

RESOLUTION NO. 2024-09-45

AN ORDINANCE AMENDING CHAPTER 17.7.200 ET SEQ. OF THE AMERICAN FORK MUNICIPAL CODE, PROCEDURE FOR OBTAINING APPROVAL OF A LARGE SCALE OVERLAY ZONE AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork;

WHEREAS, the City desires to modify regulations related to approval of large scale developments; and

WHEREAS, the adoption of this ordinance will promote the public health, safety and welfare of the City.

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah, that:

SECTION 1. Chapter 17.7.200 of the Municipal Code of American Fork City is hereby amended to read as follows:

Sec. 17.7.200 Procedure for Obtaining Approval of a Large Scale Development

Sec 17.7.201 Developer Confers With Development Review Committee

The developer(s) shall meet with the Development Review Committee to discuss the basic concept of the proposed large scale development and to obtain information pertaining to the general plan and zoning classification of the area proposed for subdivision, city requirements and standards for design and construction of streets, utilities and other requirements affecting the land proposed to be subdivided. The purpose of the conference(s) is to provide informal assistance to the developer(s) in the preparation of the plans early in the process. The Development Review Committee may suggest changes in the proposed layout so the project may be more fully consistent with the city's general plan and also with the city's development regulations and policies. The recommendations from the Development Review Committee prior to the submission of a formal application shall be purely advisory and in no way shall the conference be construed to constitute approval of the plan.

Sec 17.7.202 Developer Prepares Preliminary Plats And Supporting Materials And Submits To Staff

After the pre-submittal conference the developer shall prepare and submit to the Development Services Department a preliminary plat submittal packet containing the following:

1. An application for approval of the large scale development project, together with copies of plats and materials showing the layout of the proposed project, including the location, size and dimensions of all lots; the placement and cross-section of all proposed streets; the location of all public utility easements; the intended treatment of drainage; and the intended treatment of any other essential features of the proposed project
2. A geotechnical report for the project area
3. Evidence of payment of the required review fee.
4. Evidence of water right proposed to be conveyed to the city.

5. Evidence of review of the proposed project by required public utility agencies.
6. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project. The scale of the plans, content of the materials, number of copies, time of submittal and other particulars regarding the materials provided in support of an application for approval shall be as established, from time to time, by action of the planning commission.

Sec 17.7.203 DRC Reviews Preliminary Plats, Documents, And Statements

Upon receipt of the preliminary plat submittal packet from the developer the Development Services Director or assignee shall review the plans, documents, and materials for completeness and for conformance with city requirements, standards and general plan, and submit said plans, documents, and statements or portions thereof to the Development Review Committee for their review and recommendation.

Sec 17.7.204 Development Review Committee Reports Results Of Review Of Preliminary Plats, Documents, And Statements To Developer

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the developer.
2. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the developer.
3. The Development Review Committee may suggest changes in order for the preliminary plat materials to be more consistent with the objectives of the general plan and development regulations and policies.

Sec 17.7.206 Development Review Committee Takes Final Action On Preliminary Plat And Supporting Materials

1. After considering the recommendation of all DRC members, the DRC may table the matter, approve, or grant approval, including granting approval upon conditions stated.
2. Approval by of the Preliminary Plat shall not constitute final approval of the project, but shall be deemed as approval to proceed with preparation of a final plat, detailed engineering and supporting materials.

Sec 17.7.207 Developer Prepares And Submits Final Plats, Detailed Engineering Plans And Supporting Material And Submits To Staff

After receiving authorization to proceed, the developer shall prepare and submit to the Development Services Department a final plat submittal packet containing the following:

1. Application for final plan/plat approval.
2. A reproducible drawing of the proposed final plat prepared in a format approved for recording at the office of the Utah County Recorder.
3. Copies of the detailed engineering documents and other supporting materials.
4. An itemized engineers estimate of the cost of constructing the required improvements.
5. Copy of project documentation.
6. Evidence of payment of review and recording fee.
7. Documents conveying water rights to city.
8. Evidence that any boundary conflicts with adjacent properties are fully resolved.
9. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project.

The scale of the final plan/plat, content of the materials, number of copies, time of submittal and other particulars regarding the materials provided in support of an application for final plan/plat approval shall be as established, from time to time, by the Development Services Director.

Sec 17.7.208 DRC Reviews Final Plans/Plats, Detailed Engineering And Supporting Materials

Upon receipt of the submission from the developer the Development Services Director or assignee shall review the plans/plats and supporting materials for accuracy and completeness. Upon determination of a complete application, the plans, documents and statements, or portions thereof, shall then be provided to the Development Review Committee and applicable public agencies for review of compliance with Federal, State and local laws and regulations, city requirements and standards, and the general plan.

