements in transportation, utilities, and tech are making many of the subdivisions that are mountainous accessible for year-around single family dwellings.

In addition, this text does not carry sufficient context of it's purpose, and is better provided for in the newly adopted private street ordinance.

- ~~b. That maintenance of the private streets, private access rights of way or other improvements shall be permanent and not for just a period of years.~~
- ~~e. That the association is responsible for liability insurance, taxes and costs of maintenance and that lot owners must assume their fair share of these costs.~~

~~(b) *Conversion to public streets.* It is the policy of the county not to approve the conversion of private streets or private access rights of way in mountain subdivisions, subdivisions in isolated areas, in planned residential unit developments or in condominium projects to public streets wherein the county becomes responsible for road maintenance and snow removal, etc., in any application to the county for such conversions, the applicants shall show and the county commission shall determine that it is in the general public interest to accept the street dedication and that the economic and physical advantages, public good and benefits outweigh the additional costs of maintenance or other responsibility that the county will incur. If such conversion is approved by the county commission, the private streets or access rights of way must first be improved to county standards for public streets or such improvements guaranteed by and approved financial guarantee.~~

~~(Ord. of 1952, title 26, § 2-7; Ord. No. 2014-20, pt. 2, 12-23-2014)~~

~~**Editor's note**—Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014, repealed former § 106-2-6 and renumbered subsequent sections 106-2-7—106-2-10 as 106-2-6—106-2-9. Former § 106-2-6 pertained to cluster subdivisions; special provisions, and derived from Ord. of 1952, title 26, § 2-6.~~

SECTION 14: AMENDMENT “Sec 106-2-8 (Reserved)” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-8 ~~(Reserved)~~ Large Scale Excavation

This section has been removed from the procedural requirements and placed here.

No large scale excavation (more than 5,000 square feet), grading, or regrading shall take place on any land for which a preliminary subdivision plan has been submitted, until the plan has been given preliminary approval by the Land Use Authority and County Engineer.

Editor's note—Ord. No. 2019-15, Exh. A, adopted Aug. 6, 2019, repealed § 106-2-8, which pertained to general land development and derived from Ord. of 1952, title 26, § 2-9 and Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014. Ord. [XXXXXX] moved large scale excavation from § 106-1-5 to this section, and modified the language.