
7. Chapter 7 COMMERCIAL DEVELOPMENTS

This chapter details the regulations and requirements for any commercial development that occurs in the Town of Wallsburg. This chapter will address issues such as intensity, circulation, design, compatibility, and landscaping. The approval process is also outlined in this chapter. All commercial developments are required to satisfy these requirements and those found in the relevant sections of Chapter 5 herein.

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7.1. *Relationship to Other Requirements of This Code and Other Federal, State and Town Ordinances*

The requirements for commercial developments found in this Chapter are in addition to all other applicable requirements of this Code and other Federal, State and Town Ordinances. All commercial developments must satisfy all the requirements of this Chapter and all other applicable Federal, State and Town requirements including the requirements found in this Code, especially Chapter 6, prior to Final Plat approval.

7.2. *Purpose for Commercial Development Standards*

These Commercial Development Standards are adopted for the following purposes:

1. To provide organized, safe, and sustainable commercial development.
2. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community, avoiding congestion and providing effective pedestrian facilities and linkages.
3. To establish standards of architecture and design in order to create an attractive commercial area that will draw desirable tenants, add beauty to the Town, and become a gathering place for the citizens.

7.3. *Design and Layout Considerations*

All applications for commercial development will be required to submit a Concept Plan and prepare a Final Plat using the criteria in this Section as a guide, and in accordance with Section 7.4 of this Chapter. The Planning Commission will also use this criteria in its consideration of approving the Final Plat.

In addition to the requirements established herein and in Chapter 6, all Final Plats shall comply with all applicable statutory provisions, Sensitive Lands Overlay Zone regulations, Uniform Building and related Codes, Town design standards and specifications, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, Public Utilities plans, and Capital Improvements Program of the Town or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems and parks, and the rules of the Utah Department of Transportation if the commercial development abuts a state highway or connection street.

If the owner places restrictions on any of the land contained in the development greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission may require that restrictive covenants be recorded.

7.3.1. *Unsuitability*

If the Planning Commission or Town Board finds lands unsuitable for commercial development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will reasonably be harmful 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.

The development may be made suitable if adequate methods are formulated by the developer and approved by the Town, upon recommendation of a qualified planner or engineer hired by the developer, and approval of the Town Engineer, 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. Unsuitable land shall be set aside or reserved for uses that do not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by chapter 8 of this Code.

Additionally, consideration must be given to soil conditions and ground water existence, and may include appropriate setbacks and conservation requirements.

7.3.2. *Development Name*

The proposed name of the development and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other development, subdivision or street in the area covered by these regulations or nearby communities. The Town Board shall have final authority to approve the name of the development and to select street names.

7.3.3. *Compliance With Zoning Provisions*

All applications for commercial development are required to satisfy the applicable zoning provisions found in Chapter 5 of this Code. Of particular note for commercial developments are off street parking and signs. Each commercial development shall satisfy the parking requirements found in Chapter 3 of this Code. All commercial projects are subject to the guarantees of performance required by this Code.

7.3.4. *Development Design*

It is the intention of this Section to create attractive and sustainable commercial development. By requiring commercial developments to meet strict design and landscaping standards the Town of Wallsburg believes the commercial zones will become a place where citizens and visitors will frequent often, thus making the development more sustainable.

7.3.4.1. *Landscaping Requirements*

The landscaping requirements found in this section are in addition to any other landscaping requirements of this Code or any other landscaping ordinances adopted by the Town of Wallsburg. Each applicant for commercial development shall submit a complete and detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents for review by the Planning Commission.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one (1) tree per twenty (20) feet along the public street. The applicant shall provide appropriate guarantees on the trees, or they shall have no less than a two (2) inch caliper. No trees shall be planted within forty-five (45) feet of an intersection clear view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Parking areas shall be screened from public view using a landscaped berm, decorative screening wall, planted hedge, or other manner acceptable to the Planning Commission.

7.3.4.1.1. *Maintenance of Landscaping*

All landscaped areas shall be maintained on a regular basis and be kept neat and clean. If the Zoning Administrator determines the maintenance requirement has not been satisfied, the Zoning Administrator shall notify the Planning Commission. The Planning Commission shall notify the owner of the subject property, as listed in the office of the Wasatch County Recorder, of a meeting to be held between the owner and the Planning Commission. The Planning Commission will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant issuance of a class C misdemeanor

charge against the property owner under the authority of the Utah Code § 10-9-1003.

7.3.4.2. Compatibility

In addition to the requirements of this Code, the following design requirements shall apply to each commercial development approved under this Chapter. All commercial development should be compatible with surrounding development as to mass, color, signage, and the like. The Planning Commission may make recommendations to the applicant in order to improve compatibility with surrounding development. If changes to the anticipated structure are made, these changes should be submitted to the Zoning Administrator at the earliest possible date. The Zoning Administrator will determine whether the changes need to be reviewed by the Planning Commission.

