

ORDINANCE 2018-16

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE SUBDIVISION ORDINANCE OF NORTH OGDEN CITY TITLE 12, CHAPTER 1-12 SPECIAL EXCEPTIONS TO PROVIDE FOR CUL-DE-SAC LENGTH STANDARDS

WHEREAS; The City has identified standards for subdivision review and approvals;
and

WHEREAS; The City has special exceptions for when there are extraordinary hardships or practical difficulties in subdivision design; and

WHEREAS; The City recognizes that under specific circumstances that cul-de-sac lengths may be extended beyond the existing maximum cul-de-sac standards; and

WHEREAS; The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and recommends adoption of these standards.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code 12-1-12 be amended.

SECTION 1: Language to be amended to add criteria to the cul-de-sac prohibition:

12-1-12: SPECIAL EXCEPTIONS

- A. General: Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve Special Exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured. The Special Exception shall not have the effect of nullifying the intent and purposes of Titles 11 or 12 of this code. Special Exceptions, by nature, are legislative, policy making decisions with no applicant entitled to receive a Special Exception.
- B. Applicability: Special Exceptions will only be considered for standards required under Title 12 of this Code. No applicant is entitled to receive a Special Exception.
- C. Guidelines: In granting Special Exceptions the City Council and Planning Commission shall consider the guidelines found below. To obtain a Special Exception an applicant is not required to achieve a positive finding for each guideline. However, each guideline must be considered and addressed in the findings before the Planning Commission and City Council with an overall determination of whether or not to grant the Special Exception. In certain situations, a finding related to one of the guidelines below may override considerations for the other guidelines.
 1. The health, safety, general welfare, and the best interest of the City.
 2. The impact on neighboring properties, including the ability to develop neighboring parcels in accordance with the general plan.
 3. Unique character of the property such as physical surroundings, shape, topographical conditions, the use of natural features, preservation of a historical/cultural/community features.
 4. Community design including connectivity between subdivisions, including utilities, trails, roads, bus routes, parks, open space, and other similar considerations.

5. Traffic Flow, safety, and future transportation requirements as outlined by the City Engineer.

D. Prohibitions:

1. The Special Exception will not in any manner vary the provisions of the zoning ordinance (Title 11).
2. The Special Exception will not be granted for monetary purposes, such as increasing the number of lots which can be sold.
3. Special Exceptions shall not be granted to the following provisions:
 - a. Cul-de-sac lengths (except as provided for in D 4)
 - b. Lot sizes
 - c. Lot frontages
 - d. Width of drivable surface in the right-of-way
 - e. Slope of buildable area
 - f. Single access subdivisions
 - g. Utility requirements
 - h. Density

4. Cul-de-sacs may be granted an exception as to length if all of the following criteria are met:

- a. The maximum cul-de-sac length with a special exception extension is 750 feet.
- b. There is no reasonable opportunity for connecting to the adjoining street network at this time.
If connectivity to an adjoining property can be made in the future; a development agreement is required specifying the conditions and timing of the improvement, e.g., providing for a fire access road and or right of way dedication.
- c. The property to be subdivided is an infill and surrounded by developed subdivisions.
- d. The maximum acreage of the subdivision to be served is 5 acres.
- e. If a special exception is granted connectivity to trails and pedestrian walkways_may be required by the Planning Commission after considering a recommendation from the Parks and Recreation Department.
- f. If a special exception is granted, the number of lots on the cul-de-sac may be up to 20 as approved by the Planning Commission.

- E. Conditions: In approving Special Exceptions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. The Planning Commission may recommend any condition(s) it feels is relevant to the approval of the Special Exception.

F. Procedures:

1. A complete application for any such Special Exception shall be submitted in writing by the applicant at the time when the preliminary plat is filed for consideration by the Planning Commission. The application shall state fully the grounds for the application request and all of the facts relied upon by the petitioner.

2. Within sixty (60) days after receipt of the petition, the Planning Commission shall hold a public hearing and forward a recommendation of approval or denial to the City Council. At least ten (10) days' notice of time and place of such hearing shall be published in a newspaper of general circulation in the city. Property owners within three hundred feet (300') of the property boundaries shall also receive notification of the public hearing. Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed a favorable recommendation by the Planning Commission of the requested Special Exception to the City Council, unless consideration of the petition is continued for further review within the prescribed time limits.

3. Within thirty (30) days after receipt of the recommendation by the Planning Commission the City Council shall uphold or overrule the recommendation of the Planning Commission by a majority of its members after discussing it in an open meeting with an opportunity for public comment during the agenda item. Any failure of the City Council to render a final decision within thirty (30) days shall be deemed a denial by the City Council.
 - a. No additional notice is required for the meeting before the City Council.

4. The decision of the City Council shall be final. Any appeal of the decision shall proceed directly to District Court as an appeal on the record before the City Council to determine if the City Council abused its legislative powers and if the decision is arbitrary, capricious, or illegal.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 17th day of July 2018.

North Ogden City:


 M. Brent Chugg
 North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

| | Aye | Nay | |
|---------------------------------|--------------|-------------|-----------|
| Council Member Barker: | <u> X </u> | <u> </u> | |
| Council Member Covering: | <u> X </u> | <u> </u> | |
| Council Member Stoker: | <u> X </u> | <u> </u> | |
| Council Member Swanson: | <u> </u> | <u> </u> | (excused) |
| Council Member Turner: | <u> X </u> | <u> </u> | |

(In event of a tie vote of the Council):

Mayor Chugg

ATTEST:

S. Annette Spendlove
S. Annette Spendlove, MMC
City Recorder

