

---

Document Control Changes: Created 21 Feb 1995, Revised 18 Feb 1997, (was CF-020-GM-95), New Format Oct 2016

## GROWTH MANAGEMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Cedar Fort, Utah County, Utah that an ordinance pertaining to the management of growth within the town be enacted as follows:

### ORDINANCE TO MANAGE GROWTH

#### 1.0 Findings

The people of the Town of Cedar Fort find and declare as follows:

1.1 The town has adopted ordinances and a general plan relating to the regulation of residential development.

1.2 The town is experiencing a period of residential development which is adversely affecting the capacity of the streets to meet traffic demands, the capacity to provide fire services and water, the capacity of the area school to absorb children in an orderly way, the historic character of the community, the quality of life which has characterized this community, and the cost to households of utilities and municipal services.

1.3 It is the intent of the people of the community to achieve a steady rate of residential growth each year, rather than a fluctuating, overly—rapid rate, in order that services provided by town, school, park, utility, and service agencies operating in the town and surrounding region can be properly and effectively staged in a manner which will not overextend existing facilities, and in order to bring existing services up to necessary standards while minimizing, by means of long range planning, the avoidable cost of shortsighted facility expansion.

1.4 It is the intent of the people of the town to establish control over the quality, distribution, and rate of growth of the town in the interest of:

- 1.4.1 Preserving the character of the community;
- 1.4.2 Protecting the open space of the community;
- 1.4.3 Protecting the quality of life in the town;

4.1.4 Ensuring the adequacy of town facilities, school facilities, recreation and park facilities and services;

4.1.5 Ensuring the adequacy of fire protection;

4.1.6 Ensuring adequate water.

1.5 It is the purpose of this ordinance to augment the policies of the town as recorded in the general plan and other town ordinances relating to regulating residential development.

1.6 In order to accomplish these purposes, the town must be able to control the rate, distribution, quality, and economic level of proposed development on a year-to-year basis. To this end, the residential development control system for the town codified in this ordinance shall be in effect after its effective date until amended.

1.7 It is further the intent of the people of the town that the award of building permit allotments pursuant to this ordinance be accomplished, in accordance with the criteria set forth herein, fairly, impartially, and without discrimination against any particular parcel of land, development project, or developer.

1.8 This ordinance shall be a regulation of the time or rate of development, based on existing zoning or other land use approvals applying to a particular parcel of land or development.

## 2.0 Applicability of the Development Control System

The system set out in this ordinance shall apply from the effective date of this ordinance to all residential development in the town of Cedar Fort, including single—family residential units on a single existing lot but not rehabilitation or remodeling of an existing dwelling.

## 3.0 Administration

The Town Council shall administer the system set forth in this ordinance.

## 4.0 Establishment of Annual Building Permit Percentage

4.1 The number of new residential dwelling units to be constructed or placed each year in the town is a maximum of 4% existing dwellings within the town.

4.2 The annual allotment shall be continuously applicable to the town's jurisdictional boundaries and shall include any additional territory annexed.

4.3 For purposes of the ordinance a year shall be the calendar year. If the annual allotment of building permits for a given year is not used up, it CANNOT be carried over to a subsequent year.

#### Section 5. Building Permit Application

The developer of proposed projects may apply for a building permit as set forth herein (and as in other Town Ordinances); however, any proposed development of a subdivision shall first be approved as defined in the Cedar Fort Subdivision Ordinance.

The Commission shall examine each subdivision proposal for its relation to or impact upon local public facilities and services and shall evaluate each development or lot on the criteria set forth below;

5.1 The capacity of the water system to provide for the needs of the proposed development without system extensions beyond those currently installed;

5.2 The capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development;

5.3 The ability of the fire department to provide fire protection according to the established response standards of the town without the necessity requiring addition of major equipment or housing facilities;

5.4 Site and architectural design. quality which may" be adversely affected by modification of topography, grading, cut or fill of natural slopes, and whether the proposed buildings will visually disturb ridge lines and natural community vistas;

5.5 Absence of deleterious impact on farmland;

5.6 Absence of deleterious impact on historical or cultural landmarks.

Having evaluated the subdivision proposal, the Commission shall present its recommendations to the Town Council for the possible awarding of any unused annual building permit allotments.

The above criteria shall be applied in determining the validity of any and all building permit applications, not just for subdivisions.

#### 6.0 Building Permit Evaluation

The Town Council shall authorize Building Permits on a "first come first serve" basis according to postmark until all available permits are issued each year. This assumes that the applicants have satisfied all of the criteria of this and the other applicable Town

ordinances (including, but not limited to Zoning and Subdivision Ordinances). Incomplete or erroneous applications will be returned to the applicant within 15 days of receipt and be removed from consideration until returned totally completed.

A Building Permit must be obtained (and fees paid) within 60 days of the approval of the Building Permit Application by the Town Council.