7.3.4.3. Access

Generally speaking, the commercial areas in Wallsburg are located on streets with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. However, each commercial development is required to incorporate two points of ingress and egress to the proposed development. No point of ingress and/or egress shall be located closer than one hundred (100) feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission if necessary and appropriate.

7.3.5. Development Layout

Unlike other developments approved under this Code, commercial developments may have more than one main structure per parcel. In such cases, the applicant shall provide a project master plan to the Planning Commission indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Setback requirements in commercial zones may be varied to improve appearance and circulation, but must be approved by the Planning Commission. The Planning Commission shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements.

7.4. Submission and Approval Process

The Concept Plan provides an opportunity for the applicant, Town Staff and Planning Commission to meet and discuss the proposed project in the conceptual stage. The applicant can use the Concept Plan meeting to ask questions of the Planning Commission and Town Staff, and receive some direction on development design and layout. At the Concept Plan meeting the Town Staff and Planning Commission will inform the applicant of the uses which are allowed in the zone. The Planning Commission may also discuss the procedure for approval of a commercial development and the specifications and requirements as to general design and layout of streets, reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services.

The Planning Commission may also advise the applicant, where appropriate, to discuss the proposed development with those agencies who must eventually approve those aspects of the Final Plat within their jurisdiction, including but limited to, the current Wasatch Fire District, Wasatch School District, and the various utility service providers. Neighbors of the planned project should also be consulted to get their views and concerns.

7.4.1. Concept Plan Application Procedure and Requirements

Prior to any approval of a Commercial Development, the owner of the land or an authorized agent shall submit an application for a Commercial Development Concept Plan and four (4) copies of the proposed plan to the Planning Commission. The plan shall:

1. Include the legal description of the property and all contiguous holdings of the owner with an indication of the portion which is proposed to be developed. Those contiguous areas not included in the development, if any, should include an indication of the proposed future use.
2. Be accompanied by the proper review fee in accordance with the adopted Fee Schedule.
3. Include an address and telephone number of the applicant and property owner.
4. Be accompanied by a list of all property owners within one thousand (1000) feet of the proposed commercial development.
5. Include a general written and graphic representation of the proposed development, all approvals being sought, and a presentation of the proposed materials and design theme of the proposed commercial development.

7.4.1.1. Town Planner Review of Concept Plan

Revised April 29, 1999

The Town Planner shall consider the Concept Plan and render a report at a regular meeting of the Planning Commission concerning the plan. The Town Planner shall direct the applicant to transmit the Concept Plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school, fire and other special service type districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. Town Staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

The scale or complexity of a project or Town Planner workload will dictate the processing period. The Town Planner will provide the applicant a projected time frame when an application is filed. If the work load is too great for processing by available Town Staff in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the Town. The developer will be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

7.4.1.2. Planning Commission Review of Concept Plan

The Planning Commission shall study the Concept Plan and Town Staff report, taking into consideration the requirements of this Code and the General Plan. Particular attention will be given to the arrangement and location of structures, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, the further development of adjoining lands, and the requirements of the Official Zoning Map, General Plan, Land use map(s) and Streets Master Plan, as adopted by the Planning Commission and Town Board.

7.4.1.3. Planning Commission Action

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, Town Staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of specific changes or additions, if any, required in the layout, and the character and extent of required improvements and reservations required as a prerequisite to the approval of the Final Plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. The Planning Commission will grant the applicant the right to move forward with authorization to prepare and submit a Final Plat.

Although approval is not required, the Planning Commission shall not review any Final Plat without completing a review of the Concept Plan.

7.4.2. Final Plat

Following the approval of the Concept Plan, the applicant may file an application for a Final Plat. The Final Plat shall be prepared by a registered land surveyor licensed by the State of Utah and certified on the plat. The Final Plat shall be prepared in india ink on tracing cloth or reproducible mylar at a scale not less than one hundred (100) feet equals one (1) inch. The requirements herein are minimum and other information may be required by the Town Board, Planning Commission, or Town Staff as the need dictates. The applicant shall provide the Town with two (2) copies of the Final Plat with one of the copies being produced on tracing cloth or reproducible mylar. Additionally, the Town desires to have a disk copy of any Final Plat prepared on a computer in a format approved by the City Engineer.

The Final Plat shall, at a minimum, contain the following information:

1. The date of the plat, north arrow and name of the development.
2. The location of the development with respect to surrounding property and streets, the names of all adjoining property owners of record or names of adjacent developments, the names of adjoining and proposed streets, and the location and dimension of all boundary lines.
3. The location of existing easements, water bodies, rivers, streams, trails, and other pertinent features such as swamps, buildings, parks, drainage or irrigation ditches, bridges, or other features determined by the Planning Commission.

7.4.2.1. Revisions

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat which was not present on the Preliminary Plan or a requirement of approval by the Town Board, it is the applicant's responsibility to inform the Planning Commission and Town Board of the changes. Failure to inform the Planning Commission or Town Board of revisions not present on the Preliminary Plan or a requirement of approval may result in revocation of any or all approvals.