Sec 17.7.209 Development Review Conference - DRC Reports - Results Of Review Of Final Plans/plat, Detailed Engineering Plans And Supporting Materials To Developer

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the developer.
2. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the developer.
3. The Development Review Committee may suggest changes to the submittal materials so that the final plat will conform with the development regulations and policies of the city and the terms of preliminary plat approval.

Sec 17.7.211 Development Review Committee Acts On Final Plan(s)/Plat(s) And Supporting Materials

- A. When the final plan(s)/plat(s) and supporting materials required for approval have been completed in final form, the Development Review Committee shall act on the final plat(s) and supporting materials. After considering the recommendation of all DRC members, the DRC may table the matter, approve, or grant approval, including granting approval upon conditions stated. Approval of the final plat(s) shall be made only upon a finding that:
 1. The final plan(s)/plat(s) and supporting materials conform with terms of the preliminary approval.
 2. The final plan(s)/plat(s) complies with all city requirements and standards relating to large scale developments.
 3. The detailed engineering plans and materials comply with the city standards and policies.
 4. The estimates of cost of constructing the required improvements are commensurate to market costs, as verified by the City Engineer.
 5. The water rights conveyance documents have been provided.
- B. If approved, the City Administrator, Community Development Services Director, and City Engineer shall sign the Final Plat(s) upon completion of all conditions. If any conditions are attached, the Final Plat(s) or construction drawings shall be amended to reflect such changes and an accurate Final Plat(s) shall be submitted to the City, prior to signing.

Sec 17.7.212 Appeals And Disputes

1. Developer may appeal to the city council a denial of the final plat(s). The appeal shall be made, in writing, within 30 calendar days of the final decision of the Development Services Director.

Sec 17.7.213 Developer Constructs Required Improvements Or Posts Performance Guarantee

Upon receipt of a final plat approval, the developer shall construct the required improvements or post performance guarantees in accordance with the provisions of Section 17.7.900 of this code.

Sec 17.7.214 City Records Plats And Documents

Upon: (1) the Development Review Committee's approval of any large scale development, and (2) completion of all conditions of approval, if any, and (3) posting of a performance guarantee or completion of construction of required improvements, as applicable, the city recorder shall act to record the final plat (for projects which propose the subdivision land) and any deeds or other supporting material required to be recorded at the office of the county recorder.

Sec 17.7.216 Duration Of Approval

1. The action of approval of the preliminary plat and the final plat(s) by the Development Review Committee shall be valid for a period of twelve months from the date of the respective approval. In the event that a final plat of any large scale development shall not have been recorded at the office of the county recorder, where required by ordinance, within twelve months from the date of approval, said approval shall be null and void. Further, in the event of failure of the developer to post performance guarantees or construct required improvements, as applicable, or satisfy any terms or conditions of approval, or provide any document required for final approval under this code or as a condition of final approval within twelve months of final approval, said approval shall be null and void.

Sec 17.7.217 Amendments

A large scale development which has been approved by the city may be amended as follows:

1. Technical correction. Where the proposed amendment is incidental in character and/or is determined by the city engineer to be technical in character, and does not affect the layout or content of the approved plan(s) or require the recording of replacement plat at the office of the county recorder, the amendment may be approved by the city staff member (city engineer, development services director, building inspector, etc.) having responsibility for review of the proposed amendment.
2. Minor correction. Where the proposed amendment involves limited changes to the layout of the project (i.e., incidental adjustments to a building footprint, minor adjustments in the landscape treatment of an open space area, a change of materials for a fence, etc.) and, in the opinion of the Development Services Director, do not affect the layout of the project plan(s) or require the recording of a replacement plat at the office of the county recorder, the amendment may be approved by action of the Development Services Director.
3. Major correction. Any proposed amendment not determined to be a technical or minor correction shall be a major correction and shall follow the process required for approval of a new project.
4. Final plat amendments. In addition to the above, any amendment to a large scale development, which requires amendment of a subdivision plat or record of survey map (condominium plat) that has been recorded at the office of county recorder, shall conform to the provisions of state law regarding amendment of recorded plats.

Sec 17.7.218 Variances and Development Agreements

1. If the Large Scale Development requires a variance from City Code, said variance shall be obtained by the appropriate land use authority, as outline in the City Code, prior to approvals granted in section 17.7.211.
2. If the Large Scale Development proposes a phasing plan, density transfer, property transfer, project clustering or other special development request not specifically outlined in the City Code, a development agreement shall be approved by the City Council prior to any approval granted in section 17.7.211.

PART II

CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

SECTION 1. Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

SECTION 2. Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

SECTION 3. Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK CITY,
STATE OF UTAH, ON THIS THE 24TH DAY OF SEPTEMBER, 2024.**



BRADLEY J. FROST, MAYOR

ATTEST:



CITY RECORDER

