

ORDINANCE NO. 2024 -09-46

AN ORDINANCE AMENDING CHAPTER 17.8.200 OF THE MUNICIPAL CODE OF AMERICAN FORK CITY, UTAH, RELATING TO THE PROCEDURE FOR OBTAINING APPROVAL OF A SUBDIVISION.

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 is authorized by law to enact ordinances establishing regulations for development within the City;

WHEREAS Utah Code Ann §10-9a-604.1 establishes a process for subdivision review and approval; and

WHEREAS the City desires to amend its subdivision review and approval process, consistent with Utah Code.

BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, AS FOLLOWS:

PART I

TEXT OF ORDINANCE

SECTION 1. Chapter 17.8.200 of the Municipal Code of American Fork City, relating to the procedure for obtaining approval of a subdivision shall be amended to read as follows:

Sec 17.8.201 Subdivider Confers With Development Review Committee

1. The subdivider may meet with the Development Review Committee in a pre-application meeting to discuss the basic concept of the proposed subdivision 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.
2. The purpose of the conference(s) is to provide informal assistance to the subdivider in the preparation of the plans early in the process. The Development Review Committee may suggest changes in the proposed layout so the project is 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 subdivision application shall be purely advisory and in no way shall the conference be construed to constitute approval of the plan.

Sec 17.8.202 Subdivider Prepares and Submits Preliminary Plat And Supporting Materials

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

1. An application for approval of the subdivision project, together with copies of plans 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 subdivision.
2. A geotechnical report for the subdivision 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 subdivision of required public utility agencies.
6. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project.

Sec 17.8.203 DRC Reviews Preliminary Plans, Documents, And Statements

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

Sec 17.8.204 Development Review Committee Reports Results Of Review Of Preliminary Plans, Documents, And Statements To Subdivider

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the subdivider.
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 subdivider.
3. The Development Review Committee may suggest changes in order for the preliminary plan materials to be more consistent with the objectives of the general plan and development regulations and policies.

Sec 17.8.205 – Reserved.

Sec 17.8.206 Development Review Committee Takes Action On Preliminary Plans And Supporting Materials

1. After considering the recommendation of all Development Review Committee members, the DRC, acting as the administrative land use authority, may table the matter, deny, or grant approval, including granting approval upon conditions stated.

2. Approval of the Preliminary Plan by DRC 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 17.8.207 Subdivider Prepares And Submits Final Plats, Detailed Engineering Plans And Supporting Material And Submits To Staff

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

1. Application for final 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. Evidence of payment of review and recording fee.
6. Documents conveying water rights to city.
7. Evidence that any boundary conflicts with adjacent properties are fully resolved.
8. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project.

Sec 17.8.208 DRC Reviews Final Plats, Detailed Engineering And Supporting Materials

Upon receipt of the submission from the subdivider the Development Services Director or assignee shall review the plans, documents, and statements for 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 17.8.209 Development Review Conference - DRC Reports - Results Of Review Of Final Plat, Detailed Engineering Plans And Supporting Materials To Subdivider

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the subdivider.
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 subdivider.
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 plan approval.

Sec 17.8.210 - Reserved

Sec 17.8.211 Development Review Committee Acts on Final Plat, And Supporting Materials

1. After considering the recommendation of all Development Review Committee members, the DRC, acting as the administrative land use authority, may table the matter, deny, or grant approval, including granting approval upon conditions stated. Approval of the final plat shall be made only upon a finding that:
 - A. The final plat conforms with terms of the preliminary plan approval.
 - B. The final plat complies with all city requirements and standards relating to subdivisions.
 - C. The detailed engineering plans and materials comply with the city standards and policies.
 - D. The estimates of cost of constructing the required improvements are realistic.
 - E. The water rights conveyance documents have been provided.
2. If approved, the City Manager, Community Development Director, and City Engineer shall sign the Final Plat upon completion of all conditions. If any conditions are attached, the Final Plat or construction drawings shall be amended to reflect such changes and an accurate Final Plat shall be submitted to the City, prior to signing

Sec 17.8.212 – Appeals and Disputes

1. For a dispute arising from the subdivision ordinance review, subdivider may appeal to the city council a denial of the final subdivision plat. The appeal shall be made, in writing, within 30 days of the final decision of the Development Review Committee.
2. For a dispute arising from the subdivision improvement plans, the subdivider may request, in writing, that the City assemble an appeal panel to review and approve or deny the final revised set of plans.
 - a. The appeal panel shall be comprised of one licensed engineer designated by the subdivider, one licensed engineer designated by the city, and one licensed engineer agreed upon by the engineers designated by the subdivider and the city.
 - b. The subdivider shall pay one half of the cost of the panel and the city's appeal fee.

Sec 17.8.213 Subdivider Constructs Required Improvements Or Posts Performance Guarantee

Upon receipt of final plat approval, the subdivider shall construct the required improvements or post performance guarantees in accordance with the provisions of Chapter 17.9.

Sec 17.8.214 City Records Plats And Documents

Upon receipt of approval of the final plat from the Development Review Committee and completion of all conditions of approval the city recorder shall act to record the final plat and any deeds or other supporting material required to be recorded at the office of the county recorder.

Sec 17.8.215 Duration Of Approvals

1. Preliminary plan. Approval of the preliminary plan shall remain valid for a period of one year from the date of approval. The approval may be extended or reaffirmed by the Development Review Committee, for a period not to exceed one year, following receipt of a written request from the owner, submitted prior to the conclusion of the twelve-month approval period and upon a finding that the conditions applicable to the project and the vicinity are substantially the same as at the time of initial approval.
2. Final plat. The action of approval shall be valid for a period of one year. In the event that the final plat of any subdivision project shall not have been recorded at the office of the county recorder within one year from the date of approval said approval shall be null and void. The approval may be extended or reaffirmed by the Development Review Committee, for a period not to exceed one year, following receipt of a written request from the owner, submitted prior to the conclusion of the twelve-month approval period and upon a finding that the conditions applicable to the project and the vicinity are substantially the same as at the time of initial approval.
3. Effect on existing approved plats. Any plat granted final approval prior to the effective date of this section shall, for purposes of compliance herewith, be deemed to have been approved on January 12, 2006, the date on which this provision was first codified by way of Ordinance 05-11-58.

Sec 17.8.216 Amendments

The plans, plats, documents, and statements may be amended by following the same procedure required for initial approval. No change shall be made which is contrary to the intent of the city's land use plan or the standards and requirements of this code. Any amendment of a recorded final plat shall not be approved or recorded except in conformance with the terms and conditions established by state law.

Sec 17.8.217 Amended Plats

When major changes in a plat of a subdivision which has been recorded are made, approval of said subdivision shall be vacated and an amended plat thereof approved and filed in accordance with the requirements of this code. No change shall be made in approved plats unless approval thereof has been obtained by the Development Review Committee.

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 amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this 24th day of September, 2024.



Bradley J. Frost
American Fork City Mayor

ATTEST:



Terilyn Lurker
City Recorder