Building permit applications will only be accepted on or after the first day of each calendar year for permits allocated in that year. They must be received through the U. S. Postal Service and postmarked only in the year in which they are to be considered. If more building permits are applied for than allotted in any given year and no determination can be made as to which application was first in time (i.e.; same day postmark), then a drawing will be held (no less than 15 days and no more than 30 days after the quota has been satisfied) and names will be drawn to determine the sequence of award of allotments. Once the allotment has been filled for that year, two (2) alternate applications will also be drawn. The alternate applications will only be held: for a maximum of 240 days, until all the primary applicants successfully begin construction, or until the end of the year, whichever occurs first. These alternate applications will only be activated if and when a primary applicant defaults in finalizing the building permit or beginning construction within the time limits (240 days max.). Unsuccessful application holders may reapply in the next year. No further applications will be received in that year after the allotment has been filled.

#### 7.0 Development Allotment Awards

7.1 The town council shall consider, at a public meeting, and shall award building permit allotments based on postmark (a drawing will determine order if same day postmark).

7.2 The number of dwelling units for which development allotments can be issued shall not exceed the number established in Section 4.

7.3 No single developer shall, in any one year, be issued development allotments for dwelling units except as submitted as individual requests postmarked a minimum of one week apart.

7.4 During the year the Town Council will award building permit allotments on a schedule it will adopt, but in no event later than 30 days after it receives requests.

7.5 Should an applicant fail to initiate construction within six months after award of the building permit allotment, the Town Council will rescind the allotment and transfer it to the next alternate or applicant to received an allocation for the same year.

7.6 All applications will include a Cashiers Check deposit of \$500 to be included as part of the application. This deposit will be applied to the cost of the building impact fees if the applicant is successful in obtaining a permit allotment, or it will be returned (less \$100 processing fee) if the applicant rescinds the application. The deposit will be completely returned if the applicant is unsuccessful in obtaining a building permit.

**8.0 Judicial Review**

Any legal action challenging any decision of the Commission, Town Council, or other governmental body performing a function under this ordinance shall be filed in a court of competent jurisdiction. within 30 days of the action challenged. This limitation is to preserve the rights of other applicants by permitting them to proceed with their projects.

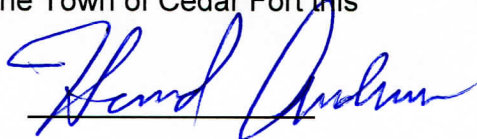
**9.0 Severability**

If any part of this ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration will not affect the remaining parts, which will remain in effect.

**10.0 Effective Date**

This ordinance shall become effective immediately on approval and publication.

Passed by the majority vote of the Town Council of the Town of Cedar Fort this 25<sup>th</sup> day of October 2016.



Mayor

Attested By:



Town Clerk

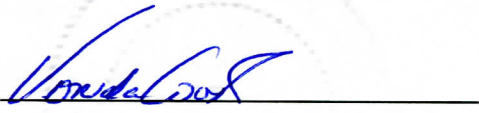
Councilmember Howard Anderson	Voted <u>yea</u> <i>HA</i>
Councilmember Ellen Cibula	Voted <u>Yea</u> <i>EC</i>
Councilmember Larry Mohler	Voted <u>absent</u>
Councilmember Chris Murphy	Voted <u>YEA</u> <i>CM</i>
Councilmember Richard Stark	Voted <u>YEA</u> <i>RS</i>

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, VONDA Cook, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 25<sup>th</sup> day of October 2016, entitled

**“GROWTH MANAGEMENT ORDINANCE for the Town of CEDAR FORT “**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 25<sup>th</sup> day of October 2016.



VONDA Cook  
Cedar Fort Town Recorder

(SEAL)

---

**AFFIDAVIT OF POSTING**

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Vonda Cook, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 25<sup>th</sup> day of October 2016 and herein referred to as:

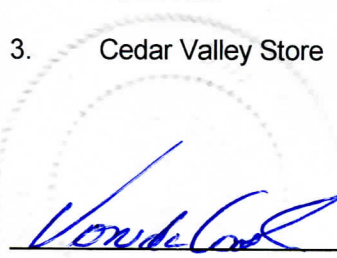
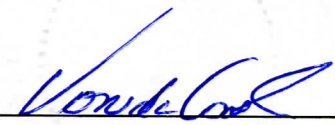
**“GROWTH MANAGEMENT ORDINANCE for the Town of CEDAR FORT “**

**SUMMARY:**

The above named ordinance was enacted to define circumstances and situations that necessitate the implementation of growth management within the Town. Procedures for receiving a residential building permit are defined and percentage of annual growth is enumerated.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store

  
  
\_\_\_\_\_

Vonda Cook  
Cedar Fort Town Recorder

Date of Posting 26 October 2016