7.4.2.2. Features to be Shown on Final Plat

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission, Town Board or Town Staff on the Final Plat whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission, Town Board or Town Staff may result in denial of the plat. The Final Plat shall be presented to the Planning Commission at least four (4) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed.

The Final Plat shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the development.
2. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
3. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission.

4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
5. The location, dimensions, and areas of all proposed or existing parcels complete with utility easements, lot or parcel numbers, proposed addresses, square footage of each lot or parcel, and building setback lines; All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
7. The name and address of the owner or owners of land to be developed, the name and address of the developer if other than the owner, and the name of the land surveyor.
8. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines which would enable the Engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
9. Names of all new streets.
10. All information required by the Planning Commission or Town Staff after review of the Concept Plan.
11. Explanation of drainage and site easements, if any.
12. Explanation of reservations and conservation easements, if any.
13. Owners dedication and consent to record as required by applicable State law.
14. Signature blocks for endorsement by the Planning Commission Chair, Mayor, Town Engineer, Wasatch Fire District and any other signatures required by the Planning Commission.
15. All utility facilities existing and proposed throughout the development.
16. If the plan does not include all contiguous property of the owner of the development, an indication of future use of the additional property.
17. Indication of the nearest location of all public and private utilities.
18. Indication of all slopes greater than thirty (30) percent.
19. A landscaping plan as required herein.
20. The names and addresses of the property owners within one thousand (1000) feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the development imposed thereon.
21. Complete construction plans containing the information required in Section 7.4.2.3 and any other information required by the Planning Commission or Town Staff.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a Final Plat.

7.4.2.3. Construction Plans

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet. These requirements are the minimum, other information may be required by the Planning Commission, Town Board, or Town Staff as the need dictates.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission, Town Board or Town Staff in the construction plans whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission, Town Board or Town Staff may result in denial of the plan.

The following features, at a minimum, shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. The Planning Commission may require, upon recommendation by the Town Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.
3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, and features noted on the Official Zoning Map. If the development borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.
5. Topography with contour intervals of five (5) feet, referred to sea-level datum. All datum provided shall be latest the applicable U.S. Geodetic Survey datum and should be so noted on the plat.
6. All other specifications, details, and references required by the Design Standards, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.
7. Notation of approval by the Owner, Town Engineer and all utility providers.
8. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
9. A limits of disturbance and revegetation plan.

7.4.2.4. Format

The construction plans shall be prepared on a similar medium and be the same size as the Concept Plan. The applicant will provide two (2) copies of the construction plans to the Town. The construction plans should provide signature blocks for and be signed by the Mayor, Town Engineer, and the applicant's engineer and surveyor.

7.4.2.5. Planning Commission Recommendation of Final Plat

The Final Plat shall be presented to the Planning Commission for their review and recommendation at least four (4) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed. The Planning Commission will review the Final Plat for compliance with the requirements of this Code. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the Final Plat. The recommendation of the Planning Commission will be forwarded to the Town Board by the Planning Commission Chair.

The Planning Commission shall not recommend approval of any Final Plat until all review fees have been paid in full according to the town fee schedule.

7.4.2.6. Board Public Hearing and Approval of Final Plat

Following a recommendation for approval, approval with conditions, or denial of a Final Plat by the Planning Commission, the Town Board shall hold a Public Hearing on the Final Plat. Notice of the hearing shall be given in accordance with Chapter 1 of this Code. After review of the Final Plat and consideration of any testimony or exhibits presented at the Public Hearing, the Board shall approve, approve with conditions, or deny the Final Plat.

7.4.2.7. Dedications

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the Town Attorney.

If required by the Town Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Town in the sum not less than ten thousand dollars (\$10,000.00), which sum shall be determined by the Town Attorney and or Engineer before signing of the Final Plat.

7.4.2.8. Proof of Utility Service

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission.

7.4.2.9. Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all taxes are current and that no other Town debts or obligations are outstanding and no liens or encumbrances are placed on the property.

7.4.2.10. Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of Final Plat approval until the actual signing of the plat by the Chair of the Planning Commission and the Mayor. All requirements, conditions, or regulations adopted by the Planning Commission and Town Board applicable to the development generally shall be deemed a condition of approval to the signing of the Final Plat.

7.4.2.11. *Signing and Recording of Final Plat*

The Chair of the Planning Commission and Mayor shall endorse approval on the plat after the approval by the Town Board, and all the conditions pertaining to the Final Plat have been satisfied. The Chair of the Planning Commission and the Mayor will sign the tracing cloth or reproducible mylar original of the Final Plat. The Town Clerk shall file the original mylar plat with the County Recorder within ten (10) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney.

7.5. *Exceptions to the Requirements of Chapter 6 and Other Requirements of this Code*

Exceptions to this Subdivision Ordinance for commercial development are limited to the following:

1. More than one structure may be placed on a commercial parcel if the setback and all other requirements are satisfied.
2. The owner of commercial property does not need to provide a name for the commercial development.
3. Other requirements, which can be clearly demonstrated by the applicant, which are not applicable to commercial development